

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**REPLAT TENTATIVE PLAN / CLASS 3 SITE PLAN REVIEW / CLASS 2  
ADJUSTMENT / TREE AND VEGETATION REMOVAL PERMIT CASE NO.: REP-  
SPR-ADJ-TRP24-07**

**APPLICATION NO.: 24-118099-PLN**

**NOTICE OF DECISION DATE:** December 16, 2024

**SUMMARY:** Development of a new multi-family apartment complex.

**REQUEST:** A Class 3 Site Plan Review for the development of a 41-unit multi-family apartment complex and associated site improvements. The consolidated application includes a tentative replat plan to consolidate four discrete units of land into one development site, and eight Class 2 Adjustments to:

- 1) To provide only a one-foot landscaped setback without pedestrian amenities along the Grove Street side, per SRC 533.015(c);
- 2) To reduce the ground floor building height from 14 feet to 10 feet, per SRC 533.015(h);
- 3) To provide only a five-foot landscaped setback along the Commercial Street side where ground floor dwelling units require horizontal or vertical separation, per SRC 533.015(h);
- 4) To reduce the minimum ground floor window coverage from 65 percent to 24 and 27 percent along Commercial Street and Grove Street, respectively, per SRC 533.015(h);
- 5) To reduce the minimum weather protection from 75 percent to 37 percent along the Commercial Street side, per SRC 533.015(h);
- 6) To eliminate the minimum weather protection on the Grove Street side, per SRC 533.015(h);
- 7) To reduce the building recess and extension depth from two feet to 18 inches for the middle facade, per SRC 533.015(h);
- 8) To eliminate the required off-street parking vehicle turnaround area, per SRC 806.035(f)

The proposal also includes one tree removal permit to remove one 45-inch dbh (diameter-at-breast height) black walnut tree to accommodate the widening of the alley. The development site is 28,333 square feet in size, zoned MU-I (Mixed Use I) and located at 2230 Commercial Street NE (Marion County Assessors Map and Tax Lot Numbers 073W15DA / 3400; 3300; 3200; and 3100).

**APPLICANT:** Britany Randall, Brand Land Use, on behalf of the Micronesian Islander Community

**LOCATION:** 2230 Commercial St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.025(d) – Replat Tentative Plan; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 808.030(d)(5) – Tree and Vegetation Removal Permit

**FINDINGS:** The findings are in the attached Decision dated December 16, 2024.

**DECISION:** The **Administrator APPROVED** Replat Tentative Plan / Class 3 Site Plan Review / Class 2 Adjustment / Tree and Vegetation Removal Permit Case No. REP-SPR-ADJ-TRP24-07 subject to the following conditions of approval:

- Condition 1:** 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)* unless a Design Exception is approved by the City Engineer.
- Condition 2:** Prior to issuance of a Building Permit, obtain a Revocable License to Encroach from the Public Works Director for projections into the public right-of-way.
- Condition 3:** At time of building permit, the applicant shall submit a landscape plan meeting the required landscaping of SRC 807.
- Condition 4:** At time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.
- Condition 5:** At time of building permit submittal, the applicant shall provide a lighting plan meeting the applicable standards of SRC 800.065 and SRC 800.060.
- Condition 6:** Prior to issuance of a Certificate of Occupancy, construct a new five-foot property line sidewalk along Commercial Street NE and replace the curb ramp at the intersection of Commercial Street and Grove Street NE to meet current *Oregon Department of Transportation Accessibility Standards*.
- Condition 7:** Prior to issuance of a Building Permit, provide a revised Street Tree planting plan for the four-foot and eight-foot landscape planters along Grove Street NE for approval by Public Works. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* relating to species and spacing standards.
- Condition 8:** Prior to issuance of a Certificate of Occupancy, install street trees along Grove Street NE in the four-foot and eight-foot landscape planters in accordance with the approved Street Tree planning plan.
- Condition 9:** Prior to issuance of a Certificate of Occupancy, permanently close the unused driveway approach onto Commercial Street NE and replace with curbs, sidewalks, and a landscape strip.
- Condition 10:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).
- Condition 11:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.

- Condition 12:** At time of building permit submittal, relocate the two staple-style racks outside the storage room at the rear of the building to meet the standards of SRC 806.060, or remove the spaces.
- Condition 13:** At time of building permit submittal, provide detailed plans of the bicycle parking spaces indicating the dimensions of Table 806-10 are met, including a vertical stagger of eight inches where racks are spaced 1.5 feet apart.
- Condition 14:** Prior to issuance of a Certificate of Occupancy, widen the unnamed alley and approach to Grove Street NE to a minimum 20-feet and construct the approach to meet PWDS Drawing 302 for Commercial Approaches. The alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to northern property boundary.
- Condition 15:** The development standards in these zoning adjustments shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.

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

Replat Tentative Plan:	<u>January 14, 2027</u>
Class 3 Site Plan Review:	<u>January 14, 2029</u>
Class 2 Adjustment:	<u>January 14, 2029</u>
Tree Removal Permit:	<u>Does not expire</u>
Application Deemed Complete:	<u>November 15, 2024</u>
Notice of Decision Mailing Date:	<u>December 16, 2024</u>
Decision Effective Date:	<u>January 14, 2025</u>
State Mandate Date:	<u>March 15, 2025</u>

Case Manager: Peter Domine, [pdomine@cityofsalem.net](mailto: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, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Tuesday, December 31, 2024. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205, 220, 250, 808. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

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

**DECISION**

**IN THE MATTER OF APPROVAL OF ) FINDINGS AND ORDER**  
**CLASS 3 SITE PLAN REVIEW )**  
**CASE NO. REP-SPR-ADJ-TRP24-07 )**  
**2230 COMMERCIAL ST NE ) DECEMBER 16, 2024**

In the matter of the application for a Replat Tentative Plan, Class 3 Site Plan Review submitted by the applicant, Brand Land Use, on behalf of the property owner, Micronesia Islander Community, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**Summary:** Development of a new multi-family apartment complex.

**Request:** A Class 3 Site Plan Review for the development of a 41-unit multi-family apartment complex and associated site improvements. The consolidated application includes a tentative replat plan to consolidate four discrete units of land into one development site, and eight Class 2 Adjustments to:

- 1) To provide only a one-foot landscaped setback without pedestrian amenities along the Grove Street side, per SRC 533.015(c);
- 2) To reduce the ground floor building height from 14 feet to 10 feet, per SRC 533.015(h);
- 3) To provide only a five-foot landscaped setback along the Commercial Street side where ground floor dwelling units require horizontal or vertical separation, per SRC 533.015(h);
- 4) To reduce the minimum ground floor window coverage from 65 percent to 24 and 27 percent along Commercial Street and Grove Street, respectively, per SRC 533.015(h);
- 5) To reduce the minimum weather protection from 75 percent to 37 percent along the Commercial Street side, per SRC 533.015(h);
- 6) To eliminate the minimum weather protection on the Grove Street side, per SRC 533.015(h);
- 7) To reduce the building recess and extension depth from two feet to 18 inches for the middle facade, per SRC 533.015(h)
- 8) To eliminate the required off-street parking vehicle turnaround area, per SRC 806.035(f)

The proposal also includes one tree removal permit to remove one 45-inch dbh (diameter-at-breast height) black walnut tree to accommodate the widening of the alley. The development site is 28,333 square feet in size, zoned MU-I (Mixed Use I) and located at 2230 Commercial Street NE (Marion County Assessor's Map and Tax Lot Numbers 073W15DA / 3400; 3300; 3200; and 3100).

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

**PROCEDURAL FINDINGS**

**1. Background**

On August 26, 2024, an application for a Class 3 Site Plan Review, Tentative Replat, and Class 2 Adjustments was submitted for the proposed development. After additional information

was requested and provided, on November 15, 2024, the application was deemed complete for processing. The 120-day state mandated decision deadline for this consolidated application is March 15, 2024.

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

## **SUBSTANTIVE FINDINGS**

### **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 118099.

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

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On July 25, 2024, the applicant's representative contacted the Highland Neighborhood Association to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The Highland Neighborhood Association submitted a joint letter of support for the proposal, which is included in the record.

Public Comments: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Several comments were received, including the following concerns.

**1) Increased Traffic:** *Comments received expressed concerns for the additional traffic generated by the development that will utilize the alley abutting the property and recommend that a driveway approach to Commercial Street be established for the proposed development. Additionally, comments requested the alley be widened to accommodate an access for the proposed development.*

**Staff Response:** The proposal includes 41 affordable multifamily dwelling units and 21 off-street parking spaces to serve the development. The proposed parking areas will take access directly off the alley adjacent to the subject property. The existing alley is approximately 16 feet wide, and as such, the widening will occur within the existing alley

right-of-way and on property of the development site. Due to the limited alley right-of-way width, the alley cannot be widened outside of the boundary of the subject property, nor are there any standards that would require off-site widening of the alley to accommodate the proposed access. Comments received also requested a separate access to the proposed parking areas that would run parallel to the alley. Establishing a secondary access parallel to an existing alley would not be an efficient use of the property when the alley abuts the property and is intended to provide vehicular access. Additionally, having an alley approach and a driveway approach parallel to each other would create additional turning conflicts where these approaches meet Grove Street NE and further limit on-street parking on Grove Street NE.

As described in the findings and conditions of approval, the applicant is required to widen the alley approach to Grove Street and the alley along the property frontage to 20-feet in order to accommodate primary vehicular access. With this condition of approval, the alley will meet the minimum width requirement for an alley along the property frontage pursuant to SRC Chapter 803. With the condition of approval for alley widening, the alley will provide for safe circulation in and out of the development site and there is no need, or requirement, for a secondary form of access.

Regarding the request to provide a driveway approach directly on to Commercial Street NE, as described below, the street is under the jurisdiction of the Oregon Department of Transportation (ODOT). Furthermore, an additional driveway approach onto Commercial Street NE would not meet City standards as it is classified as a Major Arterial Street and access to these streets is generally limited, pursuant to SRC 804.035. Pursuant to SRC 804.035(c)(2), corner lots are required to take access to the lower street classification abutting the property, which would be Grove Street, or the unnamed alley. Additionally, an approach onto Commercial Street would not meet the spacing standards established in SRC 804.035(d) due to the proximity to adjacent street intersections and driveway approaches.

To promote pedestrian-oriented development, the zoning of the property requires the building to be oriented towards the abutting streets with minimal setbacks. As discussed in the findings within this decision, the development standards of the MU-I zone do not permit parking areas in front of buildings and streets, and as such, if a driveway approach to Commercial Street were proposed, alley access for the parking lot would still be necessary. Providing parking in the rear of the building with access to the alley promotes a pedestrian friendly environment along the street frontages of Grove Street and Commercial Street, meeting the development standards of the MU-I zone and all other applicable requirements of the Salem Revised Code.

- 2) ***Amount of off-street parking:*** *Concerns were raised that the proposed 21 parking spaces would not be adequate to serve the 41 units and street parking would be impacted.*

**Staff Response:** Comments indicated the proposed parking is not in compliance with Marion County development code; the subject property is within the jurisdiction of the City of Salem and the development is regulated by Salem Revised Code Title X: Unified Development Code (UDC). The UDC does not require a minimum amount of off-street parking for any proposed new development. Minimum parking requirements were eliminated in response to the State's Climate Friendly and Equitable Communities rules, which aim to help Oregon reduce greenhouse gas emissions. This change provides

flexibility to balance demand for parking with demand for needed housing, while promoting dense urban development more conducive to alternative modes of transportation, including walking, bicycling, and transit. As described in the findings, the proposed development is not required to include a minimum amount of off-street parking but may provide parking within an allowed maximum. The proposed 21 spaces are within the allowed maximum. Commercial Street NE is a Major Arterial Street, which does not accommodate on-street parking; Grove Street NE meets the minimum improved width for a Local Street and accommodates parking on both sides of the street. On-street parking is not reserved for specific users and will be available to the apartment complex as well as other residents and business of the surrounding area.

- 3) ***On Street Parking and Vision Clearance on Grove Street NE: Comments received expressed concern with the impact vehicle access would have on vision clearance for vehicles traveling along Grove Street NE.***

**Staff Response:** SRC Chapter 805 establishes vision clearance requirements for driveways, street intersections, and alley intersections with streets. As described in the written findings, the proposed structure is not located within a required vision clearance area. On-street vehicle parking is permitted within required vision clearance areas pursuant to SRC 803.010(a)(3). Grove Street NE does not currently have parking restrictions. However, the Uniform Traffic Code does require 50-feet of yellow “no-parking” curbing approaching a stop sign. Alleys do not have stop signs; however, this parking restriction would apply to the stop sign at the intersection of Commercial and Grove and restrict parking along the frontage of the property for 50-feet from the intersection (ORS 811.550(18)). City Traffic Engineering Staff review construction drawings at time of Building Permit and will require the yellow “no-parking” curbing where applicable. Additionally, staff do evaluate parking and circulation upon completion of projects after observing how the projects functions. At time of project completion, Traffic Engineering staff may evaluate on-street parking impacts and determine if additional “no-parking” signs are warranted along Grove Street.

- 4) ***Adjustments to development standards. Concerns were raised regarding the requested deviations from the development standards of the MU-I zone.***

**Staff Response:** Depending on the proposal and site constraints, certain development standards often cannot be met and deviation from the standard is requested. Adjustments provide an alternative way to meet the purposes of the development standards and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. Eight separate Class 2 Adjustments have been requested with the proposed development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria, addressed in Section 9 of this decision.

- 5) ***Pets. Concerns were raised about whether pets would be permitted in the apartments and where residents could take them to relieve themselves.***

**Staff Response:** The allowance of pets on the premises and issues related to pet ownership such as pet waste and disposal are not land use and development standards regulated by the Unified Development Code. Issues related to the dumping of solid waste are regulated by SRC 47.220 and are enforced by the City’s Code Compliance Division.

#### 4. City Department Comments

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

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

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

#### 5. Public Agency Comments

ODOT: The Oregon Department of Transportation (ODOT) provided written comments indicating that Commercial Street NE is under ODOT jurisdiction and that improvements within this right-of-way are required to meet ODOT standards and permitting. Additionally, ODOT recommends closure of the existing driveway approach onto Commercial Street NE that will no longer be used.

Salem-Keizer School District: Reviewed the proposal and provided a memo dated August 21, 2024, and which is included in the record. In summary, the property is served by Highland Elementary School, Parrish Middle School, and North Salem High School. The development site is located within the walk zone for Highland Elementary and students are eligible for school transportation to Parrish Middle School and North Salem High School. Each school is found to have adequate capacity for the anticipated number of students added by the proposed development.

### **DECISION CRITERIA FINDINGS**

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

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

**Finding**: The proposal includes the development of a new 41-unit multi-family apartment complex building and associated site improvements on property zoned MU-I (Mixed Use-I); therefore, the development has been reviewed for conformance with the MU-I zone under SRC Chapter 533. The proposed development conforms to SRC Chapter 533 and all other applicable development standards of the Salem Revised Code as follows.

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

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

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



### ***SRC Chapter 71 – Stormwater***

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

**Finding:** The proposed development is required to provide green stormwater infrastructure to treat and detain runoff generated by the new impervious surfaces of the development pursuant to SRC Chapter 71 and the Public Works Design Standards (PWDS). The applicant's engineer submitted a Preliminary Stormwater Management Report demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a)-or-(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At time of building permit, a final stormwater management report is required pursuant to the Public Works Design Standards. In addition, the applicant shall construct facilities that comply with SRC Chapter 71 and the PWDS. In order to ensure compliance with SRC Chapter 71 and the PWDS relating to stormwater management, the following condition shall apply.

**Condition 1:** 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) unless a Design Exception is approved by the City Engineer.

### ***SRC Chapter 76 – Streets, Sidewalks and Other Public Ways***

SRC76.160 permits encroachments in the public right-of-way with approval from the Public Works Director through a Revocable License to Encroach.

**Finding:** The applicant's preliminary architectural plans show the roof above the top floor of the building will encroach into the Grove Street NE right-of-way as well as awnings that will provide weather protection above the first floor. Prior to issuance of a building permit, the applicant shall be required to obtain a Revocable License to Encroach into the right-of-way for these proposed projections pursuant to SRC 76.160.

**Condition 2:** Prior to issuance of a Building Permit, obtain a Revocable License to Encroach from the Public Works Director for projections into the public right-of-way.

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

#### ***SRC 533.010(a) – Uses***

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

**Finding:** The proposal is for a new 41-unit apartment complex, which, is classified as a *Multiple family* use, and is a permitted use in the MU-I zone, per Table 533-1.

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

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

**Finding:** There is no minimum lot area, width, or depth for properties in the MU-I zone; all uses required a minimum street frontage of 16 feet. The development site consists of four

discrete units of land totaling 0.65-acres, or 28,333 square feet, in size, which are proposed to be consolidated with a replat, addressed in Section 7 of this decision. The development site has 219 feet of frontage along Commercial Street NE and 129 feet of frontage along Grove Street NE. The proposed development plans in this decision will be reviewed according to the consolidated property following the replat. As proposed, the development meets the lot standards.

*SRC 533.015(b) – Dwelling unit density*

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

**Finding:** The proposal is for exclusively residential use. The development site is 0.65-acres, requiring a minimum dwelling unit density of 10 units ( $15 \times 0.65 = 9.7$ ). The proposal includes 41 units, exceeding the minimum required. This standard is met.

*SRC 533.015(c) – Setbacks*

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

*Abutting Street*

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

**Finding:** The proposal includes ground-floor residential uses along the northern half of the Commercial Street side, as well as a pedestrian plaza at the primary entrance near the southern half and corner of Commercial and Grove Streets. Along the frontage where ground-floor units are proposed, the applicant has requested a Class 2 Adjustment to provide only a five-foot landscaped setback without horizontal separation, addressed in Section 9 of this decision. Along the Grove Street side, the proposed building is setback one foot without pedestrian amenities, for which the applicant has requested a Class 2 Adjustment, addressed in Section 9 of this decision.

*Interior / Rear*

**North / East:** Adjacent to the north is property zoned MU-I. Per Table 533-3, abutting a mixed-use zone, there are no building setbacks and vehicle use areas require a minimum setback of five feet with Type A landscaping. Adjacent to the east is right-of-way for a 15-foot-wide alley; per Table 533-4, there are no required setbacks abutting an alley.

**Finding:** To the north, the building and vehicle use area is proposed to be setback five-to-six feet with landscaping and GSI areas. The proposed off-street parking area takes access from the alley and includes five-foot-wide landscaped planter islands. The proposal meets the standards.

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

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

**Finding:** There is no maximum lot coverage for all uses in the MU-I zone. The maximum allowed height for buildings and accessory structures is 65 feet. New buildings or additions shall also meet a minimum height of 20 feet. The proposed building is 45 feet, meeting the standard.

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

The development site is located on a corner lot abutting Commercial Street NE (a Major Arterial) and Grove Street NE (a Local Street). Along the Commercial Street side, the proposed building occupies 96 percent of the street frontage, and along the Grove Street side, the proposed building occupies 80 percent of the street frontage. The proposal meets the standard.

*SRC 533.015(e) – Parking*

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

**Finding:** The proposal does not include a new standalone surface parking lot. This standard is met.

*SRC 533.015(f) – Landscaping*

- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC Chapters 806 and 807.

**Finding:** The proposal includes a new building and off-street parking area. The development plans indicate a five-foot landscaped setback abutting Commercial Street and a one-foot landscaped setback abutting Grove Street totaling approximately 779 square feet, requiring a minimum of 39 plant units, 16 of which must be trees ( $779 / 20 = 38.9$  plant units;  $38.9 \times 0.4 = 15.6$  tree plant units). To the north of the building and vehicle use area, the proposal includes a five-to-six-foot setback with GSI landscaping. The off-street parking area includes planter islands separating spaces from the adjacent alleyway. Preliminary plans did not include a detailed landscape plan. To ensure the landscape areas meet the minimum plant units, the following condition shall apply.

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

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

*SRC 533.015(g) – Continued development*

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

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

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

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

*Ground Floor Height*

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

**Finding:** The proposed development includes a ground floor height of ten feet, less than the minimum 14 feet required. The applicant has requested a Class 2 Adjustment to this standard, which is addressed in Section 9 of this decision.

*Separation of Ground Floor Residential Units*

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

**Finding:** The development plans indicate ground floor dwelling units along the Commercial Street side, requiring vertical or horizontal separation, meeting SRC 533.015(h), Table 533-6. The applicant has proposed a five-foot landscaped setback only, not meeting the vertical or horizontal separation of this section, and has requested a Class 2 Adjustment to this standard, which is addressed in Section 9 of this decision.

*Building Façade Articulation*

Required articulation applies to building façades facing primary streets.

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

3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

**Finding:** The development site is a corner lot. Along the Commercial Street side, the ground floor facade is distinguished from the middle facades by a change in materials and color. The middle facades include recesses and extensions every 50 feet; however, the recesses/extensions are only 1.5 feet in depth where a minimum depth of two feet is required. The applicant has requested a Class 2 Adjustment to this standard, which is addressed in Section 9 of this decision. The upper floor includes a roof overhang of three feet, meeting the standard.

Along the Grove Street side, the ground floor is distinguished from the middle facades by a change in materials and color; the middle façade includes vertical windows; and the upper floor includes a roof overhang of three feet. These standards are met.

#### *Ground Floor Windows*

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

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

**Finding:** The proposed development includes a building with a ground floor façade of approximately 2,262 square feet along the Commercial Street (primary) side, requiring a minimum of 1,470 square feet of window coverage ( $2,262 \times 0.65 = 1,470$ ). Along the Grove Street side, along the 50-foot portion of the building from the corner where the primary street meets the secondary street, the façade area is approximately 526 square feet, requiring a minimum of 342 square feet of window coverage ( $526 \times 0.65 = 342$ ). The development plans indicate 549 square feet of windows along the Commercial Street side, or 24 percent ( $549 / 2,262 = 24$ ); along the Grove Street side, the plans indicate 146 square feet of windows, or 27 percent ( $146 / 526 = 27$ ). The applicant has requested a Class 2 Adjustment to reduce the minimum amount of window coverage required, which is addressed in Section 9 of this decision.

#### *Building Entrances*

Required entrances apply to building façades facing primary streets.

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

residential use on the ground floor may be provided at the corner of the building where the streets intersect.

(3) Building entrances shall include weather protection.

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

#### *Weather Protection*

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

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

**Finding:** The proposed building has a linear length of 212 feet along the Commercial Street side and a linear length of 108 feet along the Grove Street side, requiring a minimum canopy coverage of 159 feet and 81 feet, respectively ( $212 \times 0.75 = 159$  and  $108 \times 0.75 = 81$ ). The development plans indicate a canopy along 79 feet of the Commercial Street side, or 37 percent ( $79 / 212 = 37$ ) and none on the Grove Street side. The applicant has requested Class 2 Adjustments to these standards, which is addressed in Section 9 of this decision.

#### *Parking Location*

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

**Finding:** The development plans include an off-street parking and vehicle maneuvering area located off the alley and behind the building from Commercial and Grove Streets. This standard is met.

#### *Mechanical and Service Equipment*

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

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

#### *SRC 533.020 – Design review*

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

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

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

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

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

**Finding:** The proposal includes the use of solid waste receptacles greater than one cubic yard in size; therefore, the development standards of this section are applicable. The development plans and applicant's written statement indicate the receptacles will be contained within a trash service room and receptacles will be moved outside to the alley for servicing. Full plans were not provided for review; therefore, to ensure the proposal conforms with the applicable development standards, the following condition shall apply.

**Condition 4:** At time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

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

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

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

- (a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
- (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
- (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** As conditioned above, at time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

(2) *Minimum Separation.*

- (a) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
- (b) A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** As conditioned above, at time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

(3) *Vertical Clearance.*

- (a) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- (b) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure, or where a physical barrier is installed within, and a maximum of eight feet from the front of the opening of the enclosure, preventing the backward movement of the receptacle.

**Finding:** As proposed, receptacles will be moved outside for servicing within the alley where adequate vertical clearance is available. This standard is met.

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

Permanent drop box and compactors shall meet the placement standards set forth in this section.

**Finding:** The proposal does not include permanent drop box or compactors. This standard does not apply to the proposed development.

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

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

**Finding:** The applicant's development plans show the proposed solid waste service area will be within an enclosed service room; therefore, screening is not required. This standard is met.

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

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

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

**Finding:** As conditioned above, at time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

- (2) *Measures to Prevent Damage to Enclosure.* Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

**Finding:** As conditioned above, at time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

- (3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. 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.

**Finding:** The proposal includes a trash service room, not an enclosure; therefore, this standard is not applicable.

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

- (A) *Vehicle Operation Area.* A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length



and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The applicant's written statement indicates service will be provided with access from the alley. As conditioned, the alley will be widened to 20 feet in width, meeting the minimum operation area.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
  - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
  - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

**Finding:** The applicant's written statement indicates trash service will be manually maneuvered from the trash service room out to the alley. As conditioned above, at time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.

- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**Finding:** The development plans indicate a vehicle operation area coincident with the alley, with a direct approach for perpendicular servicing. The proposal meets the standard.

#### *SRC 800.065 – Pedestrian Access*

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

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

**Finding:** The proposal includes a new building; therefore, these standards are applicable.

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

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

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

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

**Finding:** There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

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

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

**Finding:** There is only one building on the development site; therefore, this standard is not applicable.

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

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

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

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

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

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

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

(A) Be constructed, and a public access easement or dedication provided; or

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

path or trail.

**Finding:** There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

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

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

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

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

*SRC 800.065(b) – Design and materials*

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

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

**Finding:** The development plans indicate the pedestrian connection from the primary entrance to Commercial Street NE will be a paved hard-surface coincident with the abutting sidewalk. On the rear side of the building, pedestrian connections are provided adjacent to the off-street parking areas. The connections measure a minimum of five feet in width and where car parking spaces abut the walkway, wheel stops are provided to prevent the encroachment of vehicles into the walkway. These standards are met.

*SRC 800.065(c) – Lighting*

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

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

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

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

#### ***SRC 802 – Development to be served by City Utilities***

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

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

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

#### ***SRC 803 – Boundary Street Improvements***

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

**Finding:** Commercial Street NE abuts the subject property and is under jurisdiction of the Oregon Department of Transportation and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). This street has an alternative improvement width and right-of-way width according to Appendix G of the Salem TSP. Commercial Street NE meets the minimum right-of-way width and pavement width standards established for its alternative cross section according to Appendix G of the Salem TSP; therefore, additional pavement widening and right-of-way dedication along Commercial Street NE are not required; however, the sidewalks along Commercial Street NE appear to be only four feet in width, where five feet is required (SRC 803.035(l)(2)(C)). Additionally, the sidewalks along Commercial Street NE are not located along the property line. As a condition of development, the applicant shall provide a new five-foot-wide property line sidewalk along Commercial Street NE. Sidewalk upgrades along the frontage of the property will also necessitate upgrading the curb ramp at the intersection of Commercial Street NE and Grove Street NE to meet current standards. The improvements along Commercial Street NE are subject to the Oregon Department of Transportation standards and permitting. In order to ensure compliance with SRC 803.035 (Street Standards), the following condition shall apply.

**Condition 6:** Prior to issuance of a Certificate of Occupancy, construct a new five-foot property line sidewalk along Commercial Street NE and replace the curb ramp at the intersection of Commercial Street and Grove Street NE to meet current *Oregon Department of Transportation Accessibility Standards*.

***SRC 803.035 – Street Standards***

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

**Finding:** Along Commercial Street NE there are existing street trees in the right-of-way and additional trees are not required. As described above, Grove Street NE lacks street trees and conditions of approval require the establishment of two landscape planters along Grove Street NE for street trees to be planted. The applicant’s preliminary architectural sheets show four new trees along Grove within the four-foot landscape strip. Two of these trees cannot be planted as they are located within a stormwater facility with an underdrain, which is not permitted pursuant to the Public Works Design Standards. No trees are shown within the eight-foot planter between the sidewalk and the property line, while they are required. As a condition of approval, the applicant shall provide a street tree planting plan for new street trees along Grove Street NE in both the four-foot and eight-foot planters. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* for species and spacing standards. Additionally, the applicant shall plant the required street trees prior to issuance of a Certificate of Occupancy for the proposed development.

**Condition 7:** Prior to issuance of a Building Permit, provide a revised Street Tree planting plan for the four-foot and eight-foot landscape planters along Grove Street NE for approval by Public Works. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* relating to species and spacing standards.

**Condition 8:** Prior to issuance of a Certificate of Occupancy, install street trees along Grove Street NE in the four-foot and eight-foot landscape planters in accordance with the approved Street Tree planning plan.

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

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

**Finding:** The development site will be served by the Unnamed Alley that abuts the eastern property boundary. Driveway approach permits are not required for approaches onto alleys.

There is one existing driveway approach along Commercial Street NE that will no longer be utilized by the property. Commercial Street NE is under the Oregon Department of Transportation (ODOT) jurisdiction. Comments were provided by ODOT that indicate the existing approach should be completely removed as it will no longer be utilized. This is consistent with SRC 804.035(c)(1) which requires that driveway accesses onto arterial streets provide access to a permitted parking or vehicle use area. As the existing approach does not meet this standard upon redevelopment of the property, and consistent with ODOTs comments, the approach shall be closed as a condition of development.

**Condition 9:** Prior to issuance of a Certificate of Occupancy, permanently close the unused driveway approach onto Commercial Street NE and replace with curbs, sidewalks, and a landscape strip.

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

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

**Finding:** The proposed building meets the vision clearance standards established in SRC Chapter 805.

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

*SRC 806.015 – Amount Off-Street Parking.*

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

**Finding:** There are no minimum parking requirements for any development within the City. The proposed *Multiple family* use allows a maximum of 1.75 parking space per dwelling unit, or 1.2 per studio units. The proposed multifamily building includes 41 non-studio dwelling units, allowing a maximum of 72 parking spaces ( $1.75 \times 41 = 71.75$ ). The development plans include 21 off-street parking spaces, less than the allowed maximum. This standard is met.

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

**Finding:** The development plans indicate eleven compact spaces of the 21 provided, or 52 percent, less than the allowed maximum. This standard is met.

(c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

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

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

**Finding:** The proposal includes residential dwelling units and 21 off-street parking spaces, requiring a minimum of eight EV charging spaces ( $21 \times 0.4 = 8.4$ ). The applicant's written statement indicates ten spaces will be EV ready; however, the development plans do not

indicate any EV ready spaces. To ensure the spaces are installed, the following condition shall apply.

**Condition 10:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).

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

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

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

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

(b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

(c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** The proposed off-street parking area is located behind the building with access off the alley. Per SRC 806.035(c)(1)(A)(i), perimeter setbacks are not required abutting an alley. As previously addressed, adjacent to the north, the parking area abuts property zoned MU-I and is setback a minimum of five feet. To the south, the parking area is separated from the street by the utility room and courtyard. These standards are met.

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

**Finding:** The development plans indicate two separate parking areas totaling 5,138 square feet, requiring a minimum of five percent interior parking area landscaping, or 257 square feet ( $5,138 \times 0.05 = 256.9$ ). Per SRC 806.035(d)(3), trees shall be planted for every 12 parking spaces. The proposal includes 21 parking spaces, requiring a minimum of two deciduous shade trees within the off-street parking area ( $21 / 12 = 1.75$ ). The development plans indicate landscape islands and planter bays a minimum of five feet in width and greater than 25 square feet, including multiple trees. As previously conditioned, a detailed landscaping plan will be reviewed at building permit. These standards are met.

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

**Finding:** The development plans indicate a 22-foot-wide two-way drive aisle serving compact spaces in the parking area on the north side and parking directly off the alley with a minimum

24-foot maneuvering depth behind the parking spaces to the south side. These standards are met.

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

**Finding:** The development site is designed so that vehicles enter and exit the off-street parking area from the alley located on the interior (east) side of the property. Vehicles can enter with forward motion with no backing or maneuvering within the street. The parking area to the north terminates at a dead-end, requiring a turnaround area. Due to the alley access and small size of the parking area, the applicant has requested an adjustment to reduce the minimum turnaround area. Findings for the adjustment are addressed in Section 9 of this decision.

- (g) *Grading.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.
- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
  - (1) Vehicle storage areas within the IG zone.
  - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
  - (3) Gravel off-street parking areas, approved through a conditional use permit.
- (i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

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

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

**Finding:** Where parking spaces abut the walkways along the building perimeter, wheel stops are provided, so that parked vehicles will not overhang into the minimum five-foot perimeter setback. These standards are met.



- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
- (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.
  - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
  - (4) Gravel off-street parking areas, approved through a conditional use permit.
- (l) *Marking and signage.*
- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
  - (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
  - (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.
- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

**Finding:** Lighting details are not provided; as previously conditioned, a lighting plan shall be submitted meeting the standards of SRC 800.060. The proposed off-street parking area is developed consistent with the additional development standards for striping, marking and signage; however, the compact spaces are not clearly marked on the plans. To ensure conformance with this standard, the following condition shall apply.

**Condition 11:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.

- (n) *Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards of this subsection.
- a. *Climate mitigation.* Except for development that includes a public building as defined in OAR 330-135-2000, development that includes a total of more than one-half acre of new off-street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination. This requirement cannot be adjusted or varied.
    - (A) *Solar power generation.* On-site solar power generation infrastructure shall be provided with a capacity of at least 0.5 kilowatts per new off-street parking space. The solar power generation infrastructure shall be located on the lot(s) proposed for development but need not be located in parking or vehicle use areas.
    - (B) *Payment into city's equitable renewable energy fund.* A payment shall be made into the city's equitable renewable energy fund at a rate of not less than \$1,500 per parking spaced and tied to inflation.
    - (C) *Increased tree canopy coverage.* Increased on-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of

this section, covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years.

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

### **Driveway Standards**

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

- (a) *Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- (b) *Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

**Finding:** Two-way driveways are required to have a minimum width of 22 feet. The development plans indicate a single 22-foot-wide driveway for ingress and egress from the alley into the parking area serving only compact spaces. The additional parking spaces take direct access from the alley with no driveway. These standards are met.

### **Bicycle Parking**

*SRC 806.045 – Bicycle Parking; When Required*

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

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

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

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

**SRC 806.055 – Amount of Bicycle Parking**

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

**Finding:** A *Multiple family* use requires a minimum of one bicycle parking space per dwelling unit, 100 percent of which may be long-term spaces. The proposed building includes 41 dwelling units, requiring 41 bicycle parking spaces. The development plans indicate 17 bicycle parking spaces will be provided in a shared storage room on the ground floor; that one space will be provided in six dwelling units on each floor, totaling 24 spaces; and three additional spaces will be provided in a bicycle storage room on floors two through four, totaling 50 spaces. Four additional spaces are provided in the form of short-term, staple-style racks outside the building. The proposal exceeds the minimum amount required.

**SRC 806.060 – Bicycle Parking Development Standards**

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

(a) *Location.*

- (1) *Short-term bicycle parking.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- (2) *Long-term bicycle parking.* Long-term bicycle parking areas shall be located:
  - (i) A residential dwelling unit;
  - (ii) A lockable garage;
  - (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
  - (iv) A lockable bicycle enclosure; or
  - (v) A bicycle locker.

**Finding:** The development plans indicate 17 bicycle parking spaces will be provided in a shared storage room on the ground floor; that one space will be provided within six dwelling units on each floor; and three additional spaces will be provided in a bicycle storage room on floors two through four, totaling 50 long-term spaces. Four additional short-term spaces (e.g., two staple-style racks) are provided outside the rear of the building near the storage room. The short-term spaces are located within 50 feet of a primary entrance; however, they do not appear to be clearly visible from the entrance. To ensure conformance with this standard, the following condition shall apply.

**Condition 12:** At time of building permit submittal, relocate the two staple-style racks outside the storage room at the rear of the building to meet the standards of SRC 806.060, or remove the spaces.

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

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

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

**Finding:** The development plans indicate the proposed short-term and long-term bicycle parking spaces provide the minimum dimensional requirements of Table 806-10, except where the long-term spaces are provided by vertical, wall-mounted racks, the spaces measure 1.5 feet between the racks, where two feet is required. A minimum of 1.5 feet is allowed, provided the racks are staggered vertically eight inches to allow overlap. It is unclear from the plans whether a minimum vertical stagger of eight inches is provided. To ensure conformance with this standard, the following condition shall apply.

**Condition 13:** At time of building permit submittal, provide detailed plans of the bicycle parking spaces indicating the dimensions of Table 806-10 are met, including a vertical stagger of eight inches where racks are spaced 1.5 feet apart.

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

**Finding:** The development plans indicate the single short-term bicycle parking space located outside will be placed on a paved hard surface. These standards are met.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle frame in a stable position. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-12.

**Finding:** The development plans indicate staple-style racks for the short-term spaces and wall-mounted vertical racks for the long-term spaces, meeting the approved types of Figure 806-12. This standard is met.

## **Off-Street Loading Areas**

*SRC 806.065 – General Applicability*

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

**Finding:** The proposal is for a new *Multiple family* use; therefore, the off-street loading requirements of this section are applicable.

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

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

**Finding:** Per Table 806-11, a *Multiple family* use between five and 49 dwelling units does not require an off-street loading space.

#### ***SRC Chapter 807 – Landscaping***

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The proposal includes a new building and off-street parking area. The development plans indicate a five-foot landscaped setback abutting Commercial Street and a one-foot landscaped setback abutting Grove Street totaling approximately 779 square feet, requiring a minimum of 39 plant units, 16 of which must be trees ( $779 / 20 = 38.9$  plant units;  $38.9 \times 0.4 = 15.6$  tree plant units). To the north of the building and vehicle use area, the proposal includes a five-to-six-foot setback with GSI landscaping. The off-street parking area includes planter islands separating spaces from the adjacent alleyway. A complete landscape plan was not provided. As conditioned above, full landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

#### **Natural Resources and Hazards**

##### ***SRC Chapter 601 – Floodplain***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

**Finding:** The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

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

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

**Finding:** The applicant’s development plans indicate there is one Significant Tree, a 45-inch black walnut, located on the alley side of the development site, proposed for removal. Findings for the tree removal permit are addressed in Section 8 of this decision.

### ***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (*DSL*) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the *DSL* and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of *DSL* when an application for development is received in an area designated as a wetland on the official wetlands map.

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

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

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

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

***SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.***

**Finding:** Pursuant to SRC 803.015(b)(1) the proposed development does not require a Traffic Impact Analysis which would evaluate off-site impacts of the proposed development on the transportation system. The proposed development will take access to an existing alley abutting

the subject property. The existing alley leads to Pine Street NE, which is classified as a Minor Arterial Street and, Grove Street NE, which is classified as a Local Street, according to the Salem Transportation System Plan (TSP). Both streets connect to Commercial Street NE and Liberty Street SE, both of which are classified as a Major Arterial Street. The existing street network surrounding the property meet the minimum standards for their classification according to the Salem TSP and SRC Chapter 803. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

**Finding:** The proposed development will take access off an existing alley abutting the subject property. The existing alley has an approximate 12-foot improvement width and 15-foot-wide right-of-way. The existing condition of the alley is not sufficient to accommodate the proposed primary vehicular access for the development. To ensure the safe, orderly, and efficient circulation in and out of the development, as a condition of utilizing the alley for primary access, the applicant shall widen the alley approach to Grove Street NE to a minimum 20 feet and shall construct the approach to meet PWDS Standard Plan 302 for commercial approaches. Additionally, the alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to the northern line of the property. The alley widening may occur within the existing 15-foot-wide right-of-way and on the development side of the property. To ensure compliance with SRC 220.005(f)(3)(C) and ensure safe and efficient movement of vehicles provided to the proposed parking areas and driveways, the following condition shall apply.

**Condition 14:** Prior to issuance of a Certificate of Occupancy, widen the unnamed alley and approach to Grove Street NE to a minimum 20-feet and construct the approach to meet PWDS Drawing 302 for Commercial Approaches. The alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to northern property boundary.

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

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

## **7. Criteria for Granting a Tentative Replat**

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. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of

compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

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

**Finding:** The purpose of the proposed replat is to consolidate four existing units of land, consisting of portions of Lots 5 through 8 of the Compton’s First Addition Subdivision and Lot 8, Block 13 of the Riverview Park Addition, into one lot, in order to accommodate development of a new multifamily apartment complex (**Attachment C**). The replat does not propose to vacate any public rights-of-way, or any recorded covenants or restrictions. This criterion is met.

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

**Finding:** The proposed parcels are located within the MU-I (Mixed Use-I) zone and are required to meet the standards of that zone. The lot standards of the zone are as follows:

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

As shown on the replat tentative plan (**Attachment C**), the consolidated lot resulting from the proposed replat is approximately 23,333 square feet in size, with more than 218 feet of street frontage along Commercial Street NE. The proposed consolidated lot meets the standards of the MU-I zone, and does not result in the creation of non-conforming units of land.

As described in the findings for the site plan review above, the proposed development will meet the applicable lot and development standards within the MU-I zone. As shown on the replat tentative plan, the proposed replat will result in the consolidation of the four existing units of land into one property east of Commercial Street NE into one single development site. 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. This approval criterion is met.

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

**Finding:** As proposed and conditioned, the proposed replat meets all applicable provisions of the UDC as outlined below.

**SRC Chapter 200 – Urban Growth Management**



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

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

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

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

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

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

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

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

ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements.

**Finding:** The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation. The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review. This 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:** There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

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

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

## 8. Tree Removal Permit

Salem Revised Code (SRC) 808.025(d)(5) provides that an application for a Tree Removal Permit for removal of a Significant Tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 808.030(d)(5)(A): Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.***

**Finding:** The applicant is requesting to remove one 45-inch dbh black walnut which is located along the eastern boundary of the property line adjacent to the alley way. As conditioned above, the alley is required to be widened five feet onto the development site side to provide adequate site access.

***SRC 808.030(d)(5)(B): There are no reasonable design alternatives that would enable preservation of the tree. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:***

***(i) Streets. The removal is necessary due to:***

***(aa) The location and alignment of existing streets extended into the boundary of the subject property;***

***(ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.***

***(iii) Site topography. The removal is necessary due to the topography of the site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.***

**Finding:** As described above, the 45-inch dbh walnut is located directly adjacent to the alley way, which provides the only allowed access to the development site. Due to the location and alignment of the existing alley which will extend into the boundary of the development site, there are no reasonable design alternatives that would enable preservation of the tree and the required widening of the alley, and removal of the tree is necessary to accommodate the development.

The proposed tree removal meets the applicable criteria of SRC 808.030(d)(5)(A) & (B).

## 9. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

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

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

*To provide only a one-foot landscaped setback area without pedestrian amenities along the Grove Street side, per SRC 533.015(c).*

The proposed development is for a new multifamily building with a one-foot building setback to the property line abutting Grove Street NE where a zero to ten-foot maximum setback is allowed, provided the area is used for pedestrian amenities such as a plaza or other outdoor public space. Due to the existing utilities and curblines sidewalks of Grove Street, typical sidewalk improvements are not feasible. The City has requested the applicant provide new street trees in an eight-foot-wide planter bay on the north side of the sidewalk adjacent to the property line, a new five-foot-wide sidewalk, and a new four-foot-wide planter bay abutting the street curb. With the Alternative Street standard requiring street trees adjacent to the property line, there is not room to feasibly accommodate pedestrian amenities, which are intended to connect to the sidewalks. Additionally, if the applicant were to set the building at the property line, no pedestrian amenities would be required. With the conditioned street improvements, the development will provide for an enhanced pedestrian-oriented streetscape along the Grove Street side. As proposed, the development equally meets the intent of providing pedestrian amenities between the building and the street, and is in conformance with the approval criterion.

*To reduce the ground floor building height from 14 feet to 10 feet, per SRC 533.015(h).*

The proposed building includes both residential dwelling units along the northern half and common areas along the southern half of the ground floor. The intent of the 14-foot ground floor ceiling height, even when ground floor dwelling units are proposed, is to allow the future conversion of ground floor units to commercial uses. The proposed development is income-restricted affordable housing, which will receive funding from the Oregon Housing and Community Services agency and is strictly limited to residential uses. This restriction diminishes the need for 14-foot-tall ground floors for the accommodation for future conversion. While the north half of the ground floor of the building is entirely residential dwelling units, the southern half is designed to be an open and inviting common area for the community to gather. The southern half includes an open plaza-like entry and large windows to provide a mix of uses within the building, similar to if the ground floor included commercial uses in a mixed-use building. As proposed, the development equally meets the intent of providing an open and active pedestrian-oriented design, and is in conformance with the approval criterion.

*To provide only a five-foot landscaped setback along the Commercial Street side where ground floor dwelling units require horizontal or vertical separation, per SRC 533.015(h).*

As discussed in the adjustment to the ground floor height, the proposed building includes both residential dwelling units along the northern half and a common area along the southern half of the ground floor. Within the MU-I zone, a zero to ten-foot setback is allowed, provided the area is used for pedestrian amenities, or, where the ground floor includes dwelling units, the building shall provide vertical or horizontal separation such as a private landscaped or hardscaped area such as porch or terrace. Due to a grade change from 10 inches to nearly three feet from the south to the north end of the development site, the vertical or horizontal separation required for the dwelling units is infeasible, and the applicant has proposed to provide a five-foot landscaped setback instead. Because the property fronts Commercial Street NE, a Major Arterial Street with no streetside parking, there is little separation between the building and the travel lanes of the abutting street. With the proposed five-foot landscaped setback, the ground floor residential units will be provided greater separation from the street, while still beautifying the area in between. At the southern half of the building, the building is recessed and provides a covered, plaza-like entry. As proposed, the combination of a five-foot landscaped setback to the dwelling units and plaza-like entry for the common area equally meets the intent of providing a mix of separation for different uses along the ground floor, and is in conformance with the approval criterion.

*To reduce the minimum ground floor window coverage from 65 percent to 24 and 27 percent along Commercial Street and Grove Street, respectively, per SRC 533.015(h).*

As discussed in the previous findings, the proposed building fronts both Commercial Street NE and Grove Street NE, requiring ground floor window coverage of 65 percent of the façade area of the primary street and along the first 50 feet of the façade along the secondary street side. The proposed building's ground floor façade is approximately 2,262 square feet along the Commercial Street (primary) side, requiring a minimum of 1,470 square feet of window coverage, and along the 50-foot portion of the Grove Street (secondary) side, the façade area is approximately 526 square feet, requiring a minimum of 342 square feet of window coverage. The development plans indicate 549 square feet of windows along the Commercial Street side, or 24 percent ( $549 / 2,262 = 24$ ); along the Grove Street side, the plans indicate 146 square feet of windows, or 27 percent ( $146 / 526 = 27$ ).

The standard is intended to create an open and welcoming streetscape primarily for ground floor commercial or public spaces in a mixed-use development. In the southern portion of the building toward the corner of Commercial and Grove streets where the ground floor is an open common area, the applicant has provided greater window coverage to the maximum extent as practical, and along the Grove Street side, the building also includes a large, screened courtyard, which effectively acts as window coverage, providing visual interest and activity along the streetscape. As proposed, the development equally meets the intent of the development standards of providing an open and inviting ground floor along the streets, and is in compliance with this the adjustment approval criterion.

*To reduce the minimum weather protection from 75 percent to 37 percent along the Commercial Street side, per SRC 533.015(h).*

As discussed in the adjustment to the setbacks for ground floor residential dwelling units above, the proposed building includes both residential dwelling units along the northern half and a common area along the southern half of the ground floor. As the northern half is setback with a five-foot landscaped area to the dwelling units, weather protection in the form of a canopy or awning would not extend over the sidewalk without covering the landscaped area.

Where the building provides a recessed plaza-like entry, the canopy does extend out over the sidewalk providing more than 79 feet in length of coverage. The intent of the standard is to provide shelter for pedestrians on foot walking alongside buildings which are setback at the property line. Because of the different setback requirements for ground floor residential units, continuous canopy coverage is not feasible along 75 percent of the building façade. As proposed, the development equally meets the intent of the standards of providing an open and inviting ground floor along the streets, including weather protection where pedestrians will be most active at the entrance of the building, and is in compliance with this the adjustment approval criterion.

*To eliminate the minimum weather protection on the Grove Street side, per SRC 533.015(h)*

As discussed in the previous adjustment pertaining to the one-foot building setback to the property line abutting Grove Street NE, due to existing utilities and curblin sidewalks on Grove Street, typical sidewalk improvements are not feasible. The City has requested the applicant provide an Alternative Street standard with new street trees in an eight-foot planter bay on the north side of the sidewalk adjacent to the property line, a new sidewalk, and a new four-foot-wide street side planter bay. With the Alternative Street standard requiring street trees within the eight-foot-wide planter bay adjacent to the property line, there is not room to feasibly accommodate weather protection in the form of an awning or canopy that would extend over the sidewalk. With the necessary street improvements, the applicant's development proposal will provide for additional canopy coverage provided by the new street trees on both sides of the sidewalk, enhancing the streetscape along the Grove Street side. As proposed, the development equally meets the intent of providing weather protection and along the sidewalks adjacent to the property, and is in conformance with the approval criterion.

*To reduce the building recess and extension depth from two feet to 18 inches for the middle facade, per SRC 533.015(h).*

Building facades require articulation between floors to break up vertical mass and provide visual interest. The standard requires differentiation between base, middle, and top facades. For the middle façade, different articulation is required to be incorporated at a minimum of every 50 feet. One of the options for providing articulation includes providing recesses or extensions of a minimum depth of two feet. The development proposes a middle facade with recesses and extensions every 50 feet; however, the recesses/extensions are only 1.5 feet in depth. The applicant has proposed a design that incorporates other forms of articulation in the form of numerous vertical sails to provide visual differentiation through different materials and colors, while also providing practical shade from the sun. In the middle of the building above the plaza entry, the building is also recessed at four feet deep, providing additional articulation to the 1.5-foot recesses and extensions. As proposed, the development equally meets the intent of providing different articulation between the building levels, and is in conformance with the approval criterion.

*To eliminate the required off-street parking vehicle turnaround area, per SRC 806.035(f).*

Where an off-street parking area drive aisle terminates in a dead end, a vehicle turnaround meeting the dimensions of SRC 806.035(f) is required to provide maneuvering room for vehicles to exit the parking area without backing into the street. For a drive aisle width of 24 feet or less, the maneuvering space required is equivalent to one parking space and a six-foot deep pocket at the end of the drive aisle. As parking is limited on the site, removing a whole

space to provide a turnaround would create additional congestion on the abutting streets, and because cars will not back out into the street, the applicant has requested an adjustment to reduce the turnaround area. As the off-street parking area is accessed off an alley, which is not classified as a street and functionally acts as driveway, the turnaround is not necessary to prevent vehicles from backing into a street. Furthermore, the development plans do include a nearly four-foot-deep pocket at the end of the drive aisle, providing some maneuvering room for vehicles to turnaround and exit the parking area in a forward motion. As proposed, the development equally meets the intent of the standard, and is in conformance with the approval criterion.

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

**Finding:** The subject property is not located within a residential zone.

***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:** Eight separate Class 2 Adjustments have been requested with this development. Pursuant to SRC Chapter 533, the purpose of the MU-I zone is to implement the mixed-use designation of the Salem Area Comprehensive Plan, which is intended to promote pedestrian-oriented development in vibrant mixed-use districts with a combination of residential and commercial uses. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 19:** The development standards in these zoning adjustments shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.

## **10. Conclusion**

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

### **IT IS HEREBY ORDERED**

Final approval of Replate Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, and Tree Removal Permit Case No. REP-SPR-ADJ-TRP24-07 is hereby **APPROVED** subject to SRC Chapters 205, 220, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** 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)* unless a Design Exception is approved by the City Engineer.
- Condition 2:** Prior to issuance of a Building Permit, obtain a Revocable License to Encroach from the Public Works Director for projections into the public right-of-way.
- Condition 3:** At time of building permit, the applicant shall submit a landscape plan meeting the required landscaping of SRC 807.
- Condition 4:** At time of building permit submittal, the applicant shall provide detailed plans of the trash service room, meeting the applicable standards of SRC 800.055.
- Condition 5:** At time of building permit submittal, the applicant shall provide a lighting plan meeting the applicable standards of SRC 800.065 and SRC 800.060.
- Condition 6:** Prior to issuance of a Certificate of Occupancy, construct a new five-foot property line sidewalk along Commercial Street NE and replace the curb ramp at the intersection of Commercial Street and Grove Street NE to meet current *Oregon Department of Transportation Accessibility Standards*.
- Condition 7:** Prior to issuance of a Building Permit, provide a revised Street Tree planting plan for the four-foot and eight-foot landscape planters along Grove Street NE for approval by Public Works. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* relating to species and spacing standards.
- Condition 8:** Prior to issuance of a Certificate of Occupancy, install street trees along Grove Street NE in the four-foot and eight-foot landscape planters in accordance with the approved Street Tree planning plan.
- Condition 9:** Prior to issuance of a Certificate of Occupancy, permanently close the unused driveway approach onto Commercial Street NE and replace with curbs, sidewalks, and a landscape strip.
- Condition 10:** At time of building permit submittal, the applicant shall provide plans indicating a minimum of 40 percent of the off-street parking spaces will be EV ready, meeting the applicable standards of SRC 806.015(d).
- Condition 11:** At the time of building permit submittal, the applicant shall submit plans clearly indicating compact parking spaces.
- Condition 12:** At time of building permit submittal, relocate the two staple-style racks outside the storage room at the rear of the building to meet the standards of SRC 806.060, or remove the spaces.

- Condition 13:** At time of building permit submittal, provide detailed plans of the bicycle parking spaces indicating the dimensions of Table 806-10 are met, including a vertical stagger of eight inches where racks are spaced 1.5 feet apart.
- Condition 14:** Prior to issuance of a Certificate of Occupancy, widen the unnamed alley and approach to Grove Street NE to a minimum 20-feet and construct the approach to meet PWDS Drawing 302 for Commercial Approaches. The alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to northern property boundary.
- Condition 15:** The development standards in these zoning adjustments shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.



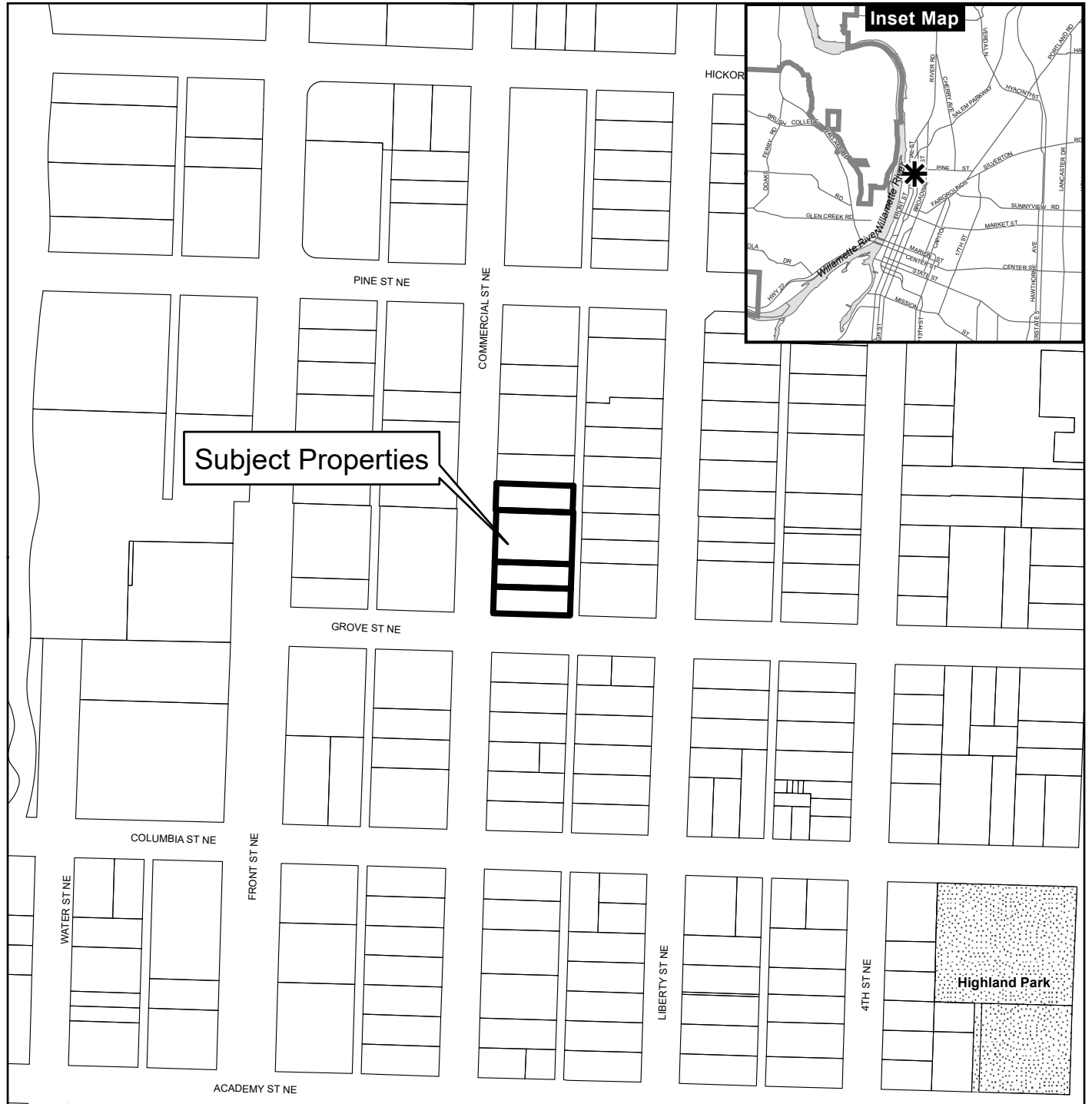
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Peter Domine, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Proposed Development Plans
  - C. Tentative Replat Plan
  - D. Development Services Memo

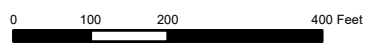


# Vicinity Map 2230 Commercial Street NE



**Legend**

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



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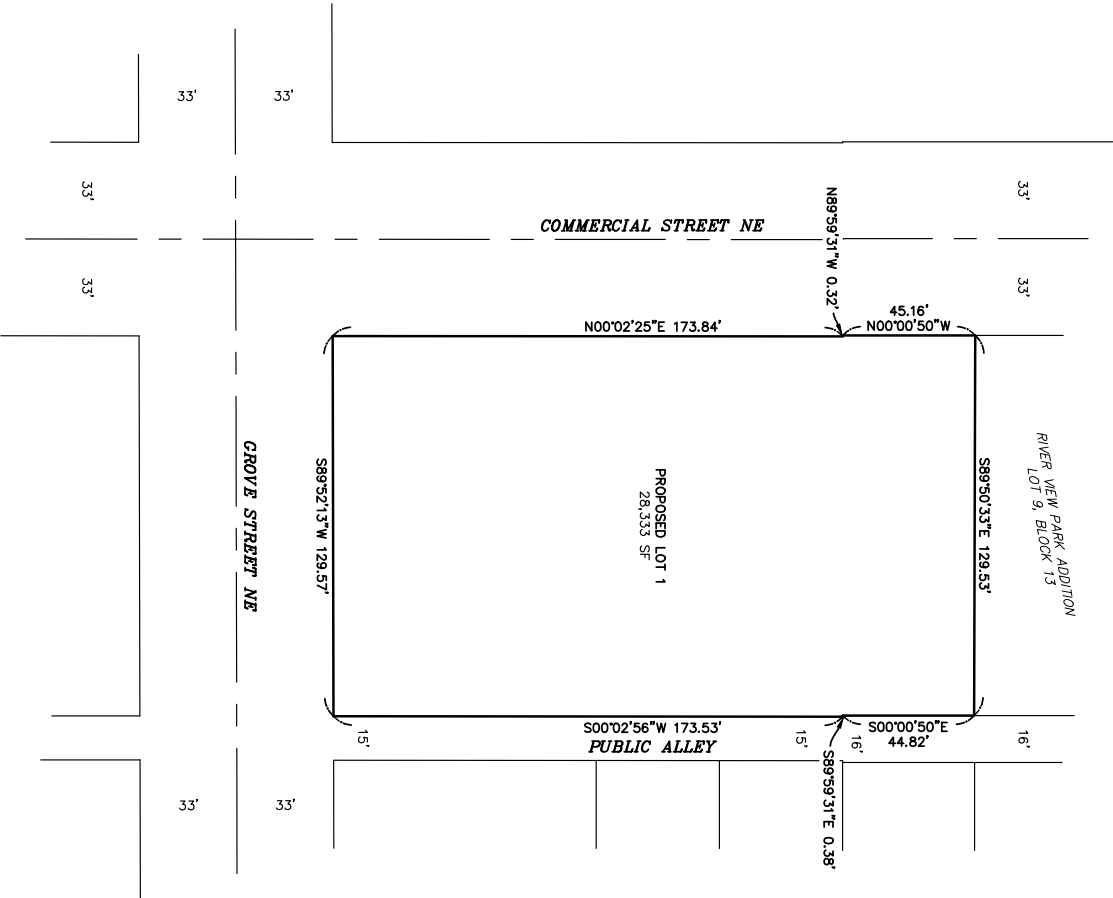


0' 30' 60'  
SCALE: 1 INCH = 30 FEET

# PROPOSED SUBDIVISION PLAT

A REPLAT OF LOTS 5-8, BLOCK 8 OF "COMPTON'S ADDITION NO.1"  
AND LOT 8, BLOCK 13 OF "RIVER VIEW PARK ADDITION"  
IN THE SE 1/4 OF SECTION 15, T.7S., R.3W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

DATE: JULY 17, 2024



**BOUNDARY NOTE**  
BOUNDARY DETERMINATION, STREET RIGHT OF WAY WIDTHS AND ALLEY WIDTHS WERE RESOLVED AND HELD PER MARION COUNTY SURVEY NUMBER 38654, WHICH IS ALSO COINCIDENT WITH "RIVER VIEW PARK ADDITION" AND "COMPTON'S ADDITION NO. 1".



**FFN SURVEYING**

7230 3rd Street SE #145, Turner, OR 97392  
P: (503) 558-3330 E: info@ffnsurveying.com

SURVEYED FOR: MICRONESIAN ISLANDER COMMUNITY

JOB NO. 24-512

SHEET 1/1

REVISIONS: 6-30-2025

REGISTERED PROFESSIONAL SURVEYOR  
OREGON 1220  
SEPTEMBER 12, 2021  
STEVEN LEE HOWELL  
91569

**DRAFT**



# MEMO

**TO:** Peter Domine, Planner II  
Community Planning and Development Department

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

**DATE:** December 6, 2024

**SUBJECT:** **Infrastructure Memo**  
**REP-SPR-ADJ-TRP24-07 (24-118099-PLN)**  
**2230 Commercial Street NE**  
**Multi-family Apartment Complex**

## PROPOSAL

A Class 3 Site Plan Review for the development of a 41-unit multi-family apartment complex and associated site improvements. The consolidated application includes a tentative replat plan to consolidate four discrete units of land into one development site, and eight Class 2 Adjustments. The proposal also includes one tree removal permit to remove one 45-inch dbh (diameter-at-breast height) black walnut tree to accommodate the widening of the alley. The development site is 28,333 square feet in size, zoned MU-I (Mixed Use I) and located at 2230 Commercial Street NE (Marion County Assessors Map and Tax Lot Numbers 073W15DA / 3400; 3300; 3200; and 3100).

## RECOMMENDED CONDITIONS OF APPROVAL

1. 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) unless a Design Exception is approved by the City Engineer.
2. Prior to issuance of a Building Permit, obtain a Revocable License to Encroach from the Public Works Director for projections into the public right-of-way.
3. Prior to issuance of a Certificate of Occupancy, construct a new 5-foot property line sidewalk along Commercial Street NE and replace the curb ramp at the intersection of Commercial Street and Grove Street NE to meet current *Oregon Department of Transportation Accessibility Standards*.
4. Prior to issuance of a Certificate of Occupancy, along Grove Street NE, construct a 4-foot-wide landscape planter between the curb and sidewalk; a 5-foot-wide

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

sidewalk; and an 8-foot-wide landscape planter between the sidewalk and the property line. These improvements shall be constructed in accordance with the *Public Works Design Standards*.

5. Prior to issuance of a Building Permit, provide a revised Street Tree planting plan for the 4-foot and 8-foot landscape planters along Grove Street NE for approval by Public Works. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* relating to species and spacing standards.
6. Prior to issuance of a Certificate of Occupancy, install street trees along Grove Street NE in the 4-foot and 8-foot landscape planters in accordance with the approved Street Tree planning plan.
7. Prior to issuance of a Certificate of Occupancy, permanently close the unused driveway approach onto Commercial Street NE and replace with curbs, sidewalks, and a landscape strip.
8. Prior to issuance of a Certificate of Occupancy, widen the unnamed alley and approach to Grove Street NE to a minimum 20-feet and construct the approach to meet PWDS Drawing 302 for Commercial Approaches. The alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to northern property boundary.

**EXISTING CONDITIONS – INFRASTRUCTURE**

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

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Commercial St NE (Major Arterial)</b>	Standard:	66-feet	36-feet
	Existing Condition:	66-feet	44-feet
<b>Grove St NE (Local)</b>	Standard:	60-feet	30-feet
	Existing Condition:	66-feet	30-feet
<b>Unnamed Alley</b>	Standard:	10-to-20-feet	10-to-20-feet
	Existing Condition:	15-feet	12-feet

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

<b>Utilities &amp; Parks</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level:
	8-inch water mains are located in Commercial Street NE and Grove Street NE.
<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in the unnamed alley adjacent to the eastern boundary of the property.
<b>Storm Drainage</b>	A 42-inch storm main is located in Grove Street NE.
<b>Parks</b>	The proposed development is served by Highland Park which is located .20 miles southeast of the subject property.

### **SITE PLAN REVIEW DECISION CRITERIA**

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

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

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

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

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

#### ***SRC Chapter 71 – Stormwater:***

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

**Finding:** The proposed development is required to provide green stormwater infrastructure to treat and detain runoff generated by the new impervious surfaces of the development pursuant to SRC Chapter 71 and the Public Works Design Standards (PWDS). The applicant's engineer submitted a Preliminary Stormwater Management Report demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a)-or-(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At time of building



permit, a final stormwater management report is required pursuant to the Public Works Design Standards. In addition, the applicant shall construct facilities that comply with SRC Chapter 71 and the PWDS. In order to ensure compliance with SRC Chapter 71 and the PWDS relating to stormwater management, the following condition applies:

**Condition:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS) unless a Design Exception is approved by the City Engineer.

***SRC Chapter 76 – Streets, Sidewalks and Other Public Ways:***

SRC 76.160 permits encroachments in the public right-of-way with approval from the Public Works Director through a Revocable License to Encroach.

**Finding:** The applicant's preliminary architectural plans show the roof above the top floor of the building will encroach into the Grove Street NE right-of-way as well as awnings that will provide weather protection above the first floor. Prior to issuance of a building permit, the applicant shall be required to obtain a Revocable License to Encroach into the right-of-way for these proposed projections pursuant to SRC 76.160.

**Condition:** Prior to issuance of a Building Permit, obtain a Revocable License to Encroach from the Public Works Director for projections into the public right-of-way.

***SRC 802 – Public Improvements:***

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

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

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

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

▪ ***Boundary Street Improvements***

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

**Finding:** Commercial Street NE abuts the subject property and is under jurisdiction of the Oregon Department of Transportation and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). This street has an alternative improvement width and right-of-way width according to Appendix G of the Salem TSP. Commercial Street NE meets the minimum right-of-way width and pavement width standards established for its alternative cross section according to Appendix G of the Salem TSP; therefore, additional pavement widening and right-of-way dedication along Commercial Street NE are not required. However; the sidewalks along Commercial Street NE appear to be only 4-feet in width, where 5-feet is required (SRC 803.035(I)(2)(C)). Additionally, the sidewalks along Commercial Street NE are not located along the property line. As a condition of development, the applicant shall provide a new 5-foot-wide property line sidewalk along Commercial Street NE. Sidewalk upgrades along the frontage of the property will also necessitate upgrading the curb ramp at the intersection of Commercial Street NE and Grove Street NE to meet current standards. The improvements along Commercial Street NE are subject to the Oregon Department of Transportation standards and permitting. In order to ensure compliance with SRC 803.035 (Street Standards), the following condition applies:

**Condition:** Prior to issuance of a Certificate of Occupancy, construct a new 5-foot property line sidewalk along Commercial Street NE and replace the curb ramp at the intersection of Commercial Street and Grove Street NE to meet current *Oregon Department of Transportation Accessibility Standards*.

Grove Street NE abuts the subject property and is classified as a Local Street according to the Salem Transportation System Plan (TSP). Grove Street NE meets the minimum right-of-way width and pavement width standards established in SRC Chapter 803; therefore, additional pavement widening and right-of-way dedication along Grove Street NE are not required. However; Grove Street NE has curblin sidewalks where property line sidewalks are required (SRC 803.035(I)(2)(C)) and lacks street trees along the frontage of the property. There is an existing public water line in the landscape planter of Grove Street NE which creates a conflict with a standard property line sidewalk as new trees cannot be planted over the existing waterline. As such, staff requires an Alternative Street Standard pursuant to SRC 803.065(a)(3) to allow an alternative sidewalk and landscape planter location along Grove Street NE. As shown on the applicant's preliminary civil plans, Grove Street NE shall have a 4-foot landscape planter between the curb and a 5-foot-wide sidewalk which will be placed over the existing waterline. This allows for an additional 8-foot landscape planter between the sidewalk and the property line which can accommodate street trees, discussed further

below. As a condition of development, in order to ensure compliance with SRC 803.035 (Street Standards), the following condition applies:

**Condition:** Prior to issuance of a Certificate of Occupancy, along Grove Street NE, construct a 4-foot-wide landscape planter between the curb and sidewalk; a 5-foot-wide sidewalk; and an 8-foot-wide landscape planter between the sidewalk and the property line. These improvements shall be constructed in accordance with the *Public Works Design Standards*.

▪ **Street Trees**

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

**Finding:** Along Commercial Street NE there are existing street trees in the right-of-way and additional trees are not required. As described above, Grove Street NE lacks street trees and conditions of approval require the establishment of two landscape planters along Grove Street NE for street trees to be planted. The applicant's preliminary architectural sheets show four new trees along Grove within the 4-foot landscape strip. Two of these trees cannot be planted as they are located within a stormwater facility with an underdrain, which is not permitted pursuant to the Public Works Design Standards. No trees are shown within the 8-foot planter between the sidewalk and the property line, while they are required. As a condition of approval, the applicant shall provide a street tree planting plan for new street trees along Grove Street NE in both the 4-foot and 8-foot planters. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* for species and spacing standards. Additionally, the applicant shall plant the required street trees prior to issuance of a Certificate of Occupancy for the proposed development.

**Condition:** Prior to issuance of a Building Permit, provide a revised Street Tree planting plan for the 4-foot and 8-foot landscape planters along Grove Street NE for approval by Public Works. The street tree plan shall meet the standards for Street Trees in the *Public Works Design Standards* and *City of Salem Administrative Rule 109-500 Trees on City Owned Property* relating to species and spacing standards.

**Condition:** Prior to issuance of a Certificate of Occupancy, install street trees along Grove Street NE in the 4-foot and 8-foot landscape planters in accordance with the approved Street Tree planning plan.

**SRC Chapter 804 – Driveway Approaches:**

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

vehicular access to development sites.

**Finding:** The development site will be served by the Unnamed Alley that abuts the eastern property boundary. Driveway approach permits are not required for approaches onto alleys.

There is one existing driveway approach along Commercial Street NE that will no longer be utilized by the property. Commercial Street NE is under the Oregon Department of Transportation (ODOT) jurisdiction. Comments were provided by ODOT that indicate the existing approach should be completely removed as it will not longer be utilized. This is consistent with SRC 804.035(c)(1) which requires that driveway accesses onto arterial streets provide access to a permitted parking or vehicle use area. As the existing approach does not meet this standard upon redevelopment of the property, and consistent with ODOTs comments, the approach shall be closed as a condition of development. The following condition applies:

**Condition:** Prior to issuance of a Certificate of Occupancy, permanently close the unused driveway approach onto Commercial Street NE and replace with curbs, sidewalks, and a landscape strip.

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

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

**Finding:** The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed building meets the vision clearance standards established in SRC Chapter 805.

### ***Natural Resources:***

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

**Finding:** The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property

**SRC Chapter 809 – Wetlands:** Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809

establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

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

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

**Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately**

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

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

**Finding:** The proposed development will take access off an existing alley abutting the subject property. The existing alley has an approximate 12-foot improvement width and 15-foot-wide right-of-way. The existing condition of the alley is not sufficient to accommodate the proposed primary vehicular access for the development. To ensure the safe, orderly, and efficient circulation in and out of the development, as a condition of utilizing the alley for primary access, the applicant shall widen the alley approach to Grove Street NE to a minimum 20 feet and shall construct the approach to meet PWDS Standard Plan 302 for commercial approaches. Additionally, the alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to the northern line of the property. The alley widening may occur within the existing 15-foot-wide right-of-way and on the development side of the property. In order to ensure

compliance with SRC 220.005(f)(3)(C) and ensure safe and efficient movement of vehicles if provided to the proposed parking areas and driveways, the following condition applies:

**Condition:** Prior to issuance of a Certificate of Occupancy, widen the unnamed alley and approach to Grove Street NE to a minimum 20-feet and construct the approach to meet PWDS Drawing 302 for Commercial Approaches. The alley shall be widened to 20-feet from the intersection of Grove Street NE and the Unnamed Alley to northern property boundary.

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

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

### **REPLAT DECISION CRITERIA**

SRC 205.025(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

**Findings:** The replat does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions. 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:** As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

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

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

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

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

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

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

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

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

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

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

**Criteria: 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.**

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

**RESPONSE TO COMMENTS**

**ODOT Comments**

- 1. Commercial Street NE Improvements:** The Oregon Department of Transportation (ODOT) provided written comments indicating that Commercial Street NE is under ODOT jurisdiction and that improvements within this right-of-way are required to meet ODOT standards and permitting. Additionally, ODOT recommends closure of the existing driveway approach onto Commercial Street NE that will not longer be used.

**Staff Response:** Conditions of approval require replacement of sidewalks and curb ramps along Commercial Street NE as well as closure of the existing approach, as identified by ODOT. These improvements would be permitted by ODOT and required to meet their standards, as described in the conditions of approval.

## Public Comments

- 1. Traffic:** Comments received express concerns for the additional traffic generated by the development that will utilize the alley abutting the property and recommend that a driveway approach to Commercial Street is established for the proposed development. Additionally, comments request the alley be widened to accommodate an access for the proposed development.

**Staff Response:** The proposal includes 41 affordable multi-family dwelling units and 21 parking spaces to serve the development. The proposed parking areas will take access directly onto the alley adjacent to the subject property. The existing alley is approximately 16-feet and as such, the widening will occur within the existing alley right-of-way and on property of the development site. Due to the limited alley right-of-way width, the alley cannot be widened outside of the boundary of the subject property, nor are there any standards that would require off-site widening of the alley to accommodate the proposed access. Comments received also requested a separate access to the proposed parking areas that would run parallel to the alley. Establishing a secondary access parallel to an exiting alley would not be an efficient use of the property when the alley abuts the property and is intended to provide vehicular access. Additionally, having an alley approach and a driveway approach parallel to each other would create additional turning conflicts where these approaches met Grove Street NE.

As described in the findings and conditions of approval, the applicant is required to widen the alley approach to Grove Street NE and the alley along the property frontage to 20-feet in order to accommodate primary vehicular access. With this condition of approval, the alley will meet the minimum width requirement for an alley along the property frontage pursuant to SRC Chapter 803. With the condition of approval for alley widening, the alley will provide for safe circulation in and out of the development site and there is no need, or requirement, for a secondary form of access.



In regards to the request to provide a driveway approach directly on to Commercial Street NE, this would not meet City standards as Commercial Street NE is classified as a major arterial street and access to these streets is generally limited, pursuant to SRC 804.035. Pursuant to SRC 804.035(c)(2) corner lots are required to take access to the lower street classification abutting the property, which would be Grove Street NE or the unnamed alley. Additionally, an approach onto Commercial Street NE would not meet the spacing standards established in SRC 804.35(d) due to the proximity to adjacent street intersections and driveway approaches.

The zoning of the property requires the building to be oriented towards the abutting streets with minimal setbacks in order to ensure a pedestrian oriented design and development. A parking lot would not be permitted between the building and Commercial Street NE or Grove Street NE and as such, if a driveway approach to Commercial Street NE were proposed, alley access for the parking lot would still be necessary. Providing parking in the rear of the building with access to the alley promotes a pedestrian friendly environment along the street frontages of Grove Street and Commercial Street meeting the development standards of the MU-I zone and all other applicable requirements of the Salem Revised Code.

- 2. On-street Parking:** Comments received requested placement of “no-parking” signage and striping along Grove Street NE to accommodate vision clearance at the Alley approach onto Grove Street NE.

**Staff Response:** SRC Chapter 805 establishes vision clearance requirements for driveways, street intersections, and alley intersections with streets. As described in the written findings, the proposed structure is not located within a required vision clearance area. On-street vehicle parking is permitted within required vision clearance areas pursuant to SRC 803.010(a)(3). Grove Street NE does not currently have parking restrictions. However, the Uniform Traffic Code does require 50-feet of yellow “no-parking” curbing approaching a stop sign. Alleys do not have stop signs; however, this parking restriction would apply to the stop sign at the intersection of Commercial and Grove and restrict parking along the frontage of the property for 50-feet from the intersection (ORS 811.550(18)). City Traffic Engineering Staff review construction drawings at time of Building Permit and will require the yellow “no-parking” curbing where applicable. Additionally, staff do evaluate parking and circulation upon completion of projects after observing how the projects functions. At time of project completion, Traffic Engineering staff may evaluate on-street parking impacts and determine if additional “no-parking” signs are warranted along Grove Street NE.

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