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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN REVIEW / ~~CLASS 2 ADJUSTMENT~~ / CLASS 1 ADJUSTMENT / CLASS 1 DESIGN REVIEW / TREE REMOVAL PERMIT CASE NO.: UGA-SPR-ADJ-DR-TRP25-03

APPLICATION NO.: 25-110437-PLN

NOTICE OF DECISION DATE: August 8, 2025

SUMMARY: Development of a new multifamily complex and mixed-use retail building.

REQUEST: A consolidated application for an Urban Growth Preliminary Declaration, Class 3 Site Plan Review and Class 1 Design Review for the development of 74 multiple-family dwelling units and a mixed-use retail building. The consolidated application includes one Class 1 Adjustment to reduce the minimum drive aisle width from 24 feet to 22 feet, per SRC 806.035(e); ~~and one Class 2 Adjustment to reduce the amount of trees planted in a single planter, per SRC 806.035(n)(3)(B)(ii).~~ The application also includes Tree Removal Permits for 53 significant trees. The subject property is 8.54-acres in size, zoned MU-III (Mixed Use III) and located at 4885 Portland Road NE (Marion County Assessors Map and Tax Lot Number 072W06B / 100).

APPLICANT: Killen Development, LLC (Randall Killen)

LOCATION: 4885 Portland Rd NE, Salem OR 97305

CRITERIA: Salem Revised Code (SRC) Chapters 200.025(d) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(1) & (d)(2) – ~~Class 2 and~~ Class 1 Adjustment; 225.005(d) – Class 1 Design Review; 808.030(d)(5)– Tree and Vegetation Removal Permit

FINDINGS: The findings are in the attached Decision dated August 8, 2025.

DECISION: The **Planning Administrator APPROVED** Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 1 Adjustment / Class 1 Design Review / Tree and Vegetation Removal Permit Case No. UGA-SPR-ADJ-DR-TRP25-03 subject to the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, required fire sprinklers, and location of the Fire Department Connection.
- Condition 2:** Prior to issuance of building permits, provide evidence the development site consists of one legal unit of land or undergo the necessary land use approvals to consolidate the development site.

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planning@cityofsalem.net

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- Condition 3:** At time of building permit review, provide detailed plans of the fencing along the front property line abutting Portland Road NE, meeting the standards of SRC 800.050.
- Condition 4:** At time of building permit, provide detailed plans of the trash enclosure area meeting the standards of SRC 800.055, including restrainer bolts for the gate in the open and closed positions.
- Condition 5:** At time of building permit, provide detailed plans of the bicycle parking spaces for each dwelling unit, meeting the development standards of SRC 806.060.
- Condition 6:** At time of building permit and landscape permit review, revise landscape plans to include an additional 17 trees to be planted. Replanted trees shall be either a shade or evergreen variety with a minimum 1.5-inch caliper.
- 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 issuance of a Certificate of Occupancy, extend a minimum 8-inch public sanitary sewer main to provide a point of sanitary sewer discharge for the development, in a final alignment approved by the Public Works Director. The main shall be designed and constructed in accordance with the *Public Works Design Standards*
- Condition 9:** Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide property-line sidewalk along the frontage of Portland Road NE.
- Condition 10:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Portland Road NE.
- Condition 11:** Prior to issuance of a Certificate of Occupancy, the applicant shall design and construct one transit stop along Portland Road NE in a location approved by Cherriots, the City of Salem Public Works Department, and the Oregon Department of Transportation.
- Condition 12:** Prior to issuance of a Building Permit for residential development, pay a temporary access fee equal to 15.6 percent of the Parks System Development Charges (SDCs) due for the development pursuant to SRC 200.080.
- Condition 13:** The adjusted development standards for minimum drive aisle width, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

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

Urban Growth Preliminary Declaration: August 26, 2027
Class 3 Site Plan Review: August 26, 2029
Class 1 Adjustment: August 26, 2029
Class 1 Design Review: August 26, 2029
Tree and Vegetation Removal Permit: Does not expire

Application Deemed Complete: June 30, 2025
Notice of Decision Mailing Date: August 8, 2025
Decision Effective Date: August 26, 2025
State Mandate Date: October 28, 2025

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, August 25, 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) 200, 220, 250, 225, 808. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS AND ORDER
URBAN GROWTH PRELIMINARY)
DECLARATION)
CLASS 3 SITE PLAN REVIEW,)
CLASS 1 ADJUSTMENT,)
CLASS 1 DESIGN REVIEW)
TREE REMOVAL PERMIT)
CASE NO. UGA-SPR-ADJ-DR-TRP25-03)
4885 PORTLAND ROAD NE) AUGUST 8, 2025

In the matter of the application for Class 3 Site Plan Review, Class 1 Adjustment, Class 1 Design Review, and Tree Removal Permit submitted by the applicant’s representative AKS Engineering, on behalf of the applicant and property owner Killen Development, LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Development of a new multifamily complex and mixed-use retail building.

Request: A consolidated application for an Urban Growth Preliminary Declaration, Class 3 Site Plan Review and Class 1 Design Review for the development of 74 multiple-family dwelling units and a mixed-use retail building. The consolidated application includes one Class 1 Adjustment to reduce the minimum drive aisle width from 24 feet to 22 feet, per SRC 806.035(e); ~~and one Class 2 Adjustment to reduce the amount of trees planted in a single planter, per SRC 806.035(n)(3)(B)(ii).~~ The application also includes Tree Removal Permits for 53 significant trees. The subject property is 8.54-acres in size, zoned MU-III (Mixed Use III) and located at 4885 Portland Road NE (Marion County Assessor’s Map and Tax Lot Number 072W06B / 100).

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

PROCEDURAL FINDINGS

1. Background

On May 19, 2025, a consolidated application for an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 Design Review, and Tree Removal Permits was filed for the proposed development. After additional information was provided, including the application of Class 1 and 2 Adjustments, the applicant requested the applications be deemed complete for processing, per ORS 227.178(4) on June 30, 2025. The 120-day State mandated decision deadline for this consolidated application is December 27, 2025. After the application was deemed complete, it was determined the requested Class 2 Adjustment was not necessary, and the applicant requested it be withdrawn.

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

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at. You may use the search function without registering and enter the permit number listed here: 25 110437

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the Northgate 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. The applicant's representative contacted the Northgate Neighborhood Association to provide details about the proposal on May 14, 2025.

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

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

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Staff received four comments from the surrounding property owners and tenants prior to the end of the commenting period, two in support and two expressing concerns with the proposal which are summarized below:

Comments received express concerns for the additional traffic that will be generated by the development. Specific concerns relate to the intersection of Portland Road NE and Lancaster Drive NE.

Staff Response: As described in this decision, Traffic Impact Analysis (TIA) is required as part of the development submittal per SRC 803.015(b)(1). The applicant submitted a TIA prepared by Lancaster Mobley and dated April 2025. The TIA evaluated the impacts of the development on the existing transportation system and does not recommend any off-site mitigation as a condition of development. The Assistant City Traffic Engineer has reviewed the TIA and concurs with its findings. As such, no additional off-site mitigation is required as a condition of development.

The applicant's TIA analyzed the intersection of Portland Road NE and Lancaster Drive NE. The TIA found that the proposed development does not add additional vehicle trips to Lancaster Drive NE but does add trips to Portland Road NE, which increases the delay of turning movements at the intersection. The TIA concluded that a traffic signal is not warranted, and pointed out that restricting left turns could reduce the crash rate, but no mitigation is recommended as part of this development application as the proposed development contributes minimally to the intersection. The Oregon Department of Transportation and the Assistant City Traffic Engineer reviewed the applicant's TIA and did not require construction of any off-site mitigation, consistent with the findings in the applicant's TIA.

Comments received expressed opposition to the proposed tree removal and concern for loss of wildlife.

Staff Response: As described in the findings of Section 10 of this decision, the proposed tree removal meets the approval criteria for the removal for the reasonable development of the property. The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as "Mixed Use", which allows a variety of development types, including multiple-family residential uses. Loss of wildlife habitat is not a criterion for granting or denying the proposed development. Additionally, as described in the findings of this decision, the development standards of the Unified Development Code include numerous standards for new landscaping and tree planting, including replanting of additional trees to mitigate those removed for the proposed development.

General concerns about the proposed housing type and future residents.

Staff Response: As described in the findings of Section 7 of this decision, the proposed multiple-family development is an outright permitted use on the subject property. The prospective residents of the multifamily development are not an applicable decision criterion under the Salem Revised Code. Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for land use development does not address anticipated changes in crime and no evidence has been provided to support the speculation that any crime perpetuated by future residents of the proposed development would exceed what would occur from any other legal development of property within the City.

4. City Department Comments

Development Services Division: Reviewed the proposal and provided a memo with findings that have been incorporated and made part of this decision. The complete memo can be found in the record.

Building and Safety Division: Review the proposal and indicated no objections.

Fire Department: Reviewed the proposal and indicated *Fire Department access and water supply are adequate and that the gate is required to meet Fire code*

Staff Response: The applicant is responsible for addressing these comments during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the Fire Department standards, provided that the modifications meet applicable development standards, design standards, and conditions of approval. To ensure these standards are met, the following condition applies:

Condition 1: At the time of building permit review, the applicant shall provide plans showing adequate Fire Department access, including gate access.

5. Public and Private Agency Comments

Salem-Keizer Public Schools: Reviewed the proposal and provided a memo, which can be found in the record. In summary, the comments indicate the local school system has adequate capacity to serve additional students from the proposed residential development.

Cherriots: Cherriots reviewed the proposal and provided comments indicating a transit stop along the Portland Road NE frontage of the development site has been identified as a needed connection with the proposed development. The comments are available in the record.

Oregon Department of Transportation: The Oregon Department of Transportation (ODOT) reviewed the proposal and indicated the applicant will be required to obtain permits for access improvements onto Portland Road NE, which is Pacific Highway East (OR-99E). All proposed frontage improvements and work within the right-of-way shall be reviewed and approved by ODOT.

DECISION CRITERIA FINDINGS

6. 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 200.0025(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).

The subject property abuts Portland Road NE along the eastern property boundary. Portland Road NE is classified as a Major Arterial roadway and has an existing pavement improvement width of 46-feet, which exceeds the “linking street” requirement of SRC 200.055(b); therefore, no “linking street” improvements are required.

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 applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

The nearest available sewer facilities are located in Portland Road NE adjacent to the subject property. As described in the City Infrastructure Standards section of this decision, the applicant is conditioned to provide extension of sanitary sewer mains to provide a point of connection for the proposed development, which will provide an adequate linking improvement to serve the proposed development and additional off-site sanitary sewer improvements are not required.

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 applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

The nearest available public storm system appears to be located in Portland Road NE adjacent to the subject property. As described in the City Infrastructure Standards section of this decision, the applicant is conditioned to provide an approved point of discharge for all stormwater management, which will provide an adequate linking improvement to serve the proposed development and additional off-site 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 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.

The nearest available public water main appears to be located in Portland Road NE adjacent to the subject property. As described in the City Infrastructure Standards section of this decision, the applicant is conditioned to provide a connection to the public water mains, which will provide an adequate linking improvement to serve the proposed development and additional off-site improvements are not required.

SRC 200.075 – Standards for Park Sites

Finding: Pursuant to SRC 200.075(a), the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.

The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. The Salem Comprehensive Parks System Master Plan identifies a future neighborhood park to serve this area (NP35). Pursuant to SRC 200.075(a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.*

Due to the limited size of the site and topographic constraints of development on the undeveloped portion of the site, staff recommends a Temporary Access Fee in lieu of park dedication, pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks System Development Charge (SDC) based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.

- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.

The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of building permit review for residential development on the property.

7. 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 multifamily complex of 74 townhouse-style dwelling units and a 1,100 square foot retail building on property zoned MU-III (Mixed Use III); therefore, the development has been reviewed for conformance with the MU-III zone under SRC Chapter 535. The proposal also includes one Class 1 Adjustment and one Class 2 Adjustment; findings for the adjustments are included in Section 7 of this decision. The proposed development conforms to SRC Chapter 535 and all other applicable development standards of the Salem Revised Code as follows.

❖ ZONING AND DEVELOPMENT STANDARDS

MU-III (Mixed Use III) Zone

SRC 535.010(a) – Uses

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 535-1.

Finding: Per Table 535-1, *Multiple-family* residential uses and *retail sales* uses are permitted uses in the MU-III.

SRC 535.010(b) – Continued Uses

Existing legally-established uses established prior to August 24, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.

Finding: The proposal is for development of new uses on a vacant lot; therefore, this section is not applicable.

SRC 535.010(c) – Adaptive reuse

In order to allow for greater flexibility in the use of existing industrial buildings and structures within the area shown in Figure 535-1, the adaptive reuse of industrial buildings and structures existing on August 24, 2022, is allowed as set forth in the subsection.

Finding: The proposal is for development of new uses on a vacant lot; therefore, this section is not applicable.

SRC 535.015(a) – Lot standards

Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

Finding: The proposal is for development of a vacant lot 8.54 acres in size (approximately 370,344 square feet in size). The subject property has approximately 923 feet of frontage along Portland Road NE. The subject property conforms to the lot standards and no changes are proposed to the lot. The submitted vesting deed describes multiple units of land with property lines that may encumber the proposed buildings. To ensure the lot standards are met, the following condition shall apply.

Condition 2: Prior to issuance of building permits, provide evidence the development site consists of one legal unit of land or undergo the necessary land use approvals to consolidate the development site.

SRC 535.015(b) – Dwelling unit density

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

Finding: The proposed development includes 74 dwelling units and a separate building for retail uses on the same property; therefore, the development is not exclusively for residential uses, and the dwelling unit density standards are not applicable.

SRC 535.010(c) – Setbacks

Setbacks within the MU-III zone shall be provided as set forth in Tables 535-3 and 535-4.

▪ *Abutting Street*

East: Adjacent to the east is right-of-way for Portland Road NE, which is Oregon State Highway 99-E, and is designated as a Major Arterial Street in the Salem TSP. Standalone multiple-family uses along an Arterial Street require a minimum 20-foot setback; all other non-household living uses require a minimum five to a maximum 30-foot setback, provided the setback area is used for a combination of landscaping and pedestrian amenities. Vehicle use areas for all uses require a six-to-ten-foot setback, per SRC 806.

Finding: The proposed multiple-family buildings are setback 20 feet from the property line abutting Portland Road NE and the proposed retail building is setback five feet. The vehicle use area serving both the multiple-family buildings and the retail building are setback more than ten feet. The proposal meets the standard.

▪ *Interior Side and Rear*

North / West: Adjacent to the north and west is property zoned PE (Public and Private Educational Services). For a multiple-family use, buildings and vehicle use areas require a minimum ten-foot interior side and rear setback with Type C landscaping. For all other non-

household living uses, there is no building setback and vehicle use areas require a zone-to-zone setback of five feet.

South: Adjacent to the south are properties outside of City limits and zoned Commercial Retail within Marion County. For the multiple-family buildings adjacent to the south side of the development site, buildings and vehicle use areas require a minimum ten-foot setback with Type C landscaping.

Finding: The proposed retail building and associated vehicle use areas are setback ten feet or more from the north and west property lines. The proposed multiple-family buildings and vehicle use areas are all setback more than ten feet from the abutting properties. The plans indicate existing fencing along all interior property lines, which is six feet tall and at least 75 percent opaque, meeting the fencing standards of Type C landscaping under SRC 807. These standards are met.

SRC 535.015(d) – Lot Coverage, Height

Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

Finding: There is no maximum lot coverage requirement for all uses and the maximum building height for all uses is 70 feet. The proposed multiple-family buildings are 22 feet, and the proposed retail building is 20 feet, within the maximum height. The proposal meets the standards.

SRC 535.015(e) – Landscaping

- (1) *Setbacks.* Except setback areas abutting a street that provide pedestrian amenities, setbacks shall be landscaped to conform to the following standards:
 - A. The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC Chapter 807.
 - B. For all other uses, landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC Chapters 806 and 807.
- (3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.
- (4) *Gasoline stations.* In addition to the landscape requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area.

Finding: The total development site is approximately 370,344 square feet, requiring a minimum of 55,552 square feet of landscaping ($370,344 \times 0.15 = 55,551.6$), or 2,778 plant units ($55,552 / 20 = 2,777.5$), 40 percent of which must be trees, or 1,111 plant units of trees ($55,552 \times 0.4 = 1,111$). The preliminary landscape plans indicate 177,060 square feet of

landscaping will be provided, including 5,743 plant units, 2,650 plant units as trees. The proposal meets the standard.

Pursuant to SRC 702.020(b)(8), multiple family developments with 13 or more units are exempt from the landscaping requirements for vehicle use areas in SRC chapter 806, and are subject to landscaping standards under the Multiple Family Design Review Standards instead, which are addressed in Section 9 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 535.015(f) – Development standards for continued uses

Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuild following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC.

Finding: The proposal does not include development of a continued use; therefore, this section is not applicable.

SRC 535.015(g) – Pedestrian-oriented design

Development within the MU-III zone, excluding development requiring historic design review and multiple-family development, shall conform to the pedestrian-oriented design standards set forth in this section.

- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.
- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.
- (4) *Building entrances:* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.
- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Finding: The proposed development includes both multifamily residential buildings and a separate mixed-use retail building on the north side of the property. The off-street parking of the proposed retail building is located beside the building and is not located between the building and the street. The building includes a drive-through, which is located to the north, behind the building. No outdoor storage is proposed. The retail building includes a primary

entrance on the street facing façade. Per SRC 112.030, ground floor windows may be measured by dividing the total width of windows along the ground floor of the building by the length of the ground floor of the building, provided the windows have a vertical dimension of six feet or more. The street facing façade of the ground floor is 60 feet; the plans indicate windows that are more than six feet in height, with a total width 30 feet and 8 inches, or 51 percent ($720 \text{ inches} / 368 \text{ inches} = 0.51$). The proposal meets the standard.

SRC 535.020 – Design Review

Design review under SRC chapter 225 is required for development within the MU-III zone as follows:

- (a) Multiple-family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Residential care with five or more self-contained dwelling units shall be subject to the multiple family design review standards set forth in SRC chapter 702. 74

Finding: The proposal is for a multiple-family development of 74 units; therefore, it is subject to the Design Review standards of Chapter 702, which are addressed in Section 9 of this decision.

SRC Chapter 800 – General Development Standards

▪ ***Fences***

SRC 800.050(a) Location, height, and density

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

Finding: Per SRC 800.050(A)(i), fences within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting a street and when located within ten feet, any portion above 30-inches shall be a minimum 25 percent opaque. The proposal includes new fencing for the multifamily buildings along the Portland Road NE street frontage of the development site that are placed at the property line and are four feet in height. The plans do not indicate details of the fence materials or opacity. To ensure the fence standards are met, the following condition shall apply.

Condition 3: At time of building permit review, provide detailed plans of the fencing along the front property line abutting Portland Road NE, meeting the standards of SRC 800.050.

▪ ***Solid Waste Service Areas***

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 a solid waste enclosure with receptacles greater than one cubic yard in size are proposed for the retail building in the north portion of the development

site; therefore, the standards of SRC 800.055 apply. The applicant's written statement also indicates solid waste bins less than one cubic yard in size will be provided for the individual dwelling units of the multifamily buildings.

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 the pad area extends a minimum of one foot beyond the sides and rear of the receptacles and extends a minimum of three feet beyond the front. These standards are met.

(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 a minimum of 1.5 feet separation between the receptacle and the enclosure, and that receptacles will not be placed within five feet of a building or structure. These standards are met.

(3) *Vertical Clearance*

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

Finding: The development plans propose an unroofed trash enclosure, providing adequate vertical clearance. This standard is met.

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

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

Finding: The proposal does not include a drop box or compactor; therefore, this standard does not apply.

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 development plans show the proposed solid waste service areas will be screened in an enclosure with chain link fencing and privacy slats. The proposal meets the standard.

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

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

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

Finding: The development plans show an enclosure with a front opening over 12 feet in width. The proposal meets the standard.

- (2) *Measures to Prevent Damage to Enclosure.*

- (A) Enclosures constructed of wood or chain-link fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

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

Finding: The development plans indicate a bumper curb inside the perimeter of the enclosure meeting SRC 800.055(e)(2)(B) is provided. This standard is met.

- (3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The applicant's plans indicate the gates will open a minimum of 120 degrees; however, the development plans do not indicate that restrainer bolts will be provided to keep the gate in the open and closed positions. To ensure the standard is met, the following condition shall apply.

Condition 4: At time of building permit, provide detailed plans of the trash enclosure area meeting the standards of SRC 800.055, including restrainer bolts for the gate in the open and closed positions.

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

(1) Vehicle Operation Area.

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The development plans show vehicle operation areas a minimum of 45 feet in length and 15 feet in width, perpendicular to the enclosure and extending into vehicle maneuvering areas. The proposal meets the standard.

(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:

- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The trash service area for the retail portion of the site includes receptacles of two cubic yards in size and demonstrates conformance with the vehicle operation requirements for the location perpendicular to the enclosure. For the multifamily buildings, individual dwelling units will be provided with individual bins less than one cubic yard in size. This standard is met.

(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 site plan shows the vehicle operation area which is coincident with the parking lot drive aisle and internal driveways to the residential dwelling units; therefore, this standard is met.

(D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Finding: The vehicle operation area within the drive-aisle provides an open area to meet the vertical clearance. This standard is met.

(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 site plan shows the vehicle operation area provides access in a direct approach; therefore, this standard does not apply.

- (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 location of the trash enclosure will not require waste collection service vehicles to back onto a public street; therefore, this standard is met.

- (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Finding: The proposed trash enclosure is located within the fully paved vehicle use area and thereby meets the surfacing requirements. The applicant can demonstrate the required signage at the time of building permit review, as conditioned. The proposal meets the standard.

▪ ***Pedestrian Access***

SRC 800.065 – Applicability

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

Finding: The proposal is for a mixed-use site with both a retail building and multiple-family dwelling units. The multiple-family portion of development is subject to the development standards under SRC 702, addressed in Section 9 below; however, the retail building is subject to the pedestrian access standards of this section.

SRC 800.065 – Pedestrian Access

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

Finding: The pedestrian access standards of SRC Chapter 800 apply to the proposed retail building.

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

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

primary entrances are connected, via a pedestrian connection, to the required connection to the street.

Finding: The development plans indicate direct pedestrian access from the primary entrance to the abutting sidewalk along Portland Road NE. The proposal meets the standard.

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

Finding: Portland Road NE is a transit route and there is a proposed transit stop along the street frontage of the development site. The proposed retail building provides a direct pedestrian route less than 20 feet to the sidewalk which leads to the transit stop. This standard is met.

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

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

Finding: There are multiple buildings on the development site. The multifamily apartment buildings are subject to the standards of SRC 702; however, pedestrian connections are provided between the retail building and other buildings on the site. This standard is met.

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

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

Finding: The development plans do not propose any parking areas greater than 25,000 square feet or with four or more drive aisles; therefore, this standard is not applicable.

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

Finding: The development plans do not include any existing or proposed parking structures or garages greater than 25,000 square feet; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Abutting Properties

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

Finding: The development site does not include any vehicular connections to an abutting property; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian Connection to Existing or Planned Paths and Trails.

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

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

Finding: There is not a planned path or trail that passes through the development site; therefore, this standard is not applicable.

SRC 800.065(b) – Design and materials

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

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

Finding: The development plans indicate pedestrian connections that are at least five feet in width or, where adjacent to off-street parking spaces, are extended to seven feet so that parked vehicle will not overhang into the pedestrian walkway. The plans indicate walkways paved in a visually differentiated material. The proposal meets the standard.

SRC 800.065(c) – Lighting

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

Finding: The development plans indicate the residential and retail buildings will have lighting on the outside building walls, meeting the standards of this section.

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

- ***Off-Street Parking***

SRC 806.015 – Amount Off-Street Parking.

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

Finding: There are no minimum parking standards for any development within the City. The proposal includes development of a 74-unit multifamily complex and mixed-use retail building. Per Table 806-1, a *multiple-family* use allows a maximum 1.75 times the number of units, or 130 spaces ($74 \times 1.75 = 129.5$). The retail building includes three suites with a total finished floor area of approximately 4,200 square feet for retail uses, including one suite for a drive-through restaurant. The maximum off-street parking for the two suites for *retail sales and services* uses is 14 spaces ($2,800 / 200 = 14$) and for the suite for the *eating and drinking establishment* use, 8 spaces ($1,400 / 175 = 8.4$). The development plans include 121 spaces for the multiple-family use and 21 for the retail building, within the allowed maximums. This standard is met.

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

Finding: 142 total parking spaces are provided on the development site, allowing a maximum of 107 compact spaces ($121 \times .75 = 106.5$). The development plans indicate two compact parking spaces are proposed for the development site. This standard is met.

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

Finding: The proposal does not include development with the Public Services and Industrial use classifications, or the Business and Professional Services use category. This standard is not applicable.

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

Finding: The proposal includes 74 dwelling units in townhouse-style apartment buildings; therefore, this standard is applicable. The proposed development provides a total of 142 spaces, requiring a minimum of 57 spaces ($142 \times 0.4 = 56.8$) for Electric Vehicle (EV) charging stations by providing EV charger conduits, as defined in ORS 455.417. The development plans indicate EV spaces will be provided within the garages of all 74 multifamily dwelling units, and nine of the spaces serving the retail building will be EV ready. This standard is met.

▪ **Parking and Vehicle Use Area Development Standards**

SRC 806.035 – For uses or activities other than single-family, two-, three-, and four-family. Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

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

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

Finding: The proposal includes development of a vacant parcel for a multifamily complex and retail building, including new parking spaces, drive-aisles for vehicle circulation, and loading spaces; therefore, this section is applicable.

- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The development plans indicate the off-street parking and vehicle use areas are not located within required setbacks and all required setbacks will be landscaped. This standard is met.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4.

Finding: Pursuant to SRC 702.020(b)(8), multiple-family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806; therefore, the portion of the development site for the multifamily complex is exempt from this section. The off-street parking area of the retail building is approximately 10,000 square feet in size, requiring a minimum five percent interior landscaping, or 500 square feet ($10,000 \times 0.05 = 500$). The development plans indicate approximately 1,072 square feet of interior landscaping will be provided for the retail building parking lot, exceeding the minimum required. The parking area for the retail building includes 21 spaces, requiring a minimum of 2 shade trees in planter islands a minimum of 25 square feet in area and five-feet-wide within the interior of the lot. The development plans indicate six shade trees within the parking area in planters more than 25 square feet in area and five feet in width. This standard is met.

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

Finding: The proposed parking spaces, driveway and drive aisle for the off-street parking area of the mixed-use building portion of the site meet the minimum dimensional requirements of SRC Chapter 806. The development plans indicate that within the multiple-family portion of the development the site, 20-foot-wide two-way drive aisles with one-foot mountable curbs on either side will be provided throughout leading to the driveways of the individual townhouse-style apartment units. The driveways and garages of the dwelling units are standard spaces at 90 -degrees from the aisles, requiring a minimum 24-foot-wide drive aisle. The applicant has requested a Class 1 Adjustment to reduce the drive aisles to 22 feet with mountable curbs. Findings for the adjustment are addressed in Section 8 of this decision.

- (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 806-8. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The applicant's site plan indicates one dead-end at the southwest end of the multifamily vehicle use area. The dead-end includes a turnaround meeting the dimensions of Table 806-6. This standard is met.

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

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

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

(2) Vehicle sales display areas.

Finding: The parking area for the mixed-use building of the site includes extended setbacks so that parked vehicles will not overhang into the required five-foot vehicle use area setbacks or pedestrian paths. The parking areas for the multifamily portion of the site also include extended setbacks so that vehicles will not overhang into required setbacks. This standard is 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 off-street parking area dimension standards set forth in Table 806-6. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806, and will be verified for conformance at the time of building permit review.

▪ ***Climate Friendly and Equitable Communities (CFEC) Standards***

SRC 806.035(n) – Additional standards for new 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 in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

Finding: The total proposed surface parking area for the development is approximately 55,264 square feet in size, more than one-half acre; therefore, the additional standards in this subsection area applicable to the proposed development.

- (1) *Climate mitigation.* 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.
 - (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.
 - (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 \$1,500.00 per parking space and tied to inflation.
 - (c) *Increased tree canopy.* 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 applicant's statement and plans propose to meet the climate mitigation measures through Option C, covering at least 40 percent of the equivalent of the new off-street parking and vehicle use areas with the projected tree canopy area. The development plans indicate that the proposed surface parking area is approximately 55,264 square feet in size, requiring a minimum 22,106 square feet of tree canopy ($55,264 \times 0.4 = 22,105.6$). The development plans include a tree planting plan (**Attachment C**) which indicate approximately 36,000 square feet of total tree canopy coverage is proposed, or 65 percent of the equivalent of the surface parking area, more than the minimum required. This standard is met.

- (2) *Provision of tree canopy.*
 - (a) *Trees along driveways.* Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3); or
 - (b) *Tree canopy coverage.* On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3), 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 approximately 36,000 square feet of tree canopy coverage will be provided around the perimeter of the off-street parking areas, more than the minimum 40 percent meeting Option B for this requirement. This standard is met.

- (3) *Tree canopy standards.* 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 tree canopy area shall be based on the standards in Table 806-7.
 - (ii) New trees that are planted shall be selected from Table 806-7 or approved by the Planning Administrator.
 - (iii) Existing trees that are preserved may be included in expected tree canopy area.
 - (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 include expected overlap of tree canopy area by more than five feet and portions of expected canopy that overlap existing or proposed buildings.

Finding: The development plans indicate new trees using types from Table 806-7 will be used. This standard is met.

- (b) *Tree Planting Standards.* Trees provided to meet tree canopy coverage requirements shall be:
- (i) Planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area set forth in Table 806-7, except where interrupted by vehicle use areas, solid waste service areas, buildings, power lines, stormwater infrastructure, and children's play areas;
 - (ii) Planted in islands containing a minimum of three trees and the minimum required soil amount per Table 806-7;
 - (iii) Planted to ensure that no more than 20 percent of their expected canopy overlaps with existing or proposed buildings;
 - (iv) Not less than 1.5 inch caliper in size at the time of planting; and
 - (v) Planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 handbook.

Finding: All of the trees are proposed to be planted within groups of at least three trees per planter island and within ten feet of the perimeter of the parking area. The development plans indicate small trees will be planted with 1,000 cubic feet of soil at two feet of depth and large trees will be planted with 1,500 cubic feet of soil at 2.5 feet of depth. The proposal meets the standards.

- (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 applicant's statement indicates PGE was part of a pre-application conference held prior to application submittal and that communication and coordination with PGE is ongoing. PGE has indicated no concerns with the proposal.

▪ ***Driveway Development Standards***

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

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

Finding: At the south entrance of the development site at Portland Road NE, a 26-foot-wide two-way driveway is provided serving the multiple-family portion of the development site. At the north entrance of the development site serving both the retail building and residential portion of the site, a 34-foot-wide two-way driveway is provided. The proposed driveways leading to the garages of the individual townhouse-style apartments are 20 feet in depth and 15 feet in width to serve single eight-foot-wide garages located side by side. The proposal meets the standards.

▪ ***Bicycle Parking***

SRC 806.045 – Bicycle Parking; When Required.

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

Finding: The proposal is for development of a new multifamily complex and retail building; therefore, the bicycle parking requirements of this section apply.

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

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

SRC 806.055 - Amount of Bicycle Parking.

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

Finding: Per Table 806-9, a *multiple-family* use requires one bicycle parking space per dwelling unit; therefore, the proposed 74-unit multifamily development requires a minimum of 74 bicycle parking spaces. The applicant's written statement indicates each unit will be provided with a long-term bicycle parking space; however, the plans do not show the spaces or materials for the long-term bicycle parking spaces. To ensure the spaces and materials are met, the following condition shall apply.

Condition 5: At time of building permit, provide detailed plans of the bicycle parking spaces

for each dwelling unit, meeting the development standards of SRC 806.060.

For the retail building, the plans indicate three suites approximately 1,200 square feet each proposed for *retail sales* uses and one suite for a drive-through restaurant. For the proposed drive-through *eating and drinking establishment*, the greater of four spaces or one per 1,000 square feet is required; therefore, Suite 1 requires a minimum of four bicycle parking spaces. The plans indicate four bicycle parking spaces will be provided serving the entire building. It is unclear at this time what the proposed uses for Suites 2 and 3 are. Bicycle parking will be reviewed at the time of occupancy for the individual suites.

SRC 806.060 – Bicycle Parking Development Standards

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

(a) Location.

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

Finding: The applicant's written statement indicates long-term spaces will be provided within the garages of the individual dwelling units. The development plans indicate four short-term spaces that are clearly visible and within 50 feet of a primary entrance of the retail building. As previously conditioned, bicycle parking will be reviewed for conformance at the time of building permit.

- (b) **Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.

Finding: The short-term bicycle parking spaces for the retail building will be located in public areas, providing direct access to the public right-of-way through the proposed pedestrian paths and vehicle use areas. The long-term spaces in the garages of the dwelling units will have direct access to the public right-of-way via the driveways and drive aisles of the site. This standard is met.

- (c) **Dimensions.** All bicycle parking areas shall meet the following dimension requirements:
 - (1) **Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

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

Finding: The development plans indicate the short-term bicycle parking spaces outside of the retail building will meet the dimensions of this section. As previously conditioned, the long-term spaces will be reviewed for conformance with this section at time of building permit.

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

Finding: The proposed short-term bicycle parking spaces appear to be placed on a hard surface material; however, the long-term spaces for the multifamily dwelling units were not provided. As conditioned above, the applicant shall provide construction details which include this information. Conformance with this standard will be verified at the time of building permit review.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant did not provide rack installation details to verify conformance with these standards. As conditioned above, the applicant shall provide construction details which include this information. Conformance with this standard will be verified at the time of building permit review.

▪ ***Off-Street Loading Areas***

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

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

activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposal is for development of a new multifamily development and retail building; therefore, the off-street loading requirements of this section apply.

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.

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

Finding: According to Table 806-11, retail uses under 5,000 square feet in size do not require an off-street loading space. For multifamily developments between 50 and 99 units, a minimum of one off-street loading space is required, meeting the dimensions of 12 feet by 19 feet with 12 feet of vertical clearance. The development plans indicate a loading space in the northwest corner of the site meeting the dimensions. This standard is met.

SRC Chapter 807 – Landscaping

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

Finding: As addressed above, within the MU-III zone, a minimum of 15 percent of the development site is required to be landscaped, including minimum setbacks. The total development site is approximately 370,344 square feet, requiring a minimum of 55,552 square feet of landscaping ($370,344 \times 0.15 = 55,551.6$), or 2,778 plant units ($55,552 / 20 = 2,777.5$), 40 percent of which must be trees, or 1,111 plant units of trees ($55,552 \times 0.4 = 1,111$). The preliminary landscape plans indicate 177,060 square feet of landscaping will be provided, including all required setbacks, with 5,743 plant units, 2,650 of which shall be trees (78 mature trees preserved and 148 new trees). The proposal meets the standard.

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

SRC 807.015(d) – Tree Planting Requirements

In addition to the landscaping required under this chapter, when existing trees are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

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

(2) *Removal of trees from development site.* When more than 75 percent of the existing trees on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Finding: The development plans indicate 20 trees are proposed to be removed from within the required setbacks of the multifamily buildings and the property line abutting the street, requiring 40 trees be replanted. The development plans indicate 36 trees will be replanted in the setback area, four less than the minimum required. Additionally, the plans indicate a total of 352 trees on site, with 271 proposed for removal, or 77 percent ($271 / 352 = 76.9$). 75 percent of 352 trees is 264 trees, thus, seven trees in excess of 75 percent are proposed for removal ($271 - 264 = 7$), requiring an additional 14 trees be planted.

A total of 54 new trees are required to be replanted. The development plans indicate a total of 148 new trees will be planted, or 37 more than the minimum required landscaping (1,111 plant units of trees = 111 trees at 10 plant units each). As such, an additional 17 trees are required to be replanted (54 total required to be replanted - 37 more than the minimum proposed = 17). To ensure the additional number of new trees will be planted to replace those removed from the required setbacks and development site, the following condition shall apply.

Condition 6: At time of building permit and landscape permit review, revise landscape plans to include an additional 17 trees to be planted. Replanted trees shall be either a shade or evergreen variety with a minimum 1.5-inch caliper.

❖ **CITY INFRASTRUCTURE STANDARDS**

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

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	1. An 18-inch water main is located in Portland Road NE.
Sanitary Sewer	3. An 18-inch sanitary sewer main is located in Portland Road NE along the northern property boundary.
	4. An 8-inch sanitary sewer main is located in on the opposite side of Portland Road NE on private property in an easement.
Storm Drainage	6. A 15-inch storm main is located in Portland Road NE.
	7. South Labish Ditch is located on adjacent property.

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

Finding: The subject property is located outside of the Urban Service Area and an Urban Growth Preliminary Declaration has been consolidated with the Site Plan Review application. As identified in the conditions of approval, the applicant is required to provide a Parks Temporary Access Fee to ensure parks service is provided to the development. All other public infrastructure is existing and adequate to serve the development, identified in the UGA findings above.

SRC Chapter 71 – Stormwater

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

Finding: The proposed development is required to use green stormwater infrastructure (GSI) to provide flow control and treatment for stormwater runoff generated by the development according to SRC Chapter 71. The applicant's engineer submitted a Preliminary Stormwater Management Report demonstrating compliance with Stormwater PWDS Appendix 004 and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. To ensure compliance with SRC Chapter 71, the following condition shall apply.

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 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 Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards. The analysis for each utility type is as follows:

Water – There is an existing 18-inch public water main in Portland Road NE along the frontage of the subject property. As shown on the applicant's preliminary utility plan, connections to this public main will be made to provide domestic and fire service to the proposed development.

Additional main extensions and off-site water improvements are not required. The existing 18-inch main in Portland Road NE is adequate to serve the proposed development.

Sanitary Sewer – There is an existing 18-inch public sanitary sewer main in Portland Road NE along the northern property boundary. There is also an 18-inch public sanitary sewer main located on private property that runs adjacent to the northern property boundary, on Marion County Tax Lot No. 063W36D000100. The applicant’s preliminary utility plan shows extension of a new 8-inch public sewer main in Portland Road NE to serve the proposed development. The preliminary land use plans show that the main will be extended in the landscape strip, behind the curb of Portland Road NE. The Public Works Design Standards require sewer mains to be placed within the roadway and not the landscape strip (PWDS1.6(d)). A Design Exception, issued by the City Engineer, would be required to construct the main in the proposed alignment. The new main could be constructed in the travel lanes of Portland Road NE, with approval from the Oregon Department of Transportation who controls the right-of-way. Alternatively, the applicant could extend a public main from the 18-inch public main located on adjacent private property. As a condition of approval, the applicant shall extend a public sanitary sewer main to provide a point of discharge for sanitary sewer service for the proposed development. The final alignment will be approved by the Public Works Director and in compliance with the Public Works Design Standards.

Condition 8: Prior to issuance of a Certificate of Occupancy, extend a minimum 8-inch public sanitary sewer main to provide a point of sanitary sewer discharge for the development, in a final alignment approved by the Public Works Director. The main shall be designed and constructed in accordance with the *Public Works Design Standards*

Stormwater – There is an existing 18-inch public stormwater main in Portland Road NE along the frontage of the subject property. Additionally, South Labish Ditch is located on adjacent property. The applicant’s preliminary stormwater management report identifies the use of infiltration and flow dispersion for stormwater management and does not propose new connections to the public system. The applicant’s engineer is required to identify an approved point of discharge for the stormwater management system, required as a condition of approval. Additional off-site stormwater main improvements are not required.

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

❖ **CITY STREET AND RIGHT-OF-WAY STANDARDS**

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Portland Road NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	115-feet	76-feet
	Special Setback:	N/A	

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: Portland Road NE abuts the subject property and is classified as a Major Arterial street according to the Salem Transportation System Plan (TSP). Portland Road NE is under the Jurisdiction of the Oregon Department of Transportation (ODOT). Portland Road NE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional boundary improvements along Portland Road NE are not required. Streetscape improvements, including construction of sidewalks and planting of street trees is discussed further below.

▪ *Sidewalks*

Street Standards require that all streets be improved with sidewalks. These standards also require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)) and that sidewalks be five feet in width (SRC 803.035(l)(2)(C)).

Finding: Portland Road NE has existing curbs but lacks sidewalks along the frontage of the subject property. Pursuant to SRC 803.035(l)(1) and SRC 78.180 sidewalks are required to be constructed along the frontage of the subject property. The following condition shall apply.

Condition 9: Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide property-line sidewalk along the frontage of Portland Road NE.

▪ *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: There are no existing street trees along the frontage of the subject property in the Portland Road NE right-of-way. The applicant is required to construct a property line sidewalk as a condition of approval, which will create a landscape planting strip for new street trees. The following condition shall apply.

Condition 10: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Portland Road NE.

▪ *Transit Facilities*

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

Finding: Cherriots submitted comments indicating that a transit stop has been identified as needed in connection with the proposed development. Due to the posted speed of Portland Road NE (45 MPH) and the roadway classification (Major Arterial), Cherriots has identified that a bus pull out is required. The comments identify that the transit stop is required to be constructed along the frontage of the property and meeting ODOT Highway Design Guide Standards, as shown on the applicant's preliminary plans. Pursuant to SRC 803.035(r), the applicant shall construct the requested transit stop along Portland Road NE.

Condition 11: Prior to issuance of a Certificate of Occupancy, the applicant shall design and construct one transit stop along Portland Road NE in a location approved by Cherriots, the City of Salem Public Works Department, and the Oregon Department of Transportation.

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 proposed development will take access to Portland Road NE, which is under the Oregon Department of Transportation (ODOT) jurisdiction. The applicant's preliminary site plan shows two driveway approaches onto Portland Road NE. Pursuant to SRC 804.015(b)(1) a Driveway Approach Permit issued by the City of Salem is not required because the right-of-way is under ODOT jurisdiction and requires a State Highway Access Permit.

SRC Chapter 805 – Vision Clearance

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

Finding: The applicant identifies the required vision clearance triangles on the preliminary site plan. As shown on the preliminary site plan, 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 808 – Preservation of Trees and Vegetation

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

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

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

Finding: The applicant has submitted a tree inventory (**Attachment D**) for the development site which indicates a total of 352 trees on the subject property, with 271 proposed for removal, 53 of which are significant. Analysis of the tree removal permit criteria is addressed in Section 10 below.

SRC Chapter 809 – Wetlands

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

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

SRC Chapter 810 – Landslide Hazards

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

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, there are mapped 3-point landslide hazard areas on the subject property. The

proposed activity of a commercial building permit adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Assessment/Geotechnical Engineering Investigation Report, prepared by Redmond Geotechnical Services and dated June 20, 2025, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by utilizing construction recommendations in the report. Construction methods are reviewed at time of Building Permit review to ensure compliance with SRC Chapter 810 and the Geotechnical Report.

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. 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: The proposed multiple-family apartment complex and mixed-use retail building with a drive-thru generates more than 1,000 average daily vehicle trips to the arterial street system; therefore, a Traffic Impact Analysis (TIA) is required as part of the development submittal per SRC 803.015(b)(1). The applicant submitted a TIA prepared by Lancaster Mobley and dated April 2025. The TIA evaluated the impacts of the development on the existing transportation system and does not recommend any off-site mitigation as a condition of development. The Assistant City Traffic Engineer has reviewed the TIA and concurs with its findings. As such, no additional off-site mitigation is required as a condition of development. This criterion is met.

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. A request for an Urban Growth Preliminary Declaration is included with the proposal. The UGA identifies that adequate street, utilities, and storm drainage improvements exist to serve the proposed development. However, the UGA identifies that the parks service in the area is inadequate. To ensure compliance with SRC 200.075 relating to the provision of parks, the following condition shall apply.

Condition 12: Prior to issuance of a Building Permit for residential development, pay a temporary access fee equal to 15.6 percent of the Parks System Development Charges (SDCs) due for the development pursuant to SRC 200.080.

As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. With the required improvements, water, sewer, storm infrastructure, and parks will be available and adequate to serve the proposed development. This approval criterion is met.

8. Analysis of Class 1 Adjustment Criteria

Salem Revised Code (SRC) 250.005(d) provides that an application for a Class 1 or Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: Pursuant to SRC 806.035(e), Table 806-5, the minimum drive aisle width for standard parking spaces at 90 degrees is 24 feet. The proposal includes standard parking spaces within garages and driveways of the individual townhouse-style apartment units at 90 degrees with circulation provided by shared drive aisles through the multifamily portion of the development site. The applicant is requesting one Class 1 Adjustment to reduce the minimum drive aisle width from 24 feet to 22 feet, or by eight percent. The applicant's written statement indicates the intent of the minimum 24-foot drive aisle width is to provide sufficient circulation and maneuvering room into and out of spaces in a parking lot. Because the townhouse-style dwelling units are served by private garages and driveways located off the drive aisles, vehicle parking and maneuvering is similar to single-family dwellings with off-street parking on private lots, and the drive aisle acts more like a private street than an aisle in a parking lot. Similarly, the reduced 22-foot-width is comparable to a standard two-way driveway, which is sufficient to provide adequate space for two-way circulation. Because the multifamily portion of the development is within a gated perimeter, the off-street parking areas and drive aisles will only be used for residents and visitors, further reducing the need of wider drive aisles serving commercial parking lots. The proposal clearly satisfies the intent of the development standard, and this criterion is met.

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

Finding: The proposed adjustment will only affect vehicle circulation within the private residential portion of the development site. The proposed adjustment to reduce the internal drive aisle width will not impact surrounding existing or potential uses or development. To ensure the proposed adjustment will not impact surrounding existing or potential uses or development, the following condition shall apply.

Condition 13: The adjusted development standards for minimum drive aisle width, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future

development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Analysis of Class 1 Design Review Approval Criteria

SRC 225.005 provides that design review approval is required for development applications that are subject to design review standards and guidelines. A Class 1 design 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 225.005(e): A Class 1 design review shall be approved if all of the applicable design review standards are met.

Finding: SRC 535.020(a) provides that multiple family development within the MU-III zone shall be subject to design review according to the multiple family design review standards set forth in SRC Chapter 702. The proposed development conforms to SRC Chapter 702 follows.

SRC Chapter 702 – Multiple Family Design Review Standards

SRC 702.020 – For Multiple Family Development with Thirteen or More Units.

SRC 702.020(a) – Open Space Standards.

(1) To encourage the preservation of natural open 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 in 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 development site has a gross area of approximately 370,344 square feet, requiring a minimum of 111,103 square feet of open space (370,344 x 0.3). The development plans indicate approximately 191,444 square feet of open space is provided, exceeding the minimum. 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 that meets the size and dimension standards set forth in Table 702-3.

TABLE 702-3. COMMON OPEN SPACE AREA SIZE AND DIMENSIONS		
Number of Dwelling Units	Minimum Open Space Area Size	Minimum Horizontal Dimension
More than 20	1,000 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	25 ft.

Finding: The proposed development includes 74 dwelling units, requiring a minimum common open space area of 1,675 square feet with a minimum horizontal dimension of 25 feet (74 units - 20 = 54 units / 20 = 2.7 x 250 = 675 additional square footage). The development plans indicate two common open space areas approximately 5,553 and 7,676 square feet in size and more than 25 horizontal feet in dimension. The proposal meets the standard.

(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 development plans indicate none of the common open space areas are located on land with slopes greater than 25 percent. The proposal meets the standard.

(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.

TABLE 702-4. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq. ft.	6 ft.

Finding: The development plans indicate each dwelling unit will be a ground floor dwelling and will have its own private, fenced yard and patio measuring more than 96 square feet and more than six feet in dimension. This standard is 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 proposed development includes 74 dwelling units, requiring a minimum of 15 units with private open space (74 x 0.2 = 14.8). All 74 units have a private open space meeting the minimum dimensions, exceeding the minimum 20 percent. This standard is 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 the 7,676 square foot open space area between buildings 6 and 18 will include a children's playground, and the 5,553 square foot space area between buildings 9 and 16 will include a gazebo. This standard allows the improved open space to be counted as double, providing an additional 26,458 square feet of open space.

(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 public 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 exceeds the minimum open space requirements and does not utilize the allowed reduction of this section.

SRC 702.020(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 subject property has a gross site area of approximately 370,344 square feet, requiring a minimum of 185 trees to be planted or preserved on site ($370,344 / 2,000 = 185$). The applicant's development plans indicate 226 existing and new trees will be provided on site. The proposal meets the standard.

- (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 be not allowed to satisfy this standard.

Finding: The development site does not abut RA or RS-zoned property. This standard is not applicable.

(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 applicant has provided a preliminary landscaping plan which indicates more than a minimum of two plant units are provided adjacent to the primary entryway of each ground-level dwelling unit. This standard is met.

(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 development plans indicate the Type A.1 and A.2 buildings have a linear length of 244 feet each, requiring a minimum of 40 plant units as trees per building ($244 / 60 = 4 \times 10 = 40$) and the Type B buildings have a linear length of 260 feet, requiring a minimum of 40 plant units as trees per building ($260 / 60 = 4 \times 10 = 40$). The development plans indicate more than the minimum number of trees within 25 feet of each building. This standard is met.

(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 development plans indicate the Type A.1 and A.2 buildings have a linear length of 244 feet each, requiring a minimum of 40 plant units as trees per building ($244 / 15 = 16$) and the Type B buildings have a linear length of 260 feet, requiring a minimum of 16 plant units per building ($260 / 15 = 17$). The development plans indicate more than the minimum number of shrubs around the perimeter of each building. This standard is met.

(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 ground level private open spaces will be physically and visually separated by fencing and landscaping. This standard is met.

(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).

Finding: The proposed development includes buildings with four 15-foot-wide driveways leading to garages of each townhouse-style apartment units. The development plans indicate two trees within a planter separating driveways to the garages for each building, more than the minimum required. For the surface off-street parking spaces serving guest or overflow parking, more than a minimum of one tree is proposed for every 50 feet of perimeter of and within ten feet of the off-street parking areas. This standard is met.

(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 development plans indicate a minimum of one canopy tree is provided in each planter bay, which measure a minimum of nine feet. This standard is met.

(8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806; provided, however when a development includes more than one-half acre of new surface parking, SRC 806.035(n) shall apply.

Finding: As previously addressed in Section 7, the development is subject to SRC 806.035(n).

SRC 702.020(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 development plans indicate all habitable rooms that face common open space, parking areas, and pedestrian paths will have windows. This standard is met.

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

Finding: The development plans indicate lighting on the exterior walls of the townhouse-style dwelling units, providing a lighting system throughout the site which will illuminate the development in accordance with this standard.

(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: The development plans indicate four-foot-tall fencing between the street facing units and Portland Road NE. As previously conditioned, the proposed fencing will meet the standards of SRC 80.050, which required any portion of the fence over 30 inches in height be a minimum 25 percent opaque. The proposal meets the standard.

(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: The development plans indicate landscaping and fencing will not exceed three feet in height when adjacent to common open space, parking areas, and dwelling unit entryways. The proposal meets the standard.

SRC 702.020(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 applicant's preliminary landscape plans show a planter bay meeting every 12 parking spaces throughout the development site, with a tree planter in each planter bay. This standard is met.

(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 development plans indicate the proposed off-street parking areas are located beside and behind the street fronting buildings. This standard is met.

(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 development site does not abut an RA or RS zoned property; therefore, this standard is not applicable.

(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: The development plans indicate a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connects the development to the public sidewalks along Portland Road NE. This standard is met.

SRC 702.020(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. 702.020(b)(2)(B) is increased to eight feet tall.

Finding: The development site does not abut an RA or RS zoned property; therefore, this standard is not applicable.

- (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: The development site does not abut an RA or RS zoned property; 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 development site has approximately 928 feet of buildable width along Portland Road NE, requiring a minimum of 371 feet of building placed at the setback ($928 \times 0.4 = 371$). The development plans indicate Buildings 10-15 are each 80 feet wide and placed at the setback, occupying 480 feet of the street frontage, more than the minimum. This standard is met.

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

Finding: The development plans indicate that Buildings 10-15 are located within 25 feet of the property line abutting Portland Road NE and are oriented to and have an entrance and direct pedestrian access to the adjacent sidewalk. This standard is met.

- (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 indicate each building will have individual entryways with covered porches. This standard is met.

- (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; therefore, this standard is not applicable.

- (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. (See Figure 702-4)

Finding: The building roofs do not exceed 100 feet in length; however, the roofs provide vertical differentiation.

- (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 indicate covered entrances and porches as well as building offsets. This standard is met.

- (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: Changes in material and horizontally-distinguishing transition pieces are included to break up the vertical mass of the residential buildings and distinguish the first level from upper floors. This standard is met.

10. Analysis of Tree Removal Permit Approval Criteria

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

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

Finding: The development plans include a tree inventory identifying 344 trees on the development site, 81 of which are considered significant trees (**Attachment D**). Of the 81 significant trees, the applicant is requesting to remove 53. The applicant's written statement explains the dense distribution of the trees across the site, as well as steep slopes to the northwest encompassing nearly one-third of the site, significantly reduce the developable area of the property. The applicant has provided a site plan demonstrating the developable area of the property without impact to all but two significant trees would reduce the developable area to only 1.56 of the total 8.54-acre property. Without removal of the trees, the development site

could not accommodate the proposed development, including areas for buildings, off-street parking and vehicle use areas, opens space, and setbacks.

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

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

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

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

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

Finding: As described above, because of the steep topography of the northwest area of the site and the widespread dispersal of existing significant trees, the developable area would be greatly limited to 1.56-acres. Without removal of the proposed trees, the development site could not accommodate the proposed development, including areas for buildings, off-street parking and vehicle use areas, opens space, and setbacks. Similarly, the required grading and the installation of necessary stormwater facilities and utilities to serve the site would be significantly limited without impact to the critical root zones of many of the trees. The applicant has provided a tree plan indicating there are little to no reasonable design alternatives to accommodate the proposed development without resulting in a hardship to the applicant necessitating a tree variance permit. The proposed tree removal meets the applicable criteria of SRC 808.030(d)(5)(A) & (B).

11. Conclusion

Based upon review of SRC Chapters 200, 220, 225, 250, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 Adjustment, Class 1 Design Review, and Tree Removal Permit Case No. UGA-SPR-ADJ-DR-TRP25-03 is hereby **APPROVED** subject to SRC Chapters 200, 220, 225, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

Condition 1: At the time of building permit review, the applicant shall provide plans showing adequate Fire Department access, including gate access.

- Condition 2:** Prior to issuance of building permits, provide evidence the development site consists of one legal unit of land or undergo the necessary land use approvals to consolidate the development site.
- Condition 3:** At time of building permit review, provide detailed plans of the fencing along the front property line abutting Portland Road NE, meeting the standards of SRC 800.050.
- Condition 4:** At time of building permit, provide detailed plans of the trash enclosure area meeting the standards of SRC 800.055, including restrainer bolts for the gate in the open and closed positions.
- Condition 5:** At time of building permit, provide detailed plans of the bicycle parking spaces for each dwelling unit, meeting the development standards of SRC 806.060.
- Condition 6:** At time of building permit and landscape permit review, revise landscape plans to include an additional 17 trees to be planted. Replanted trees shall be either a shade or evergreen variety with a minimum 1.5-inch caliper.
- 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 issuance of a Certificate of Occupancy, extend a minimum 8-inch public sanitary sewer main to provide a point of sanitary sewer discharge for the development, in a final alignment approved by the Public Works Director. The main shall be designed and constructed in accordance with the *Public Works Design Standards*
- Condition 9:** Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide property-line sidewalk along the frontage of Portland Road NE.
- Condition 10:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Portland Road NE.
- Condition 11:** Prior to issuance of a Certificate of Occupancy, the applicant shall design and construct one transit stop along Portland Road NE in a location approved by Cherriots, the City of Salem Public Works Department, and the Oregon Department of Transportation.
- Condition 12:** Prior to issuance of a Building Permit for residential development, pay a temporary access fee equal to 15.6 percent of the Parks System Development Charges (SDCs) due for the development pursuant to SRC 200.080.
- Condition 13:** The adjusted development standards for minimum drive aisle width, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future

development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.



Peter Domine, Planner II

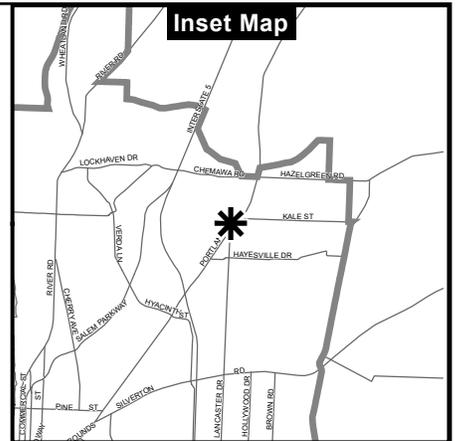
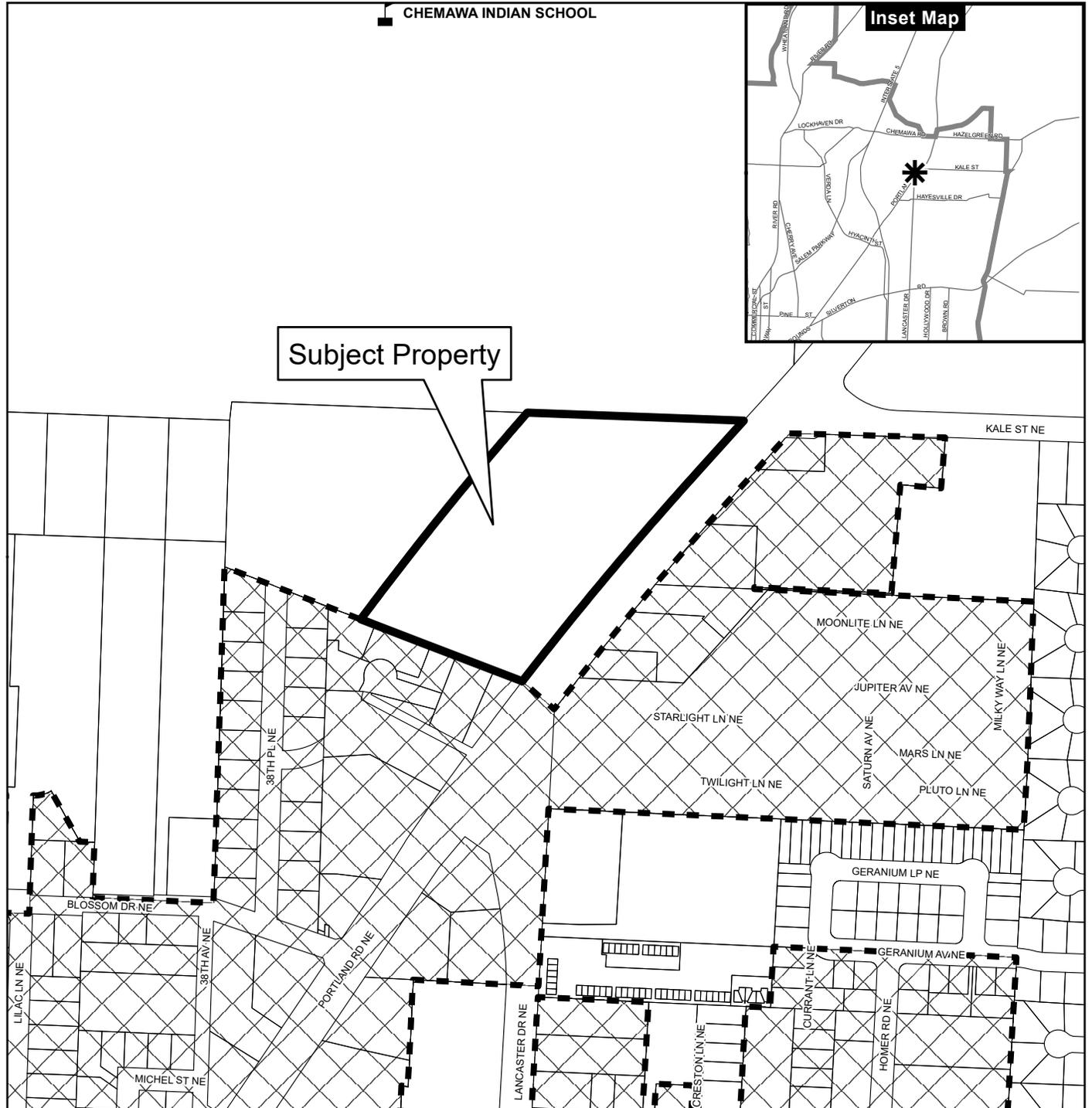


Laurel Christian, Infrastructure Planner III

on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

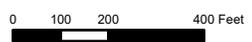
- Attachments:
- A. Vicinity Map
 - B. Proposed Development Plans and Elevations
 - C. Tree Planting Plan
 - D. Tree Removal Plan

Vicinity Map 4885 Portland Rd NE

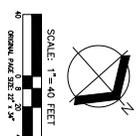
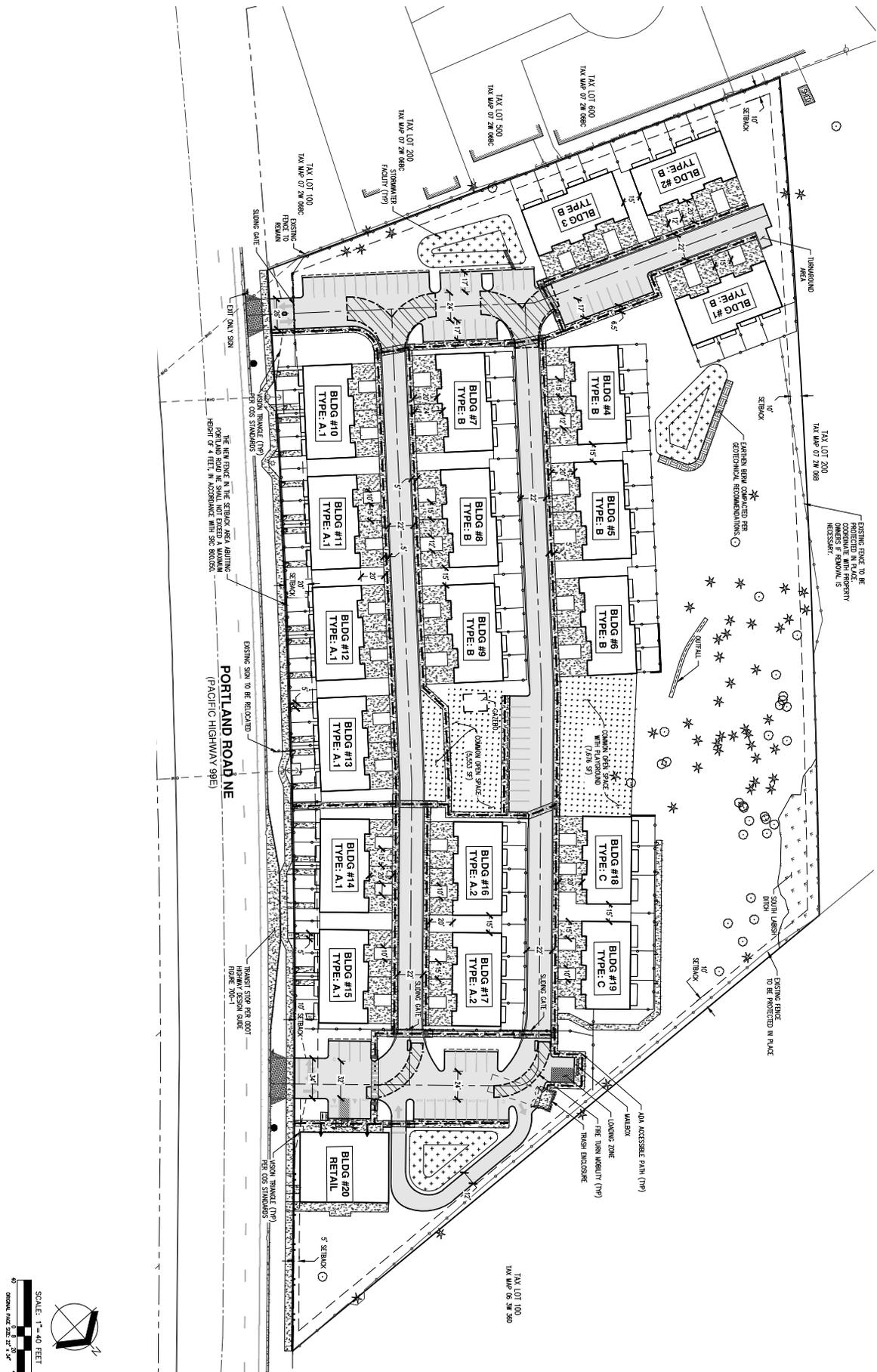


Legend

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



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PRELIMINARY SITE PLAN
 4885 PORTLAND ROAD NE
 KILLEN DEVELOPMENT, LLC
 SALEM, OREGON

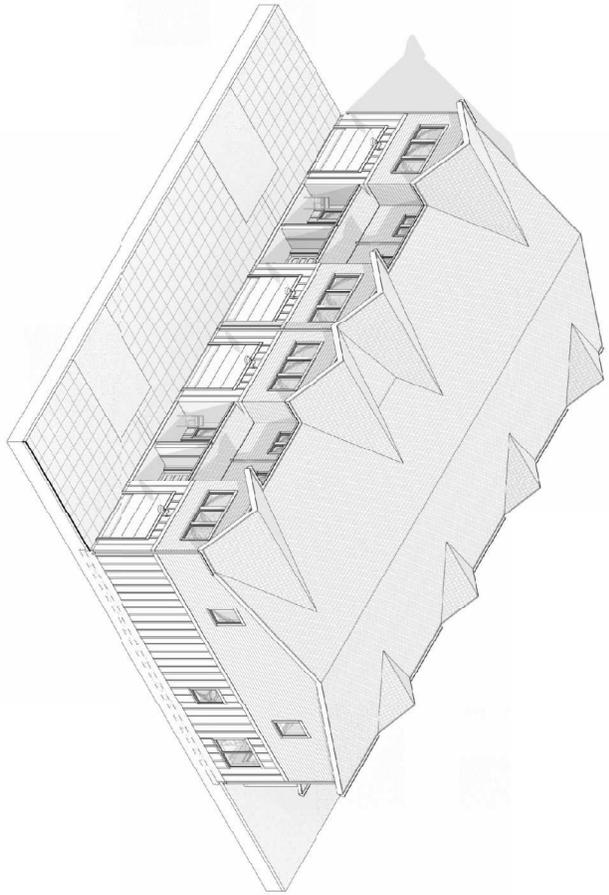
DATE: 06/26/2025
 DRAWN BY: ECK
 CHECKED BY: ECK
 APPROVED BY: [Signature]

PRELIMINARY SITE PLAN - OVERALL
4885 PORTLAND ROAD NE
KILLEN DEVELOPMENT, LLC
SALEM, OREGON

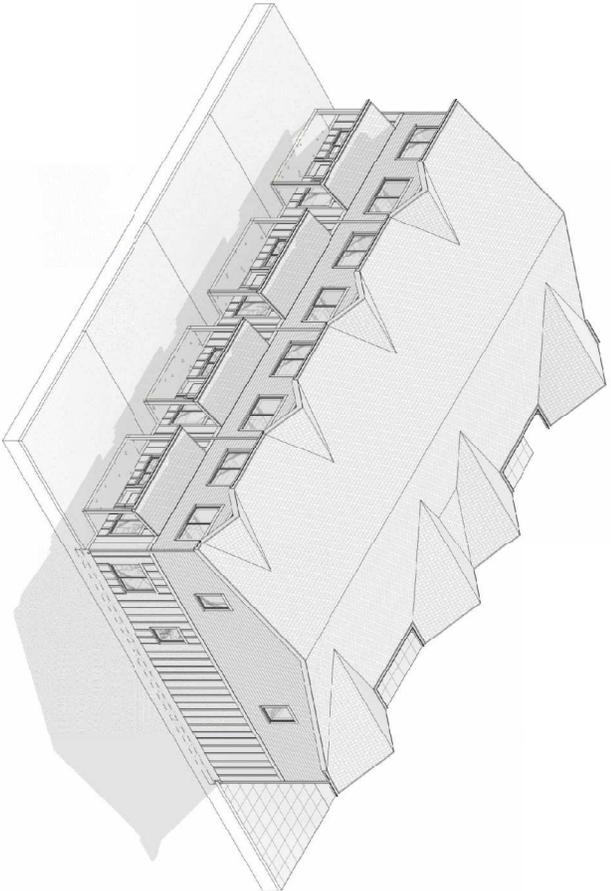
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1 3D VIEW BUILDING A-1



2 3D VIEW BUILDING A-1



4 3D VIEW BUILDING A-1



3 3D VIEW BUILDING A-1



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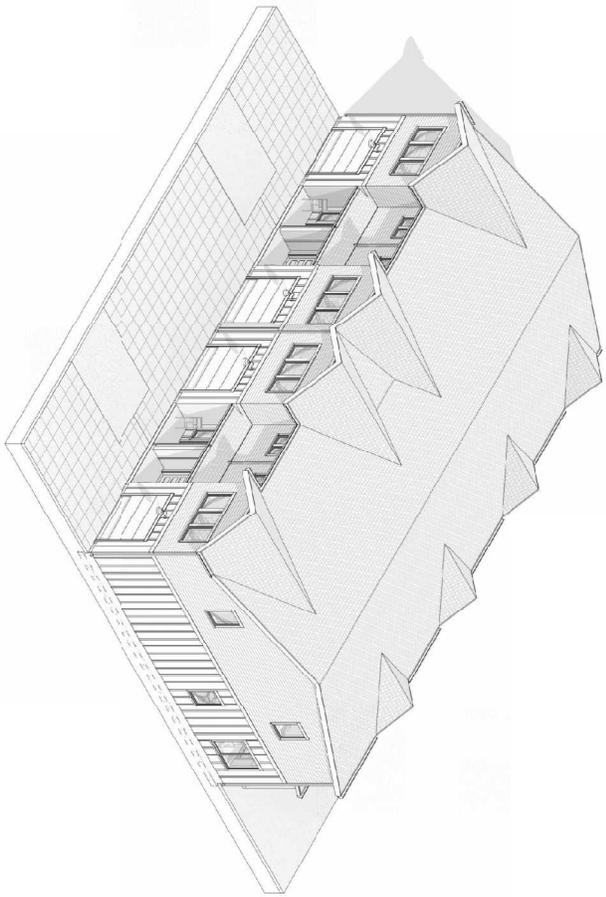
NOT FOR
CONSTRUCTION

**PORTLAND
ROAD
TOWNHOMES**
Job Number: #24133
4885 PORTLAND ROAD NE
SALEM, OR 97305

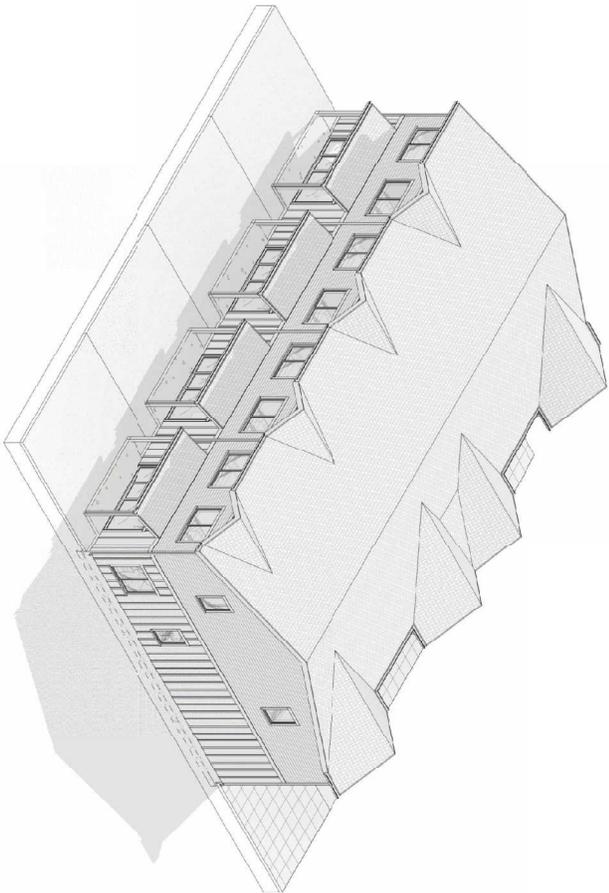
LAND USE REVIEW 6/27/25
ISSUE DATE
Drawing: 3D VIEWS BUILDING
A-1

Sheet No:

A5



1 3D VIEW BUILDING A.2



3 3D VIEW BUILDING A.2



4 3D VIEW BUILDING A.2



2 3D VIEW BUILDING A.2



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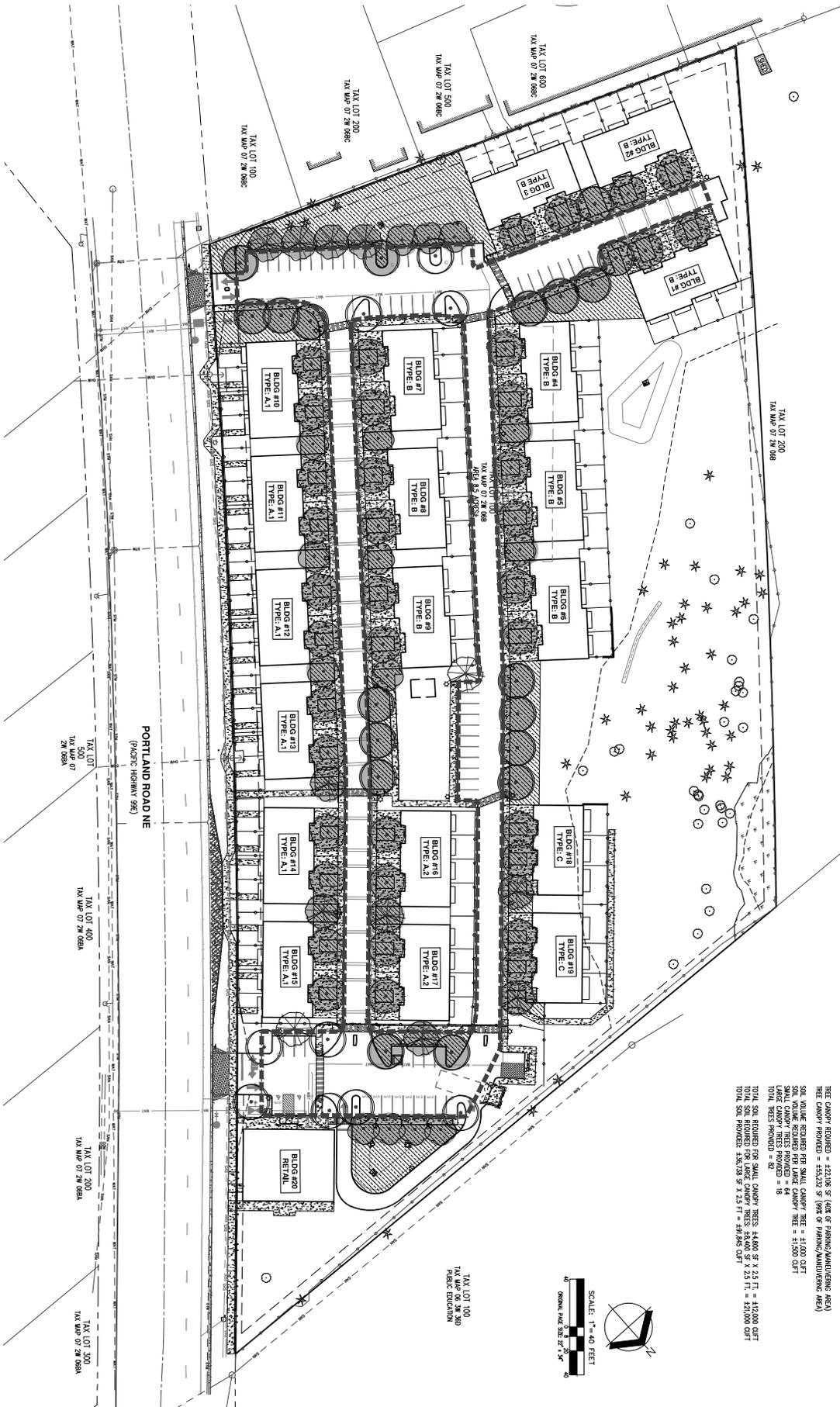
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LAND USE REVIEW 6/27/25
ISSUE DATE
Drawing: 3D VIEWS BUILDING
A.2

Sheet No:

A8



LEGEND

[Hatched Box]	TREE CANOPY
[Solid Grey Box]	SOIL VALUE

TREE CANOPY AND SOIL VOLUME DATA

TOTAL PARKING/MANUEVING AREA	= 158,364 SF
TREE CANOPY REQUIRED = 423,016 SF (20% OF PARKING/MANUEVING AREA)	
TREE CANOPY PROVIDED = 445,237 SF (96% OF PARKING/MANUEVING AREA)	
SOIL VALUE REQUIRED FOR SMALL CANOPY TREE = 41,000 CUFT	
SOIL VALUE REQUIRED FOR LARGE CANOPY TREE = 41,500 CUFT	
TOTAL SOIL PROVIDED FOR SMALL CANOPY TREES = 64	
TOTAL SOIL PROVIDED FOR LARGE CANOPY TREES = 82	
TOTAL SOIL PROVIDED FOR SMALL CANOPY TREES: 44,800 SF X 2.5 FT = 112,000 CUFT	
TOTAL SOIL PROVIDED FOR LARGE CANOPY TREES: 28,800 SF X 2.5 FT = 72,000 CUFT	
TOTAL SOIL PROVIDED: 158,700 SF X 2.5 FT = 396,750 CUFT	

PRELIMINARY TREE CANOPY AND SOIL PLAN
4885 PORTLAND ROAD NE
KILLEN DEVELOPMENT, LLC
SALEM, OREGON

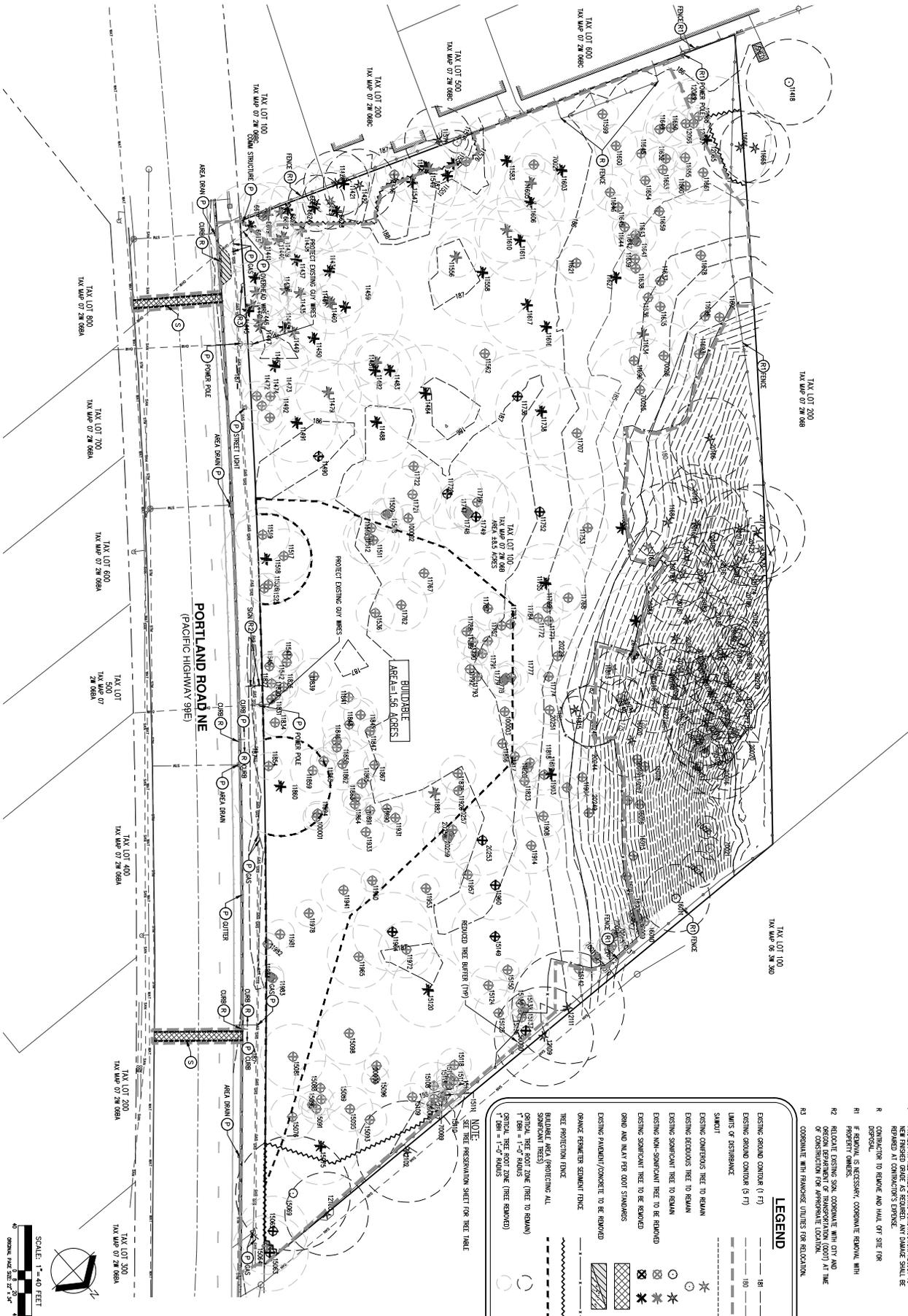
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DATE: 06/29/2023
DESIGNED BY: TEB
CHECKED BY: MVA
SCALE: 1"=40 FEET
GRAPHIC SCALE: SEE DRAWING

PROJECT NO: 2023-003
DATE: 06/29/2023
SCALE: 1"=40 FEET
GRAPHIC SCALE: SEE DRAWING

L100C



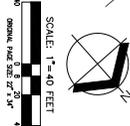
KEYED DEMOLITION NOTES:

- S SMOOT EXISTING PAVEMENT
- P PROJECT AT ALL TIMES DURING CONSTRUCTION. ANALYST TO BE KEPT IN PLACE AS REQUIRED. ANY DAMAGE SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
- R CONTRACTOR TO REMOVE AND HULL OFF SITE FOR DISPOSAL.
- R1 IF REMOVAL IS NECESSARY, COORDINATE REMOVAL WITH PROPERTY OWNERS.
- R2 REMOVE EXISTING SIGN COORDINATE WITH CITY AND COUNTY ENGINEERS FOR REMOVAL AT THE TIME OF CONSTRUCTION FOR APPROPRIATE LOCATION.
- R3 COORDINATE WITH POWERLINE UTILITIES FOR RELOCATION.

LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- UTILITIES OF RESTRICTION
- SMOOT
- EXISTING CONCRETE TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING SEMI-PANIC TREE TO REMAIN
- EXISTING NON-SEMIPANIC TREE TO BE REMOVED
- EXISTING SEMIPANIC TREE TO BE REMOVED
- PROPOSED SIGNAGE
- GROUND AND MAIN FIBER OPTIC STANDARDS
- EXISTING PAVEMENT/CONCRETE TO BE REMOVED
- ORANGE PEPPER TREE CONCRETE FORCE
- TREE PROTECTION FENCE
- REMOVE AREA (PRESERVING ALL SIGNIFICANT TREES)
- CIRCULAR TREE ROOT ZONE (TREE TO REMAIN)
- 1" DBH = 1'-0" RADII
- CIRCULAR TREE ROOT ZONE (TREE REMOVED)
- DBH = 1'-0" RADII

NOTE: RESERVATION SHEET FOR TREE TABLE



PRELIMINARY DEMOLITION PLAN

4885 PORTLAND ROAD NE

KILLEN DEVELOPMENT, LLC

SALEM, OREGON

C090

DATE: 06/29/2023
 DESIGNED BY: ECK
 DRAWN BY: PE
 CHECKED BY: VLN

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