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503-588-6173

DECISION OF THE HEARINGS OFFICER

CLASS 2 WILLAMETE GREENWAY DEVELOPMENT PERMIT, REPLAT TENTATIVE PLAN, CLASS 3 SITE PLAN REVIEW, CLASS 2 FLOODPLAIN DEVELOPMENT PERMIT, CLASS 1 AND CLASS 2 ADJUSTMENTS, CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO.: WGP-REP-SPR-FDP-ADJ-DAP26-01

APPLICATION NO.: 25-122982-PLN

NOTICE OF DECISION DATE: May 19, 2026

REQUEST: An application for a Class 2 Willamette Greenway Development Permit and Class 3 Site Plan Review for the development of two new buildings for an assisted living facility and memory care facility with associated site improvements for a shared off-street parking area. The consolidated application includes a Tentative Replat Plan to reconfigure the underlying lot lines into two new parcels approximately 2.31 and 2.13 acres in size, one Class 2 Driveway Approach Permit for access onto Front Street NE, a Class 2 Floodplain Development Permit, and Class 1 and Class 2 Adjustments to:

- 1) Exceed the maximum 10-foot building setback abutting the street of the assisted living facility, per SRC 536.015(c);
- 2) Not provide pedestrian amenities within the building setback abutting the street for the memory care facility, per SRC 536.015(c);
- 3) Eliminate the minimum five-foot vehicle use area setback along the new lot line between the shared parking area for the southern lot; per SRC 536.015(c);
- 4) Eliminate the minimum five-foot vehicle use area setback along the new lot line between the shared parking area for the northern lot; per SRC 536.015(c);
- 5) Reduce the minimum 20-foot building height for the memory care facility, per SRC 536.015(d);
- 6) Reduce the minimum 50 percent building frontage for the assisted living facility to approximately 20 percent, per SRC 536.015(d);
- 7) Reduce the minimum 50 percent building frontage for the memory care facility to approximately 47 percent, per SRC 536.015(d);
- 8) Provide only one pedestrian access between the street and the riverfront where two accesses would be required at 400-foot intervals, per SRC 536.015(g);
- 9) Not provide building faade articulation between the ground floor and middle floors of the assisted living facility, per SRC 536.015(g);
- 10) Reduce the minimum 65 percent ground floor windows facing a primary street and along the riverfront for the assisted living facility, per SRC 536.015(g);
- 11) Reduce the minimum 65 percent ground floor windows facing a primary street and along the riverfront for the memory care facility, per SRC 536.015(g);
- 12) Not provide a primary building entrance located on the primary street for the assisted living facility, per SRC 536.015(g);
- 13) Not provide a primary building entrance located on the primary street for the memory care facility, per SRC 536.015(g);

NOTICE OF DECISION

PLANNING DIVISION
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- 14) Not provide a primary building entrance on the riverfront side of the memory care facility, per SRC 536.015(g)(3);
- 15) Eliminate the weather protection required along 75 percent of the ground floor adjacent to the street and along the riverfront for the assisted living facility, per SRC 536.015(g);
- 16) Eliminate the weather protection required along 75 percent of the ground floor adjacent to the street and along the riverfront for the memory care facility, per SRC 536.015(g);
- 17) Reduce the minimum 370-foot spacing between the new driveway approach onto Front Street NE and an existing approach on the adjacent property; per SRC 804.035(d);
- 18) Provide an alternative vision clearance standard for the driveway approach onto Front Street NE, per SRC 805.005(b)(1)(B);
- 19) Reduce the minimum amount of bicycle parking spaces for the assisted living facility from 20 to 18, per SRC 806.055;
- 20) Locate the required bicycle parking for both buildings to more than 50 feet from a primary entrance; per SRC 806.060(a).

The subject property is a vacant lot approximately 3.88-acres in size, zoned MU-R (Mixed-Use Riverfront), within the Willamette Greenway Boundary and Compatibility Review Boundary, and located along the 900 Block of Front Street NE (Marion County Assessors Map and Tax Lot Number 073W22AC / 1900).

APPLICANT: BRIAN COX of LENITY ARCHITECTURE, on behalf of RIVERSIDE MC PROPERTY, LLC (BRIAN MCMAHON)

LOCATION: 901 FRONT ST NE

CRITERIA: Salem Revised Code (SRC) Chapters 600.015(e)(2) Willamette Greenway Development Permit; 205.025(d) Replat; 220.005(f)(3) Site Plan Review; 601.045(f)(2) Floodplain Development Permit; 250.005(d)(1) and 250.005(d)(2) Adjustments; 804.025(d) Class 2 Driveway Approach;

FINDINGS: The findings are in the attached Decision dated May 19, 2026.

DECISION: The **Hearings Officer APPROVED** Class 2 Willamette Greenway Development Permit, Replat Tentative Plan, Class 3 Site Plan Review, Class 2 Floodplain Development Permit, Class 2 Adjustment, Class 1 Adjustment, Class 2 Driveway Approach Permit, Case No. WGP-REP-SPR-FDP-ADJ-DAP26-01 subject to the following conditions of approval:

A. **APPROVE** the Class 2 Willamette Greenway Development Permit subject to the following conditions of approval:

Condition 1: Prior to issuance of a Certificate of Occupancy, the applicant shall convey a minimum 15-foot-wide public access easement for the future Willamette Riverfront Path and Mill Creek Path as shown on the applicant's site plan.

Condition 2: Prior to any excavation, grading, or construction, a survey map, certified by a licensed Professional Land Surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.

Condition 3: Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

B. **APPROVE** the Replat Tentative Plan approval subject to the following conditions of approval:

Condition 4: The proposed replat must be approved by the City Surveyor as meeting applicable requirements of ORS Chapter 92 and SRC 200.035.

Condition 5: All existing and proposed easements shall be shown on the final plat.

C. **APPROVE** Class 3 Site Plan Review, subject to the following conditions of approval:

Condition 6: At time of building permit submittal, provide full details of the solid waste service area and enclosure, meeting the standards of SRC 800.055.

Condition 7: The applicant shall construct the Mill Creek Path as a 12-foot-wide multi-use path through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the Public Works Design Standards.

Condition 8: At the time of building permit submittal, where pedestrian connections cross a drive aisle, provide differentiation meeting the standards of SRC 800.065(b)(1).

Condition 9: At time of building permit, revise plans to include a minimum 40 percent of the off-street parking spaces provided will be designated as EV spaces, per SRC 806.015(d).

Condition 10: At time of building permit review, revise plans to include soil volumes within the planters, meeting the standards of SRC 806.035(n), Table 806-7.

Condition 11: 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 12: Prior to issuance of a Certificate of Occupancy, construct an 8-inch public sanitary main from the existing terminus of the 8-inch public sanitary system in D Street NE to the subject property, as shown on the applicant's plans. The main shall be designed and constructed in accordance with the Public Works Design Standards.

Condition 13: Prior to issuance of a Certificate of Occupancy, convey easements for the proposed public sanitary sewer main on the site in accordance with the Public Works Design Standards Section 1.8 (Easements).

Condition 14: Prior to issuance of Certificate of Occupancy, the applicant shall record a shared stormwater system agreement which is in compliance with SRC 802.040.

Condition 15: Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Front Street NE to minor arterial street standards as specified in this decision and consistent with the provisions of Salem Revised Code Chapter 803. The improvements shall include an 18-foot-wide half street improvement, construction of curbs, landscape strips, street

lighting, and a property line sidewalk along the frontage as shown on the applicant's preliminary plans and designed in accordance with the Public Works Design Standards.

Condition 16: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Front Street NE.

D. **APPROVE** the Class 2 Floodplain Development Permit, subject to the following conditions of approval:

Condition 17: At time of building permit review, provide a plan showing the critical root zone for all trees within the special flood hazard area where grading or construction will occur. If the activity impacts more than 30-percent of the critical root zone, the tree shall be considered removed and the applicant shall provide a replanting plan demonstrating no net loss in accordance with SRC Chapter 601.

Condition 18: At time of building permit review, provide a mitigation assessment plan that demonstrates compliance with the no-net loss standard for the riparian buffer zone requirements listed in the Floodplain Mitigation Assessment Regional Guidance for Oregon in order to comply with SRC 601.100.

E. **APPROVE** the Class 1 Adjustments.

F. **APPROVE** the Class II Adjustments, subject to the following condition of approval:

Condition 19: 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.

G. **APPROVE** the Class 2 Driveway Approach Permit.

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

Class 3 Site Plan Review	<u>June 4, 2030</u>
Class 2 Willamette Greenway Development Permit	<u>June 4, 2028</u>
Replat Tentative Plan	<u>June 4, 2028</u>
Class 2 Floodplain Development Permit	<u>June 4, 2028</u>
Class 1 and Class 2 Adjustments	<u>June 4, 2030</u>
Class 2 Driveway Approach	<u>June 4, 2030</u>
Application Deemed Complete:	<u>April 7, 2026</u>
Public Hearing Date:	<u>May 13, 2026</u>
Notice of Decision Mailing Date:	<u>May 19, 2026</u>
Decision Effective Date:	<u>June 4, 2026</u>
State Mandate Date:	<u>August 5, 2026</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

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, no later than 5:00 p.m., June 3, 2026. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 600.015(e)(2) Willamette Greenway Development Permit; 205.025(d) Replat; 220.005(f)(3) Site Plan Review; 601.045(f)(2) Floodplain Development Permit; 250.005(d)(1) and 250.005(d)(2) Adjustments; 804.025(d) Class 2 Driveway Approach. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council 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>

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION FOR A)
CLASS 2 WILLAMETE GREENWAY)
PERMIT, A CLASS 3 SITE PLAN REVIEW,)
A CLASS 2 FLOODPLAIN)
DEVELOPMENT PERMIT, CLASS 1 AND)
CLASS II ADJUSTMENTS, AND A CLASS)
2 DRIVEWAY APPROACH PERMIT FOR)
AN ASSISTED LIVING FACILITY AND)
MEMORY CARE FACILITY LOCATED AT)
900 FRONT STREET NE, SALEM,)
OREGON.)

WGR-REP-SPR-FDP-ADJ-DAP26-01

FINDINGS OF FACT, CONCLUSIONS,
AND DECISION

DATE AND PLACE OF HEARING:

On May 13, 2026, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the First Floor Conference Room, Parkway Building, 440 Church Street SE, Salem, Oregon.

APPEARANCES:

Staff: Peter Domine, Planner II

Neighborhood Association: Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association

Proponents: Brian McMahan, A New Living LLC, Brian Cox, Lenity architecture

Appellants: None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed the appeal hearing on May 13, 2026, regarding the Applicant's request. During the hearing, Peter Domine requested that the staff report be entered into the record, and the Hearings Officer granted the request.

On November 13, 2025, a consolidated application for a Class 2 Willamette Greenway Development Permit, a Replat Tentative Plan, a Class 3 Site Plan Review, a Class 2 Floodplain Development Permit, Class 1 and Class 2 Adjustments, and a Class 2 Drive Approach Permit for development of a vacant property approximately

3.88–acres in size and located in the 900 Block of Front Street NE was submitted by Brian McMahan of Riverside MC, LLC.

The application was deemed complete on April 7, 2026. The 120–day state mandated local decision deadline for the application is August 5, 2026.

The Hearing Notice was provided on April 23, 2026, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was May 13, 2026. The property was posted on May 1, 2025, consistent with the requirements of SRC 300.620(b)(3) for a Type III application.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. It is designated River–Oriented Mixed–Use on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

East Side of the Willamette River

North: Parks, Open Space, and Outdoor Recreation

South: River–Oriented Mixed–Use

East: Central Business District

West: Across the Willamette River, Parks, Open Space, and Outdoor Recreation

2. Zoning and Surrounding Land Uses

The subject property is zoned MU–R (Mixed–Use Riverfront) and within the Willamette Greenway Overlay Zone. The zoning of surrounding properties is as follows:

North: PA (Public Amusement)

South: MU–R (Mixed-Use Riverfront)

East: Across Front Street NE, (CB) Central Business District

West: MU–R (Mixed-Use Riverfront)

3. Site Analysis

The subject property is vacant and is approximately 3.88 acres in size. It is located in the 900 Block of Front Street NE.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association. Pursuant to SRC 300.310(b)(1), the CAN-DO Neighborhood Association was contacted by the applicant on October 16, 2025 via email informing them of the proposal. As of the date of the staff report, no comments were received from the neighborhood association.

The subject property is not located within a Homeowners' Association (HOA); therefore, HOA notice required by SRC 300.620(b)(2)(B)(vi) is not applicable.

5. City Department and Public Agency Comments

The Salem Building and Safety Division reviewed the proposal and indicated no concerns to the proposal.

The Salem Fire Department reviewed the proposal and indicated no concerns but noted that additional review would occur at the time of building permit review.

The Salem Development Services Division reviewed the proposal and provided proposed findings that were incorporated into the staff report.

6. Analysis of Class 2 Willamette Greenway Development Permit Approval Criteria

Pursuant to SRC 600.015(a)(1), no intensification, change of use, or development within the Willamette Greenway Overlay zone shall occur unless a Greenway Development permit has been issued. Any intensification, change of use, or development proposed within the compatibility review boundary of the Willamette Greenway Overlay Zone requires a Class 2 Greenway Development Permit.

Finding 1: As shown on the development plans, the subject property is located within the Willamette Greenway Overlay Zone and the western third of the property is within the Willamette Greenway compatibility review boundary; therefore, a Class 2 Willamette Greenway Development Permit is required pursuant to SRC 600.015(a)(1) & (b)(2). SRC Chapter 600.015(e)(2) sets forth the following approval criteria for a Class 2 Willamette Greenway Development Permit:

SRC 600.015(e)(2)(A): The proposed intensification, development, or change of use is consistent with:

(i) The Willamette River Greenway Plan;

Finding 2: The Salem Area Comprehensive Plan (SACP) includes adopted Urban Area Goals and Policies consistent with Statewide Planning Goal 15. In turn, the Salem Zoning Code implements the SACP land use goals, and more precisely governs development of the subject property. Conformance with all applicable

standards in SRC Chapter 600 establishes consistency with the Greenway Plan. As identified in this decision, the proposal conforms to the applicable standards of SRC Chapter 600 and is therefore consistent with the Greenway Plan.

(ii) The Willamette River Riparian Buffer Enhancement Guide;

Finding 3: The proposed building footprints are located outside of the Willamette riparian buffer area. The applicant has selected riparian buffer enhancement as a mitigation measure under SRC 600.025(c)(3). The development plans include enhancement with native riparian plants and ground cover selected from the City of Salem’s *Tree and Vegetation Technical Manual*. This criterion is met.

(iii) The applicable standards of this chapter; and

The proposal, as recommended to be conditioned, must comply with the applicable standards of the Willamette Greenway Overlay Zone, as required by this approval criterion, as follows:

SRC 600.020(a) Uses

Uses and activities excepted from a Greenway Development Permit under SRC 600.015(a)(2), riparian restoration and enhancement activities and water-dependent and water-related uses and activities are permitted within the riparian buffer of the Willamette Greenway Overlay Zone.

Finding 4: As described in the findings for the Class 3 Site Plan Review approval criteria in Section 8 of this decision, the proposed development will include uses allowed in the underlying MU-R zone. The applicant’s development plans include a 75-foot-wide riparian buffer. The proposed building footprints and parking areas are all located outside of the riparian buffer. The plans provide an easement for a future Willamette Greenway multi-use path within the riparian, which is a permitted use within the riparian buffer which, pursuant to SRC 600.015(a)(2)(N).

SRC 600.025(a) General Standards

This provision requires the following:

- (1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:***
 - (A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and***
 - (B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.***
- (2) The slope, soil characteristics, and other physiographic conditions existing***

within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.

- (3) *The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.*
- (4) *The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.*
- (5) *Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.*

Finding 5: SRC 600.015(d)(5) requires a report by a certified engineering geologist or geotechnical engineer demonstrating that the standards specified in SRC 600.025(a)(2) have been met. A Geotechnical Engineering Report, prepared by GeoDesign, Inc., and dated April 10, 2016, was submitted to the City of Salem. The geotechnical report provides multiple design considerations that will be taken into consideration at time of final design to ensure stability of the land area adjacent to the Willamette River and within the subject property. At time of building permit application, a final geotechnical report will be prepared in accordance with any applicable Building Codes.

SRC 600.015(d)(6) requires a report by a registered professional engineer detailing the hydraulic and flood carrying capacity of the river. This ensures that development standards of SRC 600.025(a)(3) and SRC 600.025(a)(4) are met. Specifically, the report shall ensure the hydraulic effect of the Willamette River on the bank is considered and that the flood carrying capacity of the river is not negatively impacted. The applicant's engineer submitted a flood capacity memo that described how the proposed development was designed in a way that will not have an impact on the flood carrying capacity of the river.

Conclusion: The Hearings Official finds that the proposed development, with conditions, is in general conformance with the standards in SRC 600.025(a).

SRC 600.025(b) Landscaping

- (1) *Landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or activity.*

- (2) *Native vegetation removed from the riparian buffer shall be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.*
- (3) *Trees and shrubs shall be provided as follows:*
 - (A) *A minimum of one tree shall be provided for every 20 feet of river frontage.*
 - (B) *A minimum of one shrub shall be provided for every two feet of river frontage.*
 - (C) *All trees and shrubs shall be planted within and generally riverward of the Willamette Greenway Boundary.*
 - (D) *The planting standards included under subsections (b)(3)(A) and (B) of this section are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.*
- (4) *Areas which are not paved or revetted shall be planted with living ground cover*

Finding 6: The proposed landscape plan conserves and restores, to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary and new landscaping will be comprised of native species. The applicant's landscaping plan indicates that no native vegetation is planned for removal from the riparian buffer but if native vegetation is removed it will be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.

The project site has approximately 600 feet of river frontage, requiring a minimum of 30 trees ($600 / 20 = 30$) and 300 shrubs ($600 / 2 = 300$). The landscape plans identify approximately 40 existing trees located within the Willamette Greenway Boundary and eight additional trees are planned to be planted within the boundary, providing a total of 48 trees. Additionally, 450 new shrubs are planned to be provided within the Willamette Greenway Boundary buffer.

Conclusion: The proposal meets the standards of SRC 600.025(b).

SRC 600.025(c) Water Quality

SRC 600.025(c)(1) requires the establishment of a riparian buffer and SRC 600.025(c)(2) provides two methods of establishing a riparian buffer boundary. SRC 600.025(c)(3) identifies various mitigation measures that may be used to mitigate any intensification, development or change of use within the riparian buffer.

Finding 7: The development plans establish a 75-foot-wide riparian buffer to the Willamette River as measured from the ordinary high water line. The applicant has proposed the riparian buffer enhancement option of SRC 600.025(c)(3)(B) as mitigation. The proposed development area for the site is approximately 115,587 square feet in size, requiring an enhancement area a minimum of 28,897 square feet in size ($115,587 \times 0.25 = 28,896.75$). The applicant has provided a landscape plan indicating the riverside and escarpment area that will be enhanced is approximately 31,115 square feet, or 27 percent. The landscape plan indicates the required tree and plant units are selected from the City of Salem *Tree and Vegetation Technical Manual* and meeting the standards of the *Riparian Buffer Enhancement Guide*.

SRC 600.025(c)(3)(C) establishes mitigation measures for off-street parking areas relating to stormwater quantity and quality. The applicant has submitted a preliminary stormwater management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The Hearings Official finds the development proposal, with the established conditions of approval, is in general compliance with the water quality standards of SRC 600.025(c).

Conclusion: The proposal meets the standards of SRC 600.025(c).

SRC 600.025(d) Structures

Finding 8: SRC 600.025(d) requires that all buildings, structures, and exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian area. Colors must be natural earth or leaf tones. surfaces must be non-reflective, and that screening must be sight-obscuring. As proposed, buildings will use natural earth or leaf tones, and that mechanical equipment shall be screened so as to blend with the riparian area.

Conclusion: The proposal meets the standards of SRC 600.025(d).

SRC 600.025(e) Lighting

Finding 9: Among other provisions, this standard requires that lighting not flash, be visible from the Willamette River, and should not be focused or oriented onto the surface of the river. The maximum aggregate intensity of all lighting falling onto the surface of the Willamette River must not exceed one-tenth foot-candle per square feet and no red or green lights can be visible from the river.

The development plans include a lighting plan with photometric details indicating the fixtures and lighting will not be focused on or oriented onto the surface of the Willamette River, will not exceed one-tenth of a foot-candle per square foot, and that no red or green lights are planned to be utilized.

Conclusion: The proposal meets the standards of SRC 600.025(e).

SRC 600.025(f) Screening of Parking and Unenclosed Storage Areas

Finding 10: This standard requires that parking, loading and unenclosed storage areas be screened from the Willamette River and from adjacent properties by a sight-obscuring berm or a sight-obscuring hedge, a minimum of six feet in height at maturity. Hedges must be no less than three feet in height at planting and be of a species capable of attaining a minimum height of six feet within three years after planting.

The development and landscaping plans indicate the off-street parking will be screened by existing trees and new landscaping, and that no unenclosed storage areas are proposed.

Conclusion: The proposal meets the standards of SRC 600.025(f).

SRC 600.025(g) View Corridors

Finding 11: This provision addresses right-of-way located wholly or partially within the Willamette Greenway Overlay Zone. No portion of right-of-way is being vacated with the proposed development. The development includes a 15-foot-wide easement adjacent to the river for a future multi-use public pathway. No landscaping or berms exceeding three feet in height will be placed within the easement.

Conclusion: The proposal meets the standards of SRC 600.025(g).

SRC 600.025(h) Public Access

Finding 12: This provision requires, when practical, that public access to and along the Willamette River be provided by easement, dedicated right-of-way, or by other appropriate means. The Salem *Transportation System Plan* and *Parks System Master Plan* identify the Willamette Riverfront off-street multi-use path will run through the subject property along the western edge along the river. The development plans show an access path will be constructed within the proposed development along the north side adjacent to Mill Creek and public access will be provided through dedication of easements for the future path between the proposed development and the river. In order to provide public access to the Willamette Riverfront and Mill Creek off-street multi-use paths through the site, as required by SRC 600.025(h), the following condition is necessary:

Condition 1: Prior to issuance of a Certificate of Occupancy, the applicant shall convey a minimum 15-foot-wide public access easement for the future Willamette Riverfront Path and Mill Creek Path as shown on the applicant's site plan.

Conclusion: The proposal meets the standards of SRC 600.025(h).

(iv) Where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.

Finding 13: The applicant has submitted a preliminary stormwater management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards (PWDS)*.

Conclusion: The proposal meets this criterion.

SRC 600.015(e)(2)(B): The proposed intensification, development, or change of use complies with all applicable development standards of the UDC.

Finding 14: As described in the findings in this report for the other consolidated applications below, the proposed development will comply with all applicable development standards in the UDC.

Conclusion: The proposal meets this criterion.

SRC 600.015(e)(2)(C): The proposed intensification, development of change of use will, to the greatest extent possible, provide the maximum possible landscaped area, open space, or vegetation.

Finding 15: The landscaping included in the landscape plan prioritizes conserving and restoring native vegetative cover within the Willamette Greenway Boundary and the entire site. The planned improvements will improve the landscaped area, open space, and vegetation on site. This approval criterion is met.

Conclusion: The proposal meets this criterion.

SRC 600.0015(f) Conditions of Approval

Finding 16: This provision requires that each Greenway Development Permit include the following conditions:

Condition 2: Prior to any excavation, grading, or construction, a survey map, certified by a licensed Professional Land Surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.

Condition 3: Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

7. Analysis of Replat Tentative Plan Approval Criteria

Pursuant to SRC 205.025(a), a replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. SRC 205.025(d) establishes the approval criteria which must be met in order for a replat to be approved.

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 17: The tentative replat plan does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions.

Conclusion: 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 18: The subject property is approximately 4.44 acres in size, as measured to the high-water line of the Willamette River; the Marion County Assessor's map measures the property at 3.88 acres. The subject property is made up of Lot 4 and 5 of the Cooke's Addition to Salem and a portion of Block A of the J.S. Smith's Addition. As shown on the replat plan, proposed Parcel 1 will be approximately 2.31 acres and proposed Parcel 2 will be approximately 2.13 acres in size; both parcels will include more than 16 feet of street frontage along Front Street NE. The subject property is currently vacant so that the proposed replat will not result in either the creation of non-conforming units of land or non-conforming development and will not increase the degree of non-conformity in existing units of land or development.

Conclusion: This 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 19: As outlined below, the proposed replat meets all applicable provisions of the UDC:

SRC Chapter 200 – Urban Growth Management

Finding 20: 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. The subject property is located inside

the Urban Service Area, adequate facilities are available and therefore, no Urban Growth Area permit is required.

SRC Chapter 601 – Floodplain

Finding 21: The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, as addressed in Section 9 of this decision.

SRC Chapter 802 – Public Improvements

Finding 22: 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). All such facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802.

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

Finding 23: Pursuant to SRC Chapter 803.040, replat applications do not trigger boundary street improvements or right-of-way dedications. Facilities required by the City’s public facility plans pertaining to the provision of streets are available and appear to be adequate to serve the subject property in conformance with SRC Chapter 803.

SRC Chapter 809 – Wetlands

Finding 24: 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. Since the property is adjacent to the Willamette River. 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.

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

Finding 25: ORS 92.100(1)(b) requires that the city surveyor, if so designated by the city’s governing body, must approve a subdivision or partition plat for land within the corporate limits of the city. Because the city surveyor has not yet approved the replat, the Hearings Official cannot make a finding that this criterion has been met. However, the following condition of approval ensures that the replat does comply with ORS Chapter 92 and SRC 205.035:

Condition 4: The proposed replat must be approved by the City Surveyor as meeting applicable requirements of ORS Chapter 92 and SRC 200.035.

Conclusion: This approval criterion is met.

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 26: There are no other past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat.

Conclusion: 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 27: 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.

There are multiple existing and proposed easements shown on the plat for public access, drainage, and private utilities. The applicant's plans show an easement over the proposed 6-inch private sanitary sewer service to serve the northern parcel of the proposed development, being created through the replat. According to SRC 802.020 a minimum 10-foot-wide easement shall be dedicated to ensure proposed Parcel 1 is adequately served by the proposed development. As a condition of approval, all existing and proposed easements shall be shown on the final plat.

Condition 5: All existing and proposed easements shall be shown on the final plat.

Conclusion: This approval criterion is met.

8. Analysis of Class 3 Site Plan Review Approval Criteria

Pursuant to SRC 220.005(f)(3), Class 3 Site Plan Review requires that the following criteria be met:

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

Finding 28: The proposal is for the development of two new buildings for an assisted living facility and memory care facility with associated site improvements for a shared off-street parking area. The subject property is zoned MU-R (Mixed Use-Riverfront); therefore, the proposed development is subject to the use and development standards of the MU-R zone in SRC Chapter 536. The proposed development conforms to SRC Chapter 536 and all other applicable development standards of the UDC and Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 536 – MU–R (Mixed Use–Riverfront) Zone

SRC 536.010(a) – Uses.

Finding 29: The proposal is for the development of two new buildings serving an assisted living and memory care facility. Per SRC 400.035, an assisted living facility is classified as a Residential Care use, and per SRC 536.005, Table 536–1, is a permitted use in the zone.

SRC 536.010(b) – Prohibited Uses.

Finding 30: Any use allowed in the MU–R zone is prohibited if it is developed with a drive–through. The proposed development does not include a drive–through.

SRC 536.010(c) – Continues Uses.

Finding 31: This standard is not applicable as the proposed development is for a new use.

SRC 536.015(a) – Lot Standards.

Finding 32: There is no minimum lot area, lot width, or lot depth for uses in the MU–R zone. The minimum street frontage requirement for all uses is 16 feet. As previously addressed in the replat findings in Section 7 of this decision, the proposed parcels will comply with the lot standards. Because the proposed development includes the reconfiguration of the property with the replat tentative plan to separate it into two parcels, a new property line between the parcels will be created.

SRC 536.015(b) – Dwelling Unit Density.

Finding 33: Development within the MU–R zone that is exclusively residential or single–room occupancy, shall have a minimum density of 15 dwelling units per acre. The proposed facilities are classified as a residential care use under the Group Living category of the residential use classification, per SRC 400.005, Table 400–1. Proposed Parcel 2, which will be developed as the assisted living facility, is approximately 2.31 acres, requiring a minimum dwelling unit density of 35 units ($2.31 \times 15 = 34.6$). The development plans indicate the building will include 95 dwelling units, exceeding the minimum. Parcel 1 will be developed for the memory care building which includes 43 living suites; however, the living suites do not meet the definition of an independent dwelling unit, as defined in SRC Chapter 111. Therefore, the density requirement is not applicable to the memory care building. This standard has been met.

SRC 536.015(c) – Setbacks.

Abutting Streets

Finding 34: Adjacent to the east is right-of-way for Front Street NE. Buildings require a zero to 10-foot maximum setback, provided the setback area is used for pedestrian amenities. Per subsection (c), for lots contiguous to the river and located between the river and a street, the maximum setback shall only apply along a minimum of 50 percent of the length of the lot line abutting a street. Accessory structures require a minimum 10-foot setback, and vehicle use areas require a minimum six-to-ten-foot setback according to the methods of SRC 806.035.

Proposed Parcel 1 will have approximately 316 feet of frontage and proposed Parcel 2 will have approximately 288 feet of frontage along Front Street NE. For the assisted living building on Parcel 2, the maximum setback is applicable to 144 feet of the property line abutting the street ($288 \times 0.5 = 144$). The development plans indicate 60 feet of the building will be setback three to 17 feet; however, the rest of the building is setback between 131 and 175 feet from the property line abutting the street. The applicant has requested a Class 2 Adjustment to exceed the maximum setback, findings for which are addressed in Section 10 of this decision.

For the memory care building on Parcel 1, the maximum setback is applicable to 158 feet of the property line abutting the street ($316 \times 0.5 = 158$). The development plans indicate the entire 148-foot long building will be setback up to five feet from the property line meeting the standard; however, the applicant has requested a Class 2 Adjustment to not provide pedestrian amenities within the setback area between the buildings and the street. Findings for the adjustment are addressed in Section 10 of this decision.

The development includes a shared off-street parking and vehicle use area located between the two buildings and abutting Front Street NE. The off-street parking area is proposed to be setback six feet and behind a three-foot-tall wall from the property line abutting Front Street NE, meeting the standards of SRC 806.035(c)(2)(D).

Interior Property Lines

Finding 35: Adjacent to the north is City-owned property zoned PA (Public Amusement). There are no minimum building setbacks abutting PA zoned property and vehicle use areas require a minimum setback of five feet. Adjacent to the south is property zoned MU-R (Mixed Use-Riverfront). There are no minimum building setbacks abutting MU-R zoned property and vehicle use areas require a minimum setback of five feet. Adjacent to the west, the property abuts the Willamette River. There are no applicable setbacks to the river.

The development includes a shared off-street parking and vehicle use area across the two new parcels, requiring a minimum five-foot vehicle use area setback on either side of the property line, per Table 536-4. Because the development is intended to function as one complex with shared parking, the applicant has requested two Class 2

Adjustments to eliminate the minimum vehicle use area setback on either side of the property line for each new parcel. Findings for the adjustments are addressed in Section 10 of this decision.

SRC 536.015(d) – Lot Coverage; Height; Building Frontage

Finding 36: Buildings and accessory structures within the MU–R zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 536–5. There is no maximum lot coverage requirement for all uses in the MU–R zone. The assisted living building is approximately 50 feet tall, meeting the standards. The memory care building includes a 24-foot-tall parapet at the front entry; however, this does not extend for a minimum of 25 percent of the length of the building façade, as required under Table 536–5. The rest of the building is approximately 16.5 feet tall, for which the applicant has requested a Class 2 Adjustment, addressed in Section 10 of this decision.

For all uses, lots require a minimum 50 percent of the building be placed at the front setback line. Proposed Parcel 1 will have approximately 316 feet of frontage along Front Street NE, requiring a minimum of 158 feet of the lot be occupied by the building at the front setback. The memory care building placed at the setback is approximately 148 feet long, occupying 47 percent of the frontage ($148 / 316 = 0.47$). The applicant has requested a Class 1 Adjustment to reduce the minimum 50 percent building frontage.

Proposed Parcel 2 will have approximately 288 feet of frontage along Front Street NE, requiring a minimum of 144 feet of the lot to be occupied by the building at the front setback. The development plans indicate only 60 feet of the building will be placed at the setback, or 21 percent building frontage ($60 / 288 = 0.21$). The applicant has requested a Class 2 Adjustment to reduce the minimum 50 percent building frontage. Findings for the requested adjustments are addressed in Section 10 of this decision.

SRC 536.015(e) – Landscaping.

Finding 37: The development plans include a landscaping plan indicating required setback and vehicle use areas will be landscaped according to the applicable provisions of SRC Chapters 806 and 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 536.015(f) – Continued Development.

Finding 38: This standard concerns buildings and structures existing as of August 24, 2022. This standard is not applicable as the subject property is vacant.

SRC 536.015(g) – Pedestrian–Oriented Design

Finding 39: Development within the MU–R zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 536–6.

Ground Floor Height – In regard to ground floor height, a minimum height of 10 feet, as measured from the floor to the ceiling of the first floor, applies to building ground floors on primary streets. The development plans include elevation drawings showing the ground floors of the two buildings are 10 feet or greater.

Public Pedestrian Access – Public pedestrian access must be provided at least every 400 feet between the Willamette River and Front Street. For purposes of this standard, public pedestrian access shall be in the form of a sidewalk, street, or alley that is a minimum of 12 feet wide and that meets at least three of the following standards:

- (a) Incorporate visual contrast or tactile finish texture.
- (b) Be constructed with pavers, scored or colored concrete, and/or stamped asphalt.
- (c) Be elevated above parking areas and driveways by a height of 3 to 3.5 inches.
- (d) Be defined with landscaping or building features such as canopies, awnings, or arcades.
- (e) Provide active use frontages and/or entrances with overlooking windows, stoops, or terraces.
- (f) Provide pedestrian-level lighting.

The subject property is approximately 604 feet in length along Front Street NE. After the replat, Parcel 1 will be 316 feet long and Parcel 2 will be 288 feet long. As measured from either end, the property requires two pedestrian accessways. The applicant has requested a Class 2 Adjustment to only provide one pedestrian accessway along Mill Creek on the north side of Parcel 1. Findings for the adjustment are addressed in Section 10 of this report. The development plans show the proposed accessway along the north side of Parcel 1 is 12 feet wide and includes visually differentiated pavers, pedestrian–level lighting, landscaping, and a terrace, meeting the standard. The path is required to have a public access easement, as previously conditioned in Condition 1, and is required to be built as conditioned in Condition 7, addressed below.

Building Façade Articulation – The development site has frontage along Front Street NE, which is a primary street. The elevation plans for the assisted living building on Parcel 2 indicate changes in materials and colors throughout the façade; however, the ground floor is not distinguished from the middle floor façade. The middle floor does include vertically–oriented windows, and the building tops include a cornice at least eight inches tall and extending at least three inches beyond the face of the façade. This standard requires that ground floor facades be distinguished from middle facades. The applicant has requested a Class 2 Adjustment to not provide the transition feature between the ground

and middle floors, findings for which are addressed in Section 10 of this decision.

As the memory care building on Parcel 1 is only one-story tall, these standards are not applicable to that building.

Ground Floor Windows – This standard requires a minimum of 65 percent applies to building ground floors on primary streets and building ground floors along the riverfront. The elevation plans show the assisted living building on Parcel 2 has a ground floor façade area approximately 660 square feet along the 60-foot portion of the building at the setback at Front Street NE. The ground floor facade includes 106 square feet of windows, or 16 percent ($106 / 660 = 0.16$). Along the river facing side, the building has a ground floor façade area approximately 2,455 square feet, and includes approximately 470 square feet of windows, or 19 percent ($470 / 2,455 = 0.19$). Similarly, along the 148-foot length of the memory care building on Parcel 1 along the setback at Front Street NE, the elevation plans show the building has a facade area approximately 2,240 square feet with 517 square feet of windows, or 23 percent ($517 / 2,240 = 0.23$). Along the river facing side, the building has a ground floor façade area approximately 2,232 square feet with 510 square feet of windows, or 23 percent ($510 / 2,232 = 0.23$). Due to the use of the buildings as assisted living facilities, with living units along the ground floor, the applicant has requested a Class 2 Adjustment to reduce the minimum 65 percent ground floor window requirement for each building. Findings for the adjustments are addressed in Section 10 of this decision.

Building Entrances – This standard applies to building ground floors on primary streets and building ground floors along the riverfront. 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 and at least one primary building entrance shall face the Willamette River for all uses on the ground floor of a building along the riverfront.

The proposed buildings do not include primary entrances along the ground floors facing the primary street, Front Street NE. The assisted living building on Parcel 2 does include a primary entrance onto a patio area at the rear of the building along the riverfront; however, the memory care building on Parcel 1 does not include a primary entrance on the riverfront side. The applicant has requested Class 2 Adjustments to these standards, findings for which are addressed in Section 10 of this decision.

Weather Protection – This standard provides minimum amount of weather protection for building ground floors that are adjacent to a street and along the riverfront. The proposed buildings do not include weather protection along the ground floors adjacent to the street or along the riverfront. The applicant has requested Class 2 Adjustments to these standards, findings for which are addressed in Section 10 of this decision.

Parking Location – This standard requires that off–street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures and shall not be located between a building or structure and a street. The proposed development includes a shared off–street parking and vehicle use area located between and beside the two buildings. The property is contiguous to the river, between it and Front Street NE. The two properties share a vehicle use area across a common lot line, created by the replat previously addressed in Section 7 above. The vehicle use area on Parcel 1 is entirely to the side of the building and not between it and the street. The vehicle use area on Parcel 2 is partly located between the assisted living building and the street. The vehicle use area occupies 141 feet of the 288–foot length of Parcel 2, or 49 percent ($141 / 288 = 0.49$). The development plans include a three–foot–tall decorative, sight–obscuring masonry wall between the parking area and the street. These standards are met.

Mechanical and Service Equipment – This standard requires that 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. It also requires that 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.

The development plans indicate roof–mounted mechanical equipment will be setback and screened by parapets along the rooflines so as not to be visible from the ground. No ground level mechanical or service equipment is proposed to be located in front of the buildings. These standards are met.

SRC CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

Solid Waste Service Areas

SRC 800.055(a) – Applicability

Finding 40: This provision requires that 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. The site plan indicates two new solid waste enclosures with receptacles greater than one cubic yard in size are proposed within the middle of the off–street parking and vehicle use area to serve both buildings; therefore, the solid waste service area standards are applicable.

SRC 800.055(b)(1) – Solid Waste Receptacle Replacement Standards – Pad Area

Finding 41: This standard requires that all solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad must not have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

The development plans do not include full details of the solid waste service area, but show the area is located on the paved surface of the vehicle use area with the pad extending three feet beyond the front of the enclosure. To ensure the solid waste enclosure will meet the applicable standards, the following condition is required:

Condition 6: At time of building permit submittal, provide full details of the solid waste service area and enclosure, meeting the standards of SRC 800.055.

SRC 800.055(b)(2) – Solid Waste Receptacle Replacement Standards – Minimum Separation.

Finding 42: This standard requires a minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure and a minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

The development plans show receptacles with at least 18 inches provided between the receptacles and the side walls. Receptacles will not be placed within 5 feet of a building or structure. The proposal meets the standard.

SRC 800.055(b)(3) – Solid Waste Receptacle Replacement Standards – Vertical Clearance.

Finding 43: This standard requires that receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing and that receptacles greater than two cubic yards in size be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

The development plans show receptacles greater than two cubic yards, with at least 14 feet of unobstructed overhead or vertical clearance for servicing, as no cover is proposed for this enclosure. The proposal meets the standard.

SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.

Finding 44: This standard is not applicable as the proposal does not include a permanent drop box or compactor.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

Finding 45: This standard requires that solid waste, recycling, and compostable service areas be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall unless they are located within an enclosure. The development plans show the proposed solid waste service areas will be screened within a six-foot-tall sight-

obscuring enclosure. As previously conditioned, details of the enclosure will be reviewed and met at time of building permit.

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

Finding 46: This standard requires that the front opening of the enclosure be unobstructed and be a minimum of 12 feet in width, that the enclosure be constructed of concrete, brick, masonry block or of similar material and contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or at a fixed bumper rail.

The standard also requires that enclosure gates swing freely. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Since the development plans do not include full details of the enclosure gates the details of the enclosure will be reviewed and met at time of building permit review.

SRC 800.055(f)(1) – Solid Waste Service Area Vehicle Access.

Finding 47: Subsection (1)(A) of this standard requires that a vehicle operation area be free of obstructions and be no less than 45 feet in length and 15 feet in width. Subsection (1)(C) allows the vehicle operation area to be coincident with a parking lot drive aisle, driveway or alley provided the area is kept free of parked vehicles or other obstructions at all times except for normal ingress and egress of vehicles. Subsection (1)(D) requires that vehicle operation areas have a minimum vertical clearance of 14 feet.

The proposed site plan shows vehicle operation areas to be a minimum of 45 feet in length and 16 feet in width, perpendicular to the enclosures and extending into vehicle maneuvering areas. The development plans show the vehicle operation area is coincident with parking lot drive aisles which meet the minimum dimensions and turning radius for collection service. The proposal meets these standards.

Exterior Lighting

SRC 800.060 – Exterior Lighting.

Finding 48: This standard prohibits exterior lighting from shining or reflecting onto adjacent properties or to cast glare onto the public right-of-way. Exterior light fixtures must be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either completely shielded from direct view or no greater than five foot-candles in illumination. The applicant's development plans include a lighting plan where exterior light fixtures meet the standards of this section.

Pedestrian Access

SRC 800.065 – Applicability.

Finding 49: All development, other than residential development, must include an on-site pedestrian circulation system. Since the proposal includes development of two new buildings and associated vehicle use areas; therefore, the pedestrian access standards of SRC Chapter 800 apply.

SRC 800.065(a) – Pedestrian Connections Required.

Finding 50: SRC 800.065(a)(1)(A) requires that 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. The development plans include pedestrian access from each building's primary entrance directly to Front Street NE along pedestrian pathways; meeting this standard.

Finding 51: SRC 800.065(a)(1)(B) applies to where an adjacent street is a transit route and there is an existing or planned transit stop along the street frontage of the development site. In the present case, this standard is inapplicable as there are no existing or planned transit stops are adjacent to the street frontage of the development site.

Finding 52: SRC 800.065(a)(2)(A) requires that a pedestrian connection or pedestrian connections be provided to connect the primary building entrances to all buildings where there is more than one building on a development site. This standard is met as the proposed development plans include direct pedestrian connections from the primary entrances of each building through the shared off-street parking and vehicle use areas.

Finding 53: SRC 800.065(a)(3)(A) applies to off-street parking areas greater than 25,000 square feet in size or ones that have four or more consecutive parallel drive aisles. The standard is inapplicable as the parking areas shown in the proposed development plans are each less than 25,000 square feet in size and have less than four consecutive parallel drive aisles.

Finding 54: SRC 800.065(a)(3)(B) applies where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size. It is inapplicable as the proposed development does not include any existing or proposed parking structures or garages.

Finding 55: SRC 800.065(a)(4) applies to where an existing or planned path or trail identified in the Salem *Transportation System Plan* (TSP) or the Salem *Parks System Master Plan* passes through a development site. In these cases, the path or trail be constructed, and a public access easement or dedication provided or, 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.

The Salem *Transportation System Plan* and *Parks System Master Plan* identify the Willamette Riverfront Path running through the subject property along the western side adjacent to the river, and the Mill Creek Path along the north side adjacent to the creek. The development plans indicate pedestrian connections will be provided to the future Willamette Riverfront Path and that the Mill Creek Path will be constructed within the proposed development and public access will be provided through dedication of easements for the paths. To ensure these standards are met, the following condition is required:

Condition 7: The applicant shall construct the Mill Creek Path as a 12-foot-wide multi-use path through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the *Public Works Design Standards*.

Finding 56: SRC 800.065(a)(5)(A) applies whenever a vehicular connection is provided from a development site to an abutting property. It is not applicable as the development site does not include any vehicular connections to an abutting property.

SRC 800.065(b) – Design and Materials.

Finding 57: SRC 800.065(b)(1)(A) applies to the design of walkways. It requires them to be paved with a hard-surface material and be a minimum of five feet in width. Where a walkway crosses driveways, parking areas, parking lot drive aisles and loading areas, it must 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. Where a walkway is located adjacent to an auto travel lane, it must 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. SRC 800.065(b)(2) requires that wheel stops or extended curbs be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections

The development plans indicate pathways five feet in width and paved with a hard surface material. Sidewalks are shown to be raised above the vehicle use areas and wheel barriers are placed in parking spaces to prevent vehicle encroachment into the walkway. Where the connections cross a drive aisle, the connections are

striped-only, not meeting the differentiation standards of subsection (C). To ensure the design standards of this section are met, the following condition is required:

Condition 8: At the time of building permit submittal, where pedestrian connections cross a drive aisle, provide differentiation meeting the standards of SRC 800.065(b)(1).

SRC 800.065(c) – Lighting

Finding 58: This standard requires that on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents. This standard is met as the development plans include a lighting plan, with pedestrian-scale bollards and light poles adjacent to the proposed pedestrian pathways and throughout the development site.

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

SRC 806.015 – Amount of Off-Street Parking.

Finding 59: SRC 806.015(a) provides that off-street parking not exceed the amounts set forth in Table 806-1. Per the table, residential care uses are allowed a maximum of one off-street parking space per 250 square feet of gross floor area. The development plans include a summary table showing the assisted living building has a gross floor area of approximately 85,264 square feet, and the memory care building has a gross floor area of approximately 30,695 square feet, allowing a total maximum of 464 off-street parking spaces $((85,264 / 250 = 341) + (30,695 / 250 = 123))$. The development plans include 85 total off-street parking spaces, less than the allowed maximum.

Finding 60: SRC 806.015(b) provides that up to 75 percent of required off-street parking may be compact parking spaces. The development proposal calls for 14 percent, or twelve spaces for compact parking, meeting this standard.

Finding 61: SRC 806.015(c) requires that new developments falling within public services, industrial, business and professional services use classifications with 60 or more off-street parking spaces designate five percent of their total off-street parking spaces for carpool or vanpool parking. This standard is inapplicable as the proposed use does not fall within the public services or industrial use classification or the business and professional services use category.

Finding 62: SRC 806.015(d) requires newly constructed buildings with five or more dwelling units on the same lot provide a minimum of 40 percent of the off-street parking spaces be designed as spaces to serve electrical vehicle charging. The development includes more than five dwelling units; therefore, 40 percent of the off-street parking space provided shall be designated as EV spaces. The development plans indicate 85 total spaces, requiring a minimum of 34 as EV $(85 \times 0.4 = 34)$. The plans indicate that 33 spaces are designated as EV ready, less than the minimum. To ensure

the minimum number of spaces are developed as EV spaces, the following condition is required:

Condition 9: At time of building permit, revise plans to include a minimum 40 percent of the off-street parking spaces provided will be designated as EV spaces, per SRC 806.015(d).

Off-Street Parking and Vehicle Use Area Development Standards

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

Finding 63: Off-street parking and vehicle use area development standards are applicable as they apply to the development of new off-street parking and vehicle use areas; such as the proposed development.

Finding 64: SRC 806.035(b) and (c) prohibit off-street parking and vehicle use areas from being located within required setbacks and that 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.

The two standards are met. The vehicle use area is setback approximately six feet from the property line abutting Front Street NE, separated by a three-foot-tall masonry wall, meeting the standards of SRC 806.035(c)(2)(D). As previously addressed, the applicant has requested adjustments to eliminate the minimum five-foot zone-to-zone setback for the vehicle use area of the property line created by the replat. With approval of the adjustments addressed in Section 10 of this decision, the proposed off-street parking and vehicle use are will meet the applicable setbacks to the property lines. Where adjacent to a building, the off-street parking spaces are separated by a minimum five-foot-wide paved pedestrian walkway.

Finding 65: SRC 806.035(d) requires that 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. The applicant's landscaping plans include a summary table indicating the off-street parking areas of the development site total approximately 39,345 square feet in size, requiring a minimum of five percent, or 1,967 square feet, of interior landscaping, per Table 806-4. The development plans indicate approximately 4,923 square feet, or 12 percent, is provided within the interior of the parking area, exceeding the minimum. For the 85 parking spaces provided, a minimum of seven trees is required ($85 / 12 = 7$). The landscape plans include 14 shade trees provided within landscape islands and planter bays measuring more than 25 square feet in area and five feet in width. The proposal meets the standards.

Finding 66: SRC 806.035(e) requires that off-street parking areas conform to the minimum dimensions of Table 806-5. The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for both standard and compact vehicle parking spaces established in Table 806-5.

Finding 67: SRC 806.035(f) requires that off-street parking areas be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and that they include a turnaround where they terminate at a dead-end. The off-street parking area is designed so that vehicles enter and exit onto Front Street NE with no backing or maneuvering within the street and does not terminate in a dead-end requiring a turnaround; meeting this standard.

Finding 68: SRC 806.035(g) and prohibits off-street parking and vehicle areas from exceeding a maximum grade of ten percent and ramps from exceeding a maximum grade of 15 percent. The plans for the proposed off-street parking area meets this standard and will be reviewed for consistency with the standard at the time of building permit review.

Finding 69: SRC 806.035(h) requires that off-street parking areas be paved with a hard surface material, with up to two feet of the front of a parking space allowed to be landscaped with ground cover plants. The plans for the proposed off-street parking area meets this standard and will be reviewed for consistency with the standard at the time of building permit review.

Finding 70: SRC 806.035(i) requires off-street parking and vehicle use areas to be adequately designed, graded and drained according to the *Public Works Design Standards* or to the approval of the Director. The plans for the proposed off-street parking area meets this standard and will be reviewed for consistency with the standard at the time of building permit review.

Finding 71: SRC 806.035(j) requires that 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. The development plans include wheel barriers in the parking spaces adjacent to pedestrian walkways, ensuring that parked vehicles will not encroach into the walkways and that the standard is met. Consistency with this standards will be reviewed at the time of building permit review.

Finding 72: SRC 806.035(k) provides that off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6. The development plans indicate that the off-street parking area includes striping that conforms to this standard. Consistency with this standards will be reviewed at the time of building permit review.

Finding 73: SRC 806.035(l) requires that directional and pavement markings within off-street parking or vehicle use areas conform to the *Manual of Uniform Traffic Control Devices*, that compact parking spaces shall be clearly marked to indicate that they are reserved for compact paring only, and that carpool and vanpool parking spaces be posted with signs indicating that they are reserved for those uses only

before 9:00 a.m. on weekdays. The development plans indicate that the off-street parking area includes markings and signage that conform to these standards. Consistency with this standards will be reviewed at the time of building permit review.

Finding 74: SRC 806.035(m) prohibits from off-street parking and vehicle use area lighting from shining or reflecting onto adjacent residentially zoned property or property use for uses or activities falling under household living or, cast glare onto the street. The development plans indicate that the off-street parking area includes lighting that conform to this standard. Consistency with this standards will be reviewed at the time of building permit review.

Climate Friendly and Equitable Communities (CFEC) Standards

SRC 806.035(n) – Additional standards for new off-street surface parking areas more than one-half acre in size.

Finding 75: This provision requires additional standards for off-street surface parking areas when a total of more than one-half acre of new off-street parking is proposed. Since the proposed surface parking area is about 0.9 acres (39,345 square feet), those standards are applicable.

Finding 76: SRC 806.035(n)(1) provides that when more than one-half acre of new off-street parking is proposed, one or more of the following climate mitigation measures are required: (A) on-site solar power generation infrastructure with a capacity of at least 0.5 kilowatts per new off-street parking space; (B) a payment into the city's equitable renewable energy fund at not less than \$1,500 per parking space; or (C) an increase in the on-site tree canopy area covering at least 40 percent of the new off-street parking and vehicle use areas in no more than 15 years.

The applicant's landscaping plans propose to meet the climate mitigation measures through Option C, covering at least 40 percent of the equivalent of the new off-street parking and vehicle use areas with projected tree canopy area. The development plans indicate that the proposed surface parking area is approximately 39,345 square feet in size, requiring a minimum 15,738 square feet of tree canopy ($39,345 \times 0.4 = 15,738$). The landscaping plans include a tree canopy plan which indicate approximately 17,433 square feet of total tree canopy coverage is proposed, or 44 percent of the equivalent of the surface parking area, more than the minimum required.

Finding 77: SRC 806.035(n)(2) requires that trees shall be provided along both sides of driveways in conformance with SRC 806.035(n)(3) or that the on-site tree canopy area covers at least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years. The development plans indicate approximately 17,433 square feet, or 44 percent, of tree canopy coverage will be provided around

the perimeter of the off-street parking areas, more than the minimum 30 percent of Option B for this requirement. This standard is met.

Finding 78: SRC 806.035(n)(3)(A) requires that the expected tree canopy area for new trees shall conform to the standards of Table 806-7 in terms of area and types of trees. The landscaping plans include tree types from Table 806-7 will be planted within ten feet of the parking areas and that the expected tree canopy does not overlap more than five feet. These standards are met.

Finding 79: SRC 806.035(n)(3)(B) provides tree planting standards. Trees provided to meet tree canopy coverage requirements, with certain exceptions, must be planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area set forth in Table 806-7; must be planted in islands containing a minimum of three trees with the minimum required soil amount; must be planted to ensure that no more than 20 percent of the expected canopy overlaps with existing or proposed buildings; must be not be less than 1.5 inch caliper in size at the time of planting; and that they be planted and maintained to meet, at a minimum, the standards in the 2021 ANSI A300 Handbook.

The landscape plans indicate trees with a minimum caliper of 1.5 inches are proposed to be planted within groups of at least three trees per planter island such that they form a continuous canopy. The landscaping plans do not include detail of the minimum soil volume required, per Table 806-7. To ensure the minimum soil volume is used with the tree planting, the following condition is required:

Condition 10: At time of building permit review, revise plans to include soil volumes within the planters, meeting the standards of SRC 806.035(n), Table 806-7.

Finding 80: SRC 806.035(n)(3)(C) requires coordination with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure. The applicant's submittal materials include email correspondence with the electric utility, and that communication and coordination with PGE is ongoing. PGE has indicated no concerns with the proposal.

Driveway Development Standards

SRC 806.040 – For uses or activities other than single family, two family, three family, or four family.

Finding 81: SRC 806.040(a) – (d) requires that off-street parking and vehicle use areas have either separate driveways for ingress and egress or a single driveway for ingress and egress with an adequate turnaround or loop; that driveways not be located within required setbacks, except where the driveway provides access to the street, alley or abutting property, or where it is a shared driveway located over a common lot line providing access to two or more uses; that perimeter setbacks are required for

driveways abutting streets and interior front, side, and rear property lines; and that they conform to the minimum width set forth in Table 806–8. The proposal includes development of a new driveway from Front Street NE for a direct, single access into and out of the site. The two–way driveway measures 26 feet wide, in conformance with the dimensions of Table 806–8. These standards are met.

Bicycle Parking

SRC 806.045 – Bicycle Parking; When Required.

Finding 82: SRC 806.045(a) requires bicycle parking for each proposed new use or activity. Since the proposed use includes development of two new buildings, the bicycle parking requirements of this section are applicable.

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

Finding 83: This provision requires that bicycle parking shall be located on the same development site as the use or activity it serves. All of the bicycle parking proposed by the applicant is located on the subject property.

SRC 806.055 – Amount of Bicycle Parking.

Finding 84: Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806–9. Per Table 806–9 in SRC 806.055(a), a residential care use requires the greater of four bicycle parking spaces or 1 per 3,500 square feet of gross floor area for the first 50,000 square feet, then 1 per 7,000 square feet up to 100,000 square feet. For the 85,264 square foot assisted living building on Parcel 2, a minimum of 19 bicycle parking spaces is required ($50,000 / 3,500 = 14$, plus 5 for the remaining ($35,264 / 7,000$)). For the 30,695 square foot memory care building on Parcel 1, a minimum of nine bicycle parking spaces is required ($30,695 / 3,500 = 8.7$). The development plans include ten bicycle parking spaces on the memory care building site, and applicant has requested a Class 1 Adjustment to reduce the minimum spaces on the assisted living building site to 18. Findings for the adjustment are addressed in Section 10 of this decision.

SRC 806.060 – Bicycle Parking Development Standards.

Finding 85: SRC 806.060(a)(1) – (2) requires that short–term bicycle parking must be located within a convenient distance of, and clearly visible from, the primary building entrance, but in no event more than 50 feet from that entrance. It requires that long–term bicycle parking shall be located within a building, or outside of a building, in a well–lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance and that long–term bicycle parking spaces for non–residential uses shall be located within a restricted access lockable room, a lockable bicycle enclosure, or a bicycle locker.

The development plans include short-term spaces located outside of the buildings. Six bicycle parking spaces in the form of three side-by-side racks are located in front of the memory care building, and eight spaces in the form of four side-by-side racks are located in front of the assisted living building, within 50 feet of and clearly visible from the primary entrance. Four spaces are located behind the memory care building, and ten spaces are located behind the assisted living building. The spaces behind the buildings are not within 50 feet of or clearly visible from the primary entrances of the buildings, for which the applicant has requested a Class 2 Adjustment. Findings for the adjustment are addressed in Section 10 of this decision.

Finding 86: SRC 806.060(b) requires that bicycled racks have direct and unobstructed access to the public right-of-way through proposed pedestrian paths and vehicle use areas. The applicant's development plans meet this standard.

Finding 87: SRC 806.060(c) requires that bicycle parking areas meet the dimensional requirements of Table 806-10. Table 806-10 provides that a standard bicycle parking space be 2 feet in width, six feet in length, four feet in height, have an access aisle width of 4 feet and two feet of clearance between the bicycle rack and a wall. The same standards apply to a side-by-side bicycle parking space except that it can be 1.5 feet in width. This standard is met as the development plans illustrate standard spaces meeting the required dimensions of Table 806-10.

Finding 88: SRC 806.060(d) states that where bicycle parking spaces are located outside of a building, the parking area shall consist of a hard surface material such as concrete, asphalt pavement, pavers, or similar material that meets the *Public Works Design Standards*. The proposed bicycle parking spaces are shown to be placed on concrete pads, meeting this standard.

Finding 89: SRC 806.060(e) provides that where bicycle parking is provided in racks, the racks must support the bicycle frame in a stable position, in two or more places with a minimum of six inches horizontally apart; have at least one wheel locked to the rack with a high security, U-shaped shackle lock; be of a material that resist cutting, rusting, and bending or deformation; and be securely anchored. The applicant's development plans show that staple-style bicycle racks will be provided for the proposed short-term bicycle parking spaces. This standard is met.

Off-Street Loading Areas

SRC 806.065 – Off-Street Loading Areas; When Required.

Finding 90: SRC 806.065(a) provides that off-street loading areas must be provided and maintained for each proposed new use or activity. The proposed development must provide off-street loading areas as it includes two new buildings.

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

Finding 91: The off-street loading areas proposed by the applicant are located on the subject property.

SRC 806.075 – Amount of Off-Street Loading.

Finding 92: SRC 806.075, Table 806-11 requires that residential care uses between 5000 and 60,000 square feet provide at least one off-street loading space and buildings between 60,000 and 250,000 square feet provide at least two off-street loading spaces. Since the assisted living building will be over 85,000 square feet of gross floor area, it must have two off-street loading spaces. The memory care building, which is 30,695 square feet of gross floor area, must have one off-street loading space. The applicant's development plans show a loading area in front of the primary entrance of each building as well as a third loading space in the parking area on Parcel 2. This standard is met.

SRC 806.080 – Off-Street Loading Development Standards.

Finding 93: This standard prohibits off-street loading areas from being located within required setbacks and requires perimeter setbacks and landscaping where located abutting streets and abutting interior front, side, and rear property lines. It requires them to have the minimum dimensions outlined in Table 806-11 and to be paved with a hard surface material. An off-street loading area must be designed, graded and drained according to *Public Works Design Standards*, or to the approval of the Director. Finally, lighting for off-street loading areas must 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.

The proposed off-street loading spaces are developed within the off-street parking and vehicle use area, which, as previously addressed, meet the applicable required setbacks. The loading spaces are a minimum of 45 feet in length, 12 feet in width, and 14 feet in height, meeting the standards of Table 806-11. As previously addressed, the spaces are located within the off-street parking and vehicle use areas, and are developed in conformance with the applicable surfacing, drainage, and lighting standards of SRC 806. These standards are met.

SRC Chapter 807 – Landscaping

Finding 94: SRC 536.015(e) requires that setbacks and vehicle use areas in the MU-R Zone be landscaped according to the requirements of SRC Chapter 807. SRC 807.015(a) provides that where landscaping is required without reference to a specific landscaping type, the required landscaping shall meet the Type A standard of Table 807-1. Type A landscaping, per Table 807-1, is a minimum of one plant unit per 20 square feet of landscaped area. SRC 807.015(a) requires 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. SRC 807.020(a) requires a landscaping plan for all building permit applications for development subject to landscaping requirements. SRC 807.020(a)(10) requires that plan to include an irrigation plan.

The development plans include a landscaping and irrigation plan meeting the standards of SRC Chapter 807. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

CITY INFRASTRUCTURE STANDARDS

SRC Chapter 200 – Urban Growth Management

Finding 95: SRC 200.030(a) provides that an Urban Growth Preliminary Declaration be obtained for an application of a development permit if the development is within the urban growth area or is within the Urban Service Area but precedes city construction of required facilities. No Urban Growth Area permit is required because the subject property is located inside the Urban Service Area and adequate facilities are available.

SRC Chapter 71 – Stormwater

Finding 96: SRC 71.045(a) and (d) provide, respectively, that SRC Chapter 71 applies to all projects, whether or not a permit is required, and all new and existing land uses. SRC Chapter 71 and the *Public Works Design Standards* 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(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

Condition 11: 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 Chapter 802 – Public Improvements

SRC 802.015 – Development to be served by city utilities.

Finding 97: 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). the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. 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. The analysis for each utility type is as follows:

Water – There are no public water improvements required as there is an existing 16–inch water main located in Front Street NE that is sufficient to serve the proposed development.

Sanitary Sewer – There is an existing 6–inch public sanitary sewer main located at the intersection of Front Street NE and D Street NE. The existing 6–inch sanitary sewer main is insufficient to serve the proposed development. The nearest 8–inch main that can provide sufficient capacity to serve the proposed development is located in D Street NE, approximately 90–feet east of the subject property. The applicant’s plans show extension of a new 8–inch sanitary sewer main across Front Street NE and onto the private property within an easement to serve the proposed development, in accordance with SRC 802.015. A private 6–inch sanitary sewer main will be extended on private property to serve the northern building and an easement is proposed to ensure service is provided to each structure. As a condition of development, the applicant shall be required to extend a minimum 8–inch public sanitary sewer main to provide public sanitary sewer service to the proposed development in accordance with SRC Chapter 802 and the *Public Works Design Standards*:

Condition 12: Prior to issuance of a Certificate of Occupancy, construct an 8–inch public sanitary main from the existing terminus of the 8–inch public sanitary system in D Street NE to the subject property, as shown on the applicant’s plans. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.

Stormwater – There is an existing public stormwater main located in Front Street NE available serve the development. Additionally, the applicant’s stormwater report identifies that the point of discharge will be to Mill Creek, located along the northern property boundary; therefore, no additional public stormwater mains are required to be constructed.

As conditioned, the proposed development conforms to the public improvement standards of SRC Chapter 802.

SRC 802.020 – Easements

Finding 99: SRC.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval. The applicant proposes to terminate the required public sanitary sewer main extension on the private property, which will require dedication of an easement for public infrastructure on private property. The public main extends approximately 35 feet onto the subject property. The applicant shall dedicate easements for existing public infrastructure on the site to current standards

established in the *Public Works Design Standards* Section 1.8 (Easements). The following condition of approval is necessary to ensure compliance with SRC 802.020:

Condition 13: Prior to issuance of a Certificate of Occupancy, convey easements for the proposed public sanitary sewer main on the site in accordance with the *Public Works Design Standards* Section 1.8 (Easements).

SRC 802.040 – Private Stormwater, Wastewater and Water Systems.

Finding 100: SRC 802.040 allows private stormwater systems under certain circumstances. As shown on the applicant’s preliminary drainage plan, there are five stormwater basins that will serve the development site and the property will be replatted into two lots. A common private stormwater system is proposed to serve proposed development. According to SRC 802.040(c), if the private system serves multiple properties under separate ownership, an agreement between the property owners is required to ensure continued maintenance of the system. The applicant shall be required to provide a private shared stormwater agreement that meets the standards of SRC 802.040. The following condition is necessary to ensure maintenance of the system and compliance with SRC 802.040:

Condition 14: Prior to issuance of Certificate of Occupancy, the applicant shall record a shared stormwater system agreement which is in compliance with SRC 802.040.

CITY STREET AND RIGHT-OF-WAY STANDARDS

SRC Chapter 803 – Streets and Right-of-way Improvements

Finding 101: 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 streets¹ 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.

Front Street NE abuts the subject property along the eastern boundary and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Front Street NE does not meet the current right-of-way width and improvement width standards for a minor arterial street as the ultimate right-of-way width for this classification is 72 feet and the ultimate improvement width is 46 feet. However, Front Street NE requires an alternative cross section due to the presence of an active railroad line that runs parallel to the vehicular travel lanes within the right-of-way. Additionally, Front Street NE has a variable-width right-of-way along the frontage of the property. North of D Street NE, the right-of-way width is 60 feet and south of D street NE, the

¹ SRC 803.005 defines “boundary street” as an existing street that abuts a unit of land.

right-of-way width is 99 feet with an off-set along the eastern side of the right-of-way. The right-of-way is also constrained at the northern end of the property by Mill Creek and an existing bridge.

Pursuant to SRC 803.040(a)(5), boundary street improvements are warranted along the frontage of the property abutting Front Street NE. As shown on the applicant's preliminary civil plans, the applicant proposes an alternative cross section for Front Street NE to accommodate the existing railroad line and off-set right-of-way which includes an 18-foot-wide pavement widening, construction of curbs, a five-foot landscape strip, a five-foot property line sidewalk, and street lighting. The required half-street improvement will occur within the existing right-of-way width but outside of the existing railroad tracks, as shown on the applicant's preliminary civil plans. The pavement widening is only 18 feet in width rather than the typical 23-foot half-street improvement required for a Minor Arterial Improvement, as the pavement widening and reconstruction is only being required outside of the active rail line along Front Street NE. Pursuant to SRC 803.065(a)(3) an alternative street standard is approved to allow Front Street NE to have an alternative cross section, as described in these findings, to accommodate the variable width and off-set right-of-way and the active rail line that runs parallel to the vehicular travel lanes within the right-of-way. The following condition of approval is necessary to provide boundary street improvements meeting the standards of SRC 803.040:

Condition 15: Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Front Street NE to minor arterial street standards as specified in this decision and consistent with the provisions of Salem Revised Code Chapter 803. The improvements shall include an 18-foot-wide half street improvement, construction of curbs, landscape strips, street lighting, and a property line sidewalk along the frontage as shown on the applicant's preliminary plans and designed in accordance with the *Public Works Design Standards*.

SRC 803.035 – Street Standards.

Finding 101: SRC 803.035(k) requires that anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. This is also required by SRC 86.015(e). As shown on the applicant's preliminary civil plans, landscape planters will be provided along Front Street NE to provide for street tree plantings. Pursuant to SRC 803.035(k) and SRC 86.015(e) street trees are required along Front Street NE and are necessary to be included as a condition of approval:

Condition 16: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Front Street NE.

SRC Chapter 804 – Driveway Approaches.

Finding 102: SRC 804.010 states that Chapter 804 applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach. SRC 804.015 provides, with some exceptions, that the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach requires a driveway approach permit.

The development proposal includes a new driveway approach onto Front Street NE, requiring a Class 2 Driveway Approach Permit; findings for which are provided in Section 11 of 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

Finding 103: SRC 805.005(b)(1)(B) states that a vision clearance area applies at the driveway approach serving the proposed development. The southern building encroaches into the vision clearance area, for which the applicant has requested a Class 2 Adjustment to the vision clearance standard in accordance with SRC 805.015. With approval of the Class 2 Adjustment addressed in Section 10 of this decision, the proposed development meets the applicable criteria in SRC Chapter 805.

NATURAL RESOURCES

SRC Chapter 601 – Floodplain

Finding 104: SRC 601.001 states the SRC Chapter 601 applies to all special flood hazard areas and interim flood hazard areas within the jurisdiction of the City of Salem. Based upon a review of the adopted Special Flood Hazard Area (SFHA) maps it has been determined that the proposed development is located within the SFHA and therefore, a Class 2 Floodplain Development Permit is required subject to SRC Chapter 60. Findings for that permit are addressed in Section 9 of this decision.

SRC Chapter 808 – Preservation of Trees and Vegetation

Finding 105: SRC 808.015 provides that significant tree may not be removed unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

The development plans include an existing conditions plan showing numerous significant trees along the riverfront; however, all these trees are located within the riparian buffer and are not proposed for removal and their critical root zones will not be impacted by the development. The plans do show three trees in the northeast corner

along the bank of Mill Creek, meeting the definition of riparian corridor trees. The trees are not proposed for removal; however, necessary grading for the fire lane and pedestrian path along the north side of Parcel 2 will likely impact more than 30 percent of the trees' critical root zones, meeting the definition of removal. As addressed and conditioned in the Floodplain Development Permit findings in Section 9 of this decision below, further review of these trees will be required at building permit.

SRC Chapter 809 – Wetlands

Finding 106: SRC 809.025(a) requires the City, within five working days of receiving a completed application for development or land use in an area designated as a wetland on the official wetlands map, send a wetland land use notification form to the Division of State Lands. The *Salem–Keizer Local Wetland Inventory* shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), 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

Finding 107: SRC 810.020(a)(1) provides a list of activities in areas designated as moderate or high total landslide hazard risk requires a landslide hazard construction permit. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2–point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5 points. Per SRC 810.025, Table 810–1A, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A geological assessment, prepared by GeoDesign, Inc., and dated April 10, 2016, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Based upon the preceding findings and proposed conditions of approval, it can be concluded that SRC 220.005(f)(3)(A) has been met.

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

Finding 108: Access to the proposed development will be provided by the network of existing public streets that surround the property. With the recommended conditions of approval, the required improvements will ensure that the street system in and out of the proposed development will conform to all applicable 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 109: The proposed assisted living and memory care facilities generate less than 1,000 average daily vehicle trips to the arterial street system; therefore, a 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, stormwater facilities, and other utilities.

Finding 110: It has been determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the proposed development, subject to the conditions of approval recommended in this report. This approval criterion is met.

9. Analysis of Class 2 Floodplain Development Permit Criteria

Finding 111: SRC 601.045(b)(1) requires a Class 2 Floodplain Development permit for any development within a Special Flood Hazard Area. SRC 601.100 requires a mitigation assessment that meets the applicable development standards of SRC Chapter 601. SRC 601.045(f)(1) provides criteria that must be satisfied for an application for a Class 2 Floodplain Development Permit to be approved.

The mapped Special Flood Hazard Area is limited to the northern property line abutting Mill Creek and along the western property line abutting the Willamette River. There are no proposed structures within the mapped Special Flood Hazard Area. Therefore, standards only applicable to structures are not reviewed in this floodplain development permit.

SRC 601.070 – Provisions for Flood Hazard Reduction.

Finding 112: SRC 601.070 provides general construction standards for new structures and substantial improvements, including provisions for structure anchoring; construction materials and methods; and requirements for utility and electrical systems. These standards are reviewed at time of building permit review for new structures and would not be applicable to the proposed development as no structures are proposed within the mapped special flood hazard area.

SRC 601.075 – Specific Standards for Riverine (Including all Non-Coastal) Flood Zones SRC

SRC 601.075(c)(1) – Specific Standard for Riverine (Including All Non-Coastal) Flood Zones.

Finding 113: These standards provide that where a regulatory floodway has not been designated, no new constructed, substantial improvements, are permitted unless it is demonstrated that there will not be an increase in the water surface elevation of the Base Flood Elevation of more than one foot. This standard has been met as the proposed development is not located within an area where the regulatory floodway has been designated.

SRC 601.075 – Floodways

Finding 114: SRC 601.075(d) prohibits development in the floodway. This standard is not applicable as no development is proposed within the regulatory floodway.

SRC 601.045(f)(2)(B): The application includes a mitigation assessment and mitigation plan which has been prepared in accordance with SRC 601.100 that demonstrates no-net loss of the natural and beneficial functions of floodplains in the SFHA, including floodplain storage; water quality; and riparian vegetation.

This standard requires a mitigation assessment per SRC 601.100. The mitigation assessment is evaluated based upon the following factors:

Floodplain Storage

Finding 115: SRC 601.100 requires the mitigation assessment ensures that no net loss of floodplain storage occur. Undeveloped space mitigation is required when flood storage volume and/or fish accessible and egress-able space is impacted. The base flood elevation for the Willamette River and Mill Creek abutting the property is 141–feet (NGVD). The subject property is elevated above the base flood elevation and there will be no loss of floodplain storage based on the applicant’s grading plans and floodplain mitigation assessment; therefore, no mitigation for floodplain storage is required and these standards are met.

Water Quality

Finding 116: SRC 601.100 requires a mitigation assessment that ensures no–net loss of water quality, which can be accomplished in one of three ways according to the *Floodplain Mitigation Assessment Regional Guidance for Oregon*, prepared by FEMA Region X:

1. Mitigate the addition of impervious surfaces added by creation of pervious surface at a 1:1 ratio;
2. Mitigate the addition of impervious surfaces added by managing runoff through the use of green stormwater infrastructure; or,
3. Mitigate the addition of impervious surfaces added by managing runoff through the use of stormwater detention and retention to ensure no increase in peak volume of flow, follow by treatment to minimize pollutant loading.

The applicant's preliminary civil plans and floodplain mitigation assessment form show there is approximately 2,745 square feet of new impervious surface proposed within the special flood hazard area. According to the *Floodplain Mitigation Assessment Regional Guidance for Oregon*, new impervious surfaces can be mitigated through the use of green stormwater infrastructure. The applicant has provided a preliminary stormwater management report that demonstrates the use of green stormwater infrastructure and mechanical treatment to ensure these standards are met. The application has been conditioned to provide green stormwater infrastructure meeting SRC Chapter 71 and the *Public Works Design Standards*, ensuring compliance with these standards.

Riparian Vegetation

Finding 117: SRC 601.100 requires a mitigation assessment that ensures no-net loss of riparian vegetation. The applicant provided a topographic survey as part of their application materials which include existing trees. For the purposes of floodplain mitigation, trees six inches and greater require mitigation if removed. According to the mitigation assessment form provided by the applicant, no trees within the floodplain are proposed for removal; however, there are three existing trees at the northeast corner of the property within the floodplain and located within 15 feet of the proposed northern driveway and utility improvements which may be impacted by construction. Additionally, the grading plan shows grading activity within five feet of these trees.

According to SRC Chapter 808, "*Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die.*" As such, if the construction impacts more than 30-percent of the critical root zone, the tree would be considered removed and require mitigation for floodplain purposes. It is recommended that at time of building permit review, the applicant show the critical root zone for each tree within the special flood hazard area impacted by grading or construction activity. If the activity impacts more than 30-percent of the critical root zone, the applicant shall be required to mitigate the tree removal based on the mitigation ratios provided in the *Floodplain Mitigation Assessment Regional Guidance for Oregon*, in order to comply with SRC 601.100. The following condition of approval is required:

Condition 17: At time of building permit review, provide a plan showing the critical root zone for all trees within the special flood hazard area where grading or construction will occur. If the activity impacts more than 30-percent of the critical root zone, the tree shall be considered removed and the applicant shall provide a replanting plan demonstrating no net loss in accordance with SRC Chapter 601.

Riparian Buffer Zone

Finding 118: SRC 601.100 requires a mitigation assessment that ensures no-net loss of the natural and beneficial functions of floodplains in the SFHA, including floodplain

storage; water quality; and riparian vegetation. According to the *Floodplain Mitigation Assessment Regional Guidance for Oregon*, additional mitigation is required within the Riparian Buffer Zone (RBZ) to accomplish no-net loss and beneficial gain within the riparian corridor.

The mitigation must occur within the same hydrologic reach of the project impact and must be equivalent to five percent of the total project area within the RBZ that has been impacted by development. According to the *Floodplain Mitigation Assessment Regional Guidance for Oregon*, under the Beneficial Gain Standard, project impacts occurring within the RBZ must be mitigated by planting a mix of native and riparian herbaceous, shrub, and tree vegetation.

The development site is located within the riparian buffer zone (RBZ) of Mill Creek. The applicant did not provide a plan that shows the riparian buffer zone or identify the area of impact to the riparian buffer zone. In order to achieve no-net loss and beneficial gain within the RBZ, five percent of the disturbance within the RBZ is required to be planted with a mix of native and riparian herbaceous, shrub, and tree vegetation. As the applicant has not provided a plan demonstrating how this standard is met, the following condition is required:

Condition 18: At time of building permit review, provide a mitigation assessment plan that demonstrates compliance with the no-net loss standard for the riparian buffer zone requirements listed in the *Floodplain Mitigation Assessment Regional Guidance for Oregon* in order to comply with SRC 601.100.

Conclusion: Based upon the above-listed findings and conditions of approval, the criteria and standards of SRC Chapter 601 have been met.

10. 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.

Class 1 Adjustments

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.***

The applicant is requesting the following two Class 1 Adjustments:

- 1. Reduce the minimum 50 percent building frontage for the memory care facility to approximately 47 percent, per SRC 536.015(d).***

Finding 119: For all uses, lots require a minimum 50 percent of the building be placed at the front setback line. Proposed Parcel 1 will have approximately 316 feet of frontage along Front Street NE, requiring a minimum of 158 feet of the lot be occupied by the building at the front setback. The memory care building placed at the setback is approximately 148 feet long, occupying 47 percent of the frontage ($148 / 316 = 0.47$). The applicant has requested a Class 1 Adjustment to reduce the minimum 50 percent building frontage. The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, with vehicle use areas set beside or behind the buildings. The buildings on the development site, being an assisted living and memory care facility, necessitate and were designed to include vehicle pick-up and drop-off areas for residents located within the interior of the development site, away from the street and traffic. As such, the proposed building's primary entrance and pick-up/drop-off area is located away from the street, as that is a more feasible and safe location. Given the nature of the use of the buildings and need to locate the parking and pick-up and drop-off locations within the interior of the site, and that the proposed building occupies nearly the entire minimum frontage as practicable, the proposal clearly satisfies the intent of the standard. This approval criterion is met.

2. *Reduce the minimum amount of bicycle parking spaces for the assisted living facility from 20 to 18, per SRC 806.055.*

Finding 120: Per Table 806-9 in SRC 806.055(a), a Residential Care use requires the greater of four bicycle parking spaces or 1 per 3,500 square feet of gross floor area for the first 50,000 square feet, then 1 per 7,000 square feet up to 100,000 square feet. For the 85,264 square foot assisted living building on Parcel 2, a minimum of 19 bicycle parking spaces are required ($50,000 / 3,500 = 14$, plus 5 for the remaining ($35,264 / 7,000$)). For the 30,695 square foot memory care building on Parcel 1, a minimum of nine bicycle parking spaces are required ($30,695 / 3,500 = 8.7$). The development plans include 10 bicycle parking spaces serving the memory care building, and 18 serving the assisted living building, or 28 total, meeting the minimum amount of bicycle parking spaces across the development site for both buildings.

However, on its own, the assisted living facility does not provide the minimum, for which the applicant has requested a Class 1 Adjustment. The applicant proposes to split the required bicycle parking across the site, providing one more to the memory care building and one less to the assisted living building. As the spaces are proposed to be short-term, staple-style racks which can be used for two spaces per rack, splitting the number between the two buildings satisfies the intent. 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 121: The impact of the two proposed Class 1 Adjustments only affect the interior of the development and the subject property. The proposed setback adjustment

is minor in nature and the slight distribution of bicycle racks are highly unlikely to have any impact on surrounding uses or development. This criterion has been met.

Class 1I Adjustments

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.***

The applicant proposes the following eighteen Class 2 Adjustments:

1. *Exceed the maximum 10-foot building setback abutting the street of the assisted living facility, per SRC 536.015(c).*

Finding 122: Proposed Parcel 2 will have approximately 288 feet of frontage along Front Street NE. For the assisted living building on Parcel 2, the maximum setback is applicable to 144 feet of the property line abutting the street ($288 \times 0.5 = 144$). The development plans indicate 62 feet of the building will be setback three to 17 feet; however, the rest of the building is setback between 131 and 175 feet from the property line abutting the street, for which the applicant has requested a Class 2 Adjustment.

The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, with vehicle use areas set beside or behind the buildings. With the adjustment to the building frontage of the memory care building previously addressed, the buildings necessitate and were designed to include vehicle pick-up and drop-off areas for residents located within the interior of the development site, away from the street and traffic. As such, the proposed building's primary entrance and pick-up/drop-off area is located away from the street, as that is a more feasible and safe location. Because of the driveway location off of Front Street NE, more of the lot area of the assisted living building on Parcel 2 is occupied by the vehicle use areas. Because the driveway serves a shared parking and vehicle use area between the two buildings across the two parcels, and given the nature of the use of the buildings and need to locate the parking and pick-up and drop-off locations within the interior of the site, it would be infeasible to locate more of the building at the setback. Given the unique nature of the development site, and consideration that the site limits vehicle activity by incorporating a single driveway for the shared parking and vehicle use area, the proposed development equally meets the intent of the standard. This approval criterion is met.

2. *Not provide pedestrian amenities within the building setback abutting the street for the memory care facility, per SRC 536.015(c).*

Finding 123: For the memory care building on Parcel 1, the maximum setback is applicable to 158 feet of the property line abutting the street ($316 / 2 = 158$). The development plans indicate the entire building will be setback up to five feet from

the property line; however, the applicant has requested a Class 2 Adjustment to not provide pedestrian amenities within the setback area between the building and the street.

The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, more generally toward mixed-use buildings with ground floor commercial space with dwelling units above. The applicant's written statement explains that the primary use of the building will be residential in nature, but given the special use as a memory care facility, the building necessitates extra privacy and security from the street for the well-being of residents. The development site will still provide ample pedestrian amenities in the form of walkways and access to the river, as well as abundant new landscaping and trees as required, greatly enhancing the pedestrian experience along the street. Given the unique nature of the buildings and the overall improvements with the development, the proposal equally meets the intent of the standard. This approval criterion is met.

3. *Eliminate the minimum five-foot vehicle use area setback along the new lot line between the shared parking area for the southern lot; per SRC 536.015(c); and*
4. *Eliminate the minimum five-foot vehicle use area setback along the new lot line between the shared parking area for the northern lot; per SRC 536.015(c).*

Finding 124: As previously addressed, the proposed development includes the creation of two new parcels via replat. The development includes a shared off-street parking and vehicle use area across the two new parcels, requiring a minimum five-foot vehicle use area setback on either side of the property line. Because the development is intended to function as one complex with shared parking and maneuvering areas, as well as solid waste service, the applicant has requested two Class 2 Adjustments to eliminate the minimum vehicle use area setback on either side of the property line. The intent of the setback is to create a landscaped buffer between different uses on different properties. Because the two properties essentially function as one development, the setback is unnecessary. The development includes a large landscape planter just on the north side of the property line, which effectively functions as a landscape setback, providing a buffer and separation between the vehicle use areas between the two properties. Similarly, the rest of the shared parking and vehicle use area is broken into different areas with ample landscape islands and planters, reducing the overall mass of the parking area, equally meeting the intent of the standard. This criterion is met.

5. *Reduce the minimum 20-foot building height for the memory care facility, per SRC 536.015(d).*

Finding 125: The proposed memory care building on Parcel 1 includes a 24-foot-tall parapet at the front entry; however, this does not extend for a minimum 25 percent of the length of the building façade, as required under Table 536-5. The majority of the building is approximately 16.5 feet tall, as measured from finished grade to the parapet roof, for which the applicant has requested a Class 2 Adjustment.

The intent of the minimum height and design standards to incorporate vertical features outlined in Figure 536–1, is to encourage the development of street-facing, pedestrian-oriented buildings. The applicant’s written statement explains that a street-oriented design such as required by Table 536–5, would not be practical given the unique nature of the use of the building. The applicant has instead provided a 24-foot-tall common room and parapet rooftop along the primary entrance facing the south, inwards of the development site. Although the building does not meet the minimum height for 25 percent of the façade length, the prominent entry area on the south side equally meets the intent of the standard, as much as feasible given the unique nature of the site. This approval criterion is met.

6. *Reduce the minimum 50 percent building frontage for the assisted living facility to approximately 20 percent; per SRC 536.015(d).*

Finding 126: As previously addressed in the Class 1 Adjustment findings above, for all uses, lots require a minimum of 50 percent of the building be placed at the front setback line. Proposed Parcel 2 will have approximately 288 feet of frontage along Front Street NE, requiring a minimum of 144 feet of the lot be occupied by the building at the front setback. The assisted living building occupies approximately 62 feet of the property at the setback, or 21 percent of the frontage ($60 / 288 = 0.21$). The applicant has requested a Class 2 Adjustment to reduce the minimum 50 percent building frontage.

The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, with vehicle use areas set beside or behind the buildings. The applicant’s written statement explains that, as with the memory care building previously addressed, the buildings necessitate and were designed to include vehicle pick-up and drop-off areas for residents located within the interior of the development site, away from the street and traffic. As such, the proposed building’s primary entrance and pick-up/drop-off area is located away from the street, as that is a more feasible and safe location. Because of the driveway location off of Front Street NE, more of the lot area of the assisted living building on Parcel 2 is occupied by the vehicle use areas. Because the driveway serves a shared parking and vehicle use area between the two buildings across the two parcels, and given the nature of the use of the buildings and need to locate the parking and pick-up and drop-off locations within the interior of the site, it would be infeasible to locate more of the building at the setback. Given the unique nature of the development site, and consideration that the site limits vehicle activity by incorporating a single driveway for the shared parking and vehicle use area, the proposed development equally meets the intent of the standard. This approval criterion is met.

7. *Provide only one pedestrian access between the street and the riverfront where two accesses would be required at 400-foot intervals, per SRC 536.015(g).*

Finding 127: The subject property is approximately 604 feet in length along Front Street NE. After the replat, Parcel 1 will be 316 feet long and Parcel 2 will be 288 feet long. SRC 536.015(g) requires a pedestrian accessway be provided at least every 400

feet. As measured from either end, the property would require two pedestrian accessways. The applicant has requested a Class 2 Adjustment to only provide one pedestrian accessway along the north side of Parcel 1 along Mill Creek.

The intent of the standard is to provide access to the river at intervals nearly the same as street block length. Because the two properties within the development are designed to function as one, placing an additional pedestrian access in between at 400-foot intervals would conflict with the shared off-street parking and vehicle use areas located in between the two buildings, as required by SRC 536.015(g). The applicant's written statement explains that with the proposed development of the path along Mill Creek, as well as sidewalk connections through the development site accessing the Willamette Riverfront path, the development provides ample pedestrian access to the riverfront, albeit not at 400-foot intervals. As proposed, the development equally meets the intent of the standards. This approval criterion is met.

8. *Not provide building façade articulation between the ground floor and middle floors of the assisted living facility, per SRC 536.015(g).*

Finding 128: The development site has frontage along Front Street NE, which is a primary street. The elevation plans for the assisted living building on Parcel 2 indicate changes in materials and colors throughout the facade; however, the ground floor is not distinguished from the middle floor facade. The middle floor does include vertically-oriented windows, and the building tops include a cornice at least eight inches tall and extending at least three inches beyond the face of the facade. The applicant has requested a Class 2 Adjustment to not provide the transition feature between the ground and middle floors. The intent of the standard is to break up building facades and vertical mass. The changes in facade materials, although not horizontally separated between the ground and middle floors, provide numerous changes in materials, creating visual, three-dimensional differentiation for an appealing building, equally meeting the intent of the standard. This approval criterion is met.

9. *Reduce the minimum 65 percent ground floor windows facing a primary street and along the riverfront for the assisted living facility, per SRC 536.015(g); and*
10. *Reduce the minimum 65 percent ground floor windows facing a primary street and along the riverfront for the memory care facility, per SRC 536.015(g).*

Finding 129: The elevation plans show the assisted living building on Parcel 2 has a ground floor facade area approximately 660 square feet along the 60-foot portion of the building at the setback at Front Street NE. As previously addressed, the majority of the assisted living facility is setback farther than the maximum allowed. The ground floor facade at the setback includes 106 square feet of windows, or 16 percent ($62 / 682 = 0.16$). Along the river facing side, the building has a ground floor facade area approximately 2,455 square feet, and includes approximately 470 square feet of windows, or 19 percent ($470 / 2,455 = 0.19$). Similarly, along the 148-foot length of

the memory care building on Parcel 1 along the setback at Front Street NE, the elevation plans show the building has a facade area approximately 2,240 square feet with 517 square feet of windows, or 23 percent ($517 / 2,240 = 0.23$). Along the river facing side, the building has a ground floor façade area approximately 2,232 square feet with 510 square feet of windows, or 20 percent ($510 / 2,232 = 0.20$).

The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, more generally toward mixed-use buildings with ground floor commercial space with dwelling units above. The primary use of the building will be residential in nature, and given the nature of the use as an assisted living and memory care facility, the buildings necessitate extra privacy and security from the street for the well-being of residents. The majority of the building will include ample windows on all facades and all floors, not just the ground floor facing the street, creating a visually appealing, pedestrian-oriented design. Given the unique nature of the use of the buildings, the proposal equally meets the intent of the standard. This approval criterion is met.

- 11. Not provide a primary building entrance located on the primary street for the assisted living facility, per SRC 536.015(g);*
- 12. Not provide a primary building entrance located on the primary street for the memory care facility, per SRC 536.015(g); and*
- 13. Not provide a primary building entrance on the riverfront side of the memory care facility, per SRC 536.015(g)(3).*

Finding 130: The proposed buildings do not include primary entrances along the ground floors facing the primary street, Front Street NE. The assisted living building on Parcel 2 does include a primary entrance onto a patio area at the rear of the building along the riverfront; however, the memory care building on Parcel 1 does not include a primary entrance on the riverfront side, for which the applicant has requested Class 2 Adjustments to these standards. The intent of the standard is to encourage the development of street-facing, pedestrian-oriented buildings, with vehicle use areas set beside or behind the buildings. The applicant's written statement explains that the buildings necessitate and were designed to include vehicle pick-up and drop-off areas for residents located within the interior of the development site, away from the street and traffic. As such, the proposed building's primary entrance and pick-up/drop-off area is located away from the street, as that is a more feasible and safe location. Because of the driveway location off of Front Street NE, the assisted living building on Parcel 2 is setback farther behind the vehicle use areas. Because the driveway serves a shared parking and vehicle use area between the two buildings across the two parcels, and given the nature of the use of the buildings and need to locate the parking and pick-up and drop-off locations within the interior of the site, it is reasonable to locate the primary building entrances here as well.

Similarly, given the unique nature of the development site and security needs of the memory care building, that building is not conducive to including a primary entrance on the riverfront side. In consideration of the site limits and necessity of the vehicle use areas, the proposed development equally meets the intent of the standard. This

approval criterion is met.

14. *Eliminate the weather protection required along 75 percent of the ground floor adjacent to the street and along the riverfront for the assisted living facility, per SRC 536.015(g); and*
15. *Eliminate the weather protection required along 75 percent of the ground floor adjacent to the street and along the riverfront for the memory care facility, per SRC 536.015(g).*

Finding 131: The proposed buildings do not include any weather protection along the ground floor adjacent to the street or riverfront. The intent of the standard is to encourage the development of street-facing, pedestrian-oriented, mixed-use buildings fronting the street. The primary use of the building will be residential in nature, and given the nature of the use as an assisted living and memory care facility, the buildings necessitate extra privacy and security from the street for the well-being of residents. The buildings each include a large, porte cochere at the primary entrances, providing ample weather protection for residents and visitors of both buildings. Additionally, the assisted living building includes a large, covered patio on the rear, riverfront-facing side. Given the unique nature of the use of the buildings, the proposal equally meets the intent of the standard. This approval criterion is met.

16. *Reduce the minimum 370-foot spacing between the new driveway approach onto Front Street NE and an existing approach on the adjacent property; per SRC 804.035(d).*

Finding 132: The applicant requests a Class 2 Adjustment to reduce the minimum 370-foot spacing between the new driveway approach onto Front Street NE and an existing approach on the adjacent property; per SRC 804.035(d). The adjacent driveway approach is located approximately 150-feet south of the proposed approach, where a 370-foot spacing is required per SRC 804.035(d). The proposed driveway approach is located on the subject property to align with the D Street NE intersection on the eastern side of Front Street NE, which provides for a uniform intersection between the driveway approach and the street rather than providing an off-set in order to meet the spacing standard from the approach on the western side of the right-of-way. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard. This criterion is met.

17. *Provide an alternative vision clearance standard for the driveway approach onto Front Street NE, per SRC 805.005(b)(1)(B).*

Finding 133: The applicant requests a Class 2 Adjustment to allow an alternative vision clearance standard for the driveway approach onto Front Street NE pursuant to SRC 805.005(b)(1)(B). The southern building encroaches into the vision clearance area and the applicant has requested an adjustment to the vision clearance standard in accordance with SRC 805.015 and SRC Chapter 250. Included in the record, the applicant has provided a Vision Triangle Evaluation from Sandow Engineering, dated

March 3, 2026. This memorandum demonstrates that the proposed alternative vision standard provides equal vision clearance to the standard by providing adequate line of sight to enter the roadway and line of sight for pedestrians on the sidewalk. The intent of the vision clearance area is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets and driveways. The purpose of the standard is met based on the alternative analysis prepared by the applicant; therefore, the intent of the standard equally is met by the proposal. This criterion is met.

18. Locate the required bicycle parking for both buildings to more than 50 feet from a primary entrance, per SRC 806.060(a).

Finding 134: The applicant has requested to split the minimum bicycle parking spaces between the two building sites, with ten spaces located behind the assisted living building and eight spaces located behind the memory care building. For the spaces located behind the buildings, these do to meet the standards of being within 50 feet of and clearly visible from a primary entrance, which is specially defined as not including employee-only or service entrance, per SRC Chapter 111. As an assisted living and memory facility, the vast majority of residents will not be bicycling for transportation, and what spaces are provided are adequate for visitors, with spaces located at the primary entrances, and staff, with spaces located behind the buildings near service entrances.

The intent of the standard is to ensure provided bicycle parking spaces are user-friendly and provide adequate security, hence the requirement to be located near and visible from a primary entrance. The spaces located behind the assisted living building are in a gated area, providing extra security, and the spaces along the north side of the memory care building are located along the Mill Creek path, which could be used by the general public and passersby. While the applicant could provide the minimum amount of bicycle parking spaces as entirely long-term spaces, such as indoor wall-mounted racks, they have opted to provide a variety of spaces usable for both staff, visitors, and the general public using the Mill Creek path. As proposed, the intent of the standard is met. This approval criterion is met.

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

Finding 135: This criterion is not applicable as the subject property is zoned MU-R (Mixed Use-Riverfront).

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 136: Eighteen separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the adjustment approval criteria and with an understanding that the two

properties and proposed uses are designed and intended to function as one development, with shared parking and vehicle use areas and to include vehicle pick-up and drop-off areas for residents located within the interior of the development site, away from the street and traffic. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code and the functional design goals of the development. To ensure any future development will meet the applicable standards of the development code, the following condition of approval is appropriate:

Condition 19: 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.

11. Analysis of Class 2 Driveway Approach Permit 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.

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

Finding 137: The applicant proposes one new driveway approach onto Front Street NE, classified as a Minor Arterial Street. Two additional emergency vehicle-only driveways are proposed at the north and south ends of the subject property. Driveway Approach Permits are not required for driveways that will be used by emergency vehicles only.

SRC Chapter 804 – Driveway Approach Development Standards

Finding 138: 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. The proposed driveway approach has been reviewed against the development standards in SRC Chapter 804 for driveway approaches accessing onto an arterial street and serving a commercial use. The proposed driveway approach meets the development standards of the chapter.

Public Works Design Standards

Finding 139: 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 140: Development Services has reviewed the proposal and determined that no existing site conditions prohibit the location of the proposed driveway. The Hearings Officer agrees. This criterion is met.

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

Finding 141: The subject property only has frontage on Front Street NE which is classified as a minor arterial street. The development proposes one driveway approach onto the arterial roadway, minimizing the points of access. 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 142: The subject property only abuts one street, which has a minor arterial classification. The driveway approach is shared by the development site which is made up of two lots upon completion of the proposed replat. This criterion is met.

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

Finding 143: With approval of the requested adjustment for an alternative vision clearance standard, previously addressed in Section 10 of this report, 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 144: The 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. The Hearings Officer agrees. This criterion is met.

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

Finding 145: Evidence that has been submitted that indicates that the location of the proposed driveway will not have any adverse impact 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 146: The proposed driveway approach is located on a minor arterial street and does not create a significant impact to adjacent streets and intersections. The approach has been located to create a uniform intersection with D Street NE on the western side of Front Street NE, minimizing impacts to street intersections. The approach does not impact the functionality of adjacent streets. Therefore, 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 147: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets. This criterion is met.

DECISION

Based upon the Record, and Facts and Findings, and Conclusions of Law herein, the Hearings Officer **APPROVES** the consolidated application for a Class 2 Willamette Greenway Development Permit, a Replat Tentative Plan, a Class 3 Site Plan Review, a Class 2 Floodplain Development Permit, Class 1 and Class 2 Adjustments, and a Class 2 Driveway Approach Permit subject to the following conditions of approval:

A. APPROVE the Class 2 Willamette Greenway Development Permit subject to the following conditions of approval:

Condition 1: Prior to issuance of a Certificate of Occupancy, the applicant shall convey a minimum 15-foot-wide public access easement for the future Willamette Riverfront Path and Mill Creek Path as shown on the applicant's site plan.

Condition 2: Prior to any excavation, grading, or construction, a survey map, certified by a licensed Professional Land Surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.

Condition 3: Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

B. APPROVE the Replat Tentative Plan approval subject to the following conditions of approval:

Condition 4: The proposed replat must be approved by the City Surveyor as meeting applicable requirements of ORS Chapter 92 and SRC 200.035.

- Condition 5:** All existing and proposed easements shall be shown on the final plat.
- C. **APPROVE** Class 3 Site Plan Review, subject to the following conditions of approval:
- Condition 6:** At time of building permit submittal, provide full details of the solid waste service area and enclosure, meeting the standards of SRC 800.055.
- Condition 7:** The applicant shall construct the Mill Creek Path as a 12-foot-wide multi-use path through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the *Public Works Design Standards*.
- Condition 8:** At the time of building permit submittal, where pedestrian connections cross a drive aisle, provide differentiation meeting the standards of SRC 800.065(b)(1).
- Condition 9:** At time of building permit, revise plans to include a minimum 40 percent of the off-street parking spaces provided will be designated as EV spaces, per SRC 806.015(d).
- Condition 10:** At time of building permit review, revise plans to include soil volumes within the planters, meeting the standards of SRC 806.035(n), Table 806-7.
- Condition 11:** 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 12:** Prior to issuance of a Certificate of Occupancy, construct an 8-inch public sanitary main from the existing terminus of the 8-inch public sanitary system in D Street NE to the subject property, as shown on the applicant's plans. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.
- Condition 13:** Prior to issuance of a Certificate of Occupancy, convey easements for the proposed public sanitary sewer main on the site in accordance with the *Public Works Design Standards* Section 1.8 (Easements).
- Condition 14:** Prior to issuance of Certificate of Occupancy, the applicant shall record a shared stormwater system agreement which is in compliance with SRC 802.040.
- Condition 15:** Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Front Street NE to minor arterial

street standards as specified in this decision and consistent with the provisions of Salem Revised Code Chapter 803. The improvements shall include an 18-foot-wide half street improvement, construction of curbs, landscape strips, street lighting, and a property line sidewalk along the frontage as shown on the applicant's preliminary plans and designed in accordance with the Public Works Design Standards.

Condition 16: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Front Street NE.

D. APPROVE the Class 2 Floodplain Development Permit, subject to the following conditions of approval:

Condition 17: At time of building permit review, provide a plan showing the critical root zone for all trees within the special flood hazard area where grading or construction will occur. If the activity impacts more than 30-percent of the critical root zone, the tree shall be considered removed and the applicant shall provide a replanting plan demonstrating no net loss in accordance with SRC Chapter 601.

Condition 18: At time of building permit review, provide a mitigation assessment plan that demonstrates compliance with the no-net loss standard for the riparian buffer zone requirements listed in the *Floodplain Mitigation Assessment Regional Guidance for Oregon* in order to comply with SRC 601.100.

E. APPROVE the Class 1 Adjustments.

F. APPROVE the Class II Adjustments, subject to the following condition of approval:

Condition 19: 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.

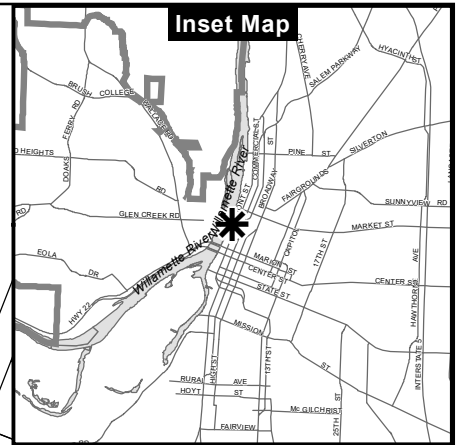
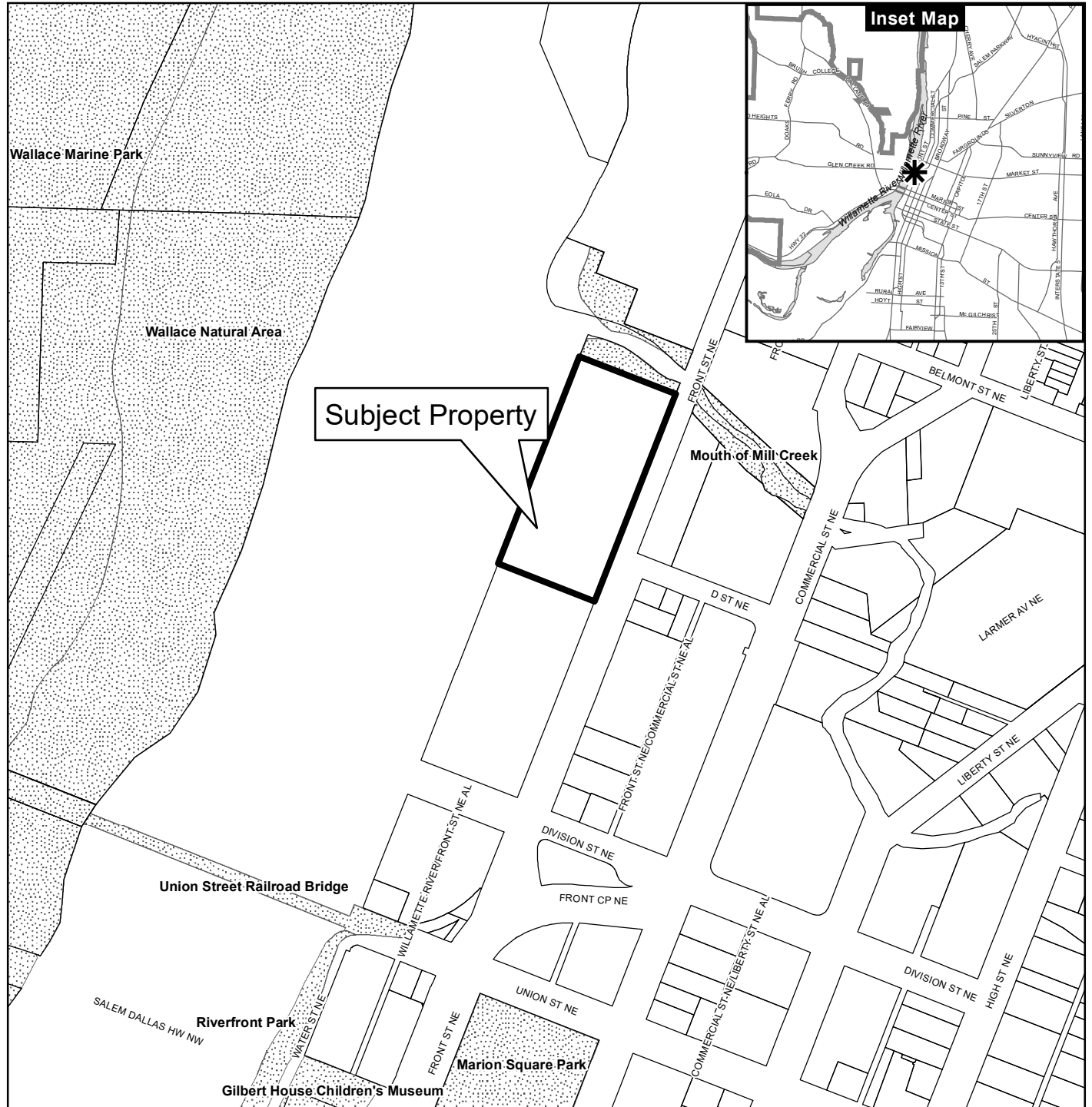
G. APPROVE the Class 2 Driveway Approach Permit.

DATED: May 19, 2026










Gary Darnielle, Hearings Officer

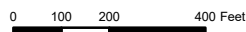
Vicinity Map 901 Front Street NE



Subject Property

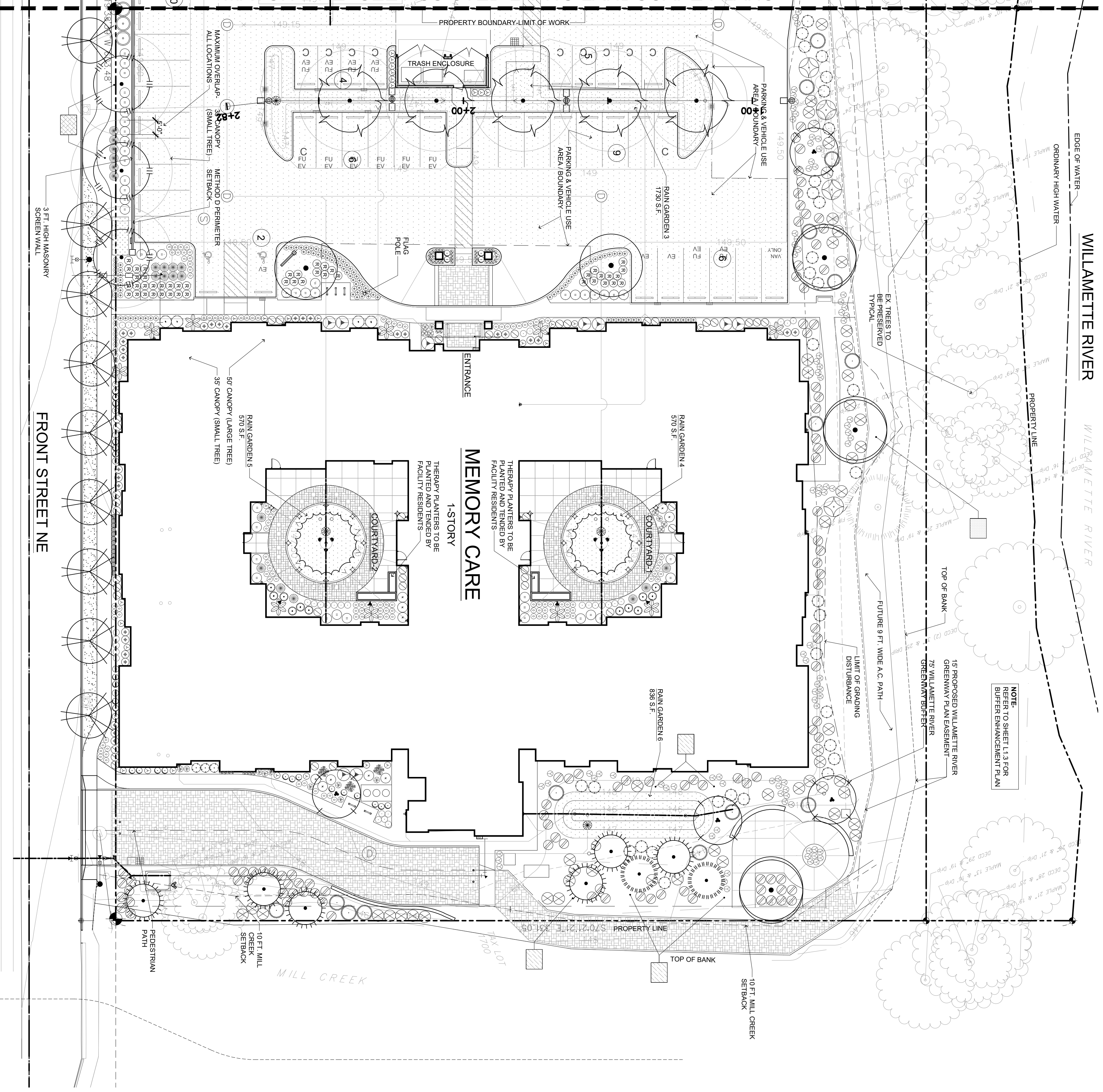
Legend

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

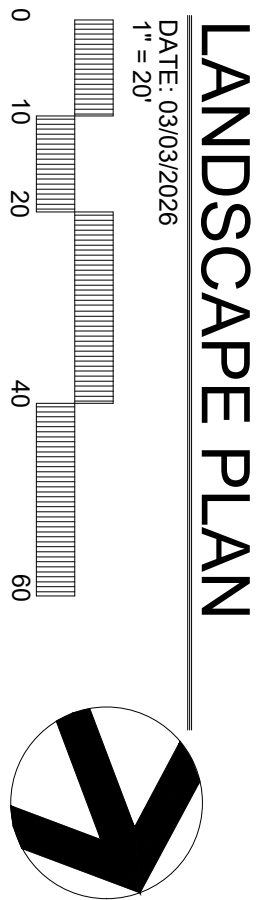


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MATCH LINE- SEE ASSISTED LIVING LANDSCAPE PLANS



Know what's below.
Call 811 before you dig.



NOTE:
EXISTING TREES AND ASSOCIATED ROOT SYSTEMS ALONG WILLAMETTE RIVER AND MILL CREEK WILL NOT BE DISTURBED.

LIGHTING SCHEDULE - Courtyards

SYMBOL	QUANTITY	MANUFACTURER / MODEL NUMBER	UNIFORMITY	DESCRIPTION
▲	4	FXLuminaire OBI-LED finish 180	12'x	Accent Light
◆	20	FXLuminaire M-PL finish 180	12'x	Foot Light
◇	20	FXLuminaire M-PL finish 180	12'x	Path Light

PLANTING SCHEDULE - Note: Tree symbols are reduced in scale in Planting Schedule

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	REMARKS
SMALL CANOPY TREES Trees shall be planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 Handbook.						
9	1	Acer latifolium 'JFS-KWZ' (Shield Tree)	Roughed Charm Maple (4 ft. shrub)	1.50" caliper	B&B	Standard form - limited at 7 ft.
5	5	Betula nigra 'Dura Heart'	Dura Heart River Birch	1.50" caliper	B&B	Standard form - limited at 7 ft.
3	3	Cornus canadensis	Eastern Redbud (OJ power-ok)	1.50" caliper	B&B	Standard form - limited at 7 ft.
2	2	Ostrya virginiana	American Hopbush	1.50" caliper	B&B	Standard form - limited at 7 ft.
EVERGREEN TREES Trees shall be planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 Handbook.						
2	2	Chamaecyparis lasiocarpa 'Golden King'	Golden King Port Orchard Cedar	6-7 ft.	B&B	Full to ground - Native
6	6	Thuja 'Micaela Fiedler'	Hogon Western Red Cedar	6-7 ft.	B&B	Full to ground - Native
ORNAMENTAL TREES Trees shall be planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 Handbook.						
4	4	Acer canadense	Vine Maple	8-10 ft.	B&B	Natural Clump - Native
2	2	Cercis canadensis 'Forest Pastry'	Forest Pastry Eastern Redbud	1.50" caliper	B&B	Standard form - limited at 7 ft.
3	3	Cornus 'Eddies White Wonder'	Hybrid Western Dogwood	1.50" caliper	B&B	Std. form - limited at 7 ft. - Native
2	2	Amandulaster albidula	Western Serotony	1.50" caliper	B&B	Natural form

LARGE SHRUBS

4	4	Amandulaster albidula	Serotony	3 gals.	Container	Native
5	5	Ilex crenata 'Sky Pencil'	Sky Pencil Holly	3 gals.	Container	Native
9	9	Malvastrum virginianum 'Soft Caress'	Soft Caress Malvastrum	3 gals.	Container	-
4	4	Ornithogalum heterophyllum 'Gonkiter'	Gonkiter Holly	3 gals.	Container	4 ft. high screen
15	15	Robur sanguineum	Red Flowering Currant	3 gals.	Container	Native
52	52	Viburnum ovalum	Evergreen Huddelberry	3 gals.	Container	Native

MEDIUM / SMALL SHRUBS

15	15	Buxus sempervirens 'Suffruticosa'	Dwarf Boxwood	2 gals.	Container	Low light hedge
3	3	Escallonia x 'Newport Dwarf'	Newport Dwarf Red Escallonia	2 gals.	Container	-
30	30	Hedera angustifolia 'Sutherlandii'	Sutherland Helle	2 gals.	Container	-
12	12	Laurencia strobilata 'Ojo Quei'	Ojo Quei Spanish Lavender	2 gals.	Container	Native
106	106	Malvastrum repens	Creeper Malvastrum	1 gal.	Container	-
39	39	Nandina domestica 'Gulf Stream'	Gulf Stream Heavenly Bamboo	2 gals.	Container	-
27	27	Nandina domestica 'Jayvee'	Harbor Belle Heavenly Bamboo	2 gals.	Container	-
43	43	Photinia glabra 'Minors'	Dwarf Red Hawthorn	2 gals.	Container	Low light hedge
3	3	Rhododendron 'Chippewa'	Chippewa Rhododendron	2 gals.	Container	-
2	2	Rosa glauca	Balding Rose	2 gals.	Container	Native
32	32	Rosa 'Roseraie de la Reine'	Roseraie de la Reine Carpet Rose	2 gals.	Container	-
10	10	Sarcococca 'Indochinensis'	Hogon Sarcococca	2 gals.	Container	-

GRASSES / PERENNIALS

3	3	Azimuthus mollis	Bear's Breech	1 gal.	Container	-
21	21	Agastache 'Blue Fortune'	Blue Fortune Hyssop	1 gal.	Container	-
91	91	Aquilegia tomensis	Red Columbine	1 gal.	Container	Native
1	1	Athyrium niponicum 'Pictum'	Japanese Painted Fern	1 gal.	Container	-
110	110	Carex 'Innovator' var. Dwarf	Variagated Japanese Sedge	1 gal.	Container	-
34	34	Hemerocallis 'Mica Aurea'	Summer Red Daylily	1 gal.	Container	-
11	11	Hemerocallis 'Mica Pink'	Mica Pink Daylily	1 gal.	Container	-
110	110	Hosta 'Crimson Heart'	Crimson Heart Hosta	1 gal.	Container	-
37	37	Ophiopogon planifolius 'Hyperboreus'	Black Mondo Grass	1 gal.	Container	-
10	10	Phlox 'Queen Victoria'	Queen Victoria Phlox	3 gals.	Container	-

GROUND COVERS

1	1	Andropogon scoparius	Kentucky Bluegrass	3-1/2" pot @ 3/4" o.c.	None	None
1	1	Vincetoxicum 'Alba'	Yarrow	3-1/2" pot @ 3/4" o.c.	Triangular Spacing	None
1	1	Fragaria virginiana	Wild Strawberry	3-1/2" pot @ 3/4" o.c.	Triangular Spacing	None
1	1	Perennial Rye Blend	Lawn Area	From cut Sod	Stagger Joints	Apply to all areas of grading disturbance within 75' Willamette River Greenway Buffer
1	1	Native E.C. Seed Mix	Native Grass Seed Mixture	1 lb. 5 lb. / 1000 sq. ft.		
1	1	Native Sedges	Native Sedges	Apply per manufacturer's specifications		
1	1	Annual Flowers	Types by Season	4" pot @ 9" o.c.	Triangular Spacing	

RAIN GARDEN - 3 GRASSES/SHRUBS

1730 s.f.	1730 s.f.	1730 x 75' (75% min. grasses/sedges required) = 1298 s.f. / 2436 = 5326 grasses required (Appendix B, 9" spacing)
3196-plugs	3196-plugs	Triangular spacing @ 9" o.c.
6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required
1730 s.f. / 100 = 17.3	1730 s.f. / 100 = 17.3	17.3 x 6 = 104-stubs required

RAIN GARDEN - 4 GRASSES/SHRUBS

570 s.f.	570 s.f.	570 x 75' (75% min. grasses/sedges required) = 427 s.f. / 2436 = 1753 grasses required (Appendix B, 9" spacing)
1055-plugs	1055-plugs	Triangular spacing @ 9" o.c.
6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required
570 s.f. / 100 = 5.7	570 s.f. / 100 = 5.7	5.7 x 6 = 34-stubs required

RAIN GARDEN - 5 GRASSES/SHRUBS

570 s.f.	570 s.f.	570 x 75' (75% min. grasses/sedges required) = 427 s.f. / 2436 = 1753 grasses required (Appendix B, 9" spacing)
1055-plugs	1055-plugs	Triangular spacing @ 9" o.c.
6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required
570 s.f. / 100 = 5.7	570 s.f. / 100 = 5.7	5.7 x 6 = 34-stubs required

RAIN GARDEN - 6 GRASSES/SHRUBS

836 s.f.	836 s.f.	836 x 75' (75% min. grasses/sedges required) = 627 s.f. / 2436 = 2574 grasses required (Appendix B, 9" spacing)
1544-plugs	1544-plugs	Triangular spacing @ 9" o.c.
6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required	6-stubs / 100 sq. ft. required
836 s.f. / 100 = 8.36	836 s.f. / 100 = 8.36	8.36 x 6 = 50-stubs required

Notes:
1. All stand-ground cover beds (excluding stormwater facilities) to receive a 2" layer of medium fresh fir or hemlock bark mulch.
2. Refer to Sheet L1.1b for Landscape Color Codes and General Notes.
3. Sheet L2.1a-b for Landscape Details.
4. Refer to Sheet L1.2a for Irrigation Plan.
5. All plantings shall be installed to meet or exceed the standards in the 2021 ANSI A300 Handbook.
6. All plantings shall be installed to meet or exceed the standards in the 2021 ANSI A300 Handbook.

LANDSCAPE SITE PLAN

DATE: 10/29/2025

REVISED DATE

SHEET

L1.1ab

921 FRONT STREET MEMORY CARE FACILITY

921 FRONT STREET NE SALEM, OR 97301

625 Hawthorne Avenue SE, Ste 100 Salem, OR 97301

3150 Kettle Court SE, Salem, Oregon 97301
503 399 1090 503 399 0565 lenityarchitecture.com

PROJECT: 921 FRONT STREET
ARCHITECT: Brian D. Linn
DATE: 11/08/02
ORCCON EXP: 11-30-2026



C SIDE ELEVATION (West)
SCALE: 1/8"=1'-0"



D SIDE ELEVATION (South)
SCALE: 1/8"=1'-0"

- TO SHEATHING 48'-8 1/4"
- TO PLATE 45'-8 1/4"
- TO SHEATHING 35'-9 1/4"
- TO PLATE 34'-1 1/2"
- TO SHEATHING 24'-1 1/2"
- TO PLATE 22'-6 3/4"
- TO SHEATHING 12'-6 3/4"
- TO PLATE 11'-0"
- TO SHEATHING 8'-0"
- TO PLATE 8'-0"

- TO SHEATHING 48'-8 1/4"
- TO PLATE 45'-8 1/4"
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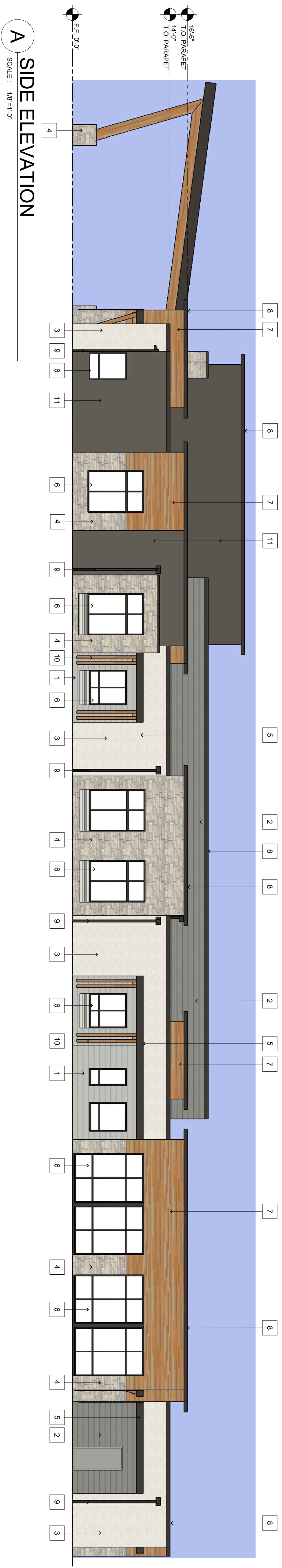
EXTERIOR ELEVATIONS

901 FRONT STREET
ASSISTED LIVING FACILITY
901 FRONT STREET NE
SALEM, OR 97301

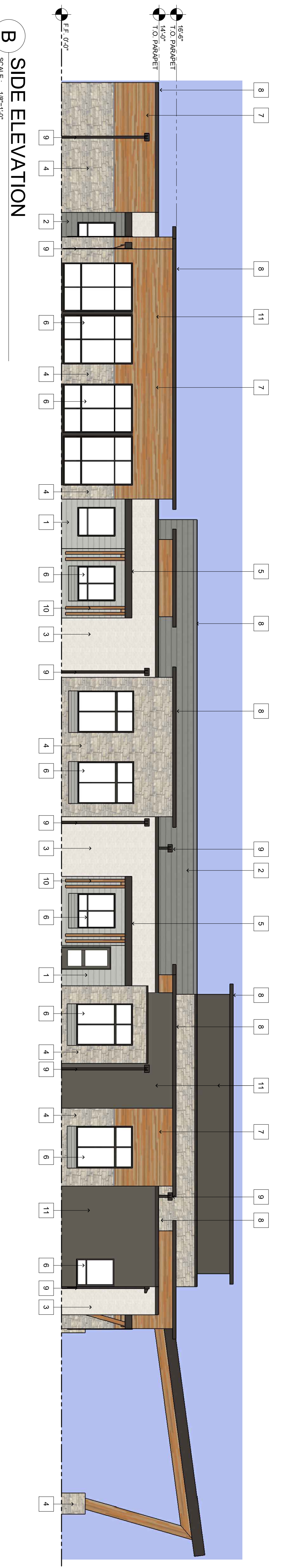
ANEW LIVING
625 Hawthorne Avenue
SE, Ste 100
Salem, OR 97301

lenity
architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

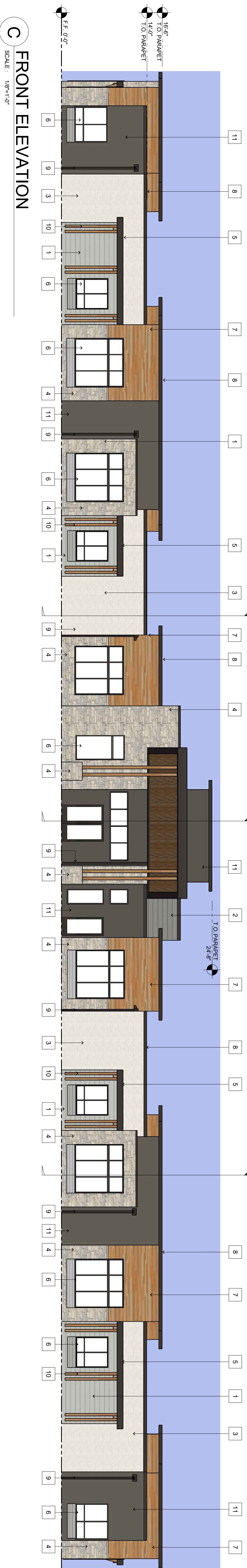
SHEET
A6.1b
DATE 10/31/2025
REVISOR
REVISIONS



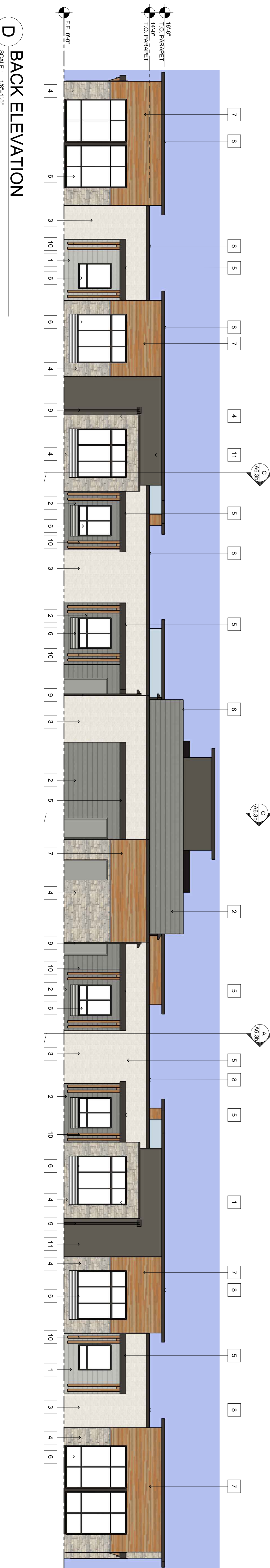
A
SIDE ELEVATION
SCALE: 1/8"=1'-0"



B
SIDE ELEVATION
SCALE: 1/8"=1'-0"



C
FRONT ELEVATION
SCALE: 1/8"=1'-0"




D
BACK ELEVATION
SCALE: 1/8"=1'-0"

KEYNOTES	
1	- LAP SIDING - HARD/PINK LAP SIDING
2	- LAP SIDING - HARD/PINK LAP SIDING
3	- BRICK VENEER
4	- STONE VENEER - EUROPEAN LEDGE COLOR
5	- METAL CANOPY TRIM - METAL VENEER COLOR - DARK BROWN
6	- WINDOWS - W/IN. FRAMED INSULATED WINDOW COLOR - DARK BROWN
7	- WOOD LOOK SIDING - ALLURA WOOD NATURAL PLANK COLOR - CEDAR
8	- PARAPET ROOF
9	- 3X METAL DOWNSPOUT AND SCUPPER U.S. COLOR - DARK BROWN
10	- WOOD BRACKET COLOR - STAIN TO MATCH WOOD SIDING
11	- STUCCO COLOR:

EXTERIOR ELEVATIONS

901 FRONT STREET
MEMORY CARE FACILITY
901 FRONT STREET NE
SALEM, OR 97301



625 Hawthorne Avenue
SE, Ste 100
Salem, OR 97301

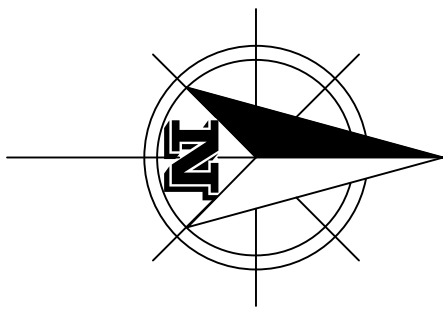


3150 Kettle Court SE, Salem, Oregon 97301
503 399 1090 503 399 0565 lenityarchitecture.com

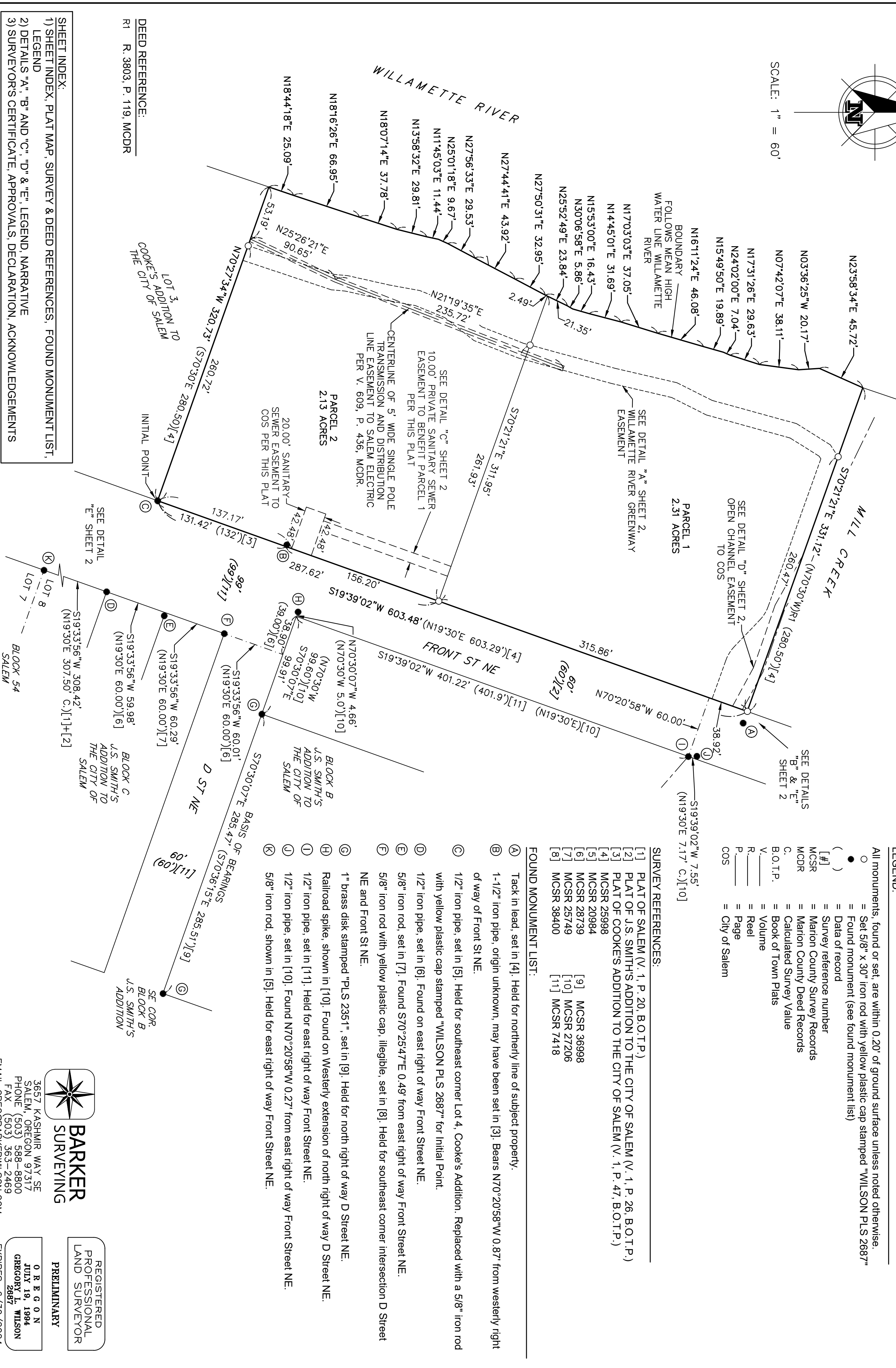
DATE: 10/31/2025
REVISID DATE:
SHEET: A6.1

PARTITION PLAT NO. _____

LOCATED IN THE N.E. 1/4 OF SECTION 22, T. 7 S., R. 3 W., W.M.,
CITY OF SALEM, MARION COUNTY, OREGON
JULY 13, 2023



SCALE: 1" = 60'



LEGEND:

- All monuments, found or set, are within 0.20' of ground surface unless noted otherwise.
- = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687"
- = Found monument (see found monument list)
- () = Data of record
- [#] = Survey reference number
- MCSR = Marion County Survey Records
- MCSR MCDR = Marion County Deed Records
- C. = Calculated Survey Value
- B.O.T.P. = Book of Town Plats
- V. = Volume
- R. = Reel
- P. = Page
- COS = City of Salem

SURVEY REFERENCES:

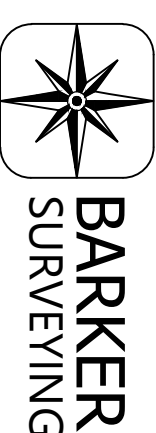
- [1] PLAT OF SALEM (V. 1, P. 20, B.O.T.P.)
- [2] PLAT OF J.S. SMITH'S ADDITION TO THE CITY OF SALEM (V. 1, P. 26, B.O.T.P.)
- [3] PLAT OF COOKER'S ADDITION TO THE CITY OF SALEM (V. 1, P. 47, B.O.T.P.)
- [4] MCSR 25998
- [5] MCSR 20984
- [6] MCSR 28739
- [7] MCSR 25749
- [8] MCSR 38400
- [9] MCSR 36998
- [10] MCSR 27206
- [11] MCSR 7418

FOUND MONUMENT LIST:

- Ⓐ Tack in lead, set in [4]. Held for northerly line of subject property.
- Ⓑ 1-1/2" iron pipe, origin unknown, may have been set in [3]. Bears N70°20'58"W 0.87' from westerly right of way of Front St NE.
- Ⓒ 1/2" iron pipe, set in [5]. Held for southeast corner Lot 4, Cooker's Addition. Replaced with a 5/8" iron rod with yellow plastic cap stamped "WILSON PLS 2687" for Initial Point.
- Ⓓ 1/2" iron pipe, set in [6]. Found on east right of way Front Street NE.
- Ⓔ 5/8" iron rod, set in [7]. Found S70°25'47"E 0.49' from east right of way Front Street NE.
- Ⓕ 5/8" iron rod with yellow plastic cap, illegible, set in [8]. Held for southeast corner intersection D Street NE and Front St NE.
- Ⓖ 1" brass disk stamped "PLS 2351", set in [9]. Held for north right of way D Street NE.
- Ⓗ Railroad spike, shown in [10]. Found on Westerly extension of north right of way D Street NE.
- Ⓚ 1/2" iron pipe, set in [11]. Held for east right of way Front Street NE.
- Ⓛ 1/2" iron pipe, set in [10]. Found N70°20'58"W 0.27' from east right of way Front Street NE.
- Ⓚ 5/8" iron rod, shown in [5]. Held for east right of way Front Street NE.

DEED REFERENCE:
R1 R. 3803, P. 119, MCDR

SHEET INDEX:
1) SHEET INDEX, PLAT MAP, SURVEY & DEED REFERENCES, FOUND MONUMENT LIST,
LEGEND
2) DETAILS "A", "B" AND "C", "D" & "E", LEGEND, NARRATIVE
3) SURVEYORS CERTIFICATE, APPROVALS, DECLARATION, ACKNOWLEDGEMENTS



BARKER
SURVEYING

3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 388-8800
FAX (503) 363-2469
EMAIL: GREG@BARKERWILSON.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

O R E G O N
JULY 19, 1994
GREGORY L. WILSON
2887

EXPIRES: 6/30/2024