

# 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 / CLASS 2 DRIVEWAY  
APPROACH PERMIT CASE NO.: SPR-ADJ-DAP23-33**

**APPLICATION NO.: 23-113096-PLN**

**NOTICE OF DECISION DATE:** January 24, 2024

**REQUEST:** Class 3 Site Plan Review and Class 2 Driveway Approach Permit for the development of a new four-story mixed use building containing ground floor commercial retail space and 22 dwelling units in the upper floors with associated off-street parking area and site improvements, and the following Class 2 Adjustments:

- 1) To reduce the zone-to-zone setback required between the CR (Retail Commercial) zone and the abutting residential to the east from 15 feet, per SRC Chapter 522, Table 522-4, to 9 feet;
- 2) To reduce the vehicle operation area turnaround dimension requirements in SRC 800.055(f)(1)(E), for solid waste collection vehicles;
- 3) To modify the vision clearance requirements of SRC 805.005(b)(1)(B) where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line; and
- 4) To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 5 percent (270 square feet) per SRC 806.035(d), to 3.7 percent (201 square feet).

The subject property is approximately 0.44 acres in size, zoned CR (Retail Commercial), and located at 2710 Broadway Street NE – 97301 (Marion County Assessor's map and tax lot number: 073W14BB / 04901).

**APPLICANT:** Gretchen Stone, CB Two Architects

**LOCATION:** 2710 Broadway St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; and 804.025(d) – Class 2 Driveway Approach Permit.

**FINDINGS:** The findings are in the attached Decision dated January 24, 2024.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment and Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP23-33 subject to the following conditions of approval:

- Condition 1:** Prior to building permit issuance, a replat of the subject property combining the fractional lots into one lot shall be recorded.
- Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.

- Condition 3:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 4:** Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a), including ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.
- Condition 5:** Install street trees to the maximum extent feasible along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE.
- Condition 6:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 7:** A minimum six-foot tall sight obscuring fence shall be provided and maintained along the eastern boundary. In addition, a minimum of 198 plant units shall be provided in the setback area to the eastern property line.
- Condition 8:** The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by February 9, 2028, or this approval shall be null and void.

|                                  |                         |
|----------------------------------|-------------------------|
| Application Deemed Complete:     | <u>December 6, 2023</u> |
| Notice of Decision Mailing Date: | <u>January 24, 2024</u> |
| Decision Effective Date:         | <u>February 9, 2024</u> |
| State Mandate Date:              | <u>April 4, 2024</u>    |

**Case Manager:** Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

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, February 8, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 Chapters 220, 250, and 804. 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

|                                   |   |                  |
|-----------------------------------|---|------------------|
| IN THE MATTER OF APPROVAL OF      | ) | FINDINGS & ORDER |
| CLASS 3 SITE PLAN REVIEW, CLASS 2 | ) |                  |
| ADJUSTMENT, AND CLASS 2 DRIVEWAY  | ) |                  |
| APPROACH PERMIT                   | ) |                  |
| CASE NO. SPR-ADJ-DAP23-33         | ) |                  |
| 2710 BROADWAY ST NE – 97301       | ) | JANUARY 24, 2024 |

In the matter of the applications for Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit submitted by Gretchen Stone, CB Two Architects, on behalf of the applicant and property owner, Harpreet Kaur, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

Summary: Proposed development of a new four-story mixed use building approximately 15,400 square feet in size, containing ground floor commercial retail space and 22 dwelling units in the upper floors.

Request: Class 3 Site Plan Review and Class 2 Driveway Approach Permit for the development of a new four-story mixed use building containing ground floor commercial retail space and 22 dwelling units in the upper floors with associated off-street parking area and site improvements, and the following Class 2 Adjustments:

- 1) To reduce the zone-to-zone setback required between the CR (Retail Commercial) zone and the abutting residential to the east from 15 feet, per SRC Chapter 522, Table 522-4, to 9 feet;
- 2) To reduce the vehicle operation area turnaround dimension requirements in SRC 800.055(f)(1)(E), for solid waste collection vehicles;
- 3) To modify the vision clearance requirements of SRC 805.005(b)(1)(B) where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line; and
- 4) To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 5 percent (270 square feet) per SRC 806.035(d), to 3.7 percent (201 square feet).

The subject property is approximately 0.44 acres in size, zoned CR (Retail Commercial), and located at 2710 Broadway St NE 97301 (Marion County Assessor's map and tax lot number: 073W14BB / 04901).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

## PROCEDURAL FINDINGS

### 1. Background

On June 23, 2023, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided,

including additional Adjustments and a Driveway Approach Permit, the consolidated applications were deemed complete for processing on December 6, 2023.

The 120-day state mandated decision deadline for this consolidated application is April 4, 2024.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

### **2. 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: 23 113096.

### **3. Neighborhood and Public Comments**

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

Applicant 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), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 23, 2023, the applicant's representative contacted the Highland Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Highland 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 Highland Neighborhood Association during the public comment period.

Homeowners Association: The subject property is not located within a Homeowners Association.

#### **Public Comment**

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.



Two public comments were received during the public comment period indicating concerns with the lack of available on-site parking and inadequate street parking in the area, and concerns with increased traffic.

**Staff Response:** The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. As described in the applicant's written findings, the streets abutting the development site meet minimum standards for their street classifications according to the Salem Transportation System Plan (TSP). The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

There are no minimum parking requirements for the proposed development. Broadway Street NE is classified as a minor arterial street; on-street parking along Broadway Street NE is not permitted. Tryon Street NE and Bliler Avenue NE are classified as local streets; on-street parking is allowed on both sides of Tryon Street NE and Bliler Avenue NE. On-street parking is not reserved and would be available for use by residents or customers of the proposed development.

#### **4. City Department Comments**

Development Services Division – Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated no concerns.

Fire Department – Reviewed the proposal and indicated that items including Fire Department access and water supply will be evaluated at the time of building permit plan review.

#### **5. Public Agency Comments**

Salem-Keizer Public Schools – Reviewed the proposal and provided comments which are included as **Attachment E**.

### **DECISION CRITERIA**

#### **6. Analysis of Class 3 Site Plan Review Approval Criteria**

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, 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 220.005(f)(3)(A): The application meets all applicable standards of the UDC.**

**Finding:** The proposal includes development of a new four-story, mixed-use building including 22-unit residential dwelling units and ground floor retail space, trash enclosure, and off-street

parking area. The following is a summary of the applicable use and development standards for the proposed development.

### **Use and Development Standards – CR (Retail Commercial) Zone:**

#### *SRC 522.005 – Uses:*

**Finding:** The applicant's statement indicates that the proposal includes development of a new four-story mixed-use building including 22 multi-family residential dwelling units and ground floor retail sales space.

Per Table 522-1, multi-family residential uses are allowed as a permitted use in the CR zone when they are located in a mixed-use building and retail sales are allowed as an outright permitted use.

#### *SRC 522.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the CR zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property consists of two units of land, portions of lots 14 and 15 of Block 8 of the Mapleton Addition Subdivision which were conveyed outside of a land use action in 1988. To correct the legality of the current conditions of the subject property, the applicant shall complete a replat of the fractional lots into one lot.

**Condition 1:** Prior to building permit issuance, a replat of the subject property combining the fractional lots into one lot shall be recorded.

The subject property is approximately 0.44 acres in size, has approximately 57 feet of frontage along Bliler Avenue NE, approximately 260 feet of frontage along Broadway Street NE, and approximately 85 feet of frontage along Tryon Avenue NE in compliance with the lot standards of the CR zone.

#### *SRC 522.010(b) – Setbacks:*

**North:** Adjacent to the north is right-of-way for Bliler Avenue NE. Buildings and accessory structures require a minimum 5-foot setback adjacent to a street, vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

**South:** Adjacent to the south is right-of-way for Tryon Avenue NE. Buildings and accessory structures require a minimum 5-foot setback adjacent to a street, vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

**East:** Adjacent to the east is property zoned RM-II (Multi-Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 15-foot setback adjacent to a residential zone. Required setbacks shall be landscaped and screened meeting the Type C requirements of Chapter 807 which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence or wall. The applicant has requested an adjustment to reduce the vehicle use area setback to the eastern property line from 15 feet to 9 feet. Findings for the Adjustment are included in Section 7 of this report.

**West:** Adjacent to the west is the right-of-way for Broadway Street NE. Buildings and accessory structures require a minimum 5-foot setback adjacent to a street, vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

**Finding:** Except where an Adjustment has been requested, the proposed building and vehicle use area setbacks indicated on the site plan are in compliance with all applicable setback requirements of the CR zone and SRC Chapter 806.

*SRC 522.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage, or rear yard coverage standard in the CR zone. The minimum height allowance is 50 feet.

**Finding:** The proposed building is four-stories with a height of approximately 49 feet 3 inches, in compliance with the maximum height allowance.

*SRC 522.010(d) – Landscaping:*

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) **Development Site.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

**Finding:** The subject property is approximately 0.44 acres or 19,166 square feet in size, requiring a minimum of 2,875 square feet of landscape area for the development site ( $19,166 \times 0.15 = 2,874.9$ ).

The site plan indicates that approximately 6,060 square feet of landscape area, or 31.2 percent ( $6,060 / 19,166 = 31.2$ ) is proposed for the development site, exceeding the minimum requirement.

Per Chapter 807, a minimum of one plant unit is required per 20 square feet of landscape area. For 2,875 square feet of required landscape area, a minimum of 144 plant units are required ( $2,875 / 20 = 143.75$ ), of the required plant units a minimum of 40 percent shall be trees, or 58 plant units ( $144 \times 0.4 = 57.6$ ). Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

*SRC 522.010(e) – Continued Uses:*

Existing legally-established uses established prior to November 28, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.

**Finding:** The subject property contains a building that was formerly occupied by a motor vehicle services use, but has been abandoned. As a condition of development, all existing

buildings and structures will be removed from the subject property; therefore, this section is not applicable.

*SRC 522.015(a) – Design review:*

Residential care uses with five or more self-containing dwelling units shall be subject to design review according to the multiple family design review standards set for in SRC Chapter 702.

**Finding:** The proposed development of a mixed-use building is not subject to Design Review.

**General Development Standards SRC 800**

*SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The site plan indicates that one solid waste and recycling service area that will house three 2-yard receptacles is provided at the east side of the site. The following is a summary of applicable design standards for the solid waste service area.

*SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 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 1-foot beyond the sides and rear of the receptacle.
  - b. The pad area shall extend a minimum 3 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.

**Finding:** Neither the site plan or the applicant's statement indicate proposed material or thickness of the pads for the solid waste service area. Prior to building permit issuance, the applicant shall provide update details for the solid waste service area demonstrating compliance with all applicable standards of Chapter 800.

**Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.

- 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 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

3) Vertical Clearance.

- a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

**Finding:** It does not appear that a roof is proposed for the solid waste service areas; therefore, this standard is not applicable.

*SRC 800.055(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.

**Finding:** A permanent drop box or compactor is not proposed; therefore, this standard is not applicable.

*SRC 800.055(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.

**Finding:** The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this standard.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

**Finding:** The applicant's statement and development plans indicate that the enclosure has an unobstructed opening width of 12 feet in compliance with this provision.

- 2) Measures to Prevent Damage to Enclosure. 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.

**Finding:** The site detail plan indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

- 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 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The enclosure opening width is 15 feet, the applicant's statement indicates that the gates will be able to swing at least 90 degrees in compliance with this standard.

*SRC 800.055(f) – Solid Waste Service Area Vehicle Access.*

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(B)(ii), for solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located parallel to the permanent location of the receptacle or the enclosure opening.

**Finding:** Details for the trash enclosure indicate that the maximum receptacle size proposed will not exceed two cubic yards. The proposed vehicle operation area is provided parallel to the enclosure in compliance with the minimum dimensional requirements of this section.

- 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.

**Finding:** The proposed vehicle operation area is provided parallel to the enclosure in compliance with the minimum dimensional requirements of this section.

- D. Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

**Finding:** The solid waste enclosure is uncovered, and there are no overhead vertical obstructions in the vehicle operation area, in compliance with this section.

- 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.

**Finding:** There is not enough room in the vehicle use area to provide a service vehicle turnaround in compliance with the minimum dimensional requirements of this section, the

applicant has requested and Adjustment to reduce the minimum dimensions. Findings for the Adjustment are included in Section 7 of this report.

- 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.

**Finding:** The proposed vehicle operation area includes a maneuvering area allowing collection service vehicles to turnaround prior to leaving the premises in compliance with the requirements of this section.

- 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.

**Finding:** The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

- 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.

**Finding:** Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

*SRC 800.055(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.

**Finding:** The applicant has requested an Adjustment to the vehicle operation area turnaround requirements. Notification of the Adjustment was provided to the franchisee, no comments were received. In addition, the applicant contacted the franchisee ahead of submitting the Adjustment application and received confirmation that the proposed turnaround configuration is acceptable.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

**Finding:** The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

*SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets.*

- (A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the

building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** Direct pedestrian accesses are provided to the proposed mixed-use building from Bliler Avenue NE to the north and Broadway Street NE to the west. Because the primary building entrance is located within 20 feet of the property line abutting Broadway Street NE and direct pedestrian connection is provided to Broadway Street NE, per SRC 800.065(a)(1)(C)(i), a direct pedestrian access to Tryon Avenue NE is not required. The pedestrian connections proposed between building entrances and abutting streets is in compliance with this standard.

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

**Finding:** There is not currently a transit stop located along the street frontage of the subject property; therefore, this standard is not applicable.

*SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site.*

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all the buildings.

**Finding:** Only one building is proposed for development on the subject property; therefore, this standard is not applicable.

*SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.*

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

**Finding:** The proposed off-street parking area is approximately 6,184 square feet in size and does not include four or more consecutive parallel drive aisles; therefore, a pedestrian connection through the off-street parking area is not required for the proposed development.

(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:



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

**Finding:** Broadway Street NE is classified within the TSP as part of the on-street bicycle network with potential for enhanced improvements for bicycles. Pursuant to SRC 800.065(a)(4) right-of-way or easement dedication, and construction of improvements is required to provide connections to existing or planned paths or trails as identified in the TSP or Salem Comprehensive Parks System Master Plan. There is sufficient room within the existing right-of-way of Broadway Street NE for the future bike improvements; no additional right-of-way dedication or easements are required as part of this application. Bike lanes will be striped as part of a corridor project rather than on an individual development basis.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.*

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

**Finding:** The proposed development does not include a shared driveway access with an abutting property; therefore, pedestrian connections are not required to abutting properties.

*SRC 800.065(b)(1) – Design and Materials.*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

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

**Finding:** Proposed pedestrian connections are five feet in width and will be paved with concrete, in compliance with this standard. Proposed walkways are not located adjacent to and do not cross a vehicle use area.

*SRC 800.065(b)(2) – Design and Materials.*

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

**Finding:** Proposed walkways are not located adjacent to and do not cross a vehicle use area; therefore, this standard is not applicable.

*SRC 800.065(c) – Lighting.*

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

**Finding:** Exterior light fixtures will be used to illuminate the pedestrian walkways in compliance with this section.

**Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Maximum Off-Street Parking.* Pursuant to Table 806-1, the maximum off-street parking allowance for a multi-family use is 1.2 spaces per dwelling unit for each studio unit and 1.75 space for all other dwelling units.
- b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Required Electric Vehicle Charging Spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

**Finding:** The maximum off-street parking allowance for the 22-unit multi-family residential use is 33 spaces (Non-Studio Units:  $12 \times 1.75 = 21$ ) + (Studio Units:  $10 \times 1.2 = 12$ ), and the maximum off-street parking allowance for the retail sales use is one space per 200 square feet, or 16 spaces ( $3,290 / 200 = 16.45$ ) for a total maximum of 49 spaces. The proposed off-street vehicle use area has 19 parking spaces, less than the maximum allowance.

The proposed development includes five or more dwelling units on the same lot in a building that includes a mix of residential and nonresidential uses. SRC 806.015(d) requires a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The site plan does not indicate which spaces will be available for electric vehicle charging. Prior to building permit issuance, the applicant shall provide an updated plan set that demonstrates a minimum of 40 percent of the off-street parking spaces proposed will be designated as spaces to serve electrical vehicle charging. If 19 off-street parking spaces are provided at the time of building permit, a minimum of 8 off-street parking spaces ( $19 \times 0.4 = 7.6$ ) shall include provision for electrical service capacity.

**Condition 3:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

A maximum of 14 spaces may be compact parking spaces ( $19 \times 0.75 = 14.25$ ), the site plan indicates that 12 spaces will be compact, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

*SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.*

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks 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.

**Finding:** The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. Except where an Adjustment has been requested, the proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 522 and 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas less than 50,000 square feet in size, a minimum of 5 percent of the parking area interior shall be landscaped.

**Finding:** The applicant's summary table indicates that the proposed off-street parking area is approximately 5,419 square feet in size and requires a minimum of 271 square feet of interior parking area landscaping ( $5,419 \times 0.05 = 270.95$ ). The site plan indicates that 201 square feet (approximately 3.7%) of interior landscaping will be provided in this area, less than the minimum requirement. The applicant has requested an Adjustment to reduce the minimum require interior parking area landscaping, findings for the Adjustment are included in Section 7 of this report.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

- f) *Off-Street Parking Area Access and Maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
  - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
  - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

**Finding:** The proposed off-street parking area includes a drive aisle that terminates at a dead-end. The turnaround area at the end of the drive aisle is in compliance with the development standards of this section.

g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is required for the proposed parking area where it abuts residentially zoned properties on the eastern side of the development site. The required screening shall include a minimum six-foot-tall sight-obscuring fence, wall, or hedge. The applicant indicates that there is an existing solid wood fence along the shared property lines abutting residentially zoned property which meets the screening requirements in this section.

**Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or activity.

*SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.*

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

**Finding:** Short-term bicycle parking spaces serving the proposed commercial and residential uses are provided on the subject property in compliance with this provision.

*SRC 806.055 - Amount of Bicycle Parking.*

Per SRC Chapter 806, Table 806-8, uses in the multi-family residential use category require a minimum of one space per dwelling unit. Retail sales uses require the greater of four spaces or a minimum space per 10,000 square feet for the first 50,000 square feet of floor area.

**Finding:** The bicycle parking requirements for the development site are summarized below:

| Use                      | Dwelling Units/Floor Area | Bicycle Parking Ratio                                | Minimum Parking  |
|--------------------------|---------------------------|--|------------------|
| Multi-Family Residential | 22 Dwelling Units         | 1 per Dwelling Unit                                  | 22               |
| Retail                   | 3,290 SF                  | Four spaces or one space per 10,000 SF of floor area | 4                |
| <b>Total</b>             |                           |  | <b>26 Spaces</b> |

A minimum of 26 bicycle parking spaces are required for the development site. The applicant's summary table indicates that 4 short term outdoor bicycle parking spaces are provided for the retail use near the southern building entrance, seven vertical wall mounted bicycle parking spaces are provided on the eastern wall of the ground floor, and five vertical wall hung bicycle parking spaces are provided on the exterior wall of the building on each of the upper floors for a total of 26 spaces, in compliance with the minimum requirement.

*SRC 806.060 - Bicycle Parking Development Standards.*

a) *Location.*

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

**Finding:** Short-term bicycle parking spaces are provided within 50 feet of primary building entrances in locations that are clearly visibly from primary building entrances, in compliance with this section.

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

**Finding:** All short-term bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions.

- c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:  
(1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

**Finding:** The proposed bicycle parking spaces meet the minimum dimensions requirements of Table 806-10.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. The minimum access aisle width is four feet.

**Finding:** Access aisles serving the bicycle parking spaces have a minimum width of four feet.

- 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.

**Finding:** Bicycle parking areas will be paved with concrete, in compliance with this standard.

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

- (1) Racks must support the bicycle in a stable position.  
a. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.  
b. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.

- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

**Finding:** Inverted staple racks are proposed for short-term bicycle parking that will be securely anchored in concrete, and wall mounted racks will be provided on the exterior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section.

### **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

*SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.*

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

*SRC 806.075 - Amount of Off-Street Loading.*

Per Table 806-11, multi-family residential uses containing 5-49 dwelling units do not have a minimum loading space requirement. Uses in the retail sales and services category that are less than 5,000 square feet in size do not have a minimum loading space requirement.

**Finding:** No off-street loading spaces are required for the proposed development.

### **Landscaping**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. 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 and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

### **Natural Resources**

*SRC 601 – Floodplain:* Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

**Finding:** 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.

*SRC 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height or any other tree with a dbh 30 inches or greater, but excluding tree of heaven [*Ailanthus altissima*], empress tree [*Paulownia tomentosa*], black cottonwood [*Populus trichocarpa*] and black locust [*Robinia pseudoacacia*]) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** There are no protected trees identified for removal on the subject property.

*SRC 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.

**Finding:** According to the Salem-Keizer Local Wetland Inventory the subject property does not contain any wetland areas or hydric soils.

*SRC 810 - Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Finding:** 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. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 3 points. Therefore, the proposed development is classified as a low landslide risk and does not require a geological assessment.

**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 is bordered by Broadway Street NE, a minor arterial street; Tryon Avenue NE, a local street; and Bliler Avenue NE, a local street. The streets abutting the development site are fully developed and meet the minimum right-of-way width and pavement width standards pursuant to the Salem Transportation System Plan (TSP); therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 78.180(a) and to ensure the transportation system provides for safe and efficient circulation for pedestrians into and out of the development site, the applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property. This shall include ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.

**Condition 4:** Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a), including ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As a condition of approval, the applicant shall plant street trees along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE. Street tree installation will be reviewed for conformance with the requirements of SRC Chapter 86 at the time of building permit review.

**Condition 5:** Install street trees to the maximum extent feasible along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE.

**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 development site is served by one driveway approach onto Tryon Avenue NE. The driveway access onto Tryon Avenue NE provides for safe turning movements into and out of the property.

**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 subject property is located inside the Urban Service Area and adequate facilities are available to serve the proposed development. No Urban Growth Area permit is required. The existing water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing public sanitary sewer main that terminates on the subject property, at the eastern property line. This sanitary sewer main is located in a public utility easement that extends from the eastern property line to the western property line, through the development site. The public sanitary sewer main does not, however, extend the width of the property, it terminates at the eastern property line. At time of building permit review, the unused portion of this easement may be quitclaimed. No new encroachments are permitted in public utility easements.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 6:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (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. The applicant is



advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

## **7. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, 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 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 is requesting the following Class 2 Adjustments:

- 1) To reduce the zone-to-zone setback required between the CR (Retail Commercial) zone and the abutting residential to the east from 15 feet, per SRC Chapter 522, Table 522-4, to 9 feet;
- 2) To reduce the vehicle operation area turnaround dimension requirements in SRC 800.055(f)(1)(E), for solid waste collection vehicles;
- 3) To modify the vision clearance requirements of SRC 805.005(b)(1)(B) where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line; and
- 4) To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 5 percent (270 square feet) per SRC 806.035(d), to 3.7 percent (201 square feet).

*A reduction to the minimum zone-to-zone setback requirement between the subject property and abutting residential zone to the east from 15 feet to 9 feet.*

SRC Chapter 522, Table 522-4 provides that there is a minimum 15-foot building and vehicle use area setback required adjacent to a residential zone meeting the Type C screening requirement which includes a minimum of one plant unit per 20 square feet and installation of a minimum 6-foot-tall fence or wall.

The applicant is requesting an adjustment to reduce the setback requirement from 15 feet to 9 feet for the proposed off-street parking area, the proposed building is in compliance with the minimum setback. The adjustment is needed due to the configuration of the property and dimensional constraints and is the minimum needed in order to provide a functional off-street parking area in compliance with minimum parking space and vehicle maneuvering dimensions.

There is an existing sight obscuring wood fence with variable dimensions placed along the eastern property boundary, prior to final occupancy, the existing fence shall be maintained or replaced wherever needed to ensure a minimum six-foot sight obscuring screening along the boundary in compliance with the development standards of SRC Chapter 800 and applicable vision clearance requirements.

To ensure the screening provided between the proposed development and existing residential use to the east is equally or better met, the number of plant units required along the eastern boundary shall be no less than the minimum required for the full 15-foot setback. The length of the eastern boundary is approximately 264 feet, requiring a minimum of 198 plant units ( $264 \times 15 = 3,960$  sf.  $3,960 / 20 = 198$ ). The following condition of approval shall be required to ensure the screening provided along the eastern boundary equally or better meets the requirement.

**Condition 7:** A minimum six-foot tall sight obscuring fence shall be provided and maintained along the eastern boundary. In addition, a minimum of 198 plant units shall be provided in the setback area to the eastern property line.

As conditioned, the adjustment request equally or better meets the stated purpose and intent of this provision, and is therefore in compliance with this criterion.

*A reduction to the vehicle operation area turnaround dimension requirements for solid waste collection vehicles.*

800.055(f)(1)(E) requires safe and convenient access for collection service vehicles. In the event that access to the collection area is not a direct approach, a turnaround meeting the dimensional and turning radius requirements of Figure 800-10 is required. In this case, due to dimensional constraints in the vehicle use area, there is not enough space available to provide a service vehicle turnaround meeting the minimum dimensions. The applicant has coordinated the situation with the franchise hauler responsible for providing service to this site, the service providers reviewed the plans and visited the site with the applicant and indicated they could safely service the site given the reduced turnaround dimensions.

In consideration of the service providers response, staff finds that the adjustment request equally or better meets the stated purpose and intent of this provision, and is therefore in compliance with this criterion.

*To modify the vision clearance requirements where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line.*

The applicant requests an alternative vision clearance standard for the driveway approach onto Tryon Avenue NE pursuant to SRC 805.015. Pursuant to SRC 805.005(b)(1)(B) driveways serving uses other than single-family and two-family uses shall have a vision clearance area with a 10-foot leg along the driveway and a 50-foot leg along the intersecting street. There is an existing wooden fence located on neighboring property that is within the vision clearance area. Per SRC 805.005(b)(1)(B), the required vision clearance should be measured from the property line, behind the sidewalk. When the vision clearance for the proposed driveway is measured from the back of the curb, rather than the property line, there is adequate sight distance to view on-coming traffic. The Assistant City Traffic Engineer has reviewed the proposal and finds that the alternative allows for vision clearance that equally meets the development standards when the vision clearance is measured from the curb line rather than the property line.

*To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 270 square feet 201 square feet.*

SRC 806.035(d) provides that off-street parking areas between 5,000 square feet and 50,000 square feet in size shall have a minimum of 5 percent of interior landscaping. The applicant's summary table indicates that the proposed off-street parking area is approximately 5,419 square feet in size and requires a minimum of 271 square feet of interior parking area landscaping ( $5,419 \times 0.05 = 270.95$ ). The site plan indicates that 201 square feet (approximately 3.7%) of interior landscaping will be provided in this area, less than the minimum requirement.

The applicant indicates that due to physical limitations of the site, including dimensions, size, and driveway access, the minimum amount of landscape area cannot be provided. However, the applicant proposes to incorporate a variety of trees and shrubs into the available landscape areas to achieve desired screening and shading of the parking lot. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

**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 the CR (Retail Commercial) zone which is not a residential zone; therefore, the criterion is not applicable.

**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:** Four separate Class 2 Adjustments have been requested with this development. Each of the adjustments has 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 zoning code.

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.

**Condition 8:** The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.

## **8. Analysis of 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, 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.

The applicant proposes one driveway approach onto Tryon Avenue NE, a local street. As described in the findings below, the proposed driveway approach meets the approval criterion.

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

**Finding:** The applicant requests an alternative vision clearance standard; therefore, a Class 2 adjustment is required for vision clearance as described below. Otherwise, the proposed driveway meets the standards for SRC 804, SRC 805, and Public Works Design Standards (PWDS).

**SRC 804.025(d)(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 driveway.

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

**Finding:** The proposed driveway is not accessing onto an arterial street. The proposed driveway will take access to Tryon Avenue NE, designated as a local street according to the Salem Transportation System Plan (TSP).

**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 is currently located with access to the lowest classification of street abutting the subject property.

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

**Finding:** The applicant requests an alternative vision clearance standard; therefore, a Class 2 adjustment is required for vision clearance as described below. With approval of an alternative vision standard pursuant to SRC 805.105 and SRC 250.005(d)(2), this criterion is met.

**SRC 804.025(d)(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 driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

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

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

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

**Finding:** The property is located on the corner of a minor arterial street (Broadway Street NE) and two local streets (Tryon Avenue NE and Bliler Avenue NE). The applicant is proposing a driveway to the lower classification of street and it meets 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.

**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 is surrounded by multi-family residentially zoned property and single-family residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

## **9. Conclusion**

Based upon review of SRC Chapters 220, 250, and 804, 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.

### **IT IS HEREBY ORDERED**

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP23-33 is hereby **APPROVED** subject to SRC Chapters 220, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Prior to building permit issuance, a replat of the subject property combining the fractional lots into one lot shall be recorded.
- Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.
- Condition 3:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 4:** Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a), including ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.
- Condition 5:** Install street trees to the maximum extent feasible along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE.

- Condition 6:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC)* Chapter 71 and *Public Works Design Standards (PWDS)*.
- Condition 7:** A minimum six-foot tall sight obscuring fence shall be provided and maintained along the eastern boundary. In addition, a minimum of 198 plant units shall be provided in the setback area to the eastern property line.
- Condition 8:** The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.

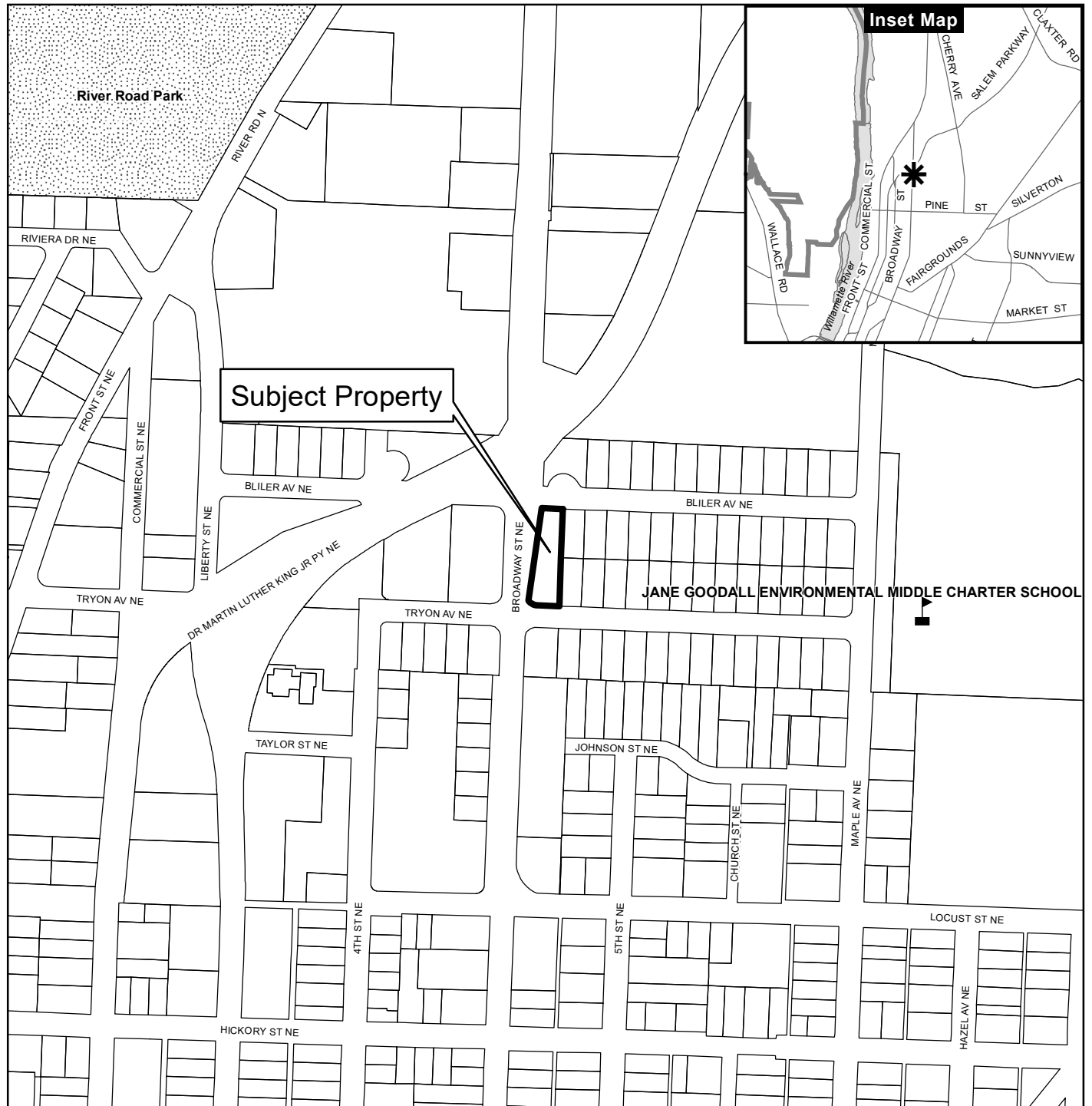


Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Proposed Site Plan  
C. Applicant's Written Statement  
D. Public Works Memo Dated January 23, 2024  
E. Salem-Keizer Public Schools Comments Dated December 14, 2023

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

# Vicinity Map 2710 Broadway Street NE



## Legend

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

Parks

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

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0 100 200 400 Feet

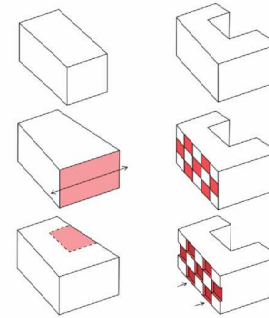




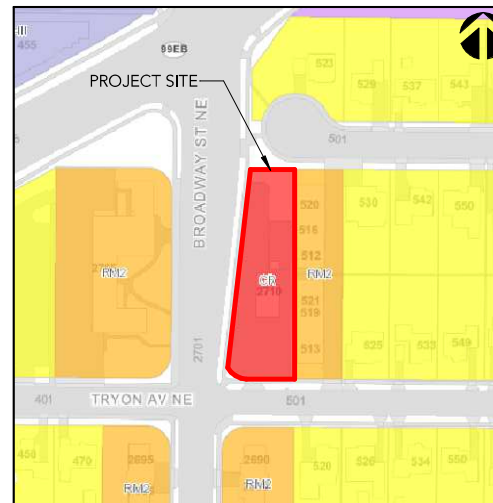


## PROJECT INFORMATION

NEW MIXED-USE DEVELOPMENT PROPOSAL FOR A SMALL INFILL SITE OF .44 ACRES ZONED RETAIL COMMERCIAL. THE PROPOSAL ANTICIPATES A 4-STORY MIXED USE BUILDING THAT WILL INCLUDE APPROXIMATELY 3,290 SF GROUND FLOOR COMMERCIAL RETAIL AND A RESIDENTIAL UNIT. THE SECOND, THIRD, AND FOURTH RESIDENTIAL FLOORS HAVE 21 NEW MULTI-FAMILY UNITS FOR A TOTAL OF 22 UNITS WITHIN THE MIXED-USE BUILDING. A 19-SPACE SURFACE PARKING AREA IS ACCESSED FROM TYRON AVENUE NE.



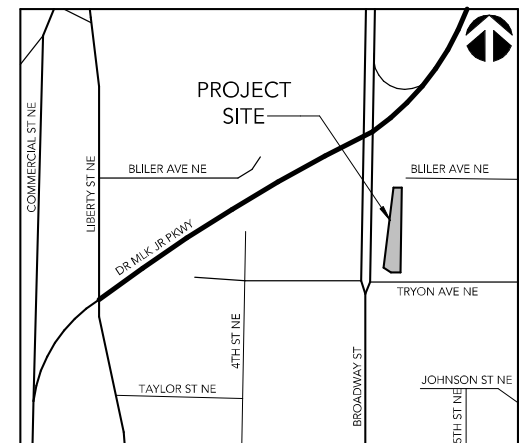
## ZONING MAP



## LAND USE DRAWING INDEX

| SHEET #       | SHEET NAME  |
|---------------|---|
| ARCHITECTURAL |   |
| SP-00         | COVER SHEET   |
| SP-01         | SITE PLAN   |
| SP-02         | SITE DETAILS  |
| SP-03         | LANDSCAPE AREA  |
| SP-04         | FLOOR PLAN - LEVEL 1                                      |
| SP-05         | FLOOR PLAN - LEVEL 2                                      |
| SP-06         | FLOOR PLAN - LEVEL 3                                      |
| SP-08         | ROOF PLAN   |
| SP-09         | BUILDING ELEVATIONS                                       |
| SP-10         | BUILDING ELEVATIONS                                       |
| SP-11         | SIGN DETAILS  |
| SP-12         | RENDERINGS  |
| CIVIL         |   |
| C1.0          | EXISTING CONDITIONS, EROSION CONTROL, AND DEMOLITION PLAN |
| C2.0          | GRADING AND DRAINAGE PLAN                                 |
| C3.0          | UTILITY PLAN  |
| C4.0          | SURFACING PLAN  |
| LANDSCAPE     |   |
| L1.1          | PLANTING PLAN   |

## LOCATION MAP



**CBTWO**  
ARCHITECTS LLC

common-  
ground

**DISTRICT 10**

**2710 BROADWAY ST NE, SALEM, OR 97301**



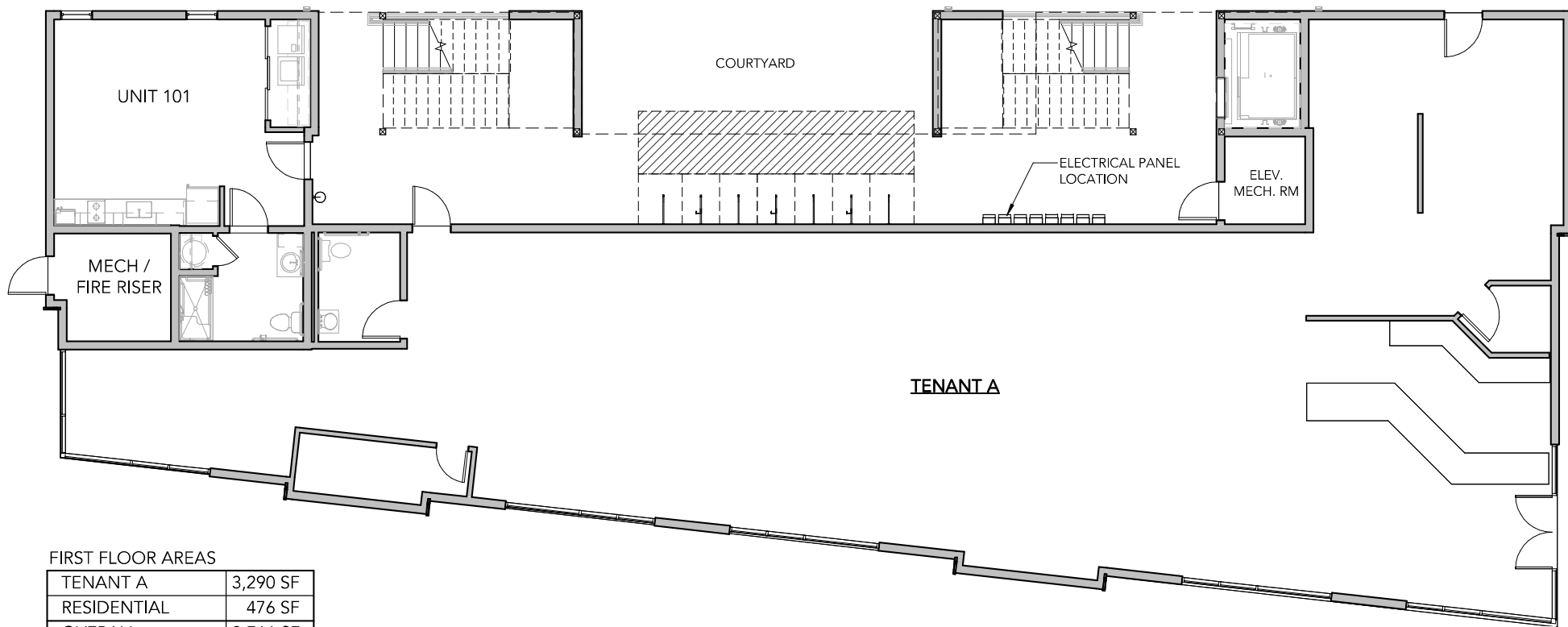
COVER SHEET

**SP-00**

DATE: 09/19/2023 REVISION: 01







FIRST FLOOR AREAS

|             |          |
|-------------|----------|
| TENANT A    | 3,290 SF |
| RESIDENTIAL | 476 SF   |
| OVERALL     | 3,766 SF |

GROUND LEVEL

SCALE: 1/8" = 1'-0"



**CBTWO**  
ARCHITECTS LLC

common-  
ground

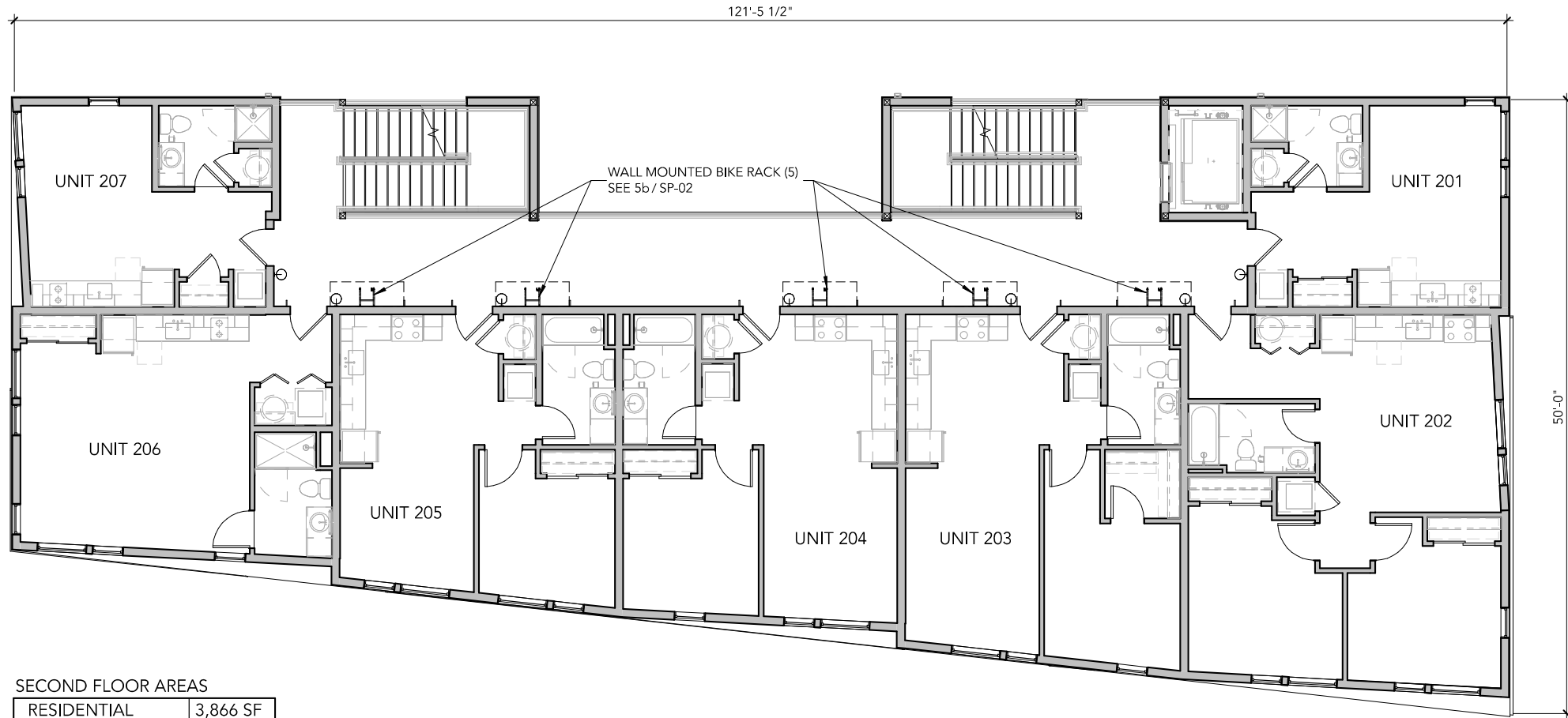
**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



FLOOR PLAN - LEVEL 1

**SP-04**

DATE: 06/23/2023 REVISION: 01



#### SECOND FLOOR AREAS

|             |          |
|-------------|----------|
| RESIDENTIAL | 3,866 SF |
| OVERALL     | 3,866 SF |

#### LEVEL 2 PLAN

SCALE: 1/8" = 1'-0"



**CBTWO**  
ARCHITECTS LLC

common-  
ground

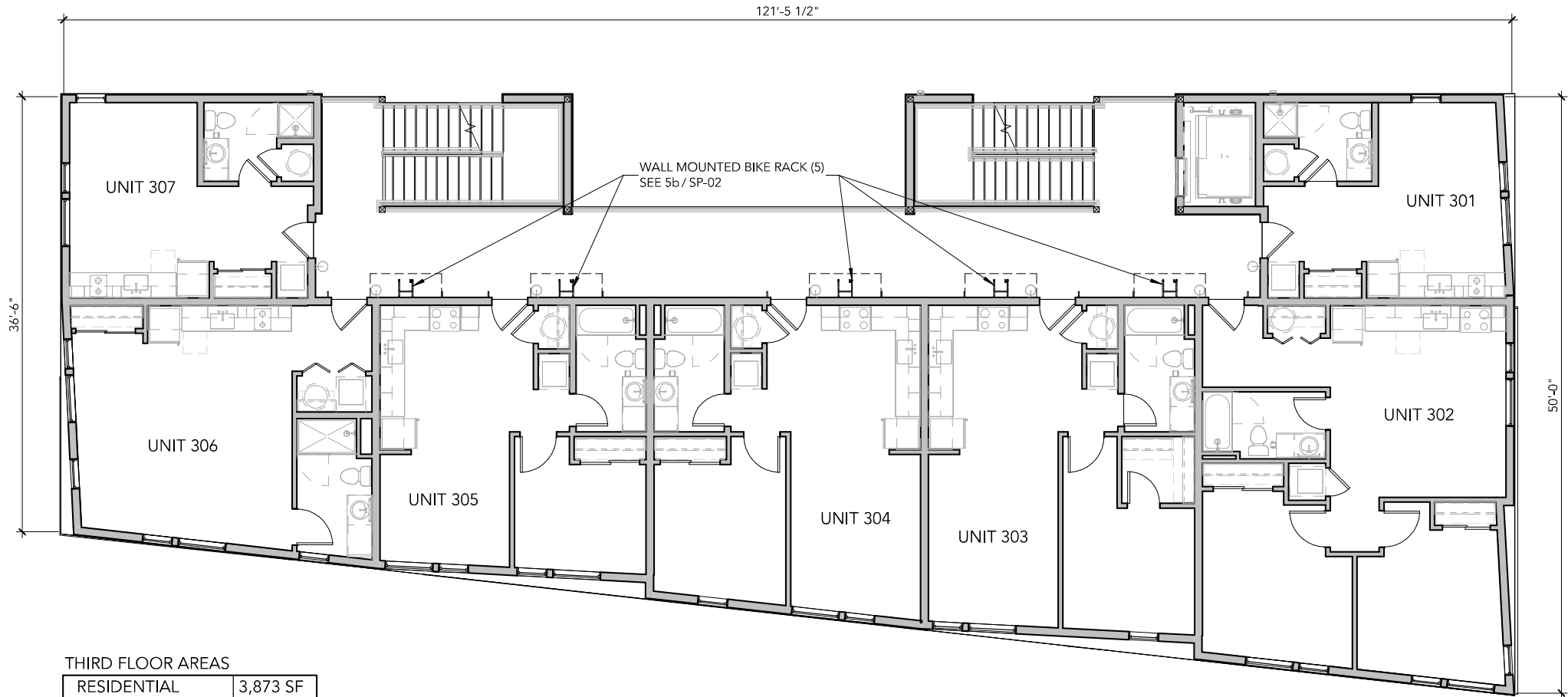
**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



FLOOR PLAN - LEVEL 2

**SP-05**

DATE: 09/19/2023 REVISION: 01



#### THIRD FLOOR AREAS

|             |          |
|-------------|----------|
| RESIDENTIAL | 3,873 SF |
| OVERALL     | 3,873 SF |

#### LEVEL 3 PLAN

SCALE: 1/8" = 1'-0"



**CBTWO**  
ARCHITECTS LLC

**common-ground**

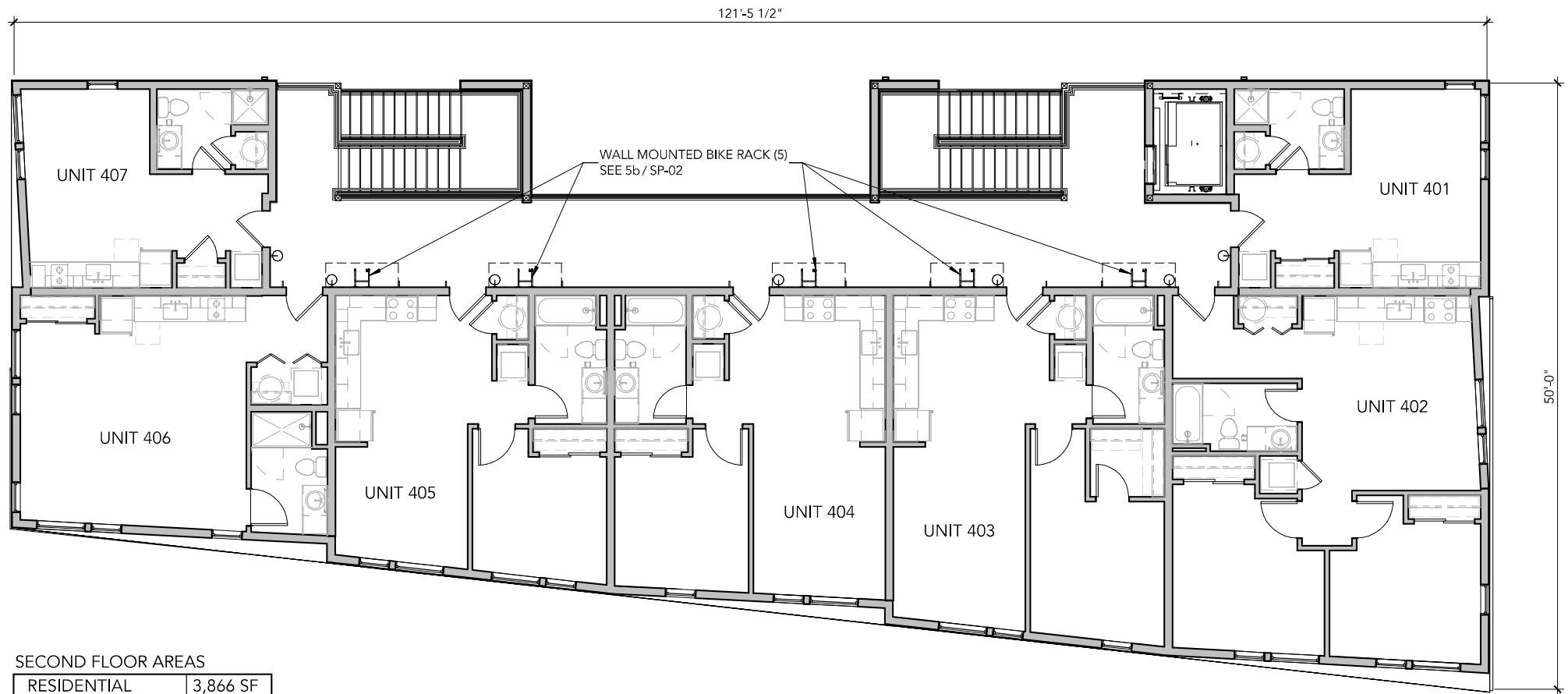
**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



FLOOR PLAN - LEVEL 3

**SP-06**

DATE: 09/19/2023 REVISION: 01



#### SECOND FLOOR AREAS

|             |          |
|-------------|----------|
| RESIDENTIAL | 3,866 SF |
| OVERALL     | 3,866 SF |

#### FOURTH LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



**CBTWO**  
ARCHITECTS LLC

**common-  
ground**

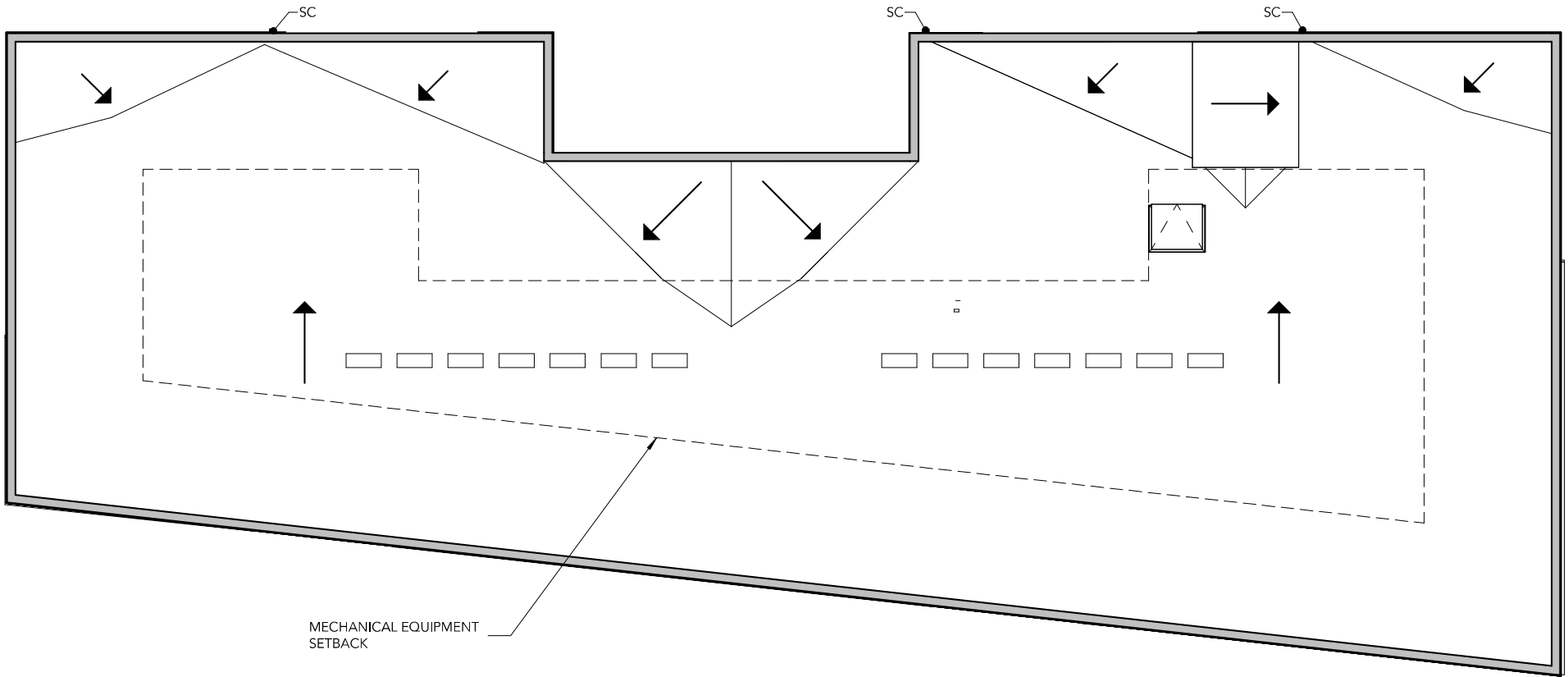
**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



FLOOR PLAN - LEVEL 4

**SP-07**

DATE: 09/19/23 REVISION: 01



# ROOF PLAN

SCALE: 1/8" = 1'-0"



**CBTWO**  
ARCHITECTS LLC

common-  
ground

**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



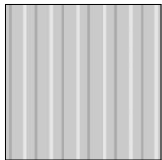
ROOF PLAN

**SP-08**

DATE: 09/19/2023 REVISION: 01



**A**  
MATERIAL:  
HORIZ. METAL SIDING  
  
COLOR:  
GLACIER WHITE



**B**  
MATERIAL:  
VERT. METAL SIDING  
  
COLOR:  
GLACIER WHITE



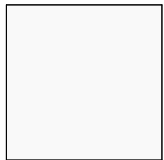
**C**  
MATERIAL:  
VERT. METAL SIDING  
  
COLOR:  
WOOD TONE HONEY  
MESQUITE



**D**  
MATERIAL:  
CONCRETE VENEER  
  
COLOR:  
BOARD FORM STANDARD  
GREY



**E**  
MATERIAL:  
RAILING  
  
COLOR:  
BLACK



**F**  
MATERIAL:  
METAL TRIM &  
DOWNSPOUTS  
  
COLOR:  
PAINT TO MATCH SIDING



**G**  
MATERIAL:  
STOREFRONT FRAME  
  
COLOR:  
BLACK

**CBTWO**  
ARCHITECTS LLC

common-  
ground

**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



BUILDING ELEVATIONS

**SP-09**

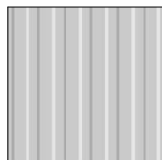
DATE: 09/19/2023 REVISION: 01



1 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



**A**  
MATERIAL:  
HORIZ. METAL SIDING  
  
COLOR:  
GLACIER WHITE



**B**  
MATERIAL:  
VERT. METAL SIDING  
  
COLOR:  
GLACIER WHITE



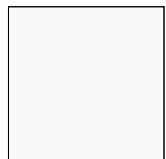
**C**  
MATERIAL:  
VERT. METAL SIDING  
  
COLOR:  
WOOD TONE HONEY  
MESQUITE



**D**  
MATERIAL:  
CONCRETE VENEER  
  
COLOR:  
BOARD FORM STANDARD  
GREY



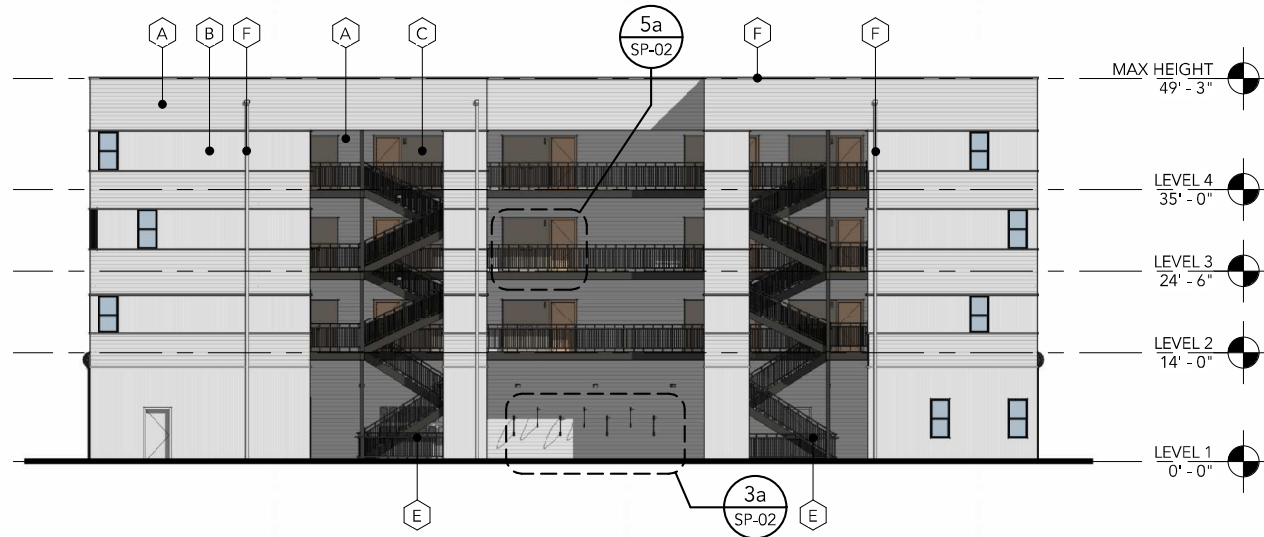
**E**  
MATERIAL:  
RAILING  
  
COLOR:  
BLACK



**F**  
MATERIAL:  
METAL TRIM &  
DOWNSPOUTS  
  
COLOR:  
PAINT TO MATCH SIDING



**G**  
MATERIAL:  
STOREFRONT FRAME  
  
COLOR:  
BLACK



2 EAST ELEVATION  
SCALE: 1/16" = 1'-0"

**CBTWO**  
ARCHITECTS LLC

common-  
ground

**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



BUILDING ELEVATIONS

**SP-10**

DATE: 09/19/2023 REVISION: 01





WEST ELEVATION

**CBTWO**  
ARCHITECTS LLC

common-  
ground

**DISTRICT 10**  
2710 BROADWAY ST NE, SALEM, OR 97301



RENDERINGS

**SP-12**

DATE: 09/19/2023 REVISION: 01





## STATEMENT NARRATIVE

November 3, 2023

Aaron Panko  
City of Salem  
Community Development – Planning Division  
555 Liberty Street SE, Room 305

### PROJECT NAME

DISTRICT 10

### SITE ADDRESS

2710 BROADWAY STREET NE

### **SECTION 1 - REQUEST**

Reitan Development with their architectural consultant, CBTWO Architects requests approval for a consolidated land use application which includes:

- A Class 3 site plan review SRC 220.005(b)(3)(G);
- Class 2 driveway approach permit SRC 804.025 for the new driveway;
- 4 Class 2 adjustments SRC 250.005(a)(1)(B) to applicable standards for:
  - Setbacks to parking between commercial and residential zones SRC 522.010(b)
  - Vehicle operation areas for waste collection service vehicles SRC 800.055(f)(2)
  - An alternative vision clearance standard SRC 805.005(b)(1)(B)
  - Minimum interior landscaping SRC 806.035(d)(2)
- Approval of this consolidated application will allow for the redevelopment of a small infill property located at 2710 Broadway Street NE.

### **SECTION 2 - PROJECT DESCRIPTION**

District 10 is a mixed-use development proposed on a 0.44 acre site located at the northeast corner of Broadway Street NE and Tryon Ave NE. The development site is zoned CR (Retail Commercial) and is currently developed with a single-story building, previously used as a service station or automotive repair shop with vehicle storage areas and paved parking. The subject property is bordered by Broadway Street NE adjacent to the west, Bliler Avenue NE to the north, a multiple-family development zoned RM2 – Multiple Family Residential 2 to the east, and Tyron Avenue NE, to the south. An existing driveway providing the only vehicular access is located on Tryon.

The proposed mixed-use development will comprise: a 4-story mixed use structure, approximately 16,000 square foot building which will include a convenience store on the ground floor, with 22 residential units, 1 on the ground floor and 21 on the upper floors; off-street parking accommodating 19 vehicle parking spaces and 26 bicycle spaces; a secure courtyard, and other landscaping. The proposed mixed-use building is a permitted use within the CR Zone. Vehicle access will remain on Tryon Avenue via a new driveway, with pedestrian connections to public sidewalks on Broadway Street and Bliler Avenue.

### SECTION 3 – SITE PLAN REVIEW

The proposed development meets applicable standards found in SRC Chapters 522, 800, 802, 803, 804, 805, 806, 807, and 808 except where relief through adjustment is requested. Applicable development standards are provided below in *gray italics*, followed by project information describing how the proposal meets the standard or notes where lenience via an adjustment is required in navy type with a **BOLD** header for clearer distinction between the two:

---

#### SRC 522. – CR-RETAIL COMMERCIAL

##### Sec. 522.005 Uses

(a) *Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.*

**PROJECT INFORMATION:** According to Table 522-1, multiple family is permitted when located in a mixed-use building. This project proposes a mixed-use building which will have a commercial retail user on the ground floor with residential units on the upper floor and is therefore permitted.

#### SRC 522.010 – Development Standards

##### (a) Lot standards

From Table 522-2

| Requirement                          | Standard           | Project Information   |
|--------------------------------------|--------------------|---|
| <b>Lot Area</b>                      |                    |   |
| <i>All uses</i>                      | <i>None</i>        | The development site is 18,624 square feet.   |
| <b>Lot Width</b>                     |                    |   |
| <i>All uses</i>                      | <i>None</i>        |   |
| <b>Lot Depth</b>                     |                    |   |
| <i>All uses</i>                      | <i>None</i>        |   |
| <b>Street Frontage</b>               |                    |   |
| <i>Uses other than single family</i> | <i>Min. 16 ft.</i> | The development site has frontage on 3 streets, 56 ft. on Bliler Avenue, 253 ft. on Broadway Street, and 60 ft. on Tryon Avenue where vehicular access is provided. |

##### (b) Setbacks

From Table 522-3 and 522-4

| Requirement   | Standard  | Project Information   |
|---|---|---|
| <b>Abutting Street</b>                                  |   |   |
| <b>Buildings</b>  |   |   |
| <i>All uses</i>   | <i>Min 5 ft.</i>  | The building is setback from Broadway Street approximately 5 ft. and from the Bliler Avenue by 5 ft. It is setback from Tryon Avenue by more than 150 feet.                               |
| <b>Accessory Structures</b>                             |   |   |
| <i>Accessory to all uses other than single family</i>   | <i>Min. 5 ft.</i>   | The trash enclosure, using fencing to screen the bins, is approximately 40 ft. from Broadway and approximately 100 feet from Tryon.   |
| <b>Vehicle use Areas</b>                                |   |   |
| <i>All Uses</i>   | <i>Per SRC 806 Min. 10 ft. with landscaping or min. 6 ft. with a 3 ft wall.</i> | Vehicle use areas along Broadway Street have a varying setback which ranges from a minimum 6 ft. (with a 3 ft. tall wall) up to 15 ft., 6 in.; and along Tryon Avenue by 10 ft to 12 ft.. |
| <b>Interior Front, Interior Side, and Interior Rear</b> |   |   |



| <i>Buildings, Accessory Structures, and Vehicle Use Areas</i> |   |  |
|---|---|--|
| <i>Uses other than single family</i>                          | <i>Zone-to-zone setback.<br/>Setback to residential zones min. 15 ft.</i> | <i>The proposed building is setback from the rear property line by 15 ft.; however, the vehicle use areas are setback by 9 ft. triggering one of the Class 2 adjustments to allow deviation.</i> |

(c) *Lot coverage; height. Buildings and accessory structures within the CR zone shall conform to the coverage and height standards set forth in Table 522-5.*

*From Table 522-5*

| <i>Requirement</i>                        | <i>Standard</i>    | <b>Project Information</b>   |
|---|--------------------|--|
| <i>Lot Coverage</i>                       |                    |  |
| <i>Buildings and Accessory Structures</i> |                    |  |
| <i>All uses</i>                           | <i>No Max.</i>     | <i>The building coverage is 3,930 sq. ft. which is 20.4% of the overall site.</i>  |
| <i>Rear Yard Coverage</i>                 |                    |  |
| <i>Buildings</i>                          |                    |  |
| <i>All uses</i>                           | <i>N/A</i>         |  |
| <i>Accessory Structures</i>               |                    |  |
| <i>Accessory to all uses<br/>No Max.</i>  |                    |  |
| <i>Height</i>                             |                    |  |
| <i>Buildings and Accessory Structures</i> |                    |  |
| <i>All uses</i>                           | <i>Max. 50 ft.</i> | <i>The building has an approximate height of 49 ft., 3 in. and the trash enclosure fencing is approximately 6 ft. in height.</i> |

(d) *Landscaping*

- (1) *Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.*
- (2) *Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.*
- (3) *Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.*

**PROJECT INFORMATION:** The development site will include landscaping, setbacks will be planted with a mix of trees, shrubs, and ground covers or grasses as required. The development site anticipates 32.5% landscaping, which exceeds the 15% minimum.

(e) *Development standards for continued uses.*

**PROJECT INFORMATION:** This will proposal will not be for a continued use.

*Sec. 522.015. – Design review.*

*Design review under SRC chapter 225 is required for development within the CR as follows:*

- (a) 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.*

**PROJECT INFORMATION:** The development proposal is not for residential care so design review is not a required.

*Sec. 522.020. – Other provisions.*

*In addition to the standards set forth in this chapter, development within the CR zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:*

**PROJECT INFORMATION:** Other chapters that apply are: SRC 86 Trees and Shrubs, certain sections from SRC 800 General Development Standards, certain sections from SRC 802 Public Improvements, certain sections from SRC 803 Streets and Right-of-Way Improvements, SRC 804 Driveway Approaches, SRC 806 Off-Street Parking, Loading and Driveways, SRC 807 Landscaping and Screening, SRC 808 Preservation of Trees and Vegetation, and SRC 900 Sign Code. Applicable standard with project information is provided below.

*SRC 86. – TREES ON CITY OWNED PROPERTY*

*Sec. 86.005. – Purpose.*

*The purpose of this chapter is to provide a unified, consistent, and efficient means for the planning, planting, maintenance, and removal of trees located on city property and to limit the adverse impacts to city trees and city infrastructure. It is hereby declared that the public interest and welfare requires that the City conduct a program for the planting, maintenance, preservation, and removal of city trees, and that the City promote the development of tree canopy cover of all trees on city property.*

**PROJECT INFORMATION:** The development site abuts 3 public streets, currently there are 3 trees located within the public ROW along Broadway Street. Of which, 1 an 8-inch cherry, will be retained and 2 evergreens located at the corner of Broadway Street and Tryon Avenue will be removed. Street tree plantings are required as noted in SRC 86.015(e) and will be provided as required.

*Sec. 86.015. Administration; rulemaking; responsibilities.*

- (a) General. The Director shall have jurisdiction over all City trees, including the planting, removal, care, maintenance, and protection thereof. The Director shall administer and enforce this chapter and shall have the authority to render written and oral interpretations and to adopt administrative rules, design standards, and procedures for its proper administration and enforcement.*
- (b) Removal or treatment of City trees. The Director may remove or permit the removal of any City tree, or plant or part thereof that is in an unsafe condition or is causing damage to City property, when the condition of the tree cannot otherwise be remedied by accepted arboricultural practices. The Director may, or permit another to, remove, treat, or cause to be treated any City tree or plant or part thereof that is currently infected with a fungus, disease, insect, or other pest such that it becomes a risk, as authorized by this chapter and administrative rules.*
- (c) Pruning of trees projecting into City property. It is the responsibility of the property owner to maintain and prune trees, shrubs, or other plants on private property that project into City property in accordance with applicable administrative rules. If the Director determines pruning of any such tree, shrub, or plant is deemed necessary, the Director shall have the power to prune or cause or order the same to be pruned. The City may assume the*

responsibility for pruning and bill the cost of pruning to the property owner, if notice to the property owner has been provided under SRC 86.105.

- (d) *Disease and pest inspection on private property.* The Director shall have the authority, either by consent of the property owner or by appropriate legal process, to enter private property for the purpose of inspecting a tree thereon to determine if such tree may be a risk tree and threat to public safety or City property. Upon discovering that any such tree is a risk tree, an order shall be sent to the property owner advising the property owner of the conditions and the corrective measures to take. In the event the property owner fails to take the corrective measures indicated in the order, the Director shall have the power to cause the corrective measures to be made. If the Director undertakes the corrective measures, the Director may bill the cost to the property owner, if notice to the property owner has been provided under SRC 86.105.
- (e) *Planting street trees.* Pursuant to SRC 803.035(k), any person undertaking development adjacent to public streets shall provide street trees to the maximum extent feasible in accordance with the standards and specifications set forth in this chapter and applicable administrative rules.
- (f) *Determination of City tree.* The Director shall have the authority to determine whether a particular woody plant shall be considered a City tree. Such determination shall be final and not subject to local appeal.
- (g) *Maintenance around tree.* The property owner, the property owner's lessee, occupant, or person in charge of property containing or adjacent to the City right-of-way is responsible for maintaining, in such a way as not to cause a hazard to public health or safety, or public property, the area around City trees. This responsibility includes maintaining landscaping, shrubs, or bushes, in accordance with applicable administrative rules, unless this responsibility is expressly assumed in writing by the City.
- (h) *City not responsible.* The City is not responsible for maintaining trees, shrubs, vegetation, or landscaping on private property.

**PROJECT INFORMATION:** As previously noted, street trees are required and will be planted within the planter strip between the curb and public sidewalk as required. Currently the Preliminary Planting Plan proposes 9 new street trees on Broadway Street and 1 on Tryon Avenue between the corner and the proposed driveway approach. The existing evergreens are not considered street trees and will be removed to allow for the redevelopment of the site.

*Sec. 86.030. Prohibited activities.*

- (a) *It shall be unlawful for any person, except as expressly allowed by a written permit, exemption, or variance granted pursuant to the terms of this chapter, to willfully or negligently injure, destroy, top, or prevent the growth of a City tree, including, but not limited to, the following:*
  - (1) *Pouring or spraying of an injurious chemical on or around any City tree.*
  - (2) *Posting any sign on a City tree, tree stake, or tree guard.*
  - (3) *Attaching or fastening any structure or device to any City tree, tree stake, or tree guard.*
  - (4) *Piling materials or storing supplies or debris within the Critical Tree Zone that may cause injury or damage to the tree or damage the tree, tree stake, or tree guard.*
  - (5) *Using concrete, asphalt, brick, or impervious material that may cause injury or damage to the tree.*
  - (6) *Causing or permitting the growth of vines, ramblers, or other climbing plants on City trees.*
  - (7) *Construction within the Critical Tree Zone.*
  - (8) *Parking or maneuvering vehicles that may cause injury or damage to the City tree, not including parking or maneuvering on existing paved surfaces.*
- (b) *The Director may exempt electrical utility providers from the prohibitions related to pruning and topping.*

**PROJECT INFORMATION:** Currently there is only 1 tree within the public ROW slated for retention and it will be protected as required or removed through approval of a removal permit if projection is not feasible.

*Sec. 86.035. - Certain trees prohibited.*

*It shall be unlawful for any person to plant any prohibited tree on City property. Established prohibited trees may be allowed to remain until the tree becomes dead, diseased, or a risk tree.*

**PROJECT INFORMATION:** The applicant will not plant any trees or other plant material within the public ROW which is prohibited.

*Sec. 86.040. - Diseased trees and shrubs prohibited.*

*To ensure the health of City trees, it shall be unlawful for any property owner or occupant of private property to allow any tree, or other vegetation growing on the property owner's or occupant's property to become infected with a fungus, disease, insect, or other pest such that it could adversely affect a City tree.*

**PROJECT INFORMATION:** The applicant will comply with this standard.

*Sec. 86.050. - Activities requiring permits.*

*(a) A permit is required for the following activities:*

*(2) Permit required for construction within Critical Tree Zone of City trees. It shall be unlawful for any person, without a written permit from the Director, to undertake or cause or authorize or procure any person to undertake any construction activity within the Critical Tree Zone of City trees.*

**PROJECT INFORMATION:** A permit will be obtained as part of the permitting process for replacement of the public sidewalk replacement if needed.

*(6) Permit required to plant trees on City property. It shall be unlawful for any person to plant trees, tree seeds, seedlings, or cause or authorize or procure any person to do so, in or upon any City property or alleys without obtaining from the Director a written permit to do so, or obtaining approval of a landscape plan pursuant to SRC 807.020, and without first complying in all respects with the conditions set forth in such permit or approval and with the provisions of this chapter.*

**PROJECT INFORMATION:** A permit will be obtained to allow for planting of street trees within the public ROW as required.

*Sec. 86.065. - Planting trees on City property*

*(c) Every property owner whose property abuts upon any street shall plant City trees conforming to the provisions of this chapter as a condition of final occupancy for construction of any building located upon the property. Applications for tree planting shall be made at the time of application for building permits. An inspection shall be made to verify that trees have been planted at the time of the final inspection. In lieu of planting City trees, the applicant may elect to pay a fee for the City to install any required trees as set by resolution of the Council.*

**PROJECT INFORMATION:** As previously noted, the development site abuts 3 public streets. Street trees meeting the street tree standards for size, species, and planting requirements will be provided as required. There is a Preliminary Planting Plan, Sheet L1.1, is included as part of the land use application package and includes proposed street tree planting. It is understood that final planting plan prepared by a licensed landscape architect, meeting City requirements will need to be provided as part of the building permit process.



*Sec. 86.090. - City tree removal criteria.*

*(a) A permit to remove a City tree may be granted if one or more of the following criteria are met, as determined by the Director:*

*(8) The Director may permit the removal of a City tree due to construction if there is no reasonable alternative. The applicant shall be required to bear all cost of the tree's removal and replacement.*

**PROJECT INFORMATION:** As noted previously, there are 3 trees located along the site's street frontage on Broadway or at the corner with Tryon. The current plan is to retain the existing cherry tree and remove the 2 evergreens at the corner. It is understood that removal of any trees will require, the developer to obtain the necessary permits, which will be pursued prior to building permits for any city owned tree proposed to be removed.

*(b) Except as provided in SRC 86.085(b), if a tree is removed pursuant to subsection (a)(8) of this section, the tree will be replaced in conformance with the applicable administrative rules and Public Works Design Standards.*

**PROJECT INFORMATION:** If replacement of public sidewalks along the development site's street frontage results in the removal of the existing City trees currently planned to be retained (single cherry tree) it will be replace as required by Public Works.

*(c) The City shall not permit the removal of a City tree for any other reason, including, but not limited to, the following, unless the criteria for a variance has been approved:*

- (1) Dropping of leaves, flowers, seeds, bark, sap, stems, pests, or other matter.*
- (2) Improvement or maintenance of views.*
- (3) Competition with turf or impact on non-plant landscaping (e.g., mulch or gravel).*
- (4) Common allergies.*
- (5) Damage to items that have been placed too close to the trunk such as pavers, bricks, blocks and concrete.*

**PROJECT INFORMATION:** Standard noted and understood.

*(d) Removals by City.*

- (1) Where the City proposes to remove a City tree smaller than ten inches dbh, no posting shall be required.*
- (2) Where the City proposes to remove a City tree larger than ten inches dbh, the City shall post notice of the removal as near as practicable to the tree to be removed for a period of 15 days prior to the removal.*
- (3) No appeals of decisions related to removals by the City shall be allowed, unless part of another decision which provides for an appeal.*

**PROJECT INFORMATION:** Standard noted and understood.

**SRC 800. - GENERAL DEVELOPMENT STANDARDS**

*Sec. 800.001. - Purpose.*

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

**PROJECT INFORMATION:** Applicable standards found in this chapter are limited to: 800.050.- Fences, walls, hedges, gates, and retaining walls; 800.055. - Solid waste service areas; 800.060. - Exterior lighting; and 800.065. - Pedestrian access. Each standard section is cited and compliance with the standards is provided.

*Sec. 800.050. - Fences, walls, hedges, gates, and retaining walls.*

*Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC*

chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

(a) *Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.*

(1) *Fences and walls.*

(B) *Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:*

(i) *Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.*

**PROJECT INFORMATION:** Currently the proposal is limited to a 3-foot tall screen wall adjacent parking along the Broadway frontage and a retaining wall between parking and stormwater facilities along the eastern side of the site. An existing 6-foot high solid wood fence is located on the east property line and is slated for retention as it appears to have been installed by the neighboring property owner, although confirmation of this has not been obtained.

(2) *Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.*

**PROJECT INFORMATION:** Where screening through the use of hedges is proposed it will not exceed 30-inches if within 10-feet of street property lines as required.

(3) *Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.*

**PROJECT INFORMATION:** All gates will comply with applicable height and transparency requirements if applicable.

(4) *Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.*

**PROJECT INFORMATION:** Retaining walls proposed for this project are limited and will not exceed a maximum height of 4-feet. Currently retaining walls are lower than the grade of parking and are being used to create green stormwater facilities along the eastern side of the property.

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

**PROJECT INFORMATION:** All fencing, walls, and landscape screening will not encroach in required vision clearance areas.

(c) *Material.*

(1) *Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron,*

and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.

**PROJECT INFORMATION:** Proposed fencing will be constructed of allowed materials only.

- (2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

**PROJECT INFORMATION:** Screen walls, are limited to the 3-foot tall screen wall used to screen parking that is adjacent to Broadway. It will be constructed of concrete, masonry or concrete block as allowed.

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

**PROJECT INFORMATION:** Hazardous materials such as those mentioned above will not be utilized for fencing or screen walls.

*Sec. 800.055. – Solid waste service areas.*

*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.

**PROJECT INFORMATION:** A trash enclosure is included as part of the development proposal. It is located at the northeast corner of the off-street parking lot. It is understood that a separate structural building permit may be required.

- (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 eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).*

**PROJECT INFORMATION:** Details related to the design of the trash enclosure are provided on the Site Detail Plan, Sheet SP-2. The indicated that the pad area will be within the enclosure will extend 1-foot beyond the receptacles, will extend approximately 8-feet beyond the front, and will provide 4-feet between receptacles that may face each other. The enclosure will be constructed of non-combustible materials and will provide required clearances. Proposed bins will not exceed 2 cubic yards and there is no roof structure proposed or any other overhead obstructions.

(c) *Permanent drop box and compactor placement standards.*

**PROJECT INFORMATION:** A permanent drop box or compactor are not proposed therefore this standard is not applicable.

(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.*

**PROJECT INFORMATION:** The solid waste service area will be screened through the use of metal sidewall panels, which will have a minimum height of 6 ft. as required. The enclosure will provide screening to all property lines.

(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 building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

**PROJECT INFORMATION:** As noted previously, the design details for the trash enclosure are provided on the Site Detail Sheet. They show: the front opening with a width of 16-feet; metal panel sidewall screening; a 4-inch tall by 12-inches deep curb around the perimeter will be provided to protect sidewalls; enclosure gates will swing without obstruction for 90 degrees; and meet clearance requirements of the City Fire Marshal.

(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 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle 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 permanent location of the receptacle or the enclosure opening (see Figure 800-8);
  - (ii) Parallel to the permanent 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 feet.
- (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.

**PROJECT INFORMATION:** The proposed development plan anticipates a vehicle operation area which is parallel to front of enclosure. Please see Site Plan & First Floor Plan, Sheet SP-1, and Site Details, Sheet SP-2, for compliance with the above standard for access, maneuvering, paving, and required signage. The development is only allowed 1 driveway and the site is not large enough to provide a turnaround as a result the waste collection service vehicle may need to back onto the street after servicing; an adjustment to the standard is required and is included as part of this consolidated land use review request.

- (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.

**PROJECT INFORMATION:** Standard is understood; however, the applicant is not seeking an adjustment to the standards. The hauler, Republic Services, has provided written verification the proposed configuration is acceptable. A copy of verification is included as an attachment.

*Sec. 800.060. – Exterior lighting.*

- (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.

**PROJECT INFORMATION:** The applicant understands that site lighting standards will apply to this project. Site lighting will not shine or reflect onto adjacent properties or cast glare onto the public ROW. Light fixtures will be downward directed, shielded, and comply with illumination requirements.

*SRC 802. – PUBLIC IMPROVEMENTS*

*802.010. D Design standards and specifications*

*The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.*

**PROJECT INFORMATION:** It is our understanding that public improvements for this project are limited to utility connections within the public ROW. This work will be designed in conformance with applicable Public Works design standards and specifications.

*Sec. 802.015. – Development to be served by city utilities.*

*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.*

**PROJECT INFORMATION:** The City of Salem Public Works Staff confirmed that the site, which is currently developed, is served by city utilities and that they are adequate to serve the development as proposed. All new utility connections will meet applicable Public Works design standards and specifications as required.

*Sec. 802.020. - Easements.*

*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.*

**PROJECT INFORMATION:** Easements will be provided as required.

*Sec. 802.025. - Utilities to be placed underground.*

*(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.*

**PROJECT INFORMATION:** The development site is located in a commercial zone and is currently served by overhead power. In our pre-application conference, March 27, 2023, the PGE representative indicated the existing power pole located on site will need to remain.

*SRC 803.- STREETS AND RIGHT-OF-WAY IMPROVEMENTS*

*Sec. 803.010. - Streets, generally.*

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

**PROJECT INFORMATION:** The development site is bounded by: Tryon Avenue NE, a local street, to the south; Broadway Street NE, a minor arterial, to the west; and Bliler Avenue NE, a local cul-de-sac, to the north. According to Public Works the existing ROWs and improvements are adequate for all boundary streets which border the site. The developer will be required to replace any non-conforming sidewalks (including curb ramps) and install street trees along all frontages as needed. No other improvements are triggered by this proposal.

*Sec. 803.015.- Traffic impact analysis.*

**PROJECT INFORMATION:** Public Works has indicated that no TIA is required based on the proposed development. A Traffic Generation Estimate form has been completed and submitted with the application materials as required.

*SRC 804.- DRIVEWAY APPROACHES*

*Sec. 804.015.- Driveway approach permit required.*

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

**RESPONSE:** This project requires a driveway approach permit to allow for the relocation and replacement of the existing driveway.

(b) *Exceptions. A driveway approach permit is not required for:*

- (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or*
- (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.*

**RESPONSE:** This project is not exempted from the driveway approach permit requirements.

*Sec. 804.025.- Class 2 driveway approach permit.*

(a) *Required. A Class 2 driveway approach permit is required for:*

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

**RESPONSE:** This proposal is for the replacement and relocation of an existing driveway which will serve this redevelopment proposal on property that is located within a commercial zone and will maintain access onto a local street.

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

**RESPONSE:** This request is part of a consolidated land use application which is being processed as a Type II procedure under SRC chapter 300.

(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:** As previously noted, the requested driveway approach permit is part of a consolidated land use application which contains a completed application form, a site plan



meeting the requirements of this standard, includes details related to the activities proposed for the redevelopment as required.

(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.*

**PROJECT INFORMATION:** Public Works has noted that a Class 2 driveway approach permit is needed for the proposed driveway and that they support the proposed location and design. There are no existing conditions which preclude it being located as proposed. The development site fronts on to 3 public streets and is limited to this single driveway access. The proposed driveway will only serve this development. The driveway will be located on a local street which is the lowest street classification for streets fronting the development site. The current plan meets vision clearance requirements as required. The proposed location will not create traffic hazards and will provide for safe turning movements and access. There are no adverse impacts anticipated in the area. The proposed driveway will minimize impact to the functionality of adjacent streets and intersections as it is sized to meet current dimensional requirements and has been site further from the intersection of Tryon Avenue and Broadway Street than the existing driveway as a result will therefore improve conditions in the area of the site. The proposed driveway will balance any adverse impact to residentially zone property and functionality of adjacent streets.

*Sec. 804.030. - Access onto local and collector streets.*

(a) *Number of driveway approaches. Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.*

**PROJECT INFORMATION:** This project is not seeking additional driveways and will not serve any of the above noted uses, therefore this standard does not apply.

(b) *Permitted access.*

- (1) *Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.*
- (2) *No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.*

**PROJECT INFORMATION:** The proposed driveway will provide access to permitted parking and vehicular use areas serving a mixed-use development. It will also provide access to a franchise utility service provider's equipment.

*(c) Spacing. Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.*

**PROJECT INFORMATION:** This project will take access from a local street only.

*(d) Vision clearance. Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.*

**PROJECT INFORMATION:** The location of the new driveway meets vision clearance requirements. Please refer to the Site Plan & First Floor Plan, Sheet SP-1, for details to conformance with vision clearance standards.

*Sec. 804.035 – Access onto major and minor arterials.*

*Sec. 804.040. – Access onto parkways*

**PROJECT INFORMATION:** As noted previously, the proposed driveway will access a local street, as a result these sections are not applicable.

*Sec. 804.045. - Shared access.*

**PROJECT INFORMATION:** This driveway will not share access with another property, therefore this section does not apply.

*Sec. 804.050. - Driveway approach development standards.*

*Driveway approaches shall conform to the following development standards:*

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

**PROJECT INFORMATION:** The proposed driveway will meet Public Works Standards as required. Please refer to site related plans, including those prepared by Westech Engineering, for location, dimensional information and proposed design.

*(b) Width.*

*(1) Driveway approach width for single family, two family, three family, and four family uses. Driveway approaches serving single family, two family, three family, and four family uses shall conform to the minimum and maximum widths set forth in Table 804-1.*

*(2) Driveway approach width for uses other than single family, two family, three family, and four family. Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.*

*(3) Measurement. For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.*

**PROJECT INFORMATION:** Table 804-2 notes the minimum width for the driveway serving this development is 22-feet to accommodate two-way traffic, the proposed driveway will have a paved width of 24-feet exceeding the minimum standard. The 24-foot width is met at the property line but continues for the length of the driveway.

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

**PROJECT INFORMATION:** Pavement markings indicating directional flow will be provided if required.

*Sec. 804.055. - Driveway approach relocation, reconstruction, and maintenance.*

**PROJECT INFORMATION:** Standard understood. The proposed driveway is not being relocated at The Director's request, although the proposed location is supported by Public Works, therefore this section does not apply.

*Sec. 804.060. - Driveway approach closure.*

**PROJECT INFORMATION:** The Director has not required the closure of the existing driveway and Public Works has acknowledge that the proposed replacement driveway will be allowed as proposed. As a result, this section is not applicable to the proposed development.

*SRC 805.- VISION CLEARANCE*

*Sec. 805.005. - Vision clearance areas.*

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

*(a) Street intersections. Vision clearance areas at street intersections shall comply with the following:*

*(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).*

**PROJECT INFORMATION:** The site is located at the southeast corner of Broadway Street and Tryon Avenue, which is a controlled with a stop sign on Tryon. There are no proposed structures, fences, or walls within the vision clearance triangle and plant material will be maintained at heights no more than 30-inches to meet required vision clearance requirements.

*(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.*

*(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).*

**PROJECT INFORMATION:** A solid wood fence located on the shared property line is more than 30" tall, however Public Works has indicated they would consider an alternative standard given that this is a two-way driveway and it is 24-feet wide, and exiting traffic lining at the center line of the driveway allows the driveway to meet the dimensional standards for vision clearance of the project's only driveway.

*Sec. 805.015. - Alternative standards.*

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

**PROJECT INFORMATION:** Public Works has indicated they will adjust the east intersecting street leg of the vision clearance triangle to the center of the driveway because that is where the vehicles will be lined up. This adjustment will increase the vision clearance area allowing the driveway to meet an acceptable alternate vision clearance standard. Please refer to the Site Plan & First Floor Plan, Sheet SP-1 for adjusted vision clearance.

*SRC 806.- OFF-STREET PARKING*

*Sec. 806.001.-Purpose.*

*The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.*

**PROJECT INFORMATION:** Off-street parking is provided for this development and will meet applicable standards as required.

*Sec. 806.015. – Amount off-street parking.*

*(a) Maximum off-street parking.*

*(1) Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.*

*From Table 806-1*

| MAXIMUM OFF-STREET PARKING  |   |  |
|---|---|--|
| Use   | Maximum Number of Spaces Allowed <sup>1</sup> | Limitations & Qualifications           |
| Multiple family   | 1.2 per dwelling unit                         | Applicable to studio units             |
|   | 1.75 per dwelling unit                        | Applicable to all other dwelling units |
| Retail sales  | 1 per 200 sq. ft.                             |  |
| <i>(1) For land uses with more than 65,000 square feet of floor area, surface off-street parking shall not exceed the floor area of the building. For the purposes of measuring the area of surface off-street parking, loading areas and other paved areas not for use by passenger vehicles shall not be counted.</i> |   |  |

**PROJECT INFORMATION:** The development includes approximately 3,290 square feet of retail space and a 476 square foot residential unit on the ground floor with 21 multi-family units on the upper floors comprised of 10 studios units, 9 one-bedroom units, and 3 two-bedroom units. Based on the amount of retail space and the number and type of dwelling units, this project is permitted up to 49 off-street parking spaces. This project anticipates 19 off-street parking spaces.

*Sec. 806.020. – Method of providing off-street parking.*

*(a) General. If provided, off-street parking shall be accommodated through one or more of the following methods:*

- (1) Ownership. Ownership in fee by the owner of the property served by the parking;*
- (2) Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;*
- (3) Lease Agreement. A lease agreement;*
- (4) Lease or rental agreement in parking structure. A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845;*

*(b) Review and filing of agreement. Prior to execution of any lease, or rental agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.*

**PROJECT INFORMATION:** The off-street parking will be ownership in fee by the owner of the property served by the parking.



*Sec. 806.025. - Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.*

*Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.*

**PROJECT INFORMATION:** The development proposal is for mixed-use therefore this section is not applicable.

*Sec. 806.030. - Driveway development standards for single family, two family, three family, and four family uses or activities.*

**PROJECT INFORMATION:** This section is not applicable.

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

*Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.*

*(a) General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:*

- (1) The development of new off-street parking and vehicle use areas;*
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;*
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and*
- (4) The paving of an unpaved area.*

**PROJECT INFORMATION:** The proposed project includes providing new off-street parking areas.

*(b) Location.*

- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.*
- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.*
- (3) Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.*

**PROJECT INFORMATION:** The proposed parking areas will meet setback requirements for streets and proposed buildings; however due to site configuration, development standards for the CR zone, and where vehicular access will be allowed the setback to neighboring multi-family property is 9-feet which does not meet the zone to zone setback of 15-feet resulting in the need for a Class 2 adjustment which is included as part of the consolidated land use application.

*(c) Perimeter setbacks and landscaping.*

- (1) Perimeter setbacks and landscaping, generally.*
  - (A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter*

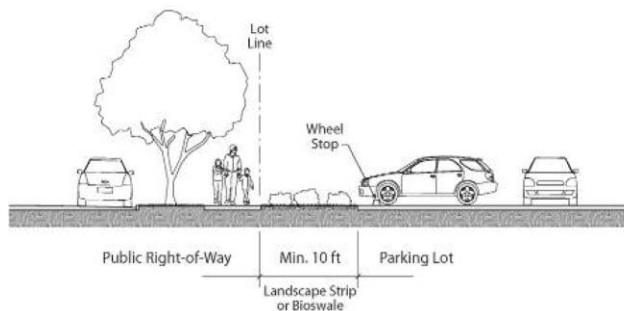
setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

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

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

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

(A) Method A. Method A. The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

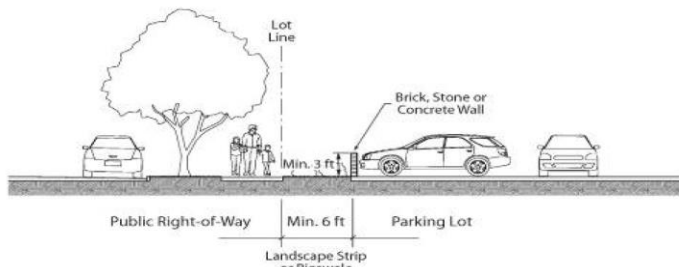


(B) Method B.

(C) Method C.

(D) Method D.

(E) Method E. The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.



- (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.

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

**PROJECT INFORMATION:** The setbacks for the off-street parking areas will be landscaped. The setback to Tryon Avenue, will meet the Method A setback which includes a 10-wide landscape bed between the property line and off-street parking. Along Broadway Street the setback meets the Method E standard as this setback varies in width from 10-feet wide down to 6-feet; as a result a 3-foot tall, will be provided adjacent to the parking area with landscaping provided between the wall and the public sidewalk. There is 15-feet or more between the maneuvering areas and the building, this area includes landscaping and a pedestrian walkway. As noted previously, the proposal provides 9-feet between the neighboring property to the east, requiring an adjustment otherwise perimeter setbacks meet or exceed standards.

(d) *Interior landscaping.*

- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
- (A) Vehicle storage areas.
  - (B) Vehicle display areas.
  - (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
  - (D) Gravel off-street parking areas, approved through a conditional use permit.
  - (E) Underground parking.
  - (F) Parking garages.
- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

| From Table 806-4. Interior Off-Street Parking Area Landscaping |                                      |
|--|--------------------------------------|
| Total Interior Area of Off-Street Parking Area                 | Percentage Required to be Landscaped |
| Less than 50,000 sq. ft.                                       | Min. 5%                              |

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.
- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

**PROJECT INFORMATION:** The 5,419 square foot parking area includes 19 parking spaces which requires a minimum of 5% or 270 square feet of interior landscaping and 2 trees. There are 6 trees proposed within the perimeter landscape area; however, the development is only able to provide 201 square feet of landscaping qualifying as 'interior landscape'. Therefore, an adjustment to the standard is required.

(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.*

| From Table 806-5. Minimum Off-Street Parking Area Dimensions   |               |                                 |                                   |   |                                 |   |   |
|--|---------------|---------------------------------|-----------------------------------|---|---------------------------------|---|---|
| Parking Angle<br>A <sup>(3)</sup>  | Type of Space | Stall Width<br>B <sup>(3)</sup> | Stall to Curb<br>C <sup>(3)</sup> | Aisle Width<br>(1), (2)<br>D <sup>(3)</sup> | Curb Length<br>E <sup>(3)</sup> | Front of Stall to Front of Stall<br>F1 <sup>(3)</sup> | Overlap Front of Stall to Front of Stall<br>F2 <sup>(3)</sup> |
| 90°  | Compact       | 8'0"                            | 15.00                             | 22.0  | 8.0                             | 54.0  |   |
|  |               | 8'6" <sup>(5)</sup>             | 15.0                              | 22.0  | 8.0                             | 54.0  |   |
|  | Standard      | 9'0"                            | 19.0                              | 24.0  | 9.0                             | 62.0  |   |
|  |               | 9'6"                            | 19.0                              | 24.0  | 9.5                             | 62.0  |   |
|  |               | 10'0"                           | 19.0                              | 24.0  | 10.0                            | 62.0  |   |
| <b>Limitations and Qualifications</b><br>(1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.<br>(2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.<br>(3) See Figure 806-8 for corresponding off-street parking area layout requirements.<br>(4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.<br>(5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post. |               |                                 |                                   |   |                                 |   |   |

**PROJECT INFORMATION:** The development proposes 19 parking spaces, of those 12 will be compact spaces with at least an 8-foot minimum width, and a 15-foot minimum depth; the remaining 7 spaces will be standard size with a minimum width of 9-feet and a minimum depth of 19-feet.

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

(1) *Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and*

(2) *Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.*

**PROJECT INFORMATION:** A turnaround which exceeds the requirements of Table 806-6, please refer to the Site Plan, Sheet SP-01 for detailed information confirming conformance with the standard.

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

**PROJECT INFORMATION:** Off-street parking areas will not exceed a maximum grade of 10% and ramps will not exceed a maximum grade of 15% as required. Please refer to the Grading and Drainage Plan, Sheet C2.0 for design information.

(h) *Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-*



10). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

(1) Vehicle storage areas within the IG zone.

(2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.

(3) Gravel off-street parking areas, approved through a conditional use permit.

**PROJECT INFORMATION:** The off-street parking area will be paved with asphalt or similar allowed materials. Current parking lot design does not require overhang into landscape areas to meet required dimensional requirements for parking.

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

**PROJECT INFORMATION:** The proposed off-street parking area has been designed to adequately meet drainage standards as required by Public Works. Please refer to the Grading Plan, Sheet C2.0 for confirmation.

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

(1) Vehicle storage areas.

(2) Vehicle sales display areas.

**PROJECT INFORMATION:** Wheel stops are proposed at each parking space to prevent vehicles from encroaching into required setbacks or landscaped areas.

(k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

(1) Vehicle storage areas.

(2) Vehicle sales display areas.

(3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.

(4) Gravel off-street parking areas, approved through a conditional use permit.

**PROJECT INFORMATION:** Proposed off-street parking areas will be striped based on dimensional requirements for standard, compact, and accessible spaces. Please see the Site Plan, Sheet SP-01, for: parking location, type of parking space, and space dimensions for confirmation of conformance with the standard.

(l) *Marking and signage.*

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

(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.

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

**PROJECT INFORMATION:** Off-street parking areas will include directional pavement markings as required, this includes identification of compact spaces. Off-street parking areas will include required lighting meeting exterior lighting requirements. Parking areas, adjacent to the residentially zoned property to the east will include landscaping providing added screening already provided by an existing 6-foot tall solid wood fence located on the neighboring property adjacent to the shared property line.

*Sec. 806.040. - Driveway development standards for uses or activities other than single family, two family, three family, or four family.*

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

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

**PROJECT INFORMATION:** The off-street parking area for this development will be served from a single 24-foot wide driveway allowing two-way traffic for ingress and egress. As previously noted, a turnaround space is also provided.

- (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.*

**PROJECT INFORMATION:** The driveway provides direct access to the street as allowed and will solely serve this development.

- (c) *Setbacks and landscaping.*

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

**PROJECT INFORMATION:** The development site does not include an interior driveway, the single driveway proposed will replace an existing driveway and will directly access Tryon Avenue, a local street as allowed. All required setbacks will be landscaped.

*(d) Dimensions. Driveways shall conform to the minimum width set forth in Table 806-7.*

| From Table 806-7. Minimum Driveway width |        |   |
|--|--------|---|
| Type of Driveway                         | Width  | Inside Radius of Curves & Corners         |
| Two-way driveway                         | 22 ft. | 25 ft., measured at curb or pavement edge |

**PROJECT INFORMATION:** The proposed driveway is 24-feet wide, curb to curb, with inside radius of curves and corners exceeding the 25-foot minimum.

*(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.*

**PROJECT INFORMATION:** The proposed driveway will be paved with concrete meeting the Public Works Design Standards as required.

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

**PROJECT INFORMATION:** The proposed driveway will be designed, to meet grading and drainage standards as required by the Public Works Director. Please refer to the preliminary Grading and Drainage Plan, Sheet C2.0, for preliminary driveway design.

*(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.*

**PROJECT INFORMATION:** The driveway is approximately 10-feet deep which will not permit parking. If "No Parking" signs are required they will be provided.

*Sec. 806.045. - Bicycle parking; when required.*

*(a) General applicability. Bicycle parking shall be provided as required under this chapter for:*

- (1) Each proposed new use or activity.*
- (2) Any change of use or activity.*
- (3) Any intensification, expansion, or enlargement of a use or activity.*

**PROJECT INFORMATION:** This is a redevelopment proposal and is therefore required to provide bicycle parking that meets the applicable standards found in this section.

*(b) Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU\_I), Mixed Use-II (MU\_II), Mixed Use-III (MU\_III), Mixed Use-Riverfront (MU\_R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zones. Notwithstanding ....*

**PROJECT INFORMATION:** The development site is located in the CR zone and will not include a change of use of an existing building therefore this standard does not apply.

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

**PROJECT INFORMATION:** The development site will demo all existing improvements to allow for a new mixed-use development that will provide required bicycle parking that conforms to applicable standards of this section.

*Sec. 806.055. - Amount of bicycle parking.*

*(a) Minimum required bicycle parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.*

| <i>From Table 806-8. Bicycle Parking</i>   |   |  |   |
|--|---|--|---|
| <i>Use</i>   | <i>Minimum Number of Spaces Required <sup>(1)</sup>, <sup>(2)</sup></i>   | <i>Maximum Percentage of Long-Term Spaces Allowed <sup>(3)</sup></i> | <i>Limitations &amp; Qualifications</i>   |
| <i>Multiple family</i>   | <i>None</i>   | <i>N/A</i>   | <i>Applicable to cottage clusters</i>   |
|  | <i>1 space per dwelling unit</i>  | <i>100%</i>  | <i>Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network<sup>(4)</sup></i> |
| <i>Retail sales</i>  | <i>The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.</i> | <i>25%</i>   |   |
| <p><i>(1) Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.</i></p> <p><i>(2) The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.</i></p> <p><i>(3) The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.</i></p> <p><i>(4) The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.</i></p> |   |  |   |

**PROJECT INFORMATION:** This project will contain commercial retail uses and residential uses. The commercial retail uses will occur within 3,290 square feet of the ground floor which requires 4 bicycle parking spaces. There will be 22 residential units requiring 1, bike space per unit. The development proposes 26 bicycle parking spaces, 4 spaces, within 50-feet of the primary entry for the commercial space adjacent to the public sidewalk and near the off-street parking area and 22 spaces serving the residential units. Residential bicycle parking is located under cover on at the ground floor level of the building within the secure courtyard or on upper floors through wall mounted racks.

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



**PROJECT INFORMATION:** The residential bicycle parking is all longterm. Ground floor racks are vertical type and the upper floor racks are horizontal wall mounted. Please refer to the Site Details Plan, Sheet SP-02 for bicycle parking details.

*Sec. 806.060. - Bicycle parking development standards.*

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

*(a) Location.*

*(1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.*

*(2) Long-term bicycle parking.*

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

*(i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or*

*(ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.*

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

*(i) A residential dwelling unit;*

*(ii) A lockable garage;*

*(iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;*

*(iv) A lockable bicycle enclosure; or*

*(v) A bicycle locker.*

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

*(i) A restricted access lockable room;*

*(ii) A lockable bicycle enclosure; or*

*(iii) A bicycle locker.*

**PROJECT INFORMATION:** As indicated in the previous section, bicycle parking for the commercial uses is short term, with racks being located within 50-feet of the primary retail tenant space entry. The residential bicycle parking is considered longterm as it is accessed from the secure courtyard either at the ground level or on upper floors.

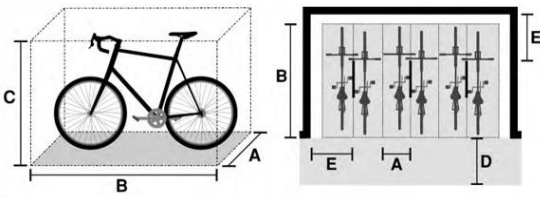
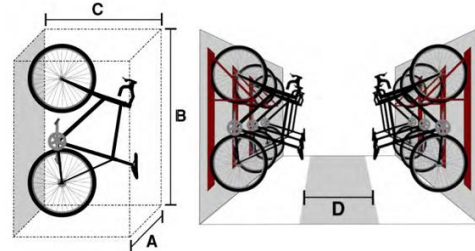
*(b) Access. All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.*

**PROJECT INFORMATION:** All proposed bicycle parking can be directly accessed from the public right-of-way without obstructions or barriers such as curbs or stairs.

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

*(1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.*

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

| From Table 806.9. Minimum Bicycle Parking Space and Access Dimensions  |                  |                   |                   |                         |                                    |
|--|------------------|-------------------|-------------------|-------------------------|------------------------------------|
| Space Type   | Space Width<br>A | Space Length<br>B | Space Height<br>C | Access Aisle<br>Width D | Clearance Between<br>Rack & Wall E |
| Horizontal Spaces <sup>(1)</sup>   |                  |                   |                   |                         |                                    |
| Standard   | 2 ft.            | 6 ft.             | 4 ft.             | 4 ft.                   | 2 ft.                              |
| Side-by-side <sup>(2)</sup>  | 1.5 ft.          |                   |                   |                         |                                    |
|   |                  |                   |                   |                         |                                    |
| Vertical Spaces  |                  |                   |                   |                         |                                    |
| Standard   | 2 ft.            | 6 ft.             | 4 ft.             | 5 ft.                   | N/A                                |
| Side-by-side   | 1.5 ft.          |                   |                   |                         |                                    |
|    |                  |                   |                   |                         |                                    |
| <p><b>Limitations and Qualifications:</b></p> <p>(1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.</p> <p>(2) Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.</p> |                  |                   |                   |                         |                                    |

**PROJECT INFORMATION:** Bicycle racks for the commercial retail uses will be provided through side-by-side horizontal spaces with a 1.5-foot/2-foot width and a 6-foot length. Bicycle parking for the residential units will be side-by-side vertical, with spaces measuring 1.5-feet/2-feet wide by 6-feet long; or horizontal wall mounted racks, which provide a width of 2-feet, and length of 6-feet. All bicycle parking areas will provide at least a 4-foot wide access aisle and required vertical clearances. Please see Site Details Plan, Sheet SP-02, for specific design details.

(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.

**PROJECT INFORMATION:** The project plans to use concrete or other hard surface paving material for all bicycle parking areas.

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

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

**PROJECT INFORMATION:** The bicycle racks proposed for the commercial retail uses are a standard staple type rack allowing the bicycle frame to be supported in a stable position. The vertical racks will be a standard vertical “loop” allowing the bike to be supported in a vertical position. The wall mounted horizontal racks will allow bicycle frame to rest horizontally and be secured with a U-shaped shackle lock. Please refer to the Site Details Plan, Sheet SP-02, for detailed dimensions and rack type.

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

**PROJECT INFORMATION:** There are no bicycle lockers proposed with this development, therefore this standard does not apply.

*Sec. 806.075. - Amount of off-street loading.*

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

| From Table 806-10. Minimum Off-Street Loading, Dimensions |                                   |                         |            |        |        |                              |
|---|-----------------------------------|-------------------------|------------|--------|--------|------------------------------|
| Use Category/Use  | Minimum Number of Spaces Required |                         | Dimensions |        |        | Limitations & Qualifications |
|   |                                   |                         | Width      | Length | Height |                              |
| Multiple family   | None                              | 5 to 49 dwelling units  | N/A        | N/A    | N/A    |                              |
| Retail sales and service                                  | None                              | Less than 5,000 sq. ft. | N/A        | N/A    | N/A    |                              |

**PROJECT INFORMATION:** The proposed development contains 22 multi-family units and commercial retail use in an area that is less than 4,000 square feet, therefore no off-street loading space is required.

*SRC 807. - LANDSCAPING AND SCREENING*

*Sec. 807.015. - Landscaping and screening.*

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

(a) *Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without*

a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

| From Table 807-1. Landscaping Types |   |  |
|-------------------------------------|---|--|
| Landscaping Type                    | Required Plan Units (PU)                    | Required Screening                                   |
| A                                   | Min. 1 PU per 20 sq. ft. of landscaped area | None   |
| B                                   | Min. 1 PU per 20 sq. ft. of landscaped area | Min. 6-foot-tall fence, wall, or hedge               |
| C                                   | Min. 1 PU per 20 sq. ft. of landscaped area | Min. 6-foot-tall fence or wall                       |
| D                                   | Min. 1 PU per 16 sq. ft. of landscaped area | Min. 6-foot-tall sight-obscuring landscaping or wall |
| E                                   | Min. 1 PU per 16 sq. ft. of landscaped area | Min. 6-foot-tall wall                                |

**PROJECT INFORMATION:** In most cases screening is limited to a Type A landscape screen is required for screening of off-street parking and buildings with the exception of the east property line where the neighboring property is zoned RM-2, which requires Type C landscaping and screening. As noted in the above table, Type C screening requires the use of a “6-foot-tall fence or wall”, a 6-foot solid wood fence currently exists along the site's eastern property line which is planned to be retained meeting the minimum standard. Additional screening through the use of tree and shrub plantings is also proposed along this property line.

(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.*

| From Table 807-2. Plant Materials and Minimum Plan Unit Values                  |                       |                                       |
|---|-----------------------|---------------------------------------|
| Plant Material  | Plant Unit (PU) Value | Size at Planting                      |
| 1 mature tree   | 15 PU                 |                                       |
| 1 shade tree  | 10 PU                 | 1.5 in. to 2 in. caliper              |
| 1 evergreen/conifer tree  | 5 PU                  | 6 ft. to 8 ft. height                 |
| 1 ornamental tree   | 2 PU                  | 1 in. to 1.5 in. caliper              |
| 1 large deciduous or evergreen shrub (at maturity; over 4 ft. wide; 4 ft. high) | 2 PU                  | Min. 3 gallon or balled and burlapped |
| 1 small to medium shrub (at maturity; 4 ft. wide; 4 ft. high)                   | 2 PU                  | Min. 1 gallon                         |
| Lawn or other ground cover  | 1 PU per 50 sq. ft.   |                                       |

(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.*

**PROJECT INFORMATION:** There is 1 fir tree located at the southwest corner of the site, due to the amount of site work required for this development it will not be retained. However, 15 new trees will be planted within the site's boundaries and 10 new street trees will be planted within the ROW.

(d) *Tree replanting requirements. In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in*



*this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.*

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

**PROJECT INFORMATION:** The 1 existing fir tree located at the southwest corner of the site will be removed as part of the redevelopment. There are 15 new trees proposed within the site they will be a mix of shade and evergreen types.

- (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.*

**PROJECT INFORMATION:** Screening for this project is only required along the east property line through the use of a 6-foot high solid fence or wall. A 6-foot high solid wood fence currently exists along the east property line. Additional plantings of Joe Kozey Umbrella Pine trees, Silver King Japanese Euonymus, and Texas Japanese Privet shrubs are also proposed.

- (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.*

**PROJECT INFORMATION:** Currently no berms are proposed as part of the development's site improvements.

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

**PROJECT INFORMATION:** The development anticipates the planting of street trees along it's frontage on Broadway Street and also on Tryon Avenue. The preliminary planting plan proposes 9 Vanessa Persian Parrotia along Broadway Street and 1 Maidenhair Tree on Tryon Avenue for a total of 10 new street trees.

*Sec. 807.020. - Landscaping plan and landscaping permit.*

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

**PROJECT INFORMATION:** It is understood that a landscape plan is required to be prepared and submitted to the City for review and approval during the permitting process.

(b) *Landscaping permit.*

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

**PROJECT INFORMATION:** This project will require building permits, a landscape plan conforming to applicable standards will be prepared by a licensed landscape architect and submitted for review and approval as part of the permitting process.

*Sec. 807.025. - Plant material standards.*

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

**PROJECT INFORMATION:** It is understood that plant materials installed as part of this development will need to be healthy and free from disease, insects, or pests.

*Sec. 807.030. - Tree protection measures during construction.*

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

**PROJECT INFORMATION:** All existing vegetation and trees, which is limited, will be removed from the site. The single street tree located within the ROW will be protected as required during construction.

*Sec. 807.035. - Installation.*

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

**PROJECT INFORMATION:** Standard understood, the developer will comply.

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

**PROJECT INFORMATION:** Plant materials proposed and approved on the final landscape plan will be installed in conformance with the standards of the American Association of Nurserymen, Inc.

*Sec. 807.040. - Irrigation.*

(a) *A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:*

- (1) *Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;*
- (2) *New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and*
- (3) *New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with*

*the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.*

**PROJECT INFORMATION:** It is understood that a permanent underground or drip irrigation system with an approved backflow prevention device will be required for this project. An irrigation will be designed by a qualified professional and submitted to the City of Salem for review and approval during the building permitting process.

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

**PROJECT INFORMATION:** The irrigation will be designed to comply with City of Salem standards. An irrigation plan will be submitted to the City of Salem for review and approval as part of the building permit process.

*Sec. 807.045. - Maintenance.*

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

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

**PROJECT INFORMATION:** The developer understands that unhealthy or dead plan materials shall be replaced in conformance with the approved landscape plan.

*Sec. 807.050. - Compliance/performance assurance.*

*(a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.*

**PROJECT INFORMATION:** It is understood that the landscaping will require inspection and approval from the City of Salem in order to obtain a certificate of occupancy.

*(b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.*

**PROJECT INFORMATION:** It is understood that a performance guarantee for the landscaping may be required if the landscaping has not been installed, inspected, and approved prior to obtaining a certificate of occupancy.

*(c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.*

**PROJECT INFORMATION:** Standard is understood.

*Sec. 807.055. - Administrative relief.*

Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:

**PROJECT INFORMATION:** The developer is not requesting administrative relief.

#### *SRC 808.- PRESERVATION OF TREES AND VEGATATION*

*Sec. 808.025. - Trees on lots or parcels 20,000 square feet or greater.*

*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.*

**PROJECT INFORMATION:** The development site is less than 20,000 square feet, therefore this section does not apply.

#### *SRC 900.- SIGN CODE*

*Sec. 900.025. - Sign permits.*

*(a) Applicability. Except as otherwise provided in this chapter, a permit is required for the construction, erection, enlargement, alteration, or relocation of any sign.*

**PROJECT INFORMATION:** The applicant is aware that permits for any proposed signage will be required prior to fabrication and installation. Application for sign permits will be pursued during construction.

*(b) Procedure type. An application for a sign permit is a Type I procedure under SRC chapter 300.*

**PROJECT INFORMATION:** It is understood that Planning will review the application for the sign permits as a Type 1 procedure and that issuance of said permits will be subject to approval of this review.

*(c) Additional submittal requirements. In addition to the submittal requirements under SRC chapter 300, an application for a sign permit shall contain:*

**PROJECT INFORMATION:** The sign fabricator will submit required materials at the time the sign permit/permits are pursued. The following information is provided as preliminary signage design information as part of the Site Plan Review as a means of confirming that the proposed concepts conform with applicable standards of this chapter of the UDC and are not meant to bypass the permitting process.

*Sec. 900.145. - Roof signs.*

*(a) Width. On buildings that are less than 50 feet wide, the width of a roof sign shall be no greater than 50 percent of the width of building. On buildings that are 50 feet wide or greater, the width of a roof sign shall be no greater than 25 feet or 25 percent of the width of the building, whichever is less.*

**PROJECT INFORMATION:** This project proposes 2 signs mounted on the canopy style awnings, which are considered "roof" signs. These signs wrap the corner of the awning, as depicted on the Sign Details Plan, Sheet SP-11, as a result will be visible from multiple façade elevations. The



building length of the west elevation (Broadway Street) is approximately 121-feet which allows a sign up to 25-feet wide which is what is being proposed between the 2 signs. The length of the south elevation (Tryon Avenue) is 50-feet, allowing a sign that is up to 25-feet wide, the proposed sign for the south elevation 10-feet, 9-inches. The length of the north elevation (Bliler Avenue) is 36-feet, 6 inches allowing a sign that is 9-feet, 1 inch wide as proposed.

*(b) Height.*

*(1) Roof signs located on a flat roof shall not exceed the following heights:*

*(A) Building height of 15 feet or less, six feet.*

*(B) Building height of 15 to 20 feet, seven feet.*

*(C) Building height greater than 20 feet, eight feet.*

*(2) The height of a roof sign located on a gable, hipped roof, or pitched roof that is less than eight feet in height shall be no greater than 50 percent of the vertical height of the roof. The height of roof signs located on a gable, hipped roof, or pitched roof that is eight feet in height or greater shall be no greater than four feet or 25 percent of the vertical height of the roof, whichever is larger. Vertical height shall be measured from the lower edge of the roof to the peak of the gable, hip, or pitch, vertically from, and not along the plane of, the gable, hip, or pitch.*

*(3) Roof signs located on a marquee or canopy shall not exceed a height of four feet above the roof of the marquee or canopy.*

**PROJECT INFORMATION:** As noted above, the proposed signs are located on the canopy awnings. As shown in the concept plans, the height of these signs is anticipated to be approximately 2-feet, 6-inches which is below the maximum allowed height.

*(c) Setbacks.*

*(1) A roof sign shall be setback a minimum of three feet from the front wall.*

*(2) A roof sign shall be setback a minimum of three feet from each end wall.*

**PROJECT INFORMATION:** These signs are proposed on the awnings which will be located above ground floor storefront systems and will project out from the building façade.

*(d) Clearance.*

*(1) A roof sign shall have a minimum clearance of three feet between the bottom of the roof sign and the top of a parallel parapet.*

*(2) When a roof sign is placed on the peak of a roof, the roof sign shall have a minimum clearance of 1½ feet between the bottom of the sign and the roof.*

**PROJECT INFORMATION:** This standard is understood but is not applicable as these signs will not be installed on the roof of the building.

*(e) Structure. Except for vertical poles, the supporting structure of a roof sign shall be completely enclosed.*

**PROJECT INFORMATION:** This standard is understood. Final sign designs will be provided during the sign permitting process.

*Sec. 900-150.- Wall signs.*

*(a) Wall signs on building walls. Wall signs placed on a wall of a building shall conform to this subsection.*

*(1) Height.*

*(A) Wall signs may project above the higher of the eave line, roof line, or top of the parapet a distance equal to one-third of the height of the sign or three feet, whichever is less.*

- (B) Wall signs that do not extend the full length of the wall may project above the eave line, roof line, or top of the parapet one-third of the height of a building if the building is less than 15 feet in height, or six feet if the building is over 15 feet in height.
- (C) The height of a wall sign that extends the full length of the wall shall not exceed four feet, measured from the roof line directly behind the wall to the top of the wall.
- (D) Wall signs attached to a marquee shall not exceed 30 inches in height.

(2) Structure.

- (A) The supporting structure for any wall sign shall be completely enclosed so as not to be visible from any public street, alley, or adjacent property.
- (B) No external braces, guy wires, "A" frames, or similar bracing system shall be used in constructing a wall sign.
- (C) Wall signs may be installed on mansard roofs of 30 degrees or less, if they are installed vertically, and if the supporting structure is completely enclosed so as not to be visible from any public street, alley, or adjacent property.

(3) Clearance.

- (A) The bottom of a wall sign that projects from a wall and is located on an alley shall have a clearance of not less than 14 feet from grade and shall have a maximum projection from the wall to which it is attached of not more than 12 inches.
- (B) The lower edge of a wall sign attached to a marquee shall not extend below the marquee.

**PROJECT INFORMATION:** A wall sign located on the low wall being used to screen parking. This sign as proposed is 14-feet wide and 1-foot, 6-inches tall and will face Broadway Street. The wall will be 3-feet tall as required by SRC 806.035(c)(2)(E).

- (b) Sign towers. Wall signs may be placed on sign towers that conform to this subsection.

**PROJECT INFORMATION:** There are no sign towers included with this application.

*Sec. 900.200. - Permanent signs in Central Business District (CB), West Salem Central Business (WSCB), Retail Commercial (CR), General Commercial (CG), and Mixed Use-III (MU-III) Zones. The following permanent signs are allowed in the Central Business District (CB), West Salem Central Business (WSCB), Retail Commercial (CR), General Commercial (CG), and Mixed Use-III (MU-III) Zones.*

*(a) Dwellings. Single family dwellings and dwelling units in duplexes are allowed either one wall sign or one freestanding sign. A wall sign shall be limited to a display surface not exceeding one square foot. A freestanding sign shall be limited to a display surface not exceeding one square foot and to a height not exceeding 30 inches.*

**PROJECT INFORMATION:** This development does include residential units; however, is part of a mixed-use development that includes 22 multi-family units on upper floors and retail commercial uses on the ground floor, therefore this standard does not apply.

- (b) Permanent signs for businesses. Unless the business is located in a shopping center or office complex, a business may have the following signs:

- (1) One freestanding sign, one projecting sign, one roof sign, or one wall sign on each building frontage. When the business is located on a corner lot, only one freestanding sign shall be allowed.

(A) Freestanding signs.

(B) Wall signs.

- (i) For CR, CG and MU-III zones, the display surface for a wall sign shall not exceed 125 square feet. Notwithstanding the size of the display surface authorized by this subsection, wall signs that are located on a marquee shall not extend below the lower edge of the marquee and shall be limited to a height not exceeding 30 inches.



- (ii) *For CB and WSCB zones, the display surface for a wall sign shall not exceed that allowed by Table 900-9.*
  - (C) *Projecting sign standards. Projecting signs shall conform with SRC 900.140.*
  - (D) *Roof sign standards. Roof signs shall conform with SRC 900.145.*
- (2) *Any number of additional wall signs on each building, provided the total display surface of all wall signs allowed under this subsection does not exceed the maximum display surface set forth in Table 900-10.*
- (3) *One hanging sign on each building frontage and each building face.*
- (4) *One wall sign located on the wall abutting an alley adjacent to the building in which the business is located. The wall sign shall be limited to a display surface not exceeding six square feet.*
- (5) *Vehicle directional signs. One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding eight square feet and to a height not exceeding four feet.*
- (6) *Vehicle viewing sign. One vehicle viewing sign, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle. The display surface shall not exceed 32 square feet.*
- (7) *Vehicle service or loading directional sign. In lieu of the sign allowed in subsection (b)(5) of this section, one freestanding sign or one wall sign located at each service or loading entrance onto the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding 22 square feet and to a height not exceeding 15 feet.*

**PROJECT INFORMATION:** Currently the plans indicated the individual commercial tenants will utilize the canopies for their signage. The proposed wall sign which will identify the development is located on the low screen wall as previously explained. It is understood that this development may qualify for additional wall signs; and if this is an option they developer chooses to pursue they will apply for all required approvals prior to fabrication and installation.

- (c) *Permanent signs for shopping centers. A shopping center and individual businesses in the shopping center are allowed the following signs:*

**PROJECT INFORMATION:** This project is not considered a shopping center therefore this standard does not apply.

- (d) *Permanent signs for office complexes. An office complex and individual businesses in the office complex are allowed the following signs:*

**PROJECT INFORMATION:** This project is not considered an office complex, although it is anticipated to have more than one commercial tenant. Currently commercial tenant signage for each space is proposed on the canopies.

- (e) *Outdoor advertising signs. Outdoor advertising signs that comply with this chapter are allowed.*

**PROJECT INFORMATION:** Currently no outdoor advertising signs are proposed. The developer is aware that if they opt to utilize this type of signage it will need to comply with applicable standards found in this chapter.

## SECTION 4 - CLASS 2 DRIVEWAY APPROACH

As noted in Section 1 – Requests, this consolidated land use application includes approval of a Class 2 driveway approach for the removal and replacement of the exiting non-conforming driveway which currently serves the development site. As detailed within Section 3 – Site Plan Review, the project meets the applicable criteria for requested permit and is further summarized below:

- 1) The proposed driveway approach will meet applicable standards of SRC 804 and the Public Works Design Standards;
- 2) There are no site conditions prevent placing the driveway approach in the proposed location;
- 3) There are no driveway approaches proposed onto an arterial;
- 4) The proposed driveway approach will take access from a local street which is the lowest street classification abutting the property;
- 5) The proposed driveway approach meets the Public Works alternate vision clearance standards.
- 6) The proposed driveway approach is designed to mitigate traffic hazards and will provide for safe turning movement and access;
- 7) The proposed driveway approach will not result in significant adverse impacts to the area;
- 8) The proposed driveway approach will meet Public Works design standards and replace the current non-conforming driveway approach balancing any adverse impacts to residentially zoned property in the area and the functionality of adjacent streets.

## SECTION 5 - ADJUSTMENTS

This consolidated land use application for approval of the proposed development requires 4 Class 2 adjustments:

- Applicable standards for setbacks to parking between property zoned CR and residential zones SRC 522.010(b);
- Applicable standards related to vehicle operation areas for waste collection service vehicles SRC 800.055(f)(2).
- Alternative vision clearance standard to SRC 805.005;
- Reduction of minimum percentage of interior landscaping required SRC 806.035(d)(2).

Class 2 adjustments shall be granted if applicable criteria are met. The following provides the applicable criteria in *Gray italics* followed by detailed explanation of how the proposal meets noted criteria in Navy with **BOLD** header for clear distinction between the two:

(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.*

**SRC 522.010(b) - RETAIL COMMERCIAL, ZONE-TO-ZONE SETBACK:** The zone-to-zone setback standards for property lying with the CR Zone and adjacent to residentially zoned properties is 15-feet for all structures and vehicle use areas. The proposed project will provide the required 15-feet between the eastern property line and the proposed mixed-use building; however, it is not able to provide 15-feet for the off-street parking area which is setback 9-feet from the eastern property line. We believe that the proposed development including its off-street parking area better meets the intent of the standard as the proposed project will bringing needed improvements to this underutilized property and increase residential units in northeastern Salem. Further, the new driveway will be wider and is farther from the intersection of Tryon and Broadway Street which will promote safer maneuvering into and from the subject site. The off-street parking area will provide adequate parking for this development reducing impacts to available on-street parking both on Tryon Avenue and Bliler Avenue. The intent of

the standard is to provide adequate separation between incompatible uses, in this case the proposed development is primarily residential which is consistent with the neighboring property which is Zoned MR-II and developed with 11 apartment units. Additionally, setbacks to vehicle use areas identified within "SRC 806 Off-Street Parking, Loading and Driveways", requires only a 5-foot setback between parking and abutting property lines. Parking areas will be screened by an existing 6-foot tall solid wood fence, with additional screening enhancements through the use of shrub plantings along this same property line.

**SRC 800.055(f)(2) – SOLID WASTE SERVICE AREAS:** The standard for vehicle operation areas for waste collection service vehicles asks that they not be required to back onto a public street to leave the premises. The development site is limited to 1 driveway and is not large enough to provide a turnaround for these vehicles. The proposed trash enclosure has been designed to meet all other standards and will provide a contained location for refuse bins which will be screened from the street and neighboring properties. The waste hauler has visited the development site and reviewed the design, and provided confirmation that they can safely service the development.

**SRC 805.005(b)(1)(B) – VISION CLEARANCE, DRIVEWAY SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY:** This section of 805, requires a vision clearance area with a 10-foot leg along each side of the driveway and a 50-foot legs along the intersecting street. The development site has only 60-feet of frontage on Tryon where the proposed driveway is located and the width of the driveway is 24-feet and there is an existing solid wood fence located on the shared property line precluding the vision clearance unattainable, as a result the standard is not applicable. However, this driveway is eligible for an alternative standard given that the driveway width is 24-feet and existing traffic will be lining to the center line of the driveway the additional distance provided will meet an alternative standard that is recognized by the City of Salem's Traffic Engineer.

**SRC 806.035(d)(2) – MINIMUM PERCENTAGE OF INTERIOR LANDSCAPING REQUIRED:** Landscaping is required for off-street parking areas which are 5,000 square feet or greater, the proposed off-street parking area is 5,419 square feet with 19 parking spaces to serve this development. The required amount of interior landscape is 270 square feet. Due to site constraints such as: an irregularly shaped lot, site size, and limited access, the amount of qualifying "interior landscaping" provided is only 201 square feet. However, we believe the proposed design better meets the intent by providing a higher level of screening and landscaping between the off-street parking and the public sidewalk. The proposed design enhances the pedestrian environment by placing the screen wall adjacent to parking. The screen wall is low, just 3-feet in height and the landscape strip includes: a variety of shrubs, trees, and ground cover which will be visible from both sides of the wall. Tree plantings within this landscape strip will provide desired shading of parking areas while the low wall better screens vehicles from the sidewalk and the street. Based on the size of the parking area, the perimeter plantings will be perceived as interior landscaping. The proposed design provides greater benefit for pedestrian uses and will allow the development to maintain 19 off-street parking spaces reducing impacts to the surrounding streets.

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

**EXPLANATION:** The development site is not located within a residential zone and the proposed development will provide a new quality development to a site that is long in need of redevelopment and maintenance.

*(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.*

**EXPLANATION:** As indicated previously, there are 3 Class 2 adjustments requested. Their cumulative effect will result in an overall development that is desired in the zone and is needed in this area. The existing building has fallen into disrepair and is in a derelict state, the requested adjustments are the minimum needed to allow the new building, which will rectify this situation and add needed housing units in Salem.

## **SECTION 6 - CONCLUSION**

We appreciate the opportunity to provide the City of Salem's Community Development team the consolidated land use application for the District 10 development proposal. We believe that the development as designed meets the overarching intent of the applicable standards of the UDC and the goals of Salem's Comprehensive Plan. The development site, is a small underutilized property which currently houses a former service station which is vacant and in a state of disrepair. Approval of the site plan review, driveway approach permit, and the Class 2 adjustments will allow this development proposal to provide the desired type of redevelopment project the City is hoping for.

Thank you for your consideration,

Gretchen Stone,  
CBTWO Architects, LLC



## MEMO

**TO:** Aaron Panko, Planner III  
Community Planning and Development Department

**FROM:** Laurel Christian, Infrastructure Planner II  
Community Planning and Development Department

**DATE:** January 23, 2024

**SUBJECT:** Infrastructure Memo  
**SPR-ADJ-DAP23-33 (23-113096-PLN)**  
**2710 Broadway Street NE**  
**Mixed Use Building**

### **PROPOSAL**

Class 3 Site Plan Review and Class 2 Driveway Approach Permit for the development of a new four-story mixed use building containing ground floor commercial retail space and 22 dwelling units in the upper floors with associated off-street parking area and site improvements, and the following Class 2 Adjustments:

1. To reduce the zone-to-zone setback required between the CR (Retail Commercial) zone and the abutting residential to the east from 15 feet, per SRC Chapter 522, Table 522-4, to 9 feet;
2. To reduce the vehicle operation area turnaround dimension requirements in SRC 800.055(f)(1)(E), for solid waste collection vehicles;
3. To modify the vision clearance requirements of SRC 805.005(b)(1)(B) where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line; and
4. To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 5 percent (270 square feet) per SRC 806.035(d), to 3.7 percent (201 square feet).

The subject property is approximately 0.44 acres in size, zoned CR (Retail Commercial), and located at 2710 Broadway Street NE 97301 (Marion County Assessor map and tax lot number: 073W14BB / 04901).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a), including ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.
2. Install street trees to the maximum extent feasible along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE.
3. Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

## **FACTS**

### **Streets**

1. Broadway Street NE
  - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 50-to-66-foot improvement within a 74-to-95-foot-wide right-of-way abutting the subject property.
2. Tryon Avenue NE
  - 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 Conditions—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
3. Bliler Avenue NE
  - 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 Conditions—This street has an approximate 75-foot improvement within a 60-to-92-foot-wide right-of-way abutting the subject property.



## **Storm Drainage**

### **1. Existing Conditions**

- a. A 10-inch storm main is located in Bliler Avenue NE.
- b. A 12-inch storm main is located in Tryon Avenue NE.

## **Water**

### **1. Existing Conditions**

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch water main is located in Broadway Street NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 6-inch water main is located in Bliler Avenue NE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.
- d. A 6-inch water main is located in Tryon Avenue NE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. An 8-inch public sewer main is terminates at the eastern property line of the subject property.

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

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 UDC (Unified Development Code)**

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

The Floodplain Administrator 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.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

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 is bordered by Broadway Street NE, a minor arterial street; Tryon Avenue NE, a local street; and Bliler Avenue NE, a local street. The streets abutting the development site are fully developed and meet the minimum right-of-way width and pavement width standards pursuant to the Salem Transportation System Plan (TSP); therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 78.180(a) and to ensure the transportation system provides for safe and efficient circulation for pedestrians into and out of the development site, the applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property. This shall include ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.

**Condition:** Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a), including ADA ramps at the abutting corner of Broadway Street NE and Tryon Avenue NE.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As a condition of approval, the applicant shall plant street trees along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE. Street tree installation will be reviewed for conformance with the requirements of SRC Chapter 86 at the time of building permit review.

**Condition:** Install street trees to the maximum extent feasible along Broadway Street NE, Tryon Avenue NE, and Bliler Avenue NE.

**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 development site is served by one (1) driveway approach onto Tryon Avenue NE. The driveway access onto Tryon Avenue NE provides 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 to serve the proposed development. No Urban Growth Area permit is required. The existing water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing public sanitary sewer main that terminates on the subject property, at the eastern property line. This sanitary sewer main is located in a public utility easement that extends from the eastern property line to the western property line, through the development site. The public sanitary sewer main does not, however; extend the width of the property, it terminates at the eastern property line. At time of building permit review, the unused portion of this easement may be quitclaimed. No new encroachments are permitted in public utility easements.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

### **CRITERIA AND FINDINGS—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 Public Works Design Standards;**

**Finding**—The applicant requests an alternative vision clearance standard; therefore, a Class 2 adjustment is required for vision clearance as described

below. Otherwise, the proposed driveway meets the standards for SRC 804, SRC 805, and Public Works Design Standards (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 driveway.

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

**Finding—**The proposed driveway is not accessing onto an arterial street. The proposed driveway will take access to Tryon Avenue NE, designated as a local street according to the Salem Transportation System Plan (TSP).

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

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

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

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

**Finding—**The applicant requests an alternative vision clearance standard; therefore, a Class 2 adjustment is required for vision clearance as described below. With approval of an alternative vision standard pursuant to SRC 805.105 and SRC 250.005(d)(2), this criterion is met.

**(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 driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway 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 driveway and the evidence that has been submitted indicate that the location of the proposed driveway 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 property is located on the corner of a minor arterial street (Broadway Street NE) and two local streets (Tryon Avenue NE and Bliler Avenue NE). The applicant is proposing a driveway to the lower classification of street and it meets 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 is surrounded by multi-family residentially zoned property and single-family residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS—CLASS 2 ADJUSTMENT**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria: The purpose underlying the specific development standard proposed for adjustment is:**

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

**Finding**—The applicant requests an alternative vision clearance standard for the driveway approach onto Tryon Avenue NE pursuant to SRC 805.015. Pursuant to SRC 805.005(b)(1)(B) driveways serving uses other than single-family and two-family uses shall have a vision clearance area with a 10-foot leg along the driveway and a 50-foot leg along the intersecting street. There is an existing wooden fence located on neighboring property that is within the vision clearance area. Per SRC 805.005(b)(1)(B), the required vision clearance should be measured from the property line, behind the sidewalk. When the vision clearance for the proposed driveway is measured from the back of the curb, rather than the property line, there is adequate sight distance to view on-coming traffic. The Assistant City Traffic Engineer has reviewed the proposal and finds that the alternative allows for vision clearance that equally meets the development standards when the vision clearance is measured from the curb line rather than the property line.

## **RESPONSE TO CITIZEN COMMENTS**

- 1. Increased Traffic** – Comments received express concerns for increased traffic in the area and a lack of on-street parking to accommodate additional development in the area.

**Staff Response** - The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. As described in the written findings, the streets abutting the development site meet minimum standards for their street classifications according to the Salem Transportation System Plan (TSP). The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

There are no minimum parking requirements for the proposed development. Broadway Street NE is classified as a minor arterial street; on-street parking along Broadway Street NE is not permitted. Tryon Street NE and Bliler Avenue NE are classified as local streets; on-street parking is allowed on both sides of Tryon Street NE and Bliler Avenue NE. On-street parking is not reserved and would be available for use by the proposed development.

Prepared by: Laurel Christian, Infrastructure Planner II  
cc: File



**REQUEST FOR COMMENTS*****Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*****REGARDING:** Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP23-33**PROJECT ADDRESS:** 2710 Broadway St NE, Salem OR 97301**AMANDA Application No.:** 23-113096-PLN**COMMENT PERIOD ENDS:** Wednesday, December 20, 2023, at 5:00 p.m.**SUMMARY:** Proposed development of a new four-story mixed use building approximately 15,400 square feet in size, containing ground floor commercial retail space and 22 dwelling units in the upper floors.**REQUEST:** Class 3 Site Plan Review and Class 2 Driveway Approach Permit for the development of a new four-story mixed use building containing ground floor commercial retail space and 22 dwelling units in the upper floors with associated off-street parking area and site improvements, and the following Class 2 Adjustments:

- (1) To reduce the zone-to-zone setback required between the CR (Retail Commercial) zone and the abutting residential to the east from 15 feet, per SRC Chapter 522, Table 522-4, to 9 feet;
- (2) To reduce the vehicle operation area turnaround dimension requirements in SRC 800.055(f)(1)(E), for solid waste collection vehicles;
- (3) To modify the vision clearance requirements of SRC 805.005(b)(1)(B) where the proposed driveway access to Tryon Avenue NE conflicts with an existing solid wood fence at the eastern property line; and
- (4) To reduce the interior landscaping requirement for the proposed off-street parking area from a minimum of 5 percent (270 square feet) per SRC 806.035(d), to 3.7 percent (201 square feet).

The subject property is approximately 0.44 acres in size, zoned CR (Retail Commercial), and located at 2710 Broadway St NE – 97301 (Marion County Assessor's map and tax lot number: 073W14BB / 04901).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Wednesday, December 20, 2023,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical 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:** Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: [APanko@cityofsalem.net](mailto:APanko@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: See attached
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Name/Agency: David Fridenmaker, Salem-Keizer Public Schools

Address: 2450 Lancaster Dr NE, PO Box 12024, Salem, OR 97309

Phone: 503-315-0232

Email: fridenmaker\_david@salkeiz.k12.or.us

Date: 12/14/2023

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



Business & Support Services  
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309  
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

December 14, 2023

Aaron Panko, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. SPR-ADJ-DAP23-33, 2710 Broadway St. NE

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:

| <b>School Name</b> | <b>School Type</b> | <b>Grades Served</b> |
|--------------------|--------------------|----------------------|
| Highland           | Elementary         | K thru 5             |
| Parrish            | Middle             | 6 thru 8             |
| North 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 |
|-------------|-------------|-------------------|------------------------|------------------------|
| Highland    | Elementary  | 291               | 423                    | 69%                    |
| Parrish     | Middle      | 653               | 829                    | 79%                    |
| North Salem | High        | 2,117             | 2,248                  | 94%                    |

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  | 22                     | MF           | 0.164                                  | 4                  |
| Middle      |                        |              | 0.085                                  | 2                  |
| High        |                        |              | 0.096                                  | 2                  |

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 |
|-------------|-------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------|--------------------|
| Highland    | Elem.       | 291               | 7                              | 4                          | 11                 | 423                | 71%                |
| Parrish     | Mid.        | 653               | 7                              | 2                          | 9                  | 829                | 80%                |
| North Salem | High        | 2,117             | 87                             | 2                          | 89                 | 2,248              | 98%                |

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 |
|-------------|-------------|---|
| Highland    | Elementary  | Walk Zone                                       |
| Parrish     | Middle      | Eligible for School Transportation              |
| North 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   | 4                  | \$83,655                               | \$334,620  |
| Middle       | 2                  | \$101,069                              | \$202,138  |
| High         | 2                  | \$118,482                              | \$236,964  |
| <b>TOTAL</b> |                    |  | <b>\$773,722</b>                                   |

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

Sincerely,

David Fridenmaker  
Business and Support Services

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