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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY  
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT /  
CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE  
NO.: PAR-UGA-SPR-ADJ-DAP-DR25-02**

**APPLICATION NO.: 24-123435-PLN**

**NOTICE OF DECISION DATE:** April 4, 2025

**SUMMARY:** Proposed development of a new 72-unit multiple-family residential development.

**REQUEST:** A consolidated application for an Urban Growth Preliminary Declaration; Tentative Partition Plan to create two parcels 3.0-acres and 1.05-acres in size; and Class 3 Site Plan Review, Class 1 Design Review and two Class 2 Driveway Approach Permits for development of the second phase of a multifamily apartment complex, with thirteen Class 2 Adjustments:

- 1.) To eliminate the minimum 10-foot setback abutting a flag lot accessway, per SRC 514.010(d);
- 2.) To eliminate the six-foot-tall fence for the setback to Phase 1 of the development on the abutting RMII-zoned property to the east, per SRC 514.010(d);
- 3.) To reduce the number of trees to be planted along the parking area perimeter adjacent to Building S, per SRC 702.020(b)(7);
- 4.) To reduce the minimum planter bay width of various planter islands throughout the parking area from nine feet to eight feet, per SRC 702.020(b)(7)(B);
- 5.) To reduce the minimum setback for Building P from 36 feet to 28 feet to the north property line abutting an RA-zoned property, per SRC 702.020(e)(2)
- 6.) To the building orientation of Building M and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5);
- 7.) To the building orientation of Building R and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5);
- 8.) To the building orientation of Building S and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5);
- 9.) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building M, per SRC 702.020(e)(6);
- 10.) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building N, per SRC 702.020(e)(6);
- 11.) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building P, per SRC 702.020(e)(6);

# NOTICE OF DECISION

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



- 12.) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building R, per SRC 702.020(e)(6);
- 13.) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building S, per SRC 702.020(e)(6).

The development site is 4.05-acres in size, zoned RM-II (Multiple-Family Residential II) and located at 4455 27th Avenue SE (Marion County Assessors Map and Tax Lot Numbers 083W12C / 600 and 800).

**APPLICANT:** Equity Developers LLC (Mike Bliven, Jeff Miller, Davis Evenson), represented by Saalfeld Griggs.

**LOCATION:** 4455 27th Ave SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 200.025(d) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review

**FINDINGS:** The findings are in the attached Decision dated April 4, 2025.

**DECISION:** The **Planning Administrator APPROVED** Partition Tentative Plan / Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. PAR-UGA-SPR-ADJ-DAP-DR25-02 subject to the following conditions of approval:

- Condition 1:** The applicant shall submit a notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and provide the resulting aeronautical determination letter from ODAV prior to the approval of building permits.
- Condition 2:** The accessway to proposed Parcel 2 shall remain unobstructed at all times and the house shall be clearly addressed from the street and entrance of the property.
- Condition 3:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.
- Condition 4:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
- Condition 5:** Prior to final plat approval, provide a ten-foot-wide public utility easement along the frontage of Marietta Street SE on the final plat.
- Condition 6:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 7:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards (PWDS)*.

- Condition 8:** Prior to building permit issuance, the applicant shall record the final plat of the partition.
- Condition 9:** At the time of building permit review, the applicant shall provide the resulting aeronautical determination letter from ODAV to determine if an Airport Overlay Zone Height Variance is required. If applicable, the applicant shall obtain approval of an Airport Overlay Zone Height Variance per SRC Chapter 602, prior to issuance of any building permit for a building or structure exceeding the maximum height allowance of the Airport Overlay Zone.
- Condition 10:** At the time of building permit review, provide detailed plans of the solid waste service area and enclosure demonstrating the requirements of SRC 800.055 will be met.
- Condition 11:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 12-inch S-2 water main from its existing terminus on adjacent private property located on Marion County Tax Lot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the western boundary of the subject property and extend the 12-inch main in Marietta Street SE to the western property boundary as shown on the applicant's preliminary utility plan. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.
- Condition 12:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 8-inch sewer main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to the *Public Works Design Standards*.
- Condition 13:** Prior to issuance of a Certificate of Occupancy, extend a minimum 12-inch storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to *Public Works Design Standards*.
- Condition 14:** Prior to building permit issuance, the applicant shall obtain an easement for the proposed public water main on private property which meets the *Public Works Design Standards (PWDS)* for easement width per PWDS Section 1.8 (Easements).
- Condition 15:** Prior to issuance of a Certificate of Occupancy, extend Marietta Street SE from its existing terminus to the western boundary of the subject property. Marietta Street SE shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, except, only sidewalk on the development (northern) side of the street is required to be constructed.
- Condition 16:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Marietta Street SE.
- Condition 17:** At time of building permit, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

- Condition 18:** At time of building permit review, provide plans demonstrating a turnaround at the north end of the parking lot meeting the standards of SRC 806.035(f), Table 806-6 will be met.
- Condition 19:** Prior to building permit approval, the applicant shall provide proof of coordination with the local electric utility to ensure the compatibility of the proposed tree canopy and root systems will not interfere with planned and existing utility infrastructure.
- Condition 20:** The adjusted development standards, as approved 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 land use action.

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.

Partition Tentative Plan:	<u>April 22, 2027</u>
Urban Growth Preliminary Declaration:	<u>April 22, 2027</u>
Class 3 Site Plan Review:	<u>April 22, 2029</u>
Class 2 Adjustment:	<u>April 22, 2029</u>
Class 2 Driveway Approach Permit:	<u>April 22, 2029</u>
Class 1 Design Review:	<u>April 22, 2029</u>
Application Deemed Complete:	<u>February 10, 2025</u>
Notice of Decision Mailing Date:	<u>April 4, 2025</u>
Decision Effective Date:	<u>April 22, 2025</u>
State Mandate Date:	<u>June 10, 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. Monday, April 21, 2025. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205, 200, 220, 250, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The 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.

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

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	)	<b>FINDINGS &amp; ORDER</b>
<b>PARTITION TENTATIVE PLAN,</b>	)	
<b>URBAN GROWTH AREA PRELIMINARY</b>	)	
<b>DECLARATION, CLASS 3 SITE PLAN</b>	)	
<b>REVIEW, CLASS 2 ADJUSTMENTS,</b>	)	
<b>CLASS 2 DRIVEWAY APPROACH PERMIT,</b>	)	
<b>CLASS 1 DESIGN REVIEW CASE NO.</b>	)	
<b>PAR-UGA-SPR-ADJ-DAP-DR25-02</b>	)	
<b>4455 27<sup>th</sup> AVENUE SE</b>	)	<b>April 4, 2025</b>

In the matter of the applications for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Partition Tentative Plan submitted by Saalfeld Griggs Lawyers, represented by Margaret Gander Vo, on behalf of the applicant and property owner, 27<sup>th</sup> Avenue Apartments Limited Partnership, represented by Mike Bliven, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**Summary:** Proposed development of a new 72-unit multifamily residential development.

**Request:** A consolidated application for an Urban Growth Preliminary Declaration; Tentative Partition Plan to create two parcels 3.0-acres and 1.05-acres in size; and Class 3 Site Plan Review, Class 1 Design Review and two Class 2 Driveway Approach Permits for development of the second phase of a multifamily apartment complex, with thirteen Class 2 Adjustments to:

- 1) To eliminate the minimum 10-foot setback abutting a flag lot accessway, per SRC 514.010(d);
- 2) To eliminate the six-foot-tall fence for the setback to Phase 1 of the development on the abutting RMII-zoned property to the east, per SRC 514.010(d);
- 3) To reduce the number of trees to be planted along the parking area perimeter adjacent to Building S, per SRC 702.020(b)(7);
- 4) To reduce the minimum planter bay width of various planter islands throughout the parking area from nine feet to eight feet, per SRC 702.020(b)(7)(B);
- 5) To reduce the minimum setback for Building P from 36 feet to 28 feet to the north property line abutting an RA-zoned property, per SRC 702.020(e)(2)
- 6) To the building orientation of Building M and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5);
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- 9) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building M, per SRC 702.020(e)(6);
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- 11) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building P, per SRC 702.020(e)(6);
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- 13) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building S, per SRC 702.020(e)(6).

The development site is 4.05-acres in size, zoned RM-II (Multiple-Family Residential II) and located at 4455 27th Avenue SE (Marion County Assessors Map and Tax Lot Numbers 083W12C / 600 and 800).

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 November 18, 2024, a consolidated application for a Partition Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit and Class 1 Design Review was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on February 10, 2025.

The 120-day state mandated decision deadline for this consolidated application is June 10, 2025.

The applicant's proposed tentative partition plan is included as **Attachment B** and the applicant's development plans are included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

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

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 123435.

### 3. Neighborhood and Public Comments

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 18, 2023, the applicant's representative contacted the Morningside Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

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

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of this decision, one comment was received which indicated concerns regarding the lack of sidewalks along 27<sup>th</sup> Avenue from Marietta Street to Kuebler Boulevard.

**Staff Response:** As described in the findings in Section 7 of this decision, as a condition of approval for UGA-PAR-SPR-ADJ-DR22-02 (Grand Fir Apartments Phase 1), an off-site linking street improvement was required and constructed along 27<sup>th</sup> Avenue SE from the intersection with Marietta Street SE south to the driveway of Morningstar Church (permit no. 22-117925-PC). Because this was included with the development of Phase 1, the extension of Marietta Street SE along the eastern property boundary meets the linking street improvement requirement of SRC 205.055(b) and no additional linking street improvements are required for the proposed development. Additional street connections will be reviewed with future development along Marietta Street SE.

### 4. City Department Comments

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

Building and Safety Division: Reviewed the proposal and indicated that two buildings may require rated construction and wall opening limits based on separation distances.

Fire Department: Reviewed the proposal and indicated if the building height exceeds 30 feet, aerial access will be required, per the Oregon Fire Code.

## 5. Public Agency Comments

Oregon Department of Aviation (ODAV): ODAV reviewed the proposal and provided the following comments:

1. Because the subject property is at a higher elevation than the nearby Salem Municipal Airport, such that existing structures and planned development exceed the height requirements of OAR 660 Division 13 (Airport Planning Rule), ODAV recommends a maximum height allowance of 35 feet above ground level (AGL) for new development, including vegetation, except as otherwise approved through a height variance. Pursuant to OAR 660-013-0070:

*For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.*

The subject development area is located inside the overlay zone but appears to be located outside the approach and transitional surfaces. For areas outside the approach surface, ODAV finds allowing structures up to 35 feet in height AGL, except as otherwise approved through a height variance, meets the requirements of this administrative rule. This will ensure any impact on airspace from development at this site will be minimized.

2. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development is required to undergo aeronautical evaluations by the FAA and ODAV. The applicant can use the FAA's [Notice Criteria Tool](#) to determine which proposed structures warrant a *notice of construction*, including any cranes or other tall construction equipment used during development or maintenance. They are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

**Staff Response:** The subject property is located within the safety overlay zone of the City's Airport Overlay Zone. The purpose of the Airport Overlay Zone is to promote air navigational safety and prevent hazards and obstructions to air navigation and flight. Because comments provided by the Oregon Department of Aviation (ODAV) indicate that aeronautical evaluations are required by both the FAA and ODAV, the following condition of approval shall apply to ensure that the required aeronautical evaluation is conducted by ODAV prior to development, in accordance with OAR 738-070-0060:

**Condition 1:** The applicant shall submit a notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and provide the resulting aeronautical determination letter from ODAV prior to the approval of building permits.

Salem-Keizer Public Schools: Reviewed the proposal and provided a memo indicating the proposed multifamily development is served by Lee Elementary School, Judson Middle School, and South Salem High School. The memo indicates that the schools have adequate

capacity to serve new students, and that the development is eligible for school transportation services. The memo can be found in the record.

## DECISION CRITERIA

### **6. Analysis Partition Tentative Plan**

The tentative partition plan proposes to divide the 4.05-acre property into two parcels. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: Approximately 3.0 acres  
Parcel Dimensions: Approximately 443 feet in width and 398 feet in depth

#### **PROPOSED PARCEL 2**

Parcel Size: Approximately 1.05 acres  
Parcel Dimensions: Approximately 211 feet in width and 216 feet in depth

#### **Site and Vicinity**

Proposed Parcel 1 will be an interior lot which, after the Marietta Street SE extension constructed with the proposed development, will have approximately 443 feet of frontage on Marietta Street SE. Proposed Parcel 2 will be a flag lot with an access easement through Parcel 1.

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

*Urban Growth Policies:* The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Community Service Government (CSG)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

<b>Comprehensive Plan Map Designations of Surrounding Properties</b>	
<b>North</b>	DR (Developing Residential)
<b>East</b>	MF (Multiple Family Residential)
<b>South</b>	Across the future Marietta Street extension, MU (Mixed Use)
<b>West</b>	MF (Multiple Family Residential)

#### **Zoning and Surrounding Land Use**

The subject property is zoned RM-II (Multiple Family Residential II) and is currently developed with an existing single-family dwelling in the northwest portion of the property. The surrounding properties are zoned and used as follows:

<b>Zoning of Surrounding Properties</b>	
<b>North</b>	RA (Residential Agriculture)
<b>East</b>	RM-II (Multiple Family Residential II)
<b>South</b>	Across the future Marietta Street extension, MU-I (Mixed Use I)
<b>West</b>	RM-II (Multiple Family Residential II)

Relationship to Urban Service Area

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

Infrastructure

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Marietta Street SE (Local)</b>	Standard:	60-feet	30-feet
	Existing Condition:	44-feet	30-feet

The existing conditions of public utilities available to serve the subject property re described in the following table.

<b>Utilities</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: S-1 and S-2
	A 12-inch water main is located in Marietta Street SE
<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in Marietta Street SE
<b>Storm Drainage</b>	A 12-inch storm main is located in Marietta Street SE

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC.***

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RM-II (Multiple Family Residential II). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RM-II zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows.

***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant’s project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

***SRC Chapter 514 – RM-II (Multiple Family Residential II) Zone***

***SRC 514.010(a) – Land division in the RM-II zone***

Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

**Finding:** The proposed partition will create two parcels: Parcel 1 will be 3.0-acres in size and Parcel 2 will be 1.05-acres in size. Proposed Parcel 1 will be developed with a multifamily apartment complex as phase 2 of the Grand Fir Apartment complex, and Parcel 2 will retain an existing single-family dwelling. The proposal meets the standards.

***SRC 514.010(b) – Lot standards***

Lot size and dimension standards within the RM-II zone are established in SRC 514.010(a), Table 514-2. A summary of the standards applicable to residential uses within the RM-II zone is provided in the following table:

Requirement	Minimum Standard
Lot Area	
Single family	1,500 sq. ft. applicable to townhouses 6,000 sq. ft. applicable to all other single family, except new single family detached dwellings on nonconforming lots of record less than 6,000 sq. ft.

Two Family	4,000 sq. ft.
Three Family	5,000 sq. ft.
Residential Care	4,000 sq. ft.
All other uses	6,000 sq. ft.
<b>Lot Width</b>	
Single Family	40 ft. 20 ft. applicable to townhouses
All other uses	40 ft.
<b>Lot Depth</b>	
Single Family	70 ft. 120 ft. applicable to double frontage lots No max. applicable to townhouses Max. 300% average lot width applicable to all other single family
All other uses	80 ft. 120 ft. applicable to double frontage lots Max. 300% of average lot width
<b>Street Frontage</b>	
Single Family	40 ft. 20 ft. applicable to townhouses 30 ft. applicable to cul-de-sac streets
All other uses	40 ft.

**Finding:** As shown on the tentative partition plan (**Attachment B**), proposed Parcel 1 is 3.0-acres in size, approximately 442 feet wide and 398 feet deep, with 442 feet of frontage along the future extension of Marietta Street SE; proposed Parcel 2 is 1.05-acres in size, approximately 216 feet wide, and 210 feet deep. Proposed Parcel 2 is a flag lot and will take access through an easement across the vehicle use area of the multifamily complex. For land divisions within the RM-II zone, lots partitioned shall be a minimum of 20,000 square feet in size, unless restricted to contain three or more attached dwelling units per lot. Both proposed parcels are more than 20,000 square feet in size. The proposed parcels meet the minimum size and street frontage requirements of the RM-II zone and are of sufficient size and dimension to permit future development of uses allowed within the zone. These standards are met.

**SRC Chapter 800 – General Development Standards**

*SRC 800.020 – Designation of Lot Lines*

This section establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

**Finding:** Proposed Parcel 1 is an interior lot with frontage along the future extension of Marietta Street SE. Proposed Parcel 2 is a flag lot and will be served by an access easement through Parcel 1 entering the parcel along the east side, which will be the front. These standards are met.

**SRC 800.025 – Flag Lots**

This section establishes standards for flag lots and the flag lot accessways that serve them. SRC 800.025(c), Table 800-1 establishes the following standards for the development of flag lot accessways.

<b>Table 800-1 Flag Lot Accessway Standards (Residential Zones)</b>		
	<b>1 to 2 Units Served by Accessway</b>	<b>3 to 4 Units Served by Accessway</b>
<b>Length</b>	150 ft. Max.	400 ft. Max.
<b>Width</b>	Min. 20 ft.	25 ft. Min.
<b>Paved Width</b>	Min. 15 ft.	20 ft. Min.
<b>Parking</b>	Not Allowed	Not Allowed
<b>Turnaround</b>	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
<b>Maximum Number of Lots Served</b>	A maximum of four units may be served by a flag lot accessway.	

**Finding:** Proposed Parcel 2 will be a flag lot containing one existing dwelling; the parcel will be served by a 20-foot-wide access easement through the parking and vehicle use area of the apartment complex of proposed Parcel 1. The flag lot accessway serving Parcel 2 exceeds 150 feet; however, the accessway is provided through the vehicle use and off-street parking area of the proposed multifamily complex on Parcel 1. The vehicle use area of the multifamily complex on Parcel 1 provides adequate Fire turnaround area and a fire hydrant is located within 80 feet of the property line. The Fire Department has reviewed the proposal and indicated unobstructed access shall be provided to the existing house on Parcel 2, and addressing for the house shall be visible from the street.

**Condition 2:** The accessway to proposed Parcel 2 shall remain unobstructed at all times and the house shall be clearly addressed from the street and entrance of the property.

**City Utility Infrastructure Standards**

The Development Services division reviewed the proposal for compliance with the City’s public facility plans as the pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

### ***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:** To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at the time of development for each parcel. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the Site Plan Review findings of Section 8 of this decision, the applicant has provided a preliminary stormwater system for proposed Parcel 1.

Proposed Parcel 2 contains an existing single-family dwelling that will remain. A tentative stormwater design is not required for Proposed Parcel 2 at this time but will be required at the time of future development.

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

#### *SRC 802.015 – Development to be Served by City Utilities*

This section 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:** As described in the Site Plan Review findings of Section 8 of this decision, conditions of approval require the design and construction of public water, sanitary sewer, and stormwater infrastructure ensuring that the proposed parcels will be adequately served by City utilities.

An existing single-family dwelling will remain on proposed Parcel 2. This parcel does not have frontage on a public street; to ensure proposed Parcel 2 can be served by public utilities, prior to final plat, the applicant shall provide a preliminary utility plan for proposed Parcel 2 and any utility easements needed to serve proposed Parcel 2 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels can be adequately served by public utilities, the following condition shall apply.

**Condition 3:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

#### *SRC 802.020 – Easements*

The conveyance or dedication of easements for City utilities may be required as conditions of development approval.

**Finding:** As described above, proposed Parcel 2 does not have frontage on a public street and is a flag lot. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition 4:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

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

#### ***SRC 803.025 – Right-of-way and Pavement Widths***

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 partition applications.

**Finding:** The intent of the proposed partition is to create two parcels for Phase 2 of the Grand Fir Apartments, including a new 72-unit multifamily residential development on proposed Parcel 1. An existing single-family home will remain on proposed Parcel 2, but the parcel could be developed in the future for a multifamily residential use. Right-of-way for Marietta Street SE was dedicated with Partition Plat No. 2024-57; therefore, no additional right-of-way dedication is required with this development proposal. As described in the Site Plan Review findings of Section 8 of this decision, improvements to Marietta Street SE are required as a condition of approval for the proposed multifamily development on proposed Parcel 1.

#### ***SRC 803.035 – Street Standards***

SRC 803.035(n) requires dedication of a ten-foot Public Utility Easements (PUE) along all street rights-of-way.

**Finding:** As a condition of approval, the applicant shall dedicate a ten-foot-wide PUE along the frontage of Marietta Street SE.

**Condition 5:** Prior to final plat approval, provide a ten-foot-wide public utility easement along the frontage of Marietta Street SE on the final plat.

The proposed development was evaluated for conformance with special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance, which can be found in the Site Plan Review findings of Section 8 of this decision. This criterion is met.

### ***SRC 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.***

**Finding:** Marietta Street SE abuts the subject property and is classified as a Local Street according to the Salem Transportation System Plan (TSP). The applicant's tentative plan shows that Marietta Street SE will be extended along the southern property boundary running east to west providing connectivity for the abutting properties to the south and west. Alternative street standards were approved for Marietta Street SE with Phase 1 of the Grand Fir Apartments (UGA-PAR-SPR-ADJ-DR22-02), including an increase to the minimum block length requirement for street connectivity. A mid-block multi-modal easement was required with Partition Plat No. 2024-57 to provide north-south multi-modal access to adjacent property to the north. Access to proposed Parcel 2 is provided by an internal flag lot accessway. As

proposed, the tentative partition plan does not impede future access to adjacent land. This criterion is met.

***SRC 205.005(d)(3): Development within the tentative partition plan can be served by City infrastructure.***

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

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Finding:** As described in the findings above, the subject property is located adjacent to Marietta Street SE, which is classified as a Local Street under the City's Transportation System Plan (TSP). Conditions of approval established in this decision require Marietta Street SE to be extended along the frontage providing access to the proposed development site. This criterion is met.

***SRC 205.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Finding:** The site will be served by available public water and sewer; therefore, this criterion is not applicable.

***SRC 205.040 – Partitions which can be further divided***

For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

**Finding:** If at such time the property redevelops, through Site Plan Review or land division application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards. This criterion is met.

## **7. Analysis of Urban Growth Area Preliminary Declaration Approval Criteria**

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

***SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:***

- (1) The required facilities necessary to fully serve the development;***
- (2) The extent to which the required facilities are in place or fully committed.***

**Finding:** Development Services has reviewed the applicable Master Plans and Area Facilities Plans and has determined what facilities are necessary to fully serve the development as well as the extent to which the facilities are in place or will be listed as a condition of approval on the development, as described in the below analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075.

***SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.***

**Finding:** An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows.

### ***SRC 200.055 – Standards for Street Improvements***

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local Streets or a minimum 34-foot improvement for Major Streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

As a condition of approval for UGA-PAR-SPR-ADJ-DR22-02 (Grand Fir Apartments Phase 1), an off-site linking street improvement was required and constructed along 27<sup>th</sup> Avenue SE from the intersection with Marietta Street SE south to the driveway of Morningstar Church (22-117925-PC). Therefore, the extension of Marietta Street SE along the eastern property boundary meets the linking street improvement requirement of SRC 205.055(b) and no additional linking street improvements are required for the proposed development.

### ***SRC 200.060 – Standards for Sewer Improvements***

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Marietta Street SE along the eastern property boundary. The existing sanitary sewer main along the eastern property boundary provides an adequate linking sewer improvement per SRC 200.060; therefore, off-site linking sanitary sewer improvements are not required. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

### ***SRC 200.065 – Standards for Storm Drainage Improvements***

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Marietta Street SE along the eastern property boundary. The existing main in Marietta Street SE provides an adequate link according to SRC 200.005; therefore, off-site linking stormwater improvements are not required.

### ***SRC 200.070 – Standards for Water Improvements***

**Finding:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The subject property is located within two water level pressure boundaries, S-1 and S-2. There is an S-1 water main available in Marietta Street SE abutting the subject property. The nearest available S-2 public water appears to be a 10" water main located approximately 540 feet south of the subject property on private property. As a condition of approval, the applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards, described further in the Site Plan Review findings below.

**Needed Improvement:** Extend a minimum 12-inch S-2 water main from adjacent private property located on Marion County Taxlot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the subject property.

During review of the Grand Fir Apartments Phase 1 (UGA-PAR-SPR-ADJ-DR22-02), it was anticipated that a portion of the property to be developed in Phase 2 would be served by S-1 water facilities. The existing S-1 water facilities in the area do not currently have adequate capacity. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant may pay a Temporary Access Fee (TAF). The TAF for this S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre. Condition 15 from UGA-PAR-SPR-ADJ-DR22-02 required a TAF equal to \$24,000 anticipating approximately 2 acres of the Phase 2 development site would be served by S-1 water.

The applicant's preliminary civil plans indicate that S-2 water service will be extended from the south, and along Marietta Street SE and will be available to serve the entirety of Phase 2.

Each of the proposed buildings is expected to be served by S-2 water, not S-1. Therefore, the TAF required by Condition 15 of UGA-PAR-SPR-ADJ-DR22-02 is no longer applicable to the proposed development. If at time of Building Permit review the utility plan is revised and the S-1 portion of the property will be served by S-1 water rather than S-2, then the TAF would be due for any portion of the site served by S-1 water.

**Needed Improvement:** Pay a Temporary Access Fee equal to \$12,000 per acre for any portion of development served by the S-1 water system.

### ***SRC 200.075 – Standards for Park Sites***

**Finding:** The development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property. Once the Coburn Grand View Subdivision (SUB-ADJ21-06) to the west of the property develops, the park will be accessible within the public transportation system. According to the *Parks Master System Plan*, the Reed Road Park will be established and developed to serve the area. No additional parks are planned for acquisition to serve the property; therefore, no park dedications or Temporary Access Fees are warranted.

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

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

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

**Finding:** The proposal includes development of a new multiple-family residential complex of five buildings with 72 dwelling units, as well as site improvements including common open space areas, off-street parking area, maintenance and service buildings, solid waste service areas, and landscaping for property zoned RM-II. The following is a summary of the applicable use and development standards for the proposed development.

#### ***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:** An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 are included in the Urban Growth Area Preliminary Declaration in Section 7 of this decision.

#### ***SRC Chapter 200.050(d) – Acquisition of property, easements, and right-of-way***

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

**Finding:** As described in the analysis of SRC Chapter 802 below, a utility easement is required for construction and maintenance of a new public S-2 water main on adjacent property to the south. As a condition of approval, the applicant shall ensure all required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition 6:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

### ***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 applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. Preliminary civil plans provided by the applicant indicate that stormwater generated for the Proposed Phase 2 development site will be routed to the stormwater facility constructed with Phase 1. At time of building permit, the applicant shall be required to submit a final Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 7:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

### ***SRC Chapter 514 – RM-II (Multiple Family Residential II) Zone***

#### ***SRC 514.005 – Uses***

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

**Finding:** A multiple-family residential use is proposed. Per Table 514-1, multiple-family residential uses are allowed as a permitted use in the RM-II zone.

#### ***SRC 514.010(b) – Lot Standards***

The minimum lot area requirement for a multi-family residential use is 6,000 square feet, the minimum lot width is 40 feet, and the minimum lot depth is 80 feet. All uses, other than townhouses, are required to have a minimum of 40 feet of street frontage.

**Finding:** As previously addressed in findings for the tentative partition plan in Section 7, the proposed parcels meet the minimum lot standards for the RM-II zone. The proposed development is being reviewed for conformance with the development standards of the RM-II zone with the assumption that the partition of the property is completed. Prior to building permit issuance, the applicant shall record the final plat of the partition.

**Condition 8:** Prior to building permit issuance, the applicant shall record the final plat of the partition.

*SRC 514.010(c) – Dwelling Unit Density*

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.

**Finding:** Per Table 514-3, multifamily residential uses require a minimum of 15-dwelling units per acre to a maximum allowance of 31-dwelling units per acre. Proposed Parcel 1 is approximately 3.0 acres in size, requiring a minimum of 45 dwelling units ( $3 \times 15 = 45$ ) and allowing a maximum of 426 dwelling units ( $3 \times 31 = 93$ ). A total of 72 dwelling units are proposed on Parcel 1, within the minimum and maximum allowance. Proposed Parcel 2 is 1.05 acres in size, requiring a minimum 15 dwelling units and allowing a maximum of 31 dwelling units. Parcel 2 will retain an existing single-family dwelling, and no further development is proposed on Parcel 2 with this application. These standards are met.

*SRC 514.010(d) – Setbacks*

Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

*Abutting a Street*

**South:** Adjacent to the south is right-of-way for the future extension of Marietta Street SE. Multiple-family uses require a minimum setback of 12 feet plus one foot for each foot of building height over 12 feet but need not exceed 20 feet in depth. Vehicle use areas require a minimum setback of 12 feet.

*Interior*

**North:** Adjacent to the north is property zoned RA (Residential Agriculture). Single-family uses require a minimum interior side setback of five feet. Per Table 514-5, buildings and vehicle use areas for a multiple-family use require a minimum zone-to-zone setback of ten feet with Type C landscaping.

**Finding:** The existing single-family dwelling on Parcel 2 is oriented such that the east property line will be the front and is setback a minimum of five feet to the north interior property line, meeting the standards. The proposed multifamily apartment buildings and vehicle use areas on Parcel 1 are setback 20-to-28 feet. The development plans indicate Type C landscaping, including a six-foot-tall sight-obscuring fence are proposed. These standards are met.

**East / West:** Adjacent to the east and west is property zoned RM-II. Single-family uses require a minimum 12-foot interior front setback and a rear setback of 14 feet or 20 feet for any portion of a building greater than one story in height. Per Table 514-5, buildings and vehicle use areas for a multiple-family use require a minimum setback of ten feet with Type C landscaping.

**Finding:** The proposed multifamily buildings and vehicle use areas on Parcel 1 are setback 20 feet, meeting the standard. The existing single-family dwelling on Parcel 2 is oriented such that the east property line will be the front and is setback a minimum of five feet to the north interior property line, meeting the standards. The proposed multifamily apartment buildings and vehicle use areas on Parcel 1 are setback 20-to-28 feet. The development plans indicate Type

C landscaping, including a six-foot-tall sight-obscuring fence are proposed. These standards are met.

The existing single-family dwelling on Parcel 2 is one story and is setback more than 12 feet from the east property line and more than 14 feet from the west property line, meeting the standards. The proposed multifamily apartment buildings on Parcel 1 are setback more than ten feet from both east and west property lines and include Type C landscaping to the west side. To the east side, the development site abuts Phase 1 of the complex. Because the complex is intended to look and function as one site, the applicant has requested a Class 2 Adjustment to eliminate the required six-foot-tall fence between the two properties, addressed in Section 11 of this decision.

*SRC 514.010(g) – Landscaping*

- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

**Finding:** The development plans indicate required setbacks and vehicle use areas will be landscaped meeting the minimum plant units. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

*SRC 514.010(h) – Outdoor Storage*

Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

**Finding:** No outdoor storage areas are proposed; therefore, this section is not applicable.

*SRC 514.015(a) – Design Review*

Multiple family development shall be subject to design review according to the multiple-family design review standards set for in SRC Chapter 702.

**Finding:** The proposed development is subject to Design Review, findings for which are included in Section 10 of this decision. .

***SRC Chapter 602 – Airport Overlay Zone***

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

*SRC 602.020(a) – Height*

Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the

height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.

**Finding:** The subject property is located within the Horizontal Surface of the City's Airport Overlay Zone.

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

**Finding:** Due to the existing site elevation of the property, as indicated from the Oregon Department of Aviation (ODAV), any structure approximately 35 feet in height may require the applicant to submit a Notice of Construction to ODAV, depending on the specific location on site and the final site elevation at finished grade. The plans indicate buildings with a height of 43 feet from the finished grade to the highest point, meaning they would likely be required to undergo aeronautical evaluations by the FAA and ODAV. The applicant is responsible for obtaining the appropriate determinations and compliance with the applicable FAR and OAR requirements; however, a land use decision for an Airport Overlay Zone Height Variance per SRC Chapter 602 may be required for a building or structure exceeding the maximum height allowance of the Airport Overlay Zone, prior to issuance of any building permit. To ensure these standards are met, the following condition shall apply.

**Condition 9:** At the time of building permit review, the applicant shall provide the resulting aeronautical determination letter from ODAV to determine if an Airport Overlay Zone Height Variance is required. If applicable, the applicant shall obtain approval of an Airport Overlay Zone Height Variance per SRC Chapter 602, prior to issuance of any building permit for a building or structure exceeding the maximum height allowance of the Airport Overlay Zone.

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

#### ***SRC 800.055(a) – Applicability***

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

**Finding:** The site plan indicates two new solid waste service areas and enclosures will be provided to serve the complex: one located in front of buildings N and P, and one in front of building S. The plans indicate the enclosures will house receptacles larger than one cubic yard in size. The following is a summary of applicable design standards for the solid waste service area.

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

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

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

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

**Finding:** The development plans indicate a pad area meeting the standards of this section.

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:** The development plans indicate adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

3) Vertical Clearance.

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

**Finding:** The plans indicate a covered enclosure with receptacles of 1.5 cubic yards which will be wheeled out of the enclosure for servicing. The proposal meets the standards.

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

- 1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- 4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

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

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

- 1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose

of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.

- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The solid waste receptacles are contained within an enclosure; therefore, screening is not required.

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

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

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

**Finding:** The applicant's development plans indicate that the enclosures have unobstructed openings for servicing, each with a width of 12 feet in compliance with this provision.

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

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

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The development plans indicate enclosure opening widths of 12 feet with gates that will be able to swing at least 120 degrees in compliance with this standard. The plans do not indicate restrainer bolts. To ensure these standards are met, the following condition shall apply.

**Condition 10:** At the time of building permit review, provide detailed plans of the solid waste service area and enclosure demonstrating the requirements of SRC 800.055 will be met.

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

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(A), the vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

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

- C. The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

**Finding:** The proposed vehicle operation area is provided in connection with a parking lot drive aisle which will be kept free of vehicles and other obstructions at all times in compliance with the requirements of this section.

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

**Finding:** The solid waste enclosures are covered; however, receptacles will be wheeled out of the enclosure for servicing and will have a minimum vertical clearance of 14 feet. The proposal meets the standard.

- 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 proposed service areas provide a direct approach to both enclosures; therefore, a turnaround is not required. The proposal meets the standard.

- 2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

**Finding:** The proposed vehicle operation areas are located within the vehicle use area of the complex, and service vehicles will not be required to back onto a street or leave the premises. The proposal meets the standard.

- 3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

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

- 4) "No Parking" signs shall be placed in a prominent location on the enclosure or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

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

***SRC 800.055(g) – Notice to Solid Waste Collection Franchisee***

Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee.

**Finding:** The applicant has not requested an Adjustment to the vehicle operation area turnaround requirements; therefore, this section is not applicable.

***SRC 800.065 – Pedestrian Access***

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

**Finding:** The pedestrian access standards of SRC Chapter 800 are not applicable to the proposed multiple family residential development.

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

***SRC 802.015 – Development to be served by City utilities***

All development shall 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:** In summary, the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the 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.

**Water –** The subject property is located within the S-1 and S-2 water services levels. The applicant proposes to serve the entire development with the S-2 water system. There is an existing S-2 public water main located on private property approximately 540 feet south of the subject property. The 12-inch S-2 water main shall also be extended along the Marietta Street SE frontage to serve the proposed development as specified in the Water Distribution Design Standards. As a condition of approval, the applicant shall extend a minimum 12-inch S-2 water main from adjacent private property located at 083W12C000900 and 083W12C001700, north to Marietta Street SE and along the frontage of the property.

**Condition 11:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 12-inch S-2 water main from its existing terminus on adjacent private property located on Marion County Tax Lot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the western boundary of the subject property and extend the 12-inch main in Marietta Street SE to the western property boundary as shown on the applicant's preliminary utility plan. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.

**Sanitary Sewer –** There is an existing 8-inch sewer main located at in Marietta Street SE along the eastern property boundary. The applicant shall extend the 8-inch sewer main within

Marietta Street SE to the western boundary of the subject property.

**Condition 12:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 8-inch sewer main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to the *Public Works Design Standards*.

**Stormwater** – There is an existing 12-inch storm main located in Marietta Street SE along the eastern property boundary. The applicant shall be required to extend a public storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property.

**Condition 13:** Prior to issuance of a Certificate of Occupancy, extend a minimum 12-inch storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to *Public Works Design Standards*.

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

#### *SRC 802.020 – Easements*

The conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** Any easements needed to serve the proposed parcels with City infrastructure shall be dedicated prior to building permit issuance. Public Works Design Standards require public utilities to be constructed in public rights-of-way. As shown on the applicant's preliminary utility plan, an extension of a new public S-2 water main is proposed to be located on adjacent privately owned property (Marion County tax lots 083W12C000900 and 083W12C001700). Water mains constructed on private property require a design exception. The Public Works Department has reviewed this request and is supportive of extending the existing public water main on private property with dedication of an easement, as required by the *Public Works Design Standards*. Per the Public Works Design Standards Section 1.8 (Easements), the minimum easement width required for a 12-inch public water main is 20 feet; additional easement width may be required depending on pipe depth. Existing buildings on the adjacent private property may necessitate a narrower easement. Easement width shall only be reduced through a Design Exception approved by the City Engineer, which has not been reviewed or approved. As a condition of approval, the applicant shall dedicate an easement for the new public main located on private property meeting the Public Works Design Standards for easement width.

**Condition 14:** Prior to building permit issuance, the applicant shall obtain an easement for the proposed public water main on private property which meets the *Public Works Design Standards (PWDS)* for easement width per PWDS Section 1.8 (Easements).

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

##### *SRC 803.025 – Right-of-way and Pavement Widths*

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:** Marietta Street SE abuts the subject property and is classified as a Local Street according to the Salem Transportation System Plan (TSP). Alternative street standards for Marietta Street SE were approved with the Grand Fir Apartments Phase 1 (UGA-PAR-SPR-ADJ-DR22-02), including a reduction of the right-of-way width requirement for a Local Street, an increase to the minimum block length requirement for street connectivity, and a reduction to the planter strip width for a Local Street. Right-of-way dedication for Marietta Street SE along the frontage of the subject property was complete with Partition Plat No. 2024-57; therefore, no additional right-of-way dedication is required for Marietta Street SE with the proposed development. A mid-block multi-modal easement was also dedicated with Partition Plat No. 2024-57; therefore, no additional internal street connections are required with the proposed development.

The applicant's tentative plan shows that Marietta Street SE will be extended along the southern property boundary running east to west within the existing 44-foot right-of-way, constructed with a 30-foot improvement, and including sidewalk on the development (north) side of the street. As a condition of approval, per SRC 803.040(a)(2), the applicant shall extend Marietta Street SE, as specified on the site plan.

**Condition 15:** Prior to issuance of a Certificate of Occupancy, extend Marietta Street SE from its existing terminus to the western boundary of the subject property. Marietta Street SE shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, except, only sidewalk on the development (northern) side of the street is required to be constructed.

#### *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:** Planting of street trees to the maximum extent feasible is required with the extension of Marietta Street SE. Public Works Design Standards require that local streets have a minimum planting strip width of eight feet; however, the applicant's street design include planter strips at a width of approximately four and a half feet, which will match the Grand Fir Apartments Phase 1 Marietta Street SE improvement. Staff is supportive of the reduced planter strips; however, to promote tree growth and viability, the planter strips shall include the addition of soil cells, engineered soils, or other soil amendments.

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

#### ***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 proposal includes two new driveway approaches onto Marietta Street SE, for which the applicant has applied for Class 2 Driveway Approach Permits, addressed in Section 9 of this decision. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

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

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.

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

#### *SRC 806.015 – Amount of Off-Street Parking*

- a) *Maximum Off-Street Parking.* Pursuant to Table 806-1, the maximum off-street parking allowance for a multi-family use is 1.2 spaces per dwelling unit for each studio unit and 1.75 space for all other dwelling units.
- b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Required Electric Vehicle Charging Spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

**Finding:** The proposed development includes 72 new multifamily dwelling units, none of which are proposed to be studio units. The maximum off-street parking allowance is 126 spaces ( $72 \times 1.75 = 126$ ). The proposed off-street vehicle use area includes 114 parking spaces, less than the maximum allowance.

The proposed development includes five or more dwelling units on the same lot in a building that includes a mix of residential and nonresidential uses. SRC 806.015(d) requires a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The proposal includes 114 parking spaces, requiring a minimum of 46 EV ready charging spaces ( $114 \times 0.4 = 45.6$ ). The applicant's written statement indicates 46 EV ready charging spaces will be provided; however, the site plan does not indicate which spaces will be available for electric vehicle charging. Prior to building permit issuance, the applicant shall provide an updated plan set that demonstrates a minimum of 40 percent of the off-street parking spaces proposed will be designated as spaces to serve

electrical vehicle charging.

**Condition 17:** At time of building permit, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

A maximum of 86 spaces may be compact parking spaces ( $114 \times 0.75 = 85.5$ ); the site plan indicates that 31 spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

**Finding:** Per SRC 702.020(b)(8), the proposed multiple-family residential development is exempt from the landscaping requirements of SRC Chapter 806.

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

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

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

**Finding:** The proposed off-street parking area includes a drive aisle that terminates at a dead-end, requiring a turnaround. The development plans indicate a turnaround pocket at the end (area "D" of Table 806-6), but do not show the turnaround area "C" of Table 806-6. To ensure compliance with the standard is met, the following condition shall apply.

**Condition 18:** At time of building permit review, provide plans demonstrating a turnaround at the north end of the parking lot meeting the standards of SRC 806.035(f), Table 806-6 will be met.

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

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

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

**Finding:** Where parking spaces abut the walkways along the building perimeter, the walkways are seven and a half feet wide, so that parked vehicles will not overhang into the minimum five-foot perimeter setback. Where parking spaces abut a landscaping setback, the setback is deep enough so that the overhanging vehicle will not project into the setback; therefore, bumper guards or wheel barriers are not required. 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:** The proposed off-street parking area is developed consistent with the additional development standards for striping, marking and signage, and lighting. These standards are met.

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.

(1) *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 new paved off-street parking area has an impervious area of approximately 42,535 square feet; therefore, this section is applicable. The applicant has proposed option (C), Increased tree canopy coverage, as climate mitigation. The development plans indicate 19,724 square feet of tree canopy coverage will be provided, more than the minimum 40 percent of the total off-street parking area ( $42,535 \times 0.4 = 17,014$ ). This standard is met.

(2) *Provision of tree canopy.* Development that includes a total of more than one-half acre of new off-street parking shall provide tree canopy in conformance with one or more of the following:

(A) *Trees along driveways.* Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3) of this section;  
or

(B) *Tree canopy coverage.* On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section,

covering at least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years.

**Finding:** The development plans indicate 19,724 square feet of tree canopy coverage will be provided around the perimeter of the off-street parking area, equivalent to 46 percent of the off-street surface parking and vehicle use areas, meeting Option B for this requirement. This standard is met.

- (3) *Tree canopy standards.* To ensure new off-street surface parking totaling more than one-half acre in size meets minimum tree canopy coverage requirements, new trees shall be planted and/or existing trees shall be preserved in conformance with the following standards.
- (A) *Expected tree canopy area.*
- (i) *Expected on-site tree canopy area shall be based on the standards set forth in Table 806-7.*
  - (ii) *New trees that are planted shall be selected from Table 806-7, unless otherwise approved by the Planning Administrator.*
  - (iii) *Existing trees that are preserved may be included in expected tree canopy area, regardless of species, so long as they conform to the other standards of this subsection. Mature trees 15 years of age or older may be counted with their existing canopy area at the time of application. Immature trees shall be categorized as either small or large trees based on how their species is identified in Table 806-7, or as categorized by the Planning Administrator.*
  - (iv) *Each tree meeting the requirements of this subsection may be counted toward the total expected tree canopy area so long as the trunk of each tree is located within 10 feet of the parking area.*
  - (v) *Exclusions to expected tree canopy area. Portions of tree canopy shall not be counted as part of the expected tree canopy area where the expected tree canopy areas at 15 years will overlap by more than five linear feet, or where the expected tree canopies overlap with any portion of an existing or proposed building.*
- (B) *Tree planting standards.* Trees provided to meet tree canopy coverage requirements shall meet subsections (i) through (v) of this section.
- (C) *Tree Location/Utility Coordination.* Coordination shall be demonstrated with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

**Finding:** The development plans indicate five Sawleaf Zelkova trees with an expected canopy diameter of 50 feet; four Sterling Silver Linden trees with an expected canopy diameter of 35 feet; and ten Natchez Crape Myrtle trees with an expected canopy diameter of 35 feet. The proposed trees meet the expected 15-year tree canopy diameter and will be planted within ten feet of the perimeter of the off-street parking area, meeting the standards of Table 806-7. Each of the trees are proposed to be planted within groups of at least three trees per planter island and with at least 1,00 to 1,500 cubic feet of soil at a minimum of two feet in depth. The trees do not overlap more than 20 percent of existing or proposed buildings. It is unclear whether the proposed trees will conflict with any planned or existing utility infrastructure. To ensure this standard is met, the following condition shall apply.

**Condition 19:** Prior to building permit approval, the applicant shall provide proof of coordination with the local electric utility to ensure the compatibility of the proposed tree canopy and root systems will not interfere with planned and existing utility infrastructure.

**SRC 806.045 – General Applicability**

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

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

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

**Finding:** Bicycle parking spaces serving the proposed multiple-family residential use are provided on the subject property in compliance with this provision.

**SRC 806.055 – Amount of Bicycle Parking**

Per SRC Chapter 806, Table 806-8, uses in the multiple family residential use category require a minimum of one space per dwelling unit. Table 806-8 allows 100 percent of the required bicycle parking spaces to be long-term.

**Finding:** The proposed development includes a total of 72 multifamily residential dwelling units, requiring a minimum of 72 bicycle parking spaces.

The applicant's site plan and written statement indicate that a total of 72 short term and long-term bicycle parking spaces are provided throughout the development site, in compliance with the minimum requirement.

**SRC 806.060 – Bicycle Parking Development Standards**

a) *Location.*

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

(2) *Long-term bicycle parking.*

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

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

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

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

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

- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

**Finding:** The proposed site plan indicates that 58 long-term bicycle parking spaces within two separate storage rooms and 14 short-term bicycle parking spaces are provided throughout the site next to each building. The short-term spaces are within 50 feet of primary building entrances in locations that are clearly visibly from primary building entrances and distributed throughout the development site.

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

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

- c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
  - (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

**Finding:** The proposed short-term and long-term bicycle parking spaces meet the minimum dimensions requirements of Table 806-9.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. The minimum access aisle width is four feet.

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

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

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

- e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle in a stable position.
    - a. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
    - b. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

- (4) Racks shall be securely anchored.
- (5) Examples of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

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

***SRC 806.065 – General Applicability***

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

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

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

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

Per Table 806-11, multi-family residential uses containing 50 to 99 dwelling units require a minimum of one off-street loading space. Required loading spaces shall have a minimum width of 12 feet, minimum depth of 19 feet, and minimum overhead vertical clearance of 12 feet. If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

**Finding:** The proposal includes 72 dwelling units, requiring one off-street loading space. The applicant's written statement indicates the proposed multiple-family use will not require a delivery vehicle of 8,000 pounds and that an off-street parking space may be used for an off-street loading area. This standard is met.

***SRC 807 – Landscaping and Screening***

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 development plans include a landscaping plan which indicates that required setbacks will be landscaped to the Type A and Type C standards. Additional landscaping required for the Multiple Family Design Review are addressed in Section 10 of this decision. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

***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 808 – Preservation of Trees and Vegetation***

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), or, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater (SRC 808.025), unless undertaken pursuant to a permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

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

***SRC 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC 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 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, there are 2-point landslide hazard areas on the subject property. The proposed multifamily residential and tentative partition activity adds 2 points to the proposal, which results in a total of 4 points; therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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

**Finding:** Access to the proposed development will be provided by the network of existing public streets that surround the property. As shown on the preliminary site plan Marietta Street SE will be extended along the southern boundary of the subject property to provide safe and convenient access to the proposed development site. As conditioned, the required improvements will ensure that 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): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.***

**Finding:** Per SRC 803.015(b)(1), a Traffic Impact Analysis is not required as part of the land use submittal for the proposed development; therefore, this criterion is not applicable.

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

**Finding:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required which establishes needed improvements to serve the proposed development. Findings for the Urban Growth Preliminary Declaration are included in Section 7 of this decision. As previously addressed and conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. With the required improvements, water, sewer, and storm infrastructure will be available and adequate to serve the proposed development. This approval criterion is met.

## **9. Analysis of Class 2 Driveway Approach Permit Approval Criteria**

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

The applicant proposes two new driveway approaches onto the extension of Marietta Street SE, a Local Street. As described in the findings below, the proposed driveway approaches meet the approval criterion.

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

**Finding:** The proposed driveway approaches are in compliance with all applicable development standards in SRC Chapter 804 and *Public Works Design Standards* (PWDS). This criterion is met.

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

**Finding:** Development Services has reviewed the proposal and determined that no existing site conditions prohibit the locations of the proposed driveways. This criterion is met.

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

**Finding:** The subject property has frontage along Marietta Street SE, which is classified as a Local Street according to the Salem Transportation System Plan (TSP). The proposed driveways do not access onto an Arterial Street; therefore, this criterion is not applicable.

***SRC 804.025(d)(4): The proposed driveway approach, where possible:***

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property.***

**Finding:** Marietta Street SE is the only abutting street, which is classified as a Local Street. The driveway approaches only serve the subject property and are not shared. The proposed driveways are located with access to the lowest classification of street abutting the subject property in compliance with this standard. This criterion is met

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

**Finding:** As previously addressed, the proposed driveways meet the PWDS vision clearance standards set forth in SRC Chapter 805.

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

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

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

**Finding:** Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the locations of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

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

**Finding:** The proposed driveway approaches are located on Marietta Street SE, which is designated as a Local Street. The approaches do not create a significant impact to adjacent streets and intersections. This criterion is met.

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

**Finding:** The proposed development is surrounded by residentially zoned property. The two proposed driveway approaches serving the development are from the lowest classification street abutting the subject property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

## **10. Analysis of Class 1 Design Review Approval Criteria**

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

## **Development Standards – Multiple Family Design Review Standards SRC 702**

*SRC 702.020 – Design review standards for multiple family development with thirteen or more units.*

(a) Open space standards.

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

**Finding:** The proposed multiple-family development site is approximately 3.0 acres in size (131,421 square feet), requiring a minimum of 39,426 square feet ( $131,421 \times 0.3 = 39,426$ ) of open space. Per the applicant's site plan, approximately 52,167 square feet of open space is provided for the development site, or 40 percent, exceeding the minimum open space requirement. This standard is met.

- (A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided within the development that is at least 1,000 square feet in size, plus an additional 250 square feet for every 20 units, or portion thereof, over 20 units and has a minimum dimension of 25 feet for all sides.

**Finding:** Per Table 702-3 the proposal requires a minimum open space area that is 1,650 square feet in size ( $1,000 + (250 \times ((72-20)/20)) = 1,650$ ) with no dimension less than 25 feet. The development plans indicate that a dedicated open space area approximately 3,730 square feet in size and another approximately 5,000 square feet in size will be provided, with no dimension less than 25 feet which exceeds the minimum requirement. These standards are met.

- (B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

**Finding:** The applicant's written statement and development plans indicate that none of the proposed open space areas on the site are located in areas with a slope exceeding 25 percent. This standard is met.

- (C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

**Finding:** The development plans indicate that the majority of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards. These standards are met.

(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

**Finding:** The development plans indicate that 62 of the 72 proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards. The private open space areas comply with the minimum size requirements of Table 702-4. These standards are met.

(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
- (ii) Include at least one of the following types of features:
  - a. Covered pavilion.
  - b. Ornamental or food garden.
  - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
  - e. Swimming pool or wading pool.

**Finding:** The development plans indicate an improved open space area in the form of a 3,730 square foot sports field will be provided. The development plans exceed the minimum required open space. These standards are met.

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

**Finding:** The development proposes more than the minimum amount of required open space and does not propose to utilize a park to count toward this requirement; therefore, this standard is not applicable.

(b) Landscaping standards.

- (1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

**Finding:** The proposed multiple-family development site is approximately 3.0 acres in size (131,421 square feet), requiring a minimum of 66 trees to be planted or preserved ( $131,421 / 2,000 = 65.7$ ). The development plans indicate 85 new trees will be planted. This standard is met.

- (2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
  - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this standard.

**Finding:** The subject property abuts property zoned RA to the north. The development plans indicate a linear length of 227 feet along the abutting property, requiring a minimum of eight trees ( $227 / 30 = 7.56$ ). The plans indicate eight trees and a six-foot-tall, decorative, sight-obscuring fence along the property line abutting the RA zone to the north. These standards are met.

- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

**Finding:** The landscaping plan provided indicates at least two plant units will be installed at each shared primary entryway in compliance with this provision.

- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

**Finding:** The landscaping plan provided indicates at least ten plant units of trees per 60 linear feet of exterior building wall will be planted within 25 feet on each side of the proposed buildings in compliance with this standard.

- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

**Finding:** The landscaping plan provided indicates at least one plant unit of shrubs per 15 linear feet are to be planted on each side of the proposed buildings in compliance with this standard.

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

**Finding:** The development plans indicate all private open space located contiguous to the dwelling unit will be separated from common open space with perimeter landscaping in compliance with this standard.

- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).
- (A) A minimum of one canopy tree shall be planted within each planter bay.
  - (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).

**Finding:** The landscape plans indicate trees will be provided along every 50 feet of and within ten feet of the parking area perimeters except along the parking area in front of Building S, due to the placement of a solid waste enclosure and pedestrian connection. The applicant has requested a Class 2 Adjustment to the spacing of the trees provided along the parking area in front of Building S, which is addressed in Section 11 of this decision. A minimum of one canopy tree is proposed to be planted in each planter bay along the parking areas; however, some of the planter bays are less than the minimum nine feet in width. The applicant has requested a Class 2 Adjustment to the nine-foot planter bay width, which is addressed in Section 11 of this decision. A minimum of one planter bay is proposed for every 12 parking spaces, meeting the standard.

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

**Finding:** The proposal includes more than thirteen units; therefore, this development is exempt from the landscaping requirements of SRC Chapter 806.

(c) Site safety and security.

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

**Finding:** The floor plans and elevations provided indicate that windows are provided in all habitable rooms other than bathrooms on each wall that faces common open space, parking areas, or pedestrian pathways, in compliance with this standard.

- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

**Finding:** The development plans indicate that exterior lighting will be provided along pedestrian paths and adjacent to vehicle use areas. Lighting will also be provided on building exteriors at dwelling unit entrances. This standard is met.

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility"

means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

**Finding:** According to the site plan and landscaping plan, there are no street facing dwelling units; therefore, this standard is not applicable.

(4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

**Finding:** According to the site plan and landscaping plan, there are no fences near the entryways or common open space areas. According to the site plan and landscaping plan, there are no fences or plant materials proposed adjacent to open space, parking areas, and dwelling unit entryways that would obstruct visibility of those areas, in compliance with this standard.

(d) Parking and site design.

(1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

**Finding:** The development plans indicate some landscape planter bays nine feet or more; however, some are less than nine feet in width. For which the applicant has requested a Class 2 Adjustment, addressed in Section 11 of this decision.

(2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

**Finding:** The proposed off-street surface parking areas are located behind or beside adjacent buildings or structures in compliance with this standard.

(3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

**Finding:** The subject property abuts RA zoned property to the north. The proposed parking is uphill from the abutting property but is not on a slope 15 percent or greater. The proposed parking area is 20 feet from the property line and is in compliance with this provision.

(4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

**Finding:** Sidewalks are shown throughout the development site, connecting buildings, common open areas, parking areas and each abutting street in compliance with this standard.

(e) Façade and building design.

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

**Finding:** No building has a dimension greater than 150 feet. This standard is met.

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

(A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

**Finding:** The subject property abuts property zoned RA to the north. Table 702-5 requires buildings 2 or more stories in height to be setback a minimum of one foot for each one foot of building height. Proposed Building P abuts the northern property line and is approximately 36 feet in height, requiring a minimum setback of 36 feet. The development plans indicate a setback of 28 feet, for which the applicant has requested a Class 2 Adjustment, addressed in Section 11 of this decision.

(3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.

**Finding:** No balconies are proposed on the building façades that face RA or RS zoned properties; therefore, this standard is not applicable.

(4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

**Finding:** The subject property has approximately 442 feet of frontage along Marietta Street SE, requiring a minimum of 177 feet of the frontage to be occupied by buildings placed at the setback line ( $442 \times 0.4 = 176.8$ ). The development plans indicate buildings M, R, and S will have approximately 200 feet of frontage placed at the setback line along Marietta Street SE, in compliance with this section.

(5) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

**Finding:** Buildings M, R, and S are located adjacent to and 20 feet from Marietta Street SE; however, the ground floor units do not provide building entrances facing the street, for which the applicant has requested a Class 2 Adjustment, addressed in Section 11 of this decision.

(6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

**Finding:** The development plans do not provide a porch or architecturally defined entry area for each ground level dwelling unit, for which the applicant has requested a Class 2 Adjustment, addressed in Section 11 of this decision.

(7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment and shall be integrated with exterior building design.

**Finding:** The development plans do not indicate any roof-mounted mechanical equipment requiring screening.

(8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

**Finding:** The planned roofs for the proposed buildings provide differences in elevation of at least four feet in height, creating variation in the roofline. Buildings which exceed 100 feet in horizontal length will be provided with offset roof ridges in compliance with this standard.

(9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

(A) Offsets (recesses and extensions).

(B) Covered deck.

(C) Covered balcony.

(D) Cantilevered balcony, provided at least half of its depth is recessed.

(E) Covered entrance.

**Finding:** The development plans and building elevation plans indicate building offsets, covered decks and balconies, and covered entrances will be incorporated into the design for each building in compliance with this standard.

(10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):

- (A) Change in materials.
- (B) Change in color.
- (C) Molding or other horizontally-distinguishing transition piece.

**Finding:** According to the applicant's written statement and building elevation plans, horizontally distinguishing transition pieces will be used to visually break up the mass of each building, in compliance with this standard.

### **11. 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 thirteen Class 2 Adjustments, findings for which are summarized below.

- 1) *To eliminate the minimum 10-foot setback abutting a flag lot accessway, per SRC 514.010(d).*

As described in the findings in Section 6 of this decision, the proposal includes a tentative partition plan to divide the subject property into two parcels, with Parcel 1 proposed to be developed as Phase 2 of the Grand Fir apartment complex, and Parcel 2 to retain an existing single-family dwelling. Proposed Parcel 2 does not have street frontage and is therefore considered a flag lot, access to which is provided by a 20-foot easement which runs through the proposed parking and vehicle use area of the apartment complex on Parcel 1 to Marietta Street SE. Parcel 2 will eventually be developed as another phase of the apartment complex, sharing the vehicle use area. Because access easements are treated the same as property lines for setbacks, per SRC 514.0110(d), Table 514-5, a minimum ten-foot landscaped setback on either side of the easement would be required. The applicant has requested a Class 2 Adjustment to eliminate this setback requirement as it is impractical to provide landscaping along the access easement which uses the same vehicle use and maneuvering area as the rest of the apartment complex on Parcel 1. As all other setbacks are adequately landscaped and the easement is for shared access only, the proposal equally meets the intent of providing landscaped setbacks between uses and properties. As proposed, the request equally meets the standard, and this approval criterion is met.

- 2) *To eliminate the six-foot-tall fence for the setback to Phase 1 of the development on the abutting RMII-zoned property to the east, per SRC 514.010(d).*

The proposal includes the development of the second phase of a multifamily apartment complex on property adjacent to the first phase of the Grand Fir apartments. The two phases will be on separate properties but are under common ownership and share the same design

and amenities, including shared pedestrian walkways connecting them. The setback standards of the RM-II zone require a six-foot-tall sight-obscuring fence between abutting residentially zoned properties. Because the two phases of the development site essentially function as one complex, the applicant has requested a Class 2 Adjustment to not provide this fencing. The purpose of the fencing is to provide visual and physical separation and privacy for residential uses; however, if the site were one property, fencing would not be required between the two phases. Because the two phases are intended to look and function as one complex and provide for amenities such as pedestrian connectivity, the fencing is not necessary and eliminating it would in fact increase the livability of the complex. As proposed, the request better meets the standard, and this approval criterion is met.

- 3) *To reduce the number of trees to be planted along the parking area perimeter adjacent to Building S, per SRC 702.020(b)(7).*

The applicant has requested a Class 2 Adjustment to reduce the minimum amount of one canopy shade tree for every 50 feet of parking area perimeter for Building S. As shown on the site plan, there is a proposed trash enclosure at the end of the row of parking spaces adjacent to Building S, which creates site constraints for the tree planting. The applicant has proposed to provide additional canopy trees along the parking perimeter across the drive aisle. The purpose of the standard is to provide protection from the elements in the transition areas between parking and building entrances. The intent is also to provide enhanced landscaping between ground floor residential units and the parking areas in front of buildings. Because the ground floor of this area of Building S is proposed to be storage and not ground floor dwellings, the reduced landscaping will not detract from the landscape buffer between dwellings and the parking area. As the applicant has provided adequate landscaping and trees throughout the rest of the site, including additional trees across the drive aisle from the trash enclosure, the proposal equally meets the intent of the standard, and this approval criterion is met.

- 4) *To reduce the minimum planter bay width of various planter islands throughout the parking area from nine feet to eight feet, per SRC 702.020(b)(7)(B).*

The development plans indicate several landscape planters throughout the off-street parking areas that are only eight feet wide, as measured from inside the curbs. With the six-inch curbs on either side of the planter bay included, the planter bays measure nine feet. The applicant has requested a Class 2 Adjustment to reduce the measurement of the interior of the planter bays to eight feet to be consistent with the parking and landscaping layout of Phase 1 of the complex. The intent of the nine-foot-wide landscape planters is to provide landscaping equivalent to the size of a standard nine-foot-wide parking space and to break up large expanses of paved areas within parking and vehicle use areas. The applicant's development plans include numerous landscape planters that exceed the minimum nine-foot landscape bay width, providing additional landscaping and breaks throughout the parking area. Although the bays are slightly reduced in size, they can still accommodate the minimum landscaping required, including one canopy tree per bay. As the applicant has provided adequate landscaping and trees throughout the development site, the proposal equally meets the intent of the standard, and this approval criterion is met.

- 5) *To reduce the minimum setback for Building P from 36 feet to 28 feet to the north property line abutting an RA-zoned property, per SRC 702.020(e)(2).*

As shown on the applicant's site plan, Building P is setback 28 feet from the north property line abutting RA-zoned property. Per SRC 702.020(e)(2), Table 702-5, to provide appropriate transitions between new buildings and abutting RA or RS zoned property, buildings two or more stories shall be setback a minimum one foot for each foot of building height, but in no case less than 20 feet. Building P is proposed to be 35 feet tall, requiring a minimum setback of 35 feet. The applicant has requested a Class 2 Adjustment to reduce this setback in order to maximize development of the site and provide additional units of needed housing. The intent of the standard is to provide adequate separation between new multistory buildings and other residential dwellings on abutting properties. The property to the north is currently being developed as a new subdivision and will include single-family residential dwellings on lots that 100 feet deep and oriented north to south, front to back. Because the development site abuts the rear of the abutting lots, and any newly built homes on those lots will be setback a minimum 14 feet for single story and 20 feet for two or more stories, the distance between the new houses and Building P will be 34 to 40 feet, at minimum. Given the depth of the abutting lots, it is likely any new dwelling will be more than 20 feet setback from the property line, further increasing the distance between Building P and any new residential dwelling. The setback area abutting the residential zone to the north also includes abundant landscaping, including large shade trees and a six-foot-tall decorative, sight-obscuring fence, which will further buffer the abutting residential uses from the larger building. As proposed, the reduced setback equally meets the intent of the standard, and this approval criterion is met.

- 6) *To the building orientation of Building M and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5).*

The development plans indicate three buildings located within 25 feet of the property line abutting Marietta Street to the south of the site. Buildings M and S are both oriented such that their front facades face inward toward the site and their sides face the street; Building R is also oriented such that its front façade faces inward, and its back side faces the street. The buildings are separated by driveway approaches between Buildings M and R, and R and S, respectively. The applicant has requested a Class 2 Adjustment for Building M to not provide an architecturally defined primary building entrance or direct pedestrian access to the street. The intent of the standard is to bring buildings and residential activity closer to the streetscapes and to provide greater visual activity along the streets. Because Building M faces inward and is separated by the drive aisle and vehicle use areas of the site, it is architecturally practical that the primary entrance of the building face the same way. Furthermore, the corners of the perimeter of the site are sloped down and away from the central area of the site, requiring retaining walls, and providing entrances here would not be practical. The ground floor unit at the corner provides private outdoor space in the form of a patio with a door and windows to the outside. While this does not provide a primary entrance for the whole building, it does provide a more street facing façade to provide residents a more active, street-oriented design. Pedestrian pathways are provided from the front of the building to the street and sidewalk network, which also enhance the pedestrian and street-oriented design. As proposed, the building orientation for Building M equally meet the standard, and this approval criterion is met.

- 7) *To the building orientation of Building R and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5).*

The development plans indicate three buildings located within 25 feet of the property line abutting Marietta Street to the south of the site. Proposed Buildings M and S are both oriented such that their front facades face inward toward the site and their sides face the street; Building R is also oriented such that its front façade faces inward, and its back side faces the street. The buildings are separated by driveway approaches between Buildings M and R, and R and S, respectively. The applicant has requested a Class 2 Adjustment for Building R to not provide an architecturally defined primary building entrance or direct pedestrian access to the street. The intent of the standard is to bring buildings and residential activity closer to the streetscapes and to provide greater visual activity along the streets. The applicant indicates this adjustment is necessary because of the slope of the ground at this end of the development site, which will require retaining walls, making building entrances impractical on these sides. Furthermore, this building orientation will be consistent with the design of the buildings of Phase 1 of the complex, which included the same adjustment request and design. The ground floor units on this side both provide private outdoor space in the form of patios and include doors and windows to the outside, as well as a shared path to the street. While this does not provide a primary entrance for the whole building, it does provide a more street facing façade to provide residents a more active, street-oriented design. As proposed, the building orientation for Buildings M and S equally meet the standard, and this approval criterion is met.

- 8) *To the building orientation of Building S and not provide an architecturally defined primary building entrance or direct pedestrian access for a building located within 25 feet of the property line abutting a street, per SRC 702.020(e)(5).*

The development plans indicate three buildings located within 25 feet of the property line abutting Marietta Street to the south of the site. Buildings M and S are both oriented such that their front facades face inward toward the site and their sides face the street; Building R is also oriented such that its front façade faces inward, and its back side faces the street. The buildings are separated by driveway approaches between Buildings M and R, and R and S, respectively. The applicant has requested a Class 2 Adjustment for Building S to not provide an architecturally defined primary building entrance or direct pedestrian access to the street. The intent of the standard is to bring buildings and residential activity closer to the streetscapes and to provide greater visual activity along the streets. Because Building S faces inward and is separated by the drive aisle and vehicle use areas of the site, it is architecturally practical that the primary entrance of the building face the same way. Furthermore, the corners of the perimeter of the site are sloped down and away from the central area of the site, requiring retaining walls, and providing entrances here would not be practical. The ground floor unit at the corner provides private outdoor space in the form of a patio with a door and windows to the outside. While this does not provide a primary entrance for the whole building, it does provide a more street facing façade to provide residents a more active, street-oriented design. Pedestrian pathways are provided from the front of the building to the street and sidewalk network, which also enhance the pedestrian and street-oriented design. As proposed, the building orientation for Building S equally meet the standard, and this approval criterion is met.

- 9) *To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building M, per SRC 702.020(e)(6).*

The applicant has requested a Class 2 Adjustment to not provide an architecturally defined entry, such as a differentiated roof, forecourt, or portico, for the primary entrance of the ground

level units of each building. The intent of the standard is to avoid monotonous front facades by providing aesthetically differentiated entry areas that are more inviting to residents. The applicant indicates this design is necessary to be consistent with the buildings of Phase 1 of the complex, and that the ground level units are provided outdoor covered patio entrances, which will break up the ground level façade and create an active and inviting ground level for residents. Although the common entry is not architecturally differentiated, the entry area and stairways are covered by a connecting roof, which does break up the roofline of the rest of the building. Furthermore, the units all face inward to the site and include balconies which overlook the entry area, creating more visual activity within the interior of the site. As proposed, the building design and entrances equally meet the intent of the standard, and this approval criterion is met.

*10) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building N, per SRC 702.020(e)(6).*

The applicant has requested a Class 2 Adjustment to not provide an architecturally defined entry, such as a differentiated roof, forecourt, or portico, for the primary entrance of the ground level units of each building. The intent of the standard is to avoid monotonous front facades by providing aesthetically differentiated entry areas that are more inviting to residents. The applicant indicates this design is necessary to be consistent with the buildings of Phase 1 of the complex, and that the ground level units are provided outdoor covered patio entrances, which will break up the ground level façade and create an active and inviting ground level for residents. Although the common entry is not architecturally differentiated, the entry area and stairways are covered by a connecting roof, which does break up the roofline of the rest of the building. Furthermore, the units all face inward to the site and include balconies which overlook the entry area, creating more visual activity within the interior of the site. As proposed, the building design and entrances equally meet the intent of the standard, and this approval criterion is met.

*11) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building P, per SRC 702.020(e)(6).*

The applicant has requested a Class 2 Adjustment to not provide an architecturally defined entry, such as a differentiated roof, forecourt, or portico, for the primary entrance of the ground level units of each building. The intent of the standard is to avoid monotonous front facades by providing aesthetically differentiated entry areas that are more inviting to residents. The applicant indicates this design is necessary to be consistent with the buildings of Phase 1 of the complex, and that the ground level units are provided outdoor covered patio entrances, which will break up the ground level façade and create an active and inviting ground level for residents. Although the common entry is not architecturally differentiated, the entry area and stairways are covered by a connecting roof, which does break up the roofline of the rest of the building. Furthermore, the units all face inward to the site and include balconies which overlook the entry area, creating more visual activity within the interior of the site. As proposed, the building design and entrances equally meet the intent of the standard, and this approval criterion is met.

*12) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building R, per SRC 702.020(e)(6).*

The applicant has requested a Class 2 Adjustment to not provide an architecturally defined entry, such as a differentiated roof, forecourt, or portico, for the primary entrance of the ground level units of each building. The intent of the standard is to avoid monotonous front facades by providing aesthetically differentiated entry areas that are more inviting to residents. The applicant indicates this design is necessary to be consistent with the buildings of Phase 1 of the complex, and that the ground level units are provided outdoor covered patio entrances, which will break up the ground level façade and create an active and inviting ground level for residents. Although the common entry is not architecturally differentiated, the entry area and stairways are covered by a connecting roof, which does break up the roofline of the rest of the building. Furthermore, the units all face inward to the site and include balconies which overlook the entry area, creating more visual activity within the interior of the site. As proposed, the building design and entrances equally meet the intent of the standard, and this approval criterion is met.

*13) To not provide a porch or architecturally defined entry area for each ground level dwelling unit for Building S, per SRC 702.020(e)(6).*

The applicant has requested a Class 2 Adjustment to not provide an architecturally defined entry, such as a differentiated roof, forecourt, or portico, for the primary entrance of the ground level units of each building. The intent of the standard is to avoid monotonous front facades by providing aesthetically differentiated entry areas that are more inviting to residents. The applicant indicates this design is necessary to be consistent with the buildings of Phase 1 of the complex, and that the ground level units are provided outdoor covered patio entrances, which will break up the ground level façade and create an active and inviting ground level for residents. Although the common entry is not architecturally differentiated, the entry area and stairways are covered by a connecting roof, which does break up the roofline of the rest of the building. Furthermore, the units all face inward to the site and include balconies which overlook the entry area, creating more visual activity within the interior of the site. As proposed, the building design and entrances equally meet the intent of the standard, and this approval criterion is met.

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

**Finding:** The subject property is located within an RM-II (Multiple Family Residential) zone. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The adjustments, as proposed and conditioned, result in an overall project which is consistent with the intent and purpose of the zoning code which does not detract from the livability or appearance of the residential area in compliance with this criterion.

***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:** Thirteen separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

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

**Condition 20:** The adjusted development standards, as approved 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 land use action.

## 12. Conclusion

Based upon review of SRC Chapters 200, 220, 250, 804, 225, and 205, 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 Partition Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 Design Review, Class 2 Driveway Approach Permits, and Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. PAR-UGA-SPR-ADJ-DAP-DR25-02 is hereby **APPROVED** subject to SRC Chapters 200, 220, 250, 804, 225, and 205, 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:** The applicant shall submit a notice of construction for the proposed development to the Oregon Department of Aviation (ODAV) and provide the resulting aeronautical determination letter from ODAV prior to the approval of building permits.
- Condition 2:** The accessway to proposed Parcel 2 shall remain unobstructed at all times and the house shall be clearly addressed from the street and entrance of the property.
- Condition 3:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.
- Condition 4:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
- Condition 5:** Prior to final plat approval, provide a ten-foot-wide public utility easement along the frontage of Marietta Street SE on the final plat.
- Condition 6:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

- Condition 7:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- Condition 8:** Prior to building permit issuance, the applicant shall record the final plat of the partition.
- Condition 9:** At the time of building permit review, the applicant shall provide the resulting aeronautical determination letter from ODAV to determine if an Airport Overlay Zone Height Variance is required. If applicable, the applicant shall obtain approval of an Airport Overlay Zone Height Variance per SRC Chapter 602, prior to issuance of any building permit for a building or structure exceeding the maximum height allowance of the Airport Overlay Zone.
- Condition 10:** At the time of building permit review, provide detailed plans of the solid waste service area and enclosure demonstrating the requirements of SRC 800.055 will be met.
- Condition 11:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 12-inch S-2 water main from its existing terminus on adjacent private property located on Marion County Tax Lot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the western boundary of the subject property and extend the 12-inch main in Marietta Street SE to the western property boundary as shown on the applicant's preliminary utility plan. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.
- Condition 12:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 8-inch sewer main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to the *Public Works Design Standards*.
- Condition 13:** Prior to issuance of a Certificate of Occupancy, extend a minimum 12-inch storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to *Public Works Design Standards*.
- Condition 14:** Prior to building permit issuance, the applicant shall obtain an easement for the proposed public water main on private property which meets the *Public Works Design Standards* (PWDS) for easement width per PWDS Section 1.8 (Easements).
- Condition 15:** Prior to issuance of a Certificate of Occupancy, extend Marietta Street SE from its existing terminus to the western boundary of the subject property. Marietta Street SE shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, except, only sidewalk on the development (northern) side of the street is required to be constructed.

- Condition 16:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Marietta Street SE.
- Condition 17:** At time of building permit, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 18:** At time of building permit review, provide plans demonstrating a turnaround at the north end of the parking lot meeting the standards of SRC 806.035(f), Table 806-6 will be met.
- Condition 19:** Prior to building permit approval, the applicant shall provide proof of coordination with the local electric utility to ensure the compatibility of the proposed tree canopy and root systems will not interfere with planned and existing utility infrastructure.
- Condition 20:** The adjusted development standards, as approved 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 land use action.

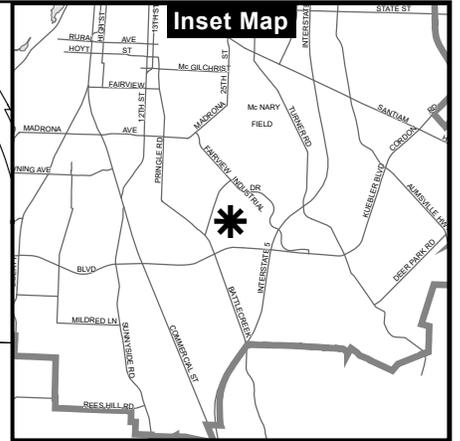
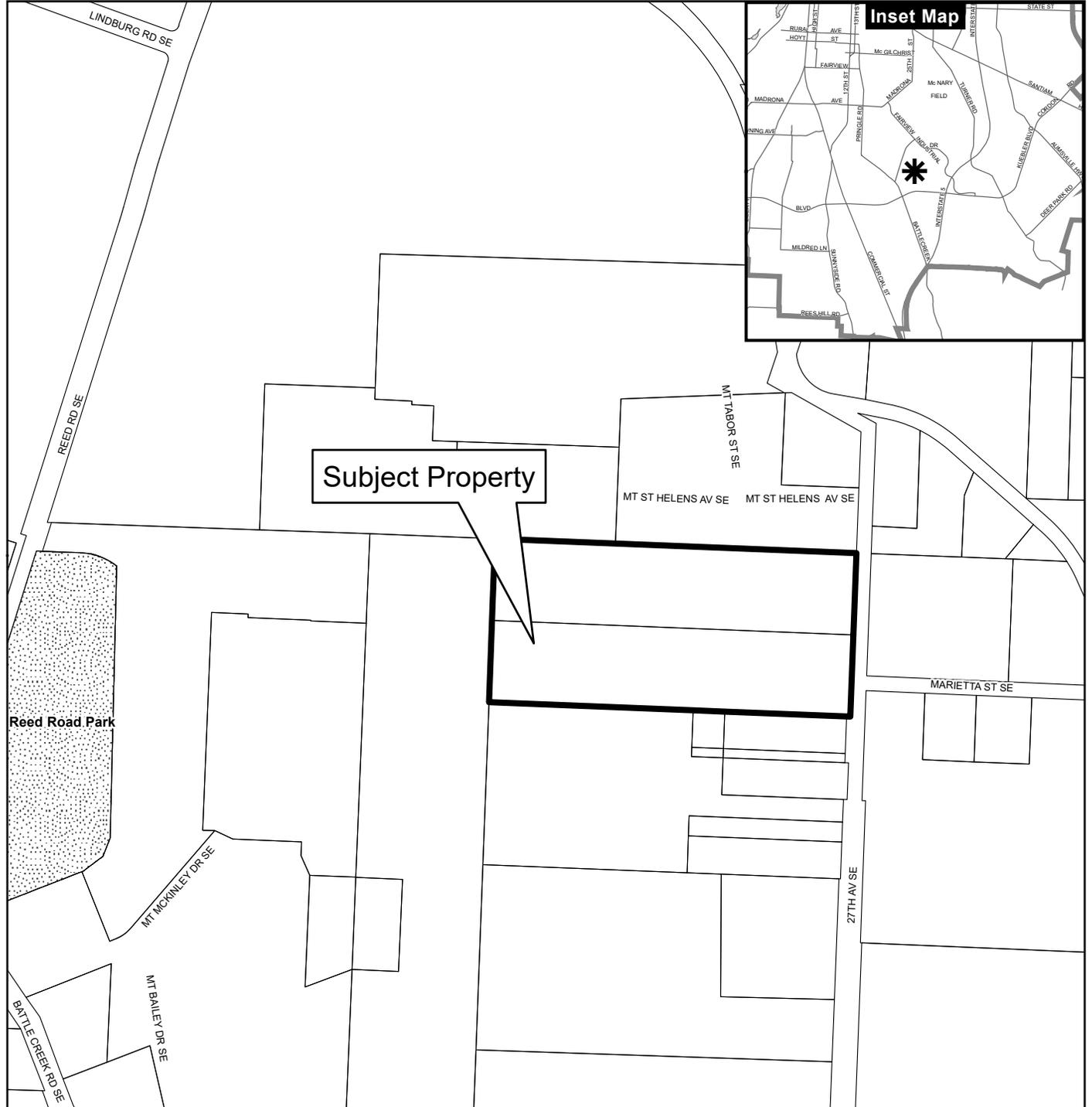


Peter Domine, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

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

# Vicinity Map 4455 27th Avenue SE



### Legend

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



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**PARTITION PLAT NO. \_\_\_\_\_**  
 SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, T. 8S., R. 3W., W.M.  
 CITY OF SALEM, MARION COUNTY, OREGON

OCTOBER 24, 2024  
 SHEET 1 OF 2

**LEGEND:**

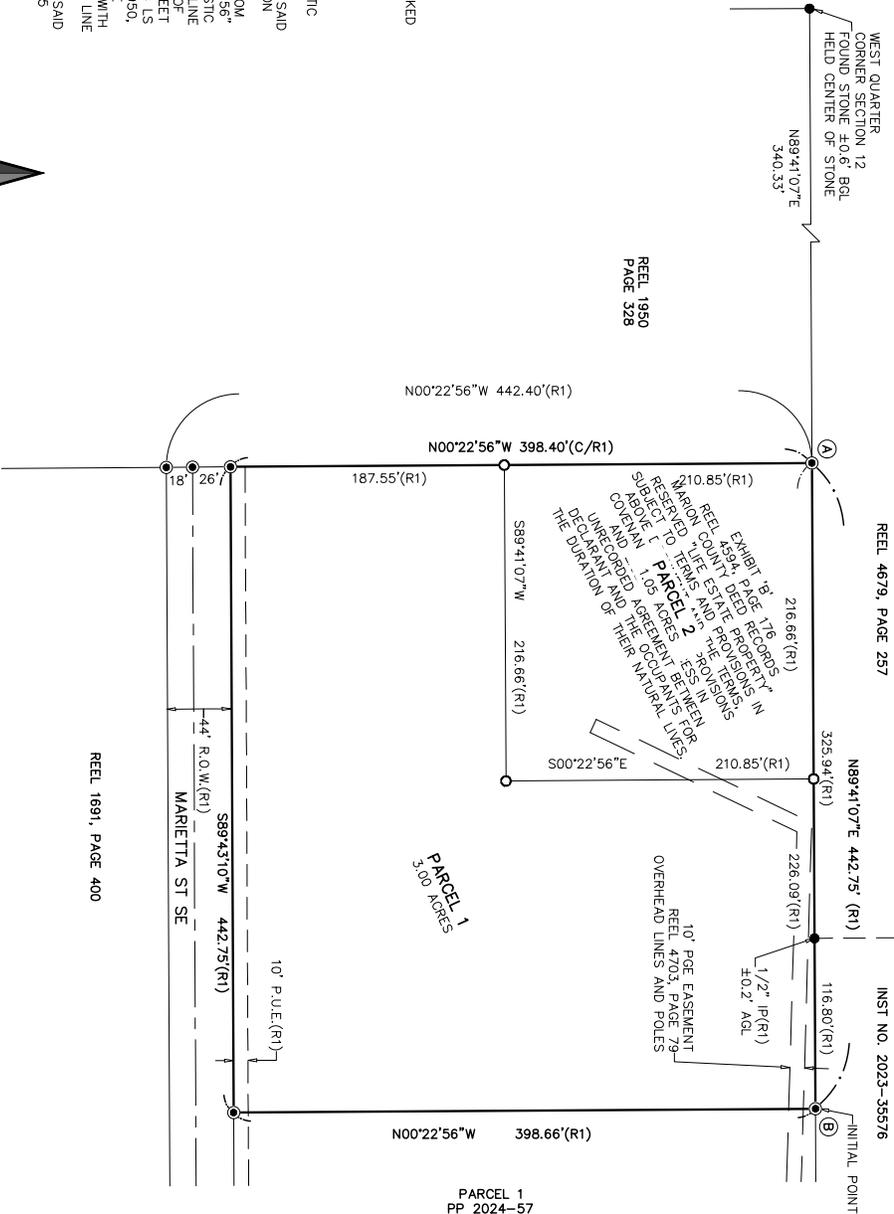
- 5/8" X 30" IR WITH YPC STAMPED
- "ASC SURVEYING LS 96569" SET ON
- 5/8" IRON ROD WITH YPC STAMPED
- "ASC SURVEYING LS 96569" (R1)
- FOUND MONUMENT AS NOTED
- (R0) RECORD DATA REFERENCE
- (M) MEASURED DATA
- IR IRON ROD
- IP IRON PIPE, INSIDE DIAMETER
- YPC YELLOW PLASTIC CAP
- AGL ABOVE GROUND LEVEL
- BGL BELOW GROUND LEVEL
- REF REFERENCED IN
- M.C.D.R. MARION COUNTY DEED RECORDS
- M.C.P.R. MARION COUNTY PLAT RECORDS
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- INST NO. INSTRUMENT NUMBER
- (A) POINTS REFERENCED IN NARRATIVE

**SURVEYOR'S CERTIFICATE:**

I, RICHARD H. KENNEDY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED PARCEL 1, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, T. 8S., R. 3W., W.M., CITY OF SALEM, MARION COUNTY, OREGON, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ASC SURVEYING LS 96569" AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2024-57, MARION COUNTY PLAT RECORDS, SAID POINT ALSO BEING THE NORTHWEST CORNER OF PARCEL 1 OF SAID PARTITION PLAT AND A POINT ON THE SOUTH LINE OF DEED DOCUMENT RECORDED AS INSTRUMENT NO. 2023-35576, MARION COUNTY DEED RECORDS; THENCE FROM SAID INITIAL POINT ALONG THE WEST LINE OF SAID PARCEL 1, SOUTH 00°22'36" EAST A DISTANCE OF 398.66 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED SURVEYING LS 96569 ON THE NORTH RIGHT-OF-WAY LINE OF MARIETTA STREET, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MARIETTA STREET SE SOUTH 89°43'10" WEST A DISTANCE OF 442.75 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ASC SURVEYING LS 96569" ON THE EAST LINE OF THAT DEED DOCUMENT RECORDED IN REEL 1950, PAGE 328, MARION COUNTY DEED RECORDS; THENCE ALONG SAID EAST LINE NORTH 00°22'56" WEST A DISTANCE OF 398.40 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ASC SURVEYING LS 96569" ON THE SOUTH LINE OF PARTITION PLAT NO. 2022-74, MARION COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH LINE OF SAID PARTITION PLAT AND THE SOUTH LINE OF SAID INSTRUMENT NO. 2023-35576 NORTH 89°41'07" EAST A DISTANCE OF 442.75 FEET TO THE INITIAL POINT.

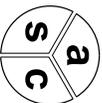
CONTAINING 4.05 ACRES, MORE OR LESS.



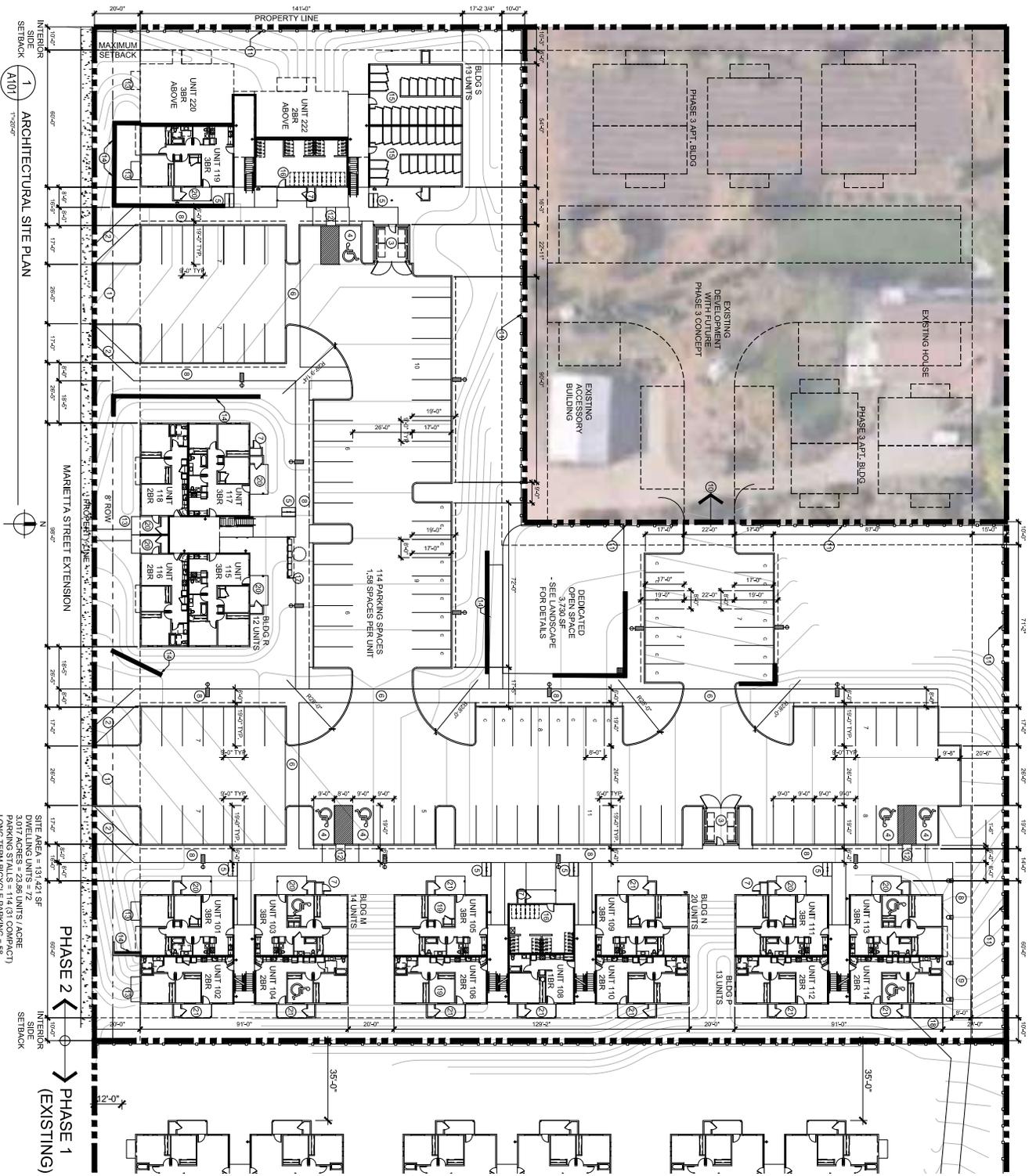
**REFERENCE DATA:**  
 R1 PARTITION PLAT NO. 2024-57

I CERTIFY THIS TO BE AN  
 TRUE AND CORRECT COPY OF

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 JUL 13, 2021  
 RICHARD H. KENNEDY  
 OREGON  
 96569  
 REKEYS: 6/30/25



ASC SURVEYING LLC  
 8427 SW DAKOTA DRIVE  
 TUALATIN, OR 97062  
 971-224-5471



**GENERAL NOTES**

- MIN. 40% PERCENT OF STREET PARKING SPACES TO BE DESIGNATED AS SHORT TERM BI-CYCLE PARKING.
- ALL GRASSES SHOWN ON THIS DRAWING ARE FOR REFERENCE ONLY. REFER TO CIVIL DRAWINGS FOR ALL SITE WORK INCLUDING SITE WALKWAYS AND ACCESSIBILITY REQUIREMENTS OF SECTION 11A.04 OF THE 2021 OREGON STRUCTURAL SPECIFICITY CODE. ALL TERRAINS SHOWN TO MEET ACCESSIBILITY REQUIREMENTS SHALL BE CONFORMANT WITH THE VERTICAL AND 5% CROSS SLOPE REQUIREMENTS OF SECTION 11A.04 OF THE 2021 OREGON STRUCTURAL SPECIFICITY CODE. LANDSCAPE MEETS PLAN OR LAYOUT IN ALL AREAS UNLESS NOTED OTHERWISE.
- SEE CIVIL DRAWINGS FOR ALL ACCESS REQUIREMENTS.
- REFER TO CIVIL DRAWINGS FOR:
  1. BIDDING AND ELEVATIONS
  2. ALL WORK IN THE PUBLIC RIGHT-OF-WAY
  3. STORM DRAINAGE
  4. EROSION CONTROL
  5. EXISTING SITE CONDITIONS AND DEMOLITION

**KEY NOTES**

- 1. VEHICLE SITE ENTRY
- 2. PERMISSIBLE SITE ENTRY
- 3. TRASH AND RECYCLE ENCLOSURE
- 4. ACCESSIBLE PARKING SPACE WITH APPROVED SIGNAGE
- 5. 6'12" X 6' BI-CYCLE PARKING SPACES
- 6. RAISED CONC. PERMISSIBLE DRIVEWAY CROSSING
- 7. FIRE RESIST. CLOSET LOCATION
- 8. CONC. WALK
- 9. CONNECTION TO PHASE 1
- 10. CONNECTION TO EXISTING AND FUTURE DEVELOPMENT
- 11. HIGH WOOD FENCING
- 12. ACCESSIBLE CURB RAMP
- 13. UNIT RAMPWAY ENTRY
- 14. RETAINING WALL PER CHL
- 15. TRASH STORAGE (20)
- 16. LONG TERM BI-CYCLE STORAGE
- 17. COVERED WALKWAY AREA. SEE REVISION 04
- 18. HEATING AND VENTILATION UNITS. SEE ALSO REVISION 04; PATIO
- 19. RAMPWAY DECK

**SYMBOL LEGEND**

- 1. THE 'C' BOLLARD LIGHT FIXTURE (TYP). SEE 21A02 FOR DETAILS.
- 2. THE 'V' POLE MOUNTED LIGHT FIXTURE 20' (TYP) PROVIDE SEE 14A02 FOR DETAILS. (C) TOP SHIELD.
- 3. THE 'W' WALL MOUNTED LIGHT FIXTURE (TYP). SEE 21A02 FOR DETAILS.
- 4. REFER TO BILLING PLAN AND ELEVATIONS FOR ADDITIONAL LIGHT FIXTURE LOCATION AND ELEVATIONS FOR ADDITIONAL LIGHT FIXTURES. REFER TO CIVIL DRAWINGS FOR ADDITIONAL LIGHT FIXTURE REQUIREMENTS IN ADDITION TO LIGHTING SHOWN ON THIS PLAN. REFER TO CIVIL DRAWINGS FOR ADDITIONAL LIGHTING FIXTURES FOR REFER TO INSTALLATION.

	Doug C. Braxton 503-730-6808 14670 SW Forest Drive Beaverton, OR 97007	GRAND FIR APARTMENTS PHASE 2 4500 BLOCK OF 27TH AVENUE SE 4455 27TH AVENUE SE SALEM, OR 97302	Job No.: 2412 Date: 11-14-2024
	PHASE 2 SITE PLAN A101	SITE PLAN REVIEW DRAWINGS	



**PROJECT INFORMATION**

**SITE INFORMATION**

4455 27th Avenue SE  
 Salem, Oregon, 97302  
 (Marion County)

Tax Lot: 083W12C / 00600 and 000900

Site Area: 3.017 acres

Zoning: RM2

PROJECT SUMMARY

Architectural rendering of a three-story apartment building with a basement. Site amenities include with tenant storage, bike storage, trash enclosures, maintenance office and on-site parking.

**VICINITY MAP**



SCALE: NBS

**PROJECT TEAM**

**OWNER**  
 Earth Development LLC  
 866 N. Ford Development  
 Salem, OR 97301  
 Tel: 503-851-0810

**ARCHITECT**  
 Doug Cozzina, Architect LLC  
 14475 SW 10th Street  
 Beaverton, OR 97007  
 Tel: 503-730-6808

**STRUCTURAL ENGINEER**  
 Mitzel Engineering Group Inc.  
 2991 S.W. 10th Street  
 Beaverton, OR 97008  
 Tel: 503-486-5987

**LANDSCAPE ARCHITECT**  
 Land Design, LLC  
 1100 NE Oregon Street  
 Portland, OR 97217  
 Tel: 503-244-8484

**CIVIL ENGINEER**  
 Mitzel Engineering Group Inc.  
 2991 S.W. 10th Street  
 Beaverton, OR 97008  
 Tel: 503-486-5987

**OWNER REPRESENTATIVE**  
 Email: mackeliver@workreference.com

**CONTACT: Doug Cozzina**  
 Email: dougcozzina@architect@gmail.com

**CONTACT: Mike Bivan**  
 Email: mackeliver@workreference.com

**CONTACT: Doug Cozzina**  
 Email: dougcozzina@architect@gmail.com

**CONTACT: Rob Jatus**  
 Email: robjatus@indiparsons.com

**CONTACT: Steve Ward**  
 Email: steve@westcoast-veg.com

**DRAWING INDEX**

**ARCHITECTURAL DRAWINGS**

**COVER SHEET - PROJECT INFORMATION / DRAWING INDEX**

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A101 PHASE 2 SITE PLAN

A102 SITE LIGHTING

A103 SITE FENCE

A108 FOUNDATION DETAILS

A110 BUILDING PLANS - BLDG M

A111 BUILDING PLANS - BLDG N

A112 BUILDING PLANS - BLDG O

A113 BUILDING PLANS - BLDG P

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A115 BUILDING PLANS - BLDG R

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A151 STAIR DETAILS - BLDG M

A152 STAIR DETAILS - BLDG O

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A155 STAIR DETAILS - BLDG R

A156 STAIR DETAILS - BLDG S

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A303 BUILDING SECTIONS - BLDG P

A304 BUILDING SECTIONS - BLDG Q

A305 BUILDING SECTIONS - BLDG R

A306 BUILDING SECTIONS - BLDG S

CONSTRUCTION IN THE PUBLIC RIGHT OF WAY REQUIRES A SEPARATE PERMIT FROM THE PUBLIC WORKS ENGINEERING DEPARTMENT

- DEFERRED SUBMITTALS**
- FABRICATED WOOD ROOF TRUSSES
  - MECHANICAL SYSTEMS
  - ELECTRICAL SYSTEMS
  - PLUMBING SYSTEMS
  - FINISHES



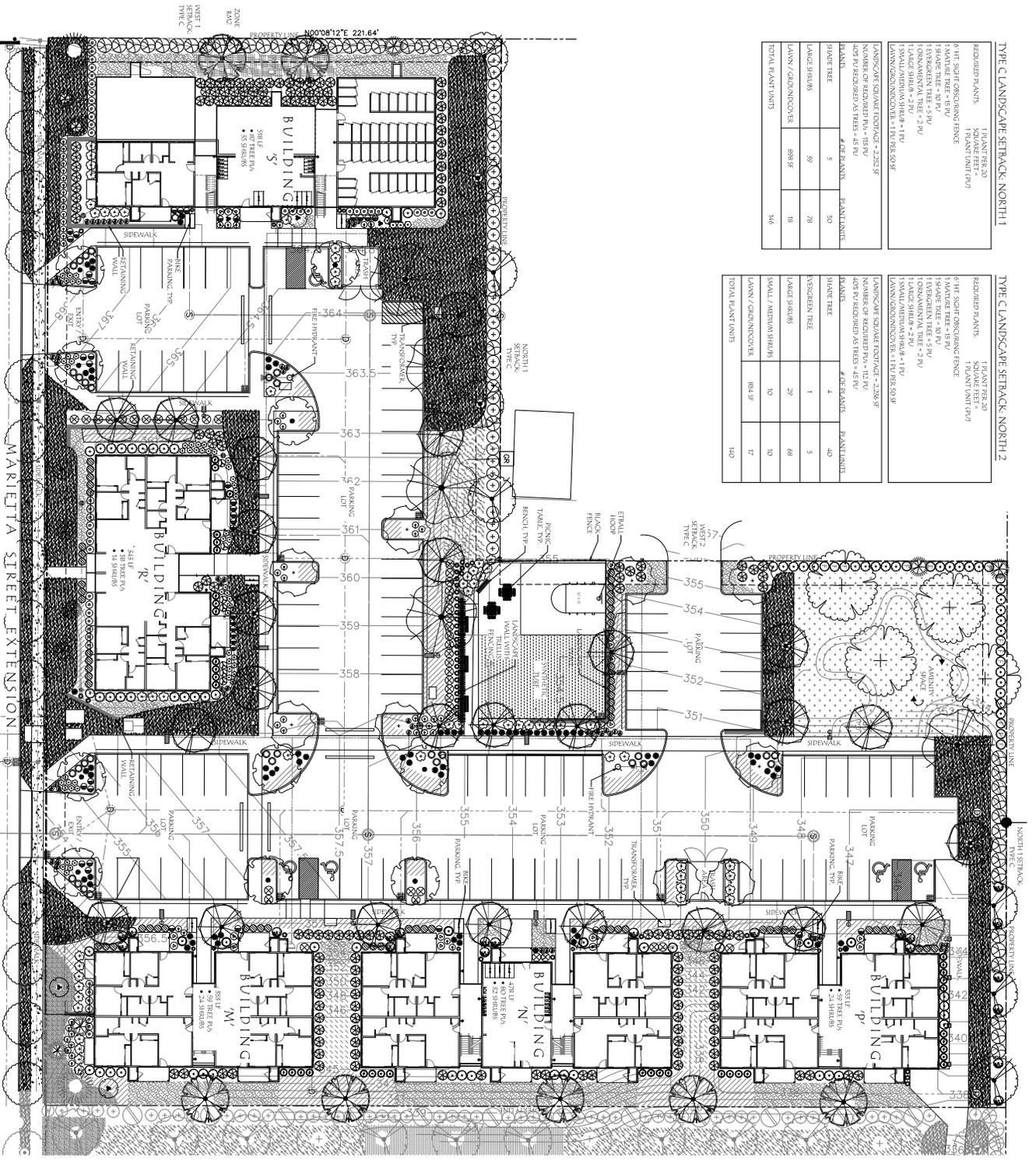
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 Doug Cozzina  
 503-730-6808  
 14670 SW Forest Drive  
 Beaverton, OR 97007

**GRAND FIR APARTMENTS  
 PHASE 2**  
 4500 BLOCK OF 27TH AVENUE SE  
 4455 27TH AVENUE SE  
 SALEM, OR 97302

job no.: 2412  
 date: 10-23-2024

COVER SHEET

A001



TYPE C LANDSCAPE SETBACK, NORTH 1

REQUIRED PLANTS	1" PLANT PER 20' SQUARE FEET = 1 PLANT (UNIT 0/0)	
6' HT. SOFT ORNAMENTAL FENCE		
1 EVERGREEN TREE - 8' PV		
1 SHRUB TREE - 10' PV		
1 EVERGREEN TREE - 5' PV		
1 CONIFER TREE - 2' PV		
1 SMALL/AMERICAN SHRUB - 1' PV		
1 LAVN/GRASS/COVER - 1 PV PER 50 SF		
LANDSCAPE SQUARE FOOTAGE = 2,235 SF		
NUMBER OF REQUIRED PLANTS = 187 PV		
40% PV REQUIRED AT TREES = 45 PV		
PLANTS <th># OF PLANTS</th> <th>PLANT UNITS</th>	# OF PLANTS	PLANT UNITS
SHRUB TREE	5	50
LARGE SHRUBS	29	78
LAVN / GRASS / COVER	898 SF	18
TOTAL PLANT UNITS		146

TYPE C LANDSCAPE SETBACK, NORTH 2

REQUIRED PLANTS	1" PLANT PER 20' SQUARE FEET = 1 PLANT (UNIT 0/0)	
6' HT. SOFT ORNAMENTAL FENCE		
1 EVERGREEN TREE - 8' PV		
1 SHRUB TREE - 10' PV		
1 EVERGREEN TREE - 5' PV		
1 CONIFER TREE - 2' PV		
1 SMALL/AMERICAN SHRUB - 1' PV		
1 LAVN/GRASS/COVER - 1 PV PER 50 SF		
LANDSCAPE SQUARE FOOTAGE = 2,235 SF		
NUMBER OF REQUIRED PLANTS = 187 PV		
40% PV REQUIRED AT TREES = 45 PV		
PLANTS <th># OF PLANTS</th> <th>PLANT UNITS</th>	# OF PLANTS	PLANT UNITS
SHRUB TREE	4	40
EVERGREEN TREE	1	5
LARGE SHRUBS	29	68
SMALL / AMERICAN SHRUBS	10	10
LAVN / GRASS / COVER	884 SF	17
TOTAL PLANT UNITS		140

**GENERAL NOTES:**

- DRAWINGS ARE PRELIMINARY. NOT FOR CONSTRUCTION OR BIDDING.
- SEE ARCHITECTURAL DRAWINGS FOR THE PLAN AND AREA CONCLUSIONS.
- SEE CITY DRAWINGS FOR GRADING, UTILITIES, AND STORMWATER IMPROVEMENTS.
- PLANTS TO BE SEED ACCORDING TO SALES AGREEMENT FOR GENERAL PLANTING.
- STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
- PLANTING REQUIREMENTS SET THE SHEET.
- PERMANENT PLANT SCHEDULE SET SHEET L1.
- PARKING LOT TREE CANOPY COVERAGE RANGING SHEET L15.
- LANDSCAPE TO BE RESISTANT BY AN ADAPTATIVE UNDERGROUND SYSTEM.

**MULTIFAMILY LANDSCAPE REQUIREMENTS**

51% TREE SQUARE FOOTAGE (97' x 18.24' x 1.15) REQUIRED FOR ALL MULTIFAMILY PROJECTS. THIS INCLUDES STREET TREES SETBACK TO TYPE C LANDSCAPE.

OPEN SPACE REQUIRED: 20% MINIMUM (2,235 SF) WITH NO MORE THAN 10% OPEN SPACE AREA REQUIRED (409' x 23.67' x 1.15) FOR ALL MULTIFAMILY PROJECTS. THIS INCLUDES STREET TREES SETBACK TO TYPE C LANDSCAPE.

RECALCULATED OPEN SPACE REQUIRED: 57,200 SF. THIS WORKS FIELD AND SEATING.

**BUILDING PERIMETER TREE (CO UNITS) PER 40 FT OF BUILDING WALL (WITHIN 50' OF BUILDING)**

1 PLANT PER 10' OF BUILDING WALL (UNIT 0/0)

2 PLANT UNITS AT ENTRYWAYS (WITHIN 10' OF BUILDING PERIMETER)

**PARKING CANOPY TREE PER 50 FEET OF PARKING PERIMETER (WITHIN 10' OF PARKING PERIMETER)**

1 PLANT PER 50' OF PARKING PERIMETER

**TYPE C LANDSCAPE SETBACK, WEST 1**

REQUIRED PLANTS	1" PLANT PER 20' SQUARE FEET = 1 PLANT (UNIT 0/0)	
6' HT. SOFT ORNAMENTAL FENCE		
1 MATING TREE - 18' PV		
1 EVERGREEN TREE - 8' PV		
1 CONIFER TREE - 5' PV		
1 ORNAMENTAL TREE - 2' PV		
1 LARGE SHRUB - 2' PV		
1 SMALL/AMERICAN SHRUB - 1' PV		
1 LAVN/GRASS/COVER - 1 PV PER 50 SF		
LANDSCAPE SQUARE FOOTAGE = 1,899 SF		
NUMBER OF REQUIRED PLANTS = 90 PV		
40% PV REQUIRED AT TREES = 37 PV		
PLANTS <th># OF PLANTS</th> <th>PLANT UNITS</th>	# OF PLANTS	PLANT UNITS
SHRUB TREE	3	30
EVERGREEN TREE	2	10
LARGE SHRUBS	27	54
SMALL / AMERICAN SHRUBS	3	3
LAVN / GRASS / COVER	408 SF	8
TOTAL PLANT UNITS		109

**TYPE C LANDSCAPE SETBACK, WEST 2**

REQUIRED PLANTS	1" PLANT PER 20' SQUARE FEET = 1 PLANT (UNIT 0/0)	
6' HT. SOFT ORNAMENTAL FENCE		
1 MATING TREE - 18' PV		
1 EVERGREEN TREE - 8' PV		
1 CONIFER TREE - 5' PV		
1 ORNAMENTAL TREE - 2' PV		
1 LARGE SHRUB - 2' PV		
1 SMALL/AMERICAN SHRUB - 1' PV		
1 LAVN/GRASS/COVER - 1 PV PER 50 SF		
LANDSCAPE SQUARE FOOTAGE = 1,877 SF		
NUMBER OF REQUIRED PLANTS = 94 PV		
40% PV REQUIRED AT TREES = 38 PV		
PLANTS <th># OF PLANTS</th> <th>PLANT UNITS</th>	# OF PLANTS	PLANT UNITS
SHRUB TREE	3	30
EVERGREEN TREE	2	10
LARGE SHRUBS	7	28
SMALL / AMERICAN SHRUBS	29	29
LAVN / GRASS / COVER	401 SF	8
TOTAL PLANT UNITS		98

4455 27TH AVENUE SE  
SALEM, OREGON

REGISTERED ARCHITECT  
LIBRA A. ANDERSON  
OREGON LICENSE # 111602007

PRELIMINARY PLANTING PLAN

SCALE: 1" = 20' - 0"  
0' 10' 20' 40'

DECEMBER 20TH, 2024

REVISIONS

DATE: \_\_\_\_\_ NOTES: \_\_\_\_\_ INITIALS: \_\_\_\_\_

**Laurus Designs, LLC**

1012 Pine Street  
Siletta, Oregon 97181  
503.784.6494  
laurusdesigns.com

**GRAND FIR APARTMENTS PHASE II**

SHEET 2 OF 4



# MEMO

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

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

**DATE:** April 3, 2025

**SUBJECT:** **Infrastructure Memo**  
**PAR-UGA-SPR-ADJ-DAP-DR 25-02 (25-123435-PLN)**  
**4455 27<sup>th</sup> Avenue SE**  
**72-unit Multi-Family Residential Development**

## PROPOSAL

A consolidated application for an Urban Growth Preliminary Declaration; Tentative Partition Plan to create two parcels 3.0-acres and 1.05-acres in size; and Class 3 Site Plan Review, Class 1 Design Review and two Class 2 Driveway Approach Permits for development of the second phase of a multifamily apartment complex, with thirteen Class 2 Adjustments. The development site is 4.05-acres in size, zoned RM-II (Multiple-Family Residential II) and located at 4455 27th Avenue SE (Marion County Assessors Map and Tax Lot Numbers 083W12C / 600 and 800).

## RECOMMENDED CONDITIONS OF APPROVAL – SITE PLAN REVIEW

1. Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. 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).
3. Prior to an issuance of a Certificate of Occupancy, extend a minimum 12-inch S-2 water main from its existing terminus on adjacent private property located on Marion County Tax Lot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the western boundary of the subject property and extend the 12-inch main in Marietta Street SE to the western property boundary as shown on the applicant's preliminary utility plan. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.

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).

4. Prior to an issuance of a Certificate of Occupancy, extend a minimum 8-inch sewer main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to the *Public Works Design Standards*.
5. Prior to issuance of a Certificate of Occupancy, extend a minimum 12-inch storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to *Public Works Design Standards*.
6. Prior to building permit issuance, the applicant shall obtain an easement for the proposed public water main on private property which meets the *Public Works Design Standards (PWDS)* for easement width per PWDS Section 1.8 (Easements).
7. Prior to issuance of a Certificate of Occupancy, extend Marietta Street SE from its existing terminus to the western boundary of the subject property. Marietta Street SE shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, except, only sidewalk on the development (northern) side of the street is required to be constructed.
8. Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Marietta Street SE.

### **RECOMMENDED CONDITIONS OF APPROVAL – PARTITION**

1. Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.
2. Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
3. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Marietta Street SE on the final plat.

### **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>Marietta Street SE</b>	Standard:	60-feet	30-feet

<b>(Local)</b>	Existing Condition:	44-feet	30-feet
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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: S-1 and S-2
	A 12-inch water main is located in Marietta Street SE.
<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in Marietta Street SE.
<b>Storm Drainage</b>	A 12-inch storm main is located in Marietta Street SE.
<b>Parks</b>	The proposed development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property.

### **ANALYSIS OF URBAN GROWTH PRELIMINARY DECLARATION**

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City’s adopted Master Plans and Area Facility Plans.

***SRC 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:***

- (1) The required facilities necessary to fully serve the development;***
- (2) The extent to which the required facilities are in place or fully committed.***

**Finding:** Development Services has reviewed the applicable Master Plans and Area Facilities Plans and has determined what facilities are necessary to fully serve the development as well as the extent to which the facilities are in place or will be listed as a condition of approval on the development, as described in the below analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075.

***SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.***

**Finding:** An Urban Growth Preliminary Declaration is required because the subject

property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

***SRC 200.055—Standards for Street Improvements***

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

As a condition of approval for UGA-PAR-SPR-ADJ-DR22-02 (Grand Fir Apartments Phase 1), an off-site linking street improvement was required and constructed along 27<sup>th</sup> Avenue SE from the intersection with Marietta Street SE south to the driveway of Morningstar Church (22-117925-PC). Therefore, the extension of Marietta Street SE along the eastern property boundary meets the linking street improvement requirement of SRC 205.055(b) and no additional linking street improvements are required for the proposed development.

***SRC 200.060—Standards for Sewer Improvements***

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Marietta Street SE along the eastern property boundary. The existing sanitary sewer main along the eastern property boundary provides an adequate linking sewer improvement per SRC 200.060. Therefore, off-site linking sanitary sewer improvements are not required. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

***SRC 200.065—Standards for Storm Drainage Improvements***

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Marietta Street SE along the eastern property boundary. The existing main in Marietta Street SE provides an adequate link according to SRC 200.005; therefore, off-site linking stormwater improvements are not required.

***SRC 200.070—Standards for Water Improvements***

**Findings:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The subject property is located

within two water level pressure boundaries, S-1 and S-2. There is an S-1 water main available in Marietta Street SE abutting the subject property. The nearest available S-2 public water appears to be a 10" water main located approximately 540 feet south of the subject property on private property. As a condition of approval, the applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards, described further in the Site Plan Review findings below.

**Needed Improvement:** Extend a minimum 12-inch S-2 water main from adjacent private property located on Marion County Taxlot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the subject property.

During review of the Grand Fir Apartments Phase 1 (UGA-PAR-SPR-ADJ-DR22-02), it was anticipated that a portion of the property to be developed in Phase 2 would be served by S-1 water facilities. The existing S-1 water facilities in the area do not currently have adequate capacity. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant may pay a Temporary Access Fee (TAF). The TAF for this S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre. Condition 15 from UGA-PAR-SPR-ADJ-DR22-02 required a TAF equal to \$24,000 anticipating approximately 2 acres of the Phase 2 development site would be served by S-1 water.

The applicant's preliminary civil plans indicate that S-2 water service will be extended from the south, and along Marietta Street SE and will be available to serve the entirety of Phase 2. Each of the proposed buildings is expected to be served by S-2 water, not S-1. Therefore, the TAF required by Condition 15 of UGA-PAR-SPR-ADJ-DR22-02 is no longer applicable to the proposed development. If at time of Building Permit review the utility plan is revised and the S-1 portion of the property will be served by S-1 water rather than S-2, then the TAF would be due for any portion of the site served by S-1 water.

**Needed Improvement:** Pay a Temporary Access Fee equal to \$12,000 per acre for any portion of development served by the S-1 water system.

### ***SRC 200.075—Standards for Park Sites***

**Findings:** The development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property. Once the Coburn Grand View Subdivision (SUB-ADJ21-06) to the west of the property develops, the park will be accessible within the public transportation system. According to the *Parks Master System Plan*, the Reed Road Park will be established and developed to serve the area; no additional parks are planned for acquisition to serve the property. Therefore, no park dedications or Temporary Access Fees are warranted.

### **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:** An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 are included in the Urban Growth Area Preliminary Declaration section of this memo.

***SRC Chapter 200.050(d) – Acquisition of property, easements, and right-of-way:***

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

**Finding:** As described in the analysis of SRC Chapter 802 below, a utility easement is required for construction and maintenance of a new public S-2 water main on adjacent property to the south. As a condition of approval, the applicant shall ensure all required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

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

maximum extent feasible. Preliminary civil plans provided by the applicant indicate that stormwater generated for the Proposed Phase 2 development site will be routed to the stormwater facility constructed with Phase 1. At time of building permit, the applicant shall be required to submit a final Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

***SRC Chapter 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:** In summary, the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the 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.

**Water –** The subject property is located within the S-1 and S-2 water services levels. The applicant proposes to serve the entire development with the S-2 water system. There is an existing S-2 public water main located on private property approximately 540 feet south of the subject property. The 12-inch S-2 water main shall also be extended along the Marietta Street SE frontage to serve the proposed development as specified in the Water Distribution Design Standards. As a condition of approval, the applicant shall extend a minimum 12-inch S-2 water main from adjacent private property located at 083W12C000900 and 083W12C001700, north to Marietta Street SE and along the frontage of the property.

**Condition:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 12-inch S-2 water main from its existing terminus on adjacent private property located on Marion County Tax Lot No. 083W12C000900 and 083W12C001700, north to Marietta Street SE abutting the western boundary of the subject property and extend the 12-inch main in Marietta Street SE to the western property

boundary as shown on the applicant's preliminary utility plan. The main shall be designed and constructed in accordance with the *Public Works Design Standards*.

**Sanitary Sewer** – There is an existing 8-inch sewer main located at in Marietta Street SE along the eastern property boundary. The applicant shall extend the 8-inch sewer main within Marietta Street SE to the western boundary of the subject property.

**Condition:** Prior to an issuance of a Certificate of Occupancy, extend a minimum 8-inch sewer main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to the *Public Works Design Standards*.

**Stormwater** – There is an existing 12-inch storm main located in Marietta Street SE along the eastern property boundary. The applicant shall be required to extend a public storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property.

**Condition:** Prior to issuance of a Certificate of Occupancy, extend a minimum 12-inch storm main in Marietta Street SE from its existing terminus to the western boundary of the subject property pursuant to *Public Works Design Standards*.

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

▪ **Easements:**

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

**Finding:** Any easements needed to serve the proposed parcels with City infrastructure shall be dedicated prior to building permit issuance. Public Works Design Standards require public utilities to be constructed in public rights-of-way. As shown on the applicant's preliminary utility plan, an extension of a new public S-2 water main is proposed to be located on adjacent privately owned property (Marion County Taxlot No. 083W12C000900 and 083W12C001700). Water mains constructed on private property require a design exception, the Public Works Department has reviewed this request and is supportive of extending the existing public water main on private property with dedication of an easement, as required by the *Public Works Design Standards*. The minimum easement width required for a 12-inch public water main is 20 feet per the Public Works Design Standards Section 1.8 (Easements); additional easement width may be required depending on pipe depth. Existing buildings on the adjacent private property may necessitate a narrower easement. Easement width shall only be reduced through a Design Exception approved by the City Engineer, which has not been reviewed or approved. As a condition of approval, the applicant shall dedicate an easement for the new public main located on private property meeting the Public Works

Design Standards for easement width.

**Condition:** Prior to building permit issuance, the applicant shall obtain an easement for the proposed public water main on private property which meets the *Public Works Design Standards (PWDS)* for easement width per PWDS Section 1.8 (Easements).

### ***SRC Chapter 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:** Marietta Street SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Alternative street standards for Marietta Street SE were approved with the Grand Fir Apartments Phase 1 (UGA-PAR-SPR-ADJ-DR22-02), including a reduction of the right-of-way width requirement for a local street, an increase to the minimum block length requirement for street connectivity, and a reduction to the planter strip width for a local street. Right-of-way dedication for Marietta Street SE along the frontage of the subject property was complete with Partition Plat No. 2024-57, no additional right-of-way dedication is required for Marietta Street SE with the proposed development. A mid-block multi-modal easement was also dedicated with Partition Plat No. 2024-57, no additional internal street connects are required with the proposed development.

The applicant's tentative plan shows that Marietta Street SE will be extended along the southern property boundary running east to west within the existing 44-foot right-of-way, constructed with a 30-foot improvement, and including sidewalk on the development (north) side of the street. As a condition of approval per SRC 803.040(a)(2), the applicant shall extend Marietta Street SE, as specified on the site plan.

**Condition:** Prior to issuance of a Certificate of Occupancy, extend Marietta Street SE from its existing terminus to the western boundary of the subject property. Marietta Street SE shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, except, only sidewalk on the development (northern) side of the street is required to be constructed.

#### ▪ ***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:** Planting of street trees to the maximum extent feasible is required with the extension of Marietta Street SE. Public Works Design Standards require that local streets have a minimum planting strip width of eight feet, however, the applicant's street design include planter strips at a width of approximately four and a half feet, which will match the Grand Fir Apartments Phase 1 Marietta Street SE improvement. Staff is supportive of the reduced planter strips; however, to promote tree growth and viability, the planter strips shall include the addition of soil cells, engineered soils, or other soil amendments.

**Condition:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Marietta Street SE.

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

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

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

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

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

**Finding:** The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

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

***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 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 mapped 2-point landslide hazard areas on the subject property. The proposed multi-family residential and tentative partition activity adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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

**Finding—** Access to the proposed development will be provided by the network of existing public streets that surround the property. As shown on the preliminary site plan Marietta Street SE will be extended along the southern boundary of the subject property to provide safe and convenient access to the proposed development site. As conditioned, the required improvements will ensure that 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) The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable**

**Finding—** A Traffic Impact Analysis is not required as part of the land use submittal for this development proposal per SRC 803.015(b)(1). Therefore, this criterion is not applicable.

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

**Finding—** The subject property is located outside of the Urban Service Area, therefore; an Urban Growth Preliminary Declaration has been required which establishes needed improvements to serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. With the required improvements, water, sewer, and storm infrastructure will be available and adequate to serve the proposed development. This approval criterion is met.

**CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA**

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

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

**Finding:** The proposed driveway approaches are in compliance with all applicable development standards in SRC Chapter 804 and *Public Works Design Standards* (PWDS). This criterion is met.

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

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

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

**Finding:** The subject property has frontage along Marietta Street SE, classified as a local street according to the Salem Transportation System Plan (TSP). The proposed driveways do not access onto an arterial street. Therefore, this criterion is not applicable.

***SRC 804.025(d)(4): The proposed driveway approach, where possible:  
(A) Is shared with an adjacent property; or  
(B) Takes access from the lowest classification of street abutting the property***

**Finding:** Marietta Street SE is the only abutting street, which is classified as a local street. The driveway approaches only serve the subject property and are not shared. The proposed driveways are located with access to the lowest classification of street abutting the subject property in compliance with this standard. This criterion is met.

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

**Finding:** The proposed driveways meet the vision clearance standards set forth in SRC Chapter 805. This criterion is met.

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

**Finding:** No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, Development Services' analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for accessing the subject property. This criterion is met.

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

**Finding:** Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the locations of the proposed driveways will not have any adverse impacts to adjacent properties or streets. This criterion is met.

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

**Finding:** The proposed driveway approaches are located on Marietta Street SE, which is designated as a local street, the approaches do not create a significant impact to adjacent streets and intersections. This criterion is met.

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

**Finding:** The proposed development is surrounded by residentially zoned property. The two proposed driveway approaches serving the development site are from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

## **TENTATIVE PARTITION DECISION CRITERIA**

SRC 205.005(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 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC:***

### **City Platting Standards**

#### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

### **City Utility Infrastructure Standards**

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

#### ***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:** To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at the time of development for each parcel. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the “Site Plan Review Decision Criteria” section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1.

Proposed Parcel 2 contains an existing single-family dwelling that will remain. A tentative stormwater design is not required for Proposed Parcel 2 at this time but will be required at the time of future development.

### ***SRC Chapter 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:** As described in the “Site Plan Review Decision Criteria” section of this memorandum, conditions of approval require the design and construction of public water, sanitary sewer, and stormwater infrastructure ensuring that the proposed parcels will be adequately served by City utilities.

An existing single-family dwelling will remain on Proposed Parcel 2. This parcel does not have frontage on a public street; to ensure proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and any utility easements needed to serve proposed Parcel 2 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels can be adequately served by public utilities, the following condition shall apply:

**Condition:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

#### **▪ *Easements:***

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

**Finding:** As described above, proposed Parcel 2 does not have frontage on a public street and is a flag lot. As such, access and utility easements are required to

independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

### **City Street and Right-of-way 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 partition applications.

**Finding:** The intent of the proposed partition is to create two parcels. Phase 2 of the Grand Fir Apartments, including a new 72-unit multi-family residential development is proposed for parcel 1. An existing single-family home will remain on proposed parcel 2, but the parcel could be developed in the future for a multi-family residential use. Right-of-way for Marietta Street SE was dedicated with Partition Plat No. 2024-57, no additional right-of-way dedication is required with this development proposal. As described in the “Site Plan Review Decision Criteria” section of this memorandum, improvements to Marietta Street SE are required as a condition of approval for the proposed multi-family development on proposed Parcel 1.

##### **▪ *Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

**Finding:** As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the frontage of Marietta Street SE.

**Condition:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Marietta Street SE on the final plat.

***(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

**Findings—** The proposed development was evaluated for conformance with special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance. Findings can be found in the Site Plan Review section of this memo. This criterion is met.

***SRC 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.***

**Findings—** Marietta Street SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). The applicant's tentative plan shows that Marietta Street SE will be extended along the southern property boundary running east to west providing connectivity for abutting property to the south and west. Alternative street standards were approved for Marietta Street SE with the Grand Fir Apartments Phase 1 (UGA-PAR-SPR-ADJ-DR22-02), including an increase to the minimum block length requirement for street connectivity. A mid-block multi-modal easement was required with Partition Plat No. 2024-57 to provide north-south multi-modal access to adjacent property to the north. Access to proposed Parcel 2 is provided by an internal flag lot accessway. As proposed, the tentative partition plan does not impede future access to adjacent land. This criterion is met.

***SRC 205.005(d)(3): Development within the tentative partition plan can be served by City infrastructure.***

**Findings—** The Development Services Division reviewed the development proposal and determined that at proposed and conditioned, water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Findings—** As described in the findings above, the subject property is located adjacent to Marietta Street SE, which is classified as a local street under the City's Transportation System Plan (TSP). Conditions of approval established in this decision require Marietta Street SE to be extended along the frontage providing access to the proposed development site. This criterion is met.

***SRC 205.005(d)(5)—When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

- (A)The property is zoned residential;***
- (B)The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C)The proposed parcels are at least five acres in size and, except for flag***

***lots, have no dimension that is less than 100 feet.***

**Finding:** The site will be served by available public water and sewer; therefore, this criterion is not applicable.

***SRC 205.040—For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.***

**Finding—** If at such time the property redevelops, through Site Plan Review or land division application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards. This criterion is met.

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cc: File