

# NOTICE OF DECISION

PLANNING DIVISION  
planning@cityofsalem.net



*Si necesita ayuda para comprender esta información, por favor llame*

**503-588-6173**

## DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE REPLAT PLAN / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 ADJUSTMENT / TREE REGULATION VARIANCE / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO.: REP-SPR-ADJ-TRV-DAP25-08**

**APPLICATION NO.: 25-102406-PLN**

**NOTICE OF DECISION DATE:** August 20, 2025

**REQUEST:** A Class 3 Site Plan Review for the development of a 49-unit apartment complex with ground floor commercial space and associated site improvements. The consolidated application includes a Replat Tentative Plan to consolidate ~~three~~ five discrete units of land into one lot, Class 2 Driveway Approach, and Tree Variance to remove three riparian trees. In addition, one Class 1 Adjustment and Class 2 Adjustment to:

- 1) A Class 1 Adjustment to reduce the structure setback along Willow Street NE from five to four feet per SRC 533.015(c);
- 2) A Class 2 Adjustment to reduce the accessory structure setback for an onsite utility pole along Willow Street NE from 12 to 1-foot, per SRC 533.015(c).

The development site is 0.52 acres in size, zoned MU-I (Mixed Use I) and located at 590 Willow Street NE (Marion County Assessors Map and Tax Lot Numbers 073W22DA/ 6800 / 6700; and 6600).

**APPLICANT:** Landon Hattan, Skyline Builders LLC (Marc Gallegos, Landon Hattan)

**LOCATION:** 590 Willow St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.025(d) – Replat Tentative Plan; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d) – Class 1 and 2 Adjustments; 808.045(d) – Tree Variance; 804.025(d) – Class 2 Driveway Approach Permit

**FINDINGS:** The findings are in the attached Decision dated August 20, 2025

**DECISION:** The **Planning Administrator APPROVED** Replat Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 1 Adjustment, Tree Regulation Variance, and Class 2 Driveway Approach Permit Case No. REP-SPR-ADJ-TRV-DAP25-08 subject to the following conditions of approval:

- Condition 1:** On the final replat, show all existing and proposed easements on the plat.
- Condition 2:** Prior to building permit issuance, the applicant shall record the replat.
- Condition 3:** At time of building permit, the applicant shall submit a landscape

plan meeting the required landscaping of SRC 807.

- Condition 4:** Dedicate a 20-foot-wide public access easement for the Mill Creek Path, identified by the Salem Comprehensive Parks System Master Plan, in a final alignment approved by the Director.
- Condition 5:** At time of building permit submittal, the applicant shall provide a lighting plan meeting the applicable standards of SRC 800.065 and SRC 800.060.
- Condition 6:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).
- Condition 7:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.
- Condition 8:** At the time of building permit, trees indicated to be preserved where disturbance or construction activities will occur require an arborist report to be submitted per SRC 808.046(a)(3).
- Condition 9:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless otherwise approved by the Public Works Director per SRC 200.050(d).
- Condition 10:** 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 11:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing public sanitary sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 12:** Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.
- Condition 13:** Convey land for dedication to equal a half-width right-of-way of 27-feet on the development side of Willow Street NE, including a 25-foot property line radius at the intersection of Willow Street NE and High Street NE.
- Condition 14:** Construct a half-street improvement along the frontage of Willow Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Willow Street NE is approved to have an alternative local street cross section which includes a 17-foot-wide half-street pavement improvement; 4-foot landscape strip; and 5-foot property line sidewalk, as shown on the applicant's preliminary plans.
- Condition 15:** Prior to issuance of a Certificate of Occupancy, install street trees to the

maximum extent feasible along High Street NE and Willow Street NE.

- Condition 16:** Prior to issuance of a Building Permit or Civil Site Work Permit, obtain any necessary Street Tree Removal Permits for removal of City-owned trees pursuant to SRC Chapter 86.
- Condition 17:** Along Willow Street NE, where landscape strips are less than 8-feet, the applicant shall:
- A. Install root barriers and utilize structural soil under the two adjacent sidewalks panels to the new tree planting (8-foot minimum width), to a depth of at least 3-feet;
  - B. Ensure the earth adjacent to the tree directly under the proposed sidewalk be removed and replaced with new structural soil material equal to 4.5 cubic yards per tree to allow roots to travel under the sidewalk nearest the root flare; and
  - C. Obtain approval from the Public Works Department for the species of tree to be planted within the reduced width landscape strip.
- Condition 18:** Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.

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

Tentative Replat:	<u>September 9, 2027</u>
Class 3 Site Plan Review:	<u>September 9, 2029</u>
Class 2 Adjustment:	<u>September 9, 2027</u>
Class 1 Adjustment:	<u>September 9, 2027</u>
Tree Variance:	<u>September 9, 2027</u>
Class 2 Driveway Approach Permit:	<u>September 9, 2029</u>
Application Deemed Complete:	<u>July 8, 2025</u>
Notice of Decision Mailing Date:	<u>August 20, 2025</u>
Decision Effective Date:	<u>September 9, 2025</u>
State Mandate Date:	<u>November 5, 2025</u>

Case Manager: Jacob Brown, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), (503) 540-2347

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, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, September 4, 2025. 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 205, 220, 250, 804 and 808. 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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, 440 Church St SE, Salem, 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 AND ORDER
TENTATIVE REPLAT PLAN,	)
CLASS 3 SITE PLAN REVIEW,	)
CLASS 2 ADJUSTMENT, CLASS 1	)
ADJUSTMENT, TREE REGULATION	)
VARIANCE AND CLASS 2 DRIVEWAY	)
APPROACH PERMIT	)
CASE NO. REP-SPR-ADJ-TRV-DAP25-08	)
590 WILLOW ST NE	) August 20, 2025

In the matter of the application for a Replat Tentative Plan, Class 3 Site Plan Review, Class 1 Adjustment, Class 2 Adjustment, Tree Regulation Variance, and Class 2 Driveway Approach Permit submitted by the applicant, Landon Hattan, on behalf of the property owner, Willow Mixed Use SPE LLC, 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:** Development of a new mixed-use building.

**Request:** A Class 3 Site Plan Review for the development of a 49-unit apartment complex with ground floor commercial space and associated site improvements. The consolidated application includes a Replat Tentative Plan to consolidate ~~three~~ five discrete units of land into one lot, Class 2 Driveway Approach, and Tree Variance to remove three riparian trees. In addition, one Class 1 Adjustment and Class 2 Adjustment to:

- 1) A Class 1 Adjustment to reduce the structure setback along Willow Street NE from five to four feet per SRC 533.015(c);
- 2) A Class 2 Adjustment to reduce the accessory structure setback for an onsite utility pole along Willow Street NE from 12 to 1-foot, per SRC 533.015(c).

The development site is 0.52 acres in size, zoned MU-I (Mixed Use I) and located at 590 Willow Street NE (Marion County Assessor's Map and Tax Lot Numbers 073W22DA/ 6800 / 6700; and 6600).

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 February 22, 2025, an application for a Class 3 Site Plan Review, Tentative Replat, Class 2 Driveway Approach Permit, Class 2 Adjustments and Tree Regulation Variance was submitted for the proposed development. After additional information was requested and provided, on July 8, 2025, the application was deemed complete for processing. The 120-day state mandated decision deadline for this consolidated application is November 5, 2025.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria can be found online, as indicated below.

## **SUBSTANTIVE FINDINGS**

### **2. Proposal**

The proposal requests tentative replat approval to reconfigure the property lines for three units of land into one lot, located at 590 Willow Street NE (Marion County Assessors Map and Tax Lot Numbers: 073W22DA/ 6800 / 6700; and 6600), and totaling .52 acres in size, to consolidate the property into one unit of land for development (**Attachment B**). After the validation, the one lot resulting from the tentative replat is proposed as follows:

#### **Proposed Lot 1**

Address: 4725 Turner Rd SE  
Parcel Size: .52 acres (20,651 square feet)  
Parcel Dimensions: Approximately 100 feet in width and 200 feet in depth

The proposal also includes a Class 3 Site Plan Review for the development of a mixed-use building including ground floor commercial and residential use. Vehicular access to the proposed development will be taken from one location along Willow Street NE, requiring a Class 2 Driveway Approach Permit for the new driveway; along with a Adjustments to reduce the setback along Willow Street NE for the structure and utility pole.

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25 102406.

### **4. Existing Conditions**

#### **Site and Vicinity**

The development site consists of two three units of land, totaling .52 acres in size, and has frontage along High Street NE to the west, which is classified as a Minor Arterial Street according to the Salem Transportation System Plan (TSP); Willow Street NE to the north, which is classified as a Local Street according to the Salem TSP; and abuts Mill Creek to the east. The property located at 590 Willow Street NE has an existing single family residence with the remaining property being vacant.

#### **Salem Area Comprehensive Plan (SACP) Designation**

The subject properties are designated "Mixed Use" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

### Comprehensive Plan Map Designations of Surrounding Properties

<b>North</b>	Across Willow Street NE, Mixed Use and Single Family Residential
<b>East</b>	Across Mill Creek, Multi-Family Residential
<b>South</b>	Mixed Use
<b>West</b>	Across High Street NE, Mixed Use

### Zoning Map Designation

The site is zoned as Mixed Use-I (MU-I). The surrounding properties are zoned as follows:

### Zoning of Surrounding Properties

<b>North</b>	Across Willow Street NE, MU-I and Single Family Residential (RS)
<b>East</b>	Across Mill Creek, Multi-Family Residential-II (RM-II)
<b>South</b>	MU-I
<b>West</b>	Across High Street NE, MU-I

### Relationship to Urban Service Area

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

### Infrastructure

The existing conditions of streets abutting the subject property are described in the following table:

### Streets

Street Name		Right-of-way Width	Improvement Width
<b>High Street NE (Minor Arterial)</b>	Standard:	72-feet	46-feet
	Existing Condition:	99-feet	60-feet
<b>Willow Street NE (Local)</b>	Standard:	60-feet	30-feet
	Existing Condition:	40-feet	24-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

### Utilities & Parks

Type	Existing Conditions
<b>Water</b>	Water Service Level: G-0
	A 12-inch water main is located in High Street NE.
	A 4-inch water main is located in Willow Street NE.

<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in Willow Street NE and extends onto the subject property.
<b>Storm Drainage</b>	An-inch storm main is located in High Street NE.
<b>Parks</b>	The subject property is served by Marion Square Park, which is a developed park located .35-miles southwest of the subject property.

#### 4. Neighborhood and Public Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO).

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 December 27, 2024, the applicant's representative contacted the Central Area Neighborhood Development Organization to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. At the time of this report, no comments have been provided.

#### 5. City Department Comments

Development Services: Reviewed the proposal and provided a memo with findings that have been incorporated herein by reference. The memo in full can be found in the record, accessible online as indicated above.

Building and Safety: Review the proposal and indicated no concerns.

Fire Department: Reviewed the proposal and indicated that aerial Fire Department access is required and will be determined at the time of building permit plan review.

#### 5. Public Agency Comments

Cherriots: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Salem-Keizer School District: Reviewed the proposal and provided a memo which is included as **Attachment D**.



## **DECISION CRITERIA FINDINGS**

### **5. Analysis of Tentative Replat Plan Approval Criteria**

SRC Chapter 205.025(d) sets forth the criteria that must be met before approval can be granted to a tentative replat plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.025(d)(1): The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.***

**Finding:** The purpose of the proposed replat is to consolidate Lots 7,8,9, 10 and 11 of F. Hurst's Addition into one lot for development. The replat does not propose to vacate any public rights-of-way, or any recorded covenants or restrictions. This criterion is met.

***SRC 205.025(d)(2): The tentative replat will not create non-conforming units of land or non-conforming development, or increase the degree of non-conformity in existing units of land or development.***

**Finding:** As shown on the replat tentative plan (**Attachment B**), the proposed replat will result consolidate Lots 7,8,9, 10 and 11 of F. Hurst's Addition into one lot. The proposed parcel is located within the MU-I (Mixed Use-I) zone and are required to meet the standards of that zone. Per SRC 533.015(a). The lot standards of the zone are as follows:

<b>TABLE 533-2. LOT STANDARDS</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
<b>Lot Area</b>		
All uses	None	
<b>Lot Width</b>		
All uses	None	
<b>Lot Depth</b>		
All uses	None	
<b>Street Frontage</b>		
All other uses other than single-family	Min. 16 ft	

The proposed lot will be approximately 20,651 square feet in size with more than 16 feet of street frontage along Hight and Willow Street NE. This approval criterion is met.

***SRC 205.025(d)(3): The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.***

**Finding:** As proposed and conditioned in the findings within the decision, the development meets all the applicable standards in the UDC as follows:

***SRC Chapter 802 – Public Improvements***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

**Finding:** Development Services has reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements). Required public utility improvements are conditioned on the Site Plan Review application, discussed further below.

***SRC Chapter 803 – Street and Right-of-way Improvements***

**Finding:** Pursuant to SRC Chapter 803.040, replat applications do not trigger boundary street improvements or right-of-way dedications. Development Services has reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets and determined that such facilities are available and appear to be adequate to serve the subject property in conformance with SRC Chapter 803 (Streets and Right-of-Way Improvements). Boundary street improvements are conditioned on the Site Plan Review application, discussed further below.

***SRC 205.025(d)(4): The tentative replat complies with all applicable provisions of ORS Chapter 92.***

**Finding:** The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation. The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

***SRC 205.025(d)(5): The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.***

**Finding:** There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

***SRC 205.025(d)(6): The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.***

**Finding:** Development Services has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate

street access. Necessary public improvements to serve development on the resulting property are required as a condition of site plan review, discussed further below.

The applicant's preliminary title report identifies existing easements on the subject property. As a condition of approval, all existing and proposed easements shall be shown on the final plat.

**Condition 1:** On the final replat, show all existing and proposed easements on the plat.

## **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 the development of a building containing 49-unit multi-family apartments with ground floor commercial space and associated site improvements on property zoned MU-I (Mixed Use-I); therefore, the development has been reviewed for conformance with the MU-I zone under SRC Chapter 533. The proposed development conforms to SRC Chapter 533 and all other applicable development standards of the Salem Revised Code as follows.

### ***SRC Chapter 533 – MU-I (Mixed Use-I) Zone***

#### ***SRC 533.010(a) – Uses***

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

**Finding:** The proposal is for a development of a building containing 49-unit multi-family apartments with ground floor commercial space. The 49 apartments are classified as a *Multiple family* use and is a permitted use in the MU-I zone, per Table 533-1. Per the applicant's plans, the ground floor shall have a 1,465-square-foot commercial space located at the intersection of High and Willow Street NE. The applicant has not indicated the proposed use within this space at this time. As such, a minimum of a Class 1 Site Plan Review will be required to establish a use prior to occupancy of the space.

#### ***SRC 533.015(a) – Lot standards***

Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

**Finding:** There is no minimum lot area, width, or depth for properties in the MU-I zone; all uses required a minimum street frontage of 16 feet. The development site consists of discrete units of land totaling 0.52-acres, or 20,651 square feet, in size, which are proposed to be consolidated with a replat, addressed in Section 7 of this decision. The development site has approximately 68.02 feet of frontage along Hight Street NE and 200 feet of frontage along Willow Street NE. The proposed development plans in this decision will be reviewed according to the consolidated property following the replat. As proposed, the development meets the lot standards.

*SRC 533.015(b) – Dwelling unit density*

Development within the MU-I zone that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.

**Finding:** The development includes the development of a ground-floor commercial space, so the development is not exclusively residential; therefore, this standard is not applicable.

*SRC 533.015(c) – Setbacks*

Setbacks within the MU-I zone shall be provided as set forth in Table 533-3 and Table 533-4.

*Abutting Street*

**West / South:** Adjacent to the west is right-of-way for High Street NE, which is designated as a Minor Arterial Street in the Salem Transportation System Plan (TSP). Adjacent to the North is right-of-way for Willow Street NE, which is classified as a Local Street. Table 533-3 specifies that the setback abutting a street for ground-floor residential uses allows a minimum five-foot to maximum 10-foot setback where vertical or horizontal separation is provided, per 533.010(h), Table 533-6. All other uses allow a minimum setback of zero feet to a maximum of 10 feet, provided the setback area is used for pedestrian amenities. Off-street parking and vehicle use areas require a minimum setback of six-to-ten feet, per SRC 806.

**Finding:** The proposal includes a mixture of ground-floor of commercial and residential uses along frontage of both Willow and High Street NE. Along the frontage where ground-floor units are proposed along Willow Street NE, the applicant has proposed to only provide a four and a half-foot setback composed of hardscape and trellis to screen the residential uses. As the setback will not comply with horizontal separation requirements, the applicant has sought a Class 1 Adjustment addressed in Section 9 of this decision. In addition, there is a proposed utility pole proposed to be located one-foot from the property line abutting Willow Street NE. Accessory structures require a minimum 10-foot setback which the applicant has sought a Class 2 Adjustment addressed in Section 9 of this decision.

Along the High Street side, the portion of the ground-floor composed of residential uses are proposed to be setback five feet with hardscape meeting horizontal separation required for the residential uses. The commercial space located on the ground floor is setback a maximum of six feet from both High and Willow Street NE with hardscape proposed to expand the sidewalk area of both streets. The applicant has proposed an off-street parking area along the eastern portion of the site which abuts Willow Street NE. As proposed, the vehicle use area will be setback a minimum of 10 feet from the street abutting property line and will be composed of landscaping.

As adjusted through the Class 1 and Class 2 Adjustments and proposed, the setback standards are met.

*Interior / Rear*

**South / East:** Adjacent to the south and east is property zoned MU-I. Per Table 533-3, abutting a mixed-use zone, there are no building setbacks and vehicle use areas require a minimum setback of five feet with Type A landscaping.

**Finding:** To the south and east, the building and vehicle use area is proposed to be setback five-to-six feet with landscaping and GSI areas. As discussed in Section 7 of this decision, the

applicant is seeking a Tentative Replat to consolidate that five lots into one lot where the development of the building and off-street parking areas are proposed. To ensure, that the replat is recorded the following is conditioned:

**Condition 2:** Prior to building permit issuance, the applicant shall record the replat.

As conditioned, the proposal meets the standards.

*SRC 533.015(d) – Lot Coverage, Height, Building Frontage*

Buildings and accessory structures within the MU-I zone shall conform to the lot coverage and height standards set forth in Table 533-5.

**Finding:** There is no maximum lot coverage for all uses in the MU-I zone. The maximum allowed height for buildings and accessory structures is 65 feet. New buildings or additions shall also meet a minimum height of 20 feet. The proposed building is 62 feet, meeting the standard.

The minimum building frontage requirement along a street for all uses is 75 percent. For corner lots, this standard must be met on the frontage of the street with the highest street classification, and for the intersecting street, the building shall meet a minimum 40 percent frontage.

The development site is located on a corner lot abutting High Street NE (Minor Arterial) and Willow Street NE (Local Street). Along the High Street side, the proposed building occupies 91 percent of the street frontage, and along the Willow Street side, the proposed building occupies 54 percent of the street frontage. The proposal meets the standard.

*SRC 533.015(e) – Parking*

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone.

**Finding:** Following the recording of the replat, the proposed off-street parking area along the southeast corner of the development site will be consolidated one property with the proposed primary building. As conditioned, the proposal will not include a new standalone surface parking lot. This standard is met.

*SRC 533.015(f) – Landscaping*

(1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), 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.

**Finding:** The proposal includes a new building and off-street parking area. The development plans indicate a minimum ten-foot landscaped setback abutting Willow Street NE, which shall contain the green stormwater facility for the site. Preliminary plans did not include a detailed landscape plan. To ensure the landscape areas meet the minimum plant units, the following condition shall apply.

**Condition 3:** At time of building permit, the applicant shall submit a landscape plan meeting the required landscaping of SRC 807.

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

*SRC 533.015(g) – Continued development*

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

**Finding:** The proposed development is not considered continued development; therefore, this section is not applicable.

*SRC 533.015(h) – Pedestrian-oriented design*

Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

*Ground Floor Height*

A minimum of 14 feet applies to building ground floors on primary streets.

**Finding:** The proposed development includes a ground floor height of 15 feet, exceeding the minimum 14 feet required. The standard is met.

*Separation of Ground Floor Residential Units*

Vertical or horizontal separation shall be provided when a dwelling unit is located on the ground floor.

**Finding:** The development plans indicate ground floor dwelling units along the High and Willow Street NE, requiring vertical or horizontal separation, meeting SRC 533.015(h), Table 533-6. The applicant has proposed a five-foot hardscape setback along High Street, expanding the sidewalk area meeting the horizontal separation of this section, and has requested a Class 1 Adjustment to reduce the horizontal separation from five to four and a half feet, which is addressed in Section 9 of this decision.

*Building Façade Articulation*

Required articulation applies to building façades facing primary streets.

- (1) For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
- (2) Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
  - a. Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
    1. Change in materials.
    2. Change in color.
    3. Molding or other horizontally-articulated transition piece.
  - b. Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
    1. Recesses of a minimum depth of two feet.
    2. Extensions of a minimum depth of two feet.
    3. Vertically-oriented windows.
    4. Pilasters that project away from the building.

- c. Top: Building tops shall be defined by at least one of the following standards:
  - 1. Cornice that is a minimum of eight inches tall a minimum of three inches.
  - 2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
  - 3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
  - 4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

**Finding:** The development site is a corner lot. Along the High and Willow Street NE, the ground floor facade is distinguished from the middle facades by a change in materials and color. The middle facades include recesses and extensions every 50 feet with a minimum recess/extension depth of two feet. In addition, the middle façade includes vertically oriented windows. The upper floor includes a horizontal roof eave and parapet member each with a minimum height of eight inches. The upper floor incorporates a material change from the lower floors and offsets and breaks in the roof line with a minimum variation of three feet in height. The applicant's elevation plans clearly meet the standard.

#### *Ground Floor Windows*

A minimum of 65 percent applies to building ground floors on primary streets.

- (1) For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
- (2) For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

**Finding:** The applicant has proposed windows with a minimum height of six feet and per SRC 112.030 (b), allows for ground floor windows to be calculated by the total width of windows along the ground floor of the building by the length of the ground floor of the building.

The proposed development includes a building with a ground floor façade of approximately 82.8 feet in linear length along the High Street NE (primary) side, requiring a minimum of 53.8 linear feet of window coverage ( $82.8 \times 0.65 = 53.8$ ). Along the Willow Street side, the 50-foot is required to have a minimum 20 linear feet of windows ( $50 \times 0.65 = 32.5$ ). The development plans indicate approximately 54.9 feet of linear windows length along the High Street side, or 66 percent ( $54.9 / 82.8 = 66\%$ ); along the Willow Street side, the plans indicate 35 linear feet of window square feet of windows, or 70 percent ( $35 / 32.5 = 70$ ). As the applicant has proposed window coverage in excess of what is required, the standard has been met.

#### *Building Entrances*

Required entrances apply to building façades facing primary streets.

- (1) For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
- (2) For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has

frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.

(3) Building entrances shall include weather protection.

**Finding:** The development plans indicate a primary entrance located along the High Street side, which is the primary street side. This standard is met.

#### *Weather Protection*

A minimum of 75 percent applies to building ground floors adjacent to a street.

- (1) For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
- (2) Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

**Finding:** The proposed building has a linear length of 82.75 feet along the High Street side and a linear length of 131.5 feet along the Willow Street side, requiring a minimum canopy coverage of 62 feet and 98.3 feet, respectively ( $82.75 \times 0.75 = 62$  and  $131 \times 0.75 = 98.6$ ). The development plans indicate a canopy along 82 feet of the High Street side, or 99 percent ( $82 / 88.75 = 99\%$ ) and 99.5 feet on the Willow Street side or 75 percent ( $99.5 / 131.5$ ).

#### *Parking Location*

Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

**Finding:** The development plans include an off-street parking and vehicle maneuvering area to the side of the building. This standard is met.

#### *Mechanical and Service Equipment*

- (1) Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
- (2) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

**Finding:** The development plans do not indicate any mechanical or service equipment requiring screening.

#### *SRC 533.020 – Design review*

Design Review is not required for development within the MU-I zone. Multifamily development within the MU-I zone is not subject to design review according to the multiple family design review standards set forth in SRC Chapter 702.

**Finding:** The proposal is for multifamily development and does not require Design Review.

#### ***SRC Chapter 800 – General Development Standards***



*SRC 800.055(a) – Solid Waste Service Areas*

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 applicant is proposing a new solid waste service area within the building, but has indicated that no receptacles of one cubic yard or larger will be used. Pursuant to SRC 800.055(c)(4), receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or 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. While the solid waste service area design standards of this section may not apply, the applicant is still responsible for ensuring the development meets all Fire Department standards and building codes during the building permit process.

*SRC 800.065 – Pedestrian Access*

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

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

**Finding:** The proposal includes development of a vacant parcel with a new residential and commercial uses; therefore, the pedestrian access standards of SRC Chapter 800 apply.

*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:** The development site is a corner lot abutting High and Willow Street NE. Per SRC 800.065(a)(1)(C), a pedestrian connection is not required to each adjacent street if there is a connection within 20 feet of the primary entrance and one of the adjacent streets. The development plans indicate a primary entrance and direct pedestrian access on the Willow Street site. This standard is met.

(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 a planned transit stop abutting the development site along High Street NE. The applicant's plan show a pedestrian connection within 20 feet of the planned transit stop.

*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 to all buildings.

**Finding:** There is only one building on the development site; 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)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** The development does not include any off-street surface parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

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

**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:** The Parks System Master Plan identifies the Mill Creek Path alignment on the subject property. The Mill Creek Path is intended to run along Mill Creek and provide off-street bike and pedestrian connectivity. No adjacent sections of this path have been constructed; therefore, the applicant shall dedicate an easement for future construction of the path per SRC 804.065(a)(4)(B). The following condition applies:

**Condition 4:** Dedicate a 20-foot-wide public access easement for the Mill Creek Path, identified by the Salem Comprehensive Parks System Master Plan, in a final alignment approved by the Director.

*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. A pedestrian connection is not required, however:

- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC chapter 400:
- (i) Single-family;
  - (ii) Two-family;
  - (iii) Group living;
  - (iv) Industrial;
  - (v) Infrastructure and utilities; and
  - (vi) Natural resources.

**Finding:** The subject property does not include a vehicular connection to an abutting property; therefore, this standard is not applicable.

*SRC 800.065(b) – Design and materials*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

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

**Finding:** The applicant's plans indicate all proposed pedestrian connections are at least five feet in width and appear as sidewalks around the building. These standards are met.

*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:** The development plans do not include any lighting details. The applicant's written statement indicates a lighting plan will be provided at time of building permit. To ensure the lighting standards of this section are met, the following condition shall apply.

**Condition 5:** At time of building permit submittal, the applicant shall provide a lighting plan meeting the applicable standards of SRC 800.065 and SRC 800.060.

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

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

- (a) *Maximum Off-Street Parking.* 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.

**Finding:** There are no minimum parking requirements for any development within the City. The proposed *Multiple family* use allows a maximum of 1.75 parking space per dwelling unit, or 1.2 per studio units. The proposed multifamily building includes 34 non-studio and 15 studio dwelling units, allowing a maximum of 52 parking spaces ((1.75 x 34 = 60 (59.5)) and (1.2 x 15 = 18)). The development plans include 9 off-street parking spaces, less than the allowed maximum. This standard is met.

- (b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

**Finding:** The development plans indicate four compact spaces of the four provided, or 36 percent, less than the allowed maximum. This standard is met.

- (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.

**Finding:** No carpool or vanpool spaces are required for a *Multiple family* use; therefore, this standard is not applicable.

- (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 proposal includes residential dwelling units and 10 off-street parking spaces, requiring a minimum of four EV charging spaces (9 x 0.4 = 4 (3.6)). The applicant's written statement indicates that all spaces will be EV ready; however, the development plans do not indicate any EV ready spaces. To ensure the spaces are installed, the following condition shall apply.

**Condition 6:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).

**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:
- (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.

**Finding:** The proposal includes a new off-street parking area; therefore, these standards are applicable.

- (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 proposed off-street parking area is located behind the building with access off Willow Street NE. Along Willow Street the plans propose to setback the structure a minimum 10 feet from the street abutting property line. As previously addressed, adjacent to the south and east, the parking area abuts property zoned MU-I and is setback a minimum of five feet. To the south, the parking area is separated from the street by the utility room and courtyard. These standards are met.

- (d) *Interior Landscaping.* Interior landscaping shall be provided for off-street parking areas greater than 5,000 square feet in size, in amounts not less than those set forth in Table 806-4.

**Finding:** The development plans indicate one parking areas totaling approximately 3,000 square feet, which is below the 5,000-square-foot threshold for requiring interior landscaping.

- (e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.

**Finding:** The development plans indicate a 24-foot-wide two-way drive aisle serving spaces in the parking area. These standards are met.

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
  - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
  - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** The applicant's site plan indicates one off-street parking area where the drive aisle terminates at a dead-end. The applicant's plans indicate an area of the correct dimensions striped and designated as no parking, meeting the appropriate turnaround area as shown in Figure 806-9. This standard is met.

- (g) *Grading.* 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.
- (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 may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, 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.
- (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.

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. These standards are met.

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

**Finding:** The proposed off-street parking area does not propose parking facing towards walkways or required setback. These standards are met.

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

**Finding:** Lighting details are not provided; as previously conditioned, a lighting plan shall be submitted meeting the standards of SRC 800.060. The proposed off-street parking area is

developed consistent with the additional development standards for striping, marking and signage; however, the compact spaces are not clearly marked on the plans. To ensure conformance with this standard, the following condition shall apply.

**Condition 7:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.

*(n) Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards of this subsection.

**a. Climate mitigation.** Except for development that includes a public building as defined in OAR 330-135-2000, development that includes a total of more than one-half acre of new off-street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination. This requirement cannot be adjusted or varied.

*(A) Solar power generation.* On-site solar power generation infrastructure shall be provided with a capacity of at least 0.5 kilowatts per new off-street parking space. The solar power generation infrastructure shall be located on the lot(s) proposed for development but need not be located in parking or vehicle use areas.

*(B) Payment into city's equitable renewable energy fund.* A payment shall be made into the city's equitable renewable energy fund at a rate of not less than \$1,500 per parking spaced and tied to inflation.

*(C) Increased tree canopy coverage.* Increased on-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years.

**Finding:** The proposed off-street parking area is less than one-half acre in size; therefore, these standards are not applicable.

### **Driveway Standards**

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

*(a) Access.* The off-street parking and vehicle use area 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.

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

*(c) Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.

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

**Finding:** Two-way driveways are required to have a minimum width of 22 feet. The development plans indicate a single 24-foot-wide driveway for ingress and egress from the Willow Street NE into the parking area. These standards are met.

## Bicycle Parking

### *SRC 806.045 – Bicycle Parking; When Required*

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

**Finding:** The proposal is for development of a new mixed-use development; therefore, the bicycle parking requirements of this section apply.

### *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.

### *SRC 806.055 – Amount of Bicycle Parking*

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

**Finding:** A multi-family use requires one bicycle parking space is provided per dwelling unit; therefore, requiring a minimum of 49 bicycle parking spaces for the proposed 49-unit multi-family units. The 1,465-square-foot commercial space indicated does not have a use indicated by the applicant which require bicycle parking to be provided under a Class 1 Site Plan Review. The applicant's plans indicate each unit will have bicycle parking with elevator access with a secured bike room on the ground floor also provided. This standard is met.

### *SRC 806.060 – Bicycle Parking Development Standards*

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

#### *(a) Location.*

- (1) *Short-term bicycle parking.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- (2) *Long-term bicycle parking.* Long-term bicycle parking areas shall be located:
  - (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.

**Finding:** The development plans indicate 12 bicycle parking spaces will be provided in a shared storage room on the ground floor with bicycle parking provided within each unit due to elevator access being provided. This standard is met.

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

**Finding:** The proposed bicycle storage room on the ground floor will have direct and accessible access to the public right-of-way from the off-street parking area in the rear of the building. Bicycle parking spaces within individual dwelling units will be accessible to the tenants of those units. These standards are met.

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

**Finding:** The development plans indicate the proposed short-term and long-term bicycle parking spaces provide the minimum dimensional requirements of Table 806-10, except where the long-term spaces are provided by vertical, wall-mounted racks, the spaces measure 1.5 feet between the racks, where two feet is required. A minimum of 1.5 feet is allowed, provided the racks are staggered vertically eight inches to allow overlap. This standard is met.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**Finding:** There are no proposed exterior bicycle parking proposed; therefore, this standard is not applicable.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle frame in a stable position. 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 806-12.

**Finding:** The applicant indicates that bicycle lockers will be proposed within the bike storage room. This standard is met.

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

#### ***SRC 806.065 – General Applicability***

- (a) Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

**Finding:** The proposal is for development of a new mixed-use development; therefore, the off-street loading requirements of this section apply.

#### ***SRC 806.075 – Amount of Off-Street Loading***

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

**Finding:** Retail uses under 5,000 square feet in gross floor area, and multi-family uses with less than 50 dwelling units, do not require any loading spaces on site. This standard is met.

### ***SRC Chapter 807 – 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:** The applicant's landscape plan indicates Type A landscaping will be provided within all required setbacks; therefore, this standard is met.

### **Natural Resources and Hazards**

#### ***SRC Chapter 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:** The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601,

including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area and the proposal does not include construction of parking or other improvements within the floodway.

### ***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels (Mill Creek) mapped on and adjacent to the subject property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

### ***SRC Chapter 810 – Landslide Hazards***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

**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.

### ***SRC Chapter 808 – Preservation of Trees and Vegetation***

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless 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.

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

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

**Finding:** The applicant's development plans indicate there are eight trees along the eastern portion of the property which are within the riparian corridor for Mill Creek. The plans show that three riparian trees within the southeast corner of the property will be removed to allow the

construction of the GSI facilities. The applicant has sought a tree variance which is discussed in Section 10 of this decision. There is proposed development within the critical root zone of riparian tree's indicated to be preserved measures with impacts measures less than 30 percent of the tree's critical root zone. Per SRC 808.046(a)(3)(A), up to a maximum of 30 percent of the critical root zone can be disturbed in order to accommodate development of the property if an arborist report is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed. The applicant has not submitted an arborist report at this time as such the following is conditioned:

**Condition 8:** At the time of building permit, trees indicated to be preserved where disturbance or construction activities will occur require an arborist report to be submitted per SRC 808.046(a)(3).

### ***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

### ***SRC Chapter 810 – Landslide Hazards***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

**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.

## **CITY INFRASTRUCTURE STANDARDS**

### ***SRC Chapter 200 – Urban Growth Management***

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

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

▪ ***Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

**Finding:** As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Willow Street NE and easements required for public access and utilities on the site. The applicant's title report identifies existing easements on the subject property, which may conflict with required dedications. Pursuant to SRC 205.050(d), all property, easements, and right-of-way dedicated to the City shall be free and clear of encumbrances unless the Public Works Director has determined that the encumbrances would not unreasonably interfere with the City's planned uses of the property. Pursuant to SRC 200.050(d), the following condition applies:

**Condition 9:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless otherwise approved by the Public Works Director per SRC 200.050(d).

***SRC Chapter 71 – Stormwater***

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

**Finding:** The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards that require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from the development. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. To ensure compliance with SRC Chapter 71, the following condition applies

**Condition 10:** 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).

***SRC 802 – Public Improvements***

▪ ***Development to be served by City utilities:***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

**Finding:** Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (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.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** There is an existing public sanitary sewer main on the subject property. As a condition of approval, the applicant shall dedicate an easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

**Condition 11:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing public sanitary sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

▪ **Watercourses:**

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

**Finding:** Mill Creek runs along the eastern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. According to PWDS 1.8(d) and SRC 802.030(b), open channel easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

**Condition 12:** Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.

***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:** Pursuant to SRC 803.015(b)(1) the proposed development does not require a Traffic Impact Analysis which would evaluate off-site impacts of the proposed development on the transportation system. The proposed development will take access to an existing alley abutting the subject property. The existing alley leads to Pine Street NE, which is classified as a Minor Arterial Street and, Grove Street NE, which is classified as a Local Street, according to the Salem Transportation System Plan (TSP). Both streets connect to Commercial Street NE and Liberty Street SE, both of which are classified as a Major Arterial Street. The existing street network surrounding the property meet the minimum standards for their classification according to the Salem TSP and SRC Chapter 803. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

## ***SRC 803 – Street and Right-of-way Improvements***

### **▪ *Boundary Street Improvements***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

**Finding:** High Street NE abuts the subject property and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). High Street NE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along High Street NE are not required.

Willow Street NE abuts the subject property and is classified as a local street according to the Salem TSP. Willow Street NE does not meet the current right-of-way width and improvement width standards for a local street. The ultimate right-of-way width for a local street is 60 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a local is 30 feet according to SRC 803.025 Table 803-2 (Pavement Width). As a condition of approval, the applicant shall construct a boundary street improvement along the frontage of the subject property and dedicate right-of-way, including a 25-foot property line radius at the intersection of Willow Street NE and High Street NE. The applicant requests an Alternative Street Standard for Willow Street NE to allow an alternative cross section, which includes a 17-foot-wide pavement improvement; a 4-foot landscape planting strip; and a 5-foot property line sidewalk. The alternative cross section is proposed to allow on-street parking and reduce the amount of overall right-of-way dedication for the proposed in-fill development. Pursuant to SRC 803.065(a)(3), the Director Approves the requested Alternative Street Standard to allow an alternative cross section for Willow Street NE. The following conditions apply:

**Condition 13:** Convey land for dedication to equal a half-width right-of-way of 27-feet on the development side of Willow Street NE, including a 25-foot property line radius at the intersection of Willow Street NE and High Street NE.

**Condition 14:** Construct a half-street improvement along the frontage of Willow Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Willow Street NE is approved to have an alternative local street cross section which includes a 17-foot-wide half-street pavement improvement; 4-foot landscape strip; and 5-foot property line sidewalk, as shown on the applicant's preliminary plans.

### **▪ *Street Trees***

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

**Finding:** The applicant is required to plant street trees along the High Street NE and Willow

Street NE frontages. The following condition applies to ensure compliance with SRC 803.035(k) and SRC Chapter 86:

**Condition 15:** Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along High Street NE and Willow Street NE.

The applicant's preliminary plans show removal of existing trees in the right-of-way to accommodate the required boundary street improvements. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. The applicant shall be required to obtain a City Tree Removal Permit prior to any construction activity impacts City-owned trees. The following condition applies:

**Condition 16:** Prior to issuance of a Building Permit or Civil Site Work Permit, obtain any necessary Street Tree Removal Permits for removal of City-owned trees pursuant to SRC Chapter 86.

Along Willow Street NE, the applicant proposes a 4-foot landscape strip, where 8-feet is required by the Public Works Design Standards (PWDS). The minimum landscape planting width is necessary to ensure adequate growing space is provided for tree roots without impacting city sidewalks and other adjacent infrastructure. In lieu of providing the required landscape planting strip width, the applicant shall utilize construction methods and root barriers that provide additional growing space as required by the Urban Forester to ensure longevity of City Street Trees and public infrastructure, described further in the following condition:

**Condition 17:** Along Willow Street NE, where landscape strips are less than 8-feet, the applicant shall:

- A. Install root barriers and utilize structural soil under the two adjacent sidewalks panels to the new tree planting (8-foot minimum width), to a depth of at least 3-feet;
- B. Ensure the earth adjacent to the tree directly under the proposed sidewalk be removed and replaced with new structural soil material equal to 4.5 cubic yards per tree to allow roots to travel under the sidewalk nearest the root flare; and
- C. Obtain approval from the Public Works Department for the species of tree to be planted within the reduced width landscape strip.

▪ ***Transit Facilities:***

SRC 803.035(r) requires transit stops conforming to the applicable standards of the Salem Area Mass Transit District be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development.

**Finding:** Cherriots submitted comments indicating that a transit shop has been identified as needed in connection with the proposed development. The comments identify that the transit stop is required to be constructed along High Street NE near the intersection of High Street NE



and Willow Street NE. Pursuant to SRC 803.035(r), the applicant shall construct the requested transit stop in conjunction with the proposed development. The following condition applies:

**Condition 17:** Prior to issuance of a Certificate of Occupancy, the applicant shall design and construct one transit stop along High Street NE in a location approved by Cherriots and the Public Works Department.

### ***SRC Chapter 804 – Driveway Approaches***

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

**Finding:** The applicant proposes a new driveway approach onto Willow Street NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this decision. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

### ***SRC Chapter 805 – Vision Clearance***

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

**Finding:** The applicant's preliminary site plan shows required vision clearance areas at street intersections and driveway approaches serving the development site. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

### ***SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.***

**Finding:** Access to the proposed development will be provided by the network of existing public streets that surround the property. Boundary street improvements all Willow Street NE have been required as a condition of approval, to ensure the street conforms to applicable city standards. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development and will conform to applicant city standards. This criterion is met.

### ***SRC 220.005(f)(3)(C): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.***

**Finding:** The proposed mixed-use development has access onto Willow Street NE which provides direct access to High Street NE, classified as an arterial street according to the Salem Transportation System Plan (TSP). The development site is not served by a network of local streets; rather the development site is served by arterial streets abutting the property. The proposal generates less than 1,000 average daily vehicle trips to the arterial street system.

Therefore, a traffic impact analysis (TIA) is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

***SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, storm drainage, and other utilities.***

**Finding:** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval established in this decision. This approval criterion is met.

## **7. Analysis of Class 1 and Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d) provides that an application for a Class 1 or 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)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Clearly satisfied by the proposed development.***

**Finding:** The applicant is one Class 1 Adjustment to:

*To reduce the structure setback along Willow Street NE from five to four feet per SRC 533.015(c);*

Within the MU-I zone, ground-floor residential uses are required to be setback a minimum five feet with a maximum 10 feet provided that horizontal separation is provided. The applicant's plans propose a minimum four-foot setback along Willow Street NE which is a 20 percent deviation from the standard. As such, the applicant has sought a Class 1 Adjustment to allow the residential uses facing Willow Street NE to be setback four feet.

The intent of the minimum five-foot horizontal setback for residential uses from property lines abutting the street is to provide to reducing massing of structures and increase private open space and privacy of residential space thereby ensuring safety and pleasing aesthetics in mixed use neighborhoods. The applicant's written statement indicates that freestanding planter boxes with 6-foot-tall trellises will be installed along the length of each residences window facing Willow Street NE. As the proposed the proposed six-foot screening will provide the privacy that the full five-foot separation would have provided which is clearly satisfied by the proposed development. This criterion is met.

***SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.***

**Finding:** The proposed adjustment reduces the setback along a street abutting property line to the north. The property to the south is fully developed. The requested adjustments will not

unreasonably impact surrounding existing or potential uses or development. This criterion is met.

***SRC 250.005(d)(2)(A) The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

**Finding:** The applicant is requesting one Class 2 Adjustments to:

*To reduce the accessory structure setback for an onsite utility pole along Willow Street NE from 12 to 1-foot, per SRC 533.015(c).*

Within the MU-I zone, accessory buildings require a minimum 12-foot setback along street abutting property lines. The applicant is proposing to relocate a electric utility pole previously located within the rear of the property to within a foot of the property line abutting Willow Street NE.

The intent of the 12-foot setback for accessory structures is provide a greater setback from the street than primary structures to ensure that detached accessory structures do not become the dominant feature of the site. The applicant has demonstrated that the utility pole cannot be located elsewhere on site or removed from the development proposal as the utility pole is required by PGE to provide lateral support to the existing utility infrastructure to the north. The massing of a utility pole is minimal and is located to the side of the building near the parking area, which maintains the proposed primary structure as the primary feature of the site and equally meets the intent of the standard. This criterion is met.

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

**Finding:** The subject property is located within an MU-I (Mixed Use-I) 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:** A Class 1 and 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.

## **8. Analysis of Tree Regulation Variance Criteria**

Salem Revised Code (SRC) 808.045(d) provides that an application for a Tree Variance shall be granted if the following criteria are met. The applicant has requested to address the hardship criteria of SRC 808.045(d)(1). 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 808.045(d)(1)(A): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.***

**Finding:** Trees and native vegetation in Riparian Corridors are protected under SRC 808.020, wherein the Riparian Corridor is defined as the area adjacent to a waterway measured 50 feet horizontally from the top of bank of each side of a waterway. Per SRC 808.005, a tree is defined by having a dbh of at least ten inches, and within the riparian corridor, it also includes any dead or dying trees that do not qualify as a hazardous tree.

The provided site plans identify a total of eight trees on the property within the Riparian Corridor with three proposed to be removed. Two tree with a dbh of a least ten inches are within the Riparian Corridor. The applicant is requesting Tree Variances to remove two native big leaf maple trees with a dbh of ten inches and one native Oregon ash tree under 10 inches in dbh to develop the property.

The site plans identify the location of each tree and vegetation, the conceptual footprint of the building, and the 50-foot Riparian Corridor buffer. The eastern side of the property abuts Mill Creek Riparian Corridor, with the proposed off-street parking area and stormwater areas within the buffer. Specifically, the applicant is proposing to remove the three trees to allow the GSI infrastructure to be installed within the southeast corner of the site. This buffer creates a practical difficulty to reasonably develop the property, as retaining all affected trees within the buffer creates an unreasonable hardship that can most effectively be relieved by approval of a variance.

***SRC 808.045(d)(1)(B): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.***

**Finding:** As described in the findings above, the applicant's proposal to remove three trees and additional riparian vegetation within the Riparian Corridor is the minimum needed to allow for the lawful development of the subject property. Furthermore, the applicant has made efforts to limit the impact to the Riparian Corridor by offsetting the building to be closer to western portion of the site and limiting the footprint of the off-street parking area, effectively minimizing the impact to the Riparian Corridor.

***SRC 808.045(e)(2): In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:***

**Finding:** The applicant has indicated that affected areas of the Riparian Corridor will be restored, and removed trees will be replaced. More than 15 feet of vegetation will remain on each side of Mill Creek, and less than 50 percent of the Riparian Corridor will be altered. However, the exact type of vegetation and trees that will be planted was not specified and will need to be verified at the time of building permit review.

**Condition 18:** Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.

## **9. Analysis of Class 2 Driveway Approach Permit Decision 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.

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

**Finding:** The applicant proposes one driveway approach onto Willow Street NE, classified as a local street. As described in the following findings, with established conditions of approval, the proposed driveway approaches meet the applicable standards in the Salem Revised Code Chapter 804 and the Public Works Design Standards. This criterion is met.

### **▪ SRC Chapter 804 Driveway Approach Development Standards**

SRC 804.050 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

**Finding:** The proposed driveway approach has been reviewed against the development standards in SRC Chapter 804 for driveway approaches accessing onto a local/collector/arterial street and serving a commercial use. The proposed driveway approach meets the development standards of the chapter.

### **▪ Public Works Design Standards**

The *Public Works Design Standards* (PWDS) establishes construction standards for driveway approaches to ensure safe and efficient access is provided to private property from the public right-of-way.

**Finding:** The Public Works Design Standards (PWDS) provide a standard detail for construction of driveway approaches serving commercial development (PWDS Standard Plan No. 302). All driveway approaches serving the development will be constructed to PWDS Standard Plans, as identified on the applicant's plans. Construction drawings for driveway approaches will be confirmed at time of Building Permit application. The proposed driveway approaches will be constructed to meet the PWDS.

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

**Finding:** Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

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

**Finding:** The subject property has frontage along High Street NE, classified as a minor arterial street, and Willow Street NE, classified as a local street. The proposed driveway approach will take access onto Willow Street NE. No access onto an arterial street is proposed. This criterion is met.

***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 subject property has frontage along High Street NE, classified as a minor arterial street, and Willow Street NE, classified as a local street. The proposed driveway approach will take access onto Willow Street NE. Therefore, the driveway approach takes access to the lowest classification of street abutting the property. This criterion is met.

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

**Finding:** The required vision clearance triangle for the driveway approach is shown on the applicant's preliminary site plan. As shown on the preliminary site plan, no vision clearance obstructions are created. The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. 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, Development Services 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. This criterion is met.

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

**Finding:** Development Services' 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. This criterion is met.

***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 (High Street NE) and a local street (Willow Street 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. This criterion is met.

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

**Finding:** The proposed development is surrounded by MU-I (mixed-use) and RS (residential) 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. This criterion is met.

## 10. Conclusion

Based upon review of SRC Chapters 205, 220, 250, 804, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

Building permits are required for the proposed development.

### Next steps:

Please submit building permits or other development permits for this project with the Building and Safety Division. Please submit a copy of this decision or this application file number with your building permit application for the work proposed.

### **IT IS HEREBY ORDERED**

Final approval of Replate Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Tree Removal Permit Case No. REP-SPR-ADJ-TRV-DAP25-08 is hereby **APPROVED** subject to SRC Chapters 205, 220, 250, and 808, 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:** On the final replat, show all existing and proposed easements on the plat.
- Condition 2:** Prior to building permit issuance, the applicant shall record the replat.
- Condition 3:** At time of building permit, the applicant shall submit a landscape plan meeting the required landscaping of SRC 807.
- Condition 4:** Dedicate a 20-foot-wide public access easement for the Mill Creek Path, identified by the Salem Comprehensive Parks System Master Plan, in a final alignment approved by the Director.
- Condition 5:** At time of building permit submittal, the applicant shall provide a lighting plan meeting the applicable standards of SRC 800.065 and SRC 800.060.
- Condition 6:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).
- Condition 7:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.

- Condition 8:** At the time of building permit, trees indicated to be preserved where disturbance or construction activities will occur require an arborist report to be submitted per SRC 808.046(a)(3).
- Condition 9:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless otherwise approved by the Public Works Director per SRC 200.050(d).
- Condition 10:** 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 11:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing public sanitary sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 12:** Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along Mill Creek on the subject property. In accordance with PWDS, the easement widths shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the recognized bank, whichever is greater.
- Condition 13:** Convey land for dedication to equal a half-width right-of-way of 27-feet on the development side of Willow Street NE, including a 25-foot property line radius at the intersection of Willow Street NE and High Street NE.
- Condition 14:** Construct a half-street improvement along the frontage of Willow Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Willow Street NE is approved to have an alternative local street cross section which includes a 17-foot-wide half-street pavement improvement; 4-foot landscape strip; and 5-foot property line sidewalk, as shown on the applicant's preliminary plans.
- Condition 15:** Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along High Street NE and Willow Street NE.
- Condition 16:** Prior to issuance of a Building Permit or Civil Site Work Permit, obtain any necessary Street Tree Removal Permits for removal of City-owned trees pursuant to SRC Chapter 86.
- Condition 17:** Along Willow Street NE, where landscape strips are less than 8-feet, the applicant shall:
- A. Install root barriers and utilize structural soil under the two adjacent sidewalks panels to the new tree planting (8-foot minimum width), to a depth of at least 3-feet;
  - B. Ensure the earth adjacent to the tree directly under the proposed sidewalk be removed and replaced with new structural soil material equal to 4.5 cubic



yards per tree to allow roots to travel under the sidewalk nearest the root flare; and

- C. Obtain approval from the Public Works Department for the species of tree to be planted within the reduced width landscape strip.

**Condition 18:** Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.



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Jacob Brown, Planner II



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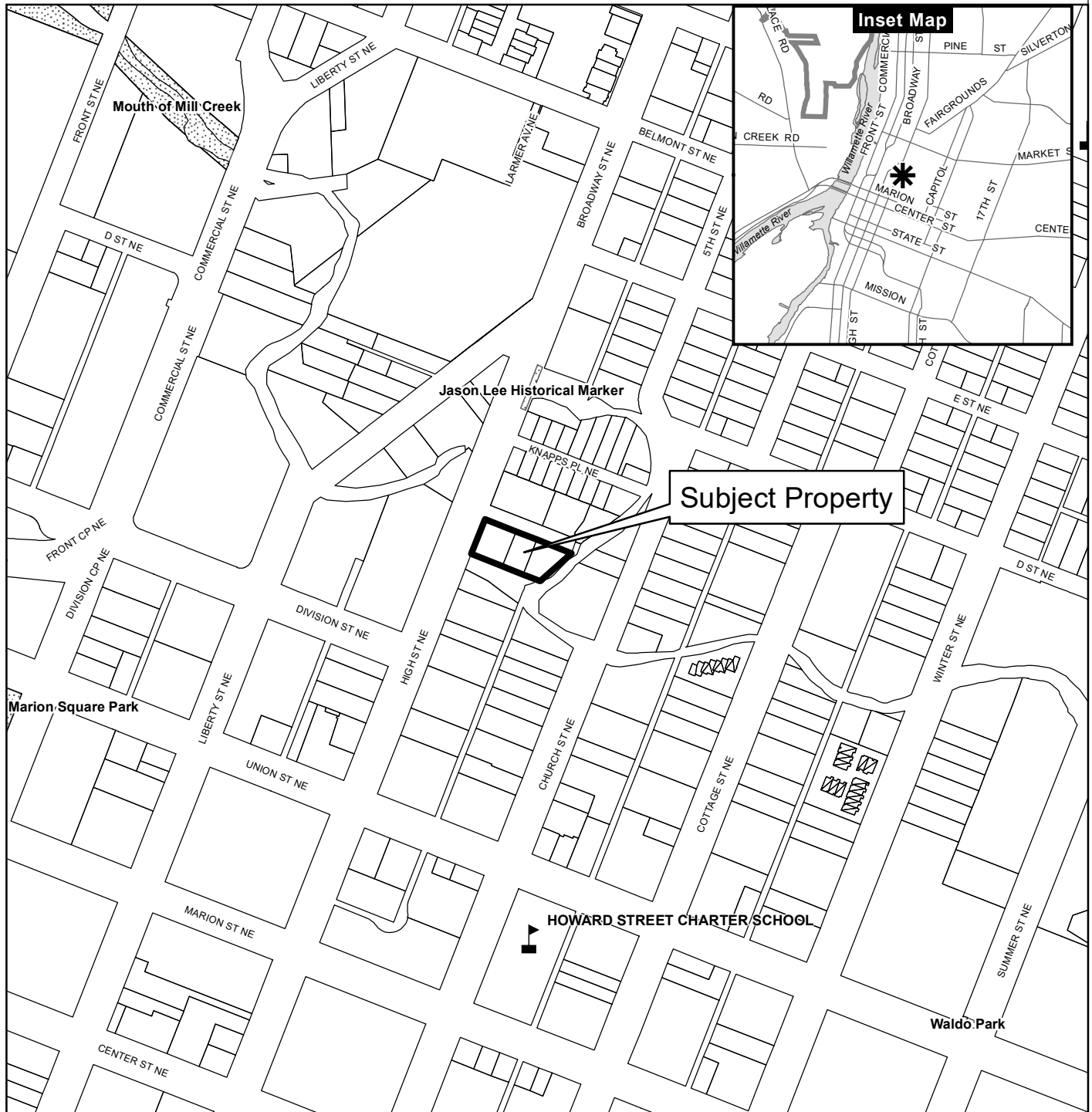
Laurel Christian, Infrastructure Planner III

On behalf of Lisa Anderson-Ogilvie, AICP

Attachments:   A. Vicinity Map  
                      B. Proposed Development Plans  
                      C. Cherriots Memo  
                      D. Salem-Keizer School District Memo

# Vicinity Map

## 590 Willow Street NE



### Legend

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

0 100 200 400 Feet



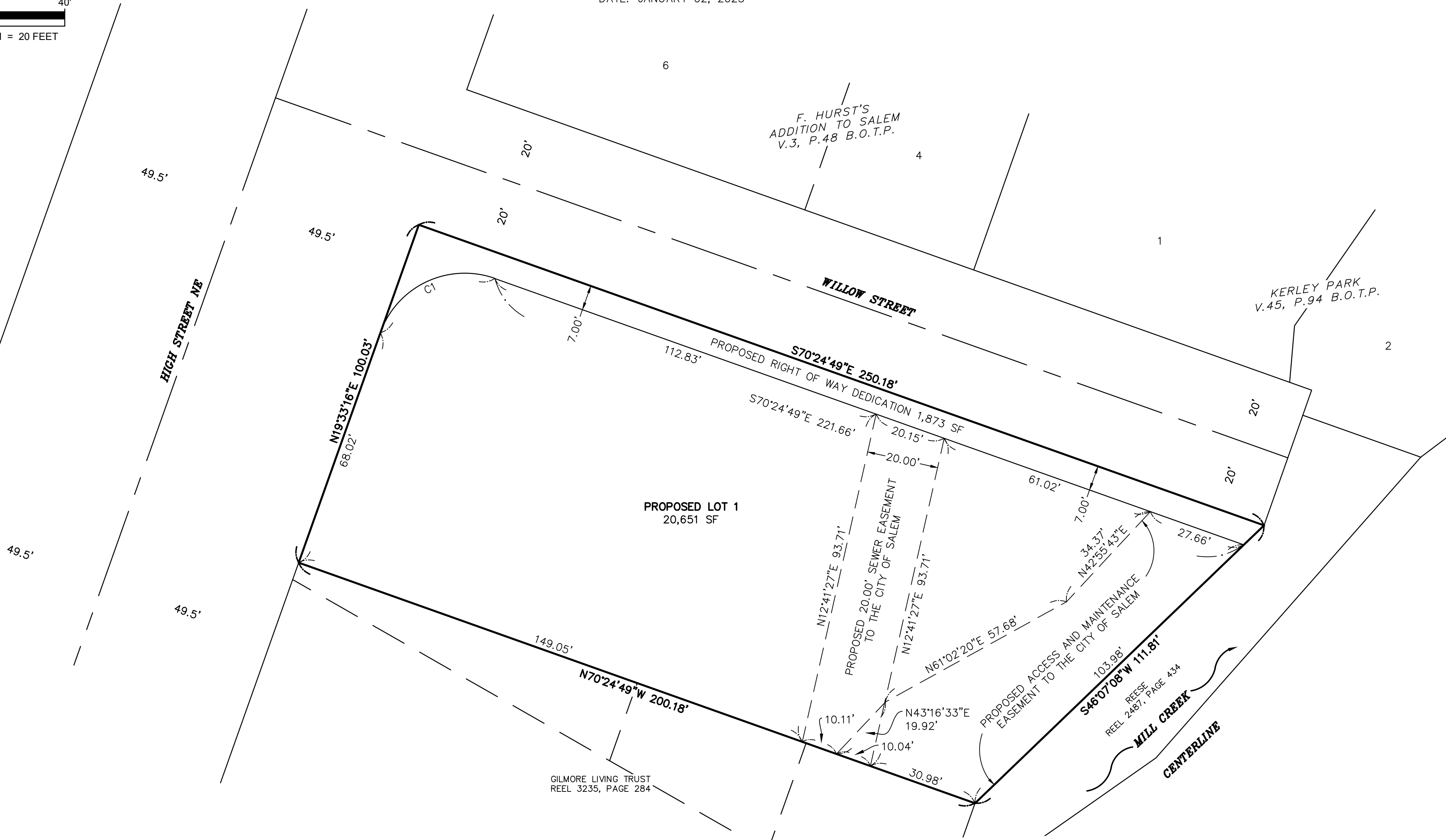
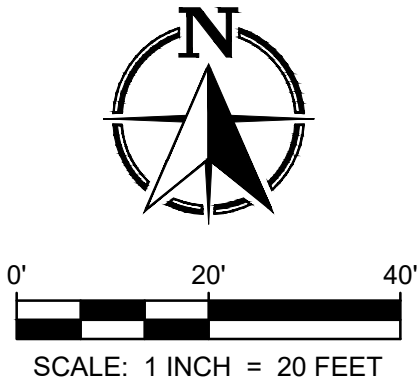
**CITY OF Salem**  
AT YOUR SERVICE  
Community Planning and Development

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# PROPOSED SUBDIVISION PLAT

A REPLAT OF LOTS 7-11 OF "F. HURST'S ADDITION TO SALEM"  
IN THE SE 1/4 OF SECTION 22, T.7S., R.3W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

DATE: JANUARY 02, 2025




CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	39.28'	25.00'	90°01'56"	N64°34'14"E	35.37'

REGISTERED  
PROFESSIONAL  
AND SURVEYOR

**DRAFT**

OREGON  
SEPTEMBER 12, 2007  
STEVEN LEE HOWELL  
91569

RENEW: 6-30-2025

SURVEYED FOR: SKYLINE BUILDERS	
 <b>FFN SURVEYING</b> 7230 3rd Street SE #145, Turner, OR 97392 P: (503) 558-3330 E: info@ffnsurveying.com	JOB NO. 24-504
	SHEET <b>1/1</b>



CONCRETE

BUILDING OVERHANG

GROUND FLOOR BUILDING FOOTPRINT

STORMWATER PLANTER PER CIVIL

ASPHALT

GRAVEL PATH, SEE LANDSCAPE PLANS

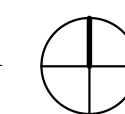
1	CROSSHATCH REGION REPRESENTS 10' X 50' VISION TRIANGLE.	11	RETAINING WALL W/ W/AL RAILING.
2	FREESTANDING PLANTER BOX W/ INTEGRAL VERTICAL SCREEN/TRELLIS. 6'-0" H MAX.	12	CONCRETE LANDING W/ SLOPED WALKWAY AT 5% MAX.
3	INTERIOR TRASH ROOM LOCATION, ACCESSED BY 6'-0" W ROLL-UP DOOR AND INTERIOR DOOR FROM STAIR SHAFT.	13	SLOPE CONCRETE AT 5% MAX TO BE FLUSH W/ ASPHALT SURFACE FOR TRASH RECEPTACLE MANEUVERABILITY.
4	STORMWATER INFRASTRUCTURE PER CIVIL.		
5	NEW STREET TREE, SEE LANDSCAPING PLANS.		
6	65 FOOT FIRE APPARATUS SHOWN FOR GRAPHICAL REFERENCE FOR AERIAL ACCESS ALTERNATIVE.		
7	DASHED LINE REPRESENTS SUSPENDED STEEL CANOPY ABOVE.		
8	25'-0" RADIUS AT NEW PROPERTY LINE UNDER SEPARATE PLAT APPLICATION.		
9	PROPOSED PUBLIC UTILITY EASEMENT CENTERED ON EXISTING SANITARY SEWER LINE.		
10	NEW POLE AND GUY WIRE. EXACT LOCATION TO BE COORDINATED WITH FRANCHISE UTILITY PROVIDER.		



Salem, OR 97301

DATE: 3/14/2025

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







EXTERIOR ELEVATION NOTES:

- 1 BRICK VENEER AT STREET-FACING GROUND FLOOR.
- 2 HORIZONTAL SYNTHETIC WOOD CLADDING.
- 3 VERTICAL PREFINISHED METAL SIDING.
- 4 FIBER CEMENT PANEL CLADDING SYSTEM.
- 5 FIBER CEMENT LAP SIDING W/ 6" EXPOSURE.
- 6 PREFINISHED METAL PARAPET CAP, TYP. ALL PARAPETS.
- 7 REINFORCED VINYL WINDOW ASSEMBLY, TYP. AT RESIDENTIAL USES.
- 8 FIBERGLASS CLAD DOOR AND FRAME.
- 9 PRE-FABRICATED METAL 'JULIET' STYLE BALCONY RAILING.
- 10 ALUMINUM STOREFRONT ASSEMBLY.
- 11 SUSPENDED STEEL CANOPY.
- 12 HOLLOW METAL DOOR AND FRAME.
- 13 8'-0" H FREE-STANDING VERTICAL TRELLIS TO CREATE GROWING MEDIUM SCREEN.
- 14 PREFINISHED METAL BELLY BAND TRIM.
- 15 6'-0" x 8'-0" COILING ROLL-UP DOOR AT TRASH COMPACTOR ROOM.

WEST ELEVATION WINDOW COVERAGE:

APPLICABLE WALL LENGTH: 82'-9"  
MINIMUM REQUIRED: 65% 53'-10"  
PROVIDED: 66% (54'-11")

1 WEST ELEVATION (FACING HIGH STREET)

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

NORTH ELEVATION WINDOW COVERAGE:

APPLICABLE WALL LENGTH: 50'-0"  
MINIMUM REQUIRED: 65% (32'-6")  
PROVIDED: 70% (35'-2")

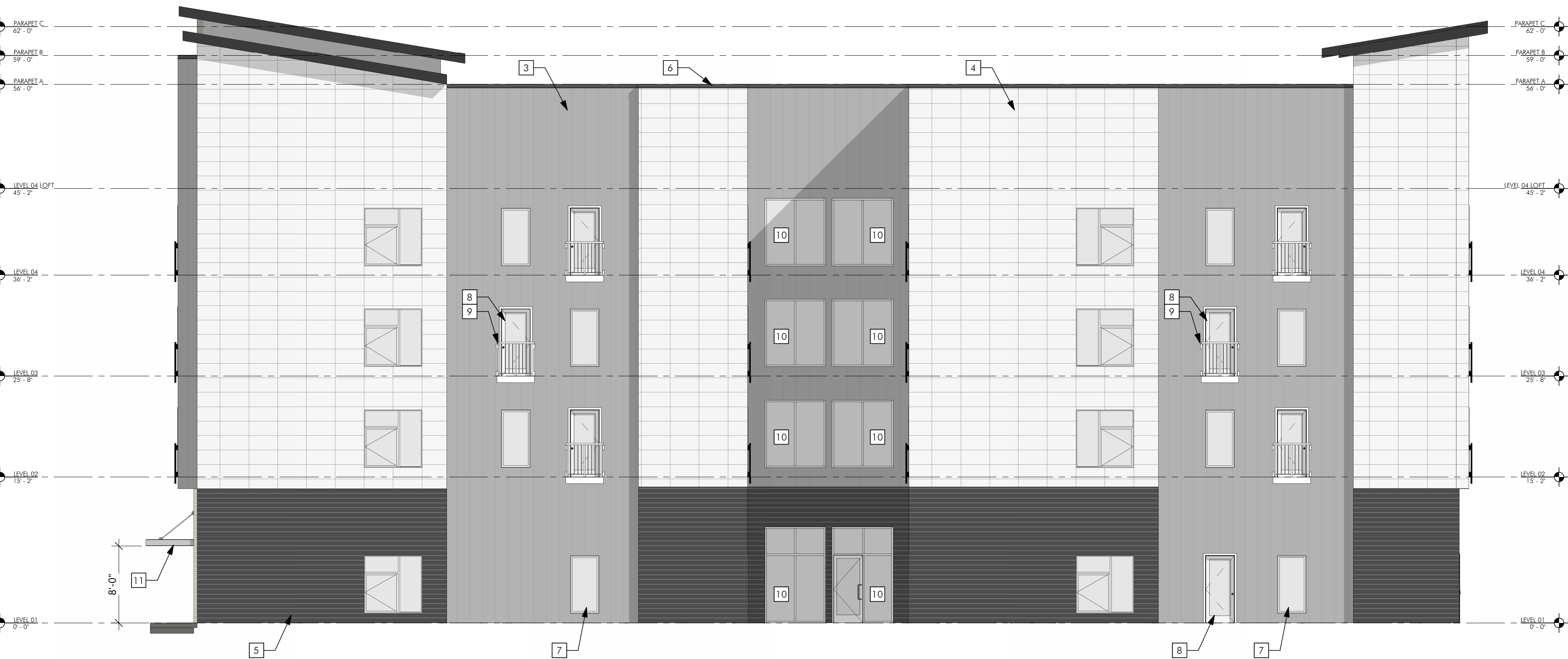
2 NORTH ELEVATION (FACING WILLOW STREET)

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





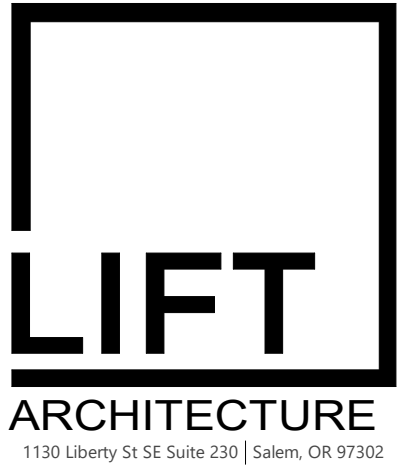
**1** EAST ELEVATION (FACING PARKING/MILL CREEK)  
SCALE: 1/8" = 1'-0"



**2** SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION NOTES:

- 1 BRICK VENEER AT STREET-FACING GROUND FLOOR.
- 2 HORIZONTAL SYNTHETIC WOOD CLADDING.
- 3 VERTICAL PREFINISHED METAL SIDING.
- 4 FIBER CEMENT PANEL CLADDING SYSTEM.
- 5 FIBER CEMENT LAP SIDING W/ 6" EXPOSURE.
- 6 PREFINISHED METAL PARAPET CAP, TYP. ALL PARAPETS.
- 7 REINFORCED VINYL WINDOW ASSEMBLY, TYP. AT RESIDENTIAL USES.
- 8 FIBERGLASS CLAD DOOR AND FRAME.
- 9 PRE-FABRICATED METAL 'JULIET' STYLE BALCONY RAILING.
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- 14 PREFINISHED METAL BELLY BAND TRIM.
- 15 6'-0" x 8'-0" COILING ROLL-UP DOOR AT TRASH COMPACTOR ROOM.



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

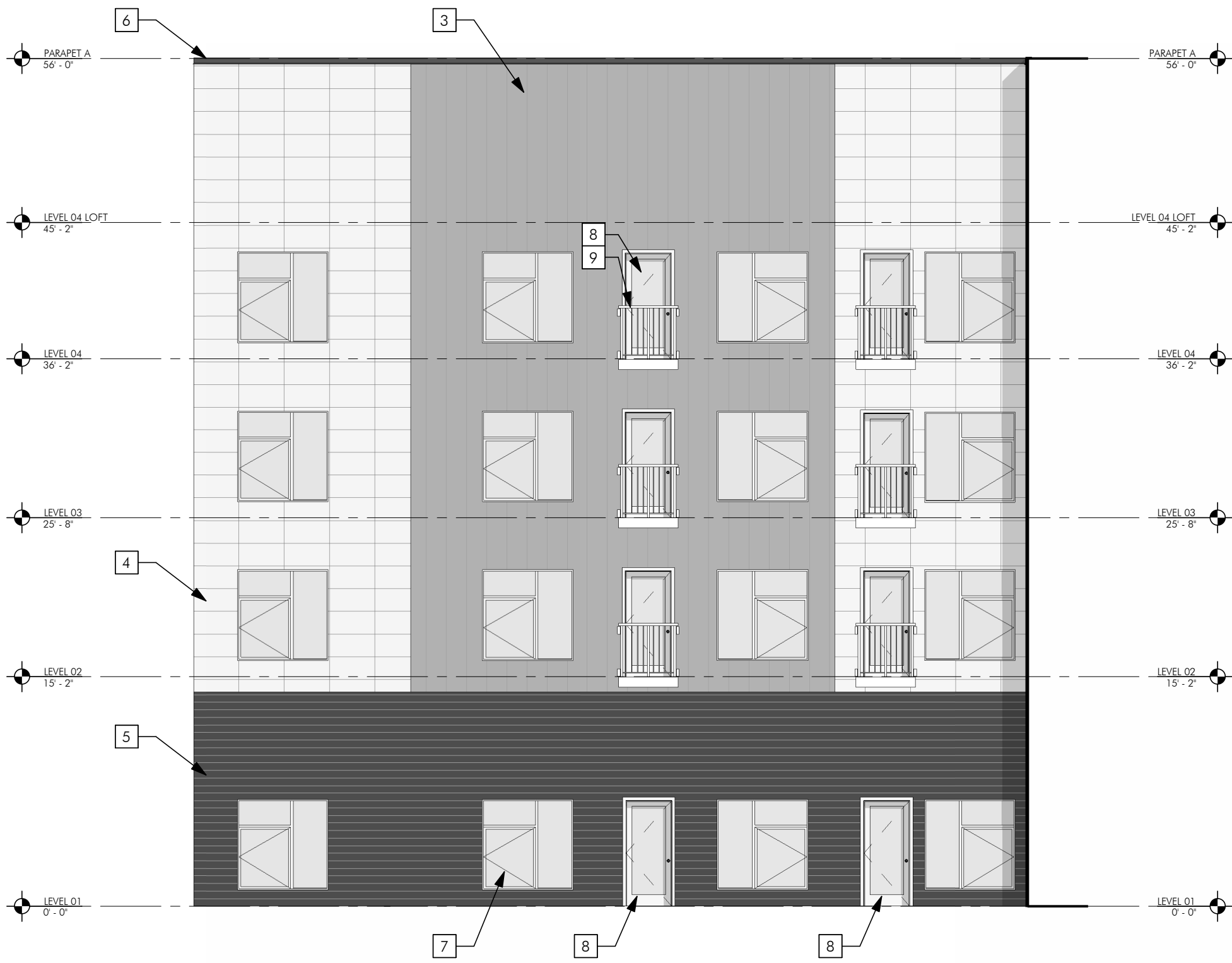
New Mixed-Use Building  
**The Lofts @ Willow**  
High St & Willow St, Salem, OR 97301

REVISIONS:

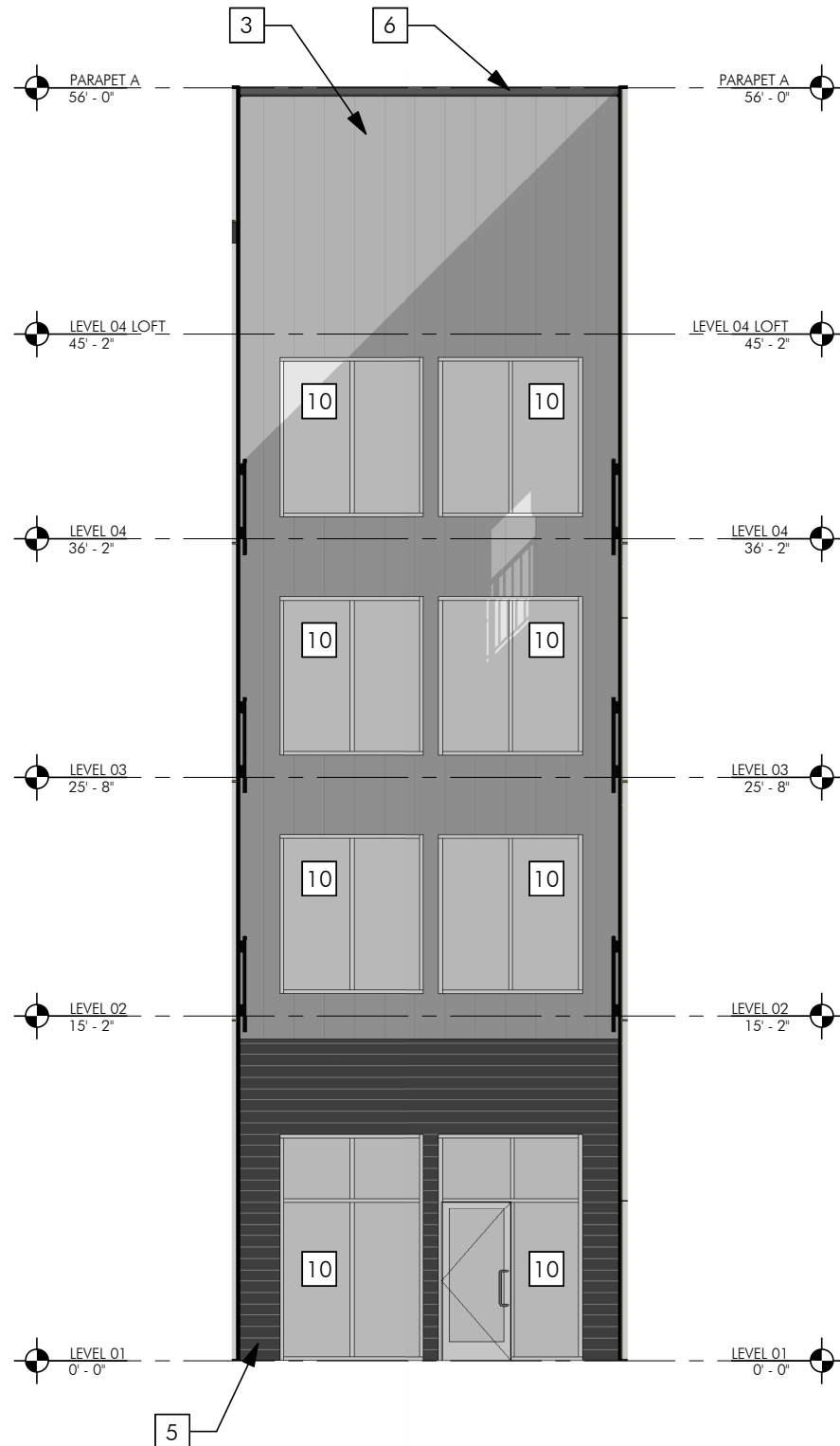
SHEET:  
**A2.02**  
ELEVATIONS

PROJECT # 2024-036  
DATE: 3/14/2025

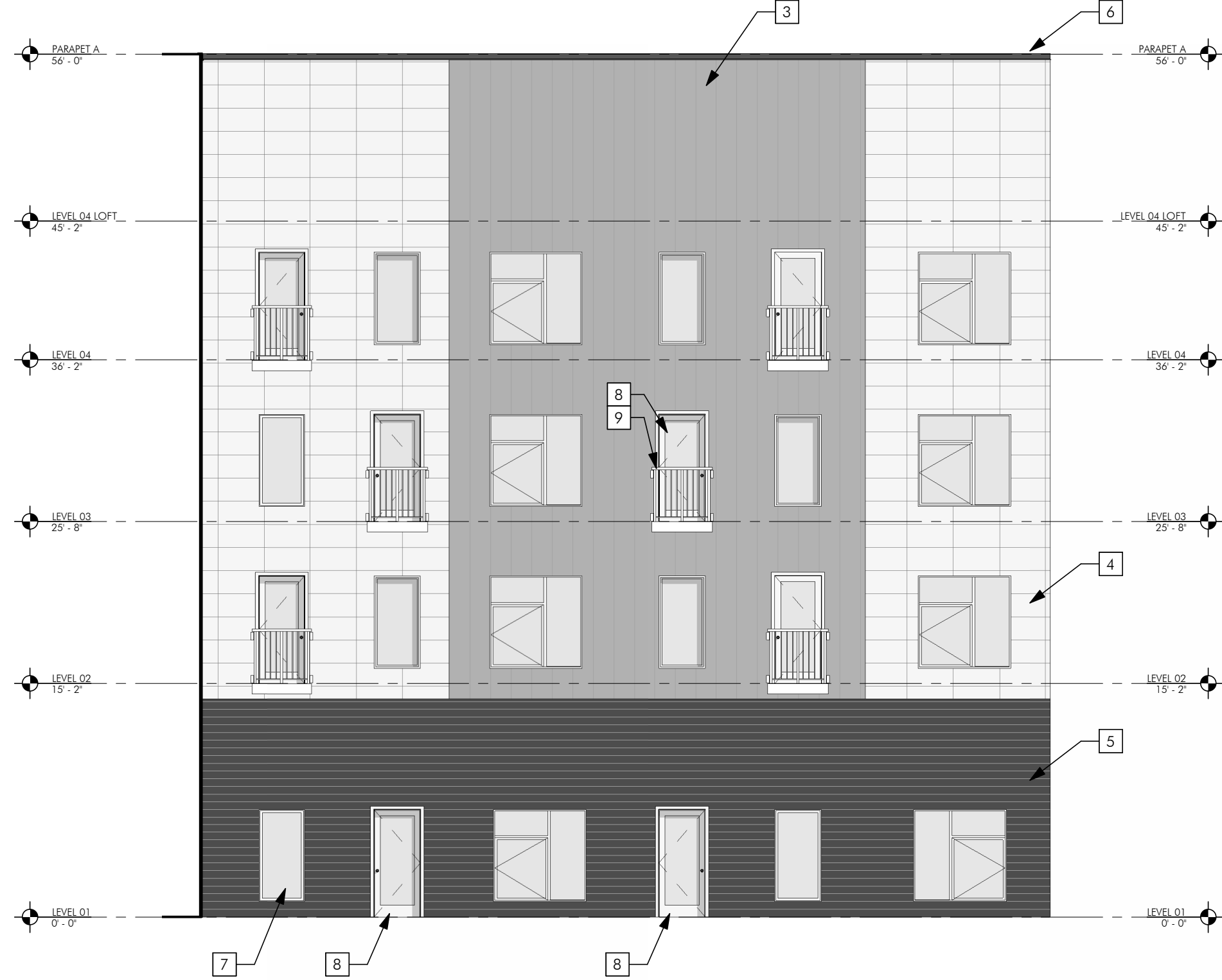
Copyright © 2024-25 LIFT Architecture



**1** Courtyard Elevation A  
SCALE: 1/8" = 1'-0"



**2** Courtyard Elevation B  
SCALE: 1/8" = 1'-0"



**3** Courtyard Elevation C  
SCALE: 1/8" = 1'-0"





## RESPONSE TO REQUEST FOR COMMENTS

**DATE:** July 11, 2025

**CASE/APP NUMBER:** REP-SPR-ADJ-TRV-DAP25-08

**PROPERTY LOCATION:** 590 Willow St NE

**CASE MANAGER:** Jacob Brown, Planner II, City of Salem

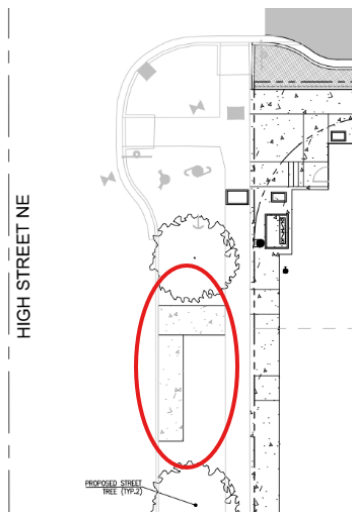
**Email:** jbrown@cityofsalem.net

**COMMENTS FROM:** Jolynn Franke, Transit Planner II, Salem Area Mass Transit District

**Email:** planning@cherriots.org

**COMMENTS:** A transit stop has been identified as needed in connection with this proposed development. The Salem Area Mass Transit District (the District) requests a transit stop conforming to the applicable standards of the District to be constructed and right-of-way dedication, if necessary, to be provided as part of the street improvements for this development. On-street parking shall be restricted in the area of the transit stop in order to ensure unobstructed access by transit.

- The transit stop shall be located on High Street NE as depicted in sheet 8 of the Preliminary Tree Plan submitted with the Notice of Filing.

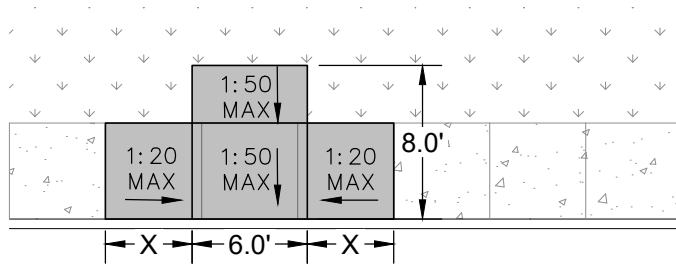




- The transit stop shall comply with the District's standard design for ADA compliant transit stops as depicted in drawing C1 of the attached Cherriots Standard Design drawings, Bus Stop Pads – Planter Strip (wider than 12').
- The transit stop shall conform to the District's standards for a near side bus stop as depicted on sheet C8 of the attached Cherriots Standard Design drawings, No Parking Zones at Intersections Detail, Nearside Stop.

Additionally, Cherriots offers a variety of programs and services aimed at improving community access to public transit while fostering economic growth and sustainability. Our Group Pass Program allows residents to access heavily discounted transit passes, making public transportation more affordable and accessible for organizations like schools, nonprofits, and businesses. Our subsidized vanpool program presents a cost-effective commuting alternative for groups traveling together longer distances, helping to alleviate congestion and encouraging eco-friendly travel. By incorporating these initiatives, developers can contribute to building a more connected and transit-centric community, enhancing residents' quality of life and bolstering local development initiatives.

Please reach out to [planning@cherriots.org](mailto:planning@cherriots.org) with any questions.



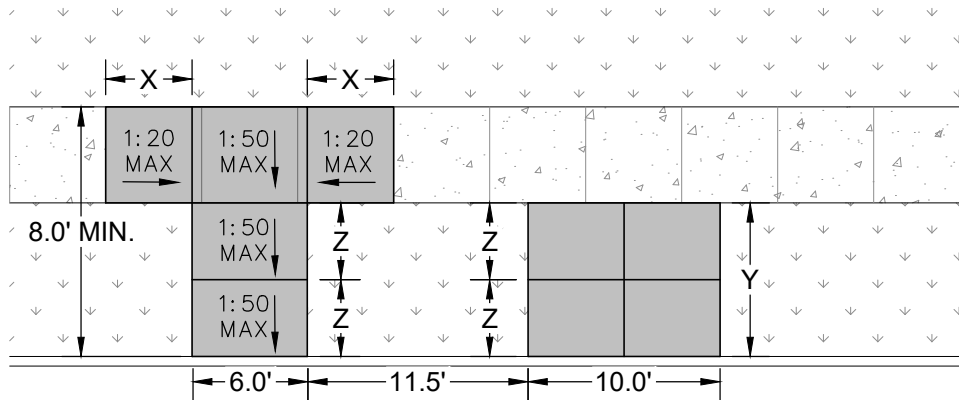
EXISTING ROADWAY

### BUS STOP PADS - CURB LINE SIDEWALK

NOT TO SCALE

#### NOTES:

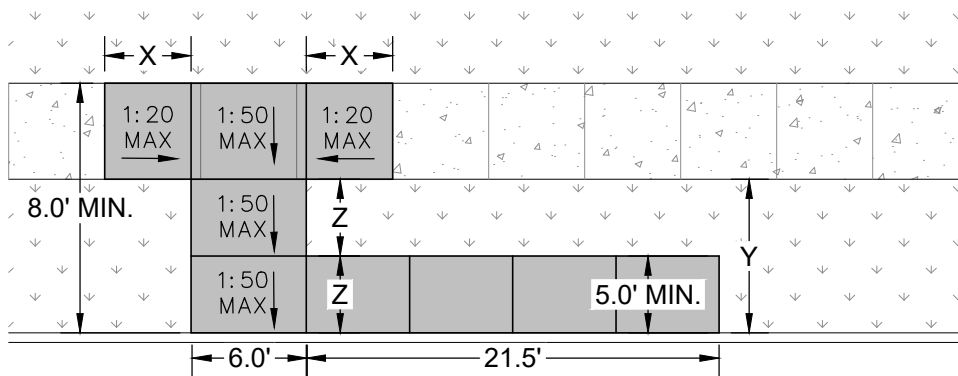
1. "X" WIDTH TO BE A MINIMUM OF 3.0' OR MATCH EXISTING SIDEWALK JOINT SPACING.
2. "Y" LENGTH TO BE EQUAL TO THE WIDTH OF THE PLANTER STRIP, FROM BACK OF CURB TO FRONT OF SIDEWALK.
3. JOINT SPACING, "Z" SHALL BE 3' MINIMUM, 6' MAXIMUM. PROVIDE SIDEWALK PANELS THAT ARE AS SQUARE AS POSSIBLE.
4. MATCH EXISTING WIDTH WHERE PROPOSED BUS STOP PANELS CONNECT TO THE EXISTING WALK.



EXISTING ROADWAY

### BUS STOP PADS - PLANTER STRIP (12' WIDE OR LESS)

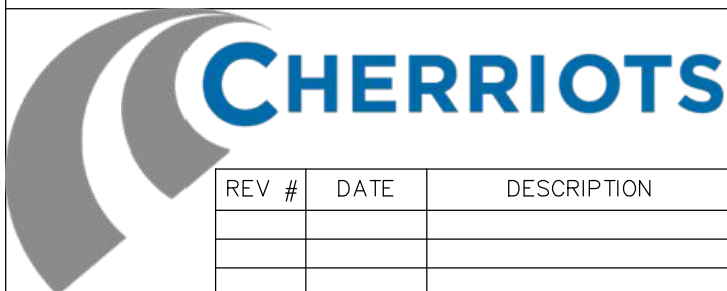
NOT TO SCALE



EXISTING ROADWAY

### BUS STOP PADS - PLANTER STRIP (WIDER THAN 12')

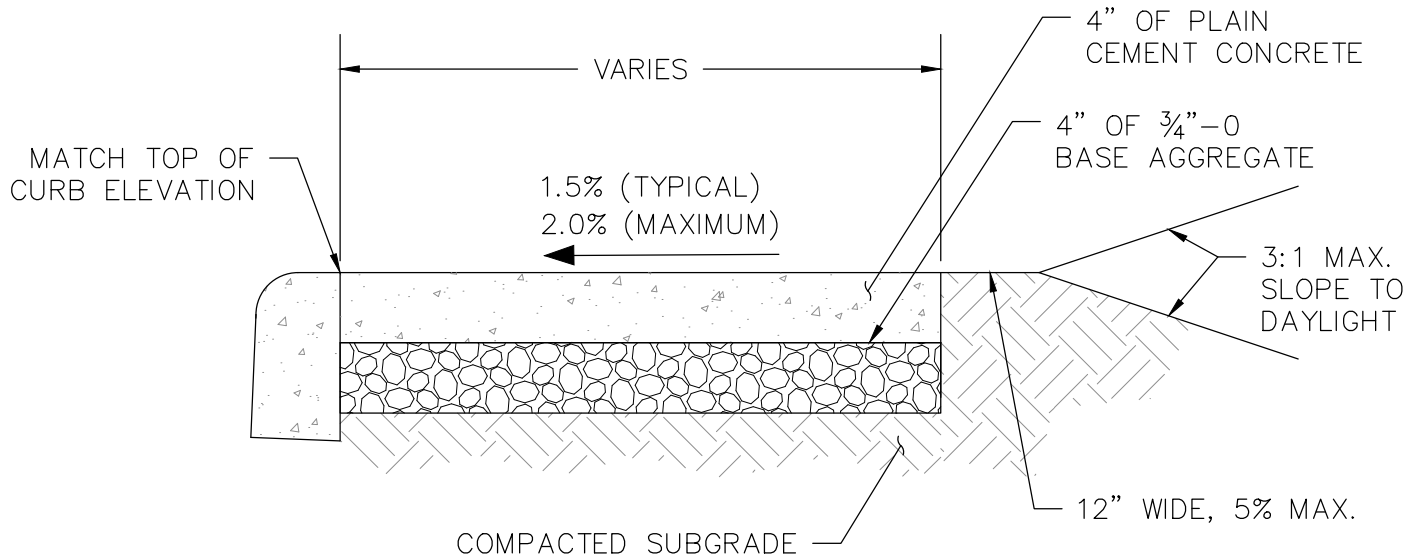
NOT TO SCALE



### BUS STOP PADS LAYOUT

C1

REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV
			DATE 03/03/22	DATE 03/03/22



**NOTES:**

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS.
2. CONTRACTION JOINTS OF THE WEAKENED PLANE TYPE SHALL BE 1- $\frac{1}{4}$ " DEEP AND TOOL ROUNDED BEFORE BROOMING. MATCH EXISTING JOINT SPACING. 15' MAXIMUM.
3. EXPANSION JOINTS TO BE PLACED AT SIDES OF DRIVEWAY APPROACHES, UTILITY VAULTS, ADA CURB RAMPS, AND AT SPACING NOT TO EXCEED 45 FEET.
4. FOR SIDEWALKS ADJACENT TO THE CURB AND POURED AT THE SAME TIME AS THE CURB, THE JOINT BETWEEN THEM SHALL BE A TROWELED JOINT WITH A MIN.  $\frac{1}{2}$  INCH RADIUS.
5. FINISH WITH BROOM AND EDGE ALL JOINTS.
6. ALL EDGES SHALL BE TOOL ROUNDED AND SHINED PER JURISDICTIONAL REQUIREMENTS AFTER BROOMING. PROVIDE 3" SHINE IF NO OTHER REQUIREMENTS EXIST.
7. BASE AGGREGATE TO BE COMPACTED TO 95% OF AASHTO T-99.



**CHERRIOTS**

**STANDARD  
SIDEWALK**

**C2**

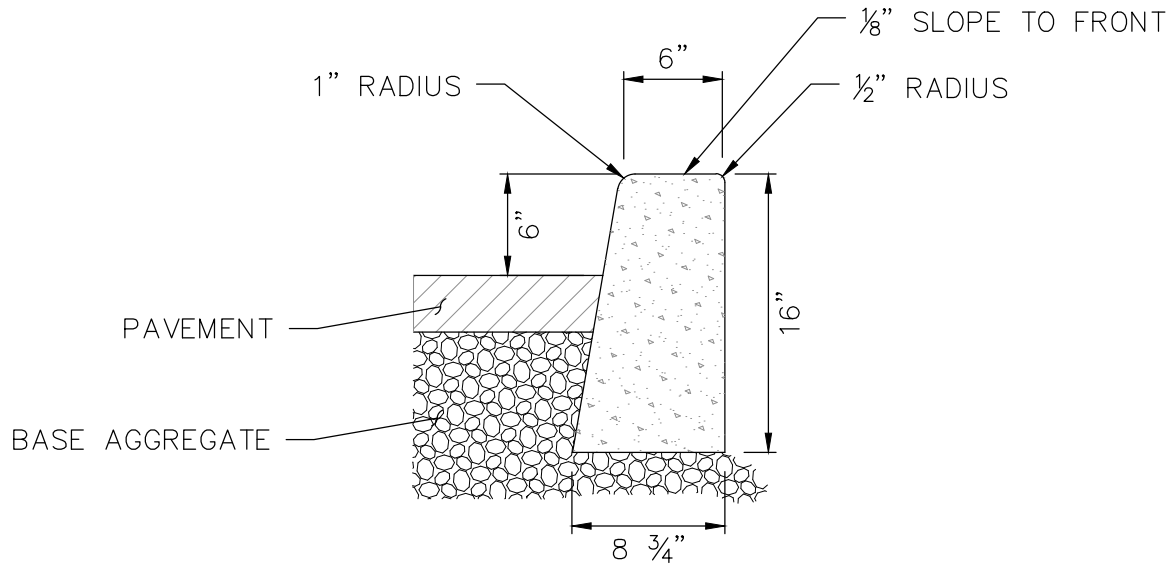
REV #	DATE	DESCRIPTION

BY EGW

DATE 03/03/22

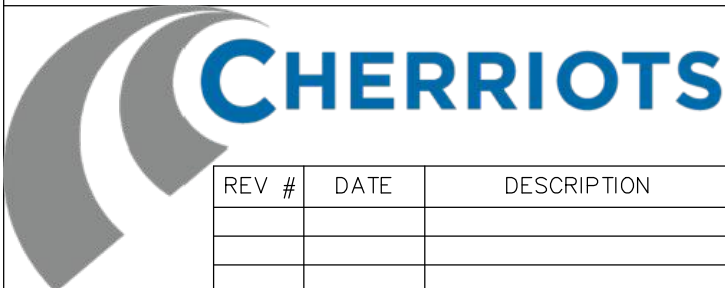
CHECKED RDV

DATE 03/03/22



**NOTES:**

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS.
2. EXPANSION JOINTS
  - 2.A. TO BE PROVIDED:
    - 2.A.1. AT EACH POINT OF TANGENCY OF THE CURB.
    - 2.A.2. AT EACH COLD JOINT.
    - 2.A.3. AT EACH SIDE OF THE INLET STRUCTURES.
    - 2.A.4. AT EACH END OF DRIVEWAYS.
    - 2.A.5. AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
3. CONTRACTION JOINTS:
  - 3.A. SPACING TO BE NOT MORE THAN 15 FEET.
  - 3.B. THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES.
4. BASE AGGREGATE TO BE 1 1/2"-0" OR 3/4"-0" COMPACTED TO 95% OF AASHTO T-99 AND SHALL BE TO SUBGRADE, STREET STRUCTURE, OR 4" IN DEPTH, WHICHEVER IS GREATER.



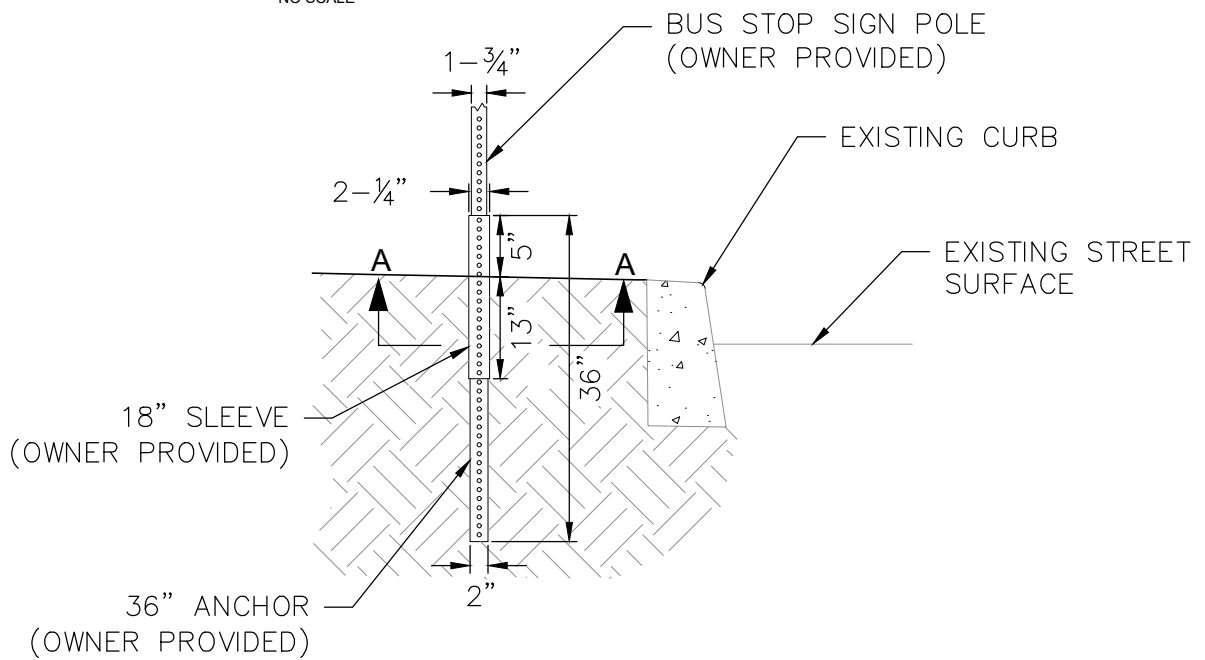
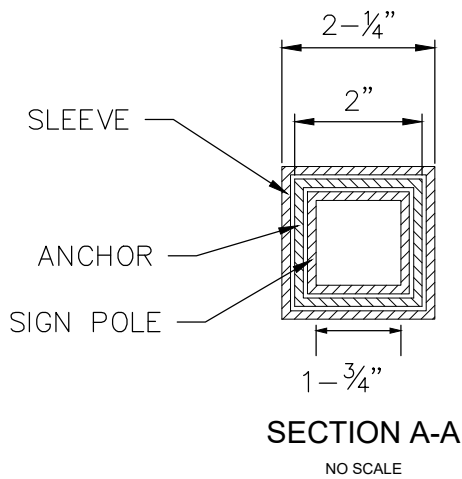
**STANDARD  
CURB**

**C3**

REV #	DATE	DESCRIPTION

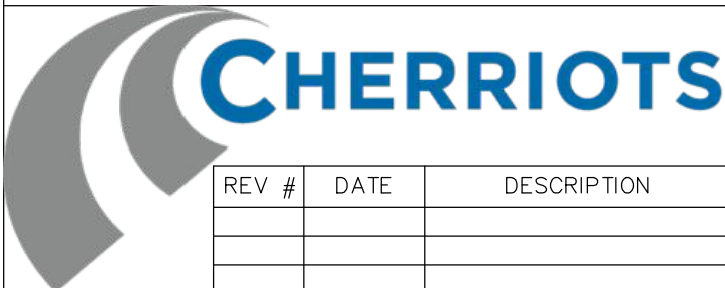
BY EGW  
DATE 03/03/22

CHECKED RDV  
DATE 03/03/22



**NOTES:**

1. CONTACT CHERRIOTS PLANNING STAFF AT (503) 588-2424 TO OBTAIN SIGN MATERIALS.



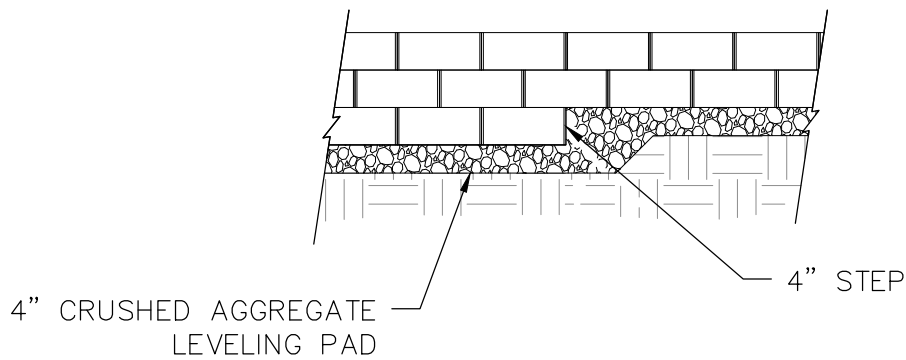
**BUS STOP SIGN POLE,  
ANCHOR & SLEEVE  
DETAIL**

**C4**

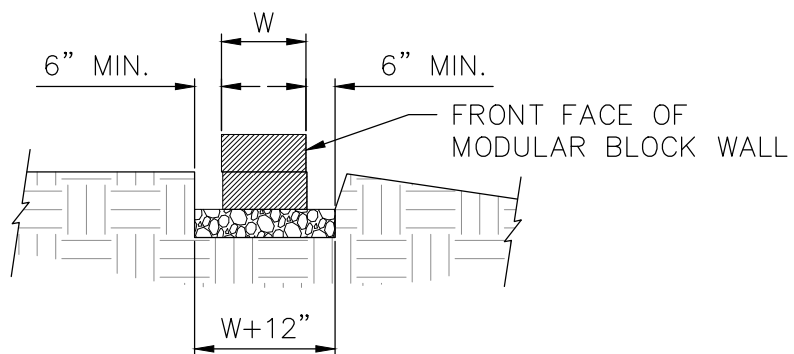
REV #	DATE	DESCRIPTION

BY EGW  
DATE 03/03/22

CHECKED RDV  
DATE 03/03/22



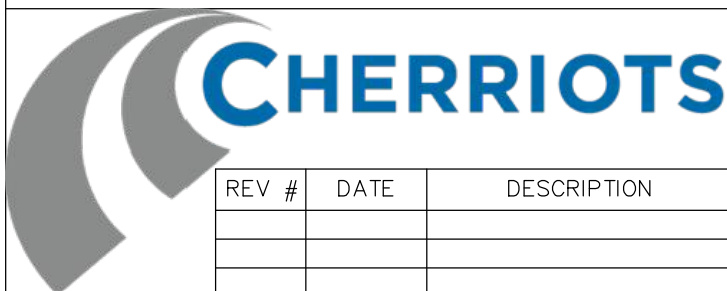
ELEVATION



SECTION

NOTE:

1. LEVELING PAD TO BE  $\frac{3}{4}$ "-0 CRUSHED AGGREGATE  
COMPACTED TO 95% OF AASHTO T-99



LEVELING PAD  
DETAIL

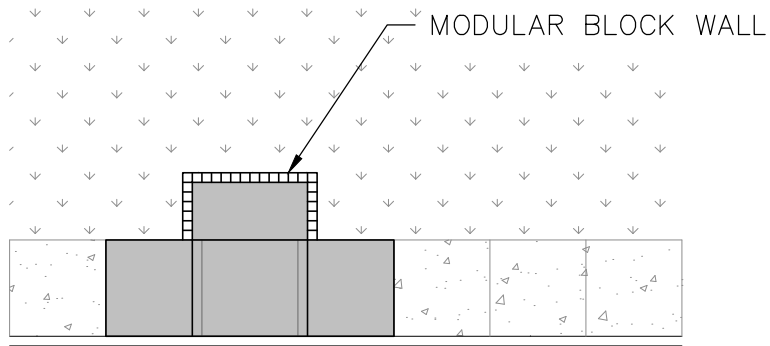
BY EGW

DATE 03/03/22

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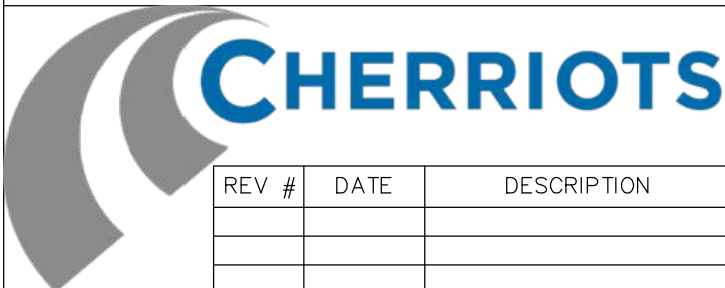
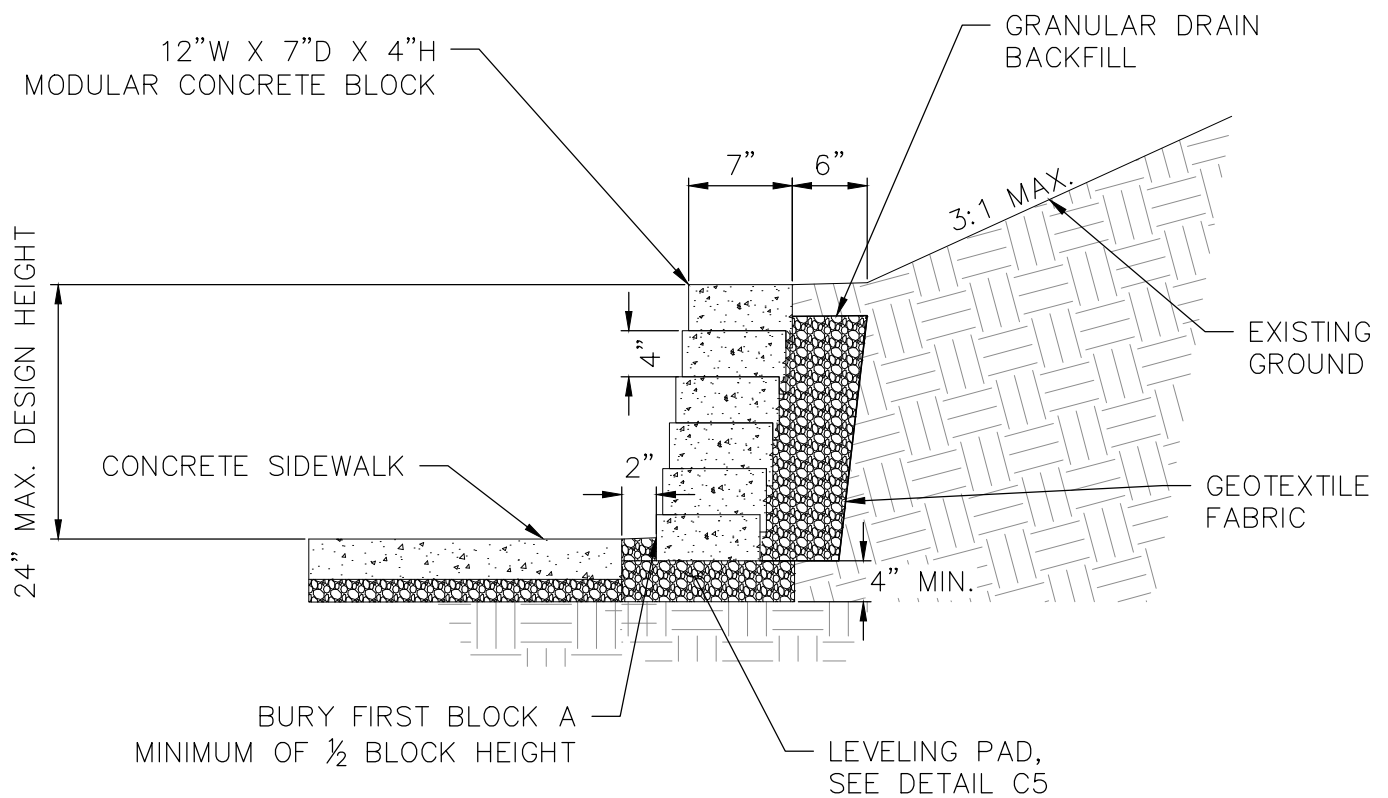
DATE 03/03/22

C5



**NOTES:**

1. MODULAR BLOCK WALL SHALL BE REQUIRED WHEN SLOPE GRADING TO DAYLIGHT AT 3:1 MAX. CANNOT BE ACHIEVED.
2. THE MODULAR BLOCK WALL SHALL BE CONSTRUCTED WHEN WALL EXPOSURE IS TO BE GREATER THAN 6".



**MODULAR BLOCK  
WALL DETAIL**

**C6**

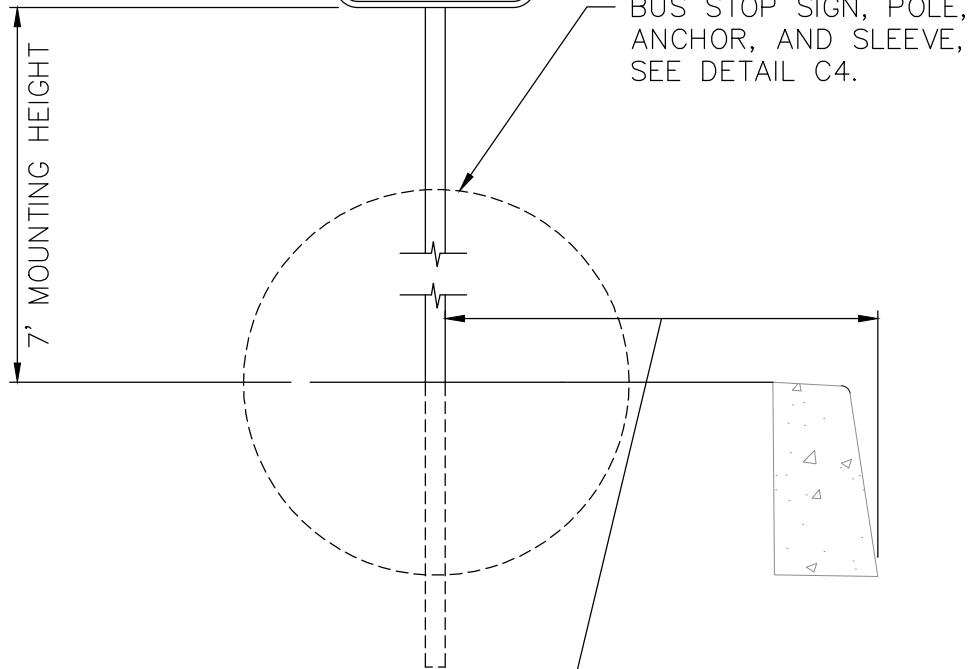
REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV
			DATE 03/03/22	DATE 03/03/22




BUS STOP SIGN  
(OWNER PROVIDED)



BUS STOP  
SIGN



2' FROM FACE OF CURB OR  
1' FROM BACK OF SIDEWALK



**CHERRIOTS**

REV #	DATE	DESCRIPTION

**TYPICAL BUS STOP  
SIGN PLACEMENT  
DETAIL**

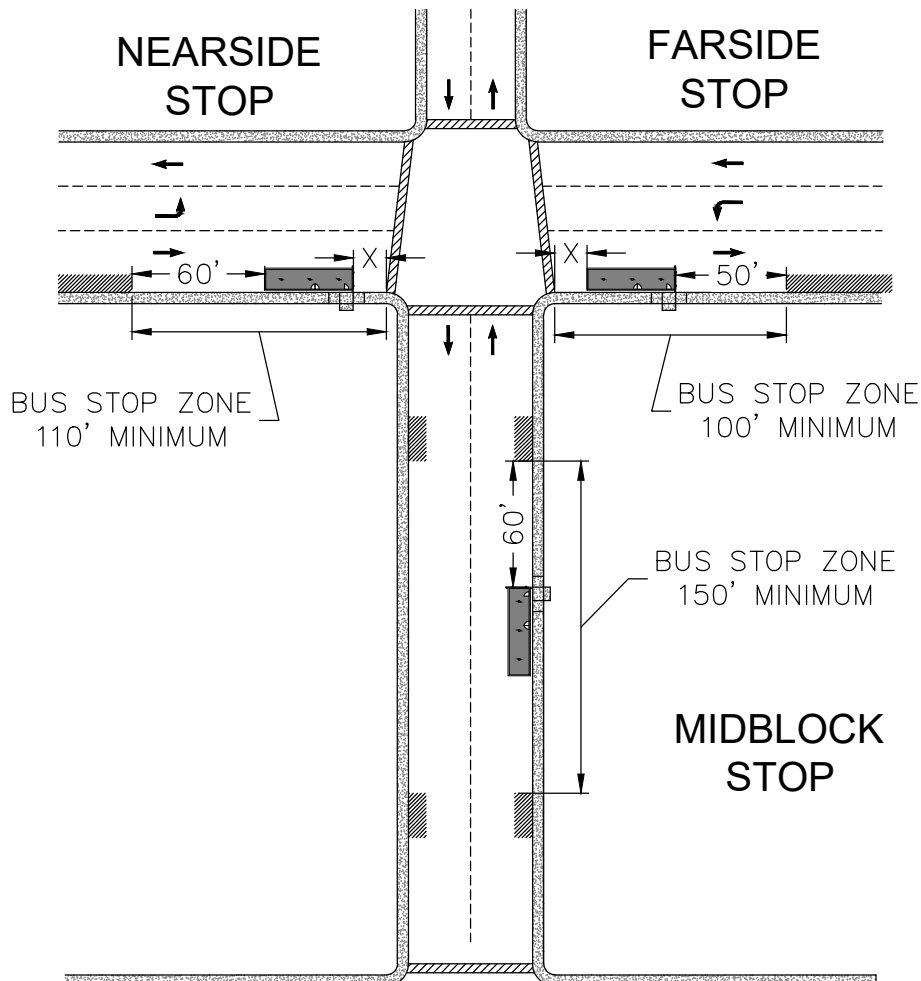
BY EGW

DATE 03/03/22

CHECKED RDV

DATE 03/03/22

**C7**

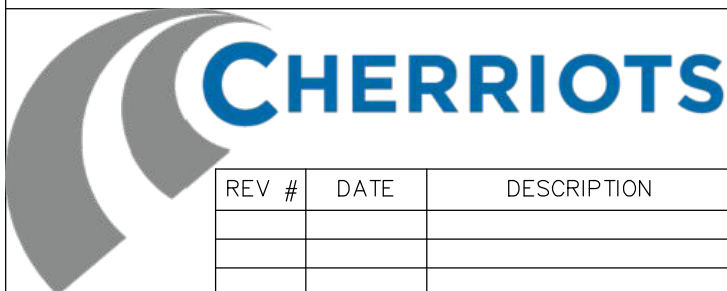


**NOTES:**

1. CHERRIOTS TO PROVIDE INFORMATION REGARDING BUS TYPE, LENGTH, AND QUANTITY OF BUSES TO BE SERVICED BY BUS STOP.
2. FOR MULTIPLE BUSES BEING SERVED AT ONE STOP:
  - 2.A. ADD 50 FEET FOR EACH ADDITIONAL STANDARD 40-FOOT BUS.
  - 2.B. ADD 70 FEET FOR EACH ADDITIONAL 60-FOOT ARTICULATED BUS.
3. BUS STOP ZONE SHALL BE SIGNED AS A NO PARKING ZONE PER STANDARDS OF LOCAL JURISDICTION.
4. X = 10' MINIMUM FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS FURTHER FROM THE INTERSECTION.

**MINIMUM DISTANCE BETWEEN A BUS STOP AND LEFT TURN (FT)**

POSTED SPEED LIMIT	LANE CHANGES			
	1	2	3	4
30 MPH OR LESS	430	610	790	970
35 MPH	625	875	1125	1375
40 MPH	780	1080	1380	1680
45 MPH	1080	1430	1780	2130
50 MPH	1415	1865	2135	2765
55 MPH	1830	2380	2930	3480



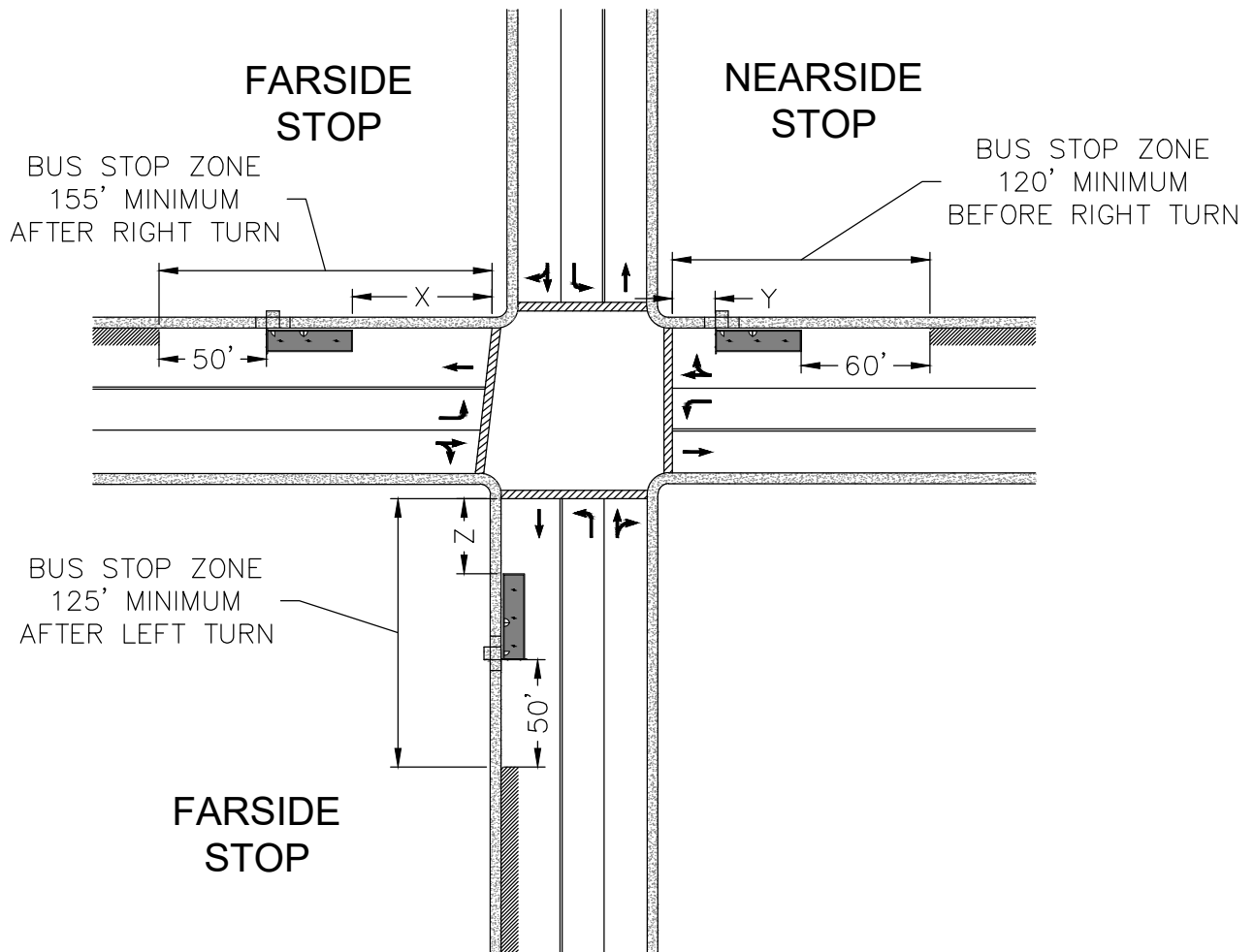
**NO PARKING ZONES  
AT INTERSECTIONS  
DETAIL**

**C8**

REV #	DATE	DESCRIPTION

BY EGW  
DATE 09/22/22

CHECKED RDV  
DATE 09/22/22

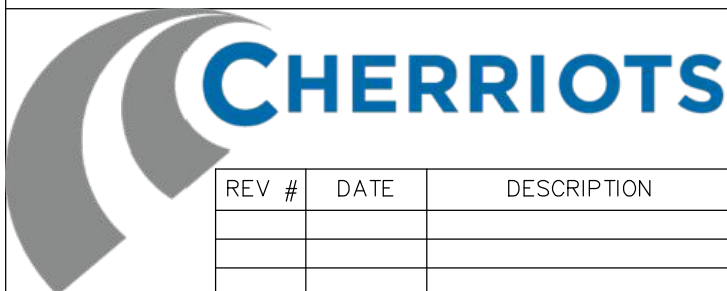


**NOTES:**

1. CHERRIOTS TO PROVIDE INFORMATION REGARDING BUS TYPE, LENGTH, AND QUANTITY OF BUSES TO BE SERVICED BY BUS STOP.
2. FOR MULTIPLE BUSES BEING SERVED AT ONE STOP:
  - 2.A. ADD 50 FEET FOR EACH ADDITIONAL STANDARD 40-FOOT BUS.
  - 2.B. ADD 70 FEET FOR EACH ADDITIONAL 60-FOOT ARTICULATED BUS.
3. BUS STOP ZONE SHALL BE SIGNED AS A NO PARKING ZONE PER STANDARDS OF LOCAL JURISDICTION.
4. X = 65' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.
5. Y = 20' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.
6. Z = 35' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.

**MINIMUM DISTANCE BETWEEN A BUS STOP AND LEFT TURN (FT)**

POSTED SPEED LIMIT	LANE CHANGES			
	1	2	3	4
30 MPH OR LESS	430	610	790	970
35 MPH	625	875	1125	1375
40 MPH	780	1080	1380	1680
45 MPH	1080	1430	1780	2130
50 MPH	1415	1865	2135	2765
55 MPH	1830	2380	2930	3480



**NO PARKING ZONES WITH TURN LANES  
DETAIL**

**C9**

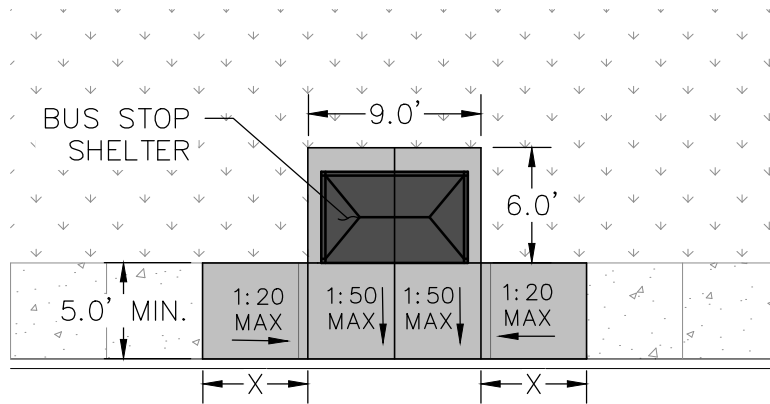
REV #	DATE	DESCRIPTION

BY EGW

DATE 09/27/22

CHECKED RDV

DATE 09/27/22



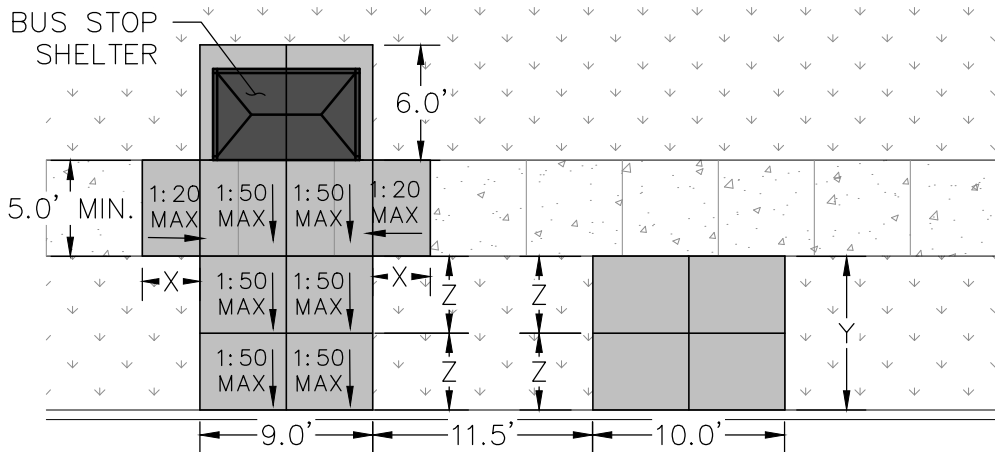
EXISTING ROADWAY

### BUS SHELTER ON CURB-TIGHT SIDEWALK

NOT TO SCALE

#### NOTES:

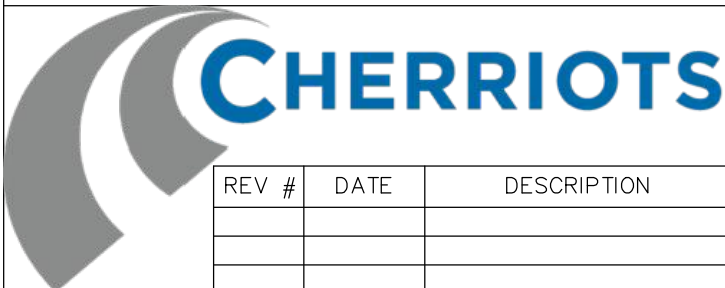
1. "X" WIDTH TO BE A MINIMUM OF 3.0' OR MATCH EXISTING SIDEWALK JOINT SPACING.
2. "Y" LENGTH TO BE EQUAL TO THE WIDTH OF THE PLANTER STRIP, FROM BACK OF CURB TO FRONT OF SIDEWALK.
3. JOINT SPACING, "Z" SHALL BE 3' MINIMUM, 6' MAXIMUM. PROVIDE SIDEWALK PANELS THAT ARE AS SQUARE AS POSSIBLE.
4. MATCH EXISTING WIDTH WHERE PROPOSED BUS STOP PANELS CONNECT TO THE EXISTING WALK.
5. BUS STOP SHELTER TO BE STANDARD BRASCO BUS STOP SHELTER, UNLESS OTHERWISE APPROVED BY CHERRIOTS.
6. BUS STOP SHELTER TO BE CONSTRUCTED AT BACK OF EXISTING WALK.



EXISTING ROADWAY

### BUS SHELTER ON SIDEWALK WITH PLANTER STRIP

NOT TO SCALE



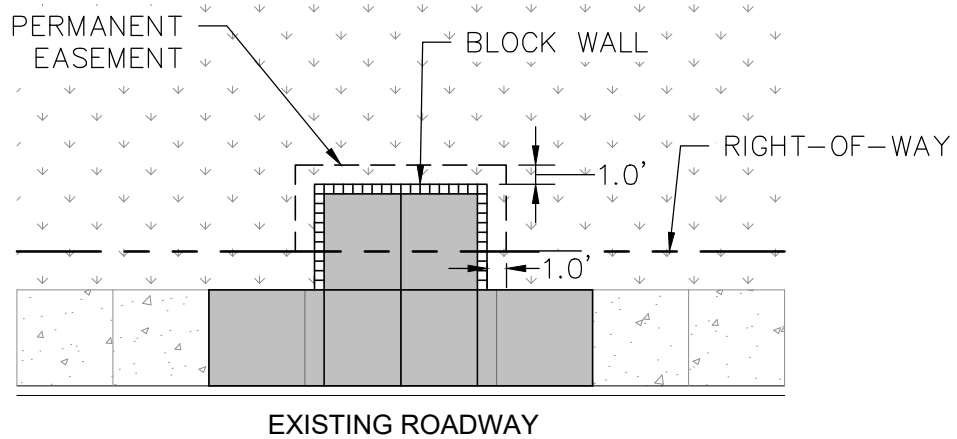
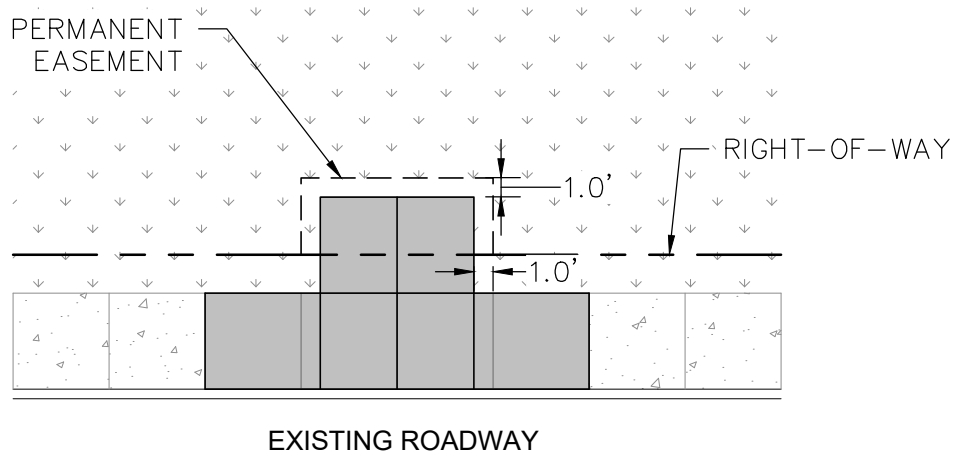
### BUS STOP WITH SHELTER DETAIL

C10

REV #	DATE	DESCRIPTION

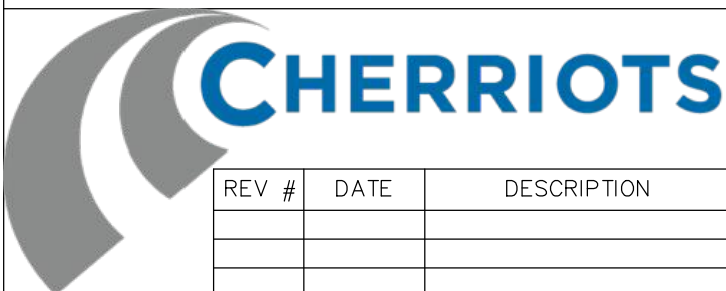
BY EGW  
DATE 03/03/22

CHECKED RDV  
DATE 03/03/22



**NOTES:**

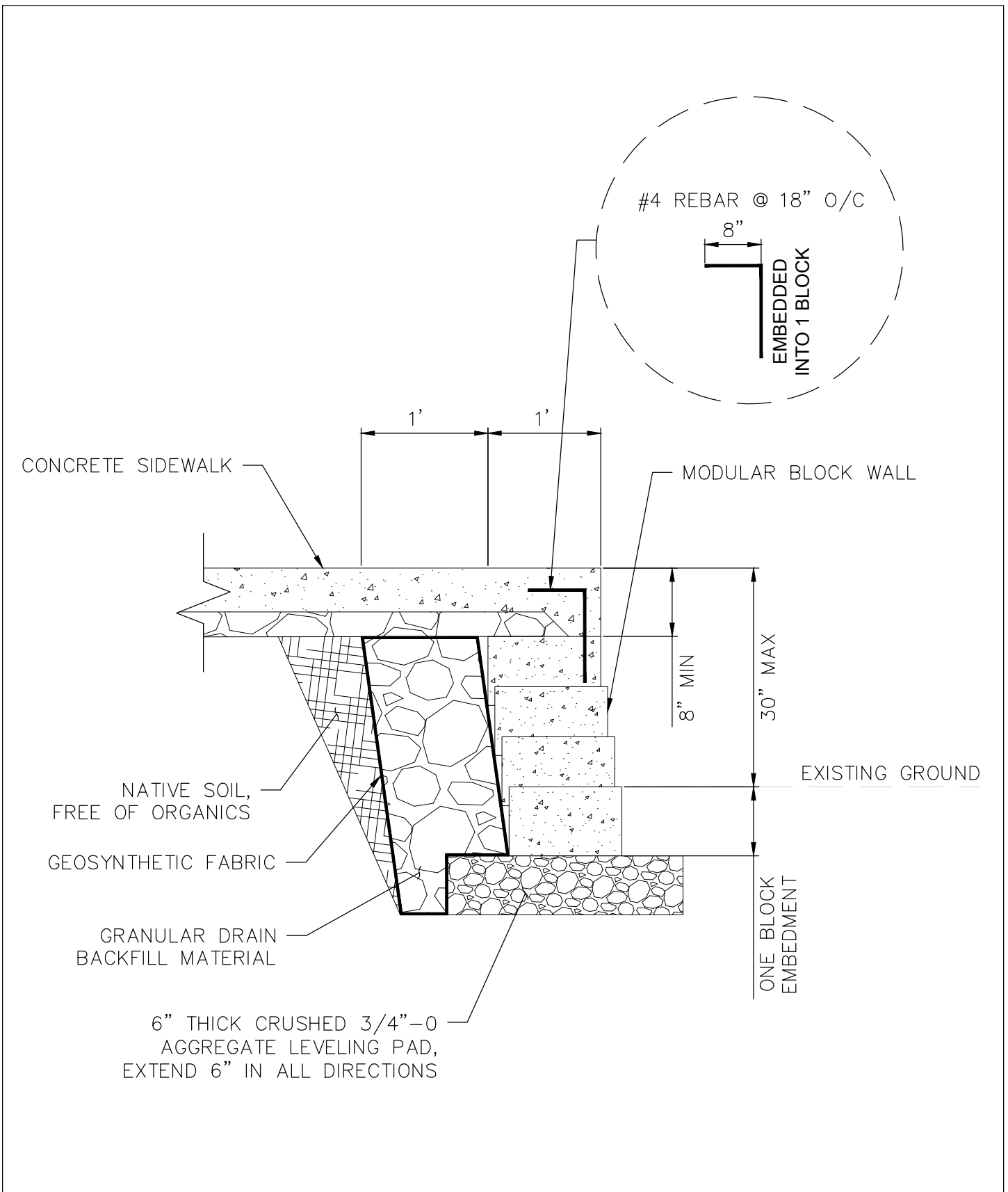
1. PERMANENT EASEMENT IS REQUIRED WHEN EXTENTS OF DESIGN ENCROACH UPON RIGHT-OF-WAY.
2. PERMANENT EASEMENTS ARE TO BE A MINIMUM OF 1' OFFSET FROM THE PROPOSED CONSTRUCTION EXTENTS THAT FALL OUTSIDE OF RIGHT-OF-WAY.



**PERMANENT  
EASEMENT DETAIL**

**C11**

REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV
			DATE 03/03/22	DATE 03/03/22

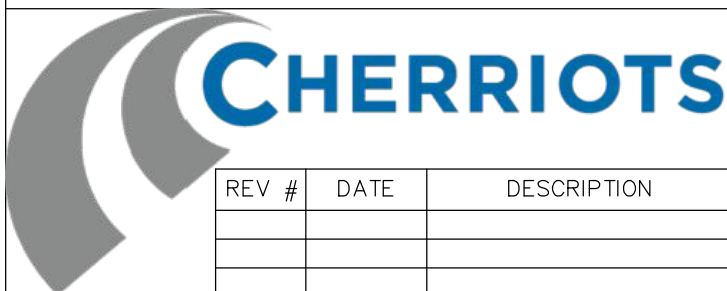
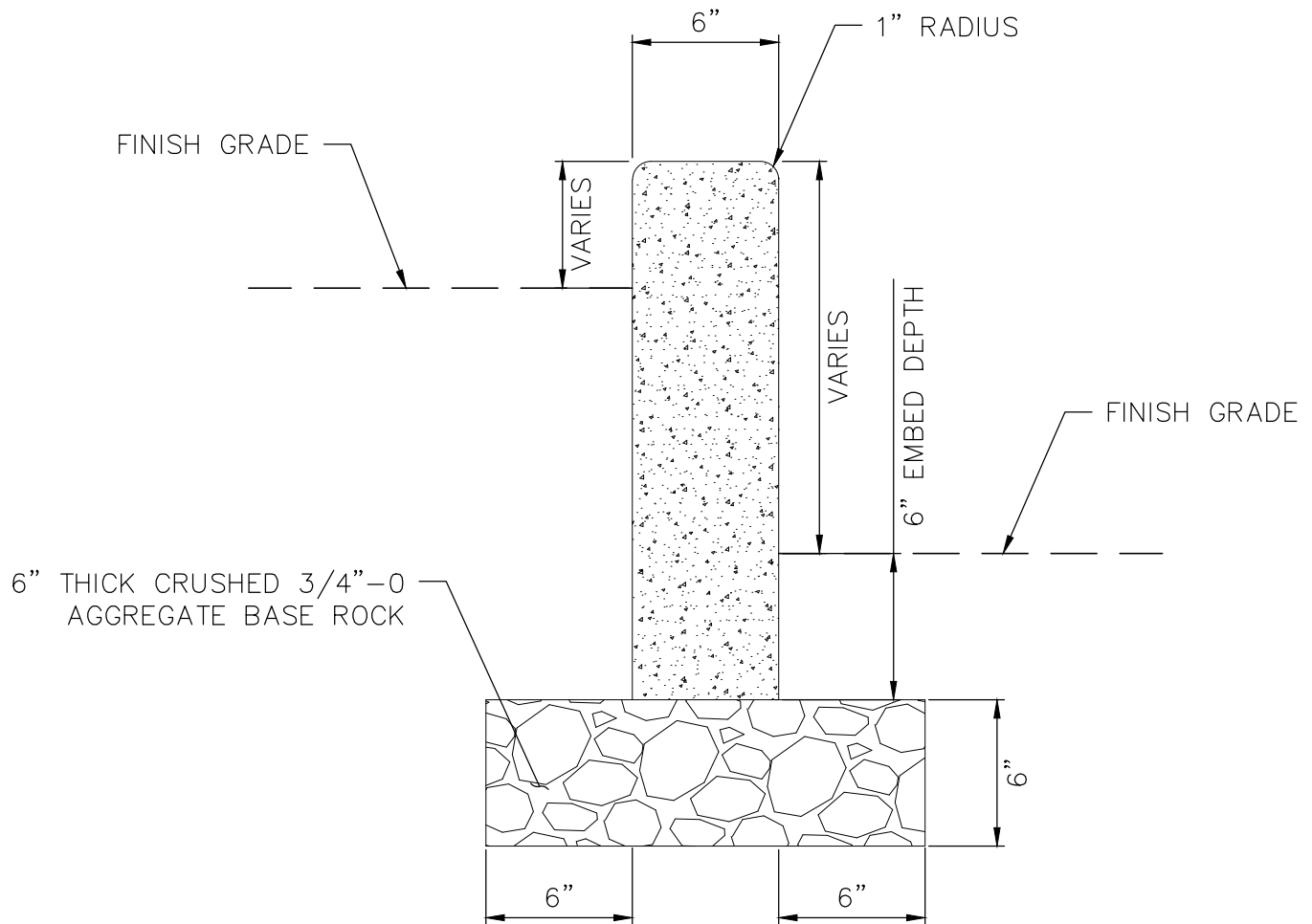


# CHERRIOTS

## BELOW-GRADE WALL DETAIL

C12

REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV
			DATE 03/03/22	DATE 03/03/22



## PEDESTRIAN CURB DETAIL

# C13

REV #	DATE	DESCRIPTION

BY EGW  
DATE 03/03/22

CHECKED RDV  
DATE 03/03/22

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

**REGARDING:** Replat Tentative Plan / Class 3 Site Plan Review / Class 2 Adjustment /  
Class 1 Adjustment / Tree Variance / Class 2 Driveway Approach Permit  
Case No. REP-SPR-ADJ-TRV-DAP25-08

**PROJECT ADDRESS:** 590 Willow St NE, Salem OR 97301

**AMANDA Application No.:** 25-102406-PLN

**COMMENT PERIOD ENDS:** July 22, 2025, at 5:00 p.m.

**SUMMARY:** "Summary: Development of a new mixed-use building.

**REQUEST:** A Class 3 Site Plan Review for the development of a 49-unit apartment complex with ground floor commercial space and associated site improvements. The consolidated application includes a Replat Tentative Plan to consolidate three discrete units of land into one lot, Class 2 Driveway Approach, and Tree Variance to remove three riparian trees. In addition, one Class 1 Adjustment and Class 2 Adjustment to:

- 1) A Class 1 Adjustment to reduce the structure setback along Willow Street NE from five to four feet per SRC 533.015(c);
- 2) A Class 2 Adjustment to reduce the accessory structure setback for an onsite utility pole along Willow Street NE from 12 to 1-foot, per SRC 533.015(c).

The development site is 0.52 acres in size, zoned MU-I (Mixed Use I) and located at 590 Willow Street NE (Marion County Assessor's Map and Tax Lot Numbers 073W22DA/ 6800 / 6700; and 6600).

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., Tuesday, July 22, 2025,** 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, or submit comments online at <https://egov.cityofsalem.net/PlanningComments>*

**CASE MANAGER:** Jacob Brown, Planner II, City of Salem, Planning Division; PO Box 14300, Salem OR 97309; 440 Church St SE, Salem OR 97312; Phone: (503) 540-2347; E-Mail: [jrbrown@cityofsalem.net](mailto:jrbrown@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 School District  
Address: 2450 Lancaster Dr. NE, PO Box 12024, Salem OR 97309  
Phone: 503-315-0232  
Email: fridenmaker\_david@salemkeizer.k12.or.us  
Date: July 16, 2025

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





Andrea Castañeda, Superintendent

July 16, 2025

Jacob Brown, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. REP-SPR-ADJ-TRV-DAP25-08, 590 Willow 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>
Grant	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
Grant	Elementary	446	400	112%
Parrish	Middle	673	829	81%
North Salem	High	2,045	2,248	91%

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	49	MF	0.164	8
Middle			0.085	4
High			0.096	5

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
Grant	Elem.	446	63	8	71	400	129%
Parrish	Mid.	673	58	4	62	829	89%
North Salem	High	2,045	85	5	90	2,248	95%

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
Grant	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

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	8	\$105,625	\$845,000
Middle	4	\$137,443	\$549,772
High	5	\$169,260	\$846,300
TOTAL			\$2,241,072

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q1 2025”

Sincerely,

David Fridenmaker  
Business and Support Services

c: T.J. Crockett, Acting Chief Operations Officer, David Hughes, Director of Operations & Logistics, Mitch Hamilton, Acting Director of Transportation