

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / TREE VARIANCE /  
CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW / TREE  
REMOVAL PERMIT CASE NO.: SPR-ADJ-TRV-DAP-DR-TRP22-44**

**APPLICATION NO.: 22-116522-PLN**

**NOTICE OF DECISION DATE:** November 23, 2022

**SUMMARY:** Proposed 129-unit multiple family residential development with associated off-street parking, common open space, and site improvements.

**REQUEST:** A consolidated application for a proposed 129-unit multiple family residential development with associated off-street parking, common open space, and site improvements on a portion of property totaling approximately 4.66 acres in size. The application includes:

- 1) A Class 3 Site Plan Review for the proposed development;
- 2) A Class 1 Design Review to determine the proposed developments conformance with the applicable multiple family design review standards of SRC 702.020;
- 3) A Class 2 Adjustment to:
  - a) Allow less than 40 percent of the buildable width of the street frontage of Lot 3 along Teal Street and less than 40 percent of the buildable width of the street frontage of Lot 4 along Salal Street to be occupied by buildings placed at the setback line (SRC 702.020(e)(4));
  - b) Allow two ground floor dwelling units in building I.3 and one ground floor dwelling unit in building H.2 that are located within 25 feet of a property line abutting a street to not have a primary entrance facing the street with direct pedestrian access to the adjacent sidewalk (SRC 702.020(e)(5));
  - c) Allow portions of the upper floor facades of buildings I.1, I.2, I.3, H.1, and H.2 to exceed a maximum length 80 ft. without an articulating faade design element a minimum of four feet in depth (SRC 702.020(e)(9));
  - d) Allow the vehicle operation area for solid waste collection service vehicles serving receptacles greater than two cubic yards in size to be located parallel, rather than perpendicular, to the front opening of the trash enclosure (SRC 800.055(f)(1)(A)); and
  - e) Allow the vehicle operation area for solid waste collection service vehicles to be designed without a turnaround, thereby requiring the vehicles to back onto the street (SRC 800.055(f)(2));
- 4) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Salal Street SE;
- 5) A Tree Variance to allow the removal of 18 significant trees on Lot 3 to accommodate the proposed development; and
- 6) A Tree Removal Permit to allow the removal of one significant tree on Lot 4 to accommodate the proposed development.

The subject property is zoned RM-II (Multiple Family Residential) and located at 5205 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W140000300).

**APPLICANT:** Gateway Phase 2 Limited Partnership (Thomas Eldridge)

**LOCATION:** 5205 Battle Creek Rd SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; SRC 250.005(d)(2) – Class 2 Adjustment; SRC 808.045(d) – Tree Variance; SRC 804.025(d) – Class 2 Driveway Approach Permit; SRC 225.005(e)(1) – Class 1 Design Review; SRC 808.030(d) – Tree Removal Permit

**FINDINGS:** The findings are in the attached Decision dated November 23, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Tree Variance / Class 2 Driveway Approach Permit / Class 1 Design Review / Tree Removal Permit Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44 subject to the following conditions of approval:

- Condition 1:** All single ADA parking spaces included within the development shall be designed so that the access aisle is located on the passenger side of the parking space.
- Condition 2:** The applicant shall submit notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and receive the resulting aeronautical determination letter from the ODAV prior to the approval of building permits.
- Condition 3:** Prior to the issuance of building permit(s) for the proposed development, record the final plat for Subdivision/Tree Variance Case No. SUB-TRV22-05 in accordance with Salem Revised Code 205.035.
- Condition 4:** The fence provided along the property line abutting the RM-II zoned property to the north and the PA zoned property to the south to meet the Type C landscaping and screening requirements of the RM-II zone and SRC Chapter 807 shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).
- Condition 5:** All trash enclosure/collection areas shall conform to the solid waste service area standards of SRC 800.055, with the exception of those standards that have been approved for a Class 2 Adjustment.
- Condition 6:** The applicant shall demonstrate the proposed dwelling units are affordable to households with incomes equal to or less than 80 percent of the median family income for Marion County or for the state, whichever income is greater.
- Condition 7:** A minimum of 31 units on Lot 3 and a minimum of 17 units on Lot 4 shall be restricted to low-income elderly housing.
- Condition 8:** On Salal Street SE and Teal Drive SE, construct streetscape improvements including property line sidewalks, street lights, and street trees.
- Condition 9:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS).

- Condition 10:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).
- Condition 11:** A minimum of one tree, not less than 1.5 inches in caliper, shall be provided every 30 feet along the property line abutting the RS zoned properties to the west.
- Condition 12:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be eight feet in height.
- Condition 13:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 14:** In addition to the landscaping required under Salem Revised Code Chapters 514 and 807, a minimum of three Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted on Lot 3.
- Condition 15:** All trees designated for preservation shall be protected during construction in conformance with the tree protection measures under SRC 808.046.

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

Tree Removal Permit:	<u>Does not expire</u>
Tree Variance:	<u>December 9, 2024</u>
All other cases:	<u>December 9, 2026</u>
Application Deemed Complete:	<u>October 25, 2022</u>
Notice of Decision Mailing Date:	<u>November 23, 2022</u>
Decision Effective Date:	<u>December 9, 2022</u>
State Mandate Date:	<u>February 22, 2023</u>

Case Manager: Bryce Bishop, Planner III, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Thursday, December 8, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250, 808, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>



## **BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

### **DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>)</b>	<b>FINDINGS &amp; ORDER</b>
<b>CLASS 3 SITE PLAN REVIEW, CLASS 2</b>	<b>)</b>	
<b>ADJUSTMENT, TREE VARIANCE, CLASS 2</b>	<b>)</b>	
<b>DRIVEWAY APPROACH PERMIT, CLASS 1</b>	<b>)</b>	
<b>DESIGN REVIEW, &amp; TREE REMOVAL PERMIT</b>	<b>)</b>	
<b>CASE NO. SPR-ADJ-TRV-DAP-DR-TRP22-44;</b>	<b>)</b>	
<b>5205 BATTLE CREEK ROAD SE</b>	<b>)</b>	<b>NOVEMBER 23, 2022</b>

In the matter of the application for Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, Class 2 Driveway Approach Permit, Class 1 Design Review, and Tree Removal Permit submitted by the applicant, Gateway Phase 2 Limited Partnership, property owner, Gateway Phase 1 Limited Partnership, and the applicant's representative, Ben Schonberger of Winterbrook Planning, the Planning Administrator, having received and reviewed the evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

### **REQUEST**

A consolidated application for a proposed 129-unit multiple family residential development with associated off-street parking, common open space, and site improvements on a portion of property totaling approximately 4.66 acres in size. The application includes:

- 1) A Class 3 Site Plan Review for the proposed development;
- 2) A Class 1 Design Review to determine the proposed development's conformance with the applicable multiple family design review standards of SRC 702.020;
- 3) A Class 2 Adjustment to:
  - a) Allow less than 40 percent of the buildable width of the street frontage of Lot 3 along Teal Street and less than 40 percent of the buildable width of the street frontage of Lot 4 along Salal Street to be occupied by buildings placed at the setback line (SRC 702.020(e)(4));
  - b) Allow two ground floor dwelling units in building I.3 and one ground floor dwelling unit in building H.2 that are located within 25 feet of a property line abutting a street to not have a primary entrance facing the street with direct pedestrian access to the adjacent sidewalk (SRC 702.020(e)(5));
  - c) Allow portions of the upper floor facades of buildings I.1, I.2, I.3, H.1, and H.2 to exceed a maximum length 80 ft. without an articulating façade design element a minimum of four feet in depth (SRC 702.020(e)(9));
  - d) Allow the vehicle operation area for solid waste collection service vehicles serving receptacles greater than two cubic yards in size to be located parallel, rather than perpendicular, to the front opening of the trash enclosure (SRC 800.055(f)(1)(A)); and

- e) Allow the vehicle operation area for solid waste collection service vehicles to be designed without a turnaround, thereby requiring the vehicles to back onto the street (*SRC 800.055(f)(2)*);
- 4) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Salal Street SE;
- 5) A Tree Variance to allow the removal of 18 significant trees on Lot 3 to accommodate the proposed development; and
- 6) A Tree Removal Permit to allow the removal of one significant tree on Lot 4 to accommodate the proposed development.

The subject property is zoned RM-II (Multiple Family Residential) and located at 5205 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W140000300).

### **PROCEDURAL FINDINGS**

1. On August 9, 2022, an application for a Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Variance, and Tree Removal Permit was submitted by Ben Schonberger, of Winterbrook Planning, on behalf of the applicant, Gateway Phase 2 Limited Partnership, and property owner, Gateway Phase 1 Limited Partnership, for a proposed 129-unit multiple family residential development with associated off-street parking, common open space, and site improvements.

Because multiple land use applications are required in connection with the proposed development, the applicant chose to consolidate and process them together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the proposed consolidated Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Variance, and Tree Removal Permit application is required to be reviewed by the Planning Administrator and processed as a Type II procedure.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on October 25, 2022, and notice of filing of the application was sent pursuant to Salem Revised Code (SRC) requirements.
3. 120-Day Rule. The state-mandated 120-day local decision deadline for the application is February 22, 2023.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal.**

The application under review by the Planning Administrator is a consolidated Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, Class 2 Driveway

Approach Permit, Tree Variance, and Tree Removal Permit for development of a 4.66-acre portion of property located at 5205 Battle Creek Road SE (**Attachment A**).

The proposed development represents the second phase of an intergenerational affordable housing community whose units will be income-restricted to serve residents earning between 30 and 60 percent area median income (AMI) and ground floor units within the development will be age restricted to residents 50 years of age and older.

The first phase of the development, which received approval on July 1, 2022, through Class 3 Site Plan Review, Class 2 Adjustment, Class 1 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. SPR-ADJ-DAP-DR22-24, is currently under construction and includes the development of 184 multiple family residential units on Lot 1 of previously approved Subdivision/Tree Variance Case No. SUB-TRV22-05, which received tentative approval on June 17, 2022.

The proposed second phase of the development includes 129 additional residential units with associated off-street parking, common open space, and site improvements on two lots (Lot 3 and Lot 4) of Subdivision/Tree Variance Case No. SUB-TRV22-05 (**Attachment B**). Seventy-eight of the proposed additional dwelling units are located within five buildings on Lot 3 and the remaining 51 dwelling units are located within three buildings on Lot 4.

Vehicular access to the proposed development will be provided by the extension of two public streets, Salal Street SE - which extends north along the eastern boundary of Lots 3 and 4 and Teal Drive SE - which extends east between Lots 3 and 4 to connect to Salal Street. The extensions of both Salal Street and Teal Drive are required as part of the previously approved subdivision for the property, Subdivision/Tree Variance Case No. SUB-TRV22-05.

Pedestrian and bicycle access to the development will be provided via the existing network of streets in the surrounding area, the extensions of Salal Street and Teal Drive through the property, and the network of proposed pedestrian pathways provided through the development on both Lots 3 and 4.

## **2. Applicant's Plans and Statement.**

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to the decision as follows:

- Site Plans & Landscaping Plans: **Attachment C**
- Building Elevations: **Attachment D**
- Tree Variance Plans: **Attachment E**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment F**.

### 3. Summary of Record.

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 116522.

### 4. Salem Area Comprehensive Plan (SACP).

Comprehensive Plan Map: The subject property is designated Multiple Family Residential on the Salem Area Comprehensive Plan map.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	Multiple Family Residential
South	Parks, Open Space, & Outdoor Recreation; Single Family Residential
East	Multiple Family Residential
	Across Battle Creek Road SE, Single Family Residential
West	Single Family Residential

Relationship to Urban Service Area: The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (*streets, water, sewer, storm water, and parks*) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property. Because the property is located inside the Urban Service Area a Urban Growth Preliminary Declaration is not required for the proposed development.

### 5. Zoning.

The subject property is zoned RM-II (Multiple Family Residential). Zoning of surrounding properties includes the following:

Zoning of Surrounding Properties	
North	RM-II (Multiple Family Residential)
South	PA (Public Amusement); RS (Single Family Residential)
East	RM-II (Multiple Family Residential)
	Across Battle Creek Road SE, RS (Single Family Residential)
West	RS (Single Family Residential)

## 6. Public and Private Agency Review.

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. The City of Salem Building and Safety Division reviewed the proposal and indicated that all single ADA parking spaces must have the access aisle on the passenger side of the vehicle as identified in the examples shown in the Oregon Department of Transportation Commission information details. The Building and Safety Division indicates that some of the proposed single ADA parking spaces are shown incorrectly.

**Staff Response:** As shown on the applicant's site plan, proposed ADA parking spaces within the development are provided in the form of both single ADA parking spaces with an associated access aisle abutting one side of the space and groupings of two ADA spaces located adjacent to each other with a shared access aisle between them. Based on the comments from the Building and Safety Division, the proposed ADA parking spaces located side-by-side may have the access aisle located between them. The proposed single ADA spaces must have, however, the access aisle located on the passenger side of the vehicle.

In review of the site plan, there are two ADA parking spaces located within the parking areas on Lot 3 and two ADA parking spaces located within the parking areas on Lot 4 which have their access aisle on the driver side of the space rather than the passenger side of the space. In order to ensure the proposed ADA parking spaces included within development conform to applicable ADA parking standards, the following condition of approval shall apply:

**Condition 1:** All single ADA parking spaces included within the development shall be designed so that the access aisle is located on the passenger side of the parking space.

The above condition will require four of the proposed ADA parking spaces included within the development to be relocated. The relocation of these spaces will not, however, result in the loss of any of the proposed off-street parking spaces included within the development. It instead just requires change in their location in relation to the other parking spaces provided.

- B. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment G**.
- C. The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment H**. The School District indicates, in summary, that the property is served by Pringle Elementary School, Judson Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Pringle Elementary School and Judson Middle School to accommodate the projected increase in student enrollment resulting from the proposed development, but South Salem High School will be overcapacity.

The School District indicates the subject property is located within the walk zone of Pringle Elementary School and that students will be eligible for school provided transportation to Judson Middle School and South Salem High School.

- D. The Oregon Department of Aviation (ODAV) reviewed the proposal and provided comments that are included as **Attachment I**. The ODA indicates, in summary, that in accordance with FAR Part 77.9 and OAR 738-070-006, the proposal is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant by providing notice to the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety at the Salem Municipal Airport. The ODAV indicates that the applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. The ODAV explains that the height of any new structures, trees, and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

**Staff Response:** The subject property is located within the Horizontal Surface of the City's Airport Overlay Zone. The purpose of the Airport Overlay Zone is to promote air navigational safety and prevent hazards and obstructions to air navigation and flight. Within the Horizontal Surface of the overlay zone (per SRC 602.020(a)(5)) no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

Due to the elevation of the existing terrain of the site, the proposed development exceeds the Horizontal Surface of the Airport Overlay Zone. Because of this, an Airport Overlay Zone Height Variance was required for the proposed development. Pursuant to SRC 602.025(d), an Airport Overlay Zone Height Variance shall be granted if the FAA has issued a determination that the proposed variance will not create a hazard to air navigation.

As part of the review process for the required Airport Overlay Zone Height Variance, the applicant submitted a determination from the FAA indicating that the proposed development will have no substantial adverse effect on the safe

and efficient utilization of navigable airspace by aircraft or on the operation of air navigation facilities and therefore will not be a hazard to air navigation provided the requirements identified in the FAA determination are met. The requested Airport Overlay Zone Height Variance (Case No. AVAR22-06) was therefore approved on November 9, 2022.

Because comments provided by the Oregon Department of Aviation (ODAV) indicate that aeronautical evaluations are required by both the FAA and the ODAV, the following condition of approval shall apply to ensure that the required aeronautical evaluation is also conducted by the ODAV in accordance with OAR 738-070-0060:

**Condition 2:** The applicant shall submit notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and receive the resulting aeronautical determination letter from the ODAV prior to the approval of building permits.

## **7. Neighborhood Association and Public Comments.**

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), Class 3 Site Plan Review applications require neighborhood association contact. On July 28, 2022, the applicant contacted the South Gateway Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

### Neighborhood Association Comments

Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

### Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. Prior to the comment deadline five comments were received that are included as **Attachment J**. One of the comments received indicated they reviewed the proposal and have no objections to it. The other four comments received raise, in summary, the following issues and concerns:

- A. Density / Number of Units. Concern is expressed over the number of additional multiple family dwelling units being proposed in the area.

**Staff Response:** As identified in Section 8 of this decision, the subject property is zoned RM-II (multiple family residential) which allows for a minimum of 56 dwelling units and a maximum of 131 dwelling units based on the total size of the subject property. The proposed development includes a total of 129 dwelling units, which is within the range of density allowed under the RM-II zone.

- B. Traffic Impacts. Concern is expressed about increased traffic as a result of the proposed development and its impacts on adjacent streets.

**Staff Response:** A traffic impact analysis (TIA) was provided by the applicant in connection with the proposed development. The TIA, conducted by DKS Associates, finds that the transportation system is adequate to support the proposed development.

- C. Off-Street Parking. Concern is expressed about an inadequate number of off-street parking spaces being provided to serve the proposed development.

**Staff Response:** As identified in Section 8 of this decision, the proposal includes a total of 129 dwellings units. The written statement provided by the applicant indicates that all units within the development will be income-restricted to 60 percent or less area median income (AMI) and ground floor units within the development will be age restricted to residents 50 years of age and older. Based on the type and affordability of the dwelling units, reduced minimum parking standards apply. As identified in this decision, the proposed development meets the minimum off-street parking requirements of SRC Chapter 806.

- D. Drainage. Concern is expressed regarding how stormwater will be managed on site.

**Staff Response:** The proposed site design will accommodate runoff from both new impervious surface and existing surface flows by creating several on-site stormwater facilities. The proposed stormwater facilities are required to be approved by the City's Public Works Department and will be engineered to accommodate stormwater flows generated by the proposed development.

- E. Buildings Setbacks to West Property Line. Concern is expressed about the proximity of the proposed development to the property line abutting the RS zoned properties to the west of the proposed development.

**Staff Response:** As shown on the proposed site plans, the closest that any of the buildings within the development will come to the west property line is 30 feet, and other buildings within the development are proposed to be setback a greater distance. As identified in Section 8 of this decision, the proposed development conforms to all of the applicable setbacks of the RM-II zone and the City's multiple family design review standards included under SRC Chapter 702.



In order to buffer the proposed development from the RS zoned property to the west, the proposal also includes an 8-foot-tall fence together with a row of incense cedars planted on the east side of the fence.

- F. Loss of Wildlife Habitat. Concern is expressed regarding the impact of the proposed development as it relates to loss of natural open space and wildlife habitat.

**Staff Response:** As identified within this decision, the City's development code regulates preservation of trees and native vegetation, but nothing in the City's development code would prohibit the development of the subject property based on the presence of wildlife.

- G. Charging Stations for Electric Vehicles. One comment requested that charging stations for electric vehicles be included.

**Staff Response:** The Salem Revised Code does not include requirements for electric vehicle charging stations. The applicant or future owners of the property may choose to install charging stations.

- H. Tree Removal. Concern is expressed about the removal of additional trees from the property as a result of the development.

**Staff Response:** As identified in this decision, the proposal includes a request for a Tree Variance to allow the removal of 18 significant trees on Lot 3 and a Tree Removal Permit to allow the removal of one significant tree on Lot 4 in order to accommodate the proposed development. Analysis of the Tree Variance and Tree Removal Permit and findings demonstrating conformance with the applicable approval criteria are included in Sections 12 and 13 of this decision.

#### Homeowners Association

The subject property is not located within a Homeowners Association.

### **DECISION CRITERIA FINDINGS**

#### **8. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA**

Site plan review is required for any development that requires a building permit, unless the development is identified as being exempt from site plan review under SRC 220.005(a)(2). Class 3 Site Plan Review is required for development proposals that involve a land use decision or limited land use decision as defined under ORS 197.015. Because the proposed development includes Class 2 Adjustments, a Class 2 Driveway Approach Permit, and a Tree Variance, the proposed site plan review must be processed as a Class 3 Site Plan Review.

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan

Review. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.***

**Finding:** The proposal includes the development of a 129-unit affordable multiple family housing development with associated off-street parking, common open space, and site improvements on an approximate 4.66 acre property located at 5205 Battle Creek Road SE.

The subject property is designated "Multiple Family Residential" on the Salem Area Comprehensive Plan Map and zoned RM-II (Multiple Family Residential). The allowed uses and applicable development standards of the RM-II zone are set forth under SRC Chapter 514.

On August 24, 2022, amendments to various chapters of the Salem Revised Code included as part of the [Our Salem Project](#) became effective and are applicable to land use applications submitted on or after the August 24, 2022, effective date of the associated ordinance. Because the applications for the proposed development were submitted prior to the August 24, 2022, ordinance effective date, the proposed development is subject to the applicable standards and requirements of the Salem Revised Code prior to the ordinance effective date.

The proposed development conforms to SRC Chapter 514 and all other applicable development standards of the Salem Revised Code as follows:

**SRC Chapter 514 (RM-II Zone)**

***SRC 514.005 - Allowed Uses:***

Allowed uses within the RM-II zone are identified under SRC 514.005, Table 514-1. Pursuant to the City's Use Classification Chapter (SRC 400), the 129-unit multiple family development is classified as a Multiple Family use. Within the RM-II zone Multiple Family is allowed as a permitted use.

***SRC 514.010(a) – Land Division in the RM-II Zone:***

Pursuant to SRC 514.010(a), 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.

The proposal does not include a land division; therefore, this standard is not applicable to the proposed development. However, the two lots where the development is proposed to be located (Lots 3 and 4) are two lots out of a total of four that received tentative approval through a prior separate land division process

(Subdivision/Tree Variance Case No. SUB/TRV22-05). Approved Lot 3 is approximately 2.82 acres in size and will accommodate 78 dwelling units. Approved Lot 4 is approximately 1.84 in size and will accommodate 51 dwelling units. Despite this development standard not specifically being applicable to the proposed development because it does not include a land division, both Lots 3 and 4 exceed 20,000 square feet in size and will be developed with multiple family units in conformance with this standard.

***SRC 514.010(b) – Lot Standards:***

Within the RM-II zone, the minimum lot size for all uses except for *single family* is 6,000 square feet. For all uses except for *single family*, the minimum lot width is 40 feet. For all uses except for *single family*, the minimum lot depth is 80 feet (*120 feet for double frontage lots*) and a maximum 300 percent of the average lot width. The minimum street frontage requirement for all uses except for *single family* is 40 feet.

On June 17, 2022, Subdivision/Tree Variance Case No. SUB-TRV22-05 received tentative approval for the subject property. This application divided the property into four lots, with the proposed development occurring on Lots 3 and 4 of the subdivision. Both approved Lots 3 and 4 conform to the minimum lot size, lot dimension, and streets frontage requirements of the RM-II zone. The final plat for the subdivision, however, has not yet been recorded with Marion County. To ensure the proposed development complies with the requirements of the Unified Development Code (UDC), the following condition of approval shall apply:

**Condition 3:** Prior to the issuance of building permit(s) for the proposed development, record the final plat for Subdivision/Tree Variance Case No. SUB-TRV22-05 in accordance with Salem Revised Code 205.035.

Due to this condition of approval, the application is reviewed as if the subdivision has been platted, with applicable development standards, such as setbacks and lot coverage, being reviewed against the property lines approved under Case No. SUB-TRV22-05. As conditioned, the resulting property meets the minimum lot standards of the RM-II zone.

***SRC 514.010(c) – Dwelling Unit Density:***

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. The minimum required dwelling unit density for multiple family developments within the RM-II zone is 12 dwelling units per acre and the maximum allowed dwelling unit density is 28 dwelling units per acre.

The subject property consists of two lots (Lots 3 and 4) created through Subdivision/Tree Variance Case No. SUB-TRV22-05. Based on the dwelling unit density requirements of the RM-II zone and the size of the lots, the minimum required / maximum allowed number of dwelling units on each of the proposed lots is as follows:

RM-II Zone Dwelling Unit Density			
Lot No.	Min. Required Dwelling Units	Maximum Allowed Dwelling Units	Dwelling Units Proposed
Lot 3 (2.82 acres)	34	79	78
Lot 4 (1.84 acres)	22	52	51

As shown on the site plan, Lot 3 is proposed to include the development of 78 dwelling units and Lot 4 is proposed to include the development of 51 dwelling units. The number of dwelling units proposed on each of the lots exceeds the minimum required dwelling unit density requirements of the RM-II zone and does not exceed the maximum allowed dwelling unit density. The proposed development meets this standard.

***SRC 514.010(d) – Setbacks:***

Setbacks within the RM-II zone shall be provided as set forth in SRC Table 514-4 and Table 514-5. In addition to the setback requirements of the RM-II zone, multiple family developments must also comply with the additional multiple family design review setbacks included under SRC Chapter 702. A summary of required RM-II zone setbacks is provided as follows:

RM-II Zone Setbacks		
<b>Abutting Street</b>		
Buildings	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	
Parking and Vehicle Use Areas	Min. 12 ft.	
<b>Interior Side &amp; Interior Rear</b>		
Buildings, Accessory Structures, and Parking and Vehicle Use Areas	Min. 10 ft. with Type C Landscaping & Screening <sup>(1)</sup>	Zone-to-zone setback required abutting RS Zone
	Min. 10 ft. with Type C Landscaping & Screening <sup>(1)</sup>	Zone-to-zone setback required abutting RM-II Zone
	Min. 10 ft. with Type C Landscaping & Screening <sup>(1)</sup>	Zone-to-zone setback required abutting PA Zone
<b><u>Notes</u></b>		

(1) Required Landscaping: Pursuant to SRC 807.015(a), Table 807-1, Type C Landscaping & Screening requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area together with a minimum 6-foot-tall sight-obscuring fence or wall.

The proposed development conforms to the minimum required setbacks of the RM-II zone. In regard to required RM-II zone setbacks abutting streets, all of the proposed buildings on Lots 3 and 4 are setback 20 feet or greater from the property lines abutting Salal Street and Teal Drive and where patios are provided on the fronts and sides of buildings adjacent to streets, the patios do not come closer than 14 feet to the property line abutting the street in conformance with the maximum allowed projection for covered patios under SRC 800.035(b), Table 800-2, which allows covered but unenclosed patios to project up to 10 feet from front and side property lines abutting streets. Similarly, the proposed off-street parking areas within the development also conform to the minimum required setbacks of the RM-II zone. As shown the site plan, all of the proposed parking areas on Lots 3 and 4 are setback 12 feet or more from the property lines abutting Salal Street and Teal Street.

In regard to required RM-II zone setbacks abutting interior side and interior rear property lines, all of the proposed buildings, accessory structures, and parking and vehicle uses areas on Lots 3 and 4 are setback more than the minimum 10-foot zone-to-zone setback required abutting the RM-II zoned property to the north, the RS zoned property to the west, and the PA zoned property to the south and none of the proposed patio areas included within the development project into the required setbacks. The proposed development meets this standard.

***SRC 514.010(e) – Lot Coverage; Height:***

Within the RM-II zone the maximum lot coverage for buildings and accessory structures for all uses is 60 percent. The maximum height of buildings for *multiple family, residential care, nursing care, and short-term commercial lodging* uses is 50 feet. The maximum height of accessory structures for all uses is 15 feet.

As shown on the site plans, the resulting lot coverage of Lot 3 is 22 percent and the resulting lot coverage for Lot 4 is 21 percent, neither of which exceed the maximum allowed 60 percent lot coverage of the RM-II zone.

As illustrated by the proposed building elevations and indicated in the application materials provided by the applicant, the heights of the buildings included in the proposed development range from 35 feet to 36.3 feet and therefore do not exceed the maximum allowed 50-foot RM-II zone building height. The accessory structures included within the development similarly do not exceed the maximum allowed 15-foot RM-II zone accessory structure height limit. The proposed development meets these standards.

***SRC 514.010(g) – Landscaping:***

(1) Setbacks. Within the RM-II zone required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

(2) Vehicle Use Areas. Vehicle use areas within the RM-II zone shall be landscaped as provided under SRC Chapter 806 and SRC chapter 807.

The applicant submitted a landscape plan which shows adherence with the landscaping standards of the RM-II zone. Adherence to requirements related to interior landscaping for vehicle use areas are addressed under the Off-Street Parking and Vehicle Use Area Development Standards subsection below.

According to the site materials plan submitted for the proposed development, a 6-foot-tall wood “Good Neighbor” fence is identified as being proposed along the property line abutting the RM-II zoned property to the north, the RS zoned property to the west, and the PA zoned property to the south. In order to meet the minimum required Type C landscaping and screening requirements of SRC Chapter 807, the fence that is provided must be a minimum of six feet in height and must be sight-obscuring. Pursuant to SRC 807.015(e)(2), when a fence is required to be sight-obscuring, the fence must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence.

The proposed fence provided along the property line abutting the RM-II zoned property to the north and the PS zoned property to the south conforms to the minimum 6-foot height requirement of the RM-II zone and SRC Chapter 807 but the proposed “good neighbor” fence may not, however, meet the minimum required opacity standards established under SRC 807.015(e)(2) because the design of good neighbor fencing often allow views through the fence when viewed at an angle. In order to ensure that the fence provided along the property line abutting the RM-II zoned property to the north and the PA zoned property to the south meets the minimum opacity requirements the following condition of approval shall apply:

**Condition 4:** The fence provided along the property line abutting the RM-II zoned property to the north and the PA zoned property to the south to meet the Type C landscaping and screening requirements of the RM-II zone and SRC Chapter 807 shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).

The proposed development, as conditioned, meets this standard.

### **SRC Chapter 800 (General Development Standards)**

#### ***SRC 800.055 – Solid Waste Service Areas***

SRC 800.055 establishes standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010 as, “An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.”

The proposed development includes two trash enclosure/collection areas meeting the definition of a solid waste service area under SRC 800.010 on Lot 3 and two on Lot 4. As indicated in the written statement provide by the applicant and shown on the site plans, the proposed trash enclosure/collection areas meet the applicable solid waste service area standards of SRC 800.055 with the exception of the following standards:

- (1) SRC 800.055(f)(1)(a) – Requiring the 15 ft. by 45 ft. vehicle operation area for solid waste collection service vehicles to be located perpendicular to the front opening of an enclosure when receptacles greater than two cubic yards in size are utilized; and
- (2) SRC 800.055(f)(2) – Requiring vehicle operation areas for solid waste collection service vehicles to be designed so that the waste collection service vehicles are not required to back onto a public street or leave the premises in the process of servicing the receptacles.

Because the proposed development does not meet applicable solid waste service area standards included under SRC 800.055(f)(1)(a) and SRC 800.055(f)(2), the applicant has requested a Class 2 Adjustment to these standards. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this decision.

In order to ensure that the proposed development conforms to all of the other applicable solid waste service area standards included under SRC 800.055, the following condition of approval shall apply:

**Condition 5:** All trash enclosure/collection areas shall conform to the solid waste service area standards of SRC 800.055, with the exception of those standards that have been approved for a Class 2 Adjustment.

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

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

#### ***Off-Street Parking.***

Minimum Off-Street Vehicle Parking. The proposal includes a total of 129 dwellings units. As indicated in the written statement provided by the applicant, all units within the development will be income-restricted to 60 percent or less area median income (AMI) and ground floor units within the development will be age restricted to residents 50 years of age and older.

Minimum off-street vehicle parking requirements are established under SRC 806.015(a), Table 806-1. Based on the number, type, and affordability of the

proposed dwelling units, the minimum off-street parking requirement for the development is as follows:

<b>Minimum Required Off-Street Parking</b>			
<b>Lot 3</b>			
<b>Unit Type</b>	<b>Proposed Units</b>	<b>Required Parking Ratio</b>	<b>Min. Spaces Required</b>
Multiple Family – Affordable <sup>(1)</sup>	47	Min. 1 space per dwelling unit minus 0.25% reduction ( <i>for affordable units</i> ) = <u>Min. 0.75 space per dwelling unit</u>	35
Multiple Family - Low Income Elderly	31	Min. 1 space per 4 dwelling units	8
<b>Total</b>	<b>78</b>	<b>-</b>	<b>43</b>
<b>Lot 4</b>			
<b>Unit Type</b>	<b>Proposed Units</b>	<b>Required Parking Ratio</b>	<b>Min. Spaces Required</b>
Multiple Family - Affordable <sup>(1)</sup>	34	Min. 1 space per dwelling unit minus 0.25% reduction ( <i>for affordable units</i> ) = <u>Min. 0.75 space per dwelling unit</u>	26
Multiple Family - Low Income Elderly	17	Min. 1 space per 4 dwelling units	4
<b>Total</b>	<b>51</b>	<b>-</b>	<b>30</b>
<b>Notes</b>			
(1) Per SRC 806.015, Table 806-1 - Footnote (2), the minimum number of required 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.			

As identified in the table above, the minimum off-street parking requirement for the 78 proposed dwelling units on Lot 3 is 43 spaces and the minimum off-street parking requirement for the 51 proposed dwelling units on Lot 4 is 30 spaces. As shown on the site plan, Lot 3 includes a total of 43 spaces and Lot 4 includes a total of 31 spaces. The off-street parking spaces provided on Lots 3 and 4 therefore conform to the minimum off-street parking requirements of SRC 806.015(a).

Because the minimum off-street parking requirement for the proposed development is reduced below that which would otherwise be applicable to a multiple family



development due to the affordability of the units and that a certain number will be reserved for rent by individuals 50 years of age and older, the following conditions of approval shall apply to ensure that the proposal meets the off-street parking requirements of SRC Chapter 806:

**Condition 6:** The applicant shall demonstrate the proposed dwelling units are affordable to households with incomes equal to or less than 80 percent of the median family income for Marion County or for the state, whichever income is greater.

**Condition 7:** A minimum of 31 units on Lot 3 and a minimum of 17 units on Lot 4 shall be restricted to low-income elderly housing.

Maximum Off-Street Vehicle Parking. Maximum off-street vehicle parking requirements are established under SRC 806.015(d). The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. Pursuant to SRC 806.015(d)(1), Table 806-2A, the maximum number of allowed off-street parking spaces is based upon the minimum number of off-street spaces required for the proposed development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

Based on the above identified minimum parking requirements, the maximum allowed off-street parking requirement for the 78 proposed units on Lot 3 is 75 spaces and the maximum allowed off-street parking for the 51 proposed units on Lot 4 is 53 spaces. The 43 off-street parking spaces on proposed Lot 3 and the 31 off-street parking spaces on proposed Lot 4 do not exceed the maximum parking requirements of SRC 806.015(d).

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces for a development.

The proposed development includes a total of 43 off-street parking spaces on Lot 3 (*38 standard size stalls plus 5 ADA stalls*) and a total of 31 off-street parking spaces on Lot 4 (*27 standard size stalls plus 4 ADA stalls*). None of the off-street parking spaces included within the development are compact size stalls. This standard is therefore not applicable to the proposed development.

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-6, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions		
Stall Type	Parking Stall Dimension	Drive Aisle Width
90° Standard Stall	9 ft. x 19 ft.	24 ft.

As shown on the site plan, all of the proposed off-street parking spaces conform to the minimum required standard size parking stall dimensions established under SRC 806.035(e), Table 806-6, and all of the parking stalls are served by parking drive aisles that are 26 feet in width.

Access. SRC 806.035(f) establishes access and maneuvering requirements for off-street parking areas. Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and, where a drive aisle terminates at a dead-end, a turnaround is provided that conforms to the dimensions set forth in Table 806-7.

As shown on the site plan, the proposed development includes four off-street parking areas that each terminate in a dead-end. At the end of each of the parking areas a turnaround is provided that meets the dimensions required under Table 806-7 and allows for vehicles to turnaround on site and enter and exit the street in a forward motion without needed to maneuver in the street. The proposed development meets this standard.

Driveways. SRC 806.040(d) establishes minimum driveway standards. Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, vehicular access to the parking areas within the development are served by four two-way driveways off Salal Street SE. Each of the proposed driveways is 26 feet in width and therefore conforms to minimum required driveway width standards.

### ***Bicycle Parking.***

Minimum Bicycle Parking. Minimum bicycle parking requirements are established under SRC 806.055, Table 806-9. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Bicycle Parking		
	Bike Parking Ratio	Max. Percentage of Long-Term Spaces
Multiple Family	The greater of 4 spaces or 0.1 spaces per dwelling unit.	100%

Based on the above identified minimum bicycle parking requirement, a minimum of 8 bike parking spaces are required for the 78 dwelling units on Lot 3 and a minimum of 5 bike parking spaces are required for the 51 dwelling units on Lot 4. As shown on the site plan, the proposed development includes a total of 20 bike parking spaces on Lot 3 and 12 bike parking spaces on Lot 4. The proposed development meets this standard.

Bicycle Parking Location. SRC 806.060(a)(1) requires bicycle parking areas to be located outside the building and located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

As shown on the site plan, the proposed bicycle parking spaces provided within the development are distributed on the site so they are located within 50 feet of building entrances. The proposed development meets this standard.

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance that is free of barriers which would require users to lift their bikes in order to access the bicycle parking area. As shown on the site plan, proposed bike spaces are located outside building entrances and can be accessed via barrier free routes that include the network of pedestrian paths/sidewalks included within the development that connect to the public sidewalks on Salal Street and Teal Drive. The proposal meets this standard.

Bicycle Parking Dimensions. SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width (*min. 1.5 ft when spaces are located side-by-side*) by 6 feet in length and served by a minimum 4-foot-wide access aisle. When bicycle parking spaces are located adjacent to a wall, a minimum clearance of two feet is required between the bike rack and the wall.

As shown on the site plan, all of the bike parking spaces included within the development meet the minimum required bike parking dimension, access aisle, and clearance requirements of SRC 806.060(c).

Bicycle Parking Area Surfacing. SRC 806.060(d) requires bicycle parking spaces located outside a building to consist of a hard surface material meeting the Public Works Design Standards. As shown on the site plan, the proposed bike parking spaces will be located on concrete paved areas in conformance with this standard.

Bicycle Racks. SRC 806.060(e) establishes requirements for bicycle racks. Based upon these standards, bicycle racks are required to:

- Support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components;
- Allow the bicycle frame and at least one wheel to be located to the rack with a high security U-shaped shackle lock;
- Be of a material that resists, cutting, rusting, and bending or deformation; and
- Be securely anchored.

As shown on the plans and indicated in the applicant's written statement, staple/inverted style bike racks will be provided. The proposed bike racks conform to the design/style and material requirements of SRC 806.060(e) and will be securely anchored.

***Off-Street Loading Areas.***

Minimum off-street loading requirements are established under SRC 806.075, Table 806-11. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Multiple Family	50 to 99 dwelling units	Min. 1 space (12 ft. W x 19 ft. L x 12 ft. H)

Based on the above identified minimum off-street loading requirement, a minimum of one loading spaces is required for the 78 dwelling units on Lot 3 and a minimum of one loading space is required for the 51 dwelling units on Lot 4. As shown on the site plan, the proposed development includes one loading space on Lot 3 adjacent to Building I.2 and one loading space on Lot 4 adjacent to Building H.2. Both proposed loading spaces are a minimum of 12 feet in width by 19 feet in length and have unobstructed vertical clearance. The proposed development meets this standard.

#### **SRC Chapter 601 (Floodplain Overlay Zone)**

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property.

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

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

As identified in the application materials submitted by the applicant, there are existing trees located throughout the subject property, including some areas that are heavily forested. The subject property does not include any Heritage Trees and there are no riparian corridor trees or native vegetation located on the site. There are, however, a variety of significant and non-significant trees, and a number of trees that are less than 10 inches in *dbh* which do not meet the definition of "tree" under SRC Chapter 808. Based on the proposed use of the property and the types of trees present, the existing significant trees on the site are protected under SRC Chapter 808.

Pursuant to 808.015, no person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit 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. Since tree conservation plans are only applicable to development proposals for the creation of lots or parcels to be used for single family uses, two, family uses, three family uses, four family uses, or cottage clusters, any proposed removal of significant trees from the property in order to accommodate the proposed multiple family development must be reviewed through a tree removal permit and/or a tree variance.

In order to develop the property, the applicant is proposing removal of some of the significant trees on the site. An overall summary of the number of significant trees existing on Lot 3 and Lot 4, and the number of significant trees proposed for preservation and removal, is provided as follows:

Existing Significant Trees			
Lot No.	Total Existing Significant Trees	Total Preserved	Total Removed
Lot 3	24	6	18
Lot 4	5	4	1

The applicant has submitted an application for a Tree Variance to remove the 18 significant trees on Lot 3 and an application for a Tree Removal Permit to remove the one significant tree on Lot 4. Analysis of the Tree Variance and findings demonstrating conformance with the applicable approval criteria are included in Section 12 of this decision. Analysis of the Tree Removal Permit and findings demonstrating conformance with the applicable approval criteria is included in Section 13 of this decision.

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

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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

According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility

points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the proposed development.

***SRC 220.005(f)(3)(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.***

**Finding:** The subject property has frontage on Battle Creek Road SE, Salal Street SE, and Teal Drive SE; however, the proposed second phase of the development will only have frontage on Salal Street SE and Teal Drive SE, the alignments for which were previously approved under Subdivision/Tree Variance Case No. SUB-TRV22-05. The extension of these streets through the subject property and their connection to the surrounding existing street network provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development as required under this approval criterion.

Construction of Salal Street SE and Teal Drive SE is pending through Public Construction Permit 22-107732-PC. The proposed development shall provide streetscape improvements including sidewalks, streetlights, and street trees, if not constructed by others at time of street construction. Improvements to Battle Creek Road SE are required under SPR-ADJ-DAP-DR22-24 for the first phase of multi-family development on the site. In order to ensure that the extensions of Sala Street and Teal Drive conform to the requirements of SRC Chapter 803 (Streets and Right-of-Way Improvements) and the Salem Transportation System Plan (TSP), the following condition of approval shall apply:

**Condition 8:** On Salal Street SE and Teal Drive SE, construct streetscape improvements including property line sidewalks, street lights, and street trees.

The applicant also submitted a Traffic Impact Analysis (TIA) as part of the application package in order to identify any potential impacts of the proposed development on the nearby transportation network. The TIA establishes that the proposed development is estimated to generate 37 AM peak hour trips, 41 PM peak hour trips, and 436 daily trips; all study intersections meet operating standards; and no capacity improvements or mitigations are required. The Assistant City Traffic Engineer has reviewed the TIA and agrees with the findings. As such, the proposed development will not result in negative impacts to the City's transportation system. The proposed development, as proposed and conditioned, meets this approval criterion.

***SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.***

**Finding:** The proposed development includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways. This approval criterion is met.

***SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.***

**Finding:** The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. In order to ensure the provision of adequate stormwater infrastructure to serve the proposed development, the following condition of approval shall apply:

**Condition 9:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS).

As conditioned, this criterion is met.

## **9. CLASS 1 DESIGN REVIEW APPROVAL CRITERIA**

Pursuant to SRC 702.005(a), multiple family developments of thirteen or more dwelling units require Class 1 Design Review according to the multiple family design review standards of SRC 702.020.

Salem Revised Code (SRC) 225.005(e)(1) sets forth the criteria that must be met before approval can be granted to an application for Class 1 Design Review. Pursuant to SRC 225.005(e)(1), an application for a Class 1 Design Review shall be approved if all of the applicable design review standards are met.

Because the proposed development includes 78 dwelling units on Lot 3 and 51 dwelling units on Lot 4, the proposal is subject to applicable multiple family design review standards of SRC 702.020.

The following subsections are organized with the multiple family design review standard shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review standard. Lack of compliance with the following design review standards is grounds for denial of the Class 1 Design Review application, or for the issuance of certain conditions to ensure the multiple family design review standards are met.

### ***SRC 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.***

**Finding:** The subject property consists of two lots (Lots 3 and 4) previously approved through Subdivision/Tree Variance Case No. SUB/TRV22-05. Lot 3 is approximately 2.82 acres (122,991 square feet) in size and Lot 4 is approximately 1.84 acres (80,253 square feet) in size.

Based on the size of the two lots, Lot 3 is required to include a minimum of 36,897 square feet of permanently reserved open space and Lot 4 is required to include a minimum of 24,076 square feet of permanently reserved open space. As shown on the site plans, Lot 3 is proposed to include approximately 73,833 square feet of open space (60% of the gross site area) and Lot 4 is proposed to include approximately 44,043 square feet of open space (55% of the gross site area). The proposal meets this standard.

**(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.***

**Finding:** Based on the number of proposed dwelling units included with the development, the 78 dwelling units on Lot 3 require at least one common open space to be provided that is a minimum of 1,750 square feet in size, with a minimum horizontal dimension of 25 feet, and the 51 dwelling units on Lot 4 require at least one common open space to be provided that is a minimum of 1,500 square feet in size, with a minimum horizontal dimension of 25 feet.

As shown on the site plans, Lot 3 includes a picnic area and abutting nature play area that total approximately 4,329 square feet in size and Lot 4 includes a tree preservation area at the corner of Teal Drive and Salal Street that is approximately 5,158 square feet in size. The proposed open space areas included within the development exceed minimum size requirements, have a minimum horizontal dimension of at least 25 feet, and are not located on land with slopes greater than 25 percent. The proposal meets this standard.

**(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.***

**Finding:** The site generally slopes downhill from the southern boundary to the north. As shown on the site plans and indicated in the written statement provided by the applicant, none of the required open space is located on land with slopes greater than 25 percent. The proposal meets 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.***

**Finding:** As shown on the site plans, 32 of the proposed ground floor dwelling units within the development have outdoor patios that can be classified as private open space. All of the proposed patios have dimensions of at least 6 feet and all are at least 96 square feet in size. Collectively, the patios constitute approximately 1,971 square feet of private open space on Lot 3 and 1,176 square feet of private open space on Lot 4 that is included in the overall open space calculation for the development. The proposal meets this standard.

- (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.***

**Finding:** Because Lot 3 includes a total of 78 proposed dwelling units and Lot 4 includes a total of 51 dwelling units, a minimum of 20 percent of the dwelling units on each of these lots are required to provide private open space that meets the dimension standards set forth in Table 702-4.

Based on the 78 proposed dwelling units on Lot 3, a minimum of 16 of the dwelling units on this lot must include private open space. As shown on the site plans, 20 ground floor patios are provided for the dwelling units on this lot that meet applicable minimum size, dimension, location, and access requirements.

On Lot 4, the proposed 51 dwelling units require at least 10 of the dwelling units on this lot to include private open space. As shown on the site plans, Lot 4 includes ground floor patios for 12 of the dwelling units that meet applicable size, dimension, location, and requirements. The proposal meets this standard.

- (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.**

**Finding:** As indicted in the applicant's written statement, the proposed development exceeds minimum open space requirements without the need to utilize this standard. As such, the applicant has chosen not to employ the reduction in required open space allowed under this section.

***(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.***

**Finding:** While the subject property is located within one-quarter mile of a publicly owned park (*Woodscape Linear Park*), the applicant has not chosen to reduce their total amount of open space, as allowed under this section, because the proposed development exceeds minimum open space requirements without the utilization of this standard.

***SRC 702.020(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.***

**Finding:** The subject property consists of two separate lots, Lot 3 and Lot 4. Based on the size of Lot 3 (*approximately 122,991 square feet*) a minimum of 62 trees are required to be planted or preserved on this lot and based on the size of Lot 4 (*approximately 80,253 square feet*) a minimum 40 trees are required to be planted or preserved on that lot. As shown on the site plans, the proposed development will include at total of 193 trees on Lot 3 (*20 preserved trees & 173 new trees*) and a total of 137 trees on Lot 4 (*11 preserved trees & 126 new trees*). The proposal meets the standard.

***(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. Chainlink fencing with slats shall be not allowed to satisfy this standard.***

**Finding:** The subject property abuts RS zoned property to the west. As shown on the site plans and landscape plans, the proposed development will include fencing and trees along the western property line intended to meet this standard.

On the materials plan provided for the development, however, it is indicated that a wood “good neighbor” fence is proposed to be provided along the property line abutting the RS zoned property to the west. The proposed “good neighbor” fence may not, however, meet the minimum required sight-obscuring requirement established by this design standard because the design of good neighbor fencing often allow views through the fence when viewed at an angle. In order to ensure that the fence provided along the property line abutting the RS zoned property to the west meets the sight-obscuring requirement of this design standard, the following condition of approval shall apply:

**Condition 10:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).

As shown on the site plans and landscape plans, the proposed development includes trees planted along the western property line in order to buffer the proposed multiple family development from abutting RS zoned property to the west, but there are some locations along the western property line where tree spacing appears to exceed the required 30-foot spacing requirement and instead a row of incense cedars (*calocedrus decurrens*) planted eight feet on center is provided. The landscape plans identify the row of cedars as a “privacy hedge” rather than a row of trees. In order to ensure that the proposed development includes trees along all sections of the western property line to buffer the development from the abutting RS zoned property to the west as required by this design standard, the following condition of approval shall apply:

**Condition 11:** A minimum of one tree, not less than 1.5 inches in caliper, shall be provided every 30 feet along the property line abutting the RS zoned properties to the west.

As conditioned, the proposed development conforms to this standard.

- (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.**

**Finding:** As shown on the landscape plans, trees, shrubs, and lawn are arranged around each building on site, including at the primary entryways to each building. The proposal conforms to this standard.

- (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.**

**Finding:** As shown on the landscape plans, trees are planted around the perimeter of the proposed buildings to soften their visual impact and create residential character. The proposed development conforms to this standard.

- (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.**

**Finding:** As shown on the landscape plans, shrubs are proposed to be planted around the perimeter of the buildings in conformance with the planting density required by this design standard.

- (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.**

**Finding:** As shown on the landscape plans, landscaping in the form of shrubs is provided around ground level private open space areas in order to screen them from abutting common open space areas. The proposal meets the standard.

- (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).**

**Finding:** As shown on the landscape plans, shade trees are planted within planter bays and canopy trees are planted adjacent to parking areas in accordance with this standard.

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

***SRC 702.020(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.***

**Finding:** As shown on the floor plans and building elevations for the proposed buildings, windows are provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths. The proposal conforms to this standard.

- (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.***

**Finding:** The applicant's development plans show a lighting system throughout the site which adequately illuminates the development in accordance with this standard.

- (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.***

**Finding:** The applicant's development plans show compliance with this standard, with a maximum height of four feet proposed for adjacent landscaping and walls.

- (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.***

**Finding:** The applicant's development plans indicate that landscaping is limited in height around common open space, parking areas, and entryways to encourage visual surveillance of these areas.

***SRC 702.020(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).***

**Finding:** As shown on the landscape plans, the four proposed off-street parking areas on the two lots have been segmented into sections that are separated by planter bays that are a minimum of 9 feet in width. The proposal conforms to this standard.

- (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.***

**Finding:** As shown on the site plans, the four proposed off-street parking areas on the two lots are located beside buildings. None of the proposed parking areas are located between a building and the street. The proposal conforms to this standard.

- (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.***

**Finding:** The subject property abuts RS zoned property to the west but the topography of the area is such that the development site is at a lower elevation and therefore downhill from the abutting RS zoned property. This standard is therefore not applicable to the proposed development.

- (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.***

**Finding:** As shown on the site plans, the proposed development includes a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connect the development to the public sidewalks along adjacent streets. The proposal meets the standard.

***SRC 702.020(e) – Façade and Building Design.***

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

**Finding:** As shown on the floor plans and elevations for the proposed building, none have a dimension that is greater than 150 feet. The proposed development conforms to this standard.

**(2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.**

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

**Finding:** The subject property abuts RS zoned property to the west. When a proposed multiple family development abuts an RS zoned property, this design review standard requires the proposed multiple family buildings to be setback a minimum of one foot for each one foot of building height but in no case can the minimum required setback be less than 20 feet for buildings two-stories or more in height. A 5-foot reduction to the minimum required setback is allowed in those situations where an 8-foot-tall fence, rather than the minimum required 6-foot-tall fence, is provided to screen the multiple family development from the abutting RS zoned property.

In the case of the proposed development, the heights of the buildings range from 35 feet to 36.3 feet and, as indicated in the applicant's written statement, because an 8-foot-tall fence is proposed along the west property line, the 1:1 height-to-setback ratio is reduced by five feet. The resulting required building setback abutting the RS zoned properties to the west therefore ranges from a minimum of 30 feet to a minimum of 31.3 feet. As shown on the site plans and indicated in the applicant's written statement, the eight proposed buildings are setback from the western property line ranging from 30 feet to 71.8 feet, with only three of the buildings being located and the minimum required 30-foot setback line and the remainder of the buildings being setback greater than 30 feet.

In order to qualify for the 5-foot reduction to the required setback established by this design standard, an 8-foot-tall decorative fence must be provided along the property line abutting the RS zoned properties to the west. The written statement provided by the applicant indicates that an 8-foot-tall fence is proposed but the materials plan included in the application materials identifies a 6-foot-tall wood fence along this property line. In order to ensure that the proposed decorative fence between the proposed development and the abutting properties to the west is a minimum height of eight feet in height, the following condition of approval shall apply:

**Condition 12:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be eight feet in height.

The proposal, as conditioned, conforms to this standard.

**(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.***

**Finding:** The subject property abuts RS zoned property to the west but the proposed development does not include any balconies. This standard is therefore not applicable to the proposed development.

- (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.***

**Finding:** The applicant has requested a Class 2 Adjustment to this standard to allow less than 40 percent of the buildable width of the street frontage of Lot 3 along Teal Drive and less than 40 percent of the buildable width of the street frontage of Lot 4 along Salal Street to be occupied by buildings placed at the setback line. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this decision.

As indicated in the applicant's written statement and shown on the site plans, the proposed development otherwise conforms to this standard except in those areas where the Class 2 Adjustment has been requested.

- (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.***

**Finding:** With the exception of two ground floor dwelling units within Building I.3 and one ground floor dwelling unit in Building H.2, building entrances facing the street with direct pedestrian access to the sidewalk are provided for all ground-level units within 25 feet of a property line abutting a street.

For proposed units 101 and 108 within Building I.3 and unit 101 in building H.2, that applicant has requested a Class 2 Adjustment to this standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this decision.

- (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.***

**Finding:** The applicant's development plans show adherence with this standard. No more than four ground level dwelling units include a shared entry and all ground level dwelling units have entries with differentiated roofs consisting of flat,



steel, porch roof structures at the main doors to the building. The proposed development conforms to this standard.

- (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.***

**Finding:** None of the proposed buildings within the development have roof mounted mechanical equipment. This standard is therefore not applicable to the proposed development.

- (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)***

**Finding:** As shown on the building elevations, none of the buildings within the development have roof lines that exceed a horizontal length of 100 feet without a difference in elevation of at least four feet.

The longest uninterrupted building roof line included within the development is associated within building Type G, which has a maximum uninterrupted roof length of 65 feet. The proposal conforms to this standard.

- (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.***

**Finding:** With the exception of portions of the upper floor facades of Buildings I.1, I.2, I.3, H.1, and H.2, all of the buildings included within the development incorporate required design elements to minimize the appearance of building bulk as required by this standard.

For the upper floor facades of Buildings I.1, I.2, I.3, H.1, and H.2, the applicant has requested a Class 2 Adjustment to this standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this decision.

**(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.**

**Finding:** As shown on the building elevations, the main floors of all three building types are distinguished from the upper floors by a horizontal band encircling the building. The band consists of a flat metal panel that is different from the shingle siding utilized on the rest of the building. The proposal meets this standard.

## **10. CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 250.005(d)(2)(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.***

**Finding:** The applicant has requested five Class 2 Adjustments in conjunction with the proposed development. The adjustments include:

- a) Allowing less than 40 percent of the buildable width of the street frontage of Lot 3 along Teal Street and less than 40 percent of the buildable width of the street frontage of Lot 4 along Salal Street to be occupied by buildings placed at the setback line as required under SRC 702.020(e)(4);
- b) Allowing two ground floor dwelling units in building I.3 and one ground floor dwelling unit in building H.2 that are located within 25 feet of a property line abutting a street to not have a primary entrance facing the street with direct pedestrian access to the adjacent sidewalk as required under SRC 702.020(e)(5);
- c) Allowing portions of the upper floor facades of buildings I.1, I.2, I.3, H.1, and H.2 to exceed a maximum length 80 ft. without an articulating façade design element a minimum of four feet in depth as required under SRC 702.020(e)(9);
- d) Allowing the vehicle operation area for solid waste collection service vehicles serving receptacles greater than two cubic yards in size to be located parallel, rather than perpendicular, to the front opening of the trash enclosure as required under SRC 800.055(f)(1)(A); and

- e) Allowing the vehicle operation area for solid waste collection service vehicles to be designed without a turnaround as required under SRC 800.055(f)(2), thereby requiring the vehicles to back onto the street.

**Buildable Width (SRC 702.020(e)(4)):**

The applicant has requested a Class 2 Adjustment to SRC 702.040(e)(4), which requires buildings to occupy a minimum of 40 percent of the buildable width of each street frontage of a lot.

As indicated in the written statement provided by the applicant (**Attachment F**), 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. As shown on the site plans, Lot 3 meets the minimum 40 percent standard on the Salal frontage, but not its Teal Drive frontage. Similarly, Lot 4 meets the standard on the Teal Drive frontage, but does not meet the standard on its Salal Street frontage. The adjustment requested by the applicant therefore seeks approval to allow less than 40 percent of the buildable width of the street frontage of Lot 3 along Teal Drive and less than 40 percent of the buildable width of the street frontage of Lot 4 along Salal Street to be occupied by buildings placed at the setback line.

The underlying purpose of the buildable width standard is to provide a pedestrian-friendly development pattern with buildings located close to the sidewalks with convenient pedestrian access and to enhance visual interest and activity along the street. The written statement provided by the applicant indicates that the underlying purpose of this standard is equally or better met by the proposed development by enhancing visual interest along the street through preservation of existing mature trees adjacent to the public street right-of-way rather than requiring buildings to be brought up to the street and therefore forcing the existing trees to be removed.

Staff concurs with the findings included in the applicant's written statement. Due to the relatively shallow depth of the lots and the difficulty in being able to develop feasible alternative site layouts for their development that meet all applicable development standards, while at the same time satisfying the buildable width requirement and preserving as many trees as possible; together with the fact that both Lots 3 and 4 are corner lots with a greater amount of required buildable width and the location of existing trees in relation to Salal Street and Teal Drive make conforming to the buildable width requirement difficult without removing additional trees, the requested adjustment equally or better meets the underlying purpose of this standard.

The proposed development maintains the intended pedestrian-friendly environment and provides visual interest along Salal Street and Teal Drive by locating buildings close to the street where possible, preserving existing mature trees adjacent to the streets, and locating parking areas beside buildings and buffering them from the street with trees and landscaping. This approval criterion is met.

**Ground Floor Dwelling Units Entrances Facing the Street (702.020(e)(5)):**

The applicant has requested a Class 2 Adjustment to allow two ground floor dwelling units in building I.3 and one ground floor dwelling unit in building H.2 that are located within 25 feet of a property line abutting a street to not have a primary entrance facing the street with direct pedestrian access to the adjacent sidewalk.

The purpose of this standard is to orient buildings to the street. The applicant indicates that the overall design of each of the two buildings subject to the adjustment request equally or better meets the purpose of this standard by incorporating numerous design elements including major prominent entrances on the long façades that face the street with direct sidewalk access and street facing building facades that are located right at the required setback line which include gable ended roofs, recessed areas for articulation, and numerous ground floor and upper level windows that face the street. The applicant states that all of these features are architecture expressions of the buildings' presence toward the abutting street and its orientation to it.

Staff concurs with the findings included in the applicant's written statement. As proposed, buildings I.3 and H.2 are designed in a manner so as to be oriented to the street consistent with the underlying purpose of the standard. This approval criterion is met.

**Building Façade Articulation (SRC 702.020(e)(9)):**

The applicant has requested a Class 2 Adjustment to allow portions of the upper floor facades of buildings I.1, I.2, I.3, H.1, and H.2 to exceed a maximum length 80 ft. without an articulating façade design element a minimum of four feet in depth

The stated purpose of this standard is to minimize the appearance of building bulk. The applicant states the proposed development equally meets this purpose by dividing the upper facades of the buildings into easily identifiable sections, each shorter than 80 feet. Those sections are clearly visually defined by separate gabled roofs. Each roof gable aligns with the three housing units on the floors below.

In addition to the gabled roofs, a continuous, contrasting, vertical, recessed band of different material will align with the end of each gable to further visually separate building sections and minimize the appearance of the structure's 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.

Staff concurs with the findings included in the applicant's written statement. As proposed, the upper floor facades of buildings I.1, I.2, I.3, H.1, and H.2 equally or better meet the purpose underlying the standard. This approval criterion is met.

**Vehicle Operation Area Location for Solid Waste Service Areas (SRC 800.055(f)(1)(A)):**

The applicant has requested a Class 2 Adjustment to allow the vehicle operation areas for solid waste collection service vehicles serving receptacles greater than two cubic yards in size within the development to be located parallel, rather than perpendicular, to the front opening of the trash enclosure.

The purpose of this standard is to provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee. The applicant indicates that the purpose of this standard is equally met by the proposed development because the hauler responsible for solid waste collection for the development has reviewed the plans and determined that the proposed design meets their requirements for servicing.

As provided in comments received from Republic Services (**Attachment K**), it is indicated that they have approved the location of the containers from a parallel approach. Based on Republic Services' approval of the proposed container locations in relation to the proposed vehicle operation areas, the proposal equally meets the underlying purpose of the standard. This approval criterion is met.

**Solid Waste Service Area Vehicle Operation Area Turnarounds (SRC 800.055(f)(2)):**

The applicant has requested a Class 2 Adjustment to allow the vehicle operation areas for solid waste collection service vehicles included in the development to be designed without a turnaround; thereby requiring the vehicles to back onto the street.

The purpose of this standard is to provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee. The applicant indicates that the purpose of this standard is equally met by the proposed development because the hauler responsible for solid waste collection for the development has reviewed the plans and determined that the proposed design meets their requirements for servicing.

As provided in comments received from Republic Services (**Attachment K**), it is indicated that they have approved the proposed pull in and then back out approach onto the main roadway. Based on Republic Services' approval of the proposed method of accessing the site in order to provide service to the development, the proposal equally meets the underlying purpose of the standard. This approval criterion is met.

***SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Finding:** The subject property is located within a residential zone, specifically the RM-II multiple family residential zone. The adjustments that have been requested in conjunction with the proposal are the minimum necessary to allow the otherwise intended use and development of multiple family residential zoned property. Approval of the requested adjustments will also not result in development that detracts from the livability or appearance of the residential area because, as identified in the findings included in this decision, the underlying purposes of the development standards proposed for adjustment with the development otherwise will continue to be equally or better met. This approval criterion is met.

***SRC 250.005(d)(2)(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.***

**Finding:** A total of five Class 2 Adjustments have been requested. Pursuant to SRC chapter 514, the purpose of the RM-II zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan and 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 requested adjustments allow for the development of a complex multi-family residential facility with physical restraints, including changes in topography and vehicle circulation limitations. Each of the adjustments have been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the RM-II zone. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action. The following condition of approval shall apply:

**Condition 13:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

## **11. CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA**

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria in **bold**, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding:** The proposed development includes a total of four driveway approaches onto Salal Street SE, a designated local street under the City's Transportation System Plan (TSP). Two of the proposed driveway approaches serve Lot 3 and the remaining two driveway approaches serve Lot 4.

The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveway approaches meets the standards of SRC Chapter 804 and the Public Works Design Standards. This approval criterion is met.

***SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.***

**Finding:** The Public Works Department reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approaches. This approval criterion is met.

***SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.***

**Finding:** The subject property is served by two streets, Salal Street SE and Teal Drive SE, and does not have frontage on an arterial street. The four proposed driveway approaches providing vehicular access to the development are located off of Salal Street, a local street. Because the proposed development does not have frontage on, and no driveway approaches are provided to, an arterial street, this approval criterion is not applicable to the proposed development.

***SRC 804.025(d)(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***

**Finding:** The proposed driveway approaches take access to the lowest classification of street abutting the subject property. Due to existing developments on neighboring property, shared access to the property is not be feasible. This approval criterion is met.

***SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.***

**Finding:** The proposed driveway approaches meet the PWDS vision clearance standards set forth in SRC chapter 805.

***SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.***

**Finding:** The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and indicated that no evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This approval criterion is met.

***SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.***

**Finding:** The Public Works Department reviewed the proposed driveway approaches and indicated that staff analysis of the proposed driveway approaches and the evidence that has been submitted indicate that the location of the proposed driveway approaches will not have any adverse impacts to the adjacent properties or streets. This approval criterion is met.

***SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.***

**Finding:** The Public Works Department reviewed the proposed driveway approaches and provided comments indicating that the applicant is proposing four driveways to the lowest classification of street abutting the property and they meet the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This approval criterion is met.

***SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.***

**Finding:** The proposed development abuts residentially zoned property to the north, east, and west. The proposed driveway approaches are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This approval criterion is met.

## **12. TREE VARIANCE APPROVAL CRITERIA**

The purpose of a Tree Variance is to provide a process to allow for deviations from the requirements of Salem Revised Code (SRC) Chapter 808 where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

Salem Revised Code (SRC) 808.045(d) sets forth the criteria that must be met before approval can be granted to an application for a Tree Variance. Pursuant to SRC 808.045(d), a tree variance shall be granted if either the hardship criteria contained under SRC 808.045(d)(1) or the economical use criteria contained under



SRC 808.045(d)(2) are met. As identified in their written statement, the applicant has chosen to address the hardship criteria included under SRC 808.045(d)(1).

The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Tree Variance application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 808.045(d)(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***

**Finding:** As identified in the application materials submitted by the applicant, there are existing trees located throughout the subject property, including some areas that are heavily forested. The subject property does not include any Heritage Trees and there are no riparian corridor trees or native vegetation located on the site. There are, however, 24 existing significant trees on Lot 3. In order to accommodate the proposed development, the applicant has requested a Tree Variance to remove 18 of the 24 existing significant trees on Lot 3. The tree variance plan submitted by the applicant for Lot 3 showing the 18 significant trees proposed for removal and the 6 significant trees proposed for preservation is included as **Attachment E**.

The written statement provided by the applicant indicates that 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. The written statement provided by the applicant includes the following summary of circumstances associated with each tree designated for removal and why its preservation would create practical difficulties for carrying out the development:

**Tree #59**

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 chosen 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.

In addition to the above, the applicant also indicates that as applied to the entire site, “fewer buildings” or “less parking area” as arguments against the removal of any of the significant trees is not reasonable and would impose practical difficulties for development. The applicant indicates that 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 the lowest number allowed by code without an adjustment. This amount of parking is already below the requirement for a comparable market-rate development. Any 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.

Staff concurs with the findings included in the applicant's written statement identifying the numerous special conditions applicable to the property associated with site topography and the number, size, and location of existing trees that create practical difficulties that can most effectively be relieved by a variance when taken into consideration against density and setback requirements, the developability of the site under its current zoning, and other development requirements such as parking, utilities, and circulation.

In consideration of the 18 significant trees proposed for removal, Staff notes that additional Oregon white oak trees could be planted as part of the proposal's landscaping, in addition to the landscaping required under the SRC. However, the number of additional Oregon white oaks that can feasibly be planted on the site is limited due to the relatively shallow depth of the lot in relation to the locations of the proposed buildings, parking areas, storm water facilities. As such, in order to mitigate the removal of the 18 significant trees, the following condition of approval shall apply:

**Condition 14:** In addition to the landscaping required under Salem Revised Code Chapters 514 and 807, a minimum of three Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted on Lot 3.

**Condition 15:** All trees designated for preservation shall be protected during construction in conformance with the tree protection measures under SRC 808.046.

As conditioned, this approval criterion is met.

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

**Finding:** The written statement provided by the applicant indicates that the proposed 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.

The applicant indicates that in order 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 the 18 significant trees. Removal of 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

Staff concurs with the findings included in the applicant’s written statement. In order to accommodate the proposed development, the applicant has chosen a site layout which preserves as many significant trees as possible. The applicant has demonstrated the proposed improvements use the minimum amount of space possible, while meeting the applicable standards of the UDC. The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of the property. This approval criterion is met.

### **13. TREE REMOVAL PERMIT APPROVAL CRITERIA**

Salem Revised Code (SRC) 808.030(d) sets forth the criteria that must be met before approval can be granted to an application for a Tree Removal Permit. Pursuant to this subsection, a tree removal permit shall be granted if one or more of the criteria included under SRC 808.030(d)(1)-(5) are met. As identified in their written statement, the applicant has chosen to address approval criterion SRC 808.030(d)(5).

The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development’s conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Tree Removal Permit application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 808.045(d)(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.***
- (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.***
- (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.***

**Finding:** As identified in the application materials submitted by the applicant, there are existing trees located throughout the subject property, including some areas that are heavily forested. The subject property does not include any Heritage Trees and there are no riparian corridor trees or native vegetation located on the site. There are, however, 5 existing significant trees on Lot 4. In order to accommodate the proposed development, the applicant has requested a Tree Removal Permit to remove 1 of the 5 existing significant trees on Lot 4. The tree variance plan submitted by the applicant for Lot 4 showing the 1 significant tree proposed for removal and the 4 significant trees proposed for preservation is included as **Attachment E**.

The written statement provided by the applicant indicates that the proposed removal of the one significant tree on Lot 4 is necessary for construction of a development that includes multi-family housing and all the associated infrastructure that accompanies it.

The applicant indicates that 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 and that 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. The applicant explains that in order to save this tree, a variance or adjustment would be required to the public works standards for the street width or alignment of Teal Drive and that because the location and width of the street has already been set by the city an after-the-fact modification would be very unlikely to be approved.

The applicant indicates that 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. 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.

Staff concurs with the findings included in the applicant's written statement. The proposed removal of this tree is necessary due to its proximity to the approved extension to Teal Drive SE, which will result in substantial impacts to the critical root zone of the tree, and the lack of reasonable design alternatives to enable its preservation. This approval criterion is met.

## CONCLUSION

Based upon review of SRC Chapters 220, 225, 250, 804, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

## ORDER

Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, Class 2 Driveway Approach Permit, Class 1 Design Review, and Tree Removal Permit Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44 is hereby **APPROVED** subject to SRC Chapters 220, 225, 250, 804, and 808, the applicable standards of the Salem Revised Code, conformance with the approved development plans included as Attachment C, and the following conditions of approval:

**Condition 1:** All single ADA parking spaces included within the development shall be designed so that the access aisle is located on the passenger side of the parking space.

- Condition 2:** The applicant shall submit notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and receive the resulting aeronautical determination letter from the ODAV prior to the approval of building permits.
- Condition 3:** Prior to the issuance of building permit(s) for the proposed development, record the final plat for Subdivision/Tree Variance Case No. SUB-TRV22-05 in accordance with Salem Revised Code 205.035.
- Condition 4:** The fence provided along the property line abutting the RM-II zoned property to the north and the PA zoned property to the south to meet the Type C landscaping and screening requirements of the RM-II zone and SRC Chapter 807 shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).
- Condition 5:** All trash enclosure/collection areas shall conform to the solid waste service area standards of SRC 800.055, with the exception of those standards that have been approved for a Class 2 Adjustment.
- Condition 6:** The applicant shall demonstrate the proposed dwelling units are affordable to households with incomes equal to or less than 80 percent of the median family income for Marion County or for the state, whichever income is greater.
- Condition 7:** A minimum of 31 units on Lot 3 and a minimum of 17 units on Lot 4 shall be restricted to low-income elderly housing.
- Condition 8:** On Salal Street SE and Teal Drive SE, construct streetscape improvements including property line sidewalks, street lights, and street trees.
- Condition 9:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS).
- Condition 10:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be sight-obscuring and meet the opacity requirements of SRC 807.015(e)(2).
- Condition 11:** A minimum of one tree, not less than 1.5 inches in caliper, shall be provided every 30 feet along the property line abutting the RS zoned properties to the west.
- Condition 12:** The decorative fence provided along the property line abutting the RS zoned property to the west shall be eight feet in height.

- Condition 13:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 14:** In addition to the landscaping required under Salem Revised Code Chapters 514 and 807, a minimum of three Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted on Lot 3.
- Condition 15:** All trees designated for preservation shall be protected during construction in conformance with the tree protection measures under SRC 808.046.



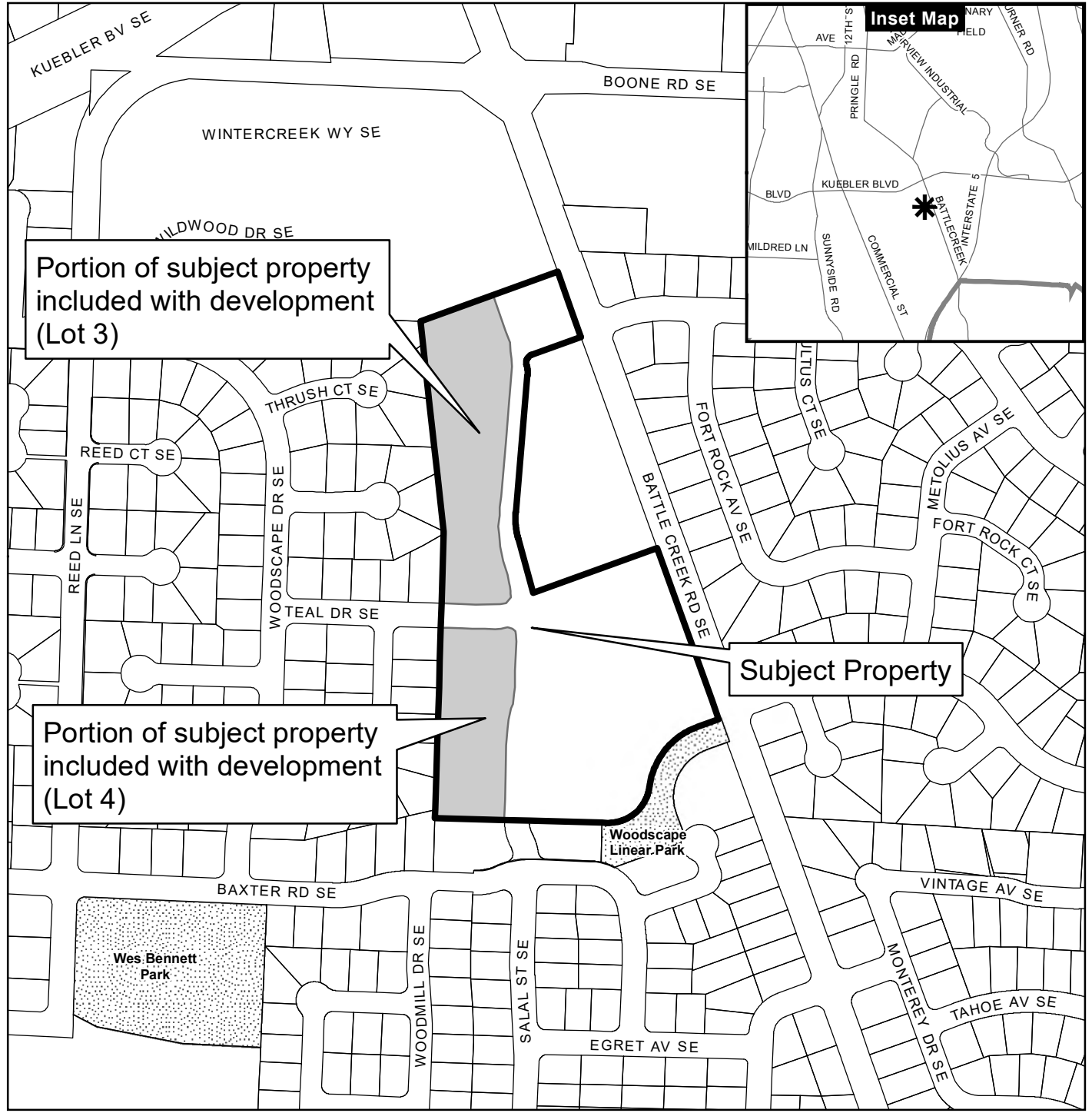
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Bryce Bishop, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

**Attachments:**

- A. Vicinity Map
- B. Approved Tentative Subdivision Plan (Case No. SUB/TRV22-05)
- C. Applicant's Site Plans & Landscaping Plans
- D. Building Elevations
- E. Tree Variance Plans
- F. Applicant's Written Statement
- G. City of Salem Public Works Department Comments
- H. Salem-Keizer School District Comments
- I. Oregon Department of Aviation Comments
- J. Public Comments
- K. Republic Services Comments

# Vicinity Map 5205 Battle Creek Road SE

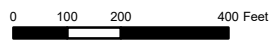


## Legend

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

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

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Attachment C

NOT FOR  
CONSTRUCTION

MAHONIA  
CROSSING -  
PHASE 2  
Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306

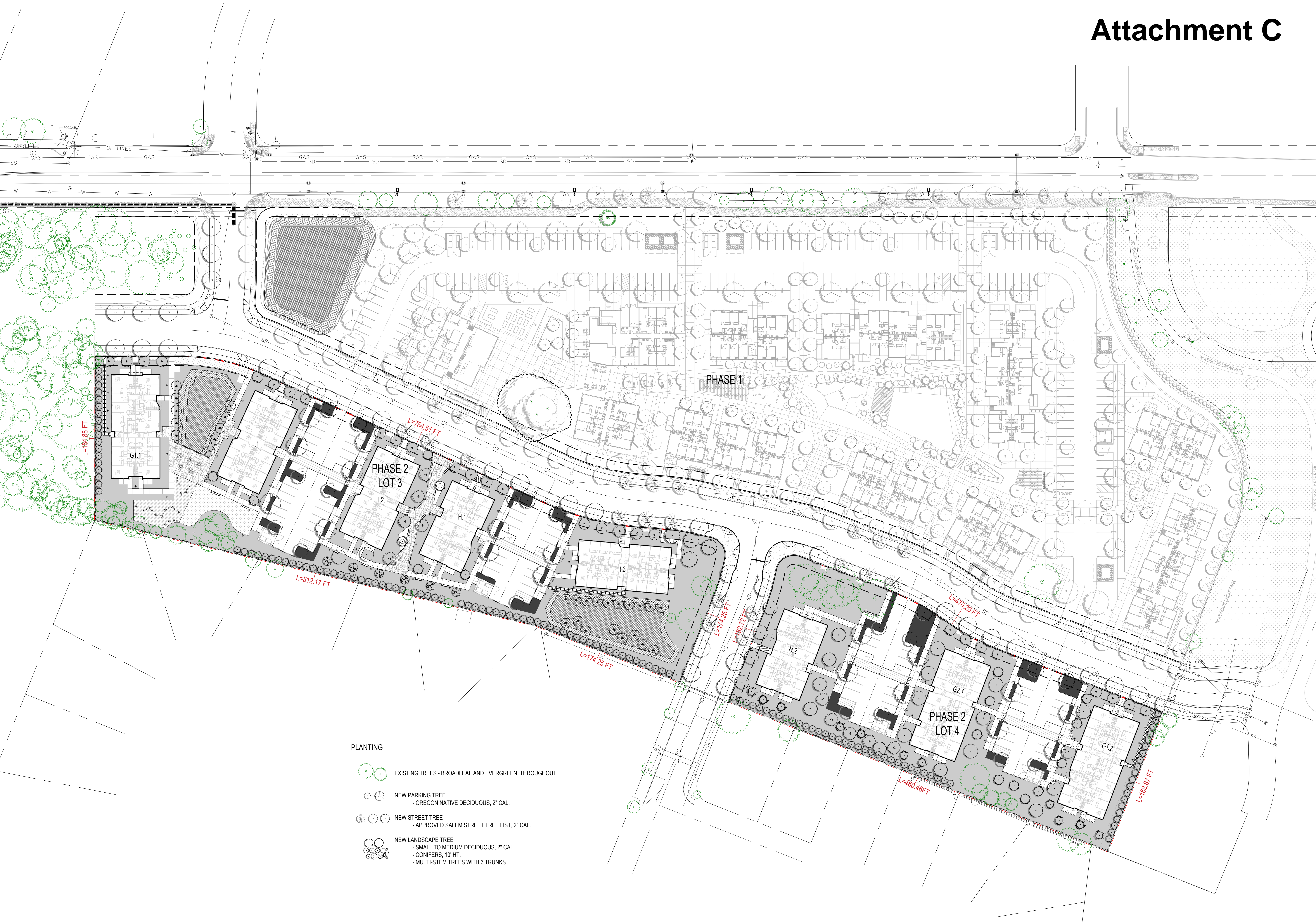


PLACE  
735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LAND USE SUBMISSION 10.19.2022  
ISSUE DATE  
Drawing:

OVERALL SITE PLAN  
PHASE 1 & PHASE 2

Sheet No:  
G1.10



- PLANTING
- EXISTING TREES - BROADLEAF AND EVERGREEN, THROUGHOUT
  - NEW PARKING TREE  
- OREGON NATIVE DECIDUOUS, 2" CAL.
  - NEW STREET TREE  
- APPROVED SALEM STREET TREE LIST, 2" CAL.
  - NEW LANDSCAPE TREE  
- SMALL TO MEDIUM DECIDUOUS, 2" CAL.  
- CONIFERS, 10' HT.  
- MULTI-STEM TREES WITH 3 TRUNKS

1 OVERALL SITE PLAN - PHASE 1 & PHASE 2  
1" = 40' - 0"





NOT FOR  
CONSTRUCTION

MAHONIA  
CROSSING -  
PHASE 2

Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306



PLACE

735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LAND USE SUBMISSION 10.19.2022

ISSUE DATE

Drawing:

LAND USE  
SITE PLAN LOT 3

Sheet No:

G1.11

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H\_22\_mculbertson\PK8RT.rvt



LOT 3 - LAND USE LEGEND

--- GROSS SITE AREA - LOT 3 (122,991 SF)

BUILDING FOOTPRINT AREA: 27,196 SF SF (22% of GSA)

OPEN SPACE: 73,833 SF (60% of GSA)

COMMON OPEN SPACE: 2,232 SF (1,975 SF MIN. REQUIRED)

PRIVATE OPEN SPACE: 1,971 SF IN 20 PATIOS

PEDESTRIAN WALKWAYS AND PLAZAS: 14,211 SF (11% of GSA)

LANDSCAPED AREAS: 42,119 SF (34% of GSA)

NATURE PLAY AREA: 2,097 SF

STORM WATER PLANTER AREA: 11,203 SF

EXISTING TREES TO BE PRESERVED: 20 (6 ARE SIGNIFICANT TREES)

NEW TREES: 173 SITE TREES (65 NEEDED FOR TREE REPLACEMENT,  
PLUS REQUIRED PLANTING UNITS AROUND BUILDINGS)

VEHICULAR & PARKING AREA: 16,329 SF (13% of GSA)  
STANDARD SPACES: 38  
A.D.A SPACES: 5  
TOTAL: 43 (43 REQUIRED)  
LOADING: 1

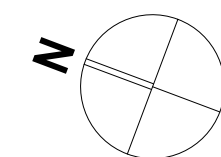
PARKING LANDSCAPE & SCREENING AREA: 3,374 SF

SOLID WASTE ENCLOSURE AREAS: 637.3 SF

NOTE:  
SEE CIVIL FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS

SUMMARY TABLE - LOT 3

ZONING:	RM-II
GROSS FLOOR AREA OF BUILDINGS:	82,499 SF, ALL RESIDENTIAL USE
BUILDING HEIGHT:	36.3 FT MAX (BUILDING I)
PARKING:	43 SPACES TOTAL: 38 STANDARD 5 A.D.A. 1 LOADING
LOT COVERAGE:	BUILDINGS = 27,173 SF (22%)





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H\_22\_mculbertsonPX8RT.rvt

NOT FOR  
CONSTRUCTION

MAHONIA  
CROSSING -  
PHASE 2

Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306



PLACE

735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LOT 4 - LAND USE LEGEND

--- GROSS SITE AREA - LOT 3 (80,253 SF)

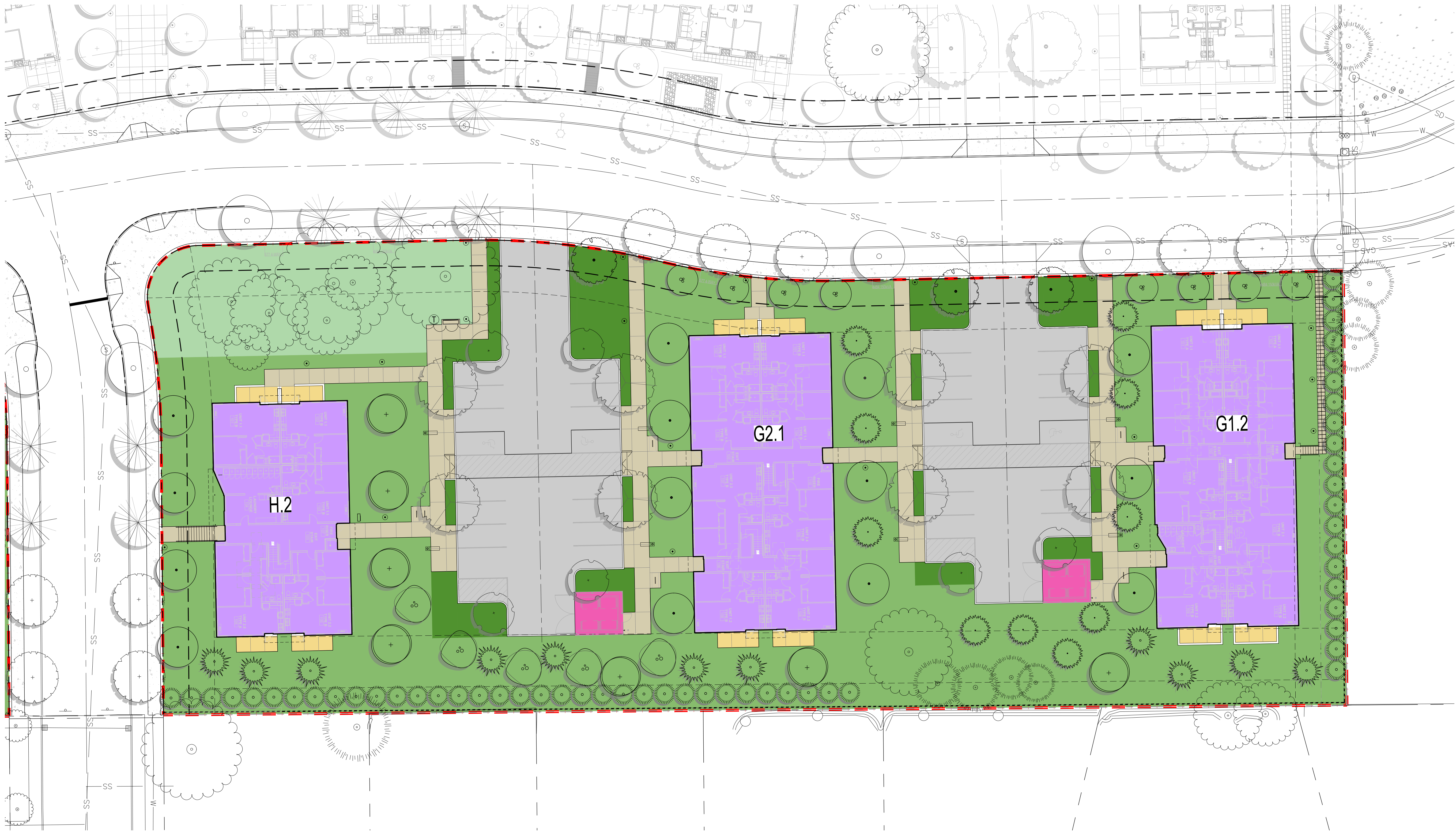
- BUILDING FOOTPRINT AREA: 17,250 SF (21% of GSA)
- OPEN SPACE: 44,043 SF (55% of GSA)
  - COMMON OPEN SPACE: 5,158 SF (1,637.5 SF MIN. REQUIRED)
  - PRIVATE OPEN SPACE: 1,176 SF IN 12 PATIOS
- PEDESTRIAN WALKWAYS AND PLAZAS: 6,215 SF (8% of GSA)
- LANDSCAPED AREAS: 31,494 SF (39% of GSA)
- STORM WATER PLANTER AREA: 0 SF

- EXISTING TREES TO BE PRESERVED: 11 (4 ARE SIGNIFICANT TREES)
- NEW TREES: 126 SITE TREES (6 NEEDED FOR TREE REPLACEMENT, PLUS REQUIRED PLANTING UNITS AROUND BUILDINGS)
  - VEHICULAR & PARKING AREA: 13,825 SF (17% of GSA)
    - STANDARD SPACES: 27
    - A.D.A SPACES: 4
    - TOTAL: 31 (30 REQUIRED)
    - LOADING: 1
  - PARKING LANDSCAPE & SCREENING AREA: 3,861 SF
  - SOLID WASTE ENCLOSURE AREAS: 637.3 SF

NOTE:  
SEE CIVIL FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS

SUMMARY TABLE - LOT 4

ZONING:	RM-II
GROSS FLOOR AREA OF BUILDINGS:	52,261 SF, ALL RESIDENTIAL USE
BUILDING HEIGHT:	35 FT MAX. (ALL BUILDINGS)
PARKING:	31 SPACES TOTAL: 27 STANDARD 4 A.D.A. 1 LOADING
LOT COVERAGE:	BUILDINGS = 17,244 SF (21%)





NOT FOR  
CONSTRUCTION

**MAHONIA  
CROSSING -  
PHASE 2**

Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306



**PLACE**

735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LAND USE SUBMISSION 10.19.2022

ISSUE DATE

Drawing:  
**OVERALL  
PLANTING PLAN**

Sheet No:  
**L5.00**

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H\_22\_mculbertsonPX8RT.rvt





NOT FOR  
CONSTRUCTION

CDP SALEM -  
PHASE 2 -  
BUILDING G1  
Job Number: 22047  
PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR



BUILDING FROM SALAL LOOKING SOUTH



BUILDING FROM SALAL LOOKING NORTH



BUILDING PATIOS

MATERIALS



**VERTICAL WOOD SIDING**  
PRODUCT: T&G SIDING, 1x6  
WESTERN RED CEDAR  
FINISH: TRANSPARENT



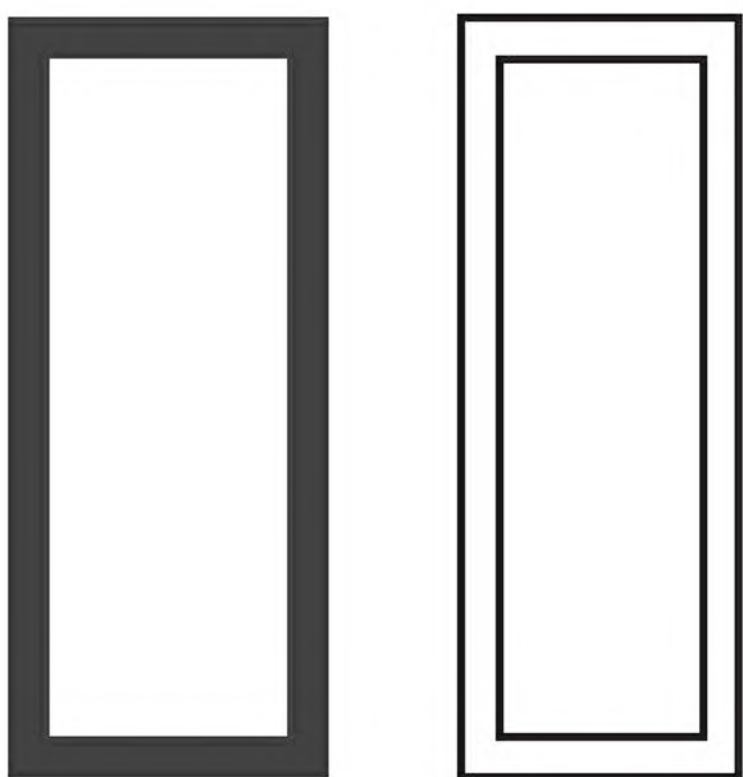
**LAP SIDING**  
PRODUCT: FIBER CEMENT  
PLANK LAP SIDING,  
STRAIGHT EDGE PANEL  
FINISH: PAINT, LIGHT &  
DARK



**ASPHALT SHINGLE ROOF**  
PRODUCT: THREE-TAB-STRIP  
ASPHALT SHINGLES  
FINISH: DARK



**FLAT METAL PANEL**  
PRODUCT: TBD  
FINISH: DARK



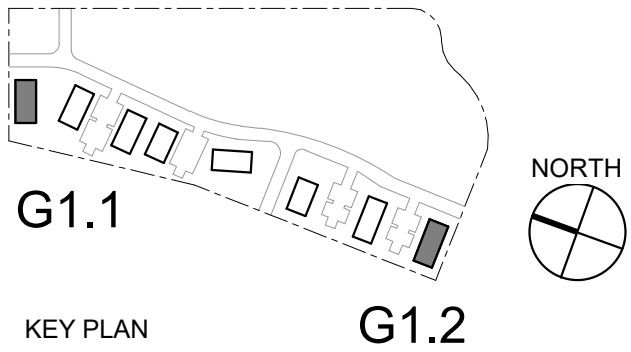
**VINYL WINDOWS**  
PRODUCT: TBD  
FINISH: BLACK & WHITE

\* SITE AND LANDSCAPING SHOWN FOR REFERENCE ONLY. SEE CIVIL AND LANDSCAPE DRAWINGS FOR FULL DESIGN.

LAND USE SUBMISSION 08.08.22  
ISSUE DATE

Drawing:  
**RENDERINGS**

Sheet No:  
**A3.10**



FILE PATH: C:\Revit\_Local\22047\_CDP Salem Gateway Phase II\_Walk Up Building G1\_22\_mculbertson\PA&RT.rvt

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



- A. REFERENCE FLOOR PLANS FOR DOOR AND WINDOW LOCATIONS.
- B. REFERENCE ELECTRICAL FOR EXTERIOR LIGHT APPLICATIONS.
- C. CONFIRM ALL EXHAUST OPENINGS ARE MINIMUM 3'-0" FROM OPERABLE OPENINGS.
- D. ALL EXTERIOR LOUVERS TO BE PAINTED TO MATCH THE EXTERIOR FINISH IT PENETRATES.
- E. PREFINISHED 22 GAUGE FORMED SHEET METAL WINDOW TRIM, HAMB. AND SILL AT WINDOWS.
- F. PREFINISHED 22 GAUGE METAL THROUGH WALL FLASHING AT WINDOW HADS.
- G. TRANSITION BETWEEN FIBER CEMENT SIDING PROFILES TO FOLLOW MANUFACTURER DETAILING AND REQUIREMENTS.

**S-1**

**LAP SIDING LIGHT**  
PRODUCT: FIBER CEMENT  
SHIPLAP SIDING  
COLOR: TBD

**S-2**

**LAP SIDING DARK**  
PRODUCT: FIBER CEMENT  
SHIPLAP SIDING  
COLOR: TBD

**S-3**

**PANEL SIDING**  
PRODUCT: FIBER CEMENT PANEL  
COLOR: TBD

**ASR**

**ASPHALT SHINGLE ROOF**  
PRODUCT: TBD  
COLOR: TBD

**WD-1**

**VERTICAL WOOD SIDING**  
PRODUCT: TBD  
FINISH: TBD

**L-1**

**ARCH PTHP LOUVER LIGHT**  
PRODUCT: TBD  
COLOR: MATCH S-1

**L-2**

**ARCH PTHP LOUVER DARK**  
PRODUCT: TBD  
COLOR: MATCH S-2

**CO-1**

**CONCRETE STEM WALL**

**MECHANICAL EXHAUST VENT.**  
SEE MECHANICAL DRAWINGS, PROVIDE 3'-0" MIN CLEARANCE

**MECHANICAL INTAKE VENT.**  
SEE MECHANICAL DRAWINGS

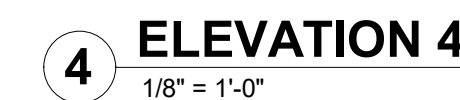
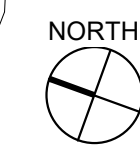
**PTHP (BEYOND)**

### KEY PLAN

## G1.2

Sheet No:

## A3.01



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NOT FOR  
CONSTRUCTION

CDP SALEM -  
PHASE 2  
BUILDING G2

Job Number: 22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR



BUILDING FROM SALAL LOOKING SOUTH



BUILDING FROM SALAL LOOKING NORTH



BUILDING PATIOS

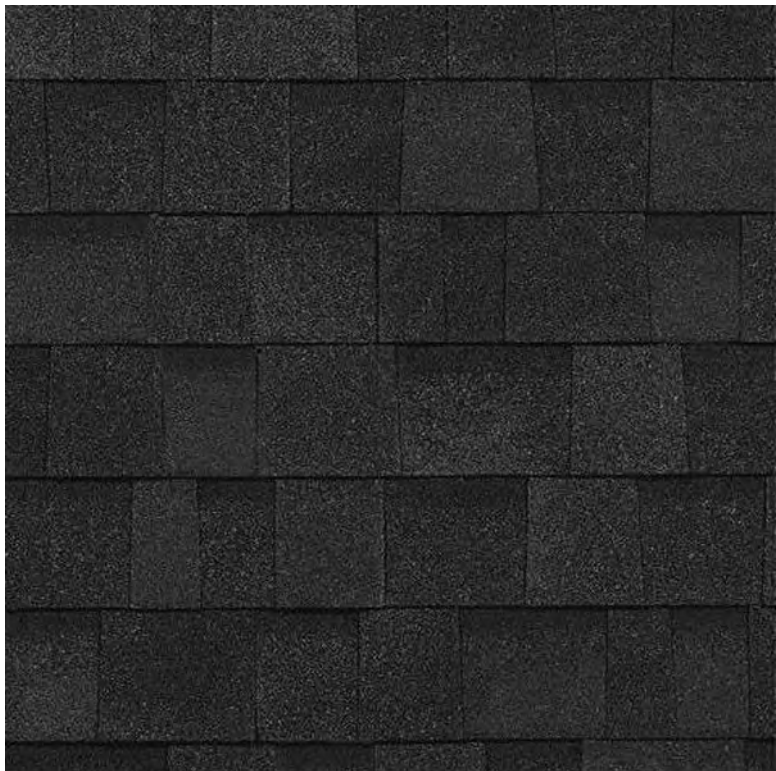
MATERIALS



**VERTICAL WOOD SIDING**  
PRODUCT: T&G SIDING, 1x6  
WESTERN RED CEDAR  
FINISH: TRANSPARENT



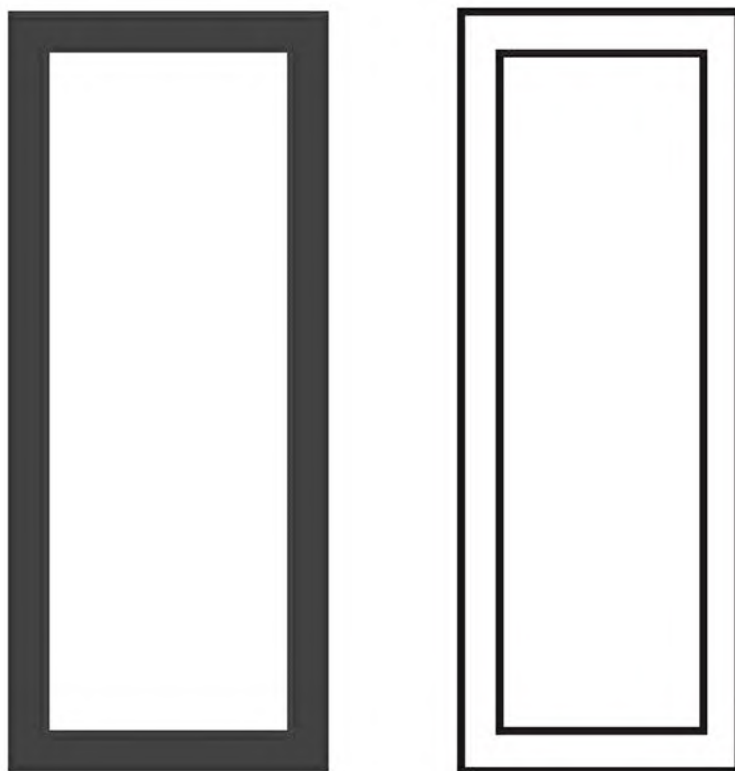
**LAP SIDING**  
PRODUCT: FIBER CEMENT  
PLANK LAP SIDING,  
STRAIGHT EDGE PANEL  
FINISH: PAINT, LIGHT &  
DARK



**ASPHALT SHINGLE ROOF**  
PRODUCT: THREE-TAB-STRIP  
ASPHALT SHINGLES  
FINISH: DARK

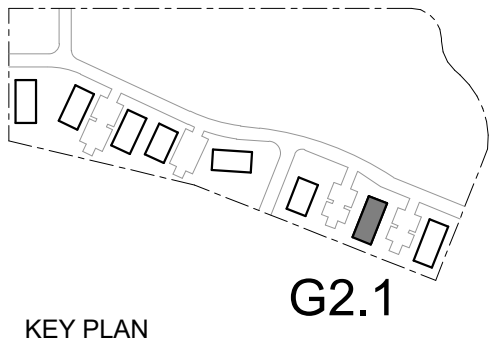


**FLAT METAL PANEL**  
PRODUCT: TBD  
FINISH: DARK



**VINYL WINDOWS**  
PRODUCT: TBD  
FINISH: BLACK & WHITE

\* SITE AND LANDSCAPING SHOWN FOR REFERENCE ONLY. SEE CIVIL AND LANDSCAPE DRAWINGS FOR FULL DESIGN.



LAND USE SUBMISSION 08.08.22

ISSUE DATE

Drawing:

RENDERINGS

Sheet No:

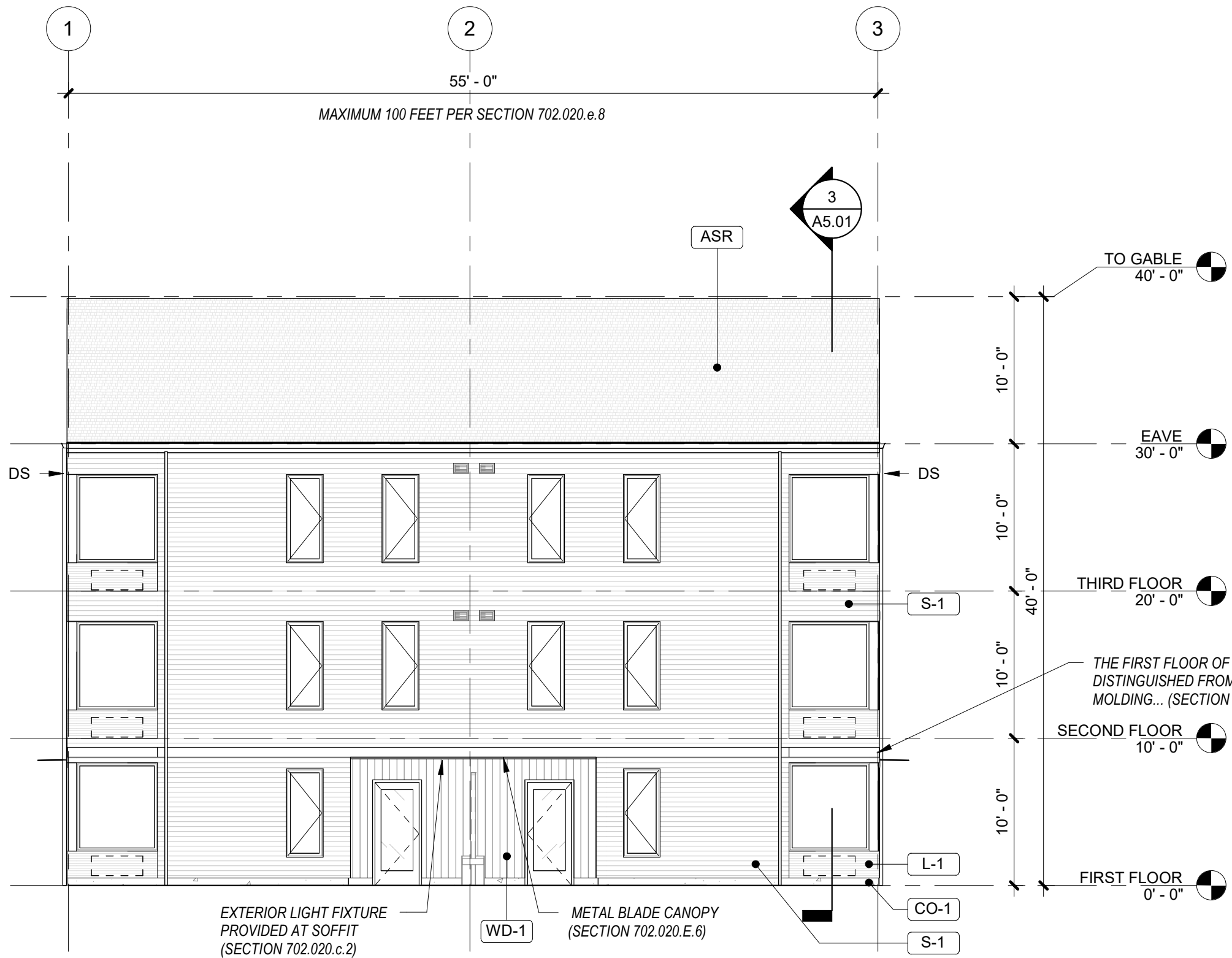
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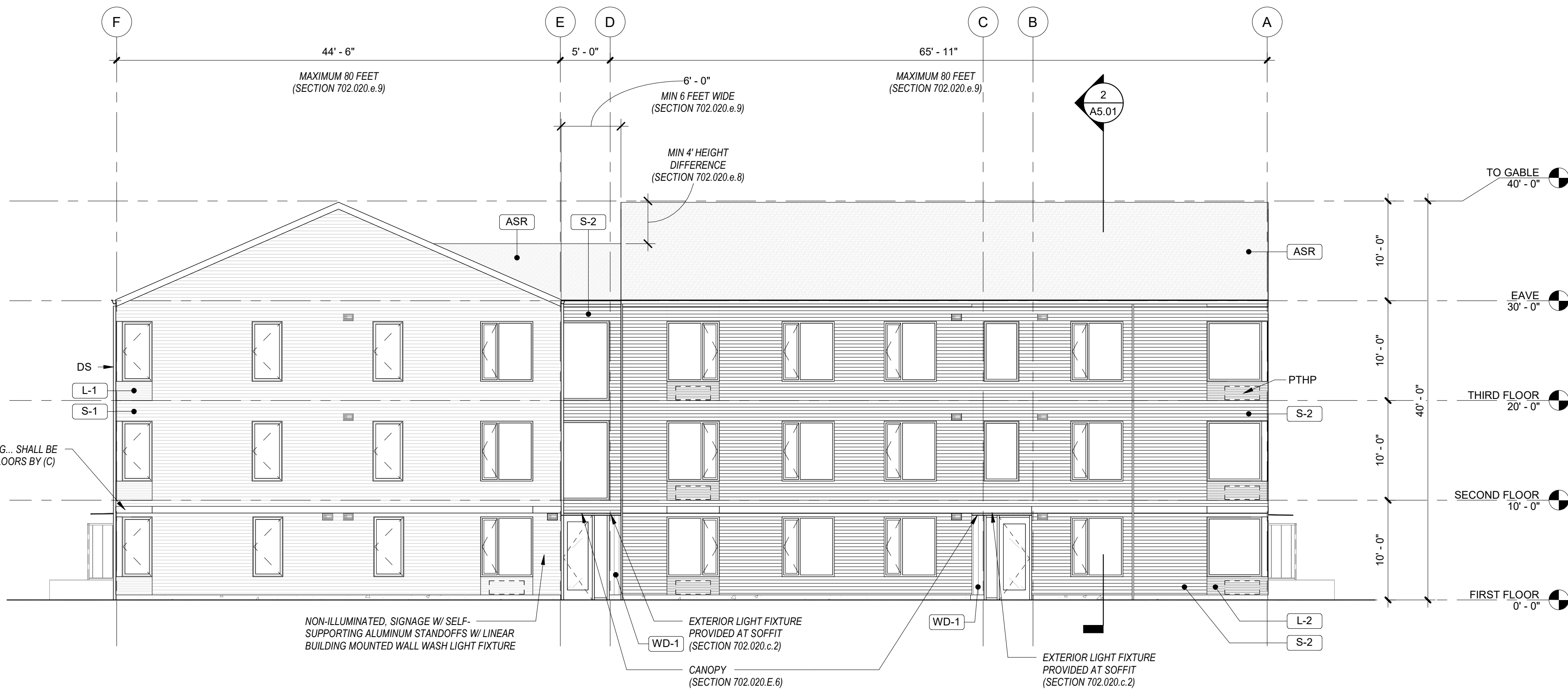


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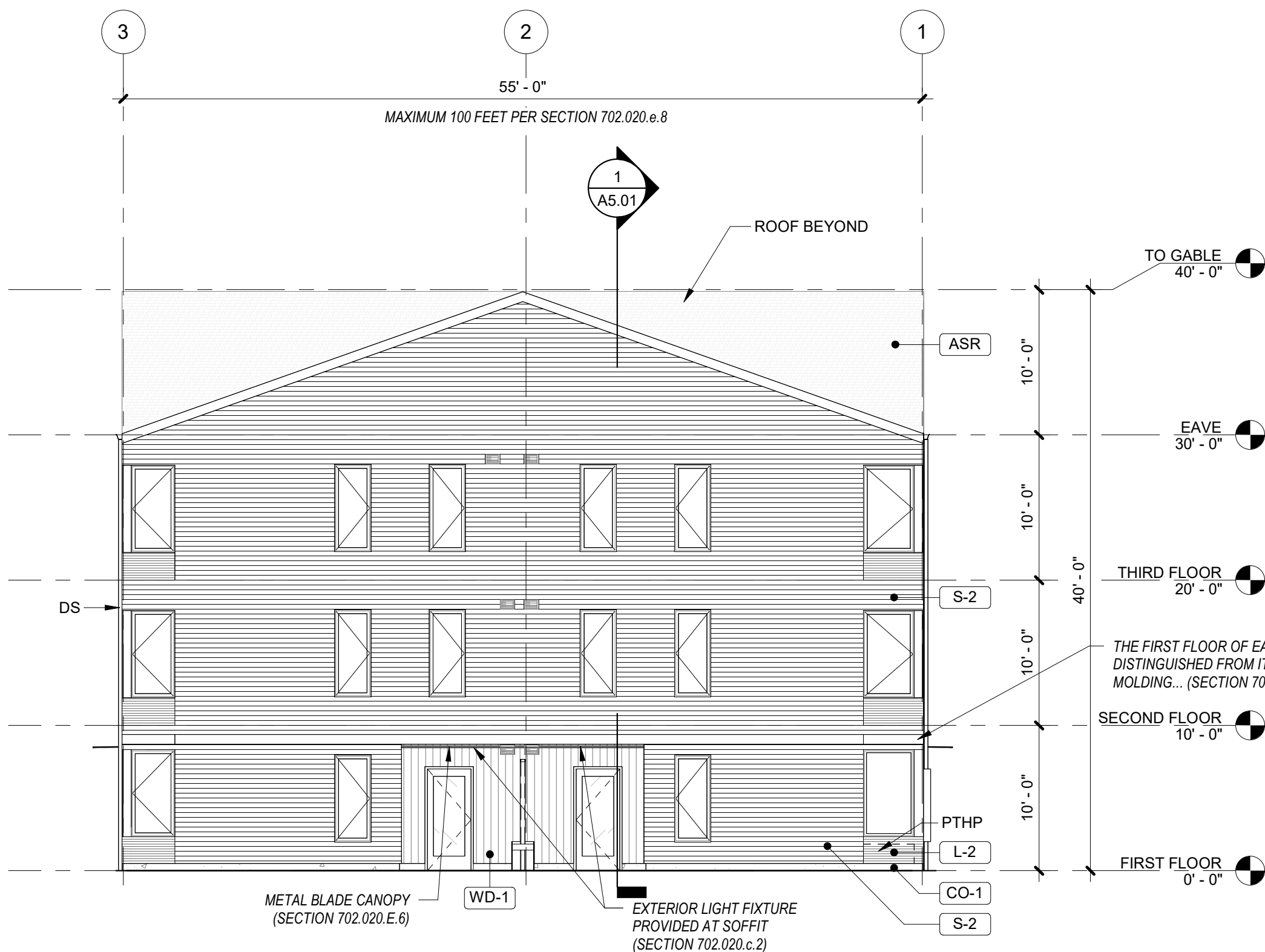
2 BUILDING ELEVATION

1/8" = 1'-0"



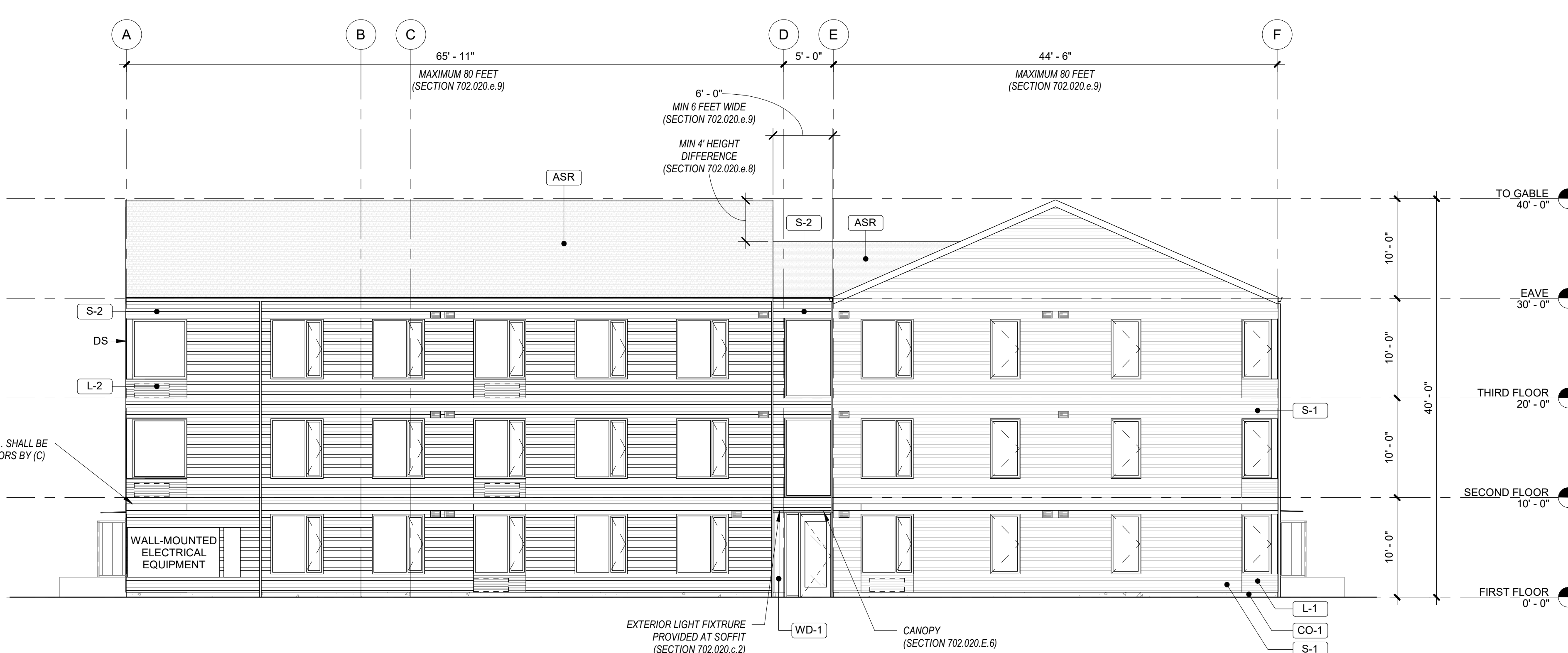
1 BUILDING ELEVATION

1/8" = 1'-0"



4 BUILDING ELEVATION

1/8" = 1'-0"



3 BUILDING ELEVATION

1/8" = 1'-0"

## GENERAL SHEET NOTES

- REFERENCE FLOOR PLANS FOR DOOR AND WINDOW LOCATIONS.
- REFERENCE ELECTRICAL FOR EXTERIOR LIGHT APPLICATIONS.
- CONFIRM ALL EXHAUST OPENINGS ARE MINIMUM 3'-0" FROM OPERABLE OPENINGS.
- ALL EXTERIOR LOUVERS TO BE PAINTED TO MATCH THE EXTERIOR FINISH IT PENETRATES.
- PREFINISHED 22 GAUGE FORMED SHEET METAL WINDOW TRIM, JAMB, AND SILL AT WINDOWS.
- PREFINISHED 22 GAUGE METAL THROUGH WALL FLASHING AT WINDOW HEADS.
- TRANSITION BETWEEN FIBER CEMENT SIDING PROFILES TO FOLLOW MANUFACTURER DETAILING AND REQUIREMENTS.

## LEGEND

	LAP SIDING LIGHT PRODUCT: FIBER CEMENT SHIPLAP SIDING COLOR: TBD
	LAP SIDING DARK PRODUCT: FIBER CEMENT SHIPLAP SIDING COLOR: TBD
	PANEL SIDING PRODUCT: FIBER CEMENT PANEL COLOR: TBD
	ASPHALT SHINGLE ROOF PRODUCT: TBD COLOR: TBD
	VERTICAL WOOD SIDING PRODUCT: TBD FINISH: TBD
	ARCH PTHP LOUVER LIGHT PRODUCT: TBD COLOR: MATCH S-1
	ARCH PTHP LOUVER DARK PRODUCT: TBD COLOR: MATCH S-2
	CONCRETE STEM WALL
	3'-0" MIN MECHANICAL EXHAUST VENT. SEE MECHANICAL DRAWINGS. PROVIDE 3'-0" MIN CLEARANCE
	MECHANICAL INTAKE VENT. SEE MECHANICAL DRAWINGS
	PTHP (BEYOND)

NOT FOR  
CONSTRUCTION

## CDP SALEM - PHASE 2 BUILDING G2

Job Number: 22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR

LAND USE SUBMISSION 08.08.22

ISSUE DATE

Drawing:

EXTERIOR  
ELEVATIONS

Sheet No:

A3.01



KEY PLAN

G2.1

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BUILDING FROM TEAL LOOKING EAST



BUILDING FROM SALAL



BUILDING PATIOS

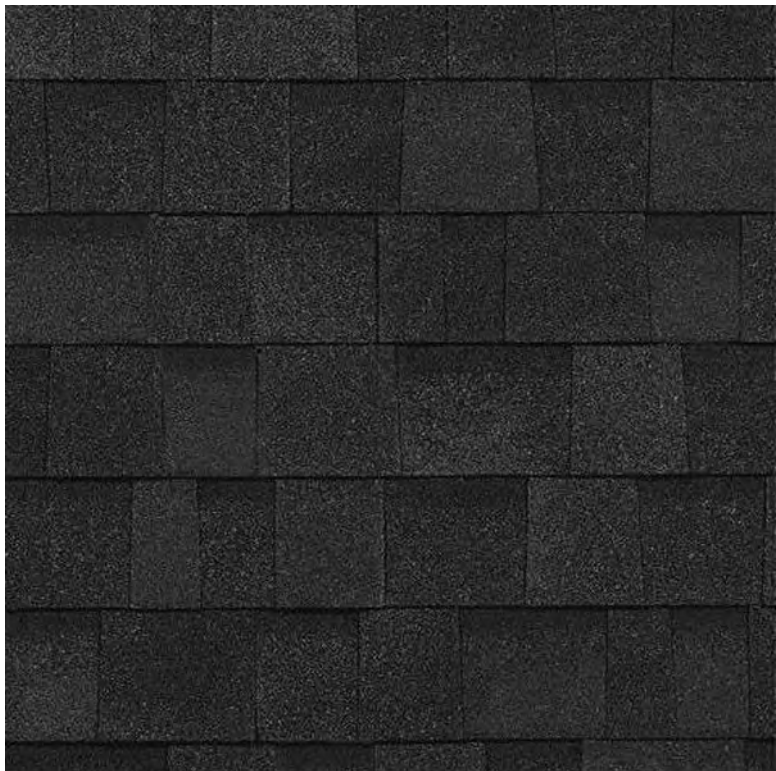
MATERIALS



**VERTICAL WOOD SIDING**  
PRODUCT: T&G SIDING, 1x6  
WESTERN RED CEDAR  
FINISH: TRANSPARENT



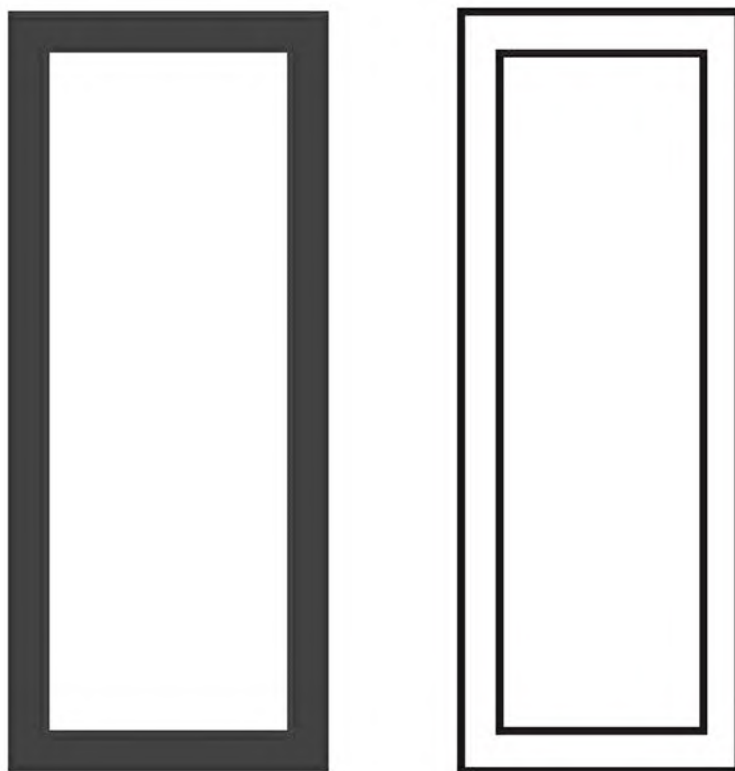
**LAP SIDING**  
PRODUCT: FIBER CEMENT  
PLANK LAP SIDING,  
STRAIGHT EDGE PANEL  
FINISH: PAINT, LIGHT



**ASPHALT SHINGLE ROOF**  
PRODUCT: THREE-TAB-STRIP  
ASPHALT SHINGLES  
FINISH: DARK



**FLAT METAL PANEL**  
PRODUCT: TBD  
FINISH: DARK



**VINYL WINDOWS**  
PRODUCT: TBD  
FINISH: BLACK & WHITE

\* SITE AND LANDSCAPING SHOWN FOR REFERENCE ONLY. SEE CIVIL AND LANDSCAPE DRAWINGS FOR FULL DESIGN.

NOT FOR  
CONSTRUCTION

CDP SALEM -  
PHASE 2  
BUILDING H

Job Number: #22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR



NOT FOR  
CONSTRUCTION

**CDP SALEM -  
PHASE 2  
BUILDING H**

Job Number: #22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR

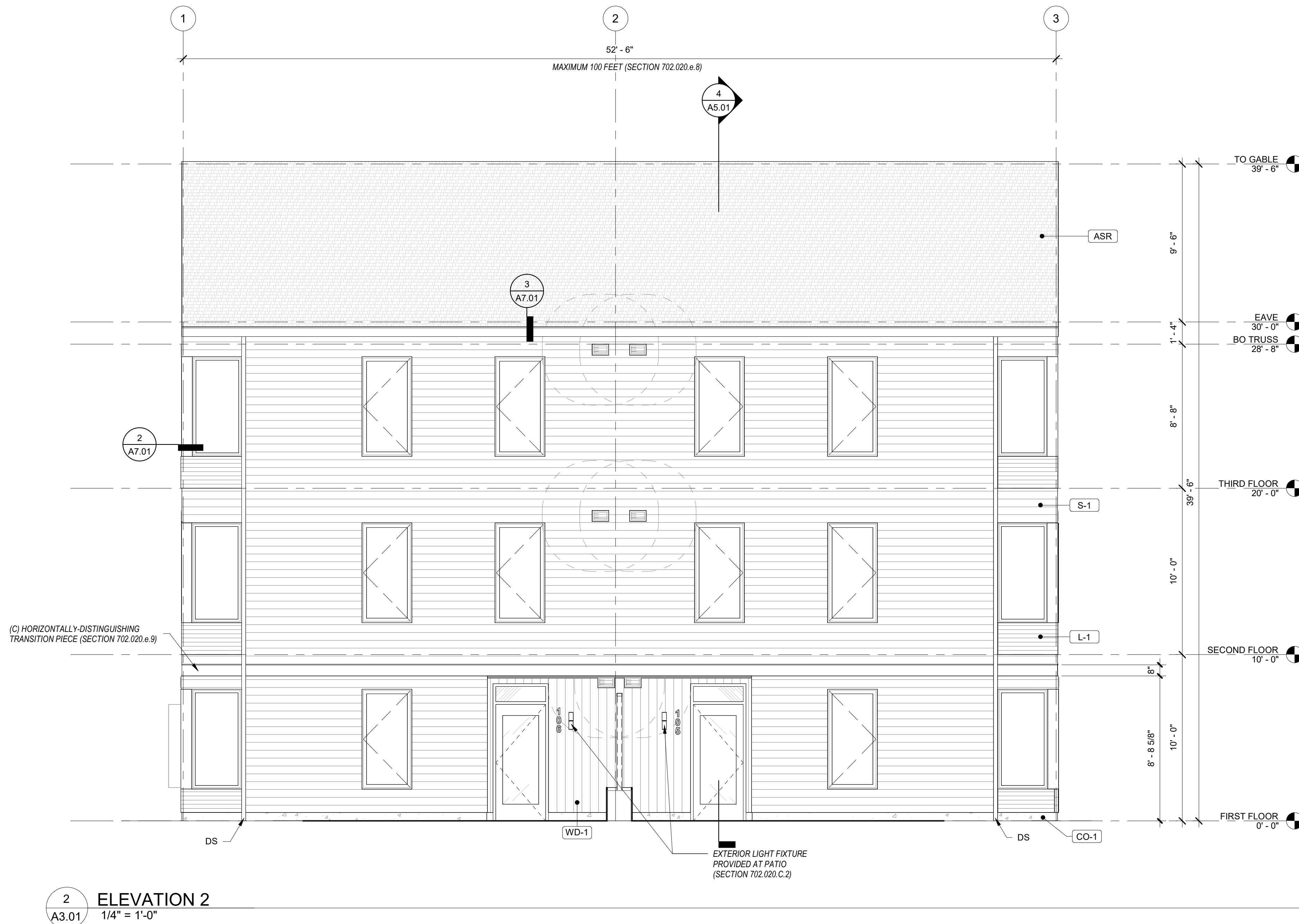


#### GENERAL SHEET NOTES

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- TRANSITION BETWEEN FIBER CEMENT SIDING PROFILES TO FOLLOW MANUFACTURER DETAILING AND REQUIREMENTS.
- LIGHTING FIXTURES SHOWN FOR REFERENCE, SEE ELECTRICAL DRAWINGS FOR FIXTURE TYPES

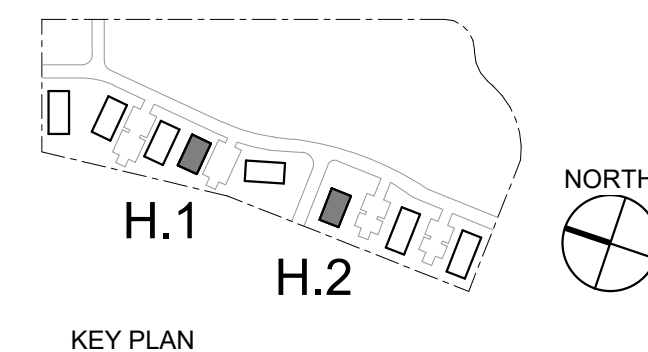
#### LEGEND

- |  |                                                                                                     |
|--|-----------------------------------------------------------------------------------------------------|
|  | <b>LAP SIDING</b><br>PRODUCT: FIBER CEMENT PLANK<br>LAP SIDING<br>COLOR: TBD                        |
|  | <b>ASPHALT SHINGLE ROOF</b><br>PRODUCT: TBD<br>COLOR: TBD                                           |
|  | <b>VERTICAL WOOD SIDING</b><br>PRODUCT: TBD<br>FINISH: TBD                                          |
|  | <b>ARCHITECTURAL PTHP LOUVER</b><br>PRODUCT: TBD<br>COLOR: LAP SIDING MATCH                         |
|  | <b>CONCRETE STEM WALL</b>                                                                           |
|  | 3'-0" MIN<br>MECHANICAL EXHAUST<br>VENT. SEE MECHANICAL<br>DRAWINGS, PROVIDE 3'-0"<br>MIN CLEARANCE |
|  | MECHANICAL INTAKE VENT.<br>SEE MECHANICAL DRAWINGS                                                  |
|  | PTHP (BEYOND)                                                                                       |



2  
A3.01

**ELEVATION 2**  
1/4" = 1'-0"



LAND USE  
SUBMISSION  
ISSUE

08.08.22

DATE

Drawing:  
**EXTERIOR  
ELEVATIONS**

Sheet No:  
Building H -  
**A3.01**

NOT FOR  
CONSTRUCTION

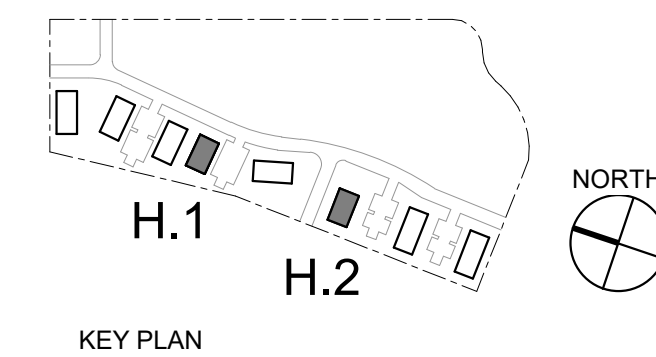
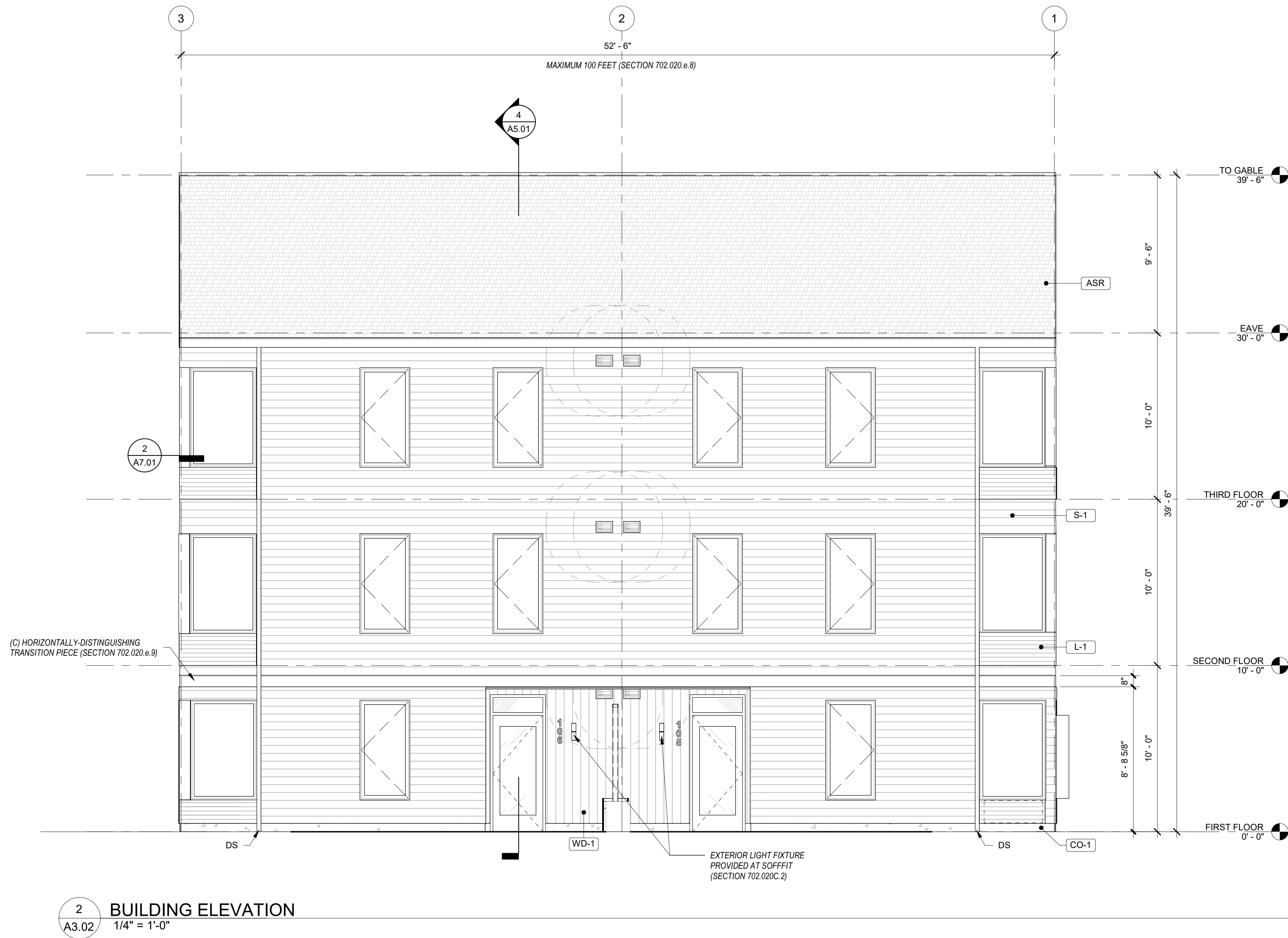
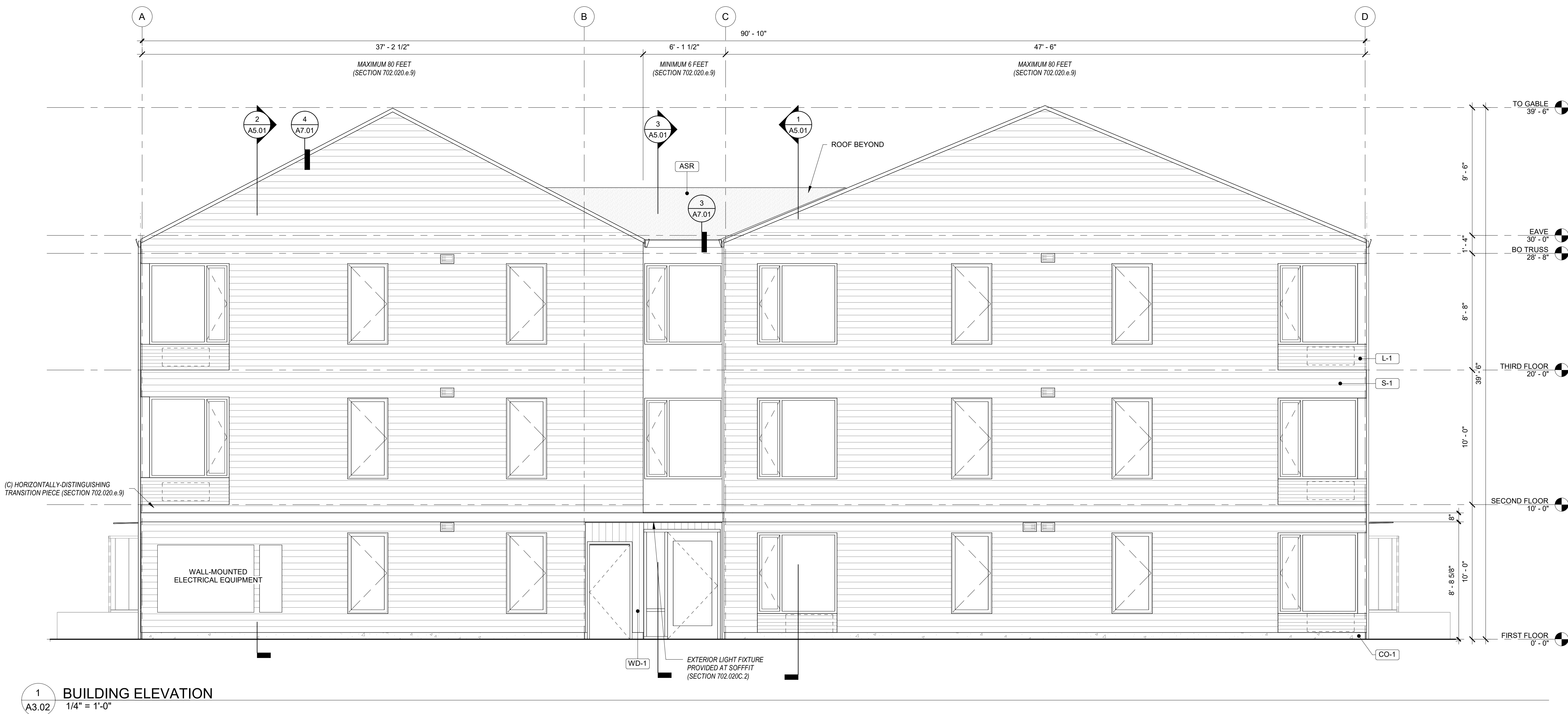
**CDP SALEM -  
PHASE 2  
BUILDING H**

Job Number: #22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR



GENERAL SHEET NOTES	
A. REFERENCE FLOOR PLANS FOR DOOR AND WINDOW LOCATIONS.	
B. REFERENCE ELECTRICAL FOR EXTERIOR LIGHT APPLICATIONS.	
C. CONFIRM ALL EXHAUST OPENINGS ARE MINIMUM 3'-0" FROM OPERABLE OPENINGS.	
D. ALL EXTERIOR LOUVERS TO BE PAINTED TO MATCH THE EXTERIOR FINISH IT PENETRATES.	
E. PREFINISHED 22 GAUGE FORMED SHEET METAL WINDOW TRIM, JAMB, AND SILL AT WINDOWS.	
F. PREFINISHED 22 GAUGE METAL THROUGH WALL FLASHING AT WINDOW HEADS.	
G. TRANSITION BETWEEN FIBER CEMENT SIDING PROFILES TO FOLLOW MANUFACTURER DETAILING AND REQUIREMENTS.	
H. LIGHTING FIXTURES SHOWN FOR REFERENCE, SEE ELECTRICAL DRAWINGS FOR FIXTURE TYPES	
LEGEND	
	<b>LAP SIDING</b> PRODUCT: FIBER CEMENT PLANK LAP SIDING COLOR: TBD
	<b>ASPHALT SHINGLE ROOF</b> PRODUCT: TBD COLOR: TBD
	<b>VERTICAL WOOD SIDING</b> PRODUCT: TBD FINISH: TBD
	<b>ARCHITECTURAL PTHP LOUVER</b> PRODUCT: TBD COLOR: LAP SIDING MATCH
	<b>CONCRETE STEM WALL</b>
	3'-0" MIN MECHANICAL EXHAUST VENT. SEE MECHANICAL DRAWINGS, PROVIDE 3'-0" MIN CLEARANCE
	MECHANICAL INTAKE VENT. SEE MECHANICAL DRAWINGS
	PTHP (BEYOND)



LAND USE  
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ISSUE

08.08.22

DATE

Drawing:

**EXTERIOR  
ELEVATIONS**

Sheet No:  
Building H -

**A3.02**



FILE PATH: C:\Revit\_Local\22047\_CDP Salem Gateway Phase II\_Walk Up Building  
\_22\_inclibsonPX8RT.rvt



BUILDING FROM SALAL LOOKING NORTH



BUILDING FROM PARKING LOT



BUILDING PATIOS

MATERIALS



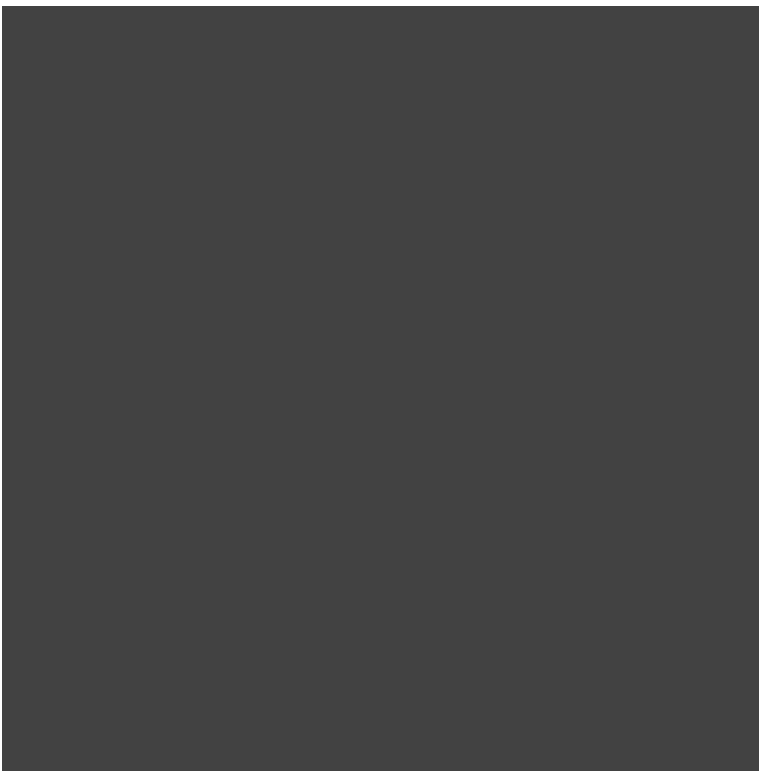
**VERTICAL WOOD SIDING**  
PRODUCT: T&G SIDING, 1x6  
WESTERN RED CEDAR  
FINISH: TRANSPARENT



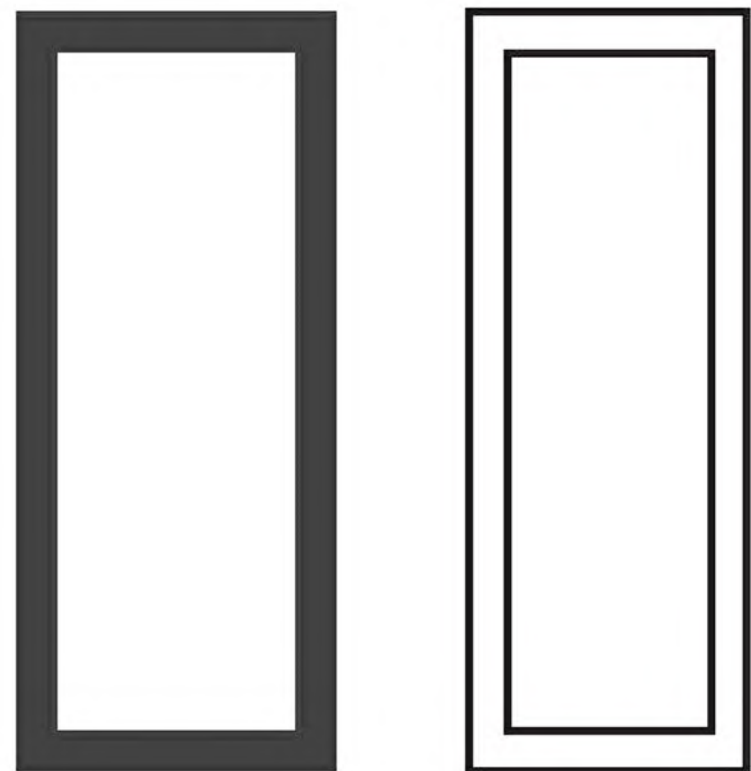
**LAP SIDING**  
PRODUCT: FIBER CEMENT  
PLANK LAP SIDING,  
STRAIGHT EDGE PANEL  
FINISH: PAINT, DARK



**ASPHALT SHINGLE ROOF**  
PRODUCT: THREE-TAB-STRIP  
ASPHALT SHINGLES  
FINISH: DARK



**FLAT METAL PANEL**  
PRODUCT: TBD  
FINISH: DARK

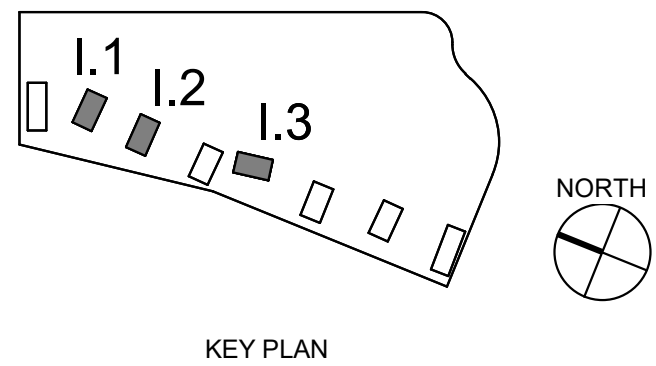


**VINYL WINDOWS**  
PRODUCT: TBD  
FINISH: BLACK & WHITE

\* SITE AND LANDSCAPING SHOWN FOR REFERENCE ONLY. SEE CIVIL AND LANDSCAPE DRAWINGS FOR FULL DESIGN.

NOT FOR  
CONSTRUCTION

**CDP SALEM -  
PHASE 2  
BUILDING I**  
Job Number: 22047  
PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR



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WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



NOT FOR  
CONSTRUCTION

CDP SALEM -  
PHASE 2  
BUILDING I

Job Number: 22047

PARCEL 3 & PARCEL 4  
BATTLE CREEK SE  
SALEM, OR

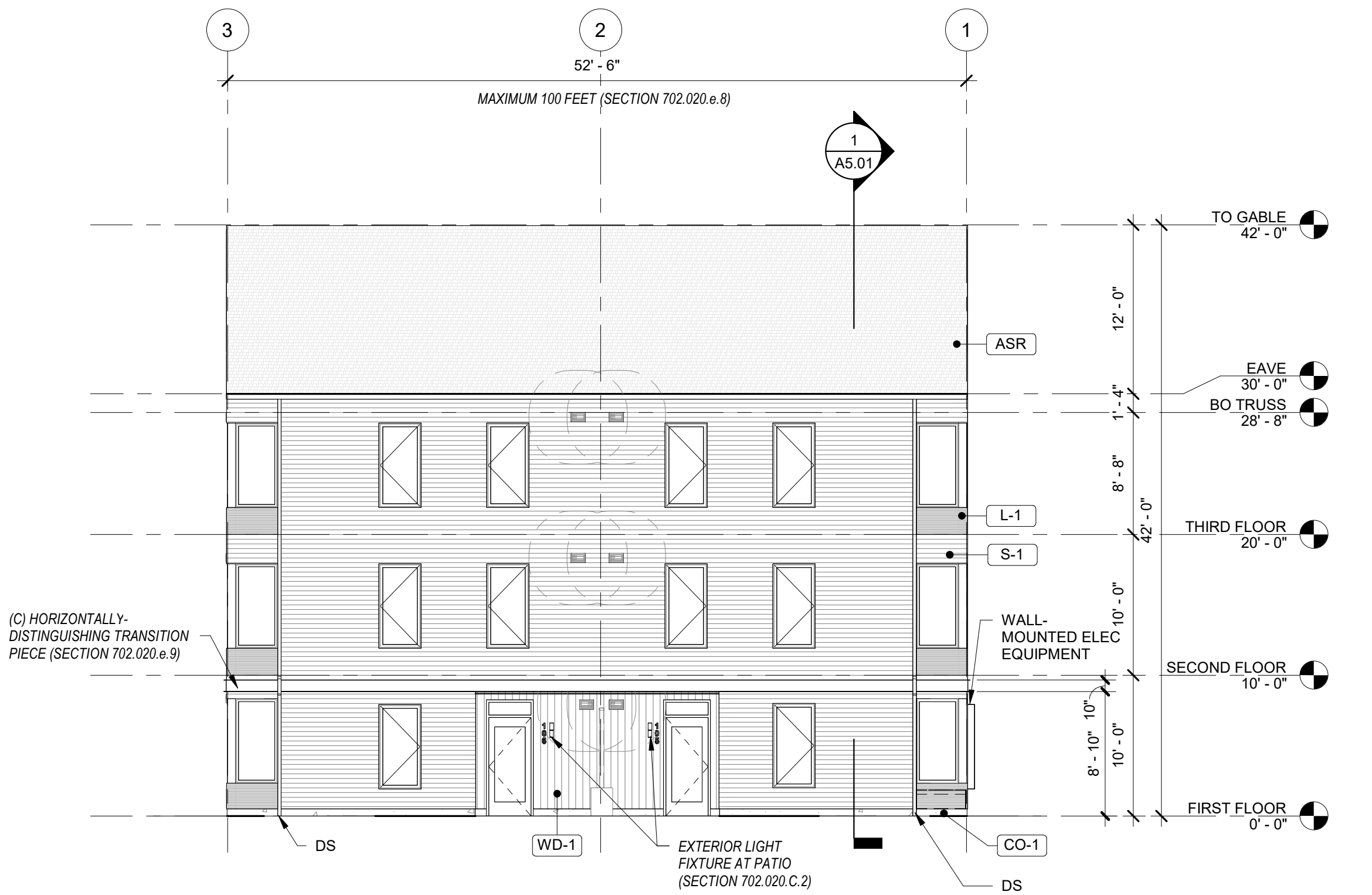


#### GENERAL SHEET NOTES

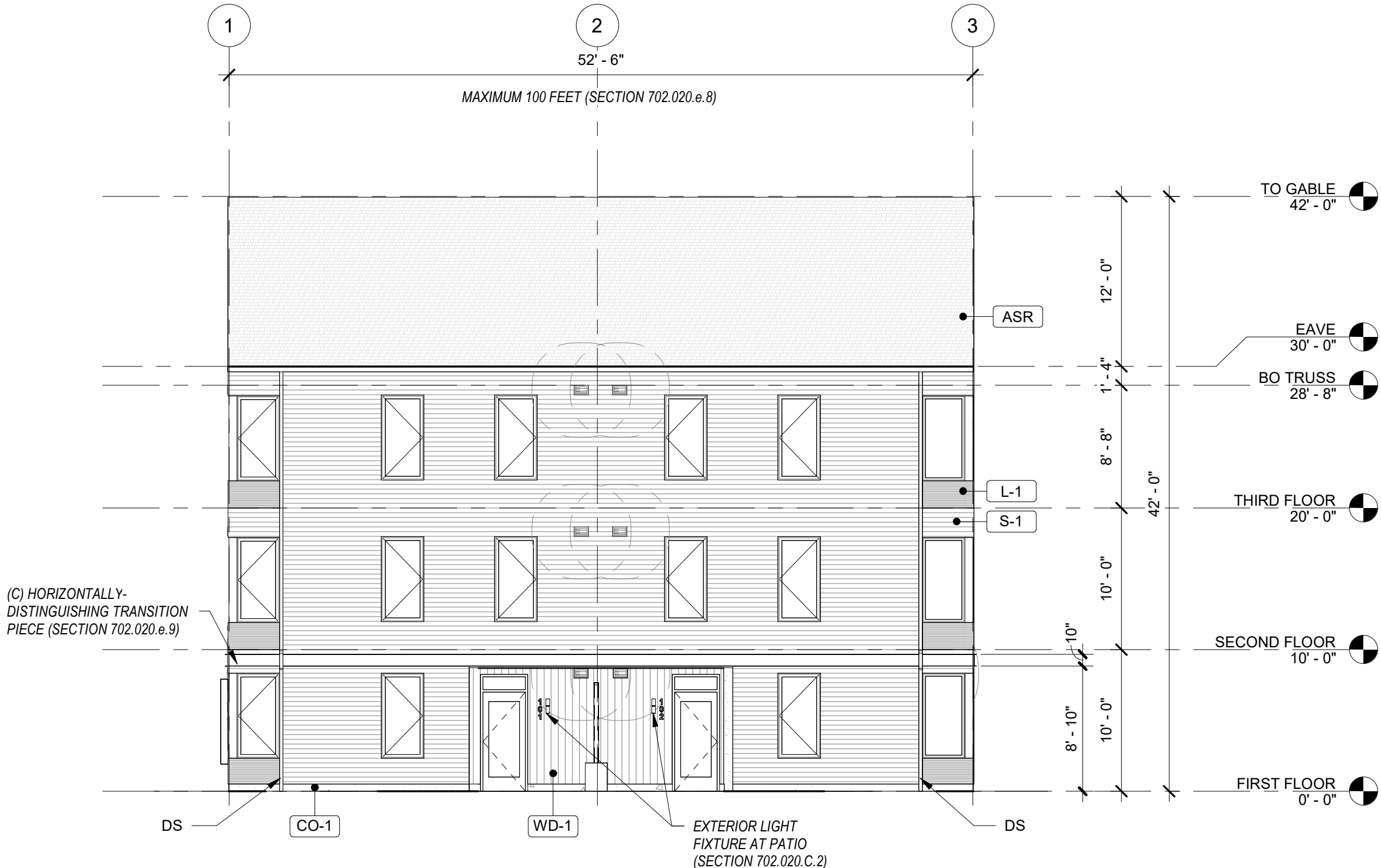
- A. REFERENCE FLOOR PLANS FOR DOOR AND WINDOW LOCATIONS.  
B. REFERENCE ELECTRICAL FOR EXTERIOR LIGHT APPLICATIONS.  
C. CONFIRM ALL EXHAUST OPENINGS ARE MINIMUM 3'-0" FROM OPERABLE OPENINGS.  
D. ALL EXTERIOR LOUVERS TO BE PAINTED TO MATCH THE EXTERIOR FINISH IT PENETRATES.  
E. PREFINISHED 22 GAUGE FORMED SHEET METAL WINDOW TRIM, JAMB, AND SILL AT WINDOWS.  
F. PREFINISHED 22 GAUGE METAL THROUGH WALL FLASHING AT WINDOW HEADS.  
G. TRANSITION BETWEEN FIBER CEMENT SIDING PROFILES TO FOLLOW MANUFACTURER DETAILING AND REQUIREMENTS.

#### LEGEND

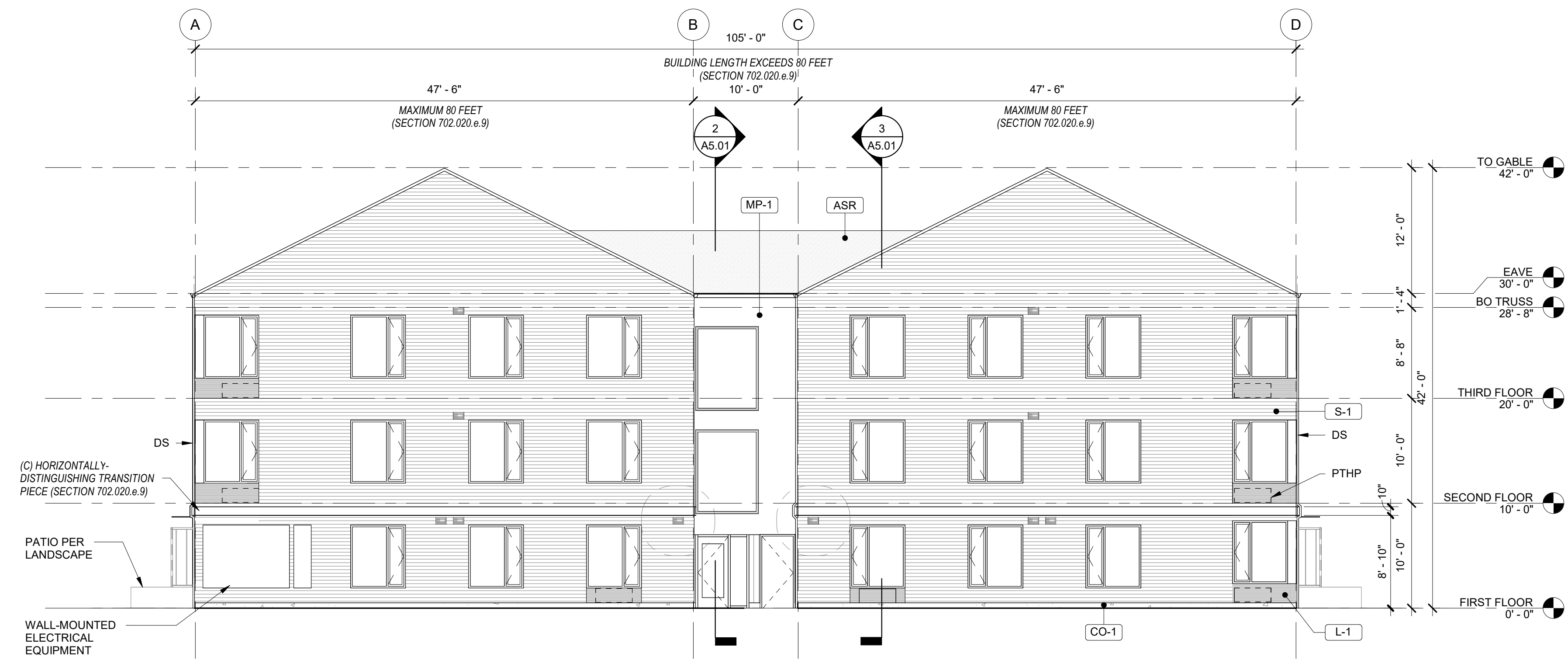
- S-1** LAP SIDING  
PRODUCT: FIBER CEMENT PLANK  
LAP SIDING  
COLOR: TBD
- ASR** ASPHALT SHINGLE ROOF  
PRODUCT: TBD  
COLOR: TBD
- WD-1** VERTICAL WOOD SIDING  
PRODUCT: TBD  
FINISH: TBD
- L-1** ARCHITECTURAL PTHP LOUVER  
PRODUCT: TBD  
COLOR: LAP SIDING MATCH
- CO-1** CONCRETE STEM WALL
- 3'-0" MIN  
MECHANICAL EXHAUST  
VENT, SEE MECHANICAL  
DRAWINGS, PROVIDE 3'-0"  
MIN CLEARANCE
- MECHANICAL INTAKE VENT,  
SEE MECHANICAL DRAWINGS
- PTHP (BEYOND)



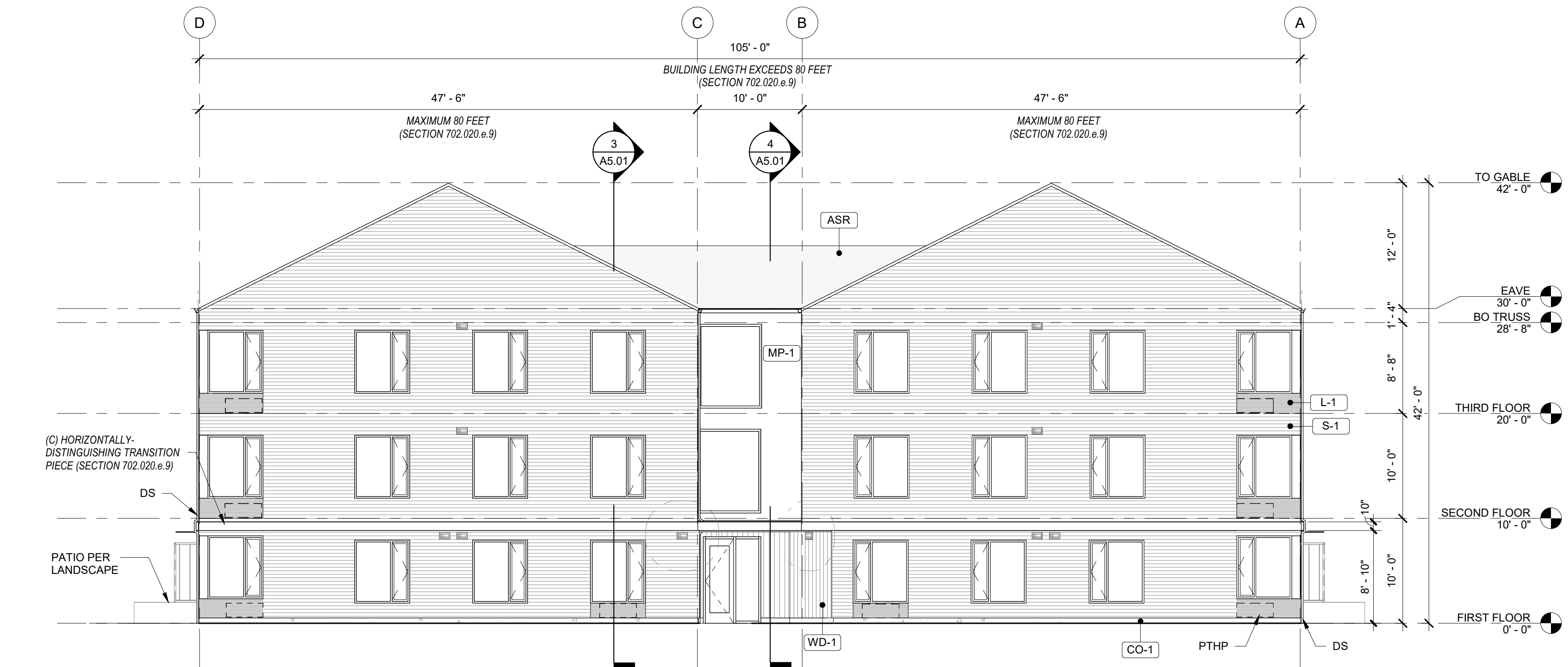
2 BUILDING ELEVATION  
1/8" = 1'-0"



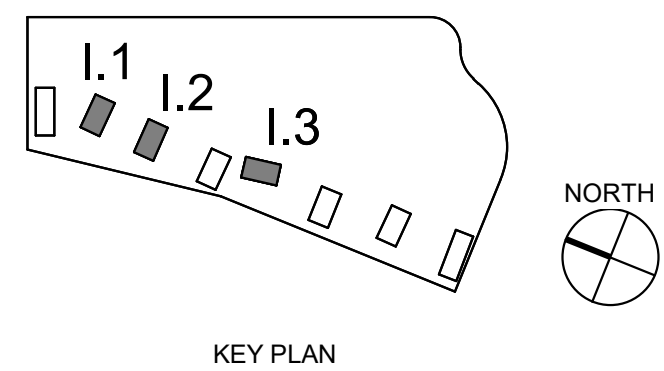
4 BUILDING ELEVATION  
1/8" = 1'-0"



1 BUILDING ELEVATION  
1/8" = 1'-0"



3 BUILDING ELEVATION  
1/8" = 1'-0"



LAND USE  
SUBMISSION  
ISSUE

08.08.22  
DATE

Drawing:  
EXTERIOR  
ELEVATIONS

Sheet No:  
**A3.01**



# Attachment E

NOT  
CONSTRUCT

## MAHONIA CROSSING - PHASE 2

Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306



## PLACE

735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LAND USE SUBMISSION 10.19.2022

ISSUE DATE

Drawing:

## TREE VARIANCE PLAN LOT 3

Sheet No:

# T1.01

### TREE PRESERVATION & REMOVAL SUMMARY TABLE

LOT #	SIGNIFICANT TREES PRESERVED	SIGNIFICANT TREES REMOVED (REPLACE 1x)	NON SIGNIFICANT TREES PRESERVED	NON SIGNIFICANT TREES REMOVED (REPLACE 1x)	TREES REMOVED WITHIN SETBACKS (REPLACE 2x)	TOTAL EXISTING TREES (100%)	TOTAL TREES REMOVED (%)	TOTAL TREES PRESERVED (%)
LOT 3	6	18	14	29	9	76	56 (74%)	20 (26%)

#### TREE REPLACEMENT REQUIREMENTS FOR LOT 3

76 EXISTING TREES, 56 REMOVED (74%)

THE REQUIRED REPLACEMENT TREES FOR LOT 3 ARE:

(18) NEW TREES FOR SIGNIFICANT TREES REMOVED

(29) NEW TREES FOR NON SIGNIFICANT TREES REMOVED

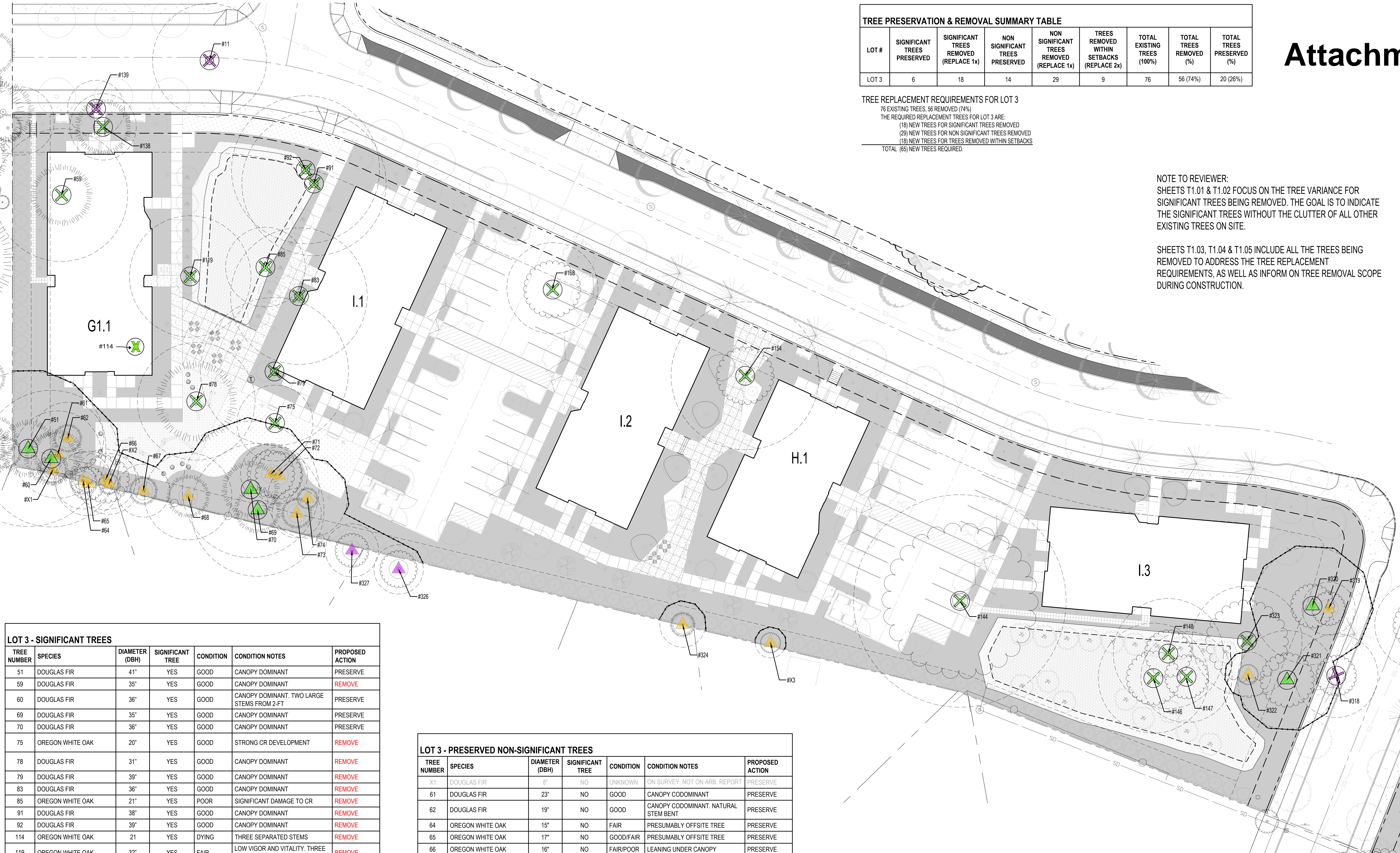
(18) NEW TREES FOR TREES REMOVED WITHIN SETBACKS

TOTAL (65) NEW TREES REQUIRED.

#### NOTE TO REVIEWER:

SHEETS T1.01 & T1.02 FOCUS ON THE TREE VARIANCE FOR SIGNIFICANT TREES BEING REMOVED. THE GOAL IS TO INDICATE THE SIGNIFICANT TREES WITHOUT THE CLUTTER OF ALL OTHER EXISTING TREES ON SITE.

SHEETS T1.03, T1.04 & T1.05 INCLUDE ALL THE TREES BEING REMOVED TO ADDRESS THE TREE REPLACEMENT REQUIREMENTS, AS WELL AS INFORM ON TREE REMOVAL SCOPE DURING CONSTRUCTION.



LOT 3 - SIGNIFICANT TREES						
TREE NUMBER	SPECIES	DIAMETER (DBH)	SIGNIFICANT TREE	CONDITION	CONDITION NOTES	PROPOSED ACTION
51	DOUGLAS FIR	41"	YES	GOOD	CANOPY DOMINANT	PRESERVE
59	DOUGLAS FIR	35"	YES	GOOD	CANOPY DOMINANT	REMOVE
60	DOUGLAS FIR	36"	YES	GOOD	CANOPY DOMINANT. TWO LARGE STEMS FROM 2-FT	PRESERVE
69	DOUGLAS FIR	35"	YES	GOOD	CANOPY DOMINANT	PRESERVE
70	DOUGLAS FIR	36"	YES	GOOD	CANOPY DOMINANT	PRESERVE
75	OREGON WHITE OAK	20"	YES	GOOD	STRONG CR DEVELOPMENT	REMOVE
78	DOUGLAS FIR	31"	YES	GOOD	CANOPY DOMINANT	REMOVE
79	DOUGLAS FIR	39"	YES	GOOD	CANOPY DOMINANT	REMOVE
83	DOUGLAS FIR	36"	YES	GOOD	CANOPY DOMINANT	REMOVE
85	OREGON WHITE OAK	21"	YES	POOR	SIGNIFICANT DAMAGE TO CR	REMOVE
91	DOUGLAS FIR	38"	YES	GOOD	CANOPY DOMINANT	REMOVE
92	DOUGLAS FIR	39"	YES	GOOD	CANOPY DOMINANT	REMOVE
114	OREGON WHITE OAK	21	YES	DYING	THREE SEPARATED STEMS	REMOVE
119	OREGON WHITE OAK	32"	YES	FAIR	LOW VIGOR AND VITALITY. THREE SPREADING STEMS	REMOVE
138	DOUGLAS FIR	35"	YES	GOOD	HIGH LIVE CROWN RATIO (LCR)	REMOVE
144	OREGON WHITE OAK	56"	YES	GOOD/FAIR	OVER MATURE TREE. HEAVY IVY COVER. CR DIEBACK	REMOVE
146	OREGON WHITE OAK	29"	YES	GOOD	TWIN STEMS. SPREADING CR. SHADED CR TO EAST	REMOVE
147	OREGON WHITE OAK	24"	YES	FAIR	CANOPY CODOMINANT. STORM DAMAGE EVIDENT	REMOVE
148	OREGON WHITE OAK	29"	YES	GOOD	THREE STEMS	REMOVE
154	OREGON WHITE OAK	39"	YES	GOOD/FAIR	TWO VERY LARGE STEMS. THINNING CR	REMOVE
168	OREGON WHITE OAK	24"	YES	GOOD	SEMI-MATURE. TWIN STEMS	REMOVE
320	OREGON WHITE OAK	31"	YES	GOOD	CANOPY DOMINANT. 3 LARGE STEMS JOINED AT 3-FT	PRESERVE
321	OREGON WHITE OAK	26"	YES	POOR	STORM DAMAGE IN UPPER CR	PRESERVE
323	OREGON WHITE OAK	29"	YES	GOOD	4 STEMS FROM GROUND. CR WEAK AND LOW VIGOR	REMOVE

LOT 3 - PRESERVED NON-SIGNIFICANT TREES						
TREE NUMBER	SPECIES	DIAMETER (DBH)	SIGNIFICANT TREE	CONDITION	CONDITION NOTES	PROPOSED ACTION
X1	DOUGLAS FIR	8"	NO	UNKNOWN	ON SURVEY, NOT ON ARB. REPORT	PRESERVE
61	DOUGLAS FIR	23"	NO	GOOD	CANOPY CODOMINANT	PRESERVE
62	DOUGLAS FIR	19"	NO	GOOD	CANOPY CODOMINANT. NATURAL STEM BENT	PRESERVE
64	OREGON WHITE OAK	15"	NO	FAIR	PRESUMABLY OFFSITE TREE	PRESERVE
65	OREGON WHITE OAK	17"	NO	GOOD/FAIR	PRESUMABLY OFFSITE TREE	PRESERVE
66	OREGON WHITE OAK	16"	NO	FAIR/POOR	LEANING UNDER CANOPY	PRESERVE
67	DOUGLAS FIR	14"	NO	GOOD	CANOPY CODOMINANT. 2-FT FROM PROPERTY LINE	PRESERVE
68	DOUGLAS FIR	23"	NO	GOOD	CANOPY DOMINANT. 5-FT FROM EXISTING FENCE LINE	PRESERVE
71	OREGON WHITE OAK	16"	NO	FAIR	DAMAGED CROWN	PRESERVE
72	OREGON WHITE OAK	15"	NO	FAIR	STRONGLY LEANING STEM	PRESERVE
73	DOUGLAS FIR	13"	NO	GOOD/FAIR	CANOPY CODOMINANT	PRESERVE
74	DOUGLAS FIR	21"	NO	GOOD/FAIR	CANOPY CODOMINANT	PRESERVE
X3	MAPLE	8"	NO	UNKNOWN	ON SURVEY, NOT ON ARB. REPORT	PRESERVE
319	OREGON WHITE OAK	14"	NO	GOOD	CODOMINANT WITHIN THE CANOPY. WITHIN DRAINAGE DRAW	PRESERVE
322	OREGON WHITE OAK	12"	NO	FAIR/GOOD	PARTIALLY SUPPRESSED, SOME CROWN DIEBACK	PRESERVE
324	DOUGLAS FIR	12"	NO	GOOD	PRESUMABLY OFFSITE TREE	PRESERVE

#### LOT 3 SUMMARY:

SIGNIFICANT TREES: 23

PRESERVED: 6

REMOVED: 17

ADDITIONAL NON-SIGNIFICANT TREES

PRESERVED: 14

### 1 TREE PLAN - LOT 3

1" = 20' - 0"

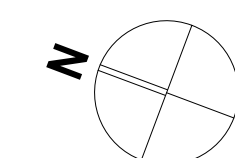
KEY		TREES TO BE REMOVED	
TREES TO BE PRESERVED		SIGNIFICANT TREE ON-SITE	
TREE #		TREE #	
SIGNIFICANT TREE ON-SITE		OFF-SITE TREE	
TREE #		TREE #	
NON-SIGNIFICANT TREE ON-SITE		NON-SIGNIFICANT TREES TO BE REMOVED. SEE SHEETS T1.03 - T1.05	
TREE #		TREE #	
OFF-SITE TREE			
TREE #			

100% CRITICAL ROOT ZONE  
(TREE PROTECTION AREA)  
1" DBH = 1'-0" RADIUS

TREE PROTECTION FENCE PER C.O.S.  
DEPT. OF PUBLIC WORKS DETAIL #20  
(SEE SHEET T1.04 FOR ADDITIONAL  
TREE PROTECTION NOTES)

SCALE: 1" = 20'

0 10 20 40





C:\Revit\_Local\22047\_CDP Salem Gateway Phase II\_Walk Up Building  
H\_22\_mculbertsonPX8RT.rvt

LOT 4 - SIGNIFICANT TREES

TREE NUMBER	SPECIES	DIAMETER (DBH)	SIGNIFICANT TREE	CONDITION	CONDITION NOTES	PROPOSED ACTION
281	OREGON WHITE OAK	24"	YES	GOOD	MINOR BRANCH DAMAGE UPPER CR	PRESERVE
304	OREGON WHITE OAK	22"	YES	GOOD	THINNING CR. INCLUDED BARK AT TWIN STEM UNION	PRESERVE
305	OREGON WHITE OAK	21"	YES	GOOD	CANOPY DOMINANT. THINNING CR	PRESERVE
310	OREGON WHITE OAK	21"	YES	GOOD	FUSED LOWER STEM. NO DEFECTS NOTED	PRESERVE
311	OREGON WHITE OAK	25"	YES	GOOD	STRONG OPEN CR	REMOVE

LOT 4 - PRESERVED NON-SIGNIFICANT TREES

TREE NUMBER	SPECIES	DIAMETER (DBH)	SIGNIFICANT TREE	CONDITION	CONDITION NOTES	PROPOSED ACTION
282	LEYLAND CYPRESS	7"	NO	GOOD	PARTIALLY SUPPRESSED	PRESERVE
283	DOUGLAS FIR	14"	NO	GOOD		PRESERVE
284	EASTERN WHITE PINE	10"	NO	GOOD		PRESERVE
285	EASTERN WHITE PINE	10"	NO	GOOD	LOW CROWN DENSITY	PRESERVE
306	OREGON WHITE OAK	11"	NO	GOOD/FAIR	SUBDOMINANT CANOPY TO #305	PRESERVE
307	OREGON WHITE OAK	12"	NO	GOOD	SLENDER CROWN FORM	PRESERVE
308	OREGON WHITE OAK	12"	NO	GOOD	SPREADING CROWN FORM	PRESERVE
309	OREGON WHITE OAK	11"	NO	GOOD	THIN CROWN BUT HEALTHY	PRESERVE

LOT 3 SUMMARY:  
SIGNIFICANT TREES: 5  
PRESERVED: 4  
REMOVED: 1  
ADDITIONAL NON-SIGNIFICANT TREES  
PRESERVED: 7

OFFSITE TREES

TREE NUMBER	SPECIES	DIAMETER (DBH)	SIGNIFICANT TREE	CONDITION	CONDITION NOTES	PROPOSED ACTION	ADJACENCY
11	DOUGLAS FIR	30"	YES	GOOD	CANOPY DOMINANT	REMOVE (a)	LOT 3
139	DOUGLAS FIR	30"	YES	GOOD	CANOPY DOMINANT. SPACED APART	REMOVE (a)	LOT 3
302	OREGON WHITE OAK	23"	YES	GOOD	SINGLE STEM. COMPLETE CR	REMOVE (a)	LOT 4
303	OREGON WHITE OAK	22"	YES	GOOD	STORM DAMAGE. HEAVY IVY WITHIN CR AND STEM	REMOVE (a)	LOT 4
313	OREGON WHITE OAK	23"	YES	GOOD	LOW VIGOR. NARROW CR FORM	REMOVE (a)	LOT 4
318	OREGON WHITE OAK	22"	YES	GOOD	FULL CR FORM	REMOVE (a)	LOT 3
279	NORWAY MAPLE	13	NO	GOOD	NUISANCE TREE: ON ADJACENT PROPERTY; SEMI MATURE	PRESERVE	LOT 4
280	WESTERN RED CEDAR	24"	NO	GOOD	ON ADJACENT PROPERTY; SEMI MATURE	PRESERVE	LOT 4
292	EUROPEAN HORNBEAM	13"	NO	GOOD/FAIR	ON ADJACENT PROPERTY RETAINING WALL. MINOR DAMAGE	PRESERVE	LOT 4
293	EUROPEAN HORNBEAM	13"	NO	GOOD/FAIR	ON ADJACENT PROPERTY RETAINING WALL. MINOR DAMAGE	PRESERVE	LOT 4
297	WESTERN RED CEDAR	7"	NO	GOOD	ON PUBLIC LAND; SEMI-MATURE SPECIMEN	PRESERVE	LOT 4
298	WESTERN RED CEDAR	9"	NO	GOOD	ON PUBLIC LAND; SEMI-MATURE SPECIMEN	PRESERVE	LOT 4
299	WESTERN RED CEDAR	9"	NO	GOOD	ON PUBLIC LAND; SEMI-MATURE SPECIMEN	PRESERVE	LOT 4
326	OREGON WHITE OAK	13"	NO	FAIR	6FT OUTSIDE PROP. LINE; HALF CROWN MISSING	PRESERVE	LOT 3
327	SWEET CHERRY	14	NO	FAIR	REGIONAL NUISANCE TREE; 1FT OUTSIDE PROP. LINE	PRESERVE	LOT 3

OFF-SITE TREE NOTES:

- a) REMOVAL OF TREES #11, 139, 302, 303, 313 & 318 WAS APPROVED AS PART OF THE WOODSCAPE GREEN NORTH SUBDIVISION AND ARE AFFECTED BY THE RIGHT OF WAY EXTENSIONS FOR SALAL AND TEAL.
- b) ARBORIST REPORT INCLUDES PARTIAL ASSESSMENTS FOR OFFSITE TREES THAT WERE NOT FULLY EXAMINED.
- c) NUISANCE SPECIES LOCATED OFFSITE ARE NOT BEING REMOVED AS PART OF THIS PROJECT.

TREE PRESERVATION & REMOVAL SUMMARY TABLE

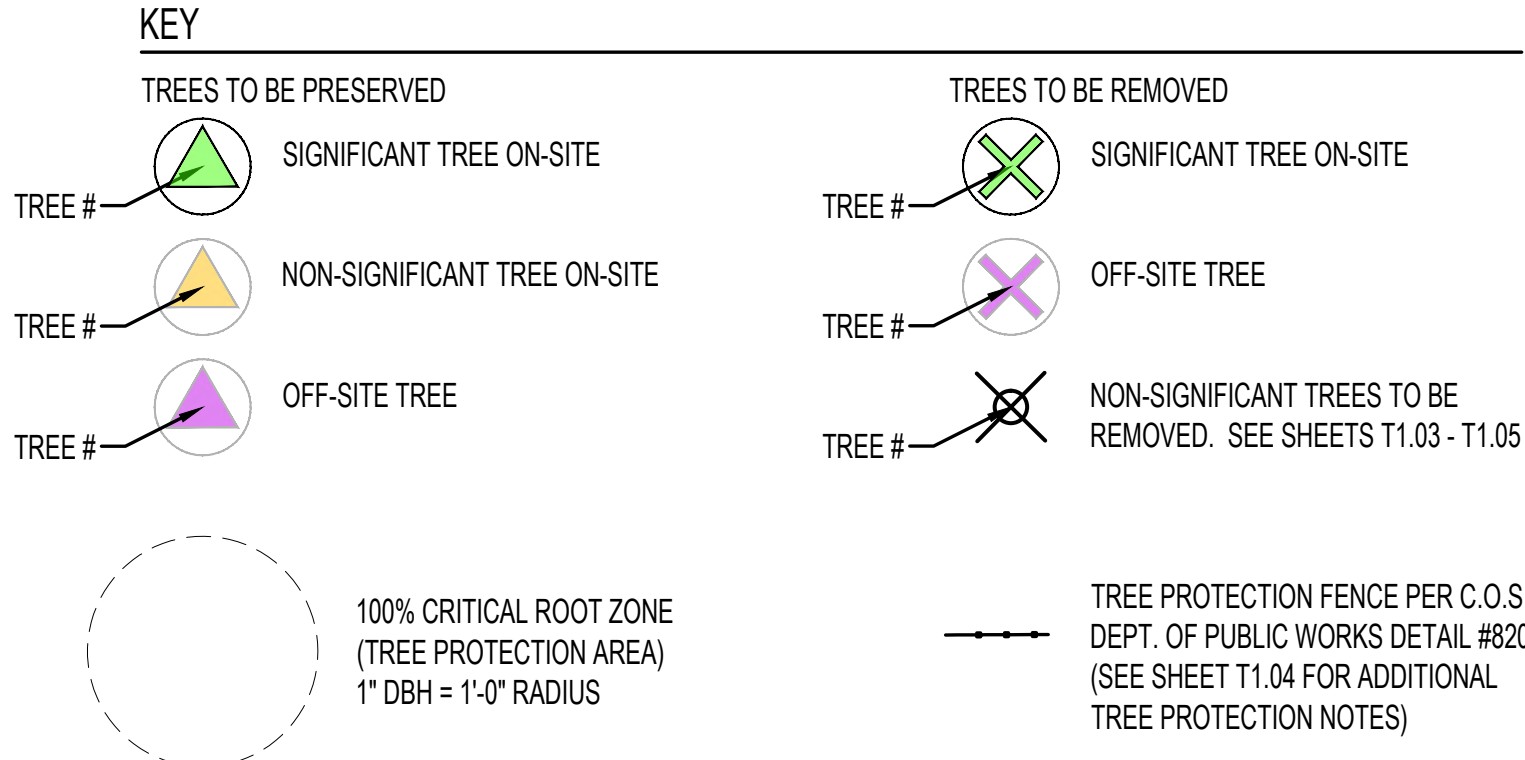
LOT #	SIGNIFICANT TREES PRESERVED	SIGNIFICANT TREES REMOVED (REPLACE 1x)	NON SIGNIFICANT TREES PRESERVED	NON SIGNIFICANT TREES REMOVED (REPLACE 1x)	TREES REMOVED WITHIN SETBACKS (REPLACE 2x)	TOTAL EXISTING TREES (100%)	TOTAL TREES REMOVED (%)	TOTAL TREES PRESERVED (%)
LOT 4	4	1	7	3	1	16	5 (31%)	11 (69%)

TREE REPLACEMENT REQUIREMENTS FOR LOT 4

16 EXISTING TREES. 5 REMOVED (31%)  
THE REQUIRED REPLACEMENT TREES FOR LOT 4 ARE:  
(1) NEW TREE FOR SIGNIFICANT TREE REMOVED  
(3) NEW TREE FOR NON SIGNIFICANT TREE REMOVED  
(2) NEW TREES FOR NON SIGNIFICANT TREE REMOVED WITHIN SETBACKS  
TOTAL (6) NEW TREES REQUIRED.

NOTE TO REVIEWER:  
SHEETS T1.01 & T1.02 FOCUS ON THE TREE VARIANCE FOR SIGNIFICANT TREES BEING REMOVED. THE GOAL IS TO INDICATE THE SIGNIFICANT TREES WITHOUT THE CLUTTER OF ALL OTHER EXISTING TREES ON SITE.

SHEETS T1.03, T1.04 & T1.05 INCLUDE ALL THE TREES BEING REMOVED TO ADDRESS THE TREE REPLACEMENT REQUIREMENTS, AS WELL AS INFORM ON TREE REMOVAL SCOPE DURING CONSTRUCTION.



1 TREE PLAN - LOT 4  
1" = 20' - 0"



NOT FOR CONSTRUCTION

MAHONIA CROSSING - PHASE 2  
Job Number: #22047

5120 SALAL ST SE  
SALEM, OR 97306



PLACE  
735 NW 18TH AVE  
PORTLAND, OR 97209  
(503) 334 2080

LAND USE SUBMISSION 10.19.2022  
ISSUE DATE  
Drawing:  
TREE VARIANCE PLAN LOT 4

Sheet No:  
T1.02



# Attachment F

## MAHONIA CROSSING CDP SALEM - PHASE 2



*Prepared by:*  
**Winterbrook Planning**

*In Collaboration with:*  
**Scott Edwards Architecture**  
**PLACE**  
**HHPR**

**August 9, 2022**

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## List of Exhibits

- A. Project Drawings (Scott Edwards Architecture, PLACE, HHPR)
  - Site and Landscape Plans
  - Architectural Plans
  - Civil Plans (Grading, Utilities, Stormwater)
- B. Transportation Impact Analysis (DKS Associates)
- C. Drainage Report/Stormwater Plan (HHPR)
- D. Geotechnical Report (Central Geotechnical Services)
- E. Service Provider Letters

## General Information

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

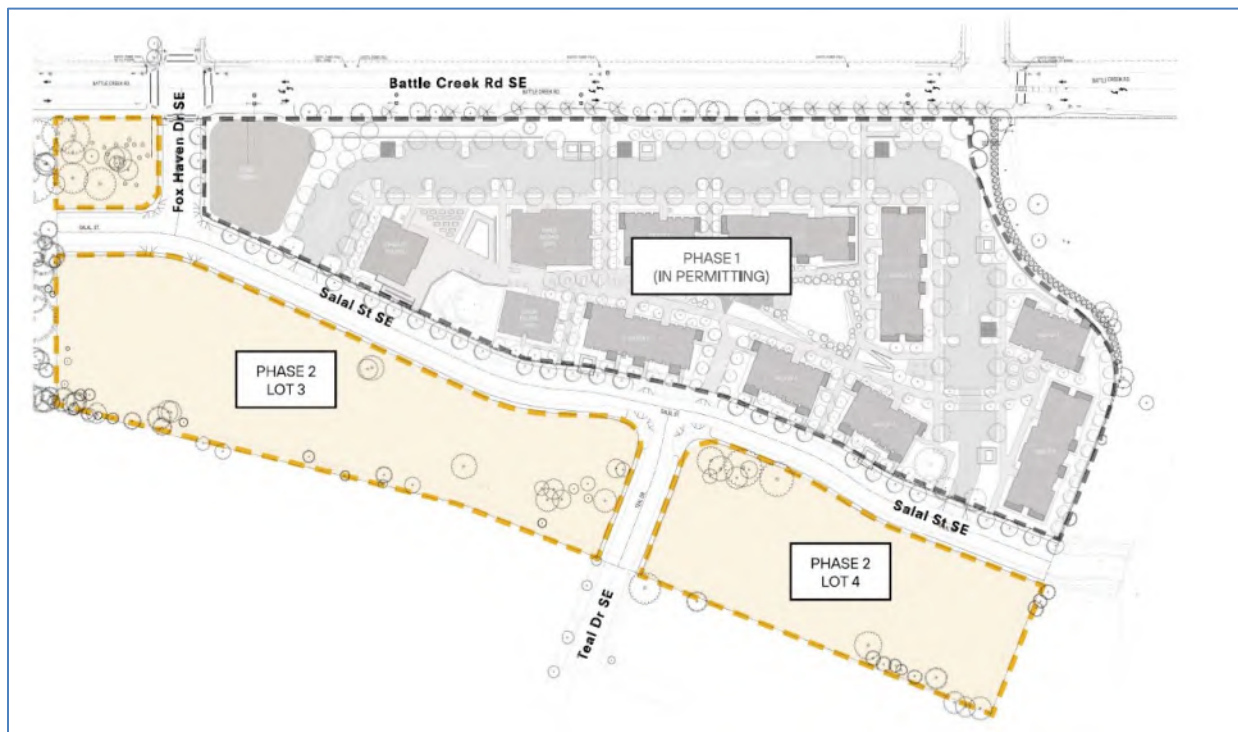


Figure 1. Map of site



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.

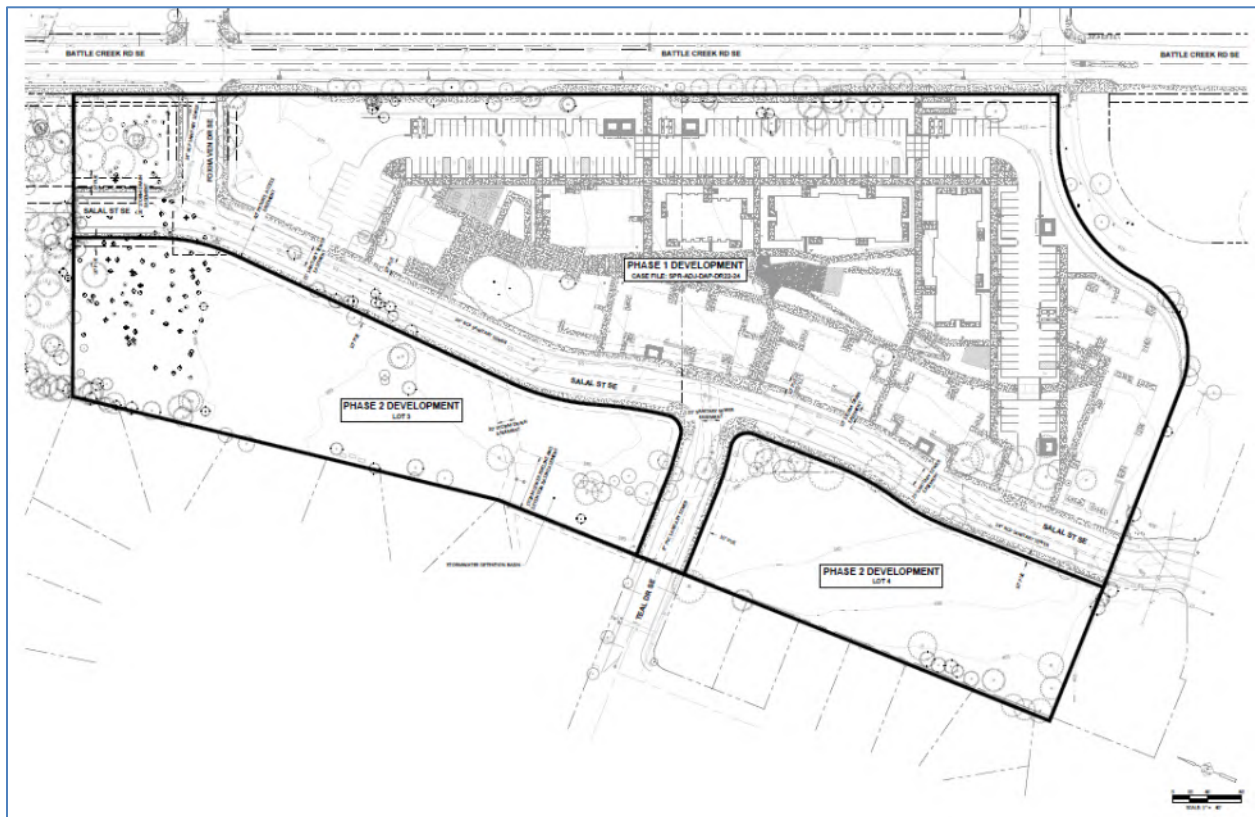


Figure 2. Existing Conditions Lot Pattern

## 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)**

<b>Building Name</b>	<b>Type</b>	<b>Dwellings</b>	<b>Square Footage</b>
<i>Lot 3</i>			
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
<i>Lot 4</i>			
H.2	H	13	14,154
G2.1	G2	20	18,881
G1.2	G1	18	19,226
<i>Total</i>		<i>129</i>	<i>134,760</i>

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

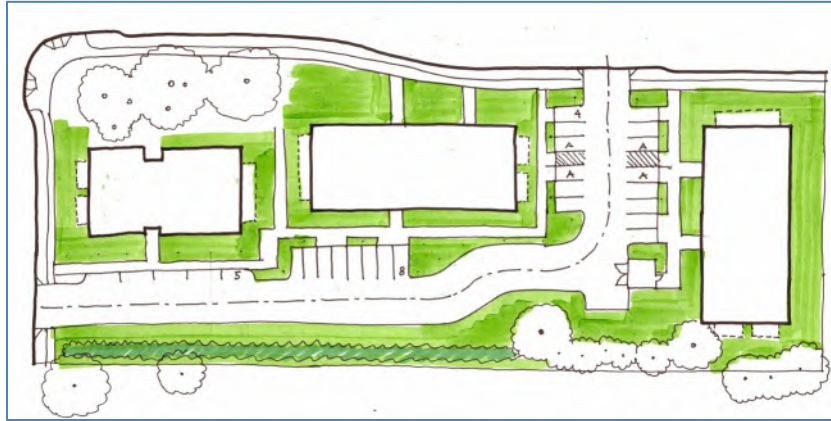
Rotate Building H.2 (the northernmost building on Lot 4) and push it to the corner. Moving the building to the Salal frontage maximizes the “main street” frontage and having the short side of the building along Teal Drive would satisfy the 40 percent standard on both frontages. However, because the tree 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.

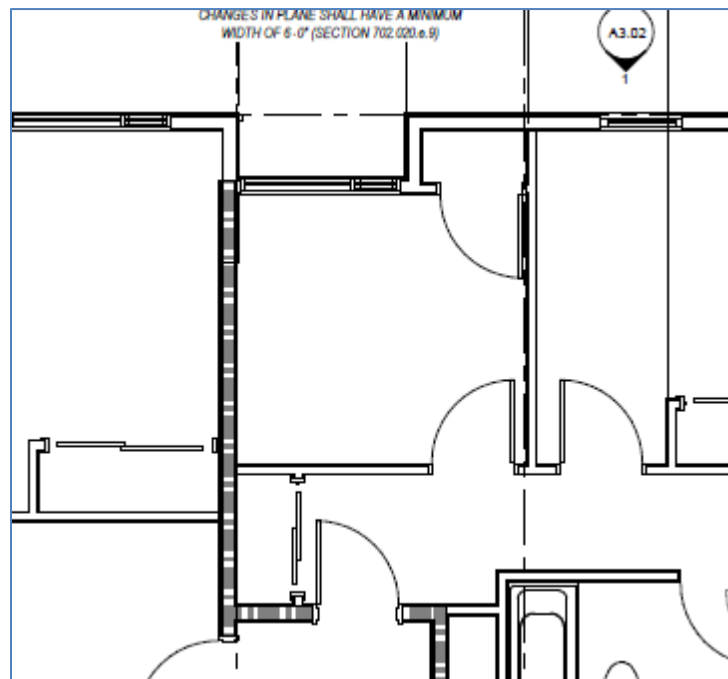


Figure 13. Floor plan detail from 2<sup>nd</sup> floor of Building H

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.

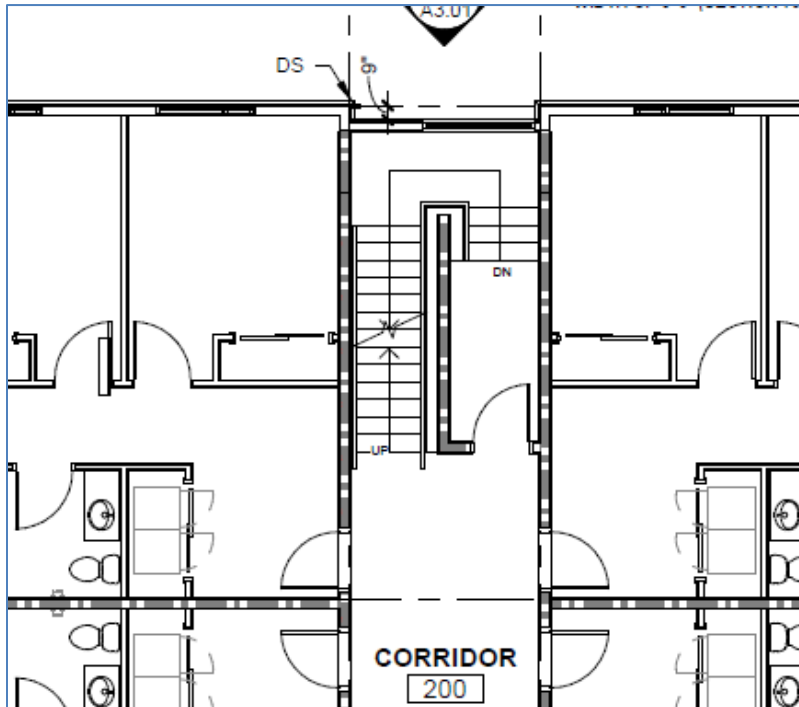


Figure 14. Internal stairway detail from 2<sup>nd</sup> floor plan of Building I

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 or 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**

<b>Lot Number</b>	<b>Size</b>	<b>Units</b>	<b>Dwelling Units/Acre</b>
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**

<b>Category</b>	<b>Standard</b>	<b>Proposed</b>
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>i.e.</i> , 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**

<b>Building Number</b>	<b>Building Type</b>	<b>Perimeter of Exterior Walls</b>	<b>Tree Plant Units Required</b>	<b>Tree Plant Units Proposed, Typical</b>
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**

<b>Building Number</b>	<b>Building Type</b>	<b>Exterior Wall Dimensions</b>
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*

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

*(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**

<b>Building</b>	<b>Longest Roof Segment, Horizontal Length</b>
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**

<b>Building Number</b>	<b>Building Type</b>	<b>“Vertical Face” Length (feet)</b>
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.*

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

**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.

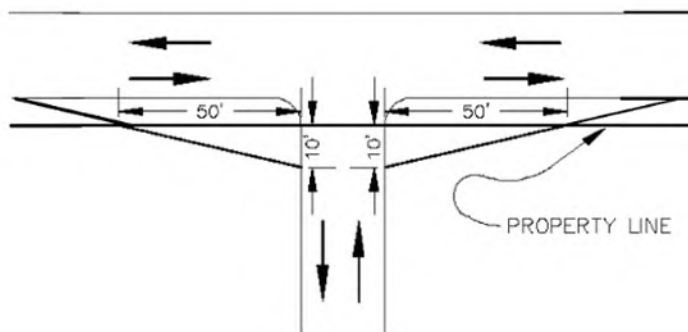
(b) *Intersections with driveways, flag lot accessways, and alleys.* Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

(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 in. 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
<b>Total required, Lot 3</b>			<b>43</b>
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
<b>Total required, Lot 4</b>			<b>30</b>

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**

<b>Tree Number</b>	<b>Species</b>	<b>Diameter (dbh)</b>	<b>Condition</b>	<b>Notes</b>	<b>Proposed Action</b>
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.	<b>Remove</b>

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.

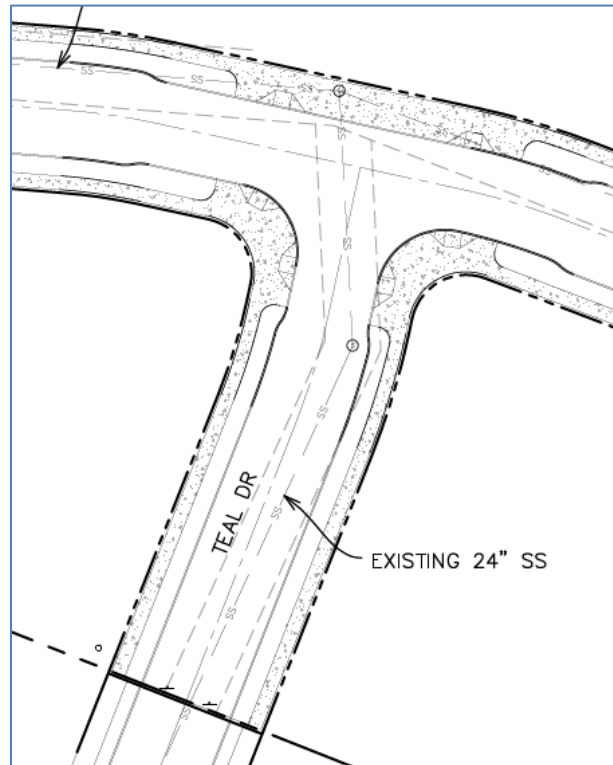


Figure 18. Sewer line location in relation to Lot 4

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**

<b>Tree number</b>	<b>Species</b>	<b>Diameter (dbh)</b>	<b>Condition</b>	<b>Condition Notes</b>	<b>Proposed Action</b>
51	Douglas Fir	41	Good	Canopy dominant	Preserve
59	Douglas Fir	35	Good	Canopy dominant	<b>Remove</b>
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	<b>Remove</b>
78	Douglas Fir	31	Good	Canopy dominant	<b>Remove</b>
79	Douglas Fir	39	Good	Canopy dominant	<b>Remove</b>
83	Douglas Fir	36	Good	Canopy dominant	<b>Remove</b>
85	Oregon White Oak	21	Poor	Significant damage to CR	<b>Remove</b>
91	Douglas Fir	38	Good	Canopy dominant	<b>Remove</b>
92	Douglas Fir	39	Good	Canopy dominant	<b>Remove</b>
119	Oregon White Oak	32	Fair	Low vigor and vitality. Three spreading stems	<b>Remove</b>
138	Douglas Fir	35	Good	High Live Crown Ratio (LCR)	<b>Remove</b>
144	Oregon White Oak	56	Good/Fair	Over mature tree. Heavy ivy cover. CR dieback	<b>Remove</b>
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.

#### Tree #59

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 chosen 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.

## **Salem Gateway Housing Phase 2 - Supplemental Findings**

### **5205 Battle Creek Road SE, Salem case file 22 116522 PLN**

#### **Winterbrook Planning, September 22, 2022**

As part of the completeness review for Phase 2 of the development proposed at 5205 Battle Creek Road SE (application no. 22-116522 PLN) a letter from Salem planning staff on September 9 determined that some standards were not met by the proposed design, and that an airport overlay zone height variance is required. Findings in this document address each of these issues.

With regard the design issues identified in the completeness letter, the applicant has provided clarifying information or modified the design to comply, as noted in a summary memo. In three specific instances, though, it seeks adjustments to the relevant standard. Specifically:

- From a standard which requires all ground-level dwelling units within 25 feet of the street to have “a building entrance facing that street, with direct pedestrian access to adjacent sidewalks,” SRC 702.020(e)(5). Three ground-level units have entrances facing other directions and therefore require an adjustment. These units are in the two buildings at the corner of Salal and Teal, I.3 on Lot 3 and H.2 on Lot 4.
- From a standard that requires solid waste service vehicle access to be designed so that the collection vehicle does not need to back out onto a public street, SRC 800.055(f)(2). The four parking areas are all one-way in and out, requiring collection vehicles to back out onto the street. The hauler has indicated this design is acceptable; however, an adjustment is still required.
- From a standard that requires solid waste service vehicle access to be perpendicular to the collection area, SRC 800.055(f)(1)(a). The four parking areas all have collection areas where the operation area is parallel to the front of the enclosure with the containers. The hauler has indicated this design is acceptable; however, an adjustment is still required.

Together with the other adjustments requested in the original narrative, this brings the total number of adjustments requested to five. Adjustments are limited in scope to a single or small number of locations. Also, given the request is for the development of 8 buildings and 4.66 acres of site area, situations needing adjustments are still relatively few.

Adjustments “allow reasonable development of property where special conditions or unusual circumstances exist,” as stated in the code. For the street-facing entrance adjustment request, one of the special conditions of this site is a natural elevation change, which would require stairs between one of the units and the sidewalk. Because ground-

floor units are reserved for elderly residents, a path with numerous stairs is an accessibility issue. Existing entries and paths, while not facing the sidewalk, are ADA compliant.

As noted in greater detail in the adjustment findings, the proposed design satisfies the purpose of the standard to “to orient buildings to the street” through other measures of building and site design. The waste collection vehicle access adjustments satisfy the purpose to provide “safe and convenient collection of solid waste” because the hauler responsible has said so.

Lastly, this document provides supplemental findings to address the Airport Overlay Zone requirements. Because the development site is within the horizontal area and exceeds allowable height limits, a height variance is requested. As noted in the completeness letter, the ground level of the site is above the height limit permitted by the overlay zone. A strict application of the standard with no variance granted would forbid all development and all vegetation. Because this is obviously not feasible or desirable, a variance is requested.

## **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. With respect to this property, one of those conditions is having two corner lots, which requires a building design that strives to have attractive and identifiable street-facing façades on two sides. Likewise, the narrow east-west dimension of the site reduces options for parking lot design and trash collection. Flexibility in these circumstances 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 three additional adjustments, from the multiple family design standard of SRC 702.020(e)(5), related to entrances for ground level



units, and from two vehicle access standards related to solid waste service vehicles, SRC 800.055(f)(1)(a) and SRC 800.055(f)(2).

The first adjustment is from SRC 702.020(e)(5), which requires that “any ground-level unit” within 25 feet of a street have “a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.” Two units in Building I.3 that are within 25 feet of Salal Street and one unit in Building H.2 that is within 25 feet of Teal Drive do not have entrances that face those streets. This condition therefore requires a Class 2 adjustment

The second adjustment is from the waste collection vehicle access standard of SRC 800.055(f)(1)(a). This requires waste collection vehicle operation areas to be “perpendicular to every enclosure opening.” The design of the four waste collection areas on the site are parallel to their respective enclosure openings. Collection vehicles will roll the dumpsters out of the collection area to dump them into the trucks, which the hauler has indicated is acceptable. This proposed layout, parallel rather than perpendicular, requires a Class 2 adjustment.

The third adjustment is from the waste collection vehicle access standard of SRC 800.055(f)(2). This requires design of waste collection areas so that vehicles do not need to back out of the parking area onto the street after collecting the waste. The design of the four parking areas is one-way in and out, which therefore requires collection vehicles to back into the street after finishing collection, which the hauler has indicated is acceptable. This requires a Class 2 adjustment.

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

- (A) Allow a use or activity not allowed under the UDC;*
  - (B) Change the status of a use or activity under the UDC;*
  - (C) Modify a definition or use classification;*
  - (D) Modify a use standard;*
  - (E) Modify the applicability of any requirement under the UDC;*
  - (F) Modify a development standard specifically identified as non-adjustable;*
  - (G) Modify a development standard that contains the word "prohibited";*
  - (H) Modify a procedural requirement under the UDC;*
  - (I) Modify a condition of approval placed on property through a previous planning action;*
  - (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC chapter 702, which may be adjusted; or*
  - (K) The required landscaping in the Industrial Business Campus (IBC) Zone.*
- (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 vehicle access standards in SRC Chapter 800 is not prohibited from an adjustment under any of the listed circumstances and therefore may also be adjusted.

*(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 requests are part of a consolidated application that includes site and building drawings that have all the listed elements above. These were previously addressed under the finding for site plan review submittal requirements, SRC 225.005(d), in the original application narrative.

*(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*

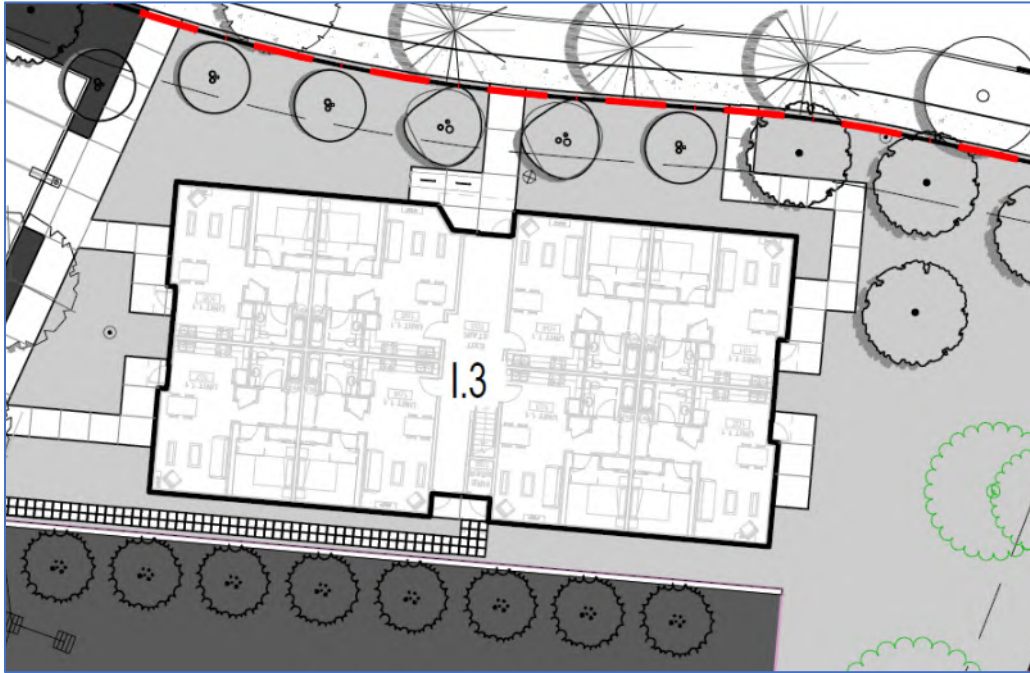
*(ii) Equally or better met by the proposed development.*

**Response:**

- Entrance orientation-- SRC 702.020(e)(5)

Three ground level units in the eight-building development are within 25 feet of a street lot line but do not have direct entrances and pedestrian accesses to the nearest sidewalk. Those

units are two units in Building I.3 facing Salal Street and one unit in Building H.2 facing Teal Drive. The location of these units, and the proposed entry points, are shown in the excerpts of the drawings shown below:



*Figure 1. Two corner units have entrances to the side, rather than to the Salal sidewalk.*



*Figure 2. Northeast corner unit has entrance facing east, rather than to Teal sidewalk.*



The entrances to these three qualifying units are on the short sides of the buildings. This is consistent with the design of all the other buildings in the development. But because the building locations at the corner of two streets, they do not meet the design standard requirement to have entrances face the nearest street. Building I.3 has a “direct” pedestrian connection from one of these entrances to the Salal sidewalk. The other entrance on Building I.3 and the one qualifying entrance on Building H.2 have entrances that connect to an internal pedestrian network, rather than to the nearest sidewalk.

The purpose statement for the section that includes the standard about the orientation of ground-floor unit entrances is in SRC 702.001:

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

This purpose section does not address the unit entrance orientation requirement. However, the “underlying” purpose of the standard may be found within the language of each individual standard. The applicable standard reads, “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.” Therefore, the purpose underlying the regulation is: “to orient buildings to the street.”

The overall design of each of the two buildings equally or better meets this purpose — orienting buildings to the street — by incorporating numerous design elements.

Building I.3 and Building H.2 both have major, prominent entrances on the long façade that faces the street, with direct sidewalk access. These entrances are shared among the many ground-level units and upper floor units in each building. As a result, they activate this side of each building with significant pedestrian activity. As a corollary, there would be only a minor incremental benefit to adding multiple private entrances and walkways on the same façade, each of which would serve only one unit. Additional entrances on the street-facing façade would also be aesthetically awkward because their proximity to the main shared entrance. A singular, prominent, clearly-defined main entrance does more to orient a building to the street than having multiple entrances with multiple walkways.

The street-facing façade of each building is located right at the setback line, as required by SRC 702.020(e)(4). This façade is an identifiable “front” of the building. This side of the building has a main entrance, gable ended roofs, a recessed area that creates articulation, and numerous ground floor and upper level windows that face the street. All of these features are architectural expressions of the buildings’ presence toward the abutting street and its orientation to it. These equally or better achieve that goal versus an entrance and walkway for the ground-level units.

Finally, strict application of the standard does not better serve the purpose of orienting Building H.2 for elevation reasons. The building’s ground floors and the Teal Drive are at

quite different elevations, requiring stairs. As noted in the application materials, ground floor units are restricted to low-income elderly residents, who are more likely to have mobility challenges. There is a 10-foot drop in grade between Building H.2 and the sidewalk on Teal Drive. Stairs between an entrance on this side of the building and the adjacent sidewalk would be necessary for a private walkway, as they are for the walkway to the shared main entrance. The unavoidable stairs from Teal Drive to the main entrance on that building façade create a mobility barrier, mitigated through a stair-less entrance on the south side of the building, accessible through the central hallway. Another entrance facing the Teal Drive sidewalk would serve just one unit and be lightly used because of that and because it is less accessible than the proposed design. Conversely, proposed connections on the “sides” of the buildings – to internal pedestrian paths – do not have stairs and are therefore more accessible to users. In short, largely unused entrances and walkways do not better orient buildings toward the street, which is the purpose of the regulation.

- Waste collection vehicle operation area -- SRC 800.055(f)(1)(A)

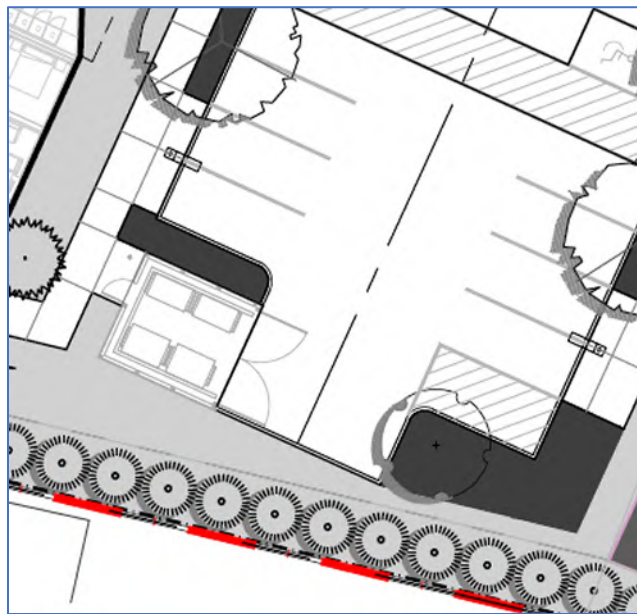


Figure 3. Typical waste collection area

The purpose statement for the section that includes the standard about operation areas for waste collection vehicles is in SRC 800.001:

*“The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.”*

This purpose section does not illuminate the reasons for the requirement for waste collection vehicle access standard. However, the “underlying” purpose of the standard may be found within the language of each individual standard. The opening sentence of the section on solid waste service areas reads, “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.” The language therefore specifies that the purpose underlying the regulation is “safe and convenient collection.” It also makes clear the sole or primary beneficiary of this regulation is the local franchisee, which is in this case Republic Services.

The purpose of the vehicle operation area standard is satisfied because the hauler responsible for collection has reviewed plans and determined that the design allows for “safe and convenient collection,” as required by the standard. A letter from Republic Services has been submitted that states they can serve the collection area by approaching it in a parallel manner, rather than the perpendicular one specified in the code standard. The judgement of the hauler is paramount in considering whether the purpose of the regulation can be equally or better met by the adjustment, because they are explicitly who the regulation is supposed to benefit. Because evidence has been submitted with this application showing their belief that vehicle access as proposed allows for safe and convenient collection, this criterion is met.

- Waste collection vehicle access -- SRC 800.055(f)(2)

The purpose statement for the section that includes the standard about the orientation of ground-floor unit entrances is in SRC 800.001:

*“The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.”*

This purpose section does not illuminate the reasons for the requirement for waste collection vehicle access standard. However, the “underlying” purpose of the standard may be found within the language of each individual standard. The opening sentence of the section on solid waste service areas reads, “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.” The language therefore specifies that the purpose underlying the regulation is “safe and convenient collection.” It also makes clear the sole or primary beneficiary of this regulation is the local franchisee, which is in this case Republic Services.

The purpose of the vehicle access standard is satisfied because the hauler responsible for collection has reviewed plans and determined that the design allows for “safe and convenient collection,” as required by the standard. A letter from Republic Services has been submitted that due to the short distance from the street to the back of the parking area, they can safely back onto the street to leave the premises. The judgement of the hauler is paramount in considering whether the purpose of the regulation can be equally or better met by the adjustment, because they are explicitly who the regulation is supposed to benefit. Because they believe that vehicle access as proposed allows for safe and convenient collection, this criterion is met.



*(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 or appearance of the residential area for the following reasons.

- Entrance orientation

In the context of this design standard, the “residential area” affected by allowing the adjustment is limited to properties immediately adjacent to the relevant unit. As with other adjustments, the area does not expand to adjacent properties if they have no view of the feature, in this case, the street-facing wall of the unit that is close to the street.

Both the east side of Building I.3 where the adjustment is needed for two units, and the north side of Building H.2 where the adjustment is needed for one unit are entirely internal to the larger Mahonia Crossing development. The exterior walls that would otherwise have additional entrance and connections to the sidewalk is visible only from the same development that has been proposed by this applicant. Other residents of the area cannot see these façades due to intervening buildings or landscaping. Placing entrances to some apartment units on the side of a building rather than on its street façade will have virtually no effect on the livability or appearance of this area. This is especially true where the affected buildings have a strong street-facing presence and the proposed connections are to a well-defined pedestrian path network.

- Waste collection operation area and vehicle access

Likewise, in the context of this the two standards related to waste collection service vehicle access and operation area, the “residential area” affected by allowing the adjustment is limited to buildings immediately adjacent to the relevant unit. The scope of impact from this adjustment is even more limited than with the other adjustments since it relates to the access and operations of service vehicles that come to the site approximately once a week. The operational change that will occur if the adjustment is approved does not extend to other properties. It is therefore entirely limited to the applicant’s site. As with other adjustments, the area does not expand to adjacent properties because collection vehicles are not routed any closer to them.

A strict application of the no-backing-out standard would result in a parking lot layout that loops through the site, creating more vehicular circulation closer to the properties that abut the site to the west. This is something those neighbors told the applicant they specifically did not want. In addition, a loop parking area would create more paving and less efficiency for the site, potentially reducing the number of housing units that could be constructed. As noted, the impacts to any users in the residential area are insignificant, especially considering how infrequent the anticipated backing movement out of the parking lot will be, *i.e.*, approximately one time per week.

Adjusting the standard to allow parallel rather than perpendicular access to the waste collection area creates a condition that is effectively imperceptible to any part of the residential area, on site or off. The only entity affected by this change to site layout is the hauler, and they have submitted testimony that this arrangement is acceptable to them. Consequently, these two adjustments related to the design and operations of the waste collection area will have no effect on the livability or appearance of the residential area.

*(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

**Response:** Including the adjustments requested in the original application, five total adjustments are requested. These are from the following regulations:

- SRC 702.020(e)(4) – buildable width along street frontage
- SRC 702.020(e)(5) – unit entrance orientation
- SRC 702.020(e)(9) – building face length limit
- SRC 800.055(f)(1)(A) – waste collection vehicle operation area
- SRC 800.055(f)(2) – waste collection vehicle access

The development site encompasses 7.7 acres of property, the applicant has proposed 8 separate buildings with 200,000 square feet of floor area. Salem has dozens of specific standards in its code. Considering the project scale and scope, it is reasonable for the application to find a need for four adjustments that apply in only very specific locations. Adjustments have limited applicability within the site and their cumulative effect is minor compared with strict, blanket compliance with all standards.

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 upgrades to the condition of the site along the edge Salal Street and Teal Drive. The placement and appearance of the proposed buildings on the two lots define the

street edge and give shape and definition to the new neighborhood. At the same time, mature trees have been preserved to the extent possible while still developing the site to the extent anticipated by the city's zoning and comprehensive plan. Larger buildings are consistent with multi-family residential uses, and the larger buildings have been broken up into smaller segments using design elements. The adjustments not related to building design standards were reviewed and approved by the waste hauler. The hauler is the named beneficiary of the regulation and they have submitted testimony that the arrangement is acceptable to them. In general, the proposed multiple family project will be a high-quality housing development in a multiple family zone, a zone that was explicitly designated to create opportunities like this. For that reason, it is consistent with its overall purpose.

## **Airport Overlay Zone – Chapter 602**

### **Purpose – 602.001**

*The purpose of the Airport Overlay Zone is to establish standards to promote air navigational safety and prevent hazards and obstructions to air navigation and flight.*

### **Sec. 602.020. - Development standards.**

*Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.*

*(a) Height. Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation. [...]*

*(5) Horizontal surface. In the horizontal surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. [...]*

*(b) Development compatibility. Uses within the Airport Overlay Zone shall not be developed, conducted, or maintained in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract wildlife, or endanger or interfere in*



*any other manner with landing, takeoff, or maneuvering of aircraft using or intending to use McNary Field.*

**Response:** Figure 602-1 indicates that the development site is within the “horizontal surface” of the overlay zone. Consequently, per SRC 602.020(a)(5), height is limited on the site to 150 feet above the airport elevation, which is defined as 213.4 feet MSL. The ground level of the site is between approximately 368 and 414 MSL, or 5 to 50 feet higher than allowed. Existing trees on the vacant site, some of which will remain with new development, exceed the height limit. Proposed buildings, the tallest of which is 36.3 feet high, will also exceed the height limit.

**Sec. 602.025. - Airport overlay zone height variance.**

*(a) Applicability. No building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this chapter unless a variance has been granted pursuant to this section.*

**Response:** A variance pursuant to this section is requested to allow construction of new buildings, planting of new vegetation, and continued growth of existing vegetation on the site.

*(b) Procedure type. An Airport Overlay Zone height variance is processed as a Type I procedure under SRC chapter 300.*

*(c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for an Airport Overlay Zone height variance shall include:*

*(1) A statement of the specific height limitation for which the variance is requested, and the amount of the variance; and*

**Response:** All the requirements for a Type I application were previously provided in the original application materials.

The specific height limitation for which the variance is requested is in SRC 602.020(a)(5), 150 feet above the airport elevation. The proposed buildings on the site, the tallest of which is 36.3 feet tall, will encroach into this height limit.

*(2) A determination from the FAA that the proposed variance will not create a hazard to air navigation.*

**Response:** The applicant filed a request for this determination from the FAA on September 13. The document will be forwarded to the city as soon as it is received.

*(d) Criteria. An Airport Overlay Zone height variance shall be granted if the FAA has issued a determination that the proposed variance will not create a hazard to air navigation.*

**Response:** The applicant filed a request for this determination from the FAA on September 13. The document will be forwarded to the city as soon as it is received. Presuming a

determination that the variance will not create an air navigation hazard, this criterion will be met.

*(e) Conditions of approval. The Review Authority shall impose as conditions of approval on an Airport Overlay Zone height variance any condition imposed in the FAA determination.*

**Response:** Conditions may be imposed by the city as necessary.



# MEMO

**TO:** Bryce Bishop, Planner III  
Community Development Department

**FROM:** Laurel Christian, Development Services Planner II  
Public Works Department

**DATE:** November 23, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**SPR-ADJ-TRV-DAP-DR-TRP22-44 (22-116522)**  
**5205 BATTLE CREEK ROAD SE**  
**MULTI-FAMILY DEVELOPMENT**

## **PROPOSAL**

A consolidated application for a proposed 129-unit multiple family residential development with associated off-street parking, common open space, and site improvements on a portion of property totaling approximately 4.66 acres in size. The application includes: A Class 3 Site Plan Review for the proposed development; a Class 1 Design Review; Class 2 Adjustments; a Class 2 Driveway Approach Permit; a Tree Variance; and a Tree Removal Permit.

The subject property is zoned RM-II (Multiple Family Residential) and located at 5205 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W140000300).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. On Salal Street SE and Teal Drive SE, construct streetscape improvements including property line sidewalks, street lights, and street trees.
2. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **FACTS AND FINDINGS**

### **Streets**

1. Battle Creek Road SE
  - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).



The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 25-foot improvement within a 72-foot-wide right-of-way abutting the subject property.

## 2. Teal Drive SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

## 3. Salal Street SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

## Water

### 1. Existing Conditions

- a. The subject property is located within the S-2 water service level.
- b. A 20-inch water main is located in Battle Creek Road SE.
- c. An 8-inch water main is located in Teal Drive SE and Salal Street SE.

## Sanitary Sewer

### 1. Existing Conditions

- a. A 24-inch sewer main is located in Battle Creek Road SE at the intersection of Battle Creek Road SE and Foxhaven Drive SE.
- b. There are 24-inch and 8-inch sewer mains located on the subject property within an easement. These mains will be located under the proposed streets of the subdivision.

- c. An 8-inch sewer main is located in Teal Drive SE and Salal Street SE.

## **Storm Drainage**

### **1. Existing Conditions**

- a. A 12-inch storm main is located in Battle Creek Drive SE.
- b. A 24-inch storm main is located in Salal Street SE.
- c. A 10-inch storm main is located in Teal Drive SE.

## **SITE PLAN REVIEW CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

**Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the *Unified Development Code (UDC)***

**Finding—**With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain Overlay Zone; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslide Hazards.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

**Criteria: SRC 220.005(f)(3)(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**

**Finding—**The subject property has frontage on Battle Creek Road SE, Teal Street SE, and Teal Drive SE; however, the proposed phase of development will only have frontage on Salal Street SE and Teal Drive SE, the alignment for which was approved under SUB-TRV22-05. Construction of Salal Street SE and Teal Drive SE is pending through Public Construction Permit 22-107732-PC. The proposed development shall provide streetscape improvements including sidewalks, streetlights, and street trees, if not constructed by others at time of street construction. Improvements to Battle Creek Road SE are required under SPR-ADJ-DAP-DR22-24 for the first phase of multi-family development on the site.

**Condition:** On Salal Street SE and Teal Drive SE, construct streetscape improvements including property line sidewalks, streetlights, and street trees.

The Applicant submitted a Traffic Impact Analysis (TIA) as part of the application package. The TIA establishes that the proposed development will not have a significant impact on the transportation system; no mitigation is required. The Assistant City Traffic Engineer has reviewed the TIA and agrees with the findings.

**Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians**

**Finding—**The proposed driveway accesses onto Salal Street SE provide for safe turning movements into and out of the property.

**Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development**

**Finding—**The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

**Condition:** Design and construct a storm drainage system at the time of



development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

## **CLASS 2 DRIVEWAY APPROACH PERMIT CRITERIA AND FINDINGS**

The applicant proposes four driveway approaches onto Salal Street SE to serve the proposed development. As described in the findings below, the proposed driveway approaches meet the approval criteria for a Class 2 Driveway Approach Permit.

**Criteria: A Class 2 Driveway Approach Permit shall be granted if:**

- (1) The proposed driveway approach meets the standards of this Chapter and the PWDS;**

**Finding—**The proposed driveways meet the standards for SRC Chapter 804 and PWDS.

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

**Finding—**There are no site conditions prohibiting the location of the proposed driveways.

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

**Finding—**The proposed driveways are not accessing onto an arterial street.

- (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;**

**Finding—**The proposed driveways are currently located with access to the lowest classification of street abutting the subject property.

- (5) Proposed driveway approach meets vision clearance standards;**

**Finding—**The proposed driveways meet the PWDS vision clearance standards set forth in SRC Chapter 805.

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

**Finding**—No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

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

**Finding**—Staff analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets.

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

**Finding**—The applicant is proposing four driveways to the lowest classification of street abutting the property and they meet the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

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

**Finding**—The proposed development abuts residentially zoned property to the west. The proposed driveways are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File



DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

November 7, 2022

Bryce Bishop, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44, 5205 Battle Creek Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

## IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Pringle	Elementary	K thru 5
Judson	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

## SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Pringle	Elementary	515	663	78%
Judson	Middle	860	1,059	81%
South Salem	High	2,258	2,248	100%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	129	MF	0.164	21
Middle			0.085	11
High			0.096	12

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Pringle	Elem.	515	118	21	139	663	99%
Judson	Mid.	860	166	11	177	1,059	98%
South Salem	High	2,258	271	12	283	2,248	113%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the



path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Pringle	Elementary	Walk Zone
Judson	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	21	\$64,220	\$1,348,620
Middle	11	\$76,882	\$845,702
High	12	\$89,544	\$1,074,528
TOTAL			\$3,268,850

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 First Quarter.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation



**Oregon**  
Kate Brown, Governor

## Attachment I

Oregon Department of Aviation

3040 25<sup>th</sup> Street SE

Salem, OR 97302-1125

Office: 503-378-4880

Fax: 503-373-1688

**TO:** Bryce Bishop, City of Salem Planning Division

**FROM:** Brandon Pike, Aviation Planner  
Oregon Department of Aviation

**DATE:** Nov. 8, 2022

**RE:** Oregon Department of Aviation (ODAV) Agency Comments on City of Salem File  
No. SPR-ADJ-TRV-DAP-DR-TRP22-44



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Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on file number: SPR-ADJ-TRV-DAP-DR-TRP22-44.

ODAV has reviewed the proposal and prepared the following comments:

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposal is required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety at Salem Municipal Airport. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
2. The height of any new structures, trees, and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

Please reach out if you have questions or concerns.

Sincerely,

Brandon Pike

Cc: Heather Peck, ODAV Planning & Projects Manager



## Bryce Bishop

---

**From:** Larry Wood <lwooda4@aol.com>  
**Sent:** Thursday, November 3, 2022 8:31 PM  
**To:** Bryce Bishop; glennbaly12345@gmail.com  
**Subject:** Notice of Filing dated October 25, 2022

Mr. Bishop, Planner III, City of Salem, Planning Division  
555 Liberty ST. SE  
Room 305  
Salem, OR 97301

Via E-mail:

1. I have reviewed the proposal: Class 3 Site Plan Review/ Class 2 Adjustment, etc.  
on the Property 5205 Battle Creek Road SE, Salem OR and have the following comments:

My house abuts the subject property, and I have lived here since 1998. I understand the need for affordable housing and increased density in the Salem metro area. However, there is currently a project under way on the eastern part of this same property which will provide 184 apartment units (some for elderly and some low-income) with 164 parking space. That development should have provided for 207 off street parking spaces according to the notice of filing we received about that development. This latest proposal adds an additional 129 apartments (with no mention of elderly or low-income residents) with 43 parking spaces. The proposal says 43 is all that is required. Why do 184 units have a requirement for 207 spaces and then get a variance to get by with 164, while 129 only require 43? I guess the future residents will not have cars. Good luck with Cherriots, especially on Sundays. Plus, the nearest grocery is about over one mile away (unless you are member of Costco, in which case good luck carrying those toilet paper packages, paper towels packages, and 25-pound bags of rice home without a car.) They can't park in my neighborhood since we'll have a fence between properties.

From the plan drawing in the Notice of Filing, it appears that the corner of one of the three-story buildings in this proposal is between 40 and 50 feet from my back door and about 30 feet from my property line. This building will be nearly 40 feet high and located just outside my back door. I certainly won't have to worry about sunshine on my deck or back yard.

If you add 129 units to the 184 currently under construction on the subject property, you'll find over 300 apartments located within a quarter mile from my property. I suspect this number of new residents to my neighborhood will lead to over-crowding in our local schools. I look forward to Salem-Keizer School District's comments on this proposal, especially since there's been lots of other apartments added within the Pringle School's boundaries. I won't mention the impact on

infrastructure nor on traffic on Battle Creek, the intersection with Reed Lane and the Kubler intersection.

The proposal lists 18 significant trees will need to be removed under this proposal. The earlier construction on the eastern portion of this same piece of land removed far more than that, but it did save three large White Oaks. This latest proposal removes those trees. There are two Douglas firs behind my property, one of which is actually on the property line. The other is not even shown on any of the drawings. Is it not significant or simply just not there?

The architect's renderings of the three-story buildings in this proposal are quite similar to the appearance of the converted WWII barracks I lived in as a flight student at Vance AFB Oklahoma in 1967. I think our BOQ rooms, largely substandard in the day, were larger than these proposed apartments. I think we even had bigger windows. I am not excited to look out my back windows at these horribly ugly buildings. There is absolutely no taste in these slab-sided monstrosities.

The trash receptacles will be located at the west end of the parking spaces or about 20 feet from the property line along the west edge of this proposal. We'll get to listen to the trash, recycling, and yard debris trucks back into these lots on pick-up day. Beep, beep, beep.

I am not opposed to low-income housing, even in my backyard. I actually am enjoying watching them build the 184 currently under construction. It looks like a possible addition to our neighborhood and our city. I am opposed to 129 more units even more in my backyard, especially in ugly buildings located 40-50 feet from my back door and three stories high. There's not even a street between my property and this project, just a sidewalk with a row of little trees. It reminds me of the project houses built to house workers in the Kaiser shipyards of WWII. There was certainly more space between those units and these. I find this grossly unfair and a real imposition on my neighbors, my family and me.

I used to live in one of Mr. John Miller's apartments in Woodscape Village. If apartments like those were built behind me, I would agree without reservation. There was space, gardens, patios, windows, parking, garages, large trees, and two stories only on some units. It was a very pleasant place and a nice transition from single family homes to multi-family units. This proposal is not a pleasant transition – just an eye-sore towering over my backyard and blocking my view of the world.

Please notice I have not commented upon the effect of this proposal on my property value. I'll let the planning board consider that.

Larry Wood  
2305 Songbird Ct SE  
Salem OR 97306

Home phone 503 581-9612

e-mail [lwooda4@aol.com](mailto:lwooda4@aol.com)



## Bryce Bishop

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**From:** Ed @ Marilyn Swiderski <swiderski1970@gmail.com>  
**Sent:** Thursday, October 27, 2022 4:58 PM  
**To:** Bryce Bishop  
**Subject:** Public comment on proposed 129 unit multiple family residential development at 5205 Battle Creek Rd. SE, Salem OR

I have some concerns with the off street parking requirements for this project. The paperwork I received on Oct.27, 2022 shows only 74 off street parking spaces for a 129 unit development. Where are the people in the 55 units without a parking space park their cars? Doesen't SRC806.015 require at least 1 space per unit. In this paper work there is no mention of these being low income units. Even if they were, that only allows for a 25% deduction, or 97 off street spaces. Let's not be so anxious to build apartments that we create a parking nightmare for the residents.

Concern number 2- Require some electric vehicle charging stations on the property. How can apartment dwellers ever drive electric vehicles, if there is no convenient way to charge them overnight? It's time to advance from 20th century thinking, and step into today and start requiring these charging facilities in new apartment complexes.

Concern number 3- Require that all large rocks unearthed from the project be removed if not reused in landscaping. No rock crushing allowed on site.

Concern number 4- How will the excess ground water that used to flow above ground thru the project in the Winter be addressed?

Thanks Ed Swiderski 2422 Baxter Rd. SE Salem,OR 97306 503-362-3628

**Case:** Class 3 Site Plan Review / Class 2 Adjustment / Tree Variance / Class 2 Driveway Approach Permit / Class 1 Design Review / Tree Removal Permit Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44

address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

**CASE MANAGER:** Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

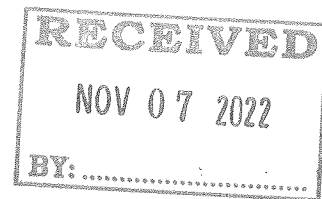
- ☒ 1. I have reviewed the proposal and have no objections to it.  
☐ 2. I have reviewed the proposal and have the following comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name/Agency: MIKE & SARA WILKES  
Address: 5278 BERKSHIRE CT. SE SALEM OR  
Phone: 503-269-5743  
Email: MKWILKES@GMAIL.COM  
Date: 11/1/22

97301

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**



**Case:** Class 3 Site Plan Review / Class 2 Adjustment / Tree Variance / Class 2 Driveway Approach Permit / Class 1 Design Review / Tree Removal Permit Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44

address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

**CASE MANAGER:** Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: We have concerns about the density of the 2 apt. complexes planned for lots 2-4 (almost 300 apts total) and the impact of traffic on Battle Creek, combining this with the numerous commercial and residential

Name/Agency: Bruce & Janell Avery  
Address: 2254 Thrush Ct SE  
Phone: 602 740-3626  
Email: heathrjuck@aol.com  
Date: 11/2/22

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

projects proposed in the vicinity of Kuebler, Battle Creek and 27th Ave.

We do appreciate the developer's plans for the row of trees that will offer a <sup>sound</sup> barrier & privacy between the apts and Woodscape single-family homes.



## Bryce Bishop

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**From:** Wendy Hamilton <scorpcprn53@gmail.com>  
**Sent:** Sunday, November 6, 2022 8:35 AM  
**To:** Bryce Bishop  
**Subject:** Comments regarding Case number: ADJ-TRV-DAP-DR-TRP22-44

Good Morning Bryce,

I wish to submit comments opposing this proposed land use development case. I missed my opportunity when John Miller's recent development case was up for comments, and vowed not to miss this opportunity. My spouse and I chose to live in Salem because of the natural beauty that surrounds the entire area of this city. We moved up to this area four years ago from San Diego, CA. San Diego has developed almost every square inch of land that is available. That type of living does not lead to a healthy natural ecosystem. It is overcrowded, noisy, dirty, and if you want to experience nature you must drive for miles and miles. Salem had the advantage of nature surrounding each part of the city. John Miller's ongoing development has already sacrificed a great deal of natural reserve. Traffic has increased with the building of Costco in this area, and once John's developments are complete traffic will increase even more. We do not need another housing development to take away the last little stand of trees and wild area within this space. I know many people do not care, but the wild animals that have been displaced from John Miller's new development have brought a much greater variety of animals to our yard looking for food, shelter, and water. We share this space with other creatures, this is not just about a real estate developer's ability to make money and the City of Salem's ability to make money from their development.

Taking down another 18 plus 2 significant trees not only takes away the environment for the animals but also contributes to climate change. Trees have the ability to remove carbon from the atmosphere and increase oxygen levels for all of us. In addition, they provide shade which helps to stabilize temperatures, especially during the heat waves we just experienced this past summer. The trees that are in the proposal to be removed have been on the property for many years and they have developed large canopies as a result. Any new trees that are put in as part of the development will take decades to fill in the void that is created by the removal of these old trees.

Will there be any additional traffic lights put in to help control this increased traffic? What about infrastructure to support the families that will move into both this new development and John Miller's new development? There is one school in this small area. Will there be enough classrooms and teachers for those students?

I understand that there needs to be new housing for those moving into this area, but there also needs to be a balance between manmade structures and the natural areas that are preserved.

Wendy Hamilton  
2207 Wildwood Drive SE  
Salem, OR 97306  
503-374-4373  
[scorpcprn53@gmail.com](mailto:scorpcprn53@gmail.com)  
11/6/2022



1890 16<sup>th</sup> St SE, Salem, Oregon 97302  
o 503.363.8890 f 503.364.8592 republicservices.com

## Attachment K

06/27/2022

To: City of Salem  
Gateway Phase 2 Limited Partnership

From: Republic Services

Re: Phase 2 - 5205 Battle Creek Development

To whom it may concern,

I am writing to address the development being built at 5205 Battle Creek Rd SE in Salem. I have reviewed the garbage service needed for the number of units in the development and approve the requested quantity.

I have approved the location of these containers from a parallel approach as well as the pull in and then back out approach on to the main roadway.

Thank you,

### Heather Sorensen

Operations Supervisor  
Comm/ Ind

1890 16<sup>th</sup> St SE  
Salem, Oregon 97302  
e [hsorensen@republicservices.com](mailto:hsorensen@republicservices.com)  
o 971-915-5378  
c 503-569-2648  
w [RepublicServices.com](http://RepublicServices.com)



Sustainability in Action