

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

**REVISED DECISION OF THE PLANNING ADMINISTRATOR**

**URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW / TREE REMOVAL PERMIT CASE NO.: UGA-SPR-ADJ-DAP-DR-TRP23-04**

**APPLICATION NO.: 23-114785-PLN**

**NOTICE OF DECISION DATE:** January 19 ~~24~~, 2024

**REQUEST:** An Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, two Tree Removal Permits, and Class 1 Design Review for development of a new multi-family apartment complex containing 27 dwelling units, with three Class 2 Adjustments to:

- 1) Allow off-street parking between buildings and Wind Park Street NE, per SRC 702.020(d)(2);
- 2) Reduce the setback of proposed Building 3 from 35 feet to 15 feet at the northeast corner of the development site, per SRC 702.020(e)(2); and
- 3) Allow the buildings to be oriented toward the interior of the lot and not provide primary entrances facing and with direct access to the street, per SRC 702.020(e)(5)

The subject property is approximately 1.61 acres in size, zoned RM-I (Multiple Family Residential), and located at 4963 Center Street NE - 97301 (Marion County Assessor's Map and Tax Lot number: 072W29BA / 200).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering

**LOCATION:** 4963 Center St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 200.025 – Urban Growth Management; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review; 808.030(d)(5) – Preservation of Trees and Vegetation.

**FINDINGS:** The findings are in the attached Decision dated January 19, 24, 2024.

**DECISION:** The **Planning Administrator APPROVED** Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review / Tree Removal Permit Case No. UGA-SPR-ADJ-DAP-DR-TRP23-04 subject to the following conditions of approval:

- Condition 1:** Restrainers shall be provided so that the enclosure gate can be fixed in the open and closed positions, meeting the development standards of SRC 800.055(e)(3).
- Condition 2:** Remove a minimum of one parking space so as to meet the allowed maximum of 47 spaces for 27 units, per the allowed maximums under SRC 806.015, Table 806-1.

**NOTICE OF DECISION**

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

**CITY OF Salem**  
**AT YOUR SERVICE**

- Condition 3:** Provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for the two parking areas that terminate at a dead-end on the north side of the development site.
- Condition 4:** At the time of building permit review, the applicant shall provide details for the installation of additional bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.
- Condition 5:** Prior to issuance of a building permit, submit a geological assessment or geotechnical engineering report pursuant to SRC Chapter 810 in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810 Landslide Hazards.
- Condition 6:** Enter into a Development Agreement with Marion County to construct a multi-modal pedestrian/bicycle shared-use path along the development frontage of Cordon Road NE as approved by Marion County Public Works.
- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center St NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 8:** Along Center St NE, provide streetscape improvements including a planter strip for street trees, sidewalks, ADA ramps, and street lights as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** The applicant shall coordinate with Cherriots to provide a transit stop along Center St NE in a location approved by Cherriots and the Public Works Department.
- Condition 10:** Install “No Parking” signs along both sides of Wind Park Street NE and along the entire length of the cul-de-sac on private property as specified in the Public Works Design Standards.
- Condition 11:** Dedicate a public access easement over the private cul-de-sac turnaround at the terminus of Wind Park Street NE.
- Condition 12:** Install a curblin sidewalk along the southern boundary of Wind Park Street NE from the intersection of Wind Park Street NE to the development site.
- Condition 13:** Permanently close the existing driveway approach onto Center Street NE and replace with curbs and streetscape improvements.
- Condition 14:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the Public Works Design Standards

- Condition 15:** 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 16:** Provide a minimum, six-foot-tall, decorative, sight-obscuring fence or wall meeting the standards of SRC 702.020(b)(2)(B) abutting the RA-zoned properties to the west.
- Condition 17:** At the time of building permit, a lighting plan shall be provided which demonstrates all exterior dwelling units' entrances, parking areas, and pedestrian paths will be illuminated.
- Condition 18:** An eight-foot-tall, decorative, sight-obscuring fence meeting the standards of SRC 702.020(b)(2)(B) shall be installed along the property line abutting the RA-zoned properties to the north and additional landscaping in the form of one additional 1.5-inch caliper tree shall be planted in the required setback of Building 3.
- Condition 19:** The adjusted parking location, setback, and building orientation, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

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

Urban Growth Preliminary Declaration	<u>February 13, 2028</u>
Site Plan Review	<u>February 13, 2028</u>
Class 2 Adjustment	<u>February 13, 2028</u>
Class 2 Driveway Approach Permit	<u>February 13, 2028</u>
Class 1 Design Review	<u>February 13, 2028</u>
Tree Removal Permit	<u>No Expiration</u>

Application Deemed Complete:	<u>December 5, 2023</u>
Notice of Decision Mailing Date:	<u>January 19, <del>24</del>, 2024</u>
Decision Effective Date:	<u>February 13, 2024</u>
State Mandate Date:	<u>April 3, 2024</u>

Case Manager: Peter Domine, Planner II, [pdomine@cityofsalem.net](mailto:pdomine@cityofsalem.net), 503-540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday Wednesday, February 5 7, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 200, 220, 225, 250, 804, and 808. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City

Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF	)	FINDINGS & ORDER
URBAN GROWTH PRELIMINARY	)	
DECLARATION,	)	
CLASS 3 SITE PLAN REVIEW,	)	
CLASS 2 ADJUSTMENT,	)	
CLASS 2 DRIVEWAY APPROACH PERMIT,	)	
CLASS 1 DESIGN REVIEW	)	
AND TREE REMOVAL PERMIT	)	
CASE NO. UDG-SPR-ADJ-DAP-DR-	)	
TRP23-04	)	
4963 CENTER ST NE - 97301	)	JANUARY 19 <u>24</u> , 2024

In the matter of the applications for Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review and Tree Removal Permits submitted by the applicant, Brandie Dalton of Multi/Tech Engineering, on behalf of the property owner, Trademark Enterprises, 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:** Proposed development of a new multi-family apartment complex of three buildings containing 27 dwelling units.

**Request:** An Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, two Tree Removal Permits, and Class 1 Design Review for development of a new multi-family apartment complex containing 27 dwelling units, with three Class 2 Adjustments to:

- 1) Allow off-street parking between buildings and Wind Park Street NE, per SRC 702.020(d)(2);
- 2) Reduce the setback of proposed Building 3 from 35 feet to 15 feet at the northeast corner of the development site, per SRC 702.020(e)(2); and
- 3) Allow the buildings to be oriented toward the interior of the lot and not provide primary entrances facing and with direct access to the street, per SRC 702.020(e)(5)

The subject property is approximately 1.61 acres in size, zoned RM-I (Multiple Family Residential), and located at 4963 Center St NE (Marion County Assessor’s Map and Tax Lot number: 072W29BA / 200).

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

PROCEDURAL FINDINGS

**1. Background**

On July 19, 2023, a consolidated application for Class 3 Site Plan Review, Class 2 Adjustments, Class 2 Driveway Approach Permit, and Class 1 Design Review was filed for the

proposed development. After additional information was provided, including submission of an Urban Growth Preliminary Declaration and two Tree Removal Permits, the applications were deemed complete for processing on December 5, 2023. The 120-day state mandated decision deadline for this consolidated application is April 3, 2024.

The applicant's proposed development plans 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 <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 114785.

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

The subject property is located within the boundaries of the East Lancaster Neighborhood Association (ELNA).

Applicant Neighborhood Association Contact: Salem Revised Code (SRC) 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 7, 2023, the applicant sent an email to the land use chair and co-chair of ELNA informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to ELNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The ELNA board provided a joint comment via email stating that at their December 7, 2023, meeting they voted unanimously in objection to the proposed development. The statement indicates ELNA has concerns related to flooding in the wetlands and objects to filling in the wetlands on the development site. The statement also indicates that the slope of the property along the perimeter of the streets will be a barrier to pedestrians accessing the buildings from the street. The statement also indicates relocating the buildings toward the interior of the lot and away from the streets would be preferable as the wetlands provide a buffer to the neighboring residential properties from Cordon Rd NE. The statement also indicates that a stop sign is needed at the intersection of Wind Park St NE and Hoffman Rd NE to control traffic coming in and out of the development.

**Staff Response:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The City of Salem does not regulate Wetland Fill Permits; the applicant is required to obtain any necessary permits from the Oregon Department of State Lands prior to construction that would impact wetlands. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025, and a response to this wetlands notice was received which indicates that a State permit will be required for placement of buildings and fill on the mapped wetlands.

The proposed location of the off-street parking area within the interior of the development site is in conformance with the applicable development standards of the UDC. The Multiple Family Design Review Standards of SRC 702 require off-street parking and vehicle maneuvering areas to be located behind or beside buildings and not between buildings and a street. Furthermore, the driveway approach standards of SRC 804 require access to be taken off of the lowest classified street (Wind Park St NE), and access is not permitted off of an arterial (Center St NE) or a parkway (Cordon Rd NE). The proposed location of the off-street parking and vehicle maneuvering areas within the interior of the lot and away from the development site perimeter along Center St NE and Cordon Rd NE are in compliance with the applicable standards. The intent of these standards is to develop street-oriented buildings with greater pedestrian accessibility and to lessen the visual impact of off-street parking and vehicle use areas when viewed from the street.

Pedestrian access is served by a proposed paved walkway from the interior of the development site out to Center St NE where it will connect to a new sidewalk. Due to existing site constraints including the wetlands and slope along the perimeter of the development site on Center St NE and Cordon Rd NE, pedestrian connections are not proposed to Cordon Rd NE. This connection is required, but an adjustment to this standard, SRC 702.020(e)(5), has been requested and findings are addressed in Section 11 of this staff report.

In response to the request for a stop sign at the intersection of Hoffman Road NE and Wind Park Street NE, it should be noted that there is an existing stop sign at this location that restricts movements from Wind Park Street NE onto Hoffman Road NE without first stopping. As a condition of approval, the applicant is required to provide a linking sidewalk along Wind Park Street NE and post no-parking signs along Wind Park Street NE to ensure that adequate two-way vehicular traffic is provided in and out of the development. As described in the written findings, no additional improvements to this intersection are recommended as a condition of approval.

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Staff received three public comments prior to the end of the comment period. The three comments generally expressed concerns with increased traffic and street parking on Hoffman Rd NE. One comment expressed concerns about vandalism and trash, and one comment expressed concern regarding noise, light and air pollution, as well as the use of female trees to reduce allergens.

**Staff Response:** The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. As described in the written findings, the streets abutting the development site meet minimum standards for their street classifications according to the Salem Transportation System Plan (TSP). The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

Regarding increases in vandalism or trash, crime is a police matter and should be addressed by the Salem Police Department, which has jurisdiction over the subject property. Land use application approval criteria do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetuated by future residents of the proposed multiple family development would exceed what would otherwise occur from any other legal development of property within the City.

Regarding light and noise, SRC Chapter 800 regulates exterior lighting, and the proposed development is subject to these regulations. SRC 800.060 states: "Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way." It also requires that exterior light fixtures be "located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet away cast outside the boundary of the lot," either be completely shielded from direct view or no greater than five-foot candles in illumination. The Neighborhood Enhancement division of the Community Development and Planning Department enforces these regulations. Noise disturbances are prohibited by SRC Chapter 93. The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residents in the proposed multiple family development are not expected to exceed what would occur from any other legal development of property within the City zoned for residential uses. Approval criteria for a multiple family development do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

Regarding the use of planting female trees, the landscaping requirements of SRC 807 do not specify the species or sex of trees to be planted with landscaping plans.

#### **4. City Department Comments**

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

Building and Safety Division - Reviewed the proposal and indicated the detention facility impact on the foundation of the proposed Buildings 2 and 3 will need to be proven during plan review.

Fire Department - Reviewed the proposal and indicated Fire Department access and water supply will be evaluated at the time of building permit plan review.



## 5. Public Agency Comments

Salem-Keizer School District - Reviewed the proposal and provided comments which are included as **Attachment D**.

Salem-Keizer Transit (Cherriots) - Reviewed the proposal and provided comments indicating a transit stop has been identified as needed in connection with the proposed development. Cherriots requests a transit stop conforming to the applicable standards of the Salem Area Mass Transit District be constructed and right-of-way dedication, if necessary, be provided as part of the street improvements with the proposed development. As addressed in the findings of this staff report, a transit stop will be conditioned with the right-of-way dedication and street improvements along Center St NE. Cherriots has provided design materials and details for the stop (**Attachment E**). The applicant is advised to reach out to Cherriots at [planning@cherriots.org](mailto:planning@cherriots.org) for more information.

Marion County – Marion County reviewed the proposal and submitted comments (**Attachment F**) requesting that the applicant construct a 10-foot-wide shared-use path along Cordon Road NE.

**Staff Response:** As described in the written findings, the development is subject to boundary street improvements per SRC 803.040. Construction of the shared-use path has been identified as a condition of approval for the development in order to comply with boundary street requirements and the Salem Transportation System Plan.

## **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.

- A. *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.*
- B. *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.*

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 Center Street NE and Cordon Street NE. While direct access is not provided to these streets, they meet the linking street requirements in SRC 200.055(b).

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

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located at the Wind Stone Sewer Pump Station, approximately 70-feet north of the subject property. 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 development site is not served by sanitary sewer to the property line but there are several potential options available to provide linking sewer facilities required under SRC 200.060:

1. There is an existing public sewer main located in Hoffman Road NE approximately 105-feet westerly; this alternative would require filling of portions of the development site to provide gravity sewer drainage.
2. There is an existing public main located within the Windstone Mobile Home Park in the driveway to the Windstone Sanitary Sewer Pump Station; this alternative would require developer acquire private easement from Windstone Mobile Home Park on adjacent property.
3. The Windstone Sanitary Sewer Pump Station is located approximately 70-feet north of the subject property; this alternative would require the developer to construct a public main extension to serve the development site. Additionally, this alternative would require the public main extension to be located outside of the Urban Growth Boundary; would require approval from Marion County; and has potential wetlands and power pole conflicts.

The applicant's preliminary utility plan shows construction of a new public sanitary sewer main from the Wind Stone Pump Station wet well easterly to the Cordon Road right-of-way and then southernly to the northern line of developing property. Conditions of the Site Plan Review application will require that at time of development, the applicant provide sanitary sewer service to the property by means approved by the Public Works Director.

**Needed Improvement:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the Public Works Design Standards.

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

**Finding** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Center Street NE abutting the development site. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

### **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 system appears to be located in Wind Park Street NE, abutting the development site.

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

**Finding:** The proposed development is served by Royal Oaks Park approximately 0.45-miles north of the subject 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 the development of a new multiple-family complex of three buildings containing 27 dwelling units and associated site improvements including new off-street parking and landscaping on property 1.61 acres in size and located at 4963 Center St NE. The subject property is designated “Multiple Family Residential” on the Salem Area Comprehensive Plan Map and zoned RM-I (Multiple Family Residential). The proposed development conforms to SRC Chapter 513 and all other applicable development standards of the Salem Revised Code as follows:

### **Use and Development Standards – RM-I (Multiple Family Residential) Zone, SRC 513**

*SRC 513.005 – Uses:*

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-I zone are set forth in Table 513-1.

**Finding:** The proposal includes development of a new multi-family complex with 27 dwelling units. Per Table 513-1, *Multiple family* uses are a permitted use in the RM-I zone.

*SRC 513.010(b) – Lot Standards:*

Lots within the RM-I zone shall conform to the standards set forth in Table 513-2.

**Finding:** The subject property is 1.61 acres in size (70,497 square feet) and has more than 40 feet of frontage along Center Street NE and Cordon Road NE, meeting the minimum lot standards of the RM-I zone. As conditioned in this report, right-of-way dedication is required along the frontage of Center St NE, reducing the property by roughly 1,880 square feet, resulting in a development site of roughly 68,657 square feet, or 1.57 acres.

*SRC 513.010(b) – Development Density:*

Development density within the RM-I zone shall conform to the standards set forth in table 513-3.

**Finding:** The minimum dwelling unit density for *Multiple family* uses is eight dwelling units per acre and a maximum of 17 dwelling units per acre. The proposed 27 dwelling units is the allowed maximum dwelling units for the subject property (1.57 acres x 17 units = 27 max).

*SRC 513.010(d) – Setbacks:*

Setbacks within the RM-I zone shall be provided as set forth in Table 513-4 and Table 513-5.

*Abutting Street*

**East:** Adjacent to the east is right-of-way for Cordon Rd NE. Buildings and accessory structures abutting a street require a setback of 12 feet plus one foot for each additional foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a setback of 12 feet.

**South:** Adjacent to the south is right-of-way for Center Street NE. Buildings and accessory structures abutting a street require a setback of 12 feet plus one foot for each additional foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a setback of 12 feet.

**West:** Adjacent to the west is the terminus of Wind Park St NE. Buildings and accessory structures abutting a street require a setback of 12 feet plus one foot for each additional foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a setback of 12 feet.

**Finding:** The proposed buildings are setback 20 feet from the property lines abutting Center St NE and Cordon Rd NE and the vehicle use areas are setback more than 12 feet from Wind Park St NE; the standard is met.

*Interior Side and Rear*

**North:** Adjacent to the north is an interior lot line abutting an RA zoned property. Buildings and accessory structures and vehicle use areas require a minimum 10-foot setback with Type C landscaping.

**West:** Adjacent to the west is an interior lot line abutting an RA zoned property. Buildings and accessory structures and vehicle use areas require a minimum 10-foot setback with Type C landscaping.

**Finding:** The proposed buildings and vehicle use areas are setback more than the minimum 10 feet with landscaping in the required setbacks. The Type C landscaping standard requires a six-foot-tall sight-obscuring fence, which is not provided on the development plans. As addressed in the Design Review findings of Section 9 of this report, a minimum six-foot-tall, decorative, sight-obscuring fence or wall, as required by SRC 702.020(b)(2)(B) shall be provided.

Per SRC 513.015, *Multiple family* uses are subject to the Multiple Family Design Review Standards of SRC 702.020, including additional setbacks, addressed in Section 9 of this report.

*SRC 513.010(e) – Lot Coverage, Height:*

Buildings and accessory structures within the RM-I zone shall conform to the lot coverage and height standards set forth in Table 513-6.

**Finding:** The proposed buildings are less than 35 feet in height, the allowed maximum height, and the site plan indicates that the total proposed building footprint is 12,080 square feet for a lot coverage of 17 percent. The proposed development is in compliance with the applicable lot coverage and height standards.

*SRC 513.010(f) – Maximum square footage for all accessory structures.*

In addition to the maximum coverage requirements established in Table 513-6, accessory structures to single- and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 513-7.

**Finding:** The proposed development is not for a single-family or two-family use; therefore, this standard is not applicable.

*SRC 513.010(g) – Landscaping:*

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

**Finding:** The applicant's landscaping plan indicates all required setbacks will be landscaped to the standards of SRC 807. Pursuant to SRC 702.020(b)(8), vehicle use areas for multiple family developments with 13 or more units are exempt from the landscaping requirements of SRC chapter 806 and are subject to landscaping standards under the Multiple Family Design Review Standards, which are addressed in Section 9 of this report. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

*SRC 513.010(h) – Outdoor storage.*

Within the RM-1 zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

**Finding:** No outdoor storage is proposed with the development; therefore, this standard is not applicable.

*SRC 513.015 – Design Review*

Design review under SRC Chapter 225 is required for multiple family development, excluding cottage clusters, within the RM-I, subject to the multiple family design review standards of SRC 702.

**Finding:** Findings for Multiple Family Design Review Standards are addressed in Section 9 of this report.

### **General Development Standards, SRC 800**

#### *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 one new solid waste service area and enclosure with receptacles of one cubic yard or greater in size are proposed.

#### *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 applicant's development plans indicate a four-inch-thick concrete pad for the trash enclosure. The concrete pad area extends a minimum of one foot beyond the sides and rear of the receptacles, and a minimum of three feet beyond the front of the receptacles. The proposal does not include receptacles that face each other. The proposal meets the standard.

(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 applicant's development plans show receptacles with at least 1.5 feet provided between the receptacles and the side walls. The receptacles are proposed to be within a trash enclosure and are not proposed to be placed within 5 feet of a building or structure. The proposal meets the standard.

(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 applicant's development plans show receptacles of more than two cubic yards within a partially covered enclosure; the cover provides at least 14 feet of unobstructed overhead or vertical clearance for servicing. The proposal meets the standard.

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

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

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

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

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

**Finding:** The development plans show the proposed solid waste service area will be within an enclosure and, as conditioned elsewhere in this report, the development site will be screened by a six-foot-tall sight-obscuring fence or greater along the perimeter of the property line abutting residentially zoned property. 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 width of the proposed front opening for the enclosure is more than 14 feet, exceeding the minimum standard.

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

**Finding:** The trash enclosure plans show the enclosure constructed of CMU materials and indicate that a four-inch-high bumper curb is provided 12 inches inside the perimeter of the enclosure walls to prevent damage from receptacle impacts consistent with this standard.

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

**Finding:** The proposed development includes enclosures with openings of less than 15 feet, which open a minimum of 120 degrees. Restrainers are not shown in both the open and closed positions; therefore, to ensure compliance with the standard, the following condition shall apply:

**Condition 1:** Restrainers shall be provided so that the enclosure gate can be fixed in the open and closed positions, meeting the development standards of SRC 800.055(e)(3).

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

(A) *Vehicle Operation Area.* A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The development plans indicate vehicle operation areas a minimum of 45 feet in length and 15 feet in width, perpendicular to the enclosures 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 proposal includes a three-yard receptacle; therefore, this standard is not applicable.

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

**Finding:** The development plans indicate vehicle operation areas which are coincident with parking lot drive aisles, and a direct approach into position for operation of the service vehicle with a minimum vertical clearance of 14 feet. The proposal meets the standard.

*SRC 800.065 – Pedestrian Access.*

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



**Finding:** The proposed multiple family development is subject to the Multiple Family Design Review Standards of SRC 702, addressed in Section 9 of this report; therefore, the pedestrian access standards of SRC Chapter 800 do not apply.

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

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

*(a) Maximum Off-Street Parking.*

Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1.

**Finding:** Per Table 806-1, the allowed maximum amount of off-street parking spaces for a *Multiple family* use is 1.75 spaces per dwelling unit, or 1.2 spaces per studio unit. The plans include 27 non-studio dwelling units, allowing a maximum of 47 parking spaces ( $27 \times 1.75 = 47$ ). The development plans indicate 48 parking spaces, including three single-car garages in proposed Building 2, exceeding the allowed maximum. To ensure the proposed development complies with the allowed maximum number of off-street parking spaces, the following condition shall apply:

**Condition 2:** Remove a minimum of one parking space so as to meet the allowed maximum of 47 spaces for 27 units, per the allowed maximums under SRC 806.015, Table 806-1.

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

**Finding:** The development plans indicate four compact parking spaces will be provided, less than 75 percent of the allowed maximum. The standard is met.

*(c) Carpool and Vanpool Parking.* New developments with 60 or more 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 five percent of their total off-street parking spaces for carpool or vanpool parking.

**Finding:** The proposed development is for a *Multiple-family* use; therefore, this standard is not applicable.

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

**Finding:** The proposed development includes 27 dwelling units and 48 parking spaces. As conditioned above, 47 parking spaces is the allowed maximum amount of off-street parking spaces; 47 parking spaces would require a minimum of 19 electric vehicle charging spaces ( $47 \times 0.4 = 18.8$ ). The development plans indicate 19 electric vehicle charging spaces will be provided, meeting the standard.

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

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

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

**Finding:** The proposed development includes new off-street parking and vehicle use areas; 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 proposed off-street parking and vehicle use areas are not located within required setbacks, and pursuant to SRC 702.020(b)(8), off-street parking and vehicle use areas for multiple-family developments with 13 or more units are exempt from the landscaping requirements of SRC chapter 806 and are subject to landscaping standards under the Multiple Family Design Review Standards, addressed in Section 9 of this report. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

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

**Finding:** Pursuant to SRC 702.020(b)(8), off-street parking and vehicle use areas for multiple-family developments with 13 or more units are exempt from the landscaping requirements of SRC chapter 806 and are subject to landscaping standards under the Multiple Family Design Review Standards, addressed in Section 9 of this decision. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

(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 off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-5.

(f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and

- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** As shown on the site plan, the proposed development includes two off-street parking areas on the north side of the development site that terminate in a dead-end. No vehicle turnaround is provided. To ensure compliance with the requirement of this provision, the following condition shall apply:

**Condition 3:** Provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for the two parking areas that terminate at a dead-end on the north side of the development site.

*(g) Additional Off-Street Parking Development Standards 806.035(g)-(m).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. The development plans indicate pedestrian walkways that are seven feet wide so that no portion of a vehicle will overhang or project into the required five-foot-wide pedestrian accessway. Off-street parking area screening is provided as part of the multiple-family design review and landscaping standards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806.

## **Driveway Standards**

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

- (a) Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- (b) Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-7.

**Finding:** The development plan indicates a 22-foot-wide two-way driveway off of Wind Park St NE providing vehicular access to the development site, meeting the standard. The driveway approach is addressed in Section 8 of this decision.

## **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 proposed development is for a new multiple-family complex; therefore, the bicycle parking standards of SRC 806 apply.

*SRC 806.050 – Proximity of Bicycle Parking.*

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:** The proposed development is for a new multiple-family complex with 27 dwelling units. Per Table 806-8, a *Multiple family* use requires a minimum one bicycle parking space per dwelling unit, 100 percent of which may be long-term spaces (e.g., indoor, wall-mounted racks). The site plan indicates six bicycle parking spaces will be provided outside between Building 1 and Building 2; however, 21 more spaces are required. To ensure the minimum amount of required bicycle parking spaces are provided, the following condition shall apply:

**Condition 4:** At the time of building permit review, the applicant shall provide details for the installation of additional bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.

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

- (2) *Long-term bicycle parking.* Long-term bicycle parking for residential uses shall be located within a dwelling unit; a lockable garage; a restricted access lockable room serving an individual dwelling unit or multiple dwelling units; a lockable bicycle enclosure; or a bicycle locker.

**Finding:** The site plan indicates the proposed six short-term bicycle parking spaces are within 50 feet of a primary entrance of Building 1 and Building 2, meeting the standard. As conditioned above, any additional bicycle parking spaces shall be developed according to the standards of this chapter.

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

**Finding:** As shown on the site plan, the proposed bicycle parking area has direct access from the street to a primary building entrance through the proposed vehicle use area and pedestrian pathways, free of obstructions or barriers, in conformance with the requirements of SRC 806.060(b).

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9.
  - (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**Finding:** Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space. The proposed bicycle parking spaces are located on a paved pad next to a walkway, with adequate dimensions to provide pedestrian passage for all six spaces; the length of each proposed stall is at least six feet, while the width is at least two feet wide. As conditioned above, the required additional bicycle parking spaces shall be developed according to the standards of this chapter.

- (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 bicycle parking spaces are placed on a hard surface material, meeting the standard. As conditioned above, the required additional bicycle parking spaces shall be developed according to the standards of this chapter.

- (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 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 806-11.

**Finding:** The site plan indicates staple/inverted U-style bike racks will be provided. The proposed bike racks conform to material requirements of SRC 806.060(e). As conditioned above, the required additional bicycle parking spaces shall be developed according to the standards of this chapter.

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

#### *SRC 806.065 – 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.

#### *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:** The proposed development is for a new *Multiple family residential* use with 27 dwelling units. Per SRC 806.075, Table 806-11, a *Multiple family residential* use of five to 49 dwelling units does not require a loading space; therefore, this standard is not applicable.

### **Landscaping and Screening, SRC 807**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The applicant's landscaping plan indicates required setbacks will be landscaped in addition to the landscaping requirements of the Multiple Family Design Review Standards addressed in Section 9 of this report. The applicant has submitted a tree inventory for the development site which indicates there are an existing 56 trees on the property. Of the 56 trees on the development site, the applicant is proposing the removal of 27 trees, 17 of which are located within required setbacks, including two significant trees. Per SRC 807.015(d)(1), when existing trees, as defined under SRC 808, are proposed for removal from within required

setbacks, two new trees are required to be planted for each tree removed, or 34 trees, of either a shade or evergreen variety with a minimum 1.5-inch caliper.

The development site includes some 12,650 square feet of setback area, requiring a minimum of 632 plant units ( $12,650 / 20 = 632$ ), 40 percent of which must be trees, or 253 plant units ( $632 \times 0.4 = 253$ ). The 29 existing mature trees proposed for preservation are all located along the site perimeter in required setbacks, providing 435 plant units ( $29 \times 15 = 435$  plant units), more than meeting the required number of trees in the setback landscaping. The applicant's landscaping plan indicates an additional 27 trees, or 270 plant units, will be planted within required setbacks, as well as an additional 14 trees elsewhere on the development site, for a total of 41 new trees, meeting the required number of trees to be replanted. Findings for the removal of the two significant trees are addressed in Section 10 of this report and additional landscaping requirements for the Multiple Family Design Review Standards are addressed in Section 9 of this report.

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

## Natural Resources

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

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

*SRC 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove 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 in diameter at breast height (*dbh*) and possesses an upright arrangement of branches and leaves."

**Finding:** The applicant is proposing to remove two Significant Trees, a 36-inch *dbh* walnut located in the setback along the west property line and one 30-inch *dbh* poplar, located in the

proposed driveway access off of Wind Park St NE. Findings for the Tree Removal Permit are addressed in Section 10 of this report.

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

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

*SRC 810 – Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2- and 3-point landslide hazard areas mapped on the subject property. The proposed activity of a multiple-family residential development is assigned 2 activity points, for a total of 5 points; therefore, the proposed development is classified as a moderate landslide hazard risk, requiring a geological assessment or geotechnical engineering report. As a condition of approval, staff recommends that prior to issuance of a building permit, the applicant submit a geological assessment or geotechnical engineering report in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810.

**Condition 5:** Prior to issuance of a building permit, submit a geological assessment or geotechnical engineering report pursuant to SRC Chapter 810 in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810 Landslide Hazards.

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

**Finding:** The development site abuts Cordon Road NE, Center Street NE, and Wind Park Street NE. Access to the proposed development is provided from Wind Park Street NE, which terminates at the boundary of the subject property.

Cordon Road NE is outside of Salem City Limits and outside of the Urban Growth Boundary; however, the Salem Transportation System Plan identifies a shared-use path along Cordon Road NE. Cordon Road NE has curbs but lacks adequate bike and pedestrian infrastructure to provide for safe and efficient circulation for pedestrians and bicycle users. The Marion County Public Works Department submitted comments that indicate Marion County's ultimate cross section for Cordon Road NE includes a 10-foot-wide shared-use path along the west side of the right-of-way. SRC 803.040 requires Boundary Street Improvements when streets do not meet minimum standards identified in the Salem Transportation System Plan and SRC



Chapter 803. As part of the required Boundary Street Improvements, the applicant shall construct a 10-foot-wide shared-use path along Cordon Road NE as approved by Marion County Public Works Department in lieu of a 5-foot-wide sidewalk that will provide access for pedestrians and bicycle users along the development frontage. The applicant shall be required to obtain any necessary permits from Marion County to construct the path within Marion County's jurisdiction.

**Condition 6:** Enter into a Development Agreement with Marion County to construct a multi-modal pedestrian/bicycle shared-use path along the development frontage of Cordon Road NE as approved by Marion County Public Works.

Center St NE is classified as a major arterial street according to the Salem Transportation System Plan (TSP); however, the Salem TSP identifies this street will be constructed to an interim minor arterial standard. The existing condition of Center St NE abutting the development site meets or exceeds the improvement width for a minor arterial standard; however, the street lacks right-of-way width and streetscape improvements. As a condition of approval, the applicant shall be required to dedicate right-of-way to the ultimate major arterial standard and construct interim minor arterial streetscape improvements along Center St NE including street trees, ADA ramps, sidewalks, and street lights. In addition, the Salem Area Mass Transit District (Cherriots) has submitted comments that identify a transit stop along Center St NE is needed to provide transit capacity to the area. Pursuant to SRC 803.035(r), as part of the required street improvements, the applicant shall provide a transit stop along Center St NE.

**Condition 7:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center St NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition 8:** Along Center St NE, provide streetscape improvements including a planter strip for street trees, sidewalks, ADA ramps, and street lights as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition 9:** The applicant shall coordinate with Cherriots to provide a transit stop along Center St NE in a location approved by Cherriots and the Public Works Department.

Wind Park St NE is classified as a local street according to the Salem Transportation Plan but does not meet minimum right-of-way or improvement widths for a local street. An approximate 22-foot-wide improvement within a 40-foot-wide right-of-way is constructed where a 30-foot-wide improvement and 60-foot-wide right-of-way would be required to meet current standards established in SRC Chapter 803. Due to existing development patterns, this street cannot be widened. The applicant has requested an Alternative Street Standard to allow the existing condition of Wind Park St NE to remain as well as to allow a reduced width cul-de-sac at the terminus of Wind Park St NE and allow the cul-de-sac to be within a public access easement rather than dedicated as right-of-way due to existing development constraints.

The Assistant City Traffic Engineer has reviewed the proposal and determined the existing condition of Wind Park St NE is adequate to provide two-way vehicular traffic to the proposed

development and that the reduced width cul-de-sac will provide adequate vehicular turn around space. The Director approves the Alternative Street Standard requests pursuant to SRC 803.065(a)(1). As a condition of approval, the Assistant City Traffic Engineer recommends the applicant install “No-Parking” signs on both sides of Wind Park St NE and along the entire length of the cul-de-sac in order to ensure two-way circulation is not obstructed on the reduced width street and cul-de-sac that is providing access to the development site. A public access easement over the cul-de-sac turnaround for the terminus of Wind Park St NE is also required to comply with SRC 803.035(d) which requires a turnaround at dead-end streets.

**Condition 10:** Install “No Parking” signs along both sides of Wind Park Street NE and along the entire length of the cul-de-sac on private property as specified in the Public Works Design Standards.

**Condition 11:** Dedicate a public access easement over the private cul-de-sac turnaround at the terminus of Wind Park Street NE.

In order to provide safe pedestrian access to the development and comply with criteria SRC 220.005(f)(3)(B), the applicant is required to construct a sidewalk along the southern boundary of Wind Park St NE to the development site. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the existing reduced right-of-way width of Wind Park St NE, curblined sidewalks are approved per SRC 803.035(l)(2)(B).

**Condition 12:** Install a curblined sidewalk along the southern boundary of Wind Park Street NE from the intersection of Wind Park Street NE to the development site.

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

**Finding:** The preliminary site plan shows that all access will be taken to Wind Park St NE. The driveway access onto Wind Park St NE provides for safe turning movements into and out of the property. The subject property has an existing driveway approach onto Center St NE, which is required to be closed as part of the development.

**Condition 13:** Permanently close the existing driveway approach onto Center Street NE and replace with curbs and streetscape improvements.

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

**Finding:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required, as addressed in Section 6 of this report. As conditioned, the proposed development is designed to accommodate the required on-site and off-site improvements.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The existing water and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The development site is not served by sanitary sewer to the property line but there are several potential options available to provide linking sewer facilities required under SRC 200.060:

- (1) There is an existing public sewer main located in Hoffman Road NE approximately 105-feet westerly; this alternative would require filling of portions of the development site to provide gravity sewer drainage.
- (2) There is an existing public main located within Windstone Mobile Home Park in the driveway to the Windstone Sanitary Sewer Pump Station; this alternative would require the developer acquire private easement from Windstone Mobile Home Park on adjacent property.
- (3) The Windstone Sanitary Sewer Pump Station is located approximately 70-feet north of the subject property; this alternative would require the developer to construct a public main extension to the serve the development site. Additionally, this alternative would require the public main extension to be located outside of the Urban Growth Boundary and would require approval from Marion County and has potential wetlands and power pole conflicts.

The applicant's preliminary utility plan shows construction of a new public sanitary sewer main from the Wind Stone Pump Station wet well easterly to the Cordon Road right-of-way and then southernly to the northern line of developing property. Conditions of approval require that at time of development, the applicant provide sanitary sewer service to the property by means approved by the Public Works Director in order to comply with SRC 200.060.

**Condition 14:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the Public Works Design Standards.

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

**Condition 15:** 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).

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

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

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections

are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

**Finding:** The proposed driveway is located off of the existing dead-end of Wind Park St NE and provides access to a vehicle use area within the development site; the proposed driveway meets the standards for SRC 804 and Public Works Design Standards (PWDS).

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

**Finding:** There are no site conditions prohibiting the location of the proposed driveway.

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

**Finding:** The proposed driveway access is onto Wind Park St NE, a local street; no driveway access is proposed onto an arterial street.

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

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

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

**Finding:** The proposed driveway takes access off of Wind Park St NE, a local street, which is the lowest classification of street abutting the property.

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

**Finding:** The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

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

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

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

**Finding:** Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

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

**Finding:** The proposed driveway approach is located off of Wind Park St NE, a local street, and does not create a significant impact to adjacent streets and intersections.

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

**Finding:** The proposed development is surrounded by residentially zoned property. The proposed development abuts a parkway (Cordon Rd NE); a major arterial (Center St NE); and a local street (Wind Park St NE). The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

## **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 513.015(a) provides that multiple family development within the RM-I (Multiple Family) 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 as follows.

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

*SRC 702.020 – Design Review Standards 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:** After the required right-of-way dedication, the subject property is approximately 68,621 square feet in size, requiring a minimum of 20,586 square feet of permanently reserved

open space. The proposal indicates 27,990 square feet of open space will be provided on site, or approximately 40 percent of the gross site area. The proposal meets the standard.

- (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.

**Finding:** The proposed development includes 27 dwelling units, requiring at least one common open space which is a minimum of 1,250 square feet in size, with a minimum horizontal dimension of 25 feet. The proposed site plan shows a common open space at the north end of the property which is at more than 1,250 square feet with a horizontal dimension of 36 feet. 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 grading plan indicates the open space areas are located on flat ground and have no 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.

**Finding:** The development plans show private patio spaces for ground floor units and private balconies for upper floor units with dimensions meeting the standards. The proposal meets the standard.

- (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 27 dwelling units, requiring a minimum of five units with private open space ( $27 \times .2 = 5.4$ ). The applicant's plans indicate every unit has its own private open space in the form of a patio or balcony, located contiguous to the dwelling unit with direct access provided through a doorway. The proposal meets the standard.

- (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 do not include an improved open space; therefore, this standard is not applicable.

(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 subject property is not located within one-quarter mile of a publicly owned park; therefore, this standard is not applicable.

*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:** After the required right-of-way dedication, the subject property has a gross site area of approximately 68,621 square feet, requiring a minimum of 34 trees to be planted or preserved on site ( $68,621 / 2,000 = 34$ ). The development plans indicate 41 new trees will be planted and 29 existing trees will be preserved 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 subject property abuts RA-zoned property to the north and west. The total shared boundary length of the development site abutting the RA-zoned property is approximately 620 feet, requiring a minimum of 21 trees adjacent to these property lines ( $620 / 30 = 20.6$ ). The development plans show 33 trees to be preserved along the property lines abutting the RA zoned properties to the north and west and seven new trees planted along the perimeter. The development plans do not include a minimum six-foot-tall, decorative, sight-obscuring fence or wall abutting the RA-zoned property to the west. To ensure the standard is met, the following condition shall apply:

**Condition 16:** Provide a minimum, six-foot-tall, decorative, sight-obscuring fence or wall meeting the standards of SRC 702.020(b)(2)(B) abutting the RA-zoned properties to the west.

As addressed in Section 11 of this report, an eight-foot-tall, decorative, sight-obscuring fence shall be provided along the property line abutting the RA-zoned property to the north.

(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 preliminary landscaping plans indicate a minimum of two plant units will be provided adjacent to the primary entryway of each ground-level dwelling unit, excluding interior corridor access units. Final landscape plans will be reviewed for conformance with this standard at the time of development.

(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 296 linear feet for the exterior walls of Building 1, requiring 49 tree plant units ( $296 / 60 = 4.9 \times 10 = 49$ ); 215 linear feet for Building 2, requiring 36 tree plant units ( $215 / 60 = 3.6 \times 10 = 36$ ); and 296 linear feet for Building 3, requiring 49 tree plant units ( $296 / 60 = 4.9 \times 10 = 49$ ). The preliminary landscape plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

(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 there are 296 linear feet for the walls of Buildings 1 and 3, requiring 20 shrub plant units each ( $296 / 15 = 19.7$ ) and 215 feet for the walls of Building 2, requiring 14 shrub plant units ( $215 / 15 = 14.3$ ). The preliminary landscape plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

(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:** Ground level private open space is separated by perimeter landscaping, meeting the standard.

(7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).



**Finding:** The parking perimeter consists of approximately 469 linear feet, requiring ten canopy trees ( $469 / 50 = 9.38$ ) along every 50 feet of the perimeter of parking areas. The development plans indicate ten canopy trees will be located within ten feet of the edge of the parking areas. The 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 include five planter bays with a minimum width of nine feet and a canopy tree in each planter bay. A planter bay is provided where 12 or more parking spaces are located contiguously, meeting the standard.

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

**Finding:** The proposed development is for 27 dwelling units; therefore, the development is exempt from the landscaping requirements of SRC chapter 806.

*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 that all habitable rooms that face common open space, parking areas, and pedestrian paths will have windows, meeting the standard.

(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 applicant's written statement indicates lighting will be provided along the buildings and pedestrian paths within the development in accordance with this standard, however, the development plans do not indicate lighting provided along the parking areas. To ensure the standard is met, the following condition shall apply:

**Condition 17:** At the time of building permit, a lighting plan shall be provided which demonstrates all exterior dwelling units' entrances, parking areas, and pedestrian paths will be illuminated.

(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 applicant's proposed development plans do not show obstructed visibility between street-facing dwelling units and adjacent streets. 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 applicant's development plans show landscaping and fencing which do 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 development plans indicate a parking area 20,046 square feet in size with planter bays that are a minimum of nine feet in width dispersed throughout to help break up large expanses of pavement. 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:** Due to site constraints and the only allowable driveway access taken off of Wind Park St NE, the off-street parking area is located between Building 3 and Wind Park St NE. The applicant has requested a Class 2 Adjustment to this standard, addressed in Section 11 of this report.

- (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 proposed development is located adjacent to RA-zoned properties along the north and western portion of the subject property. The proposed parking area would be located downhill from adjacent residential zones and would have minimal visual impact on surrounding residential properties. This standard is met.

- (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 Wind Park St NE and Center St NE. The proposal meets the standard.

*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:** The proposed development does not include a building that 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 abuts RA-zoned property to the north and west. Buildings 1 and 3 are proposed to be three stories at 35 feet tall. Per Table 702-5, buildings of two or more stories require a minimum setback of one foot for each foot of building height, but in no case less than 20 feet. Proposed Building 1 is located 35 feet to the property line to the west, meeting the standard. Proposed Building 2 is 26 feet tall and set back more than 120 feet to the north and 150 feet to the west property lines. Proposed Building 3 is 35 feet tall and is located 15 feet from the north property line. Due to site constraints, the applicant has requested a Class 2 Adjustment to reduce the minimum 35-foot setback to 15 feet, addressed in Section 11 of this report.

(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 proposed balconies of the upper floors of the buildings do not face RA or RS zoned properties; therefore, this standard does not apply.

(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 a buildable width of 298 feet along Center St NE and 120 feet along Cordon Rd NE. The proposed buildings Center St NE are a combined 164 feet, providing 55 percent of buildable width ( $164 / 298 = 55\%$ ) and the building along Cordon Rd NE is 104 feet, providing 86 percent of buildable width located ( $104 / 120 = 86\%$ ) at the 20-foot setback abutting the streets. 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 an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

**Finding:** The proposed development includes ground-level units within 25 feet of the property line abutting both Center St NE and Cordon Rd NE. Due to site topography including slopes

and wetlands along the perimeter of the development site, however, direct pedestrian access from each ground-level unit to the street is not feasible, and the applicant has requested a Class 2 Adjustment to this standard, addressed in Section 11 of this report.

(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:** An architecturally defined entry area is provided for no more than two ground level dwelling units of proposed Buildings 1 and 3, and proposed Building 2 includes an architecturally defined entry for each unit. 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 include any roof-mounted mechanical equipment requiring screening; 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 roofs of Buildings 1 and 3 are 106 feet in length and provide dormers at least four feet in length. The linear length of the roof of Building 2 is 62 feet and provides dormers at least four feet in length. This standard is met.

(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:** Proposed Buildings 1 and 3 are 106 feet in length and the front façades include a covered primary entrance for all units. The rear façade of the buildings includes covered patios on the ground floor and covered balconies on the upper floors, as well as offsets and recesses. Proposed Building 2 is less than 80 feet in length but also includes offsets and covered entrances for each unit. The proposal meets the standard.

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

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

**Finding:** Changes in material and changes in color are included to break up the vertical mass of the building and distinguish the first level from upper floors. This standard is met.

## 10. Tree Removal Permit

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

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

**Finding:** The applicant is requesting to remove two Significant Trees, a 36-inch dbh walnut located along the western property boundary and a 30-inch dbh poplar located off of the existing dead-end of Wind Park St NE. As required by SRC 804 and detailed in Section 8 of this report, the proposed driveway approach is only allowed off of a local street, Wind Park St NE, and the 30-inch poplar is within the right-of-way of this proposed access. Due to site constraints and the applicable development standards of the zoning code, no other access to the development site is permitted and without approval to remove the tree under SRC 808.030(d)(5)(A), the site cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.

The 36-inch dbh walnut along the western boundary of the property is located within the path of a proposed water main, retaining wall, and paving for the off-street parking and vehicle use areas. Due to the site's topography, including wetlands along the perimeter of the streets, the proposed development is situated within the interior of the lot on higher elevation to the north and west. In order to provide a level pedestrian connection from within the development site to Center St NE, a retaining wall is necessary along the western perimeter, which will require significant grading within the tree's critical root zone. Without approval of the tree removal under SRC 808.030(d)(5)(A), the development could not provide the pedestrian connection without a variance or adjustment to encroach into the tree's critical root zone, therefore meeting the criteria.

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

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

- (aa) The location and alignment of existing streets extended into the boundary of the subject property;**
- (ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.**
- (iii) Site topography. The removal is necessary due to the topography of the site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.**

**Finding:** As described above, the 30-inch dbh poplar is located directly adjacent to the existing dead-end of Wind Park St NE, which provides the only allowed access to the development site. Due to the location and alignment of the existing street which will extend into the boundary of the development site, there are no reasonable design alternatives that would enable preservation of the tree.

Due to the location of existing mains in Wind Park St NE and the proposed water mains into the development site, and the necessity of a retaining wall and grading to develop a pedestrian connection to Center St NE, there is no reasonable design alternative without encroaching into the critical root zone of the tree, and the removal of the 36-inch dbh walnut is necessary to accommodate the development.

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

## **11. Analysis of Class 2 Adjustment Approval Criteria**

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

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

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

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

- 1) Allow off-street parking between buildings and Wind Park Street NE, per SRC 702.020(d)(2);
- 2) Reduce the setback of proposed Building 3 from 35 feet to 15 feet at the northeast corner of the development site, per SRC 702.020(e)(2); and
- 3) Allow the buildings to be oriented toward the interior of the lot and not provide primary entrances facing and with direct access to the street, per SRC 702.020(e)(5)

*Allow off-street parking between buildings and Wind Park Street NE, per SRC 702.020(d)(2).*

Per SRC 702.020(d)(2), in order to minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street parking and vehicle maneuvering areas shall be

located behind or beside buildings and not between a building and a street. The applicant has requested an adjustment to allow the off-street parking and vehicle maneuvering area to be located between proposed Building 3 and Wind Park St NE. As described in the Driveway Approach Permit findings of Section 8 of this report, the development site is a corner lot bounded by Center St NE to the south and Cordon Rd NE to the east, and Wind Park St NE to the west, which provides the only allowable driveway approach access. Given these constraints, the proposed parking located within the interior of the lot is the only feasible option. While the proposed parking is located between Building 3 and Wind Park St NE, the parking area is located behind Buildings 1 and 2 and the primary streets of Center St NE and Cordon Rd NE, and equally meets the intent of the standard and is in compliance with this criterion.

*Reduce the setback of proposed Building 3 from 35 feet to 15 feet at the northeast corner of the development site, per SRC 702.020(e)(2).*

Per SRC 702.020(e)(2), where a development site abuts RS or RA-zoned property, buildings with two or more stories shall be setback from the abutting property a minimum of one foot for each foot of building height, but in no case less than 20 feet. As proposed Building 3 is three stories and 35 feet in height, and the development site abuts RA-zoned property to the north, a 35-foot setback is required. Due to the configuration of the lot and site constraints including steep topography and wetlands along the perimeter of Center St NE and Cordon Rd NE, a 35-foot setback would greatly reduce the buildable area of the property while still meeting setbacks abutting the streets. The RA-zoned property immediately adjacent to the north of proposed Building 3 is a City-owned lot used for a sewage pump station, and not a residential use; furthermore, the proposed setback of Building 3 is more than 20 feet from the next abutting residentially zoned property to the northwest. The intent of the setbacks is to provide open space between buildings of different heights and different uses. As the property immediately north of the proposed building is residentially zoned but not developed for a residential use, the reduced setback does not detract from the intent of the setback. As the RM-I zone only requires a 10-foot setback with a six-foot sight-obscuring fence for a multiple family use abutting residential property, and SRC 702.020(e)(2)(A) allows the minimum 20-foot setback may be reduced to 15 feet provided the required fence of SRC 702.020(b)(2)(B) is increased to eight feet in height, as conditioned below, the proposed reduced setback equally meets the intent of the standard and is in compliance with this criterion.

**Condition 18:** An eight-foot-tall, decorative, sight-obscuring fence meeting the standards of SRC 702.020(b)(2)(B) shall be installed along the property line abutting the RA-zoned properties to the north and additional landscaping in the form of one additional 1.5-inch caliper tree shall be planted in the required setback of Building 3.

*Allow the buildings to be oriented toward the interior of the lot and not provide primary entrances facing and with direct access to the street, per SRC 702.020(e)(5).*

In order to orient buildings towards the street, SRC 702.020(e)(5) requires ground-level units, clusters of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street to provide an architecturally defined primary building entrance facing the street with direct pedestrian access to adjacent sidewalks. The applicant has requested a Class 2 Adjustment to allow the front of the buildings and primary entrances to be oriented

toward the interior of the lot and away from the streets without providing direct pedestrian access from the buildings to the adjacent sidewalks. The development site is a corner lot with frontage along Center St NE, classified as a Major Arterial in the Salem Transportation System Plan (TSP), and Cordon Rd NE, which is a County road outside of City limits and classified as a Parkway in the TSP. The development site also has frontage off of Wind Park St NE to the west, where the proposed driveway approach and vehicular access will be taken from. Due to the lot orientation as well as wetlands and steep slopes along the perimeter of the site abutting Center St NE and Cordon Rd NE, placing the primary building entrances and pedestrian connections toward these streets is not feasible. The applicant has provided a pedestrian connection from the interior of the development site's pedestrian circulation system out to Center St NE where site topography allows and to where the applicant will also be required to dedicate right-of-way and construct a new segment of public sidewalk, as addressed in Section 7 of this report. The proposed pedestrian connection to Center St NE, and the conditioned sidewalk along Center St NE, will provide connectivity to the future multi-use path along Cordon Rd NE while reducing the impact of the development of pedestrian connections from each ground-floor unit across the wetlands along the perimeter of the site. As the buildings also provide private outdoor space in the form of covered patios and balconies, as well as architectural offsets and recesses and windows, the proposed development provides visually appealing and active building frontages along the street, equally meeting the intent of the standard of providing street-facing and pedestrian-oriented development, and is in compliance with this criterion.

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

**Finding:** The subject property is located within an RM-I (Multiple Family Residential) zone, which is a residential zone. The adjustments that have been requested in conjunction with the proposal are the minimum necessary to allow the otherwise intended use and development of multiple family residential zoned property. Approval of the requested adjustments will also not result in development that detracts from the livability or appearance of the residential area because, as identified in the findings included in this decision, the underlying purposes of the development standards proposed for adjustment with the development otherwise will continue to be equally or better met. This approval criterion is met.

***SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Finding:** Three separate Class 2 Adjustments have been requested with this development. Pursuant to SRC Chapter 513, the purpose of the RM-I zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan and generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The requested adjustments allow for the development of a multiple family complex on a site with physical constraints. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.



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

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

## 12. Conclusion

Based upon review of SRC Chapters 200, 220, 225, 250, 804, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Tree Removal Permit Case No. UGA-SPR-ADJ-DAP-DR-TRP23-04 is hereby **APPROVED** subject to SRC Chapters 200, 220, 225, 250, 804, and 808 and 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:** Restrainers shall be provided so that the enclosure gate can be fixed in the open and closed positions, meeting the development standards of SRC 800.055(e)(3).
- Condition 2:** Remove a minimum of one parking space so as to meet the allowed maximum of 47 spaces for 27 units, per the allowed maximums under SRC 806.015, Table 806-1.
- Condition 3:** Provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for the two parking areas that terminate at a dead-end on the north side of the development site.
- Condition 4:** At the time of building permit review, the applicant shall provide details for the installation of additional bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.
- Condition 5:** Prior to issuance of a building permit, submit a geological assessment or geotechnical engineering report pursuant to SRC Chapter 810 in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810 Landslide Hazards.
- Condition 6:** Enter into a Development Agreement with Marion County to construct a multi-modal pedestrian/bicycle shared-use path along the development frontage of Cordon Road NE as approved by Marion County Public Works.

- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center St NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 8:** Along Center St NE, provide streetscape improvements including a planter strip for street trees, sidewalks, ADA ramps, and street lights as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** The applicant shall coordinate with Cherriots to provide a transit stop along Center St NE in a location approved by Cherriots and the Public Works Department.
- Condition 10:** Install “No Parking” signs along both sides of Wind Park Street NE and along the entire length of the cul-de-sac on private property as specified in the Public Works Design Standards.
- Condition 11:** Dedicate a public access easement over the private cul-de-sac turnaround at the terminus of Wind Park Street NE.
- Condition 12:** Install a curblined sidewalk along the southern boundary of Wind Park Street NE from the intersection of Wind Park Street NE to the development site.
- Condition 13:** Permanently close the existing driveway approach onto Center Street NE and replace with curbs and streetscape improvements.
- Condition 14:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the Public Works Design Standards
- Condition 15:** 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 16:** Provide a minimum, six-foot-tall, decorative, sight-obscuring fence or wall meeting the standards of SRC 702.020(b)(2)(B) abutting the RA-zoned properties to the west.
- Condition 17:** At the time of building permit, a lighting plan shall be provided which demonstrates all exterior dwelling units’ entrances, parking areas, and pedestrian paths will be illuminated.
- Condition 18:** An eight-foot-tall, decorative, sight-obscuring fence meeting the standards of SRC 702.020(b)(2)(B) shall be installed along the property line abutting the RA-zoned properties to the north and additional landscaping in the form of one additional 1.5-inch caliper tree shall be planted in the required setback of Building 3.

**Condition 19:** The adjusted parking location, setback, and building orientation, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.



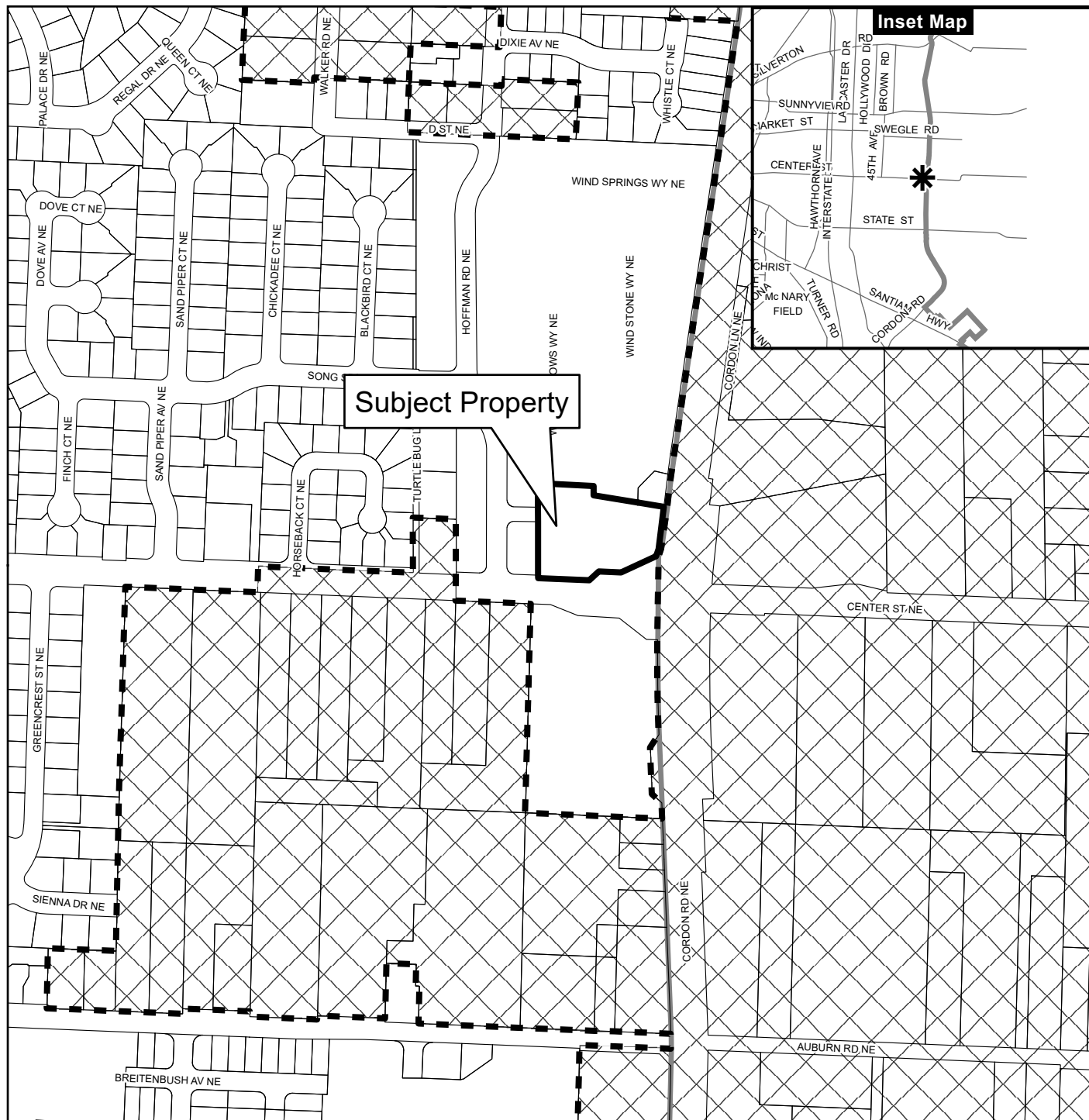
---

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

Attachments: A.) Vicinity Map  
B.) Proposed Development Plans  
C.) Development Services Memo  
D.) Salem-Keizer School District Comments  
E.) Cherriots Comments  
F.) Marion County Comments

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








# Vicinity Map 4963 Center St NE



Subject Property

Inset Map

### Legend

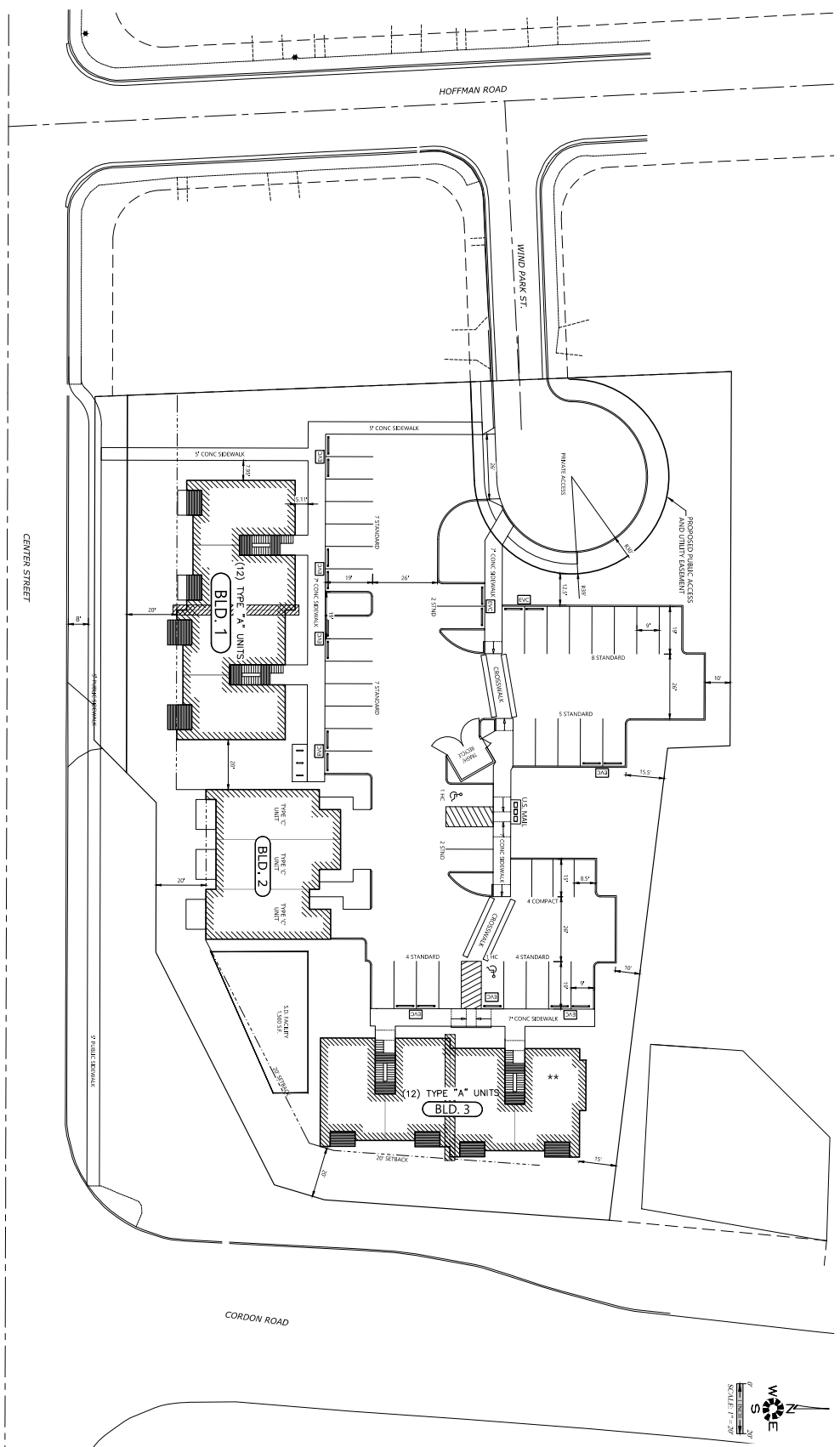
-  Taxlots
-  Outside Salem City Limits
-  Parks
-  Urban Growth Boundary
-  Historic District
-  City Limits
-  Schools



0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



\* THE INDICATED LOWER LEVEL UNITS IN BUILDING 3 ARE TO BE TYPE "A" UNITS IN ACCORDANCE WITH THE 2022 OZSC. ALL OTHER LOWER LEVEL UNITS TO BE TYPE "B" UNITS IN ACCORDANCE WITH THE 2022 OZSC. SECTION 7.1.2.

- - POLE LIGHT MAXIMUM 14' TALL
- - WALL PANEL MOUNTED ON BUILDING
- - LOCATION OF ELECTRICAL SEPARATION WALL
- - MAXIMUM 1:12 SLOPE ON SIDEWALK AND RAMP
- - BICYCLE SPACES

**27 TOTAL APARTMENT UNITS**  
**24 TYPE "A" 2-Bd, 2-Ba (952 S.F.) UNITS**  
**3 TYPE "C" TOWN HOMES (681 S.F.)**

**45 TOTAL PARKING STALLS**  
**39 STANDARD STALLS**  
**2 HANDICAP STALLS**  
**6 BICYCLE SPACES IN 1 RACKS**  
**1 TRASH / RECYCLE**  
**1 RECREATIONAL AREA**  
**1 U.S. MAIL BOX AREA**

**ENC - FUTURE ELECTRIC VEHICLE PARKING:**  
**19 TOTAL PARKING STALLS**  
**18 STANDARD STALLS**  
**1 HANDICAP STALLS**

**ADA HANDICAP ACCESSIBILITY NOTES:**

1. ALL CURB CUTS SHALL BE PERMANENTLY CONNECTED TO THE PUBLIC SIDEWALK. THE SIDEWALK SHALL BE CONCRETE AND SHALL BE 48" WIDE MINIMUM AT BOTTOM OF STAIRS AND AT FACE OF ENTRANCE DOORS. SIDEWALKS SHALL BE 48" WIDE MINIMUM AND CROSS SLOPE SHALL NOT EXCEED 1:50.
2. HANDICAP PARKING STALLS AND ACCESS AREAS ARE TO HAVE SPACES IN FRONT AND BEHIND THE STALLS TO ALLOW FOR APPROACH AND DEPARTURE. HANDICAP ACCESSIBLE STALLS SHALL BE PER OZSC 2022.
3. HANDICAP ACCESSIBLE CURB RAMPERS SHALL HAVE A RUNNING SLOPE NOT GREATER THAN 1:12. RAMPERS SHALL BE 48" WIDE MINIMUM AND SHALL BE 48" WIDE MINIMUM AT BOTTOM OF STAIRS AND AT FACE OF ENTRANCE DOORS. HANDICAP ACCESSIBLE IN ACCORDANCE WITH ADA 417.11 AND CHAPTER 11 OF THE 2022 OZSC.
4. HANDICAP ACCESSIBLE IN ACCORDANCE WITH ADA 417.11 AND CHAPTER 11 OF THE 2022 OZSC.
5. 2% OF THE UNITS UNITS OR 3 UNITS SHALL BE TYPE "A" HANDICAP ACCESSIBLE. THESE INCLUDE A, C AND D BARRIERS UNITS AS INDICATED ON THE UNIT FLOOR PLAN. UNITS SHALL BE PER ADA 417.11 AND CHAPTER 11 OF THE 2022 OZSC.

7476 SDR SITE

Design: N.D.S.  
 Drawn: M.K.D./A.R.B.  
 Checked: J.S.S.  
 Date: 05/22  
 Scale: AS SHOWN

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

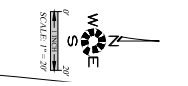
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

**TRADEMARK APARTMENTS**

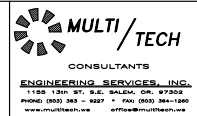
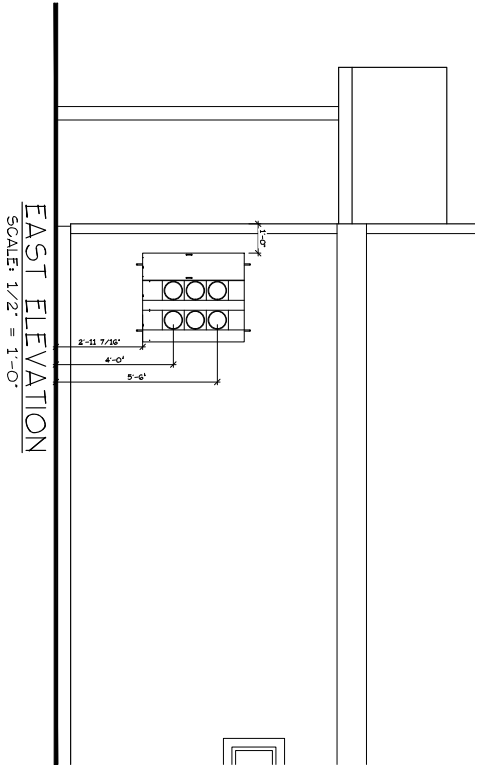
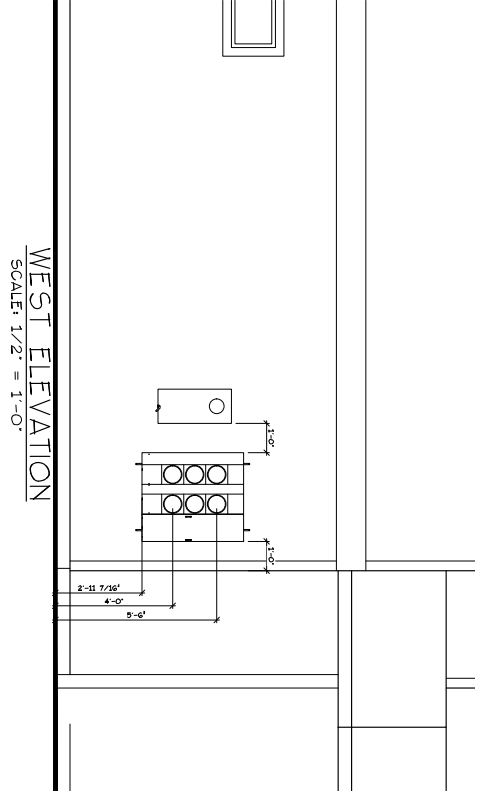
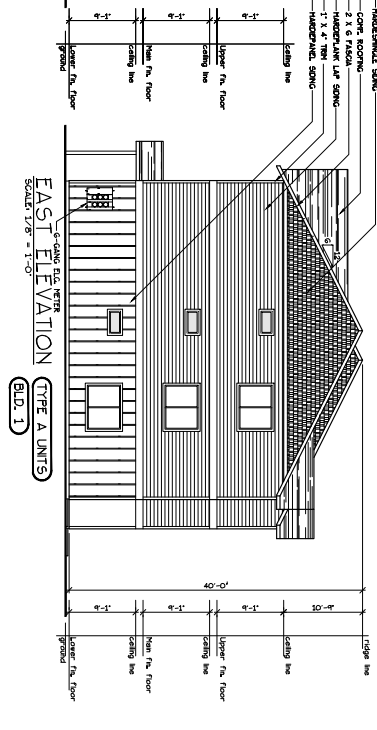
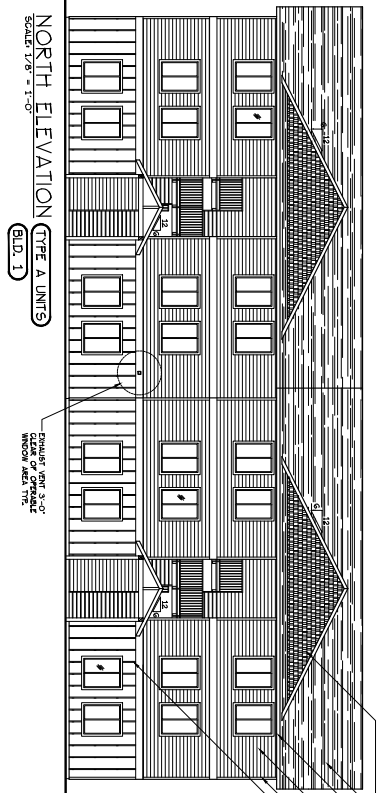
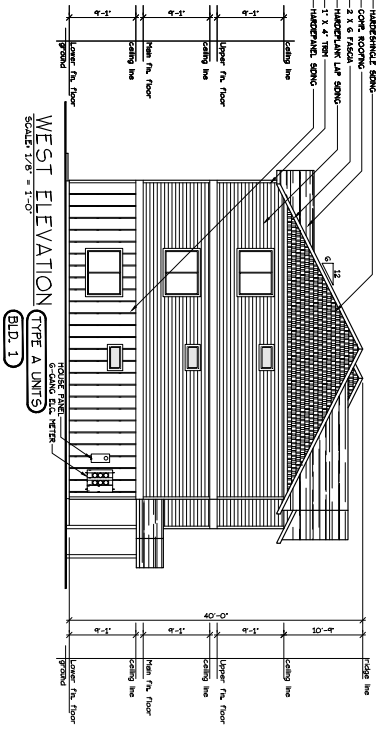
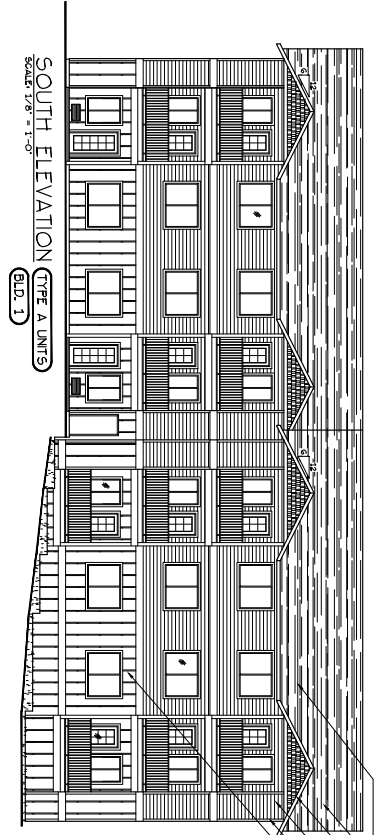
**SITE PLAN**

**SDR3**

ENCLOSURE 3 OF 3  
 DATE: 05/22/2024



**MULTI/TECH**  
 ENGINEERING SERVICES, INC.  
 4155 13th St, S.E. Salem, OR, 97302  
 PH: (503) 364-4327 FAX: (503) 364-2460  
 www.mtengineering.net office@mtengineering.net



**BUILDING ELEVATIONS**

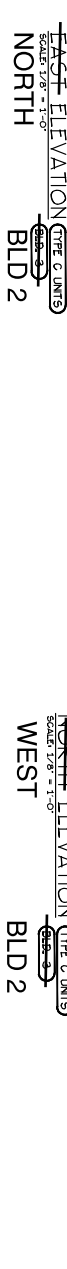
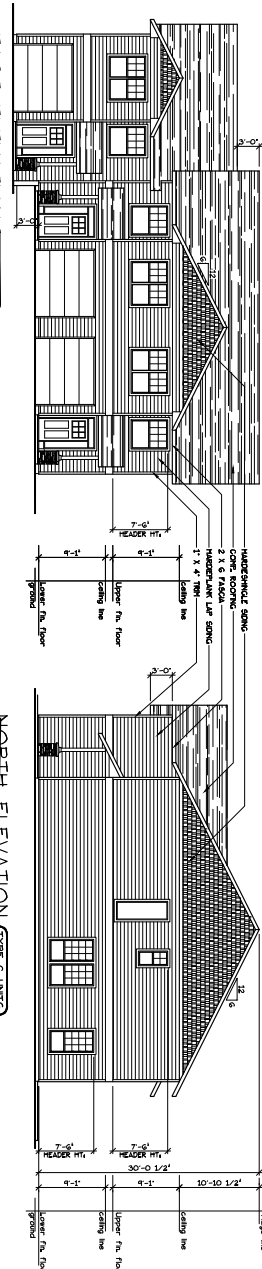
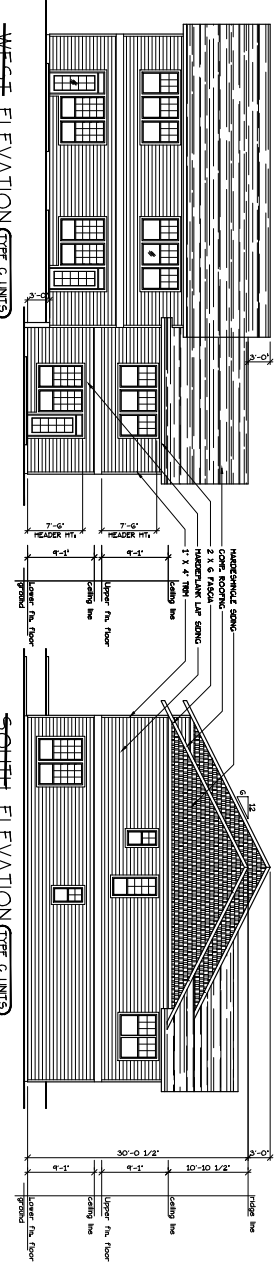
**TRADEMARK APARTMENTS**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: P.L.M.  
Drawn: A.R.B.  
Checked: M.D.G.  
Date: Jun-23  
Scale: AS SHOWN



**A1.90**



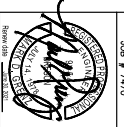
BUILDING ELEVATIONS

TRADEMARK APARTMENTS

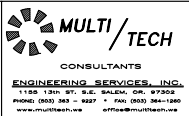
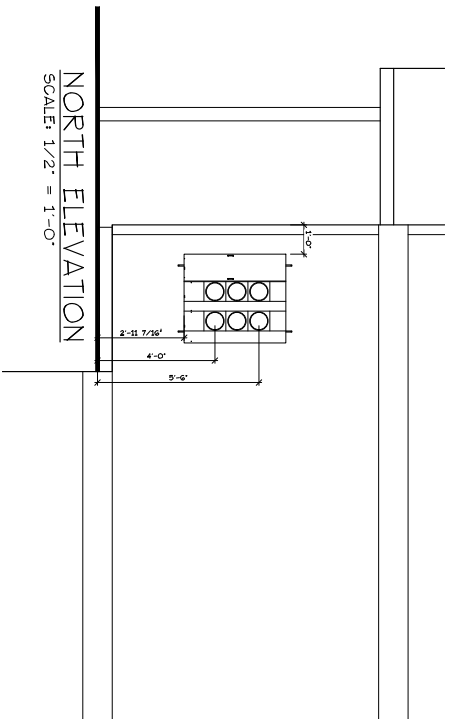
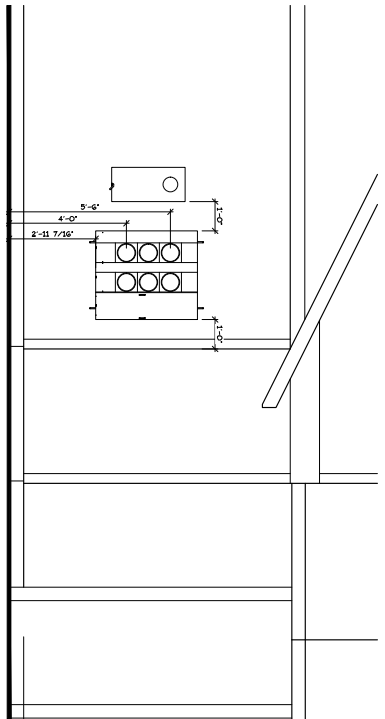
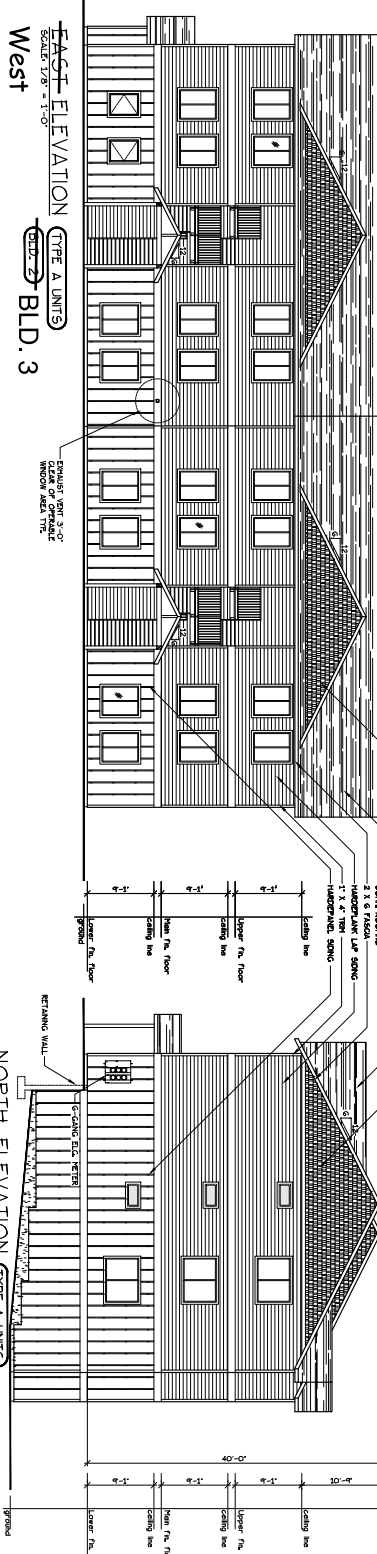
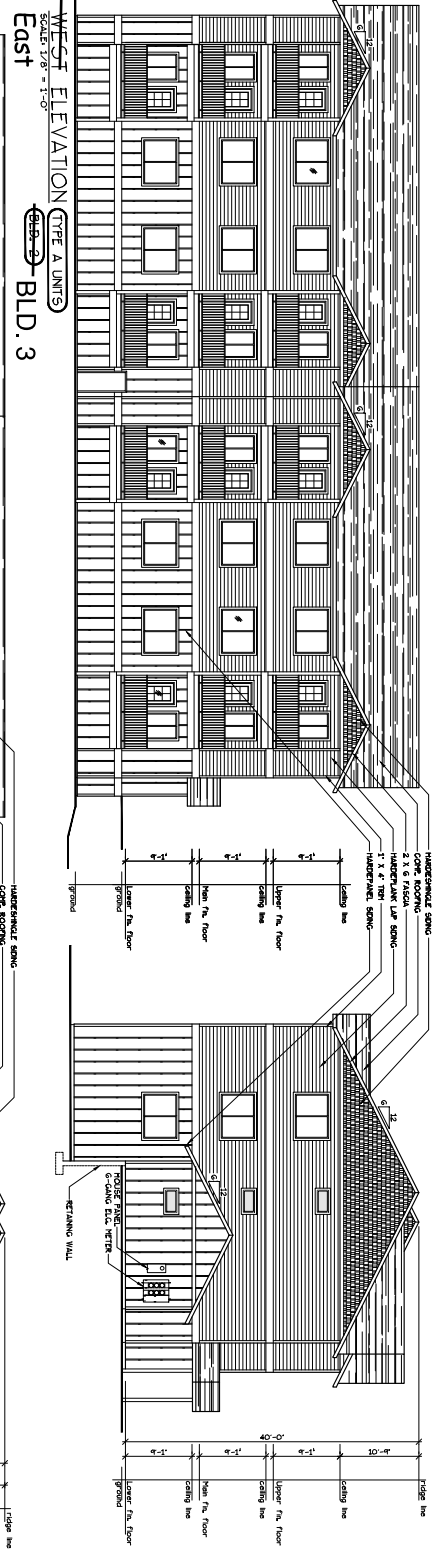
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: P.L.M.  
 Drawn: G.D.A.R.B.  
 Checked: M.D.G.  
 Date: Feb-23  
 Scale: AS SHOWN



A3.80



**BUILDING ELEVATIONS**

**TRADEMARK APARTMENTS**

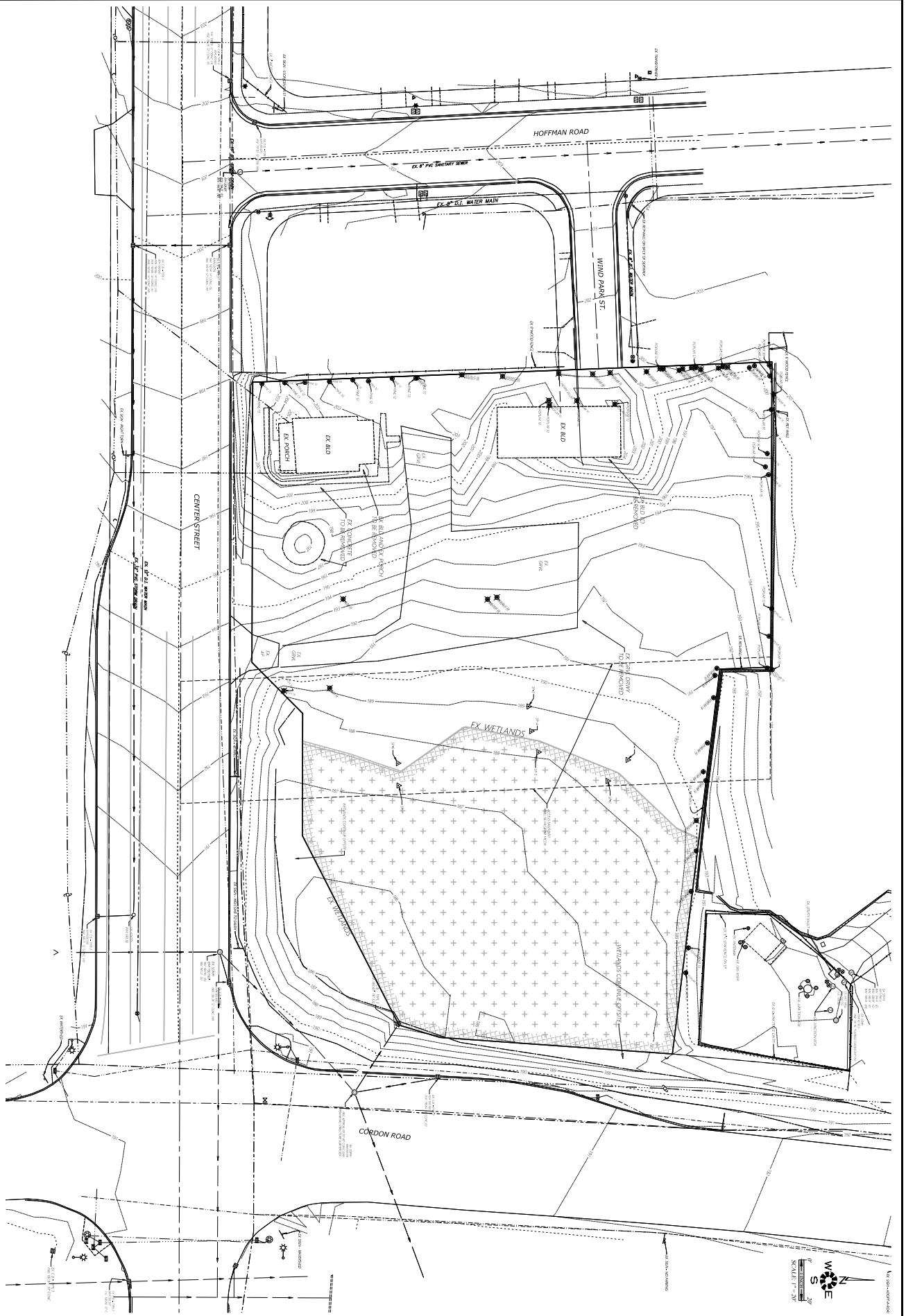
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

DESIGN: P.L.M.  
DRAWN: A.R.B.  
CHECKED: M.D.G.  
DATE: Apr-22  
SCALE: AS SHOWN



**A2.90**





SDR2

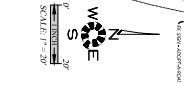


Design: N.D.S.  
 Drawn: A.S.B.  
 Checked: J.J.S.  
 Date: 12/31/2024  
 Scale: AS SHOWN

NO CHANGES, MODIFICATIONS  
 OR REPRODUCTIONS TO BE  
 MADE TO THESE DRAWINGS  
 WITHOUT WRITTEN  
 AUTHORIZATION FROM THE  
 DESIGN ENGINEER.  
  
 DIMENSIONS & NOTES TAKE  
 PRECEDENCE OVER  
 GRAPHICAL REPRESENTATION.

**TRADEMARK APARTMENTS**

**EXISTING  
CONDITIONS  
PLAN**



**MULTI/TECH**  
 ENGINEERING SERVICES, INC.  
 1155 13th St., S.E., Salem, OR, 97302  
 PH: (503) 364-1227 FAX: (503) 364-1240  
 www.mteng.com office@mteng.com

### Preliminary Plant Schedule

TREES	QTY	SP/ANNUAL / COMMON NAME	SIZE
	7	Acer rubrum / American Red Maple	11/27' Cal. RB8
	7	Redbark maple / Acer glabrum	11/27' Cal. RB8
	5	Chamaecyparis nootkanensis / Chinquapin	6'-8" H. RB8
	5	Western Red Cedar / Thuja plicata	11/27' Cal. RB8
	8	Chamaecyparis nootkanensis / Chinquapin	6'-8" H. RB8
	11	Western Red Cedar / Thuja plicata	11/27' Cal. RB8
	3	Sparganium angustifolium / Broadleaf Taper	11/27' Cal. RB8
	6	Prunella virginiana / Blackthorn	6'-8" H. RB8
	6	Prunella virginiana / Blackthorn	11/27' Cal. RB8
	5	Quercus agrifolia / Oregon White Oak	11/27' Cal. RB8

TREES	QTY	SP/ANNUAL / COMMON NAME	SIZE
	30	Abies balsamea / Sitka Spruce	2' Qd.
	2	Acer glabrum / Red Maple	8' H.
	6	Redbark maple / Acer glabrum	2' Qd.
	44	Euonymus japonicus / Wintergreen	2' Qd.
	19	Leucococcus formicivorus / Scale	2' Qd.
	9	Thuja occidentalis / Arborvitae	5' Qd.
	55	Malva sylvestris / Garden Mallow	5' Qd.
	15	Nandina domestica / Heavenly Bamboo	2' Qd.
	16	Physalis peruviana / Ground Cherry	2' Qd.
	54	Staphylea trifolia / White Sycamore	3' Qd.
	52	Staphylea trifolia / White Sycamore	2' Qd.

CANAINS / PERENNIALS	QTY	SP/ANNUAL / COMMON NAME	SIZE	SPACING
	52	Hydrangea x hortensis / Hydrangea	1' Qd.	36" oc.
	33	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.
	52	Perennials	1' Qd.	36" oc.

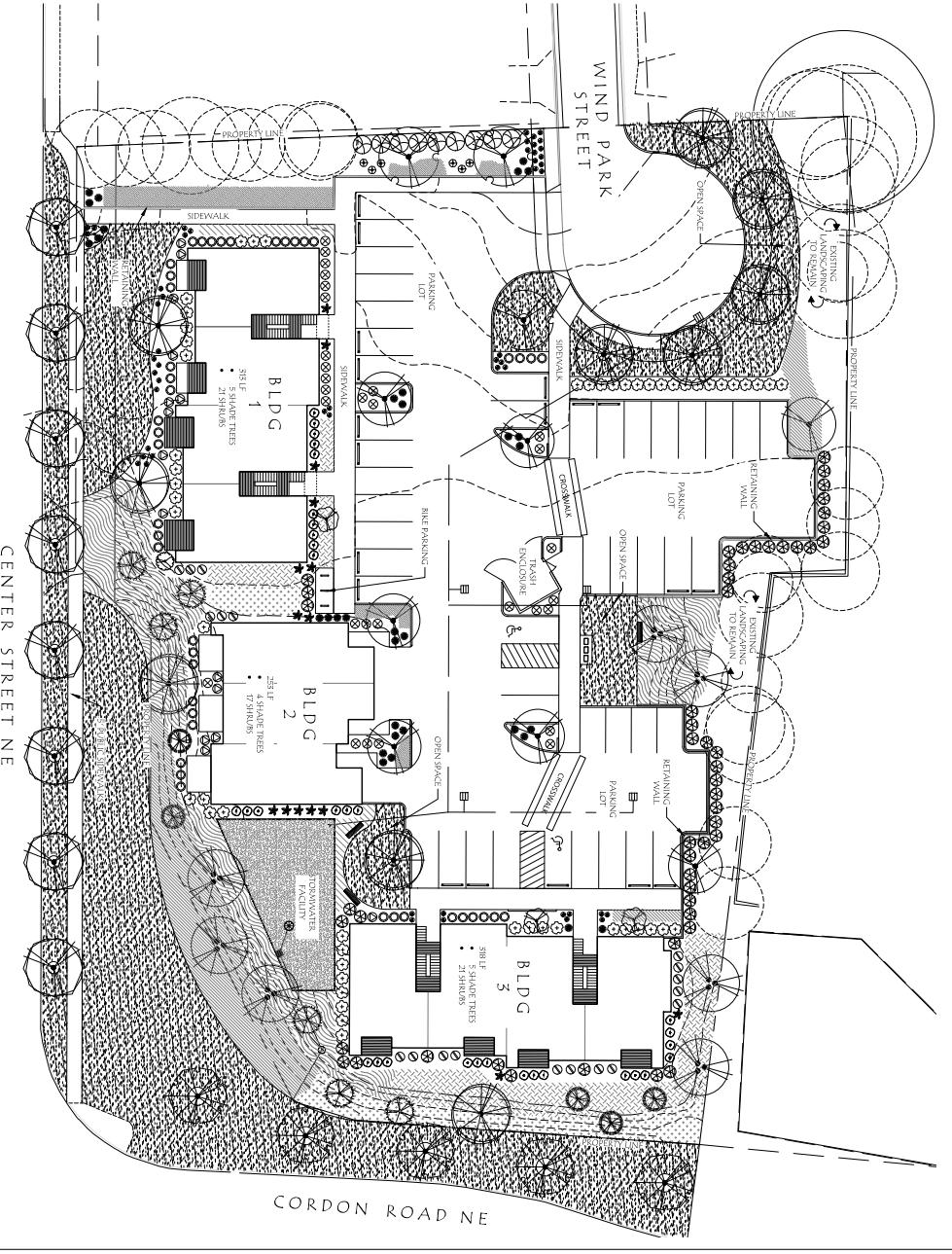
### Multi-family Landscape Requirements

- SEE AREA SQUARE FOOTAGE (SQ FT) 20,287 SQ FT
- PROPOSED - 42' DOES NOT INCLUDE STREET TREES
- BUILDING PERIMETER - 1 TREE (10' DIA.) PER 40' L OF BUILDING SMALL (WITHIN 2' OF BUILDING)
- 1 SHRUB (4' PLANT DIA) PER 10' L
- 2 PLANT UNITS (1' DIA) PER 10' L
- PARKING (CANOPY TREE PER 50 FEET OF PARKING PERIMETER (WITHIN 10' OF PARKING PERIMETER))

**Legend:**

- EXISTING TREES TO REMAIN (ON PROPERTY LINE)
- STONE WATER FACILITY TO BE RETAINED

- General Notes:**
- DRAWINGS ARE PRELIMINARY. NOT FOR CONSTRUCTION OR BIDDING.
  - SEE CIVIL DRAWINGS FOR GRADING, PLANS, UTILITIES, AND STORMWATER MANAGEMENT.
  - PLANTS TO BE SIZED ACCORDING TO CITY OF SALEM STREET TREES TO BE SELECTED FROM CITY OF SALEM STREET TREE LIST FOR PLANTING & VIRE APPROVED STREET TREE LIST FOR PLANTING & VIRE.
  - STORMWATER FACILITY DRAWINGS TO FOLLOW CITY OF SALEM STORMWATER PLANNING REQUIREMENTS. PLANTS TO BE SELECTED FROM APPROVED PLANT LIST.
  - LANDSCAPE TO BE RECALCULATED BY AN INDEPENDENT ARCHITECT.
  - LANDSCAPE TO BE RECALCULATED BY THE LANDSCAPE ARCHITECT.



Laurus Designs, LLC  
1012 Pine Street  
Salem, Oregon  
503.794.6494

Center Street Apartments

Wind Park Street  
Salem, Oregon

REGISTERED  
PRELIMINARY  
LANDSCAPE ARCHITECT  
LARRA ANDERSON  
OREGON  
11/16/2010

PRELIMINARY PLANTING PLAN

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

November 15th, 2023

REVISIONS

#	DATE	NOTES	INITIALS

L1.1  
SHEET 1 OF 1  
PROJECT: 2023



# MEMO

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

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

**DATE:** January 12, 2024

**SUBJECT:** **Infrastructure Memo**  
**UGA-SPR-ADJ-DAP-DR-TRP23-04 (23-114785-PLN)**  
**4963 Center Street NE**  
**Multi-family Development**

## PROPOSAL

An Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, two Tree Removal Permits, and Class 1 Design Review for development of a new multi-family apartment complex containing 27 dwelling units, with three Class 2 Adjustments. The subject property is approximately 1.61 acres in size, zoned RM-I (Multiple Family Residential), and located at 4963 Center Street NE - 97301 (Marion County Assessors Map and Tax Lot number: 072W29BA / 200).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit, submit a geological assessment or geotechnical engineering report pursuant to SRC Chapter 810 in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810 *Landslide Hazards*.
2. Construct a multi-modal pedestrian/bicycle shared use path along the development frontage of Cordon Road NE as approved by Marion County Public Works.
3. Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
4. Along Center Street NE, provide streetscape improvements including a planter strip for street trees, sidewalks, ADA ramps, and streetlights as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

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

5. The applicant shall coordinate with Cherriots to provide a bus stop along Center Street NE in a location approved by Cherriots and the Public Works Department.
6. Install “No Parking” signs along both sides of Wind Park Street NE and along the entire length of the cul-de-sac on private property as specified in the PWDS.
7. Dedicate a public access easement and over the private cul-de-sac turnaround at the terminus of Wind Park Street NE.
8. Install a curblin sidewalk along the southern boundary of Wind Park Street NE from the intersection of Wind Park Street NE to the development site.
9. Permanently close the existing driveway approach onto Center Street NE and replace with curbs and streetscape improvements.
10. Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the PWDS.
11. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **FACTS**

### **Streets**

1. Wind Park Street NE
  - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 22-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
2. Center Street NE
  - a. Standard—This street is designated as major arterial in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Conditions—This street has a variable 50-to-66-foot improvement within a variable 70-to-125-foot-wide right-of-way abutting the subject property.

### 3. Cordon Road NE

- a. Standard—This street is designated as a parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way. Cordon Road NE is outside of Salem City limits and under the jurisdiction of Marion County.
- b. Existing Conditions—This street has an approximate 75-foot improvement within a 150-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Conditions

- a. 12-inch and 48-inch storm mains are located in Center Street NE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in Wind Park Street NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- c. A 12-inch water main is located in Center Street NE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

### **Sanitary Sewer**

#### 1. Existing Conditions

- a. An 8-inch sewer main is located in Hoffman Road NE.
- b. The Wind Stone Sanitary Sewer Pump Station is located north of the subject property on an abutting property.

### **Parks**

The proposed development is served by Royal Oaks Park approximately 0.45-miles north of the subject property.

### **URBAN GROWTH PRELIMINARY DECLARATION FINDINGS**

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**

**Findings:** 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 Center Street NE and Cordon Street NE. While direct access is not provided to these streets, they meet the linking street requirements in SRC 200.055(b).

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

**Findings:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located at the Wind Stone Sewer Pump Station, approximately 70-feet north of the subject property. 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 development site is not served by sanitary sewer to the property line but there are several potential options available to provide linking sewer facilities required under SRC 200.060:

1. There is an existing public sewer main located in Hoffman Road NE approximately 105-feet westerly; this alternative would require filling of portions of the development site to provide gravity sewer drainage.
2. There is an existing public main located within the Windstone Mobile Home Park in the driveway to the Wind Stone Sanitary Sewer Pump Station; this alternative would require developer acquire private easement from Windstone Mobile Home Park on adjacent property.
3. The Wind Stone Sanitary Sewer Pump Station is located approximately 70-feet north of the subject property; this alternative would require the developer to construct a public main extension to the serve the development site. Additionally, this alternative would require the public main extension to be located outside of the Urban Growth Boundary; would require approval from Marion County; and has potential wetlands

and power pole conflicts.

The applicant's preliminary utility plan shows construction of a new public sanitary sewer main from the Wind Stone Sanitary Sewer Pump Station wet well easterly to the Cordon Road right-of-way and then southernly to the northern line of developing property. Conditions of the Site Plan Review application will require that at time of development, the applicant provide sanitary sewer service to the property by means approved by the Public Works Director.

**Needed Improvement:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the PWDS.

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

**Findings:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Center Street NE abutting the development site. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

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

**Findings:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The 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 system appears to be located in Wind Park Street NE, abutting the development site.

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

**Findings:** The proposed development is served by Royal Oaks Park approximately 0.45-miles north of the subject property.

## **CRITERIA AND FINDINGS—SITE PLAN REVIEW**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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

**Finding**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 - Landslides.

Public Works staff 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.

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2- and 3-point landslide hazard areas mapped on the subject property. The proposed activity of a multi-family complex adds 2 activity points, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment or geotechnical engineering report. As a condition of approval, staff recommends that prior to issuance of a building permit, the applicant submit a geological assessment or geotechnical engineering report in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810.

**Condition:** Prior to issuance of a building permit, submit a geological assessment or geotechnical engineering report pursuant to SRC Chapter 810 in order to demonstrate the proposal can be constructed in accordance with SRC Chapter 810 *Landslide Hazards*.

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

**Finding**— The development site abuts Cordon Road NE, Center Street NE, and Wind Park Street NE. Access to the proposed development is provided from Wind Park Street NE, which terminates at the boundary of the subject property.

Cordon Road NE is outside of Salem City Limits and outside of the Urban Growth Boundary; however, the Salem Transportation System Plan identifies a shared-use path along Cordon Road NE. Cordon Road NE has curbs but lacks adequate bike and pedestrian infrastructure to provide for safe and efficient circulation for pedestrians and bicycle users. The Marion County Public Works Department submitted comments that



indicate Marion County's ultimate cross section for Cordon Road NE includes a 10-foot-wide shared-use path along the west side of the right-of-way. SRC 803.040 requires Boundary Street Improvements when streets do not meet minimum standards identified in the Salem Transportation System Plan and SRC Chapter 803. As part of the required Boundary Street Improvements, the applicant shall construct a 10-foot-wide shared-use path along Cordon Road NE as approved by Marion County Public Works Department in lieu of a 5-foot-wide sidewalk that will provide access for pedestrians and bicycle users along the development frontage. The applicant shall be required to obtain any necessary permits from Marion County to construct the path within Marion County's jurisdiction.

**Condition:** Construct a multi-modal pedestrian/bicycle shared-use path along the development frontage of Cordon Road NE as approved by Marion County Public Works.

Center Street NE is classified as a major arterial street according to the Salem TSP; however, the Salem TSP identifies this street will be constructed to an interim minor arterial standard. The existing condition of Center Street NE abutting the development site meets or exceeds the improvement width for a minor arterial standard, however; lacks right-of-way width and streetscape improvements that provide for safe pedestrian access along the development frontage. As a condition of approval, the applicant shall be required to dedicate right-of-way to the ultimate major arterial standard and construct interim minor arterial streetscape improvements along Center Street NE including street trees, ADA ramps, sidewalks, and streetlights. In addition, Cherriots has submitted comments that identify a bus stop along Center Street NE is needed to provide transit capacity to the area. Pursuant to SRC 803.035(2), as part of the required street improvements, the applicant shall provide a transit stop along Center Street NE.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition:** Along Center Street NE, provide streetscape improvements including a planter strip for street trees, sidewalks, ADA ramps, and streetlights as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** The applicant shall coordinate with Cherriots to provide a bus stop along Center Street NE in a location approved by Cherriots and the Public Works Department.

Wind Park Street NE is classified as a local street according to the Salem Transportation Plan but does not meet minimum right-of-way or improvement widths for a local street. An approximate 22-foot-wide improvement within a 40-foot-wide right-of-way is constructed where a 30-foot-wide improvement and 60-foot-wide right-of-way

would be required to meet current standards established in SRC Chapter 803. Due to existing development patterns, this street cannot be widened. The applicant requests an Alternative Street Standard to allow the existing condition of Wind Park Street NE to remain as well as to allow a reduced width cul-de-sac at the terminus of Wind Park Street NE and allow the cul-de-sac to be within a public access easement rather than dedicated as right-of-way due to existing development constraints.

The Assistant City Traffic Engineer has reviewed the proposal and determined the existing condition of Wind Park Street NE is adequate to provide two-way vehicular traffic to the proposed development and that the reduced width cul-de-sac will provide adequate vehicular turn around space. The Director approves the Alternative Street Standard requests pursuant to SRC 803.065(a)(1). As a condition of approval, the Assistant City Traffic Engineer recommends the applicant install “No-Parking” signs on both sides of Wind Park Street NE and along the entire length of the cul-de-sac in order to ensure two-way circulation is not obstructed on the reduced width street and cul-de-sac that is providing access to the development site. A public access easement over the cul-de-sac turn around for the terminus of Wind Park Street NE is also required to comply with SRC 803.035(d) which requires a turn around at dead end streets.

**Condition:** Install “No Parking” signs along both sides of Wind Park Street NE and along the entire length of the cul-de-sac on private property as specified in the PWDS.

**Condition:** Dedicate a public access easement over the private cul-de-sac turnaround at the terminus of Wind Park Street NE.

In order to provide safe pedestrian access to the development and comply with criteria SRC 220.005(f)(3)(B), the applicant is required to construct sidewalk along the southern boundary of Wind Park Street NE to the development site. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the existing reduced right-of-way width of Wind Park Street NE, curb line sidewalks are approved per SRC 803.035(l)(2)(B).

**Condition:** Install a curb line sidewalk along the southern boundary of Wind Park Street NE from the intersection of Wind Park Street NE to the development site.

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

**Finding**—The preliminary site plan shows that all access will be taken to Wind Park Street NE. The driveway access onto Wind Park Street NE provides for safe turning movements into and out of the property. The subject property has an existing driveway approach onto Center Street NE, which is required to be closed as part of the development.

**Condition:** Permanently close the existing driveway approach onto Center Street NE and replace with curbs and streetscape improvements.

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

**Finding—**The subject property is located outside of the Urban Service Area, and therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, proposed development is designed to accommodate required on-site and off-site improvements.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The existing water and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The development site is not served by sanitary sewer to the property line but there are several potential options available to provide linking sewer facilities required under SRC 200.060:

1. There is an existing public sewer main located in Hoffman Road NE approximately 105-feet westerly; this alternative would require filling of portions of the development site to provide gravity sewer drainage.
2. There is an existing public main located within Windstone Mobile Home Park in the driveway to the Wind Stone Sanitary Sewer Pump Station; this alternative would require developer acquire private easement from Windstone Mobile Home Park on adjacent property.
3. The Wind Stone Sanitary Sewer Pump Station is located approximately 70-feet north of the subject property; this alternative would require the developer to construct a public main extension to the serve the development site. Additionally, this alternative would require the public main extension to be located outside of the Urban Growth Boundary; would require approval from Marion County; and has potential wetlands and power pole conflicts.

The applicant's preliminary utility plan shows construction of a new public sanitary sewer main from the Wind Stone Sanitary Sewer Pump Station wet well easterly to the Cordon Road right-of-way and then southernly to the northern line of developing property. Conditions of approval require that at time of development, the applicant provide sanitary sewer service to the property by means approved by the Public Works Director in order to comply with SRC 200.060.

**Condition:** Construct sanitary sewer to serve the development site pursuant to PWDS in an alignment approved by the Director and in accordance with the PWDS.

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

**Condition:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

### **CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT**

**Criteria—A Class 2 Driveway Approach Permit shall be granted if:**

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding—** The proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS).

- (2) No site conditions prevent placing the driveway approach in the required location;**

**Finding—**There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an arterial are minimized;**

**Finding—**The proposed driveway is not accessing onto an arterial street.

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or**
- ii. Takes access from the lowest classification of street abutting the property;**

**Finding—**The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

- (5) Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Finding**—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

**(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**Finding**—The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

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

**Finding**—The proposed development is surrounded by residentially zoned property. The proposed development abuts a parkway (Cordon Road NE), major arterial (Center Street NE) and, a local street (Wind Park Street NE). The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

## **RESPONSE TO COMMENTS**

- 1. Increased Traffic:** Comments from the public, and the neighborhood association, express concerns for increased traffic that will be generated by the proposed development. The East Lancaster Neighborhood Association specifically requested a stop sign be placed at the intersection of Hoffman Road NE and Windpark Street NE.

**Staff Response:** The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. As described in the written findings, the streets abutting the development site meet minimum standards for their street classifications according to the Salem TSP. The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

In response to the request for a stop sign at the intersection of Hoffman Road NE and Wind Park Street NE, it should be noted that there is an existing stop sign at this location that restricts movements from Wind Park Street NE onto Hoffman Road NE without first stopping. As a condition of approval, the applicant is required to provide a linking sidewalk along Wind Park Street NE and post “No-Parking” signs along Wind Park Street NE to ensure that adequate two-way vehicular traffic is provided in and out of the development. No additional improvements to this intersection are recommended as a condition of approval, as described in the written findings.

- 2. Improvements to Cordon Road NE:** Marion County submitted comments requesting that the applicant construct a 10-foot-wide shared use path along Cordon Road NE.

**Staff Response:** As described in the written findings, the development is subject to boundary street improvements per SRC 803.040. Construction of the shared-use path has been identified as a condition of approval for the development in order to comply with boundary street requirements and the Salem TSP.

- 3. Impacts to Wetlands:** Comments from the neighborhood association express concerns for filling wetlands on the property.

**Staff Response:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. A response to this wetlands notice was received which indicates that a State permit will be required for placement of buildings and fill on the mapped wetlands. The City of Salem does not regulate Wetland Fill Permits; the applicant is required to obtain any necessary permits from the Oregon Department of State Lands prior to construction that would impact wetlands.

Prepared by: Laurel Christian, Infrastructure Planner II  
cc: File

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

**REGARDING:** Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review / Tree Removal Permit Case No. UGA-SPR-ADJ-DAP-DR-TRP23-04

**PROJECT ADDRESS:** 4963 Center St NE, Salem OR 97301

**AMANDA Application No.:** 23-114785-PLN

**COMMENT PERIOD ENDS:** Tuesday, December 19, 2023 at 5:00 p.m.

**SUMMARY:** Proposed development of a new multi-family apartment complex of three buildings containing 27 dwelling units.

**REQUEST:** An Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, two Tree Removal Permits, and Class 1 Design Review for development of a new multi-family apartment complex containing 27 dwelling units, with three Class 2 Adjustments to:

- (1) Allow off-street parking between buildings and Wind Park Street NE, per SRC 702.020(d)(2);
- (2) Reduce the setback of proposed Building 3 from 35 feet to 15 feet at the northeast corner of the development site, per SRC 702.020(e)(2); and
- (3) Allow the buildings to be oriented toward the interior of the lot and not provide primary entrances facing and with direct access to the street, per SRC 702.020(e)(5).

The subject property is approximately 1.61 acres in size, zoned RM-I (Multiple Family Residential), and located at 4963 Center St NE - 97301 (Marion County Assessor's Map and Tax Lot number: 072W29BA / 200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Tuesday, December 19, 2023**, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Peter Domine, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2311; E-Mail: [pdomine@cityofsalem.net](mailto:pdomine@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

1. I have reviewed the proposal and have no objections to it.

2. I have reviewed the proposal and have the following comments: See attached

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name/Agency: David Fridenmaker, Salem-Keizer Public School

Address: 2450 Lancaster Dr NE, PO Box 12024, Salem OR 97309

Phone: 503-315-0232

Email: fridenmaker\_david@salkeiz.k12.or.us

Date: 12/14/2023

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



Andrea Castañeda, Superintendent

December 14, 2023

Peter Domine, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. UGA-SPR-ADJ-DAP-DR-TRP23-04, 4963 Center St NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Auburn	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Auburn	Elementary	592	678	87%
Houck	Middle	836	1,071	78%
North Salem	High	2,117	2,248	94%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	27	MF	0.164	4
Middle			0.085	2
High			0.096	3

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Auburn	Elem.	592	21	4	25	678	91%
Houck	Mid.	836	72	2	74	1,071	85%
North Salem	High	2,117	85	3	88	2,248	98%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Auburn	Elementary	Walk Zone
Houck	Middle	Eligible for School Transportation
North Salem	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	Auburn	\$83,655	\$334,620
Middle	Houck	\$101,069	\$202,138
High	North Salem	\$118,482	\$355,446
<b>TOTAL</b>			<b>\$892,204</b>

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

Sincerely,

David Fridenmaker  
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation



## RESPONSE TO REQUEST FOR COMMENTS

**DATE:** 12/18/2023

**CASE/APP NUMBER:** UGA-SPR-ADJ-DAP-DR-TRP23-04

**PROPERTY LOCATION:** 4963 Center Street NE, Salem OR 97301

**CASE MANAGER:** Peter Domine, Planner II, City of Salem

**Email:** pdomine@cityofsalem.net

**COMMENTS FROM:** Jolynn Franke, Transit Planner I

**Email:** planning@cherriots.org

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

The transit stop shall be located at or near the pedestrian connection depicted in the southwest corner of the property in the site plan drawings distributed with the Notice of Filing (see screenshot of following page). The exact location of the transit stop shall be agreed upon between the developer and Cherriots Planning staff prior to construction. A site visit may be arranged if necessary.

Design and construction of the transit stop shall conform to Cherriots standard bus stop design package included in the following pages. Specifically –

- C1 – Bus Stop Pads Layout (Bus Stop Pads – Planter Strip (12' Wide or Less))
- C8 – No Parking Zones at Intersections Detail (Midblock Stop)

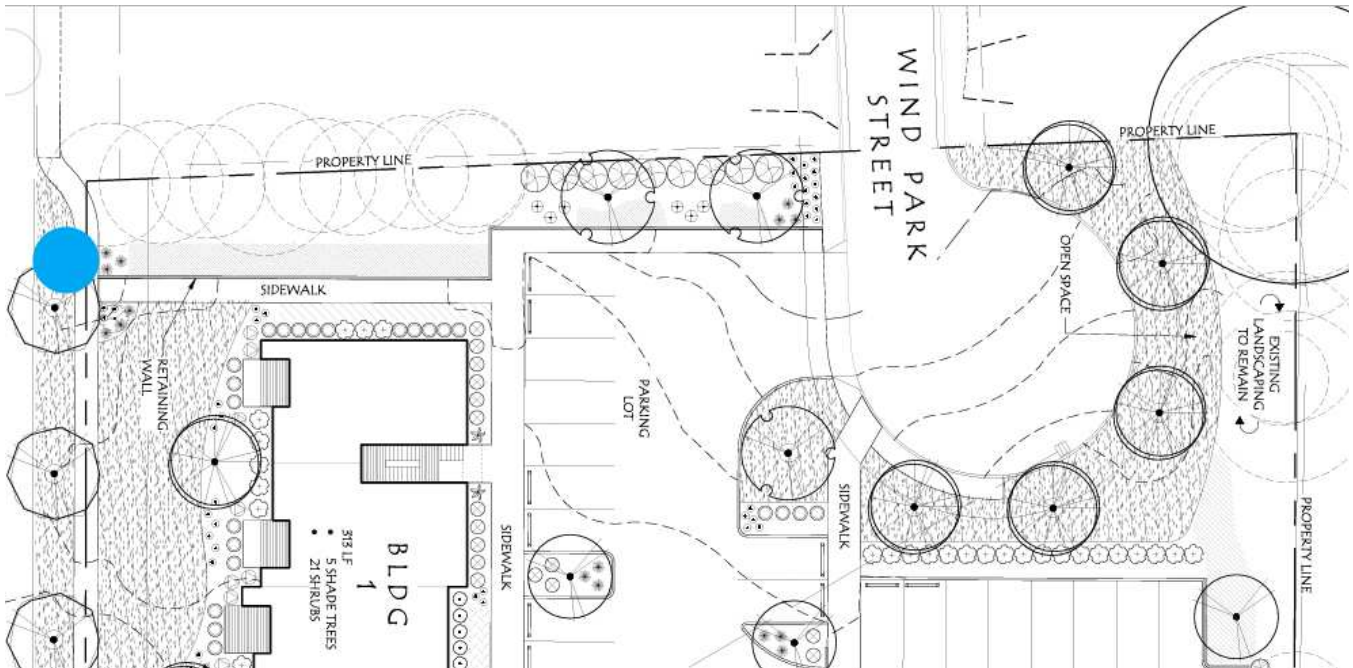
Cherriots standard design package also includes sidewalk, curb, and easement details should they be needed. Transit stop pole and sign will be provided and installed by



Cherriots staff. Cherriots requests that final design of the transit stop be submitted to Cherriots staff at [planning@cherriots.org](mailto:planning@cherriots.org) for approval prior to construction.

Any questions should be directed by email to [planning@cherriots.org](mailto:planning@cherriots.org).

Blue dot indicates approximate location of transit stop:



**From:** John Rasmussen <JRasmussen@co.marion.or.us>  
**Sent:** Monday, December 11, 2023 1:24 PM  
**To:** Peter Domine  
**Subject:** 23-114785-PLN

Peter,


MCPW Engineering has the following comment:

Marion County has permitting authority over Cordon Road, which is outside City limits. It is anticipated that the development will trigger frontage improvements, where such are lacking. The County's ultimate cross-section for Cordon Rd, not unlike the City's, includes a 10-foot wide multi-use pedestrian/bike path on its west side. There are options for locating the path, in public R/W, or if constrained due to various factors, within an easement on private property. If the path were to be in the R/W, the City should condition land use approval obligating the Developer enter into a Development Agreement with the County to design and permit the path if in R/W. In any case, the path should be constructed of Portland Cement Concrete in order to reliably meet ADA criteria.



**John Rasmussen, PE | Civil Engineer Associate 3**  
**Land Development Engineering & Permits**  
**Engineering Division, Marion County Public Works**

 [jrasmussen@co.marion.or.us](mailto:jrasmussen@co.marion.or.us)

 (503) 584-7706 (office) 