

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

**URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN
REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT
/ TREE REMOVAL PERMIT CASE NO.: UGA-SPR-ADJ-DAP-TRP24-02**

APPLICATION NO.: 23-114876-PLN

NOTICE OF DECISION DATE: April 2, 2024

REQUEST: An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review for the development of a new 186-unit multi-family residential development, Class 2 Driveway Approach Permits for three new driveway approaches, Tree Removal Permits for the removal of nine significant trees, and the following Class 2 Adjustments:

- 1) To increase the 10-foot maximum setback requirement for buildings adjacent to a street per SRC 534.015(c), Table 534-3, for proposed buildings 1, 2, 3, 5, 6, 7 and 8;
- 2) To adjust landscaping and screening requirements for the vehicle use area adjacent to the interior lot line to the west per SRC 534.015(c), Table 534-4;
- 3) To adjust the zone-to-zone setback and screening requirement for proposed Building 1 abutting the western property line from approximately 32.5 47.5 feet per SRC 534.015(c), Table 534-4, to approximately 10 feet;
- 4) To increase the maximum horizontal ground floor separation requirement from 10 feet per SRC 534.015(h), Table 534-6, to approximately 17 feet for proposed Building 3 adjacent to Settlers Spring Drive NW;
- 5) To reduce the minimum 50 percent weather protection requirement for residential uses per SRC 534.015(h), Table 534-6, for proposed buildings 1, 2, and 3;
- ~~6) To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet;~~
- 7) To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street; and
- 8) To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.

The subject property is approximately 7.2 acres in size, zoned MU-II (Mixed Use-II), and located at 2916 Orchard Heights Road NW 97304 (Polk County Assessor's map and tax lot number: 073W17 / 02500).

APPLICANT: Hans Christiansen

LOCATION: 2916 Orchard Heights Road NW, Salem OR 97304

CRITERIA: Salem Revised Code (SRC) Chapters 200.025(d) – Urban Growth Preliminary Declaration, 220.005(f)(3) – Class 3 Site Plan Review, 250.005(d)(2) –

Class 2 Adjustment, 804.025(d) – Class 2 Driveway Approach Permit, and 808.030(d)(1) and (5) – Tree Removal Permit

FINDINGS: The findings are in the attached Decision dated April 2, 2024.

DECISION: The **Planning Administrator APPROVED** Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree and Vegetation Removal Permit Case No. UGA-SPR-ADJ-DAP-TRP24-02 subject to the following conditions of approval:

- Condition 1:** Prior to building permit approval, the applicant shall update the plans to demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.
- Condition 2:** A minimum of two replacement trees shall be incorporated into the landscape plan for each tree removed from the setback area. Trees required to be replanted per this section are in addition to the minimum landscaping requirements of this chapter.
- Condition 3:** The applicant's site plan shall either be revised to demonstrate compliance with the protection measures during construction in SRC 808.046 for Trees 8 and 11, or the applicant may apply for a Tree Removal Permit to remove these trees.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Orchard Heights Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Along Orchard Heights Road NW, relocate the curblin sidewalk to the new property line and provide landscape strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks may remain curblin at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).
- Condition 6:** Along Settlers Spring Drive NW, provide property line sidewalks, planter strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Obtain a street tree removal permit pursuant to SRC Chapter 86.
- Condition 8:** Install street trees to the maximum extent feasible along Orchard Heights Road NW and Settlers Spring Drive NW.
- Condition 9:** Permanently close the existing driveway approach onto Orchard Heights Road NW and replace with curbs, sidewalks, and planter strip improvements.
- Condition 10:** The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an

adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* W-2 water mains and the Orchard Heights W-2 Water Pump Station, or
- b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.

Condition 11: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS) or receive approval for a design Exception from the City Engineer.

Condition 12: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

Condition 13: A minimum of two replacement Oregon White Oaks shall be incorporated into the landscape plan and planted for each significant tree removed from the subject property.

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 Area Preliminary Declaration:	<u>April 23, 2026</u>
Class 3 Site Plan Review:	<u>April 23, 2028</u>
Class 2 Adjustment:	<u>April 23, 2028</u>
Class 2 Driveway Approach Permit:	<u>April 23, 2028</u>
Tree Removal Permit:	<u>No Expiration Date</u>

Application Deemed Complete:	<u>January 24, 2024</u>
Notice of Decision Mailing Date:	<u>April 2, 2024</u>
Decision Effective Date:	<u>April 23, 2024</u>
State Mandate Date:	<u>July 2, 2024</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

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, no later than 5:00 p.m., Wednesday, April 17, 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 Chapters 200, 220, 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 AREA PRELIMINARY)	
DECLARATION, CLASS 3 SITE PLAN)	
REVIEW, CLASS 2 ADJUSTMENT,)	
CLASS 2 DRIVEWAY APPROACH PERMIT,)	
AND TREE REMOVAL PERMIT)	
CASE NO. UGA-SPR-ADJ-DAP-TRP24-02)	
2916 ORCHARD HEIGHTS RD NE – 97304)	APRIL 2, 2024

In the matter of the applications for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree Removal Permit submitted by the applicant and property owner, Evergreen Housing Development Group LLC, represented by Jim Stephens and Hans Christiansen, 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 186-unit multi-family residential development containing nine residential buildings and a clubhouse/amenity space.

Request: An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review for the development of a new 186-unit multi-family residential development, Class 2 Driveway Approach Permits for three new driveway approaches, Tree Removal Permits for the removal of nine significant trees, and the following Class 2 Adjustments:

- 1) To increase the 10-foot maximum setback requirement for buildings adjacent to a street per SRC 534.015(c), Table 534-3, for proposed buildings 1, 2, 3, 5, 6, 7 and 8;
- 2) To adjust landscaping and screening requirements for the vehicle use area adjacent to the interior lot line to the west per SRC 534.015(c), Table 534-4;
- 3) To adjust the zone-to-zone setback and screening requirement for proposed Building 1 abutting the western property line from approximately ~~32.5~~ 47.5 feet per SRC 534.015(c), Table 534-4, to approximately 10 feet;
- 4) To increase the maximum horizontal ground floor separation requirement from 10 feet per SRC 534.015(h), Table 534-6, to approximately 17 feet for proposed Building 3 adjacent to Settlers Spring Drive NW;
- 5) To reduce the minimum 50 percent weather protection requirement for residential uses per SRC 534.015(h), Table 534-6, for proposed buildings 1, 2, and 3;
- ~~6) To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet;~~
- 7) To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street; and
- 8) To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.

The subject property is approximately 7.2 acres in size, zoned MU-II (Mixed Use-II), and located at 2916 Orchard Heights Road NW – 97304 (Polk County Assessor's map and tax lot number: 073W17 / 02500).

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 20, 2023, a consolidated application for an Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree Removal Permit was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.

On February 26, 2024, the applicant was granted a 30-day time extension to the 120-day state mandated decision deadline, extending the deadline from May 23, 2024, to June 22, 2024. On March 29, the applicant was granted a second extension, extending the deadline from June 22, 2024 to July 2, 2024.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 114876.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On March 2, 2023, the applicant's representative contacted the WSNA Chair and Land Use Chair informing them of the proposed project. On May 3, 2023,

the applicant attended a regular WNSA meeting and provided a presentation of the proposed development.

Neighborhood Association Comment: Notice of the application was provided to the West Salem Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Comments were received from the West Salem Neighborhood Association during the public comment period dated February 5, 2024, and included as **Attachment D**, indicating the following:

- 1) *Comments from the West Salem Neighborhood Association address concerns for traffic safety in the area, specifically relating to requests for adjustments that allow access onto Orchard Heights Road NW. In addition, concerns are raised regarding the adjustment for the northerly driveway onto Settlers Spring Drive NW.*

Staff Response: Staff and The Assistant City Traffic Engineer reviewed the proposed site plan and the applicant's Traffic Impact Analysis (TIA) against relevant sections of the Salem Revised Code and the Public Works Design Standards and finds no evidence that the proposed driveway onto Orchard Heights Road NW will impact traffic safety in the vicinity. Specifically, the TIA identifies that the proposed driveway onto Orchard Heights Road NW does not create a safety or operational issue; the Assistant City Traffic Engineer agrees with the findings of the TIA. In addition, Denying the adjustment to the spacing standards to allow a driveway to Orchard Heights Road would result in a redesign of the site plan and would likely create a need for a third driveway to Settlers Spring Drive. If a driveway approach onto Orchard Heights Road NW is not approved, all of the traffic from this development would be utilizing Settlers Spring Drive and the neighborhood streets to access the arterial and collector streets in the vicinity. It should also be noted that the need for the adjustment to the driveway spacing standard along Orchard Heights Road NW is due to the proximity of an existing driveway that serves the Salem Electric Substation, which generates very little traffic. As such, staff finds that the proposal equally meets the development standards, as described in the written findings of this report.

- 2) *The West Salem Neighborhood Association requests that a "Trip Cap" be placed on the proposed development to limit vehicle trips generated by the development.*

Staff Response: A "Trip Cap" evaluation is appropriate for a Comprehensive Plan Map Amendment and Zone Change, and is not a requirement for this Site Plan Review Application. The applicant has not requested a Comprehensive Plan Change/Zone Change that would require staff to evaluate a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) as those only apply to requests for Comprehensive Plan Change/Zone Changes. As required by SRC 803.015(b)(1), the applicant did submit a Traffic Impact Analysis (TIA) as part of the application package. The TIA indicated there was no required mitigation at any of the studied intersections, and included no recommendations for a trip cap for the subject property. The Assistant City Traffic Engineer reviewed the TIA and agrees with the findings.

Applicant Response to Neighborhood Association Comments: The applicant submitted a Technical Memorandum from their Traffic Engineer in response to the traffic-related comments raised by the Neighborhood Association dated March 4, 2024, and included as **Attachment E**.

The applicant's response reiterates that Traffic Impact Analysis, required under SRC 803.0015(b)(1), found that all impacted intersections and site accesses will operate according to the City of Salem's and the Transportation Engineering industry's standards for safety and operations. The response also provides additional information regarding the driveway approach adjustments requested and generally concludes the requested adjustments do not create safety or operational hazard.

Staff Response: The Assistant City Traffic Engineer has reviewed the applicant's Traffic Impact Analysis, Supplemental Technical Memo in Response to Comments, site plans, and comments submitted and agrees with the findings in the TIA and Supplemental Technical Memorandum. Staff finds that based on the information submitted in the record, the requested adjustments relating to driveways and access are appropriate for approval based on the written findings provided.

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.

Twenty public comments were received during the public comment period indicating the following concerns:

- 1) *Concerns were expressed regarding additional traffic generated by the development and how the proposed development would contribute to mitigation of traffic in the area.*

Staff Response: Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. In addition, the TIA identifies that the proposed driveway approaches meet City of Salem mobility standards and sight distance requirements. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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.

- 2) *Concerns were expressed regarding the potential adverse impact of the development on property values in the area.*

Staff Response: Effect on property values is not a criterion under the Salem Revised Code for granting or denying this consolidated application for a proposed multi-family residential development. Multiple Family Residential uses are allowed as an outright permitted use in the MU-II (Mixed Use-II) zone; the applicant is not required to demonstrate that property values will not be adversely affected to allow the proposed use.

3) *Concerns were expressed regarding safety of the proposed driveway accesses from Orchard Heights Road NW and from Settlers Spring Drive NW.*

Staff Response: This concern was addressed in the response to comments received from the West Salem Neighborhood Association.

4) *Lack of available on-site parking and inadequate street parking in the area.*

Staff Response: Orchard Heights Road NW is classified as an arterial street according to the Salem TSP and no on-street parking is allowed along this street frontage. Settlers Spring Drive NW is classified as a local street according to the Salem TSP and allows for parking on both sides of the street unless otherwise restricted. Public streets are intended to provide on-street parking for adjacent development. The proposed development is also providing off-street parking as part of the development proposal.

5) *Concerns were expressed regarding the removal of significant trees and loss of wildlife habitat.*

Staff Response: Tree preservation and removal is regulated under the City's tree preservation ordinance (SRC Chapter 808). As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed development that identifies a total of 24 trees on the property, each of which are significant trees (Oregon white oaks with a diameter at breast height of 20 inches or greater).

Of the 24 significant trees on the subject property, nine are proposed for removal, and 15 will be protected and preserved. Removal of each of the nine significant trees is discussed in Section 11 of this report. In summary, removal of the nine significant trees was found to be necessary because of no reasonable design alternatives that would enable their preservation as well as allow for the reasonable development of the subject property. To mitigate the removal of significant trees, the applicant has agreed to replant new Oregon White Oaks which will be incorporated into the landscaping plan for the proposed development.

The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as "Mixed Use," which anticipates that the property will be developed with uses permitted by the zoning code. Loss of wildlife habitat is not a criterion for granting or denying an application for development.

6) *Concerns were expressed for public safety.*

Staff Response: Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for this applicant do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed development would exceed what would otherwise occur from any other legal development of property within the City.

7) *Concerns were expressed regarding the capacity of schools in the area.*

Staff Response: Salem Keizer Public Schools has reviewed the proposal and provided a memo dated February 5, 2024, which is included in the attachments, outlining the impact of the proposed development on the Salem-Keizer School District.

8) Concerns regarding impacts to water pressure in the area.

Staff Response: The development will construct a temporary water boost pump station to provide adequate water pressure to the proposed development. Similar to the proposed development, existing development in the surrounding neighborhood was approved under a temporary facilities access agreement that determined temporary W-1 water service provides water pressure that complies with Oregon Health Authority and fire code standards.

9) Concerns were raised that the proposed development would adversely impact quality of life for residents in the area, including excessive noise, light, and loss of privacy.

Staff Response: The subject property is located within a developed residential area within the corporate limits of the City of Salem, noise impacts from future residences in the proposed development are not expected to exceed what would occur from the presumed development of land within the City zoned for residential development. Approval criteria for the proposed development does not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development would interfere with the safe and healthful use of neighboring properties in the vicinity.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Planning and Development Department enforces these noise regulations.

SRC Chapter 800 regulates exterior lighting, and the proposed development is subject to these regulations. SRC 800.060 states the following: "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 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 Planning and Development Department enforces these light regulations.

Future development on the proposed lots would be subject to the development standards set forth in SRC Chapter 534, which include requirements for maximum height, setbacks, landscaping, and screening that are intended to ensure that development does not adversely impact the privacy of adjacent properties.

4. City Department Comments

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

Building and Safety Division – Reviewed the proposal and indicated that all buildings shall maintain fire separation distance of 20ft or be rated construction. All accessible parking to meet 2018 OTC standard for signage and striping.

Fire Department – Reviewed the proposal and indicated that Fire department access is required to be provided within 150' of all portions of the buildings as measured along an approved route. Buildings that exceed 30 feet in height as measured per the OFC (D105.1) will require a 30-foot-wide fire department aerial access road. Fire hydrants will be required within 600 feet of all portions of sprinklered buildings and 400 feet of non-sprinklered buildings. FDC shall be within 100 feet of a fire hydrant in an approved location. Note: measurements are made along an approved route, and fire department access will be verified at the time of building permit plan review.

5. Public Agency Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo dated February 5, 2024, and which is included as **Attachment G**.

Cherriots – Reviewed the proposal and provided comments dated January 31, 2024, which are included as **Attachment H**. In Summary, Cherriots indicates that the development will be served by Cherriots Local Route 26, which is within walking distance of Titan Drive NW.

Salem Electric – Reviewed the proposal and indicated that Salem Electric will provide electric service to the site according to the rates and polies applicable at the time of construction.

DECISION CRITERIA

6. Analysis of Urban Growth Area Preliminary Declaration Approval Criteria

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

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities.

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

(1) The required facilities necessary to fully serve the development;

(2) The extent to which the required facilities are in place or fully committed.

- 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.*

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). Orchard Heights Road NW and Settlers Spring Drive NW abutting the property meet the linking street requirements established in SRC 200.005(b); therefore, no linking street improvements are required.

SRC 200.060—Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Settlers Spring Drive NW abutting 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).

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 Orchard Heights Road NW and Settlers Spring Road NW abutting the subject property. 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 subject property is located within the W-1 and W-2 water service levels. There are existing W-1 water facilities located in Orchard Heights Road NW and Settlers Spring Drive NW. There are no W-2 water facilities available to serve the W-2 portion of the property. The applicant proposes to connect the entire development to the existing W-1 water system and provide a private temporary booster pump station until W-2 service becomes available. Pursuant to SRC 200.080, where a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to

access temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

W-2 water will not become available to serve the development site until additional W-2 public mains and the Orchard Heights W-2 Water Pump Station is constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, staff recommends payment of a temporary access fee for the required W-2 facilities. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary W-2 water service level facilities. The temporary access fee is based on the eligible SDC costs for creating new system capacity, which includes the cost to construct the Orchard Heights W-2 Water Pump Station and associated water mains to connect the new system to existing facilities. Total facility costs are \$14,464,372, based on current Engineering News-Record (ENR) average costs. These facilities will serve 398.5 acres of land, according to the *Salem Water System Master Plan*. The temporary access fee is established at \$36,300 per acre ($\$14,464,372 \text{ total costs} / 398.5 \text{ acres served} = \$36,300 \text{ per acre}$) based on current estimated costs available at the time of this decision. The established fee is subject to inflationary adjustments based on the current ENR rate determined at the time of submittal of a complete building application for development of the subject property.

Needed Improvement: The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* W-2 water mains and the Orchard Heights W-2 Water Pump Station, or
- b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.

SRC 200.075—Standards for Park Sites

Finding: The proposed development is served by Grice Hill Park, located directly north of the subject property. No additional Park improvements are required.

7. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal includes development of a new 186-unit multi-family residential use containing nine residential buildings, a clubhouse/amenity space, and site improvements including common open space areas, off-street parking area, maintenance and service

buildings, solid waste service areas, and landscaping for property zoned MU-II. The following is a summary of the applicable use and development standards for the proposed development.

Use and Development Standards – MU-II (Mixed Use-II) Zone:

SRC 534.010 – Uses:

Finding: A multiple family residential use is proposed. Per Table 534-1, multi-family residential uses are allowed as a permitted use in the MU-II zone.

SRC 534.015(a) – Lot Standards:

There are no minimum lot area or lot dimensional requirements in the MU-II zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The MU-II zoned portion of the subject property has approximately 451 feet of frontage along Orchard Heights Road NW and approximately 703 feet of frontage along Settlers Spring Drive NW, in compliance with the lot standards of the MU-II zone.

SRC 534.015(b) – Dwelling Unit Density:

For development within the MU-II zone that is exclusively residential, a minimum density of 15-dwelling units per acre is required. There is no maximum dwelling unit density in the MU-II zone.

Finding: The subject property is approximately 7.2 acres in size, requiring a minimum of 108 dwelling units ($7.2 \times 15 = 108$). A total of 186 dwelling units are proposed in the MU-II zoned portion of the development site, in compliance with density standards of the MU-II zone.

SRC 534.015(c) – Setbacks:

North: Adjacent to the north is right-of-way for Orchard Heights Road NW. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 534.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10-foot setback per SRC Chapter 806.

Finding: Proposed buildings 1, 2 and 3 abut Orchard Heights Road NW to the north, each building exceeds or has portions of the building that exceed the maximum 10-foot setback allowance. The applicant has requested an adjustment to increase the maximum setback allowance, findings for the Adjustment are included in Section 9 of this report. Accessory structure and vehicle use area setbacks are met.

South: Adjacent to the south is property zoned RA (Residential Agriculture) and RS (Single Family Residential). Adjacent to residential zones there is a minimum 10-foot setback, plus 1.5 feet for each 1 foot of building height above 15 feet. Vehicle use areas require a minimum five-foot setback. Type C landscaping is required along the southern property line which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence, wall, or hedge.

Finding: Proposed buildings 8 and 9, a maintenance building, and vehicle use area are located near the southern boundary.

Proposed Building	Building Height	Min. Setback	Proposed Setback
Building 8	37 feet	43 feet	79 feet
Building 9	35.5 feet	41 feet	105 feet
Vehicle Use Area	NA	5 feet	30 feet
Maintenance Building	12 feet	10 feet	72 feet

The site plan indicates a six-foot-tall sight obscuring fence will be installed along the southern boundary. All applicable setbacks to the southern property line are met.

East: Adjacent to the east is right-of-way for Settlers Spring Drive NW. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 534.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6–10-foot setback per SRC Chapter 806.

Finding: Proposed buildings 3, 5, 6, 7, and 8 abut Settlers Spring Drive NW to the east, each building exceeds or has portions of the building that exceed the maximum 10-foot setback allowance. The applicant has requested an adjustment to increase the maximum setback allowance, findings for the Adjustment are included in Section 9 of this report. Accessory structure and vehicle use area setbacks are met.

West: Adjacent to the west is property zoned RA (Residential Agriculture). Adjacent to residential zones there is a minimum 10-foot setback, plus 1.5 feet for each 1 foot of building height above 15 feet. Vehicle use areas require a minimum five-foot setback. Type C landscaping is required along the southern property line which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence, wall, or hedge.

Finding: Proposed buildings 1, 4, and 9, and vehicle use area are located near the western boundary.

Proposed Building	Building Height	Min. Setback	Proposed Setback
Building 1	40 feet	47.5 feet	10.9 feet
Building 4	38 feet	44.5 feet	87 feet
Building 9	35.5 feet	41 feet	48 feet
Vehicle Use Area	NA	5 feet	10 feet

The applicant has requested an adjustment to reduce the minimum setback requirement for proposed Building 1 from 47.5 feet to approximately 10.9 feet adjacent to the western property line, findings for the Adjustment are included in Section 9 of this report. All other applicable setbacks to the western property line are met.

SRC 534.015(d) – Lot Coverage, Height, Building Frontage:

There is no maximum lot coverage standard in the MU-II zone. The maximum height allowance of 55 feet. The minimum building frontage requirement is 50 percent, for corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40 percent.

Finding: The applicant's statement and development plans indicate that the proposed buildings will vary in height, with Building 8 being the tallest proposed building at a height of approximately 38 feet, less than the maximum height allowance.

The subject property is a corner lot and Orchard Heights Road NW has a higher street classification than Settlers Spring Drive NW. A minimum of 50 percent of the frontage along Orchard Heights Road NW, or 226 feet ($451 \times 0.50 = 225.5$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 273.8 feet (60.7 percent) of the frontage along Orchard Heights Road NW will be occupied by buildings placed at the setback line, in compliance with this section.

A minimum of 40 percent of the frontage Settlers Spring Drive NW, or 281 feet ($703 \times 0.4 = 281.2$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 366.6 feet (43.4 percent) of the frontage along Settlers Spring Drive NW will be occupied by buildings placed at the setback line, in compliance with this section.

SRC 534.015(e) – Parking:

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

Finding: A new standalone surface parking lot is not proposed.

SRC 534.015(f) – Landscaping:

- (1) **Setbacks.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 534.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

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

SRC 534.015(g) – Continued Development:

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

Finding: All existing buildings and structures on the property will be removed prior to development; the site does not qualify as continued development.

SRC 534.015(h) – Pedestrian-Oriented Design:

Development within the MU-II zoned portion of the property shall conform to the pedestrian-oriented design standards set forth in Table 534-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

Finding: Ground floor residential units for Buildings 1, 2, 3, 5, 6, 7, and 8 that front directly on Orchard Heights Road NW and Settlers Spring NW each have a 10' ground floor ceiling height in compliance with this provision.

Separation of Ground Floor Residential Uses		
Requirement	Standard	Limitations & Qualifications
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscape area such as private open space or hardscaped area such as a plaza.

Finding: The applicant's statement indicates that vertical separation will be provided for proposed buildings 1, 2, and 3 adjacent to Orchard Heights Road NW, with change in elevations between the abutting sidewalk and entry ranging from 1.5 feet to 2 feet, in compliance with this standard.

For proposed building 3 abutting Settlers Spring Drive NW, an adjustment is being requested to increase the maximum horizontal separation from 10 feet to approximately 17 feet, findings for the Adjustment are included in Section 9 of this report.

Vertical separation will be provided for proposed buildings 5, 6, 7, and 8 adjacent to Settlers Spring Drive NW, with change in elevations between the abutting sidewalk and entry ranging from 1.5 feet to 3 feet, in compliance with this standard.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: <ol style="list-style-type: none"> 1. Change in materials. 2. Change in color. 3. Molding or other horizontally-articulated transition piece.
		b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: <ol style="list-style-type: none"> 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building.
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials from the upper floors, with that material being a minimum of eight inches tall. 3. Offsets or breaks in roof elevation that are a minimum of three feet in height.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

Finding: Orchard Heights Road NW is a minor arterial street meeting the definition of primary street. Settlers Spring Drive NW is designated as a local street and is considered a secondary street. This standard is applicable for building facades abutting Orchard Heights Road NW and the first 50 feet of frontage along Settlers Spring Drive NW. This standard applies to the northern building facades for proposed buildings 1, 2, and 3, as well as the eastern façade of building 3.

The applicant's plans and statement indicate that the base elevations are distinguished from the upper portion of the buildings using different materials and colors. Middle facades include vertically oriented window and modulations at the decks. Top floors include pitched roofs, accent gable roof forms, and overhangs which provide breaks in the roof elevation. The proposal is in compliance with this development standard.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 30%	For the purposes of this standard, ground floor building façade shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Finding: Orchard Heights Road NW is designated as a minor arterial in the Salem TSP and Settlers Spring Drive NW is a local street, this standard only applies to ground floors for proposed buildings 1, 2, and 3 along Orchard Heights Road NW.

Proposed building 1 includes windows on the ground floor façade that are six feet or more in height and cover approximately 55.3 percent of the façade using the lineal calculation method (38 feet of window length / 68.75 feet of building length = 55.27), exceeding the minimum standard.

Proposed buildings 2 and 3 include windows on the ground floor facade that are six feet or more in height and cover approximately 55.4 percent of the façade using the lineal calculation method (76 feet of window length / 137.25 feet of building length = 55.37), exceeding the minimum standard.

Building Entrances		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Required	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		Building entrances shall include weather protection.

Finding: Orchard Heights Road NW is designated as a minor arterial in the Salem TSP and Settlers Spring Drive NW is a local street, this standard only applies to ground floors for proposed buildings 1, 2, and 3 along Orchard Heights Road NW.

Proposed buildings 1, 2, and 3 each include a direct connection from the public sidewalk on Orchard Heights Road NW to shared primary entrances. Weather protection is provided at each entrance in compliance with this development standard.

Weather Protection		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors adjacent to a street.	Min. 50%	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		Awnings or canopies shall have a minimum clearance height above the sidewalk or ground

Weather Protection		
Requirement	Standard	Limitations & Qualifications
		surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

Finding: The applicant has requested an Adjustment to reduce the weather protection requirement for building facades of proposed Buildings 1, 2, and 3 abutting Orchard Heights Road NW as well as Building 3's frontage along Settlers Spring Drive NW, findings for the adjustment are included in Section 9 of this report. Proposed Buildings 5, 6, 7, and 8 have frontage along Settlers Spring Drive NW, the ground floor building façade length is 78 feet for each building, and each building has approximately 50.5 feet of weather protection (64.85 percent), exceeding the minimum requirement.

Parking Location		
Requirement	Standard	Limitations & Qualifications
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The proposed off-street parking areas are located either behind or to the side of the proposed buildings and not in a location between the buildings or streets in compliance with this standard.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
This standard applies to mechanical and service equipment.	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

Finding: The proposed development plans and applicant's statement indicate that ground level mechanical equipment locations have not been determined, but will be screened in compliance with this standard. No rooftop mechanical equipment is proposed.

SRC 534.020 – Design review:

Design Review is not required for development within the MU-II zone.

Finding: Design Review under SRC Chapter 225 is not required for the proposed multi-family residential development.

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 that two solid waste service areas will be provided to serve the complex, located at the northwest near proposed building 1, and central portion of the development site near proposed building 7. The following is a summary of applicable design standards for the solid waste service areas.

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 statement indicates that the each of the solid waste service areas will be located on a 4 inch thick concrete pad. The pad will extend to a minimum of three feet beyond the front of the receptacles, in compliance with this 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: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

3) Vertical Clearance.

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

Finding: It does not appear that a roof is proposed for the solid waste service areas; therefore, this standard is not applicable.

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

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

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

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

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

Finding: The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this 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 applicant's statement and development plans indicate that the enclosures will have an opening of approximately 20 feet, in compliance with this provision.

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

Finding: The applicant's statement indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

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

Finding: Both enclosure opening widths are greater than 15 feet, the applicant's statement indicates that the gates will be able to swing at least 90 degrees in compliance with this standard. Although not indicated in the application materials, restrainers meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

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

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

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

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

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

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

Finding: The solid waste enclosures are uncovered, and there are no overhead vertical obstructions in the vehicle operation areas, in compliance with this section.

- 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: Proposed vehicle operations are provided in a direct approach into position, service vehicles are able to navigate the off-street parking area without a turnaround to exit the property, in compliance with this section.

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

Finding: Service vehicles are able to navigate the off-street parking area without a turnaround and are not required to back onto a street to exit the property, in compliance with this section.

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

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

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

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

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

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

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

SRC 800.065 – Pedestrian Access.

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

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

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 - Amount of Off-Street Parking.

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

Finding: The proposed development includes a total of 186 multi-family dwelling units, none of the proposed dwelling units are studio units. The maximum off-street parking allowance is 326 spaces (Non-Studio Units: $186 \times 1.75 = 325.5$). The proposed off-street vehicle use area has 270 parking spaces, less than the maximum allowance.

A maximum of 203 spaces may be compact parking spaces ($270 \times 0.75 = 202.5$), the site plan indicates that 68 spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

A minimum of 108 spaces are required for electrical vehicle charging ($270 \times 0.4 = 108$), the site plan indicates that 108 spaces will be provided for electrical vehicle charging, meeting this 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 the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. Except where an Adjustment has been requested, the proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 534 and 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas greater than 50,000 square feet in size, a minimum of 8% of the interior of the off-street parking area is required to be landscaped.

Finding: The application materials indicate the off-street parking area is approximately 92,160 square feet in size, requiring a minimum of 7,373 square feet of landscaping ($92,160 \times 0.08 = 7,372.8$). Approximately 7,415 square feet of interior landscape area is provided, exceeding the minimum requirement.

- 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 806-7.

Finding: The proposed off-street parking area includes a drive aisle that terminates at a dead-end. The turnaround areas at the end of the drive aisles are in compliance with the development standards of this section.

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

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is required for the proposed parking area where it abuts residentially zoned properties to the west and south. Six-foot-tall site-obscuring fencing is provided along the southern property line. The applicant has requested an adjustment to the setback and screening requirements to the western property line, findings for the Adjustment are included in Section 9 of this report.

Bicycle Parking

SRC 806.045 - General Applicability.

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

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

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

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

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-9, uses in the multi-family residential use category require a minimum of one space per dwelling unit. Table 806-9 allows 100 percent of the required bicycle parking spaces to be long-term.

Finding: The proposed development includes a total of 186 multi-family residential dwelling units, requiring a minimum of 186 bicycle parking spaces.

The applicant's site plan and written statement indicate that a total of 186 short term and long-term bicycle parking spaces are provided within dwelling units and throughout the exterior of development site, in compliance with the minimum requirement.

SRC 806.060 - Bicycle Parking Development Standards.

a) *Location.*

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

(2) *Long-term bicycle parking.*

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

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

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

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

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

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

Finding: The proposed site plan indicates that 112 short-term bicycle parking spaces are provided within 50 feet of primary building entrances in locations that are clearly visible from primary building entrances and distributed throughout the development site. Also proposed are 74 long-term bicycle parking spaces which are provided within dwelling units. However; some of the proposed long-term bicycle parking spaces are located on upper floors where elevator access is not provided. These long-term bicycle parking spaces do not meet the requirements of SRC 806.060(a)(2)(A)(i), and shall not be counted. At the time of building permit approval, the applicant will be required to update the development plans demonstrating the minimum

bicycle parking requirement is met with bicycle parking spaces meeting all applicable development standards of SRC Chapter 806.

Condition 1: Prior to building permit approval, the applicant shall update the plans to demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.

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

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

- c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
 - (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

Finding: As proposed and conditioned, short-term and long-term bicycle parking spaces meet the minimum dimensions requirements of Table 806-10.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. The minimum access aisle width is four feet.

Finding: As proposed and conditioned, access aisles serving the bicycle parking spaces have a minimum width of four feet.

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

Finding: As proposed and conditioned, bicycle parking areas that are located outside will be paved with concrete, in compliance with this standard.

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

- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of bicycle racks that do, and do not, meet these standards are shown in Figure 806-12.

Finding: Inverted staple racks or loops are proposed for short-term bicycle parking that will be securely anchored in concrete, and long-term bicycle parking will be provided by wall mounted racks within the interior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section. Additional bicycle parking spaces required to meet the minimum requirement for the proposed use will be evaluated for conformance with applicable development standards of SRC Chapter 806 at the time of building permit.

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.

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

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

SRC 806.075 - Amount of Off-Street Loading.

Per Table 806-11, multi-family residential uses containing 100-199 dwelling units require a minimum of two off-street loading spaces. Required loading spaces shall have a minimum width of 12 feet, minimum depth of 19 feet, and minimum overhead vertical clearance of 12 feet. If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

Finding: The applicant's site plan and statement indicate that two off-street loading spaces are provided for the proposed development, with one of the proposed loading spaces being provided near the proposed recreational/service building, in compliance with the standards of this section.

Landscaping

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

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

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

SRC 807.015(d) – Tree replanting requirements. In addition to the landscaping required under this chapter, when existing trees, as defined under SRC Chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

- 1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC Chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

Finding: Six trees are proposed for removal from required setbacks. The applicant indicates that these trees will be replaced at a rate of two new trees for each tree removed, consistent with the replanting requirements of this section.

Condition 2: A minimum of two replacement trees shall be incorporated into the landscape plan for each tree removed from the setback area. Trees required to be replanted per this section are in addition to the minimum landscaping requirements of this chapter.

- 2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Finding: There are a total of 24 trees located on the subject property, the applicant is proposing to preserve 15 of the trees and removing nine or 37.5 percent of the existing trees on the subject property. Because the removal does not exceed 75 percent, additional replanting is not required per this section.

Natural Resources

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

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

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height or any other tree with a DBH 30 inches or greater, but excluding tree of heaven [*Ailanthus altissima*], empress tree [*Paulownia tomentosa*], black cottonwood [*Populus trichocarpa*] and black locust [*Robinia pseudoacacia*]) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), 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.

Finding: There are 24 Oregon White Oak's located on the subject property that have a DBH of 20" or greater and which are considered significant trees. The applicant is requesting a tree removal permit to remove nine of the significant trees, and preserving 15 significant trees, findings for the tree removal permit are included in Section 11 of this report.

SRC 808.046 – Root Protection Measures During Construction.

Except where specific protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

- (a) *Trees.* All trees shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
 - (1) The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.
 - (2) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
 - (3) Notwithstanding SRC 808.046(a)(2):
 - (A) Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.

Finding: The applicant's site plan and statement indicate that proposed trees 12, 13, 16-22, 24, and 25 will be protected and preserved throughout development. Above ground fencing in compliance with this section will be provided for each of these trees, and no development will encroach into the critical root zones.

Trees 7, 8, 11, and 26 are significant trees that the applicant indicates will be preserved; however, the plans indicates that there will be development encroachments into the critical root zones of these trees.

Tree 7 has an approximate 12.3% encroachment into the critical root zone, and Tree 26 has an approximate 1.1% encroachment into the critical root zone. The Arborist Memo dated January 11, 2024 (**Attachment I**) indicates that these trees are healthy with no other significant defects and with recommended treatment outlined by the arborist, the minimal disturbance will not compromise the long-term health of the trees.

Tree 8 has an approximate encroachment of 42% and Tree 11 has an approximate encroachment of 32 percent, which exceeds the maximum encroachment allowance provided in SRC 808.046(a)(3)(A). The applicant indicates that an alternative critical root zone should be applied to these trees. SRC Chapter 808 does allow for alternative critical root zone measurements; however, this does not apply for significant trees. The applicant's site plan shall either be revised to demonstrate compliance with the protection measures during

construction in SRC 808.046 for Trees 8 and 11, or the applicant may apply for a Tree Removal Permit to remove these trees.

Condition 3: The applicant's site plan shall either be revised to demonstrate compliance with the protection measures during construction in SRC 808.046 for Trees 8 and 11, or the applicant may apply for a Tree Removal Permit to remove these trees.

As an alternative, the applicant may request an Adjustment to maximum disturbance allowed to the critical root zone provided by SRC 808.046(a)(3)(A). Findings from the applicant's arborist suggest that the critical root zone required by SRC Chapter 808 may be too large, and that Trees 8 and 11, with the impacts proposed, could reasonably survive construction. This alternative would allow the trees to remain during construction as proposed and would not require modification to the condition of approval listed above.

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

SRC 810 - Landslide Hazards: 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 mapped 2-to-3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Assessment prepared by Central Geotechnical Services, LLC, and dated June 29, 2023, was submitted to the City of Salem. The applicant's engineer submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

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 Orchard Heights Road NW to the north and Settlers Spring Drive NW to the east. Orchard Heights Road NW is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Orchard Heights Road NW meets the minimum pavement width standards according to the Salem TSP for a minor arterial street; however, lacks adequate right-of-way abutting the subject property. As a condition of approval, the applicant shall convey for dedication a half-width right-of-way up to 36 feet to Orchard Heights Road NW Street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. In addition, the applicant shall relocate the existing curblin sidewalks to the new property line in order to provide planter strips and street trees along the development frontage, as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC

803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*. As shown on the applicant's grading plan, there is a topographic break between the top of the driveway approach onto Orchard Heights Road NW and the internal drive aisles for the development. Grading is necessary to accommodate the proposed driveway approach; however, this grading does not accommodate the required property line sidewalks along the driveway approach due to topographic constraints. In order to allow necessary grading for the proposed driveway along Orchard Heights Road NW, the sidewalks may remain curblined at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

Condition 4: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Orchard Heights Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 5: Along Orchard Heights Road NW, relocate the curblined sidewalk to the new property line and provide landscape strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks may remain curblined at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

Settlers Spring Drive NE is classified as a local street according to the Salem TSP and has adequate right-of-way width and improvement width for a local street. However, Settlers Spring Drive NE lacks streetscape improvements including property line sidewalks and planter strips for street trees, as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC 803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*. As a condition of approval, along Settlers Spring Drive NW, the applicant shall construct property line sidewalks and planter strips and plant street trees along the development frontage as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC 803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*.

Condition 6: Along Settlers Spring Drive NW, provide property line sidewalks, planter strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The proposal does not include additional public streets through the development site to provide east-west connectivity from Settlers Spring Drive NW, as required under SRC 803.030 and SRC 803.035(a) for connectivity and block length standards. The applicant has requested an Alternative Street Standard to eliminate the required connection, and allow Settlers Spring Drive NW to have an increased block length pursuant to SRC 803.065. The existing block length of Settlers Spring Drive NW along the westerly right-of-way is 1,043-feet from the intersection of Settlers Spring Drive NW and Orchard Heights Road NW to the intersection of Settlers Spring Drive NW and Horse Clover Drive NW, exceeding the maximum block length of 600-feet (SRC 803.030(a)). The Director approves an Alternative Street Standard to allow Settlers Spring Drive NW to have an increased block length per SRC 803.065(a)(1) as the property to the west of the development site is federally owned, contains overhead power lines and access to a Salem Electric Station and is not likely to develop and does not warrant additional access to serve the directly adjacent property.

There are existing trees in the Settlers Spring Drive NW right-of-way that limit required improvements for property line sidewalks. These trees will likely need to be removed and replaced in order to accommodate property line sidewalks and plater strips. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. Prior to removal of these trees, the applicant shall obtain a street tree removal permit pursuant to SRC Chapter 86.

Condition 7: Obtain a street tree removal permit pursuant to SRC Chapter 86.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As conditioned, the development will provide street trees along Orchard Heights Road NW and Settlers Spring Drive NW.

Condition 8: Install street trees to the maximum extent feasible along Orchard Heights Road NW and Settlers Spring Drive NW.

Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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 subject property is currently served by one (1) driveway approach onto Orchard Heights Road NW. The applicant proposes to relocate the existing driveway on Orchard Heights Road NW west to meet spacing standards from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW. In addition, two new driveways onto Settlers Spring Drive NW are proposed, one of which will be restricted to right-in-only movements. As a condition of approval, the existing driveway approach onto Orchard Heights Road NW shall be permanently closed and replaced with streetscape improvements.

Condition 9: Permanently close the existing driveway approach onto Orchard Heights Road NW and replace with curbs, sidewalks, and planter strip improvements.

As part of the applicant's TIA, turn lane warrants were evaluated to determine whether or not a turn lane was required at the driveway approach onto Orchard Heights Road NW. The TIA concluded that a turn lane was not warranted and recommended no mitigation for the proposed access. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings. The proposed driveway accesses onto Orchard Heights Road NW and Settlers Spring Drive NW provides for safe turning movements into and out of the property.

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, and therefore; an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed

development is designed to accommodate required on-site and off-site improvements. Development Services has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets and with recommended conditions, are adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Water – The subject property is located within the W-1 and W-2 water service levels. There are existing W-1 water facilities located in Orchard Heights Road NW and Settlers Spring Drive NW. There are no W-2 water facilities available to serve the W-2 portion of the property. The applicant proposes to connect the entire development to the existing W-1 water system and provide a private temporary booster pump station until W-2 service becomes available. Pursuant to SRC 200.080, there a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to access temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

W-2 water will not become available to serve the development site until additional W-2 public mains and the Orchard Heights W-2 Water Pump Station is constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, staff recommends payment of a temporary access fee for the required W-2 facilities. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary W-2 water service level facilities. The temporary access fee is based on the eligible SDC costs for creating new system capacity, which includes the cost to construct the Orchard Heights W-2 Water Pump Station and associated water mains to connect the new system to existing facilities. Total facility costs are \$14,464,372, based on current Engineering News-Record (ENR) average costs. These facilities will serve 398.5 acres of land, according to the *Salem Water System Master Plan*. The temporary access fee is established at \$36,300 per acre ($\$14,464,372 \text{ total costs} / 398.5 \text{ acres served} = \$36,300 \text{ per acre}$) based on current estimated costs available at the time of this decision. The established fee is subject to inflationary adjustments based on the current ENR rate determined at the time of submittal of a complete building application for development of the subject property.

- Condition 10:** The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:
- a. Construct *Salem Water System Master Plan* W-2 water mains and the Orchard Heights W-2 Water Pump Station, or
 - b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.

Sewer – A public sanitary sewer main is located in Settlers Spring Drive NW and is available for use by the proposed development. No additional sanitary sewer improvements are required as a condition of approval.

Stormwater – There are existing public stormwater mains located in Orchard Heights Road NW and Settlers Spring Drive NW available for use by the proposed development. No additional public stormwater improvements are required as a condition of approval.

The development is considered a “large” project and requires stormwater detention and treatment and the use of Green Stormwater Infrastructure per SRC Chapter 71 and the Public Works Design Standards (PWDS). The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. However, the preliminary review of the stormwater report indicates the design may not meet Public Works Design Standards. Specifically, the stormwater design does not address stormwater management for all areas of the proposed development that drain into Settlers Spring Drive NW and the facility does not meet minimum setback standards from adjacent property. As a condition of approval, the applicant shall be required to design a storm drainage system that meets standards in the *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS). Alternatively, the applicant may apply for design exception(s) to deviate from the standards. Design exceptions shall be reviewed by the City Engineer.

Condition 11: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS) or receive approval for a design Exception from the City Engineer.

8. 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 the following Class 2 Adjustments:

- 1) To increase the 10-foot maximum setback requirement for buildings adjacent to a street per SRC 534.015(c), Table 534-3, for proposed buildings 1, 2, 3, 5, 6, 7 and 8;
- 2) To adjust landscaping and screening requirements for the vehicle use area adjacent to the interior lot line to the west per SRC 534.015(c), Table 534-4;
- 3) To adjust the zone-to-zone setback and screening requirement for proposed Building 1 abutting the western property line from approximately ~~32.5~~ 47.5 feet per SRC 534.015(c), Table 534-4, to approximately 10 feet;

- 4) To increase the maximum horizontal ground floor separation requirement from 10 feet per SRC 534.015(h), Table 534-6, to approximately 17 feet for proposed Building 3 adjacent to Settlers Spring Drive NW;
- 5) To reduce the minimum 50 percent weather protection requirement for residential uses per SRC 534.015(h), Table 534-6, for proposed buildings 1, 2, and 3;
- ~~6) To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet;~~
- 7) To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street; and
- 8) To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.

To increase the 10-foot maximum setback requirement for buildings adjacent to a street per SRC 534.015(c), Table 534-3, for proposed buildings 1, 2, 3, 5, 6, 7 and 8.

The applicant is requesting an Adjustment to increase the setback requirement for Buildings 1, 2, and 3 adjacent to Orchard Heights Road NW and for Buildings 3, 5, 6, 7, and 8, adjacent to Settlers Spring Drive NW from a maximum distance of 10 feet, per SRC 534.015(c), Table 534-3, to approximately 16 feet.

The applicant indicates that the purpose of the maximum setback requirement is to create visually appealing pedestrian-oriented development by encouraging construction of buildings as close to the street as possible.

The applicant is requesting an Adjustment to increase the maximum setback allowance for Building 1 adjacent to Orchard Heights Road NW from 10 feet to approximately 21 feet, indicating that grade changes in the vicinity of this building create a difficulty in placing the building any closer to the property line. The applicant is also requesting Adjustments to increase the maximum setback allowance for portions of proposed Buildings 2 and 3 adjacent to Orchard Heights Road NW. The site plan indicates that the majority of frontages for Buildings 2 and 3 will be placed at the 10-foot setback line, however, portions of the building frontages jog back from the setback line to provide horizontal building articulation and to accommodate private open space and articulated entryways. The proposal equally or better meets the intent of the standard by providing a majority of the building mass at the setback line, and does not detract from the purpose of promoting pedestrian-oriented development.

Along Settlers Spring Drive NW the applicant is requesting Adjustments to increase the maximum setback allowance for proposed Buildings 3, 5, 6, 7, and 8. The applicant indicates that topographic constraints at the intersection of Orchard Heights Road NW and Settlers Spring NW create a difficulty in placing the building any closer to the property line. For Buildings 5, 6, 7, and 8, the site plan indicates that the majority of the frontage for each building will be placed at the 10-foot setback line or closer, however, portions of the building frontages jog back from the setback line to provide horizontal building articulation and to accommodate private open space and articulated entryways. The proposal equally or better meets the intent of the standard by providing a majority of the building mass at the setback line, and does not detract from the purpose of promoting pedestrian-oriented development.

To adjust landscaping and screening requirements for the vehicle use area adjacent to the interior lot line to the west per SRC 534.015(c), Table 534-4.

SRC 534.015(c), Table 534-4 provides that where a vehicle use area abuts residentially zoned property a minimum five-foot-wide setback shall be provided meeting the Type C landscaping and screening requirements of SRC 807.015, Table 807-1. Type C landscaping and screening includes a minimum of one plant unit per 20 square feet of landscape area and the requirement for a minimum six-foot tall fence or wall.

The applicant indicates that the reason for the request to adjust the screening requirement is that the abutting property is occupied by a BPA (Bonneville Power Administration) transmission line and Salem Electric Substation. Because the abutting property is developed with public utility uses, and not residential uses, the applicant indicates that it is more appropriate to provide Type A landscaping and screening which would be required for a basic utility use in a PS (Public Services) zone. Type A landscaping requires a minimum of one plant unit per 20 square feet of landscape area, with no requirement for a six-foot tall fence or wall.

The distance provided between the proposed vehicle use area and the nearest possible future development to the west is 100 feet or greater, which is a physical separation that greatly exceeds the minimum setback standards applicable in the zoning code. Further, undeveloped property on the other side of the utility line is also zoned MU-II and would only require Type A landscaping and screening, with no fence if this was the abutting zone. The proposal to provide Type A landscaping and screening equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To adjust the zone-to-zone setback and screening requirement for proposed Building 1 abutting the western property line from approximately ~~32.5~~ 47.5 per SRC 534.015(c), Table 534-4, to approximately 10 feet.

SRC 534.015(c), Table 534-4 provides that where buildings and accessory structures abut residentially zoned property the minimum setback required is 10 feet, plus 1.5 feet for each one foot of building height above 15 feet. In the case of Building 1, which has a height of approximately 40 feet, the minimum setback required to the western property line abutting property zoned RA (Residential Agriculture) is 47.5 feet.

The applicant indicates that the reason for the request to adjust the screening requirement is that the abutting property is occupied by a BPA (Bonneville Power Administration) transmission line and Salem Electric Substation. Because the abutting property is developed with public utility uses, and not residential uses, the applicant indicates that it is more appropriate to provide a similar building setback that would be required abutting a basic utility use in a PS (Public Services) zone. Per Table 534-4, no building setback would be required adjacent to a public zone.

The distance provided between the proposed vehicle use area and the nearest possible future development to the west is 100 feet or greater, which is a physical separation that greatly exceeds the minimum setback standards applicable in the zoning code. Further, undeveloped property on the other side of the utility line is also zoned MU-II and would not require a minimum building setback if this was the abutting zone. The proposal to reduce the setback

requirement from 47.5 feet to approximately 10 feet equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To increase the maximum horizontal ground floor separation requirement from 10 feet per SRC 534.015(h), Table 534-6, to approximately 17 feet for proposed Building 3 adjacent to Settlers Spring Drive NW.

The applicant has requested an Adjustment to increase the horizontal separation requirement for proposed Building 3 adjacent to Settlers Spring Drive NW from a maximum distance of 10 feet, per SRC 534.015(h), Table 534-6, to approximately 17 feet.

Separation between ground floor residential uses and abutting streets can be provided either using vertical separation or horizontal separation. For vertical separation, the code requires a change of elevation between the entryway or habitable space and abutting sidewalk of between 1.5 feet and 3 feet. Due to topography in the area between proposed Building 3 and Settlers Spring Drive SE, it is not possible to provide vertical separation within the required range. Similar, the applicant has requested an Adjustment to increase the maximum setback requirement adjacent to a street from 10 feet to approximately 17 feet for proposed Building 3; therefore, it is not possible to provide horizontal separation within the required range.

In this case, the applicant indicates that the area provided between the ground floor residential habitable space and Settlers Spring Drive NW will be landscaped to provide privacy and separation between the residential use and public right-of-way, while maintaining and promoting pedestrian oriented development in a way that equally meets the intent of the separation standard.

To reduce the minimum 50 percent weather protection requirement for residential uses per SRC 534.015(h), Table 534-6, for proposed buildings 1, 2, and 3.

SRC 534.015(h), Table 534-6 provides that for residential uses, each building ground floor façade adjacent to a street is required to provide a minimum of 50 percent weather protection in the form of awnings or canopies. The applicant is requesting an Adjustment to reduce the minimum weather protection requirement for proposed Buildings 1, 2, and 3 adjacent to Orchard Heights Road NW and for proposed Building 3's frontage along Settlers Spring Drive NW.

The buildings will be setback 10-feet or greater away from the public sidewalk. Because of the distance between the building facades and public sidewalk, the intent of providing weather protection along the public sidewalk cannot be reasonably met. Even if addition weather protection was provided along the building façades, with no sidewalks to cover they would do little to create a more friendly pedestrian-oriented environment. The applicant indicates that each of the three buildings have a similar façade design with shared breezeway entrances providing pedestrian access from the sidewalk to the buildings. Weather protection is proposed at each of the building entrances facing Orchard Heights equally or better meeting the intent of this provision.

For proposed Building 3 facing Settlers Spring Drive NW, the applicant has requested an adjustment to increase the maximum setback distance for this building façade facing a street. The distance between the building façade and public sidewalk is approximately 17 feet. With

no building entrances or sidewalks abutting this façade, any weather protection provided would do little to create a more friendly pedestrian-oriented environment. Topography in the area around Building 3 provide additional complications in meeting this standard. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

~~To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet.~~

The applicant inadvertently requested an adjustment to SRC 804.030(c) to reduce the driveway spacing for the northern driveway approach onto Settlers Spring Drive NW. SRC 804.030(c) applies to collector streets:

Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.

Settlers Spring Drive NW is classified as a local street; therefore, there are no spacing standards for the northern driveway approach onto Settlers Spring Drive NW. This adjustment was applied for by mistake; the proposal meets applicable driveway standards. As such, this adjustment is withdrawn from the application.

To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street.

The proposal includes one new driveway approach onto Orchard Heights Road NW, an arterial street, and two new approaches onto Settlers Spring Drive NW, a local street. Pursuant to SRC 804.035(c)(2) for corner lots, access should be provided to the lower classification of street. The intent of this code criteria is to limit new driveway approaches onto arterial streets, which carry more vehicular traffic, and reduce turning conflict. The subject property is currently served by one existing driveway approach onto Orchard Heights Road NW. The proposal shifts the existing driveway approach west in order to meet the spacing standards from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW. By meeting the spacing standards from the street intersection, vehicle conflicts are reduced. In addition, the Traffic Impact Analysis identifies that the proposed driveway onto Orchard Heights Road NW meets City of Salem mobility and sight distance standards. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.

The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The proposed driveway is 137-feet from an adjacent driveway approach to the west that serves a Salem Electric station. In order to maximize driveway spacing from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW, the proposed driveway was shifted west to comply with the spacing standard

from the intersection. The intent of this standard is to reduce vehicle conflicts at adjacent driveway and street intersections, and to limit curb cuts that create bicycle and pedestrian conflicts. The Traffic Impact Analysis identifies that the proposed driveway onto Orchard Heights Road NW meets City of Salem mobility and sight distance standards. Additionally, the neighboring driveway to the west serves a Salem Electric Station and has very low trip generation, therefore; vehicle conflicts from the two driveway approaches are minimized. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

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 the MU-II (Mixed Use-II) zone. Although the proposed development is for a multiple family residential use, and the subject property is surrounded by residentially zoned property, the subject property is located in a mixed-use zone, not a residential zone; therefore, this criterion is not applicable.

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

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

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

Condition 12: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Analysis of Class 2 Driveway Approach Permit Approval Criteria

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

The applicant proposes three new driveway approaches with this development.

Driveway 1: A new driveway approach onto Orchard Heights Road NW, located 370-feet west of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

Driveway 2: A new entrance-only driveway approach onto Settlers Spring Drive NE, located 130-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

Driveway 3: A new driveway approach onto Settlers Spring Drive NW, located 420-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

As described in the findings below, the proposed driveway approaches meet the approval criterion.

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

Finding Driveway 1: The applicant requests two (2) adjustments for proposed Driveway 1; written findings are provided below. With approval of the adjustment for spacing and access onto an arterial, proposed Driveway 1 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

Finding Driveway 2: Proposed Driveway 2 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

Finding Driveway 3: Proposed Driveway 3 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

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

Finding Driveways 1, 2, and 3: There are no site conditions prohibiting the location of each of the proposed driveways. This criterion is met.

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

Finding Driveway 1: There is one (1) existing driveway approach onto Orchard Heights Road NW that is proposed to be relocated west; as such, one access is proposed onto the arterial street (Driveway 1). The proposal minimizes driveway approaches onto the arterial street by utilizing one (1) driveway approach onto the arterial street. The existing, unused approach is required to be closed, as previously conditioned. This criterion is met.

Finding Driveway 2: Proposed Driveway 2 takes access onto a local street. This criterion is met.

Finding Driveway 3: Proposed Driveway 3 takes access onto a local street. This criterion is met.

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

(A) Is shared with an adjacent property; or

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

Finding Driveway 1: Proposed Driveway 1 takes access to an arterial street. It is not feasible for this driveway approach to be served with adjacent federally owned property; as such, this criterion is met.

Finding Driveway 2: Proposed Driveway 2 takes access to the lowest classification of street abutting the property (local street). This criterion is met.

Finding Driveway 3: Proposed Driveway 3 takes access to the lowest classification of street abutting the property (local). This criterion is met.

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

Finding Driveways 1, 2, and 3: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

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

Finding Driveways 1, 2, and 3: No evidence has been submitted to indicate that the proposed Driveway 1 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. This criterion is met.

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

Finding Driveway 1: Staff analysis of proposed Driveway 1 and the evidence that has been submitted indicate the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

Finding Driveway 2: Driveway 2 is a new entrance-only driveway approach onto Settlers Spring Drive NE, located 130-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW, does not result in adverse impacts to the vicinity.

Finding Driveway 3: Staff analysis of the proposed Driveway 3 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. This criterion is met.

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

Finding Driveway 1: Proposed Driveway 1 is located on a minor arterial street and minimizes the impact to street intersections by complying with the spacing standards established in SRC Chapter 804. This criterion is met.

Finding Driveway 2: Proposed Driveway 2 is an entrance-only driveway approach, which limits impacts to the intersection of Orchard Heights Road NW and Settlers Spring Drive NW and the intersection of Settlers Spring Drive NW and Butterfly Avenue NW. This criterion is met.

Finding Driveway 3: Proposed Driveway 3 is located on 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 Driveways 1, 2 and 3: The proposed development is surrounded by residentially zoned 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.

10. Analysis of Tree Removal Permit Approval Criteria

Salem Revised Code (SRC) 808.030(d) provides that an application for a Tree Removal 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.

Removal of Hazardous Trees

SRC 808.030(d)(1): The tree removal is necessary because the condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.

Finding: The applicant is requesting to remove three significant trees identified as hazardous trees.

Tree 1 – The applicant's arborist report dated September 19, 2023, indicates that this tree is an Oregon White oak with a DBH of approximately 50.6 inches. There are significant levels of deadwood and decay present and a mistletoe infestation. Given the level of decay and state of decline, the arborist recommends removal of the tree.

Tree 3 – The applicant's arborist report dated September 19, 2023, indicates that this tree is an Oregon White oak with a DBH of approximately 32.5 inches. This tree is largely dead and the majority of the tree has already decayed, compromising structural integrity. Given the level of decay and state of decline, the arborist recommends removal of the tree.

Tree 14 – The applicant's arborist report dated September 19, 2023, indicates that this tree is an Oregon White oak with a DBH of approximately 31.8 inches. This tree is in significant decline having lost several large branches and showing signs of internal decay. Given the level of decay and state of decline, the arborist recommends removal of the tree.

Staff finds that the Tree Removal Permit application for the removal of three hazardous significant trees is consistent with the provisions of SRC Chapter 808 and the applicable approval criteria.

Removal of Significant Trees in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster.

SRC 808.030(d)(5): The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:

(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 subject property is located within the MU-II (Mixed Use-II) zone and proposes development of a new 186-unit multi-family residential apartment complex for property approximately 7.2 acres in size. Minimum dwelling unit density requirements are applicable in this zone, with the requirement for at least 15 dwelling units to be developed per acre. As proposed, the development exceeds minimum dwelling unit density requirements. However, without approval to remove the nine significant trees as requested, the amount of developable space on the property would be reduced in size and could reduce the number of dwelling units that could be developed below the minimum density standard resulting in the need for additional adjustments.

(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 to the boundary of the subject property;**
- (bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP)**
- (cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;**
- (dd) Any relocation of the proposed street resulting in lots that do not meet lot standards;**
- (ee) A required boundary street improvement.**

(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 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: The applicant is requesting to remove six significant trees in connection with the proposed multi-family residential development.

Tree 2 – This tree is identified as an Oregon White Oak with a DBH of approximately 50.6 inches. The applicant indicates that removal of tree 2 is necessary due to trenching for the required stormwater utility (SRC 808.030(d)(5)(B)(ii)), and necessary due to impacts to the critical root zone related to topography and site grading (SRC 808.030(d)(5)(B)(iii)).

Stormwater outfall piping must be routed through the southeast portion of the development site in the vicinity of this tree's critical root zone, there is no alternative location for this required

facility that would be less impactful. Grading of the site needed to meet ADA accessibility standards is also needed for an accessible route of travel from Building 8 to the parking lot, and will result in a cut of up to 2-feet within the critical root zone of this tree. There are no alternatives identified that would be less impactful.

Trees 4 and 5 – These trees are identified as Oregon White Oaks with a DBH of approximately 26.8 inches. The applicant indicates that removal of these trees is necessary due to trenching for the required stormwater utility (SRC 808.030(d)(5)(B)(ii)), and necessary due to impacts to the critical root zone related to topography and site grading (SRC 808.030(d)(5)(B)(iii)).

Stormwater outfall piping must be routed between the footprint of proposed buildings 7 and 8, which is in conflict with the critical root zones for trees 4 and 5. There is no alternative location identified for this required facility that would be less impactful. Grading of the site needed to meet ADA accessibility standards is also needed for an accessible route of travel from Buildings 7 and 8 to the parking lot, and will result in a cut of 1-3-feet within the critical root zone of this tree. There are no alternatives identified that would be less impactful.

Tree 6 – This tree is identified as an Oregon White Oak with a DBH of approximately 22.6 inches. The applicant indicates that removal of tree 6 is necessary due to the location of a required stormwater facility (SRC 808.030(d)(5)(B)(ii)).

Because of topography, a stormwater detention facility is proposed near the southwest end of the development site in a location that conflicts with the critical root zone for tree 6. There are no alternative locations for stormwater identified that would be less impactful.

Tree 9 – This tree is identified as an Oregon White Oak with a DBH of approximately 38.9 inches. The applicant indicates that removal of tree 9 is necessary due to trenching for the required stormwater utility (SRC 808.030(d)(5)(B)(ii)), and necessary due to impacts to the critical root zone related to topography and site grading (SRC 808.030(d)(5)(B)(iii)).

Stormwater outfall piping must be routed through the western portion of the development site in the vicinity of this tree's critical root zone, there is no alternative location for this required facility that would be less impactful. Grading of the site needed to meet ADA accessibility standards is also needed for an accessible route of travel from Building 9 to the parking lot, and will result in construction of a retaining wall and placement of up to 5-feet of fill within the critical root zone of this tree. There are no alternatives identified that would be less impactful.

Tree 10 – This tree is identified as an Oregon White Oak with a DBH of approximately 33.8 inches. The applicant indicates that removal of tree 10 is necessary due to impacts to the critical root zone related to topography and site grading (SRC 808.030(d)(5)(B)(iii)).

Grading of the site needed to meet ADA accessibility standards is also needed for an accessible route of travel from Building 9 to the parking lot, and will result in construction of a retaining wall and placement of up to 5.5-feet of fill within the critical root zone of this tree. There are no alternatives identified that would be less impactful.

Staff finds that the Tree Removal Permit application for removal of six significant trees in connection with the proposed multi-family residential development is consistent with the applicable provisions and criteria of SRC Chapter 808.

SRC 808.030(e): Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.

Finding: To mitigate the removal of significant trees, the applicant has agreed to replant new Oregon White Oaks which will be incorporated into the landscaping plan for the proposed development at a rate of two replacement Oregon White Oaks for each significant tree proposed for removal.

Condition 13: A minimum of two replacement Oregon White Oaks shall be incorporated into the landscape plan and planted for each significant tree removed from the subject property.

11. Conclusion

Based upon review of SRC Chapters 200, 220, 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 Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree Removal Permit Case No. UGA-SPR-ADJ-DAP-TRP24-02 is hereby **APPROVED** subject to SRC Chapters 200, 220, 250, 804, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Prior to building permit approval, the applicant shall update the plans to demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.
- Condition 2:** A minimum of two replacement trees shall be incorporated into the landscape plan for each tree removed from the setback area. Trees required to be replanted per this section are in addition to the minimum landscaping requirements of this chapter.
- Condition 3:** The applicant's site plan shall either be revised to demonstrate compliance with the protection measures during construction in SRC 808.046 for Trees 8 and 11, or the applicant may apply for a Tree Removal Permit to remove these trees.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Orchard Heights Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Along Orchard Heights Road NW, relocate the curblin sidewalk to the new property line and provide landscape strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks may remain curblin at the driveway approach onto

Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

- Condition 6:** Along Settlers Spring Drive NW, provide property line sidewalks, planter strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Obtain a street tree removal permit pursuant to SRC Chapter 86.
- Condition 8:** Install street trees to the maximum extent feasible along Orchard Heights Road NW and Settlers Spring Drive NW.
- Condition 9:** Permanently close the existing driveway approach onto Orchard Heights Road NW and replace with curbs, sidewalks, and planter strip improvements.
- Condition 10:** The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:
- a. Construct *Salem Water System Master Plan W-2* water mains and the Orchard Heights W-2 Water Pump Station, or
 - b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.
- Condition 11:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS) or receive approval for a design Exception from the City Engineer.
- Condition 12:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.
- Condition 13:** A minimum of two replacement Oregon White Oaks shall be incorporated into the landscape plan and planted for each significant tree removed from the subject property.



Aaron Panko, Planner III, on behalf of

Lisa Anderson-Ogilvie, AICP
Planning Administrator

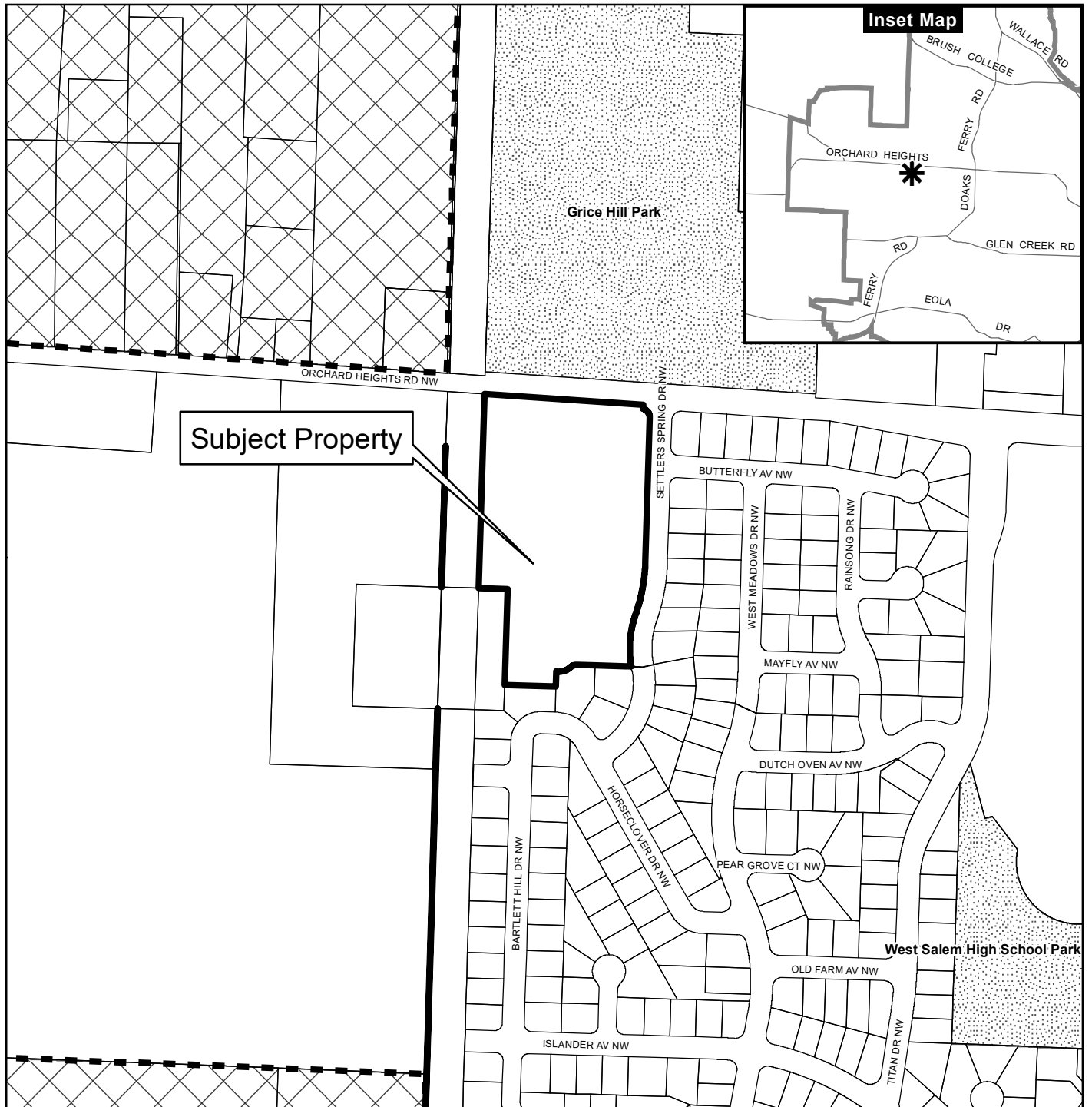
Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Applicant's Written Statement
D. West Salem Neighborhood Association Comments Dated February 5, 2024
E. Applicant's Supplemental Transportation Memo Dated March 4, 2024
F. Development Services Memo Dated March 28, 2024
G. Salem Keizer Public Schools Memo Dated February 5, 2024
H. Cherriots Comments Dated January 31, 2024
I. Applicant's Supplemental Arborist Memo Dated January 11, 2024

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

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Vicinity Map

2916 Orchard Heights Road NW



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



BUILDING DATA

186 TOTAL UNITS

- SITE ADDRESS: 2916 ORCHARD HEIGHTS ROAD NW
- TAX PARCEL: 073W1702500
- ZONING : MU-II (MIXED USE-II)
- PROPOSED OCCUPANCY : R-2 RESIDENTIAL, A-3 AND B OCCUPANCY
- AMENITY AND LEASING BUILDING, S-1 MAINTENANCE GARAGE
- BUILDING TYPE: 3-STORY AND 2-STORY OVER BASEMENT, EXTERNAL BREEZEWAY
- UNIT TYPES: 1-BED, 2-BED AND 3-BED UNITS
- CONSTRUCTION TYPE : V-B
- NFPA TYPE 13-R SPRINKLER SYSTEM THROUGHOUT

SITE DATA

SITE AREA = 7.02 ACRES

PROPOSED DENSITY = 26.5 UNITS/ACRE

PARKING REQUIRED: 186 STALLS (1.0 STALLS/UNIT)
PARKING PROPOSED: 270 STALLS (1.45 STALLS/UNIT)
ELECTRIC VEHICLE CHARGING: 108 STALLS (40% OF 270 TOTAL STALLS)

BIKE PARKING REQUIRED = 1 SPACE PER DU = 186 SPACES (SEE SHEET A2)

FIRE VEHICLE ACCESS : TWO FULL ACCESS SITE ENTRY POINTS; NW CORNER ON TO ORCHARD HEIGHTS ROAD NW AND MIDPOINT ON EASTERN FRONTAGE ON TO SETTLERS SPRING DRIVE TO THE EAST.

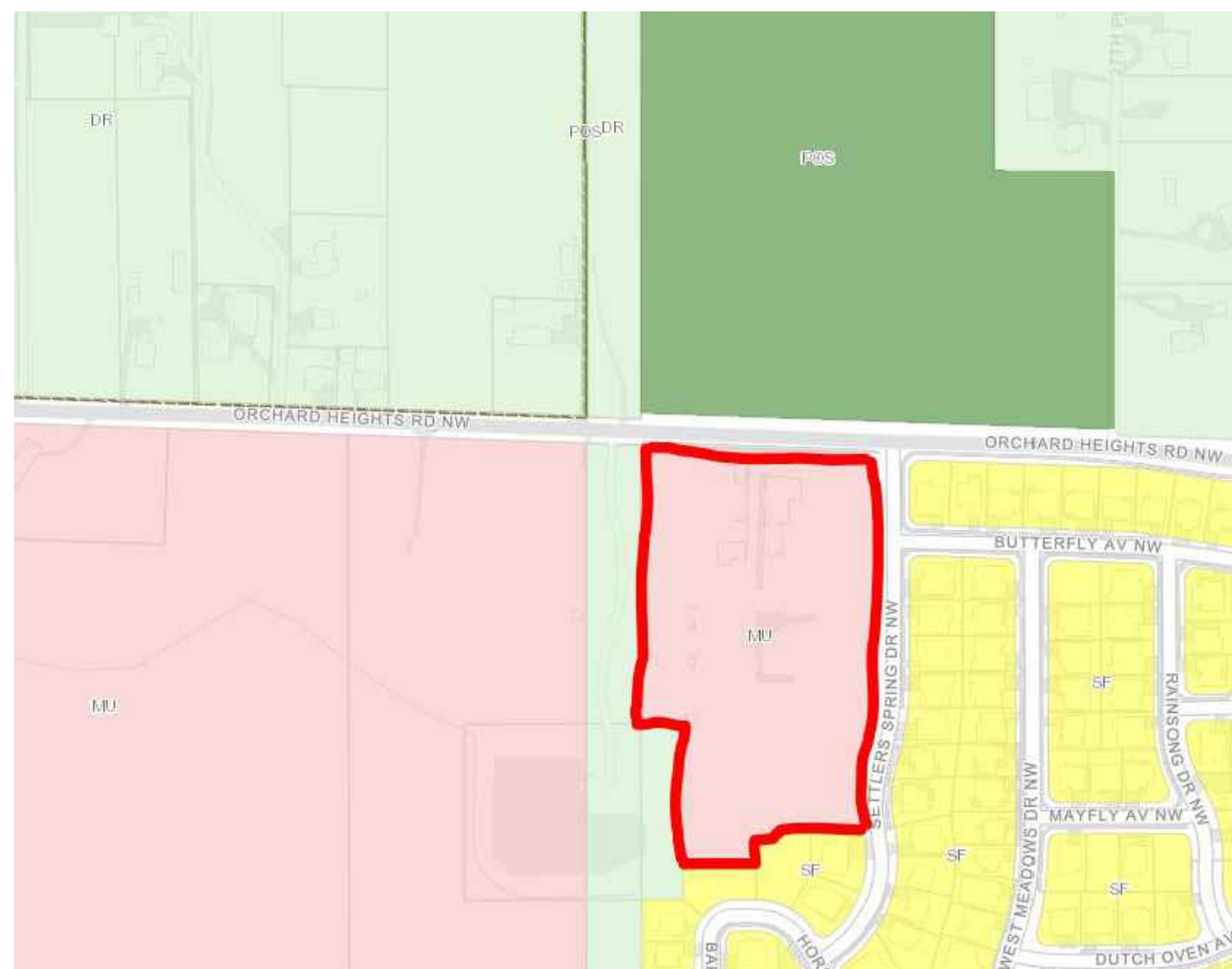
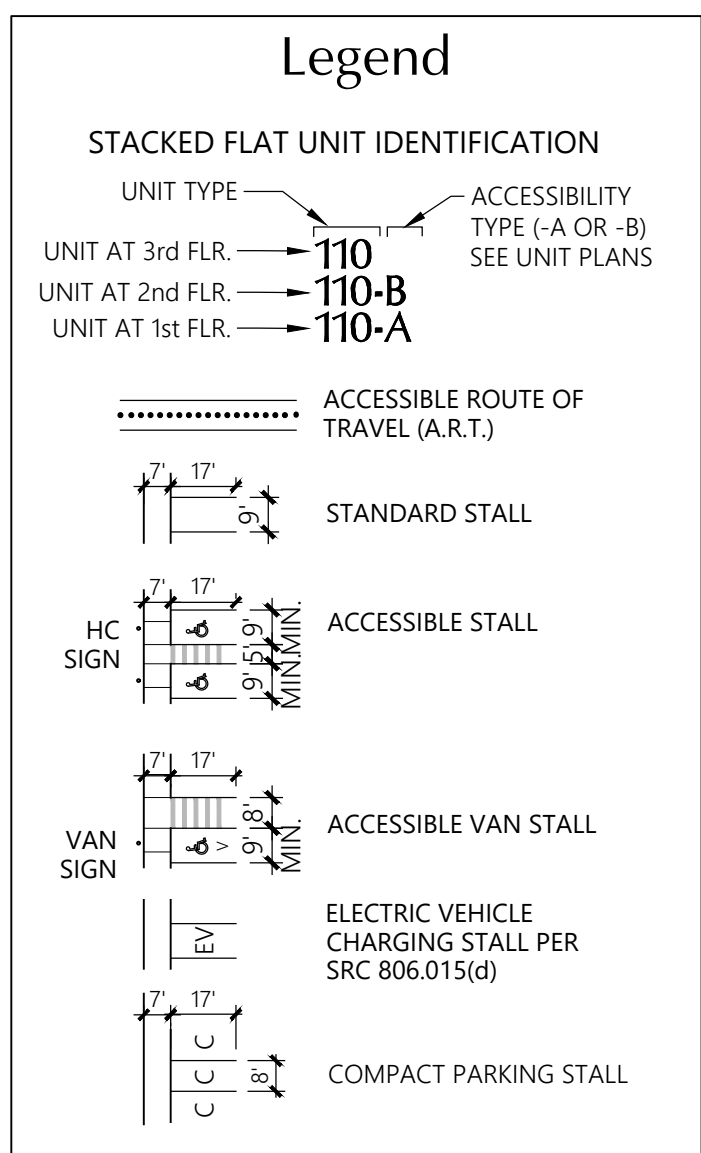
DISTANCE BETWEEN FIRE ACCESS POINTS : 525 FEET
DIAGONAL SITE DIMENSION : 845 FEET

UNIT COUNT = 186 TOTAL UNITS

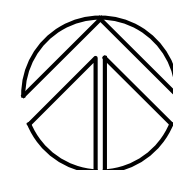
- 73 - 1-BEN/1-BATH FLAT (39%)
- 97 - 2-BED/2-BATH FLAT (52%)
- 8 - 1-BED+DEN/2-BATH TOWN (4.5%)
- 8 - 3-BED/2-BATH TOWN (4.5%)

- (5) 3-STORY STACKED FLAT BUILDINGS
- (4) 2-STORY TOWNHOME/3-STORY FLAT HYBRID BUILDINGS
- (1) LEASING/AMENITY BUILDING APPROX. 2,500 SF

PARKING SUMMARY		
Parking Stalls Required	186	
Standard Stalls	124	
Compact Stalls	68	
Carport Stalls	72	
Accessible Standard Stalls	5	
Accessible Van Stalls	1	
Subtotal	270	1.45 Stalls / D.U.
Aprons	0	
Total Parking Stalls Provided	270	1.45 Stalls / D.U.



SACP VICINITY MAP



SITE PLAN

1" = 50'

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ARCHITECTURAL SITE PLAN

Orchard Heights

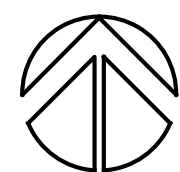
Salem,
Oregon

Evergreen
Housing

Revisions
No. Date Description

Initial Publish Date:
Date Plotted: 1-12-24
Job No.: 22-45
Drawn By: APT
Sheet No.:

A1



FRONTAGE AND SEPARATION PLAN

1" = 50'

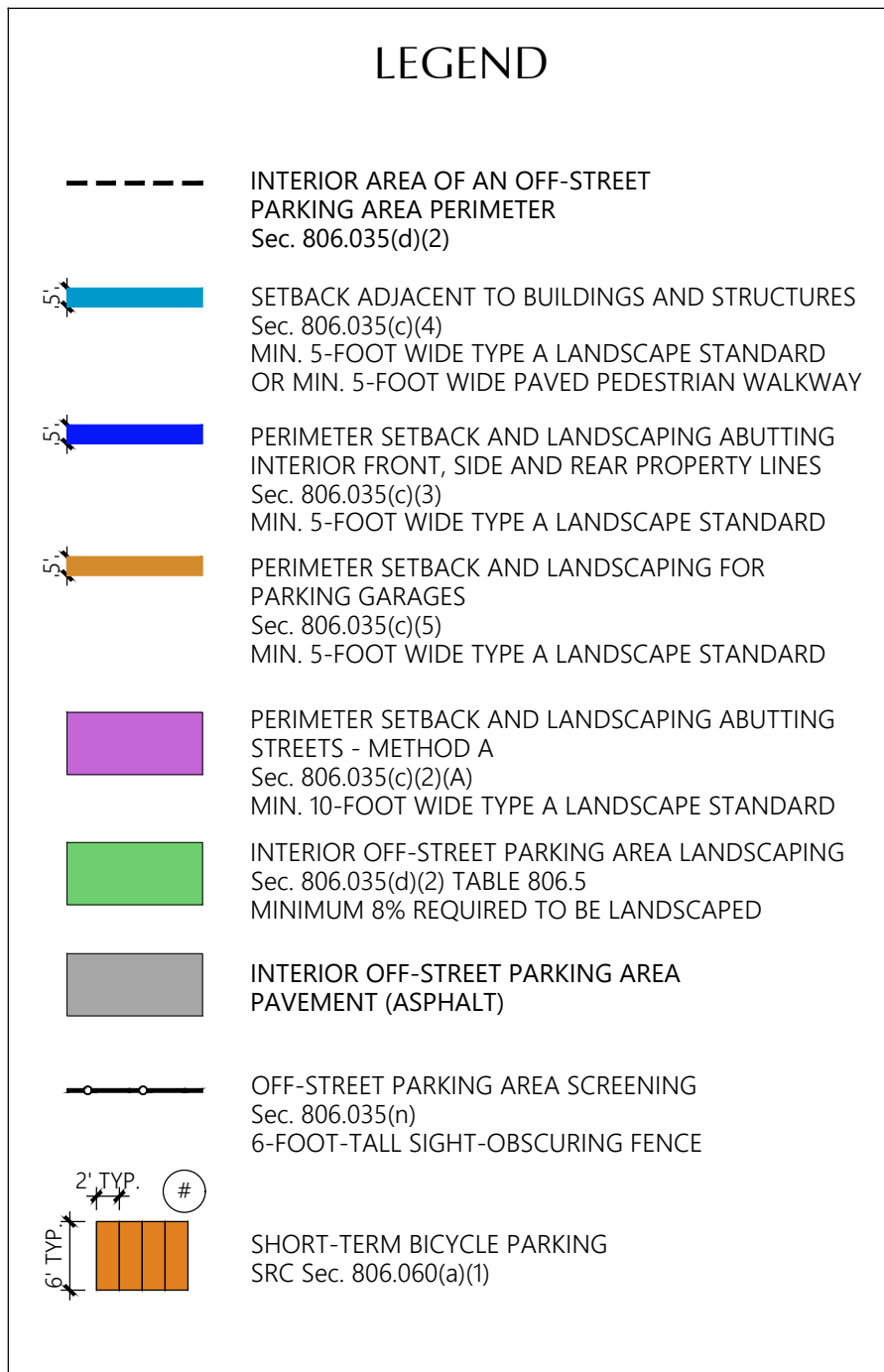
BUILDING FRONTAGE
SECTION 534.015(d) TABLE 534-5

ORCHARD HEIGHTS ROAD NW = 60.7%
PROVIDED (50% REQUIRED)
TOTAL FRONTAGE = 451.21'
BUILDINGS 2 + 3 FRONTAGE = 273.84'
SETTLERS SPRING DRIVE NW = 43.4% PROVIDED
(40% REQUIRED)
TOTAL FRONTAGE = 703.1'
BUILDINGS 5, 6, 7 + 8 FRONTAGE = 366.62'

SEPARATION OF GROUND FLOOR RESIDENTIAL USES
SECTION 534.015(h) TABLE 534-6

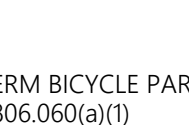
VERTICAL DISTANCE:
MIN. 1.5 FEET
MAX. 3 FEET
HORIZONTAL DISTANCE:
MIN. 5 FEET
MAX. 10 FEET

COMPLIANCE METHOD FOR BUILDINGS 1 THROUGH
8 NOTED AS VERTICAL OR HORIZONTAL SEPARATION



LEGEND

- INTERIOR AREA OF AN OFF-STREET PARKING AREA PERIMETER
Sec. 806.035(d)(2)
- SETBACK ADJACENT TO BUILDINGS AND STRUCTURES
Sec. 806.035(c)(4)
MIN. 5-FOOT WIDE TYPE A LANDSCAPE STANDARD
OR MIN. 5-FOOT WIDE PAVED PEDESTRIAN WALKWAY
- PERIMETER SETBACK AND LANDSCAPING ABUTTING
INTERIOR FRONT, SIDE AND REAR PROPERTY LINES
Sec. 806.035(c)(3)
MIN. 5-FOOT WIDE TYPE A LANDSCAPE STANDARD
- PERIMETER SETBACK AND LANDSCAPING FOR
PARKING GARAGES
Sec. 806.035(c)(5)
MIN. 5-FOOT WIDE TYPE A LANDSCAPE STANDARD
- PERIMETER SETBACK AND LANDSCAPING ABUTTING
STREETS - METHOD A
Sec. 806.035(c)(2)(A)
MIN. 10-FOOT WIDE TYPE A LANDSCAPE STANDARD
- INTERIOR OFF-STREET PARKING AREA LANDSCAPING
Sec. 806.035(d)(2) TABLE 806.5
MINIMUM 8% REQUIRED TO BE LANDSCAPED
- INTERIOR OFF-STREET PARKING AREA
PAVEMENT (ASPHALT)
- OFF-STREET PARKING AREA SCREENING
Sec. 806.035(n)
6-FOOT-TALL SIGHT-OBSCURING FENCE
- SHORT-TERM BICYCLE PARKING
SRC Sec. 806.060(a)(1)



2" TYP

4"

6"

8"

10"

12"

14"

16"

18"

20"

22"

24"

26"

28"

30"

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DRAWINGS FOR:

ORCHARD HEIGHTS APARTMENTS

2916 ORCHARD HEIGHTS ROAD NW
SALEM, OR 97304

FOR:

EVERGREEN HOUSING DEVELOPMENT GROUP, LLC.
66 S HANFORD STREET SUITE 300
SEATTLE, WA 97134

HANS CHRISTIANSEN
HANS@EVERGREENHD.COM
425-985-6208

DRAWING INDEX

DWG	TITLE
C1.0	COVER SHEET, VICINITY & LOCATION MAPS, DRAWING INDEX
C1.1	CONSTRUCTION NOTES
C1.2	CONSTRUCTION NOTES
C1.3	OVERALL SITE PLAN
C1.4	TREE PROTECTION PLAN
C2.0	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN (NORTH)
C2.1	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN (SOUTH)
C2.2	EROSION CONTROL PLAN - STREETS & UTILITIES (NORTH)
C2.3	EROSION CONTROL PLAN - STREETS & UTILITIES (SOUTH)
C2.4	EROSION CONTROL PLAN - VERTICAL CONSTRUCTION (NORTH)
C2.5	EROSION CONTROL PLAN - VERTICAL CONSTRUCTION (SOUTH)
C2.6	EROSION CONTROL PLAN - FINAL LANDSCAPE & STABILIZATION (NORTH)
C2.7	EROSION CONTROL PLAN - FINAL LANDSCAPE & STABILIZATION (SOUTH)
C2.8	EROSION CONTROL NOTES & DETAILS
C2.9	EROSION CONTROL NOTES & DETAILS
C2.10	EROSION CONTROL NOTES & DETAILS
C3.0	GRADING & DRAINAGE PLAN (NORTH)
C3.1	GRADING & DRAINAGE PLAN (SOUTH)
C3.2	GRADING & DRAINAGE BLOW UP PLAN
C3.3	ADA RAMP DESIGN
C3.4	SURFACING PLAN (NORTH)
C3.5	SURFACING PLAN (SOUTH)
C3.6	FIRE ACCESS PLAN (NORTH)
C3.7	FIRE ACCESS PLAN (SOUTH)

DRAWING INDEX

DWG	TITLE
C4.0	UTILITY PLAN (NORTH)
C4.1	UTILITY PLAN (SOUTH)
C4.2 *	PUBLIC WATERLINE & SANITARY SEWER PLAN-PROFILE
C4.3 *	ORCHARD HEIGHTS SEWER EXTENSION PLAN-PROFILE STA 9+60 TO STA 15+00
C5.0	PCC RETAINING WALL PLAN-PROFILE
C5.1	RETAINING WALL & WATER QUALITY SECTIONS
C5.2	CIVIL DETAILS
C5.3	CIVIL DETAILS
C5.4	CIVIL DETAILS
C5.5	CIVIL DETAILS

* PUBLIC IMPROVEMENT



Know what's below.
Call before you dig.

PROJECT
LOCATION



VICINITY MAP

GENERAL LEGEND

ITEM	PROPOSED	EXISTING
SANITARY SEWER	—SS—	—SS—
STORM DRAIN	—SD—	—SD—
WATER	—W—	—W—
GAS	—G—	—G—
TELEPHONE	—T—	—T—
POWER	—P—	—P—
FENCE	—X—X—	—X—X—
BARRICADE	□	□
TELEPHONE MANHOLE	Ⓢ	Ⓢ
TELEPHONE PEDESTAL	Ⓢ	Ⓢ
SANITARY SEWER MANHOLE	Ⓢ	Ⓢ
STORM DRAIN MANHOLE	Ⓢ	Ⓢ
CATCH BASIN	Ⓢ	Ⓢ
FIRE HYDRANT AND VALVE	Ⓢ	Ⓢ
WATER METER	Ⓢ	Ⓢ
WATER VALVE	Ⓢ	Ⓢ
POWER POLE	Ⓢ	Ⓢ
POWER POLE W/ANCHOR	Ⓢ	Ⓢ
POLE W/LUMINARE	Ⓢ	Ⓢ
LIGHT POLE	Ⓢ	Ⓢ
SIGN POST	Ⓢ	Ⓢ
MAILBOX	Ⓢ	Ⓢ
HEDGE OR BRUSH	Ⓢ	Ⓢ
TREES	Ⓢ	Ⓢ
STREET OR ALLEY RIGHT OF WAY	R/W	R/W
PLATTED LOT LINE		
OWNERSHIP LINE		
EASEMENT OR TEMPORARY RIGHT OF WAY		
PROJECT CENTERLINE AND	2 3 4 5	2 3 4 5

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
ORIGINAL DRAWING
SCALE IS INDICATED
HERE

DSN. SAW
DRN. AR
CKD. SAW
DATE: FEB. 2023

NO. 1
DATE
DESCRIPTION
REVISIONS

PROFESSIONAL
ENGINEER
REVIEW
STEVEN A. GIBLIN
RENEW: 6/30/2024

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CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

EVERGREEN HOUSING DEVELOPMENT GROUP, LLC
ORCHARD HEIGHTS APARTMENTS
COVER SHEET,
VICINITY & LOCATION MAPS,
& DRAWING INDEX

DRAWING
C1.0

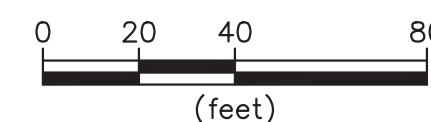
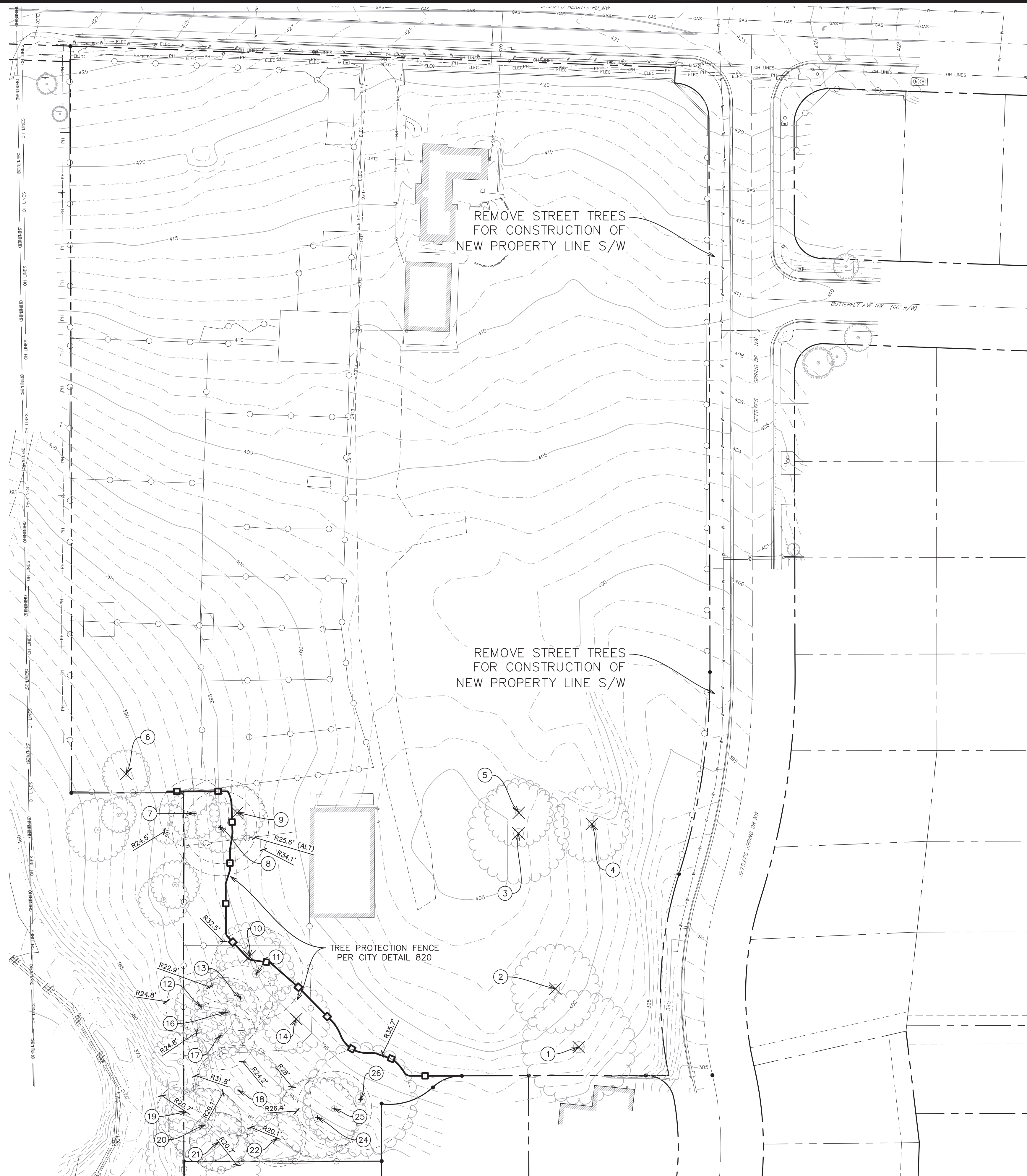
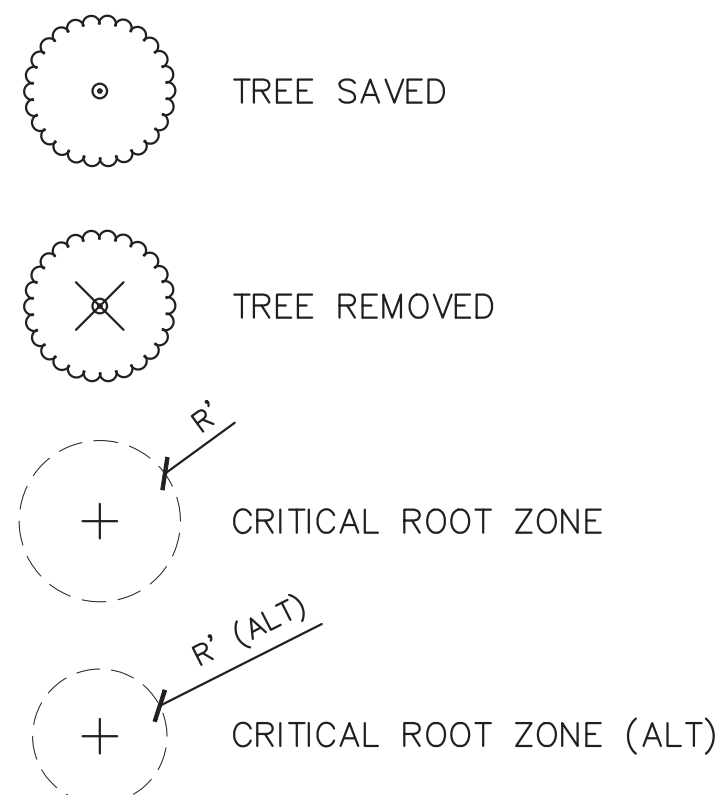
JOB NUMBER
3416.0000.0

TREES REMOVED	9	37.5%
TREES SAVED	15	62.5%
<hr/>		
TOTAL TREES	24	100%

NOTE:

TREE TOTALS ABOVE DO NOT INCLUDE TREES 15 & 23. TREES 15 & 23 WERE ON THE ORIGINAL PROPERTY TOPOGRAPHIC SURVEY BUT WERE NOT IN EXISTENCE AT THE TIME OF THE ARBORIST'S SITE VISIT. SEE ARBORIST REPORT FOR NOTES.

LEGEND

[illegible]

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DSN. SAW

DRN. AR

CKD. SAW

DATE: FEB 2023



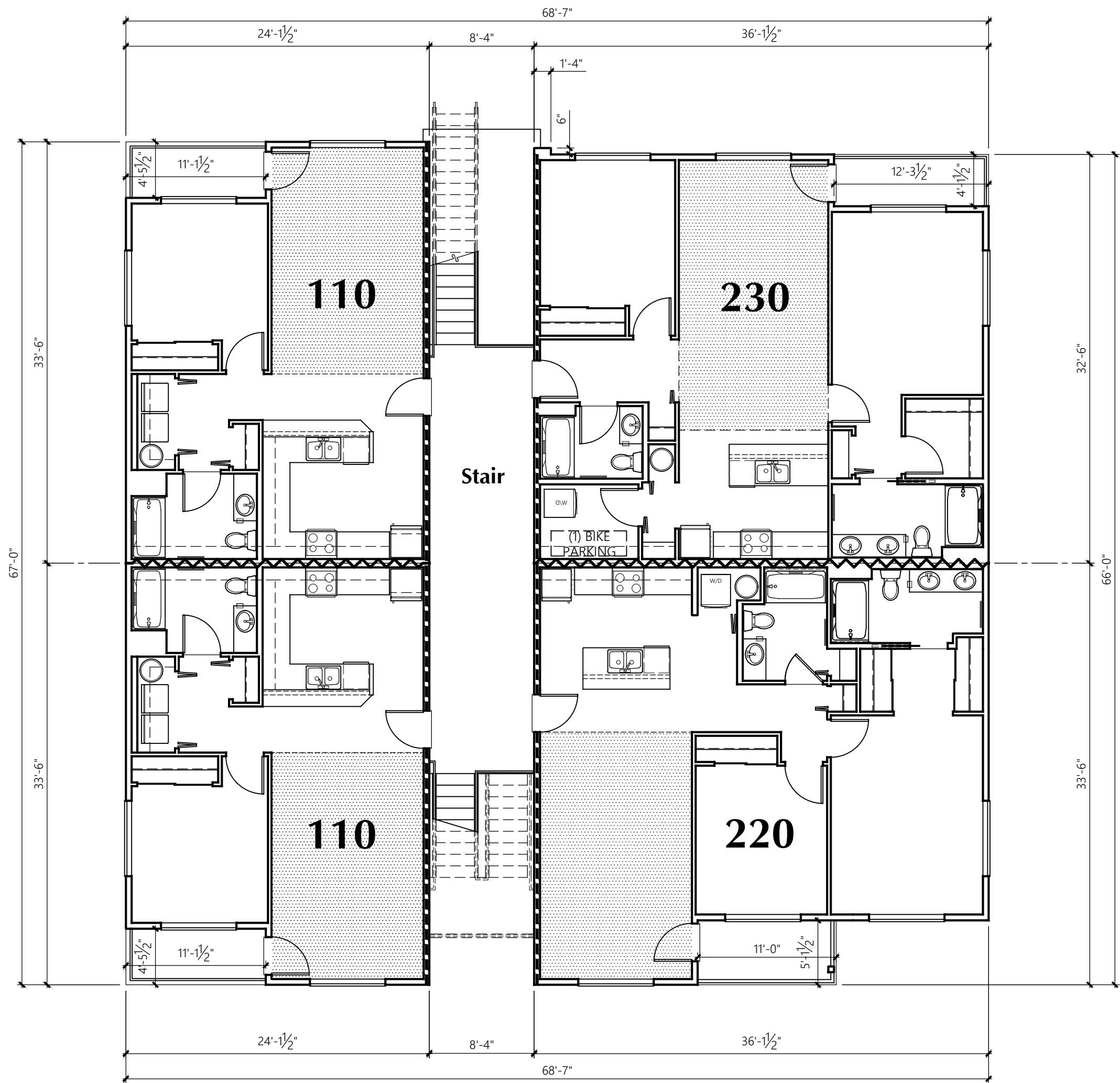
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WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97306
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

EVERGREEN HOUSING DEVELOPMENT GROUP, LLC
ORCHARD HEIGHTS APARTMENTS
TREE PROTECTION PLAN

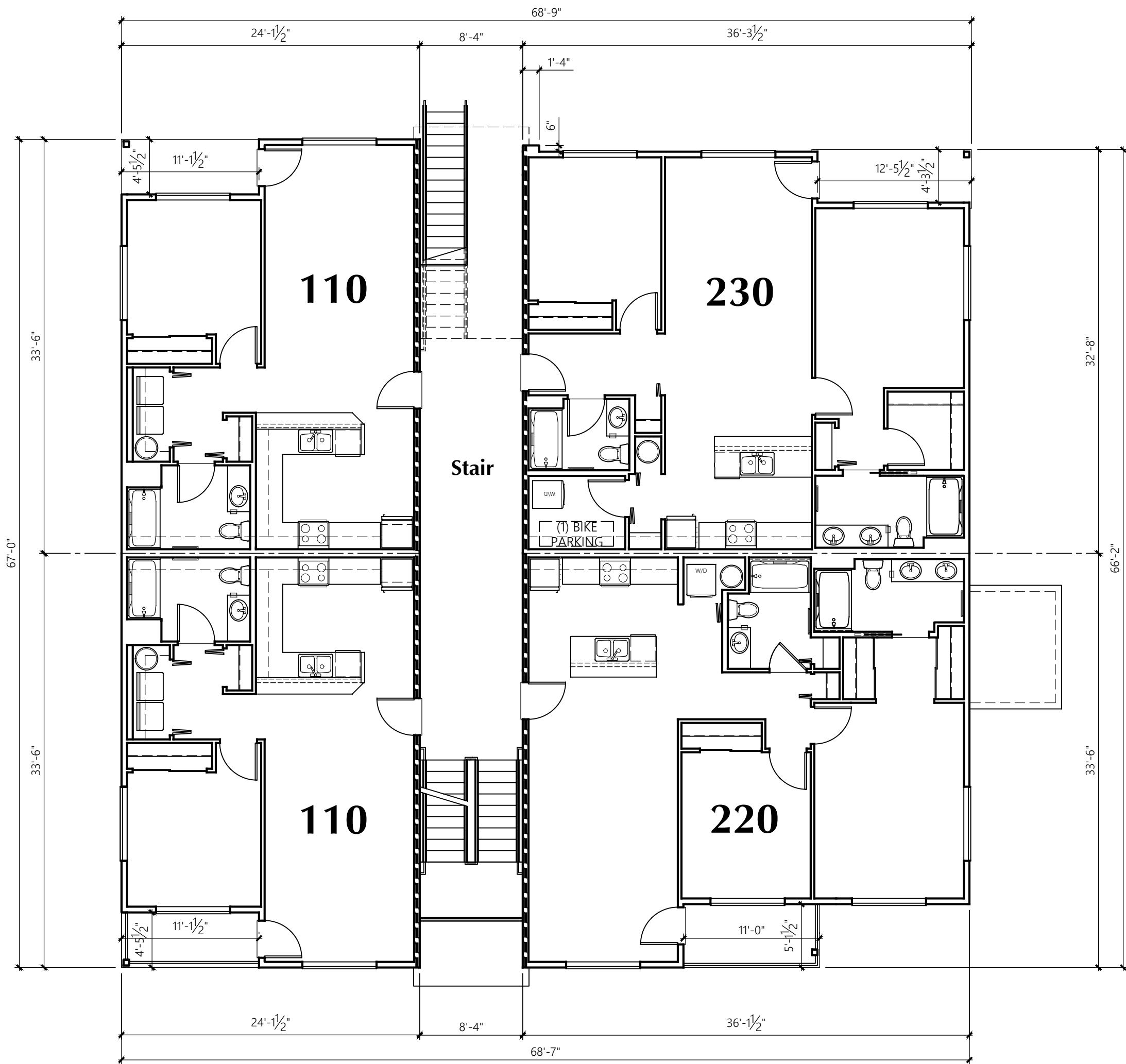
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JOB NUMBER
3416.0000.0



BUILDING 1

1/8" = 1'-0"

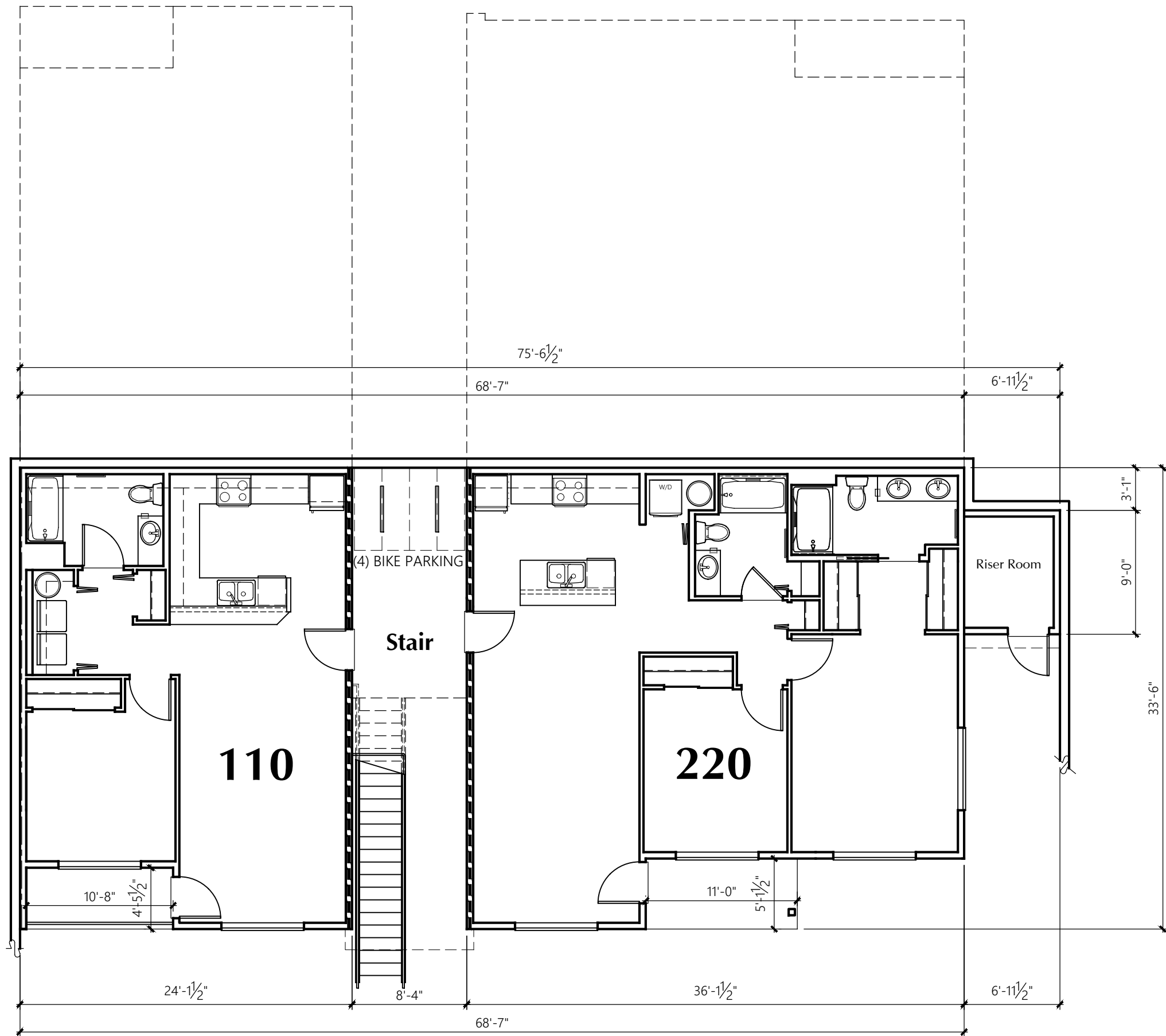
10 UNITS - 1 & 2-BED UNITS
UPPER LEVEL PLAN



BUILDING 1

1/8" = 1'-0"

10 UNITS - 1 & 2-BED UNITS
MIDDLE LEVEL PLAN



BUILDING 1

1/8" = 1'-0"

10 UNITS - 1 & 2-BED UNITS
LOWER LEVEL PLAN

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Building 1
Floor Plans

Orchard Heights

**Salem,
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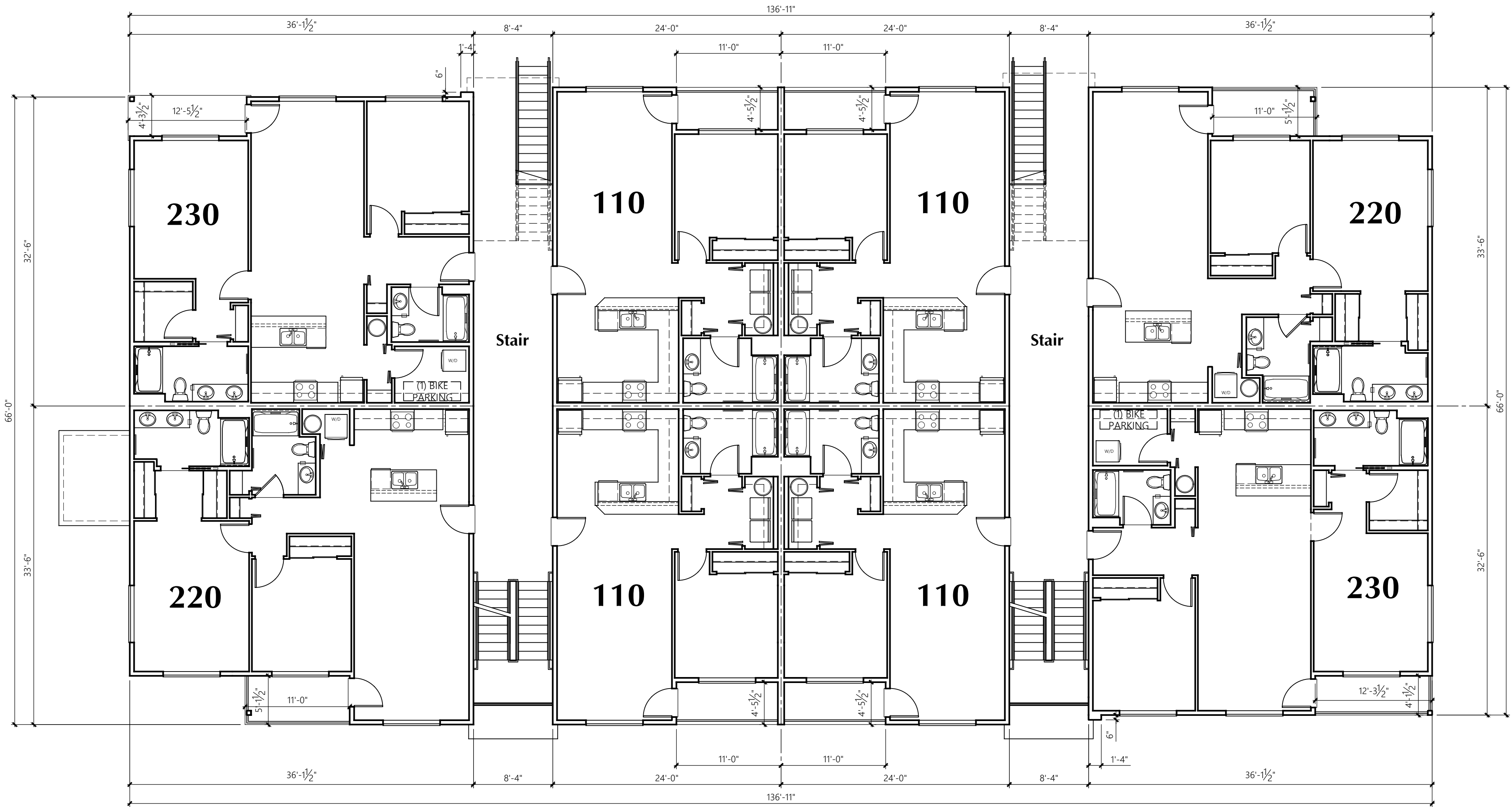
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ESE/SV

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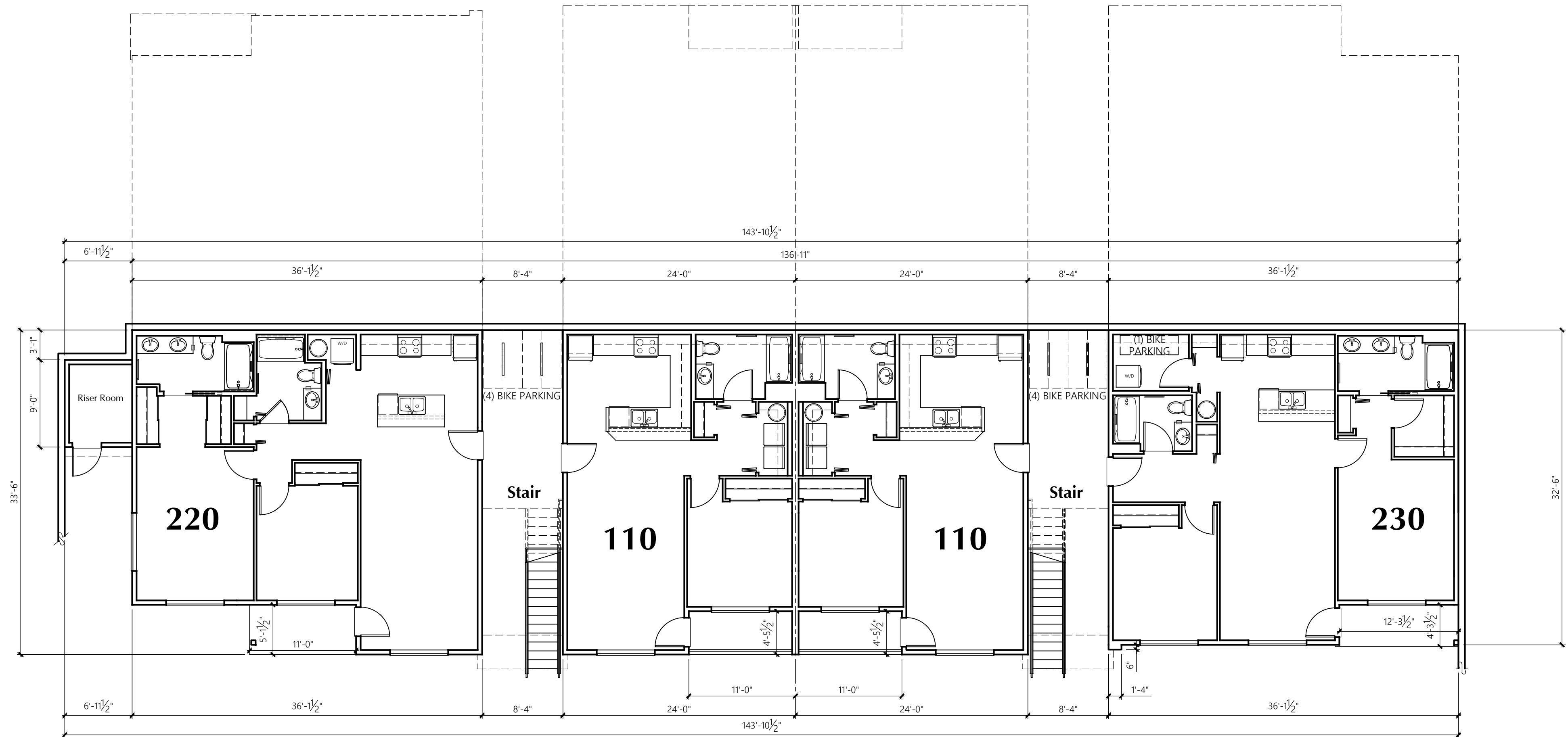
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BUILDINGS 2 & 3

1/8" = 1'-0"

20 UNITS - 1 & 2-BED UNITS
MIDDLE LEVEL PLAN



BUILDINGS 2 & 3

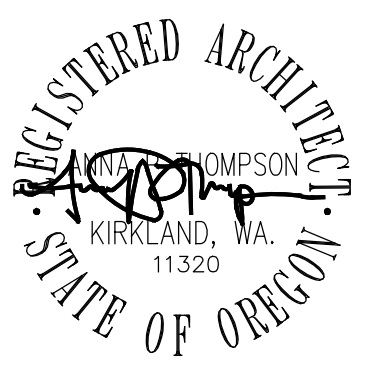
1/8" = 1'-0"

20 UNITS - 1 & 2-BED UNITS
LOWER LEVEL PLAN

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Buildings 2 & 3
Lower and Middle Level Plans

Orchard Heights

Salem,
Oregon

Evergreen Housing

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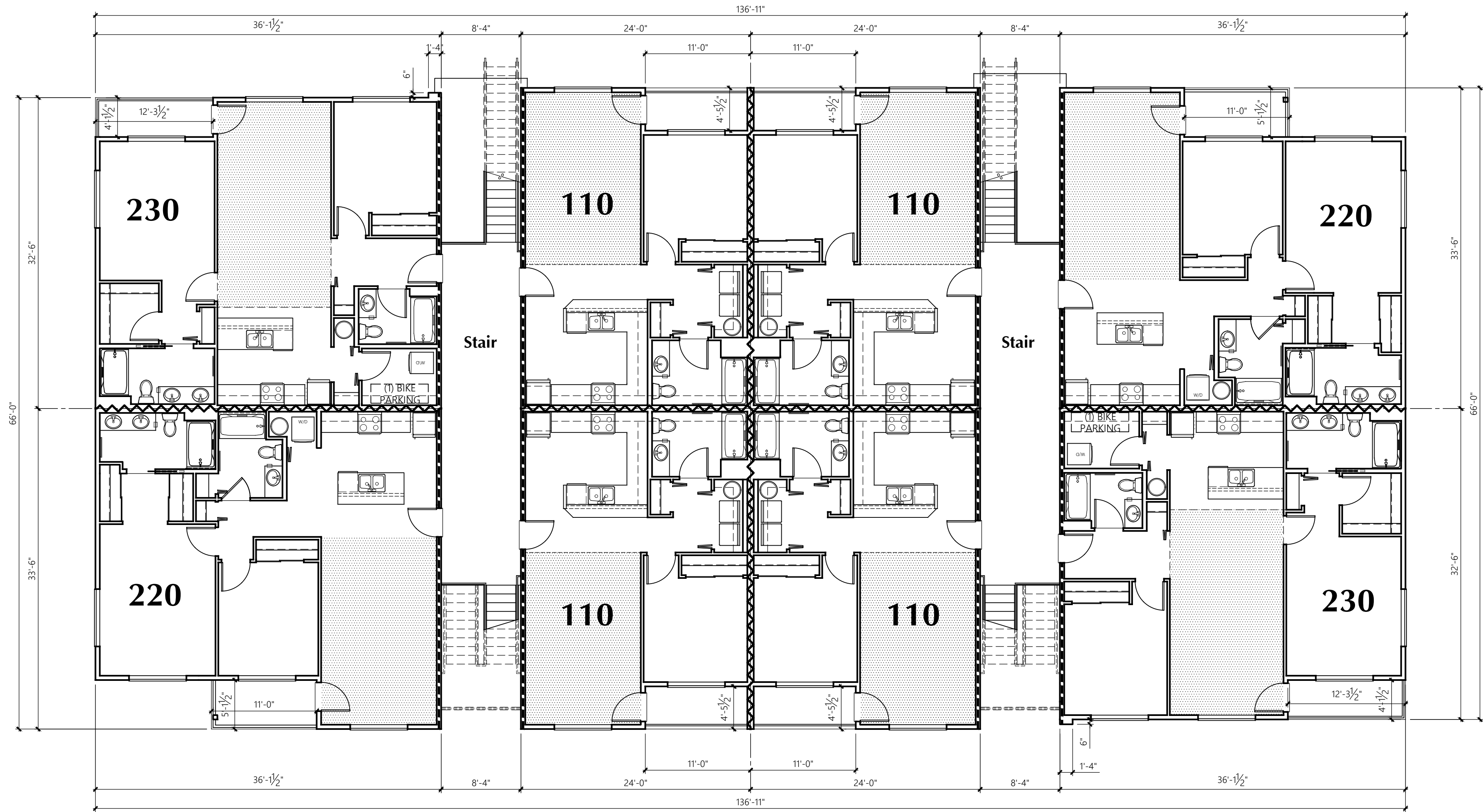
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B2



BUILDINGS 2 & 3
1/8" = 1'-0"

20 UNITS - 1 & 2-BED UNITS
UPPER LEVEL PLAN

Buildings 2 & 3
Upper Level Plan

Orchard Heights

Salem,
Oregon

Evergreen Housing

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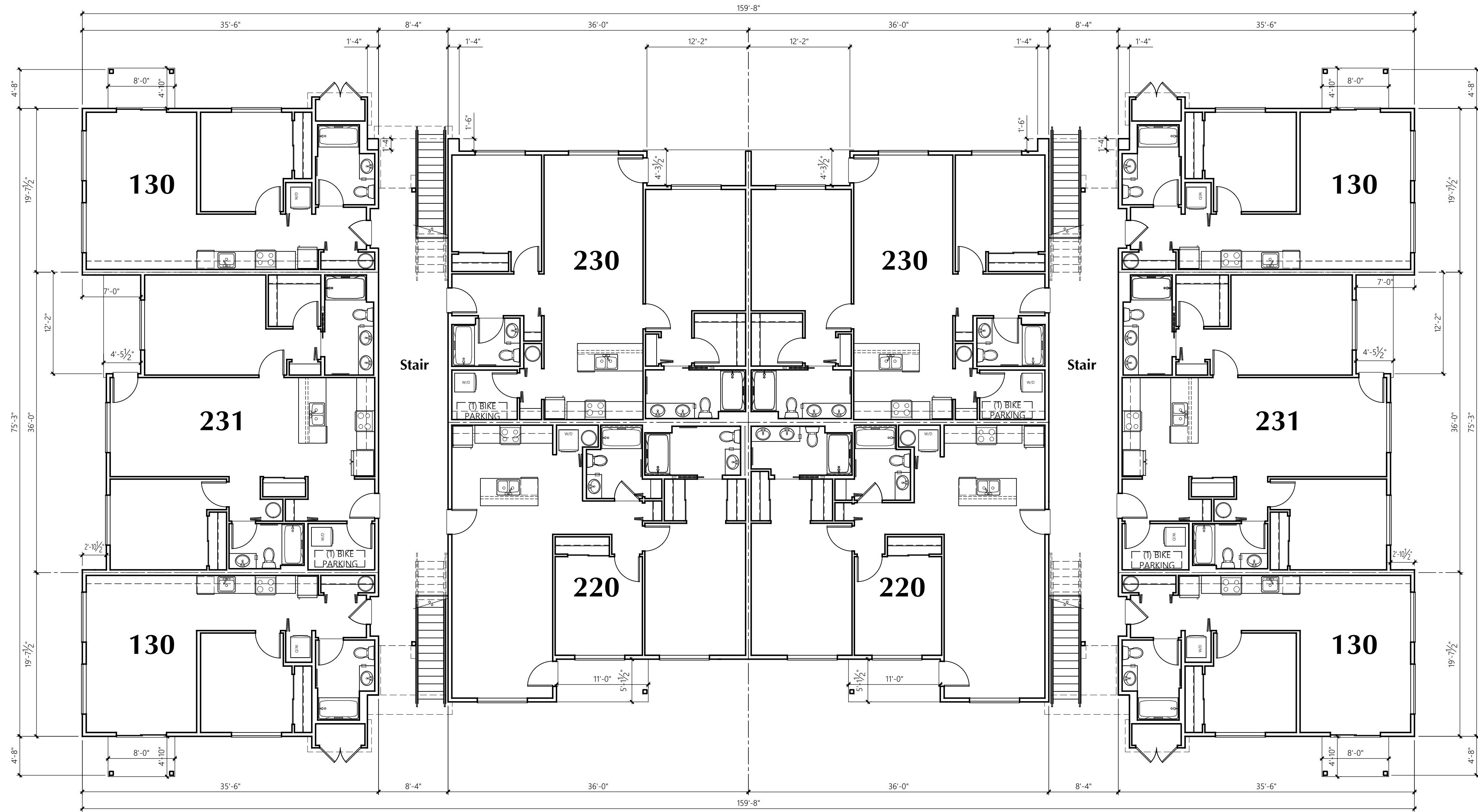
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BUILDING 4

1/8" = 1'-0"

30 UNITS - 1 & 2-BED UNITS
LOWER LEVEL PLAN



Building 4
Lower Level Plan

Orchard Heights

Salem,
Oregon

Evergreen Housing

Revisions

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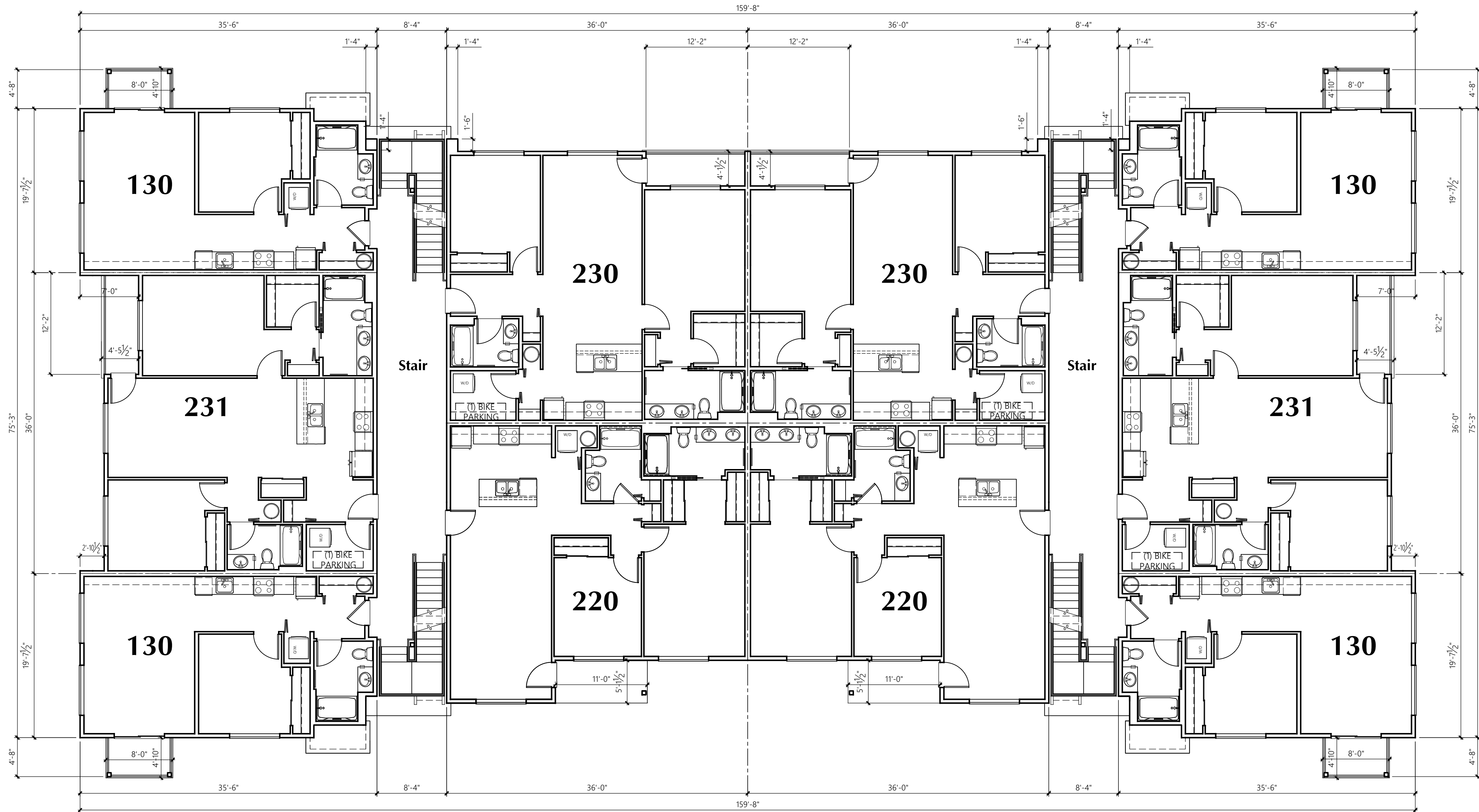
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Drawn By: ESE/SV

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B4

\\2245\BUILDING 4 NEW.DWG



BUILDING 4

1/8" = 1'-0"

3'-0" STEP

30 UNITS - 1 & 2-BED UNITS
MIDDLE LEVEL PLAN



Building 4
Middle Level Plan

Orchard Heights

Salem,
Oregon

Evergreen Housing

Revisions

No. Date Description

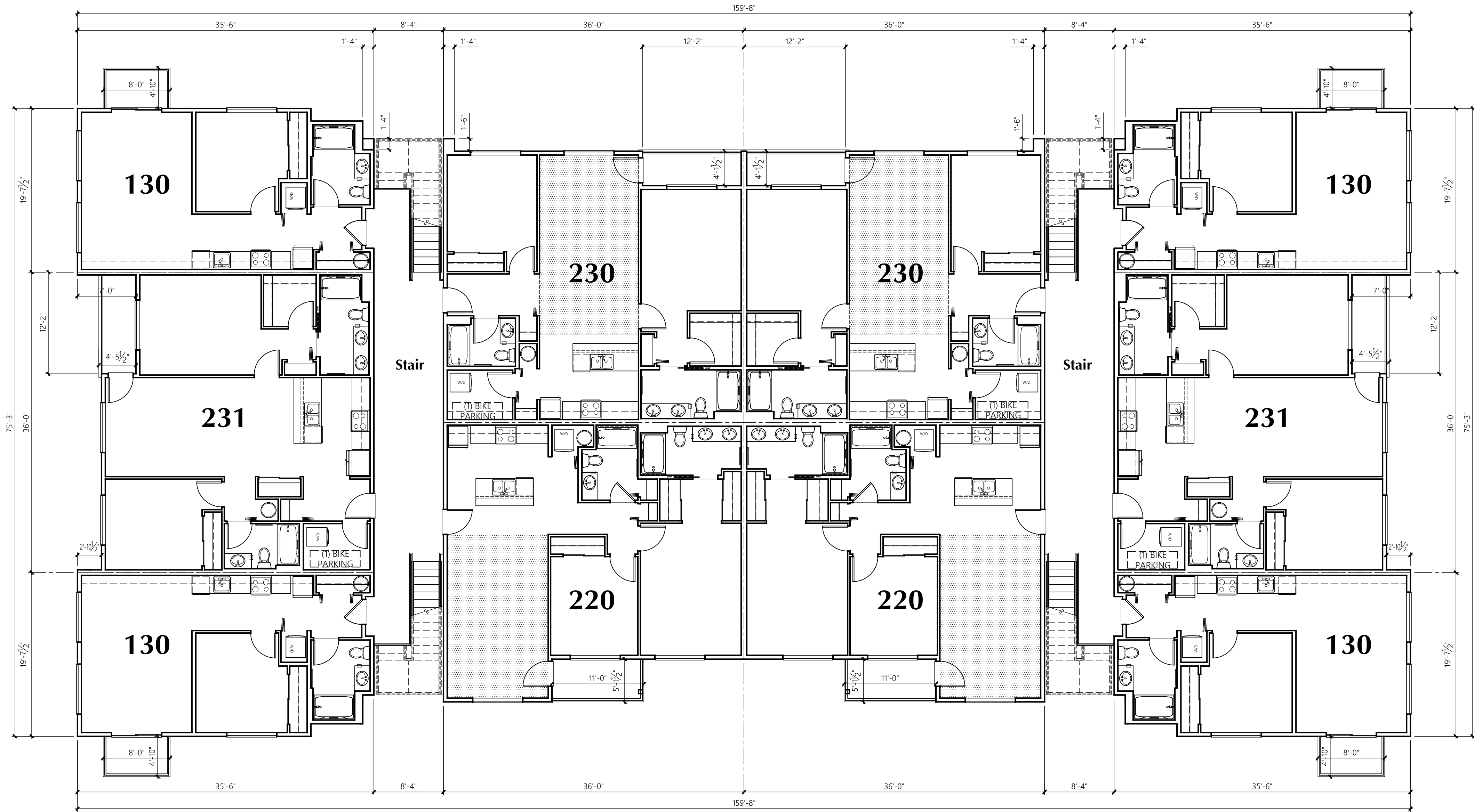
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Drawn By: ESE/SV

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B5



BUILDING 4

1/8" = 1'-0"

3'-0" STEP

30 UNITS - 1 & 2-BED UNITS
UPPER LEVEL PLAN



Building 4
Upper Level Plan

Orchard Heights

Salem,
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Evergreen Housing

Revisions

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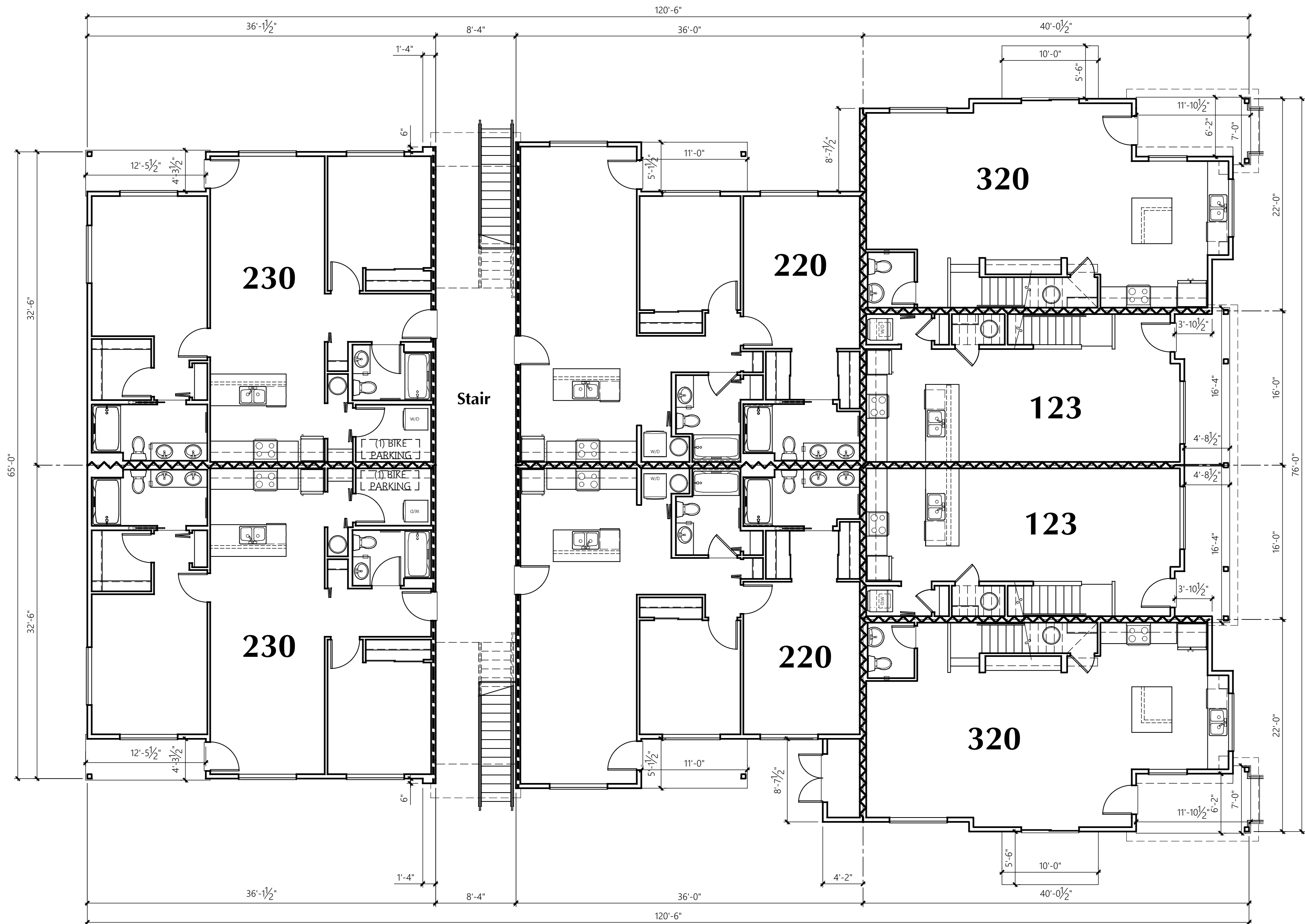
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B6

\\2245\BUILDING 5.DWG



BUILDINGS 5-8

16 UNITS - 2 & 3-BED. UNITS
LOWER LEVEL PLAN

1/8" = 1'-0"

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Buildings 5-8
Lower Level Plan

Orchard Heights
Salem, Oregon

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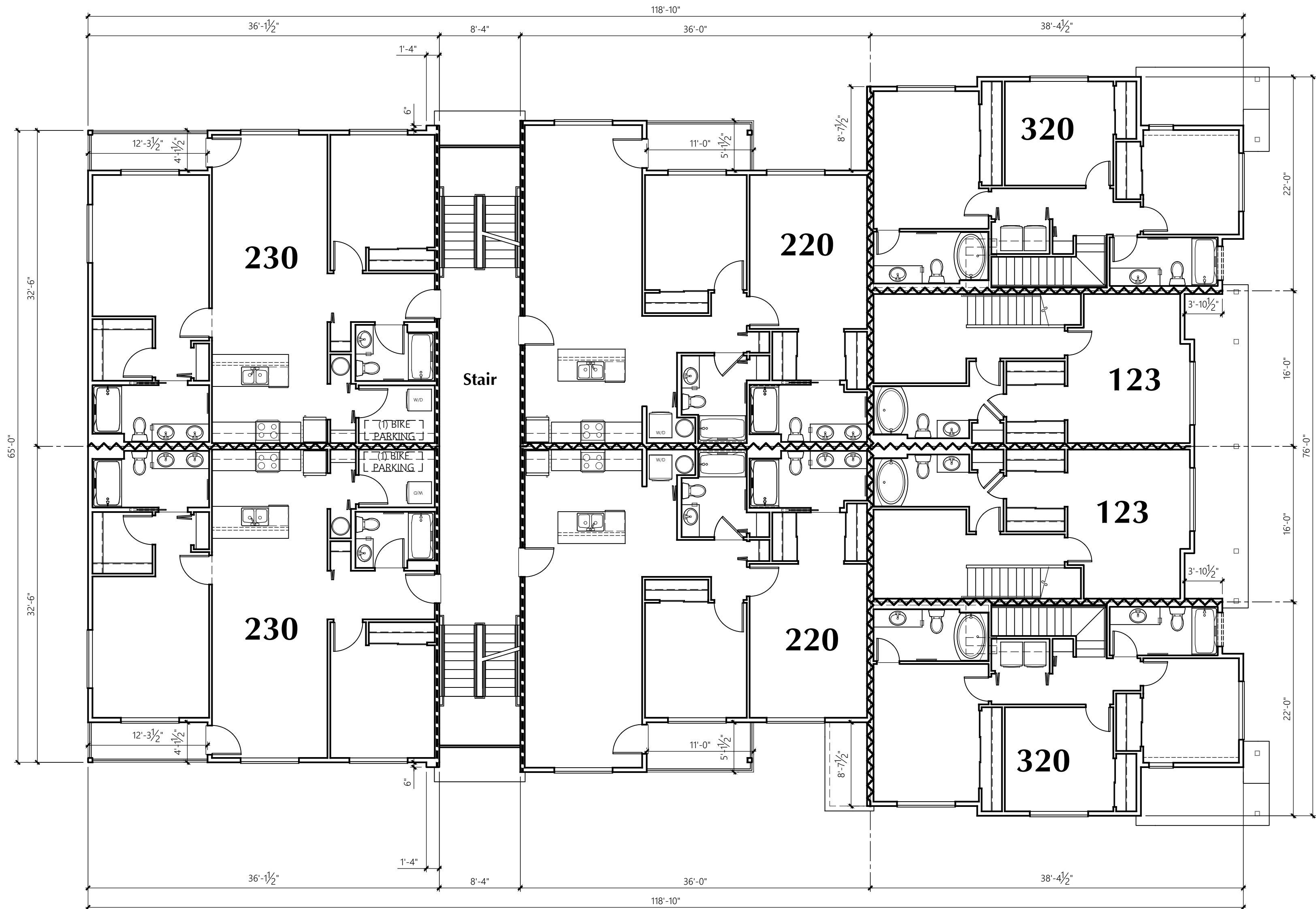
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B7

\\2245\BUILDING 5.DWG



BUILDINGS 5-8

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
MIDDLE LEVEL PLAN

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Buildings 5-8
Middle Level Plan

Orchard Heights

Salem, Oregon

Evergreen Housing

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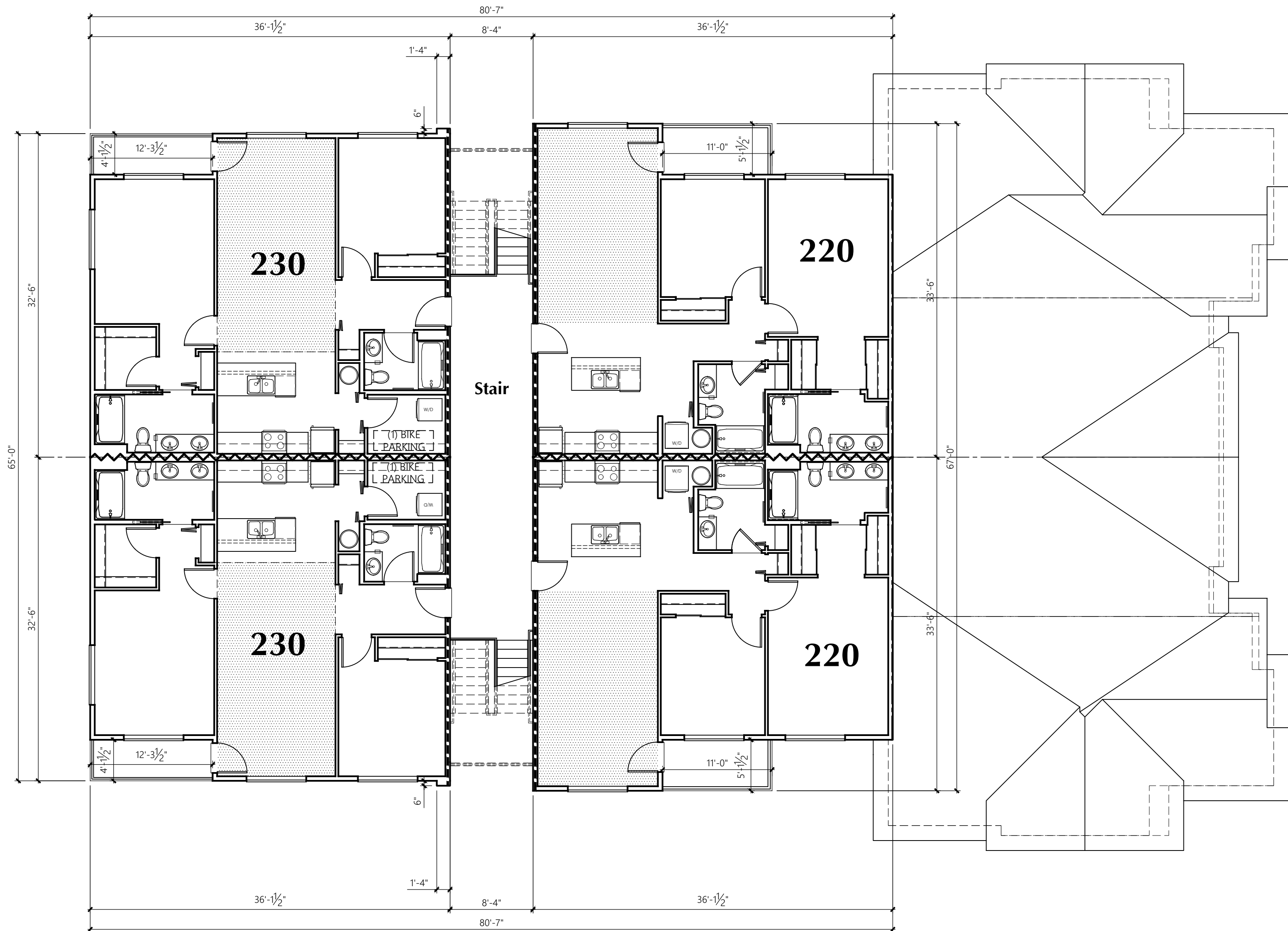
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\\2245\BUILDING 5.DWG



BUILDINGS 5-8

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
UPPER LEVEL PLAN

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Buildings 5-8
Middle Level Plan

Orchard
Heights

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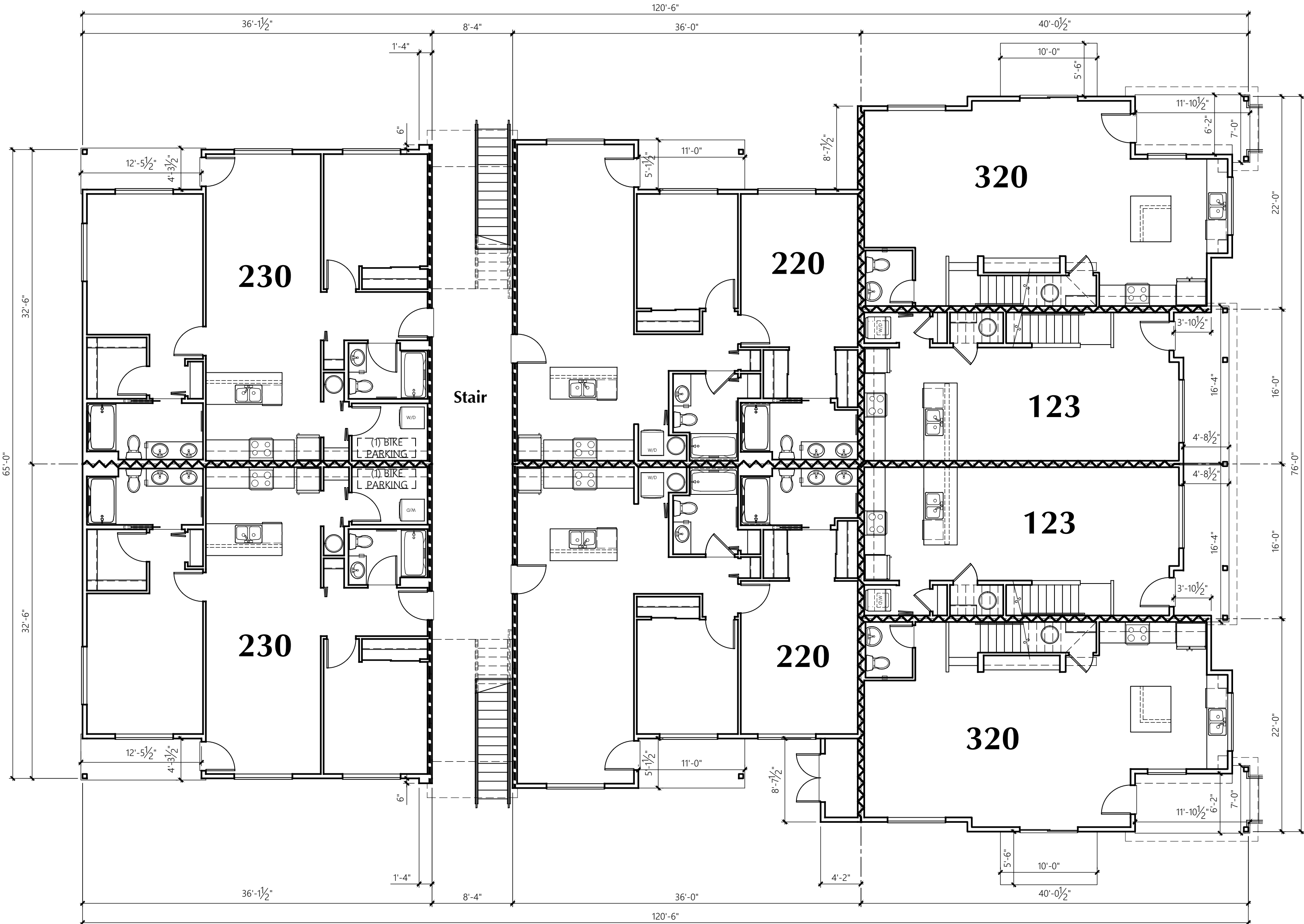
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B9

11/22/24\BUILDING 6.DWG



BUILDING 6

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
LOWER LEVEL PLAN

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Building 6
Lower Level Plan

Orchard Heights
Salem, Oregon

Evergreen Housing

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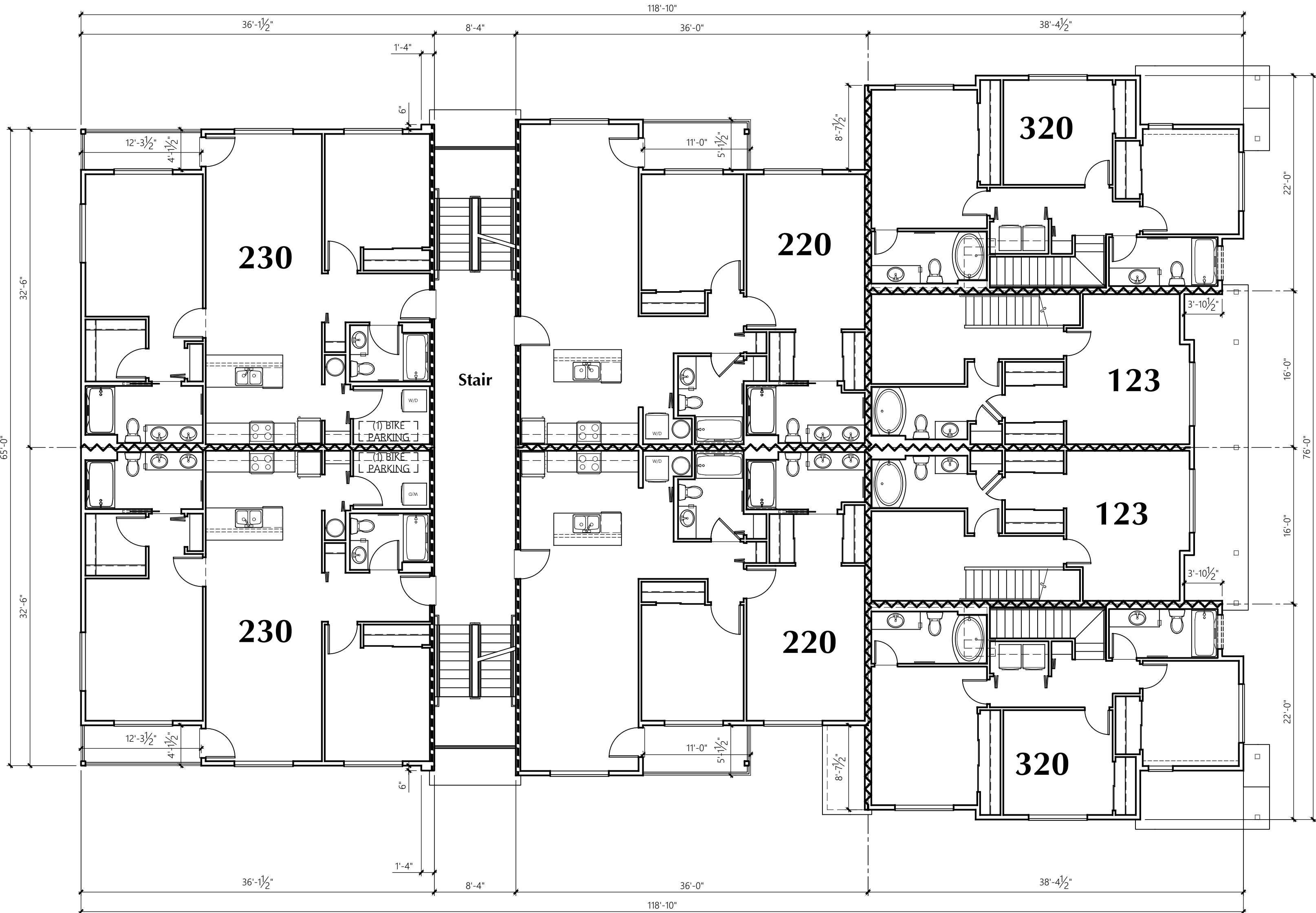
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11/22/24\BUILDING 6.DWG



BUILDING 6

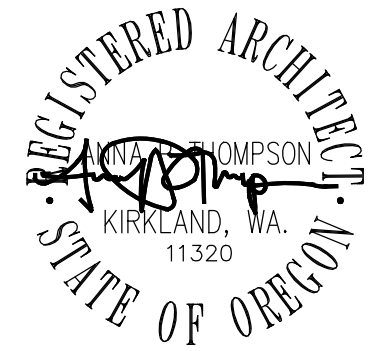
1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
MIDDLE LEVEL PLAN

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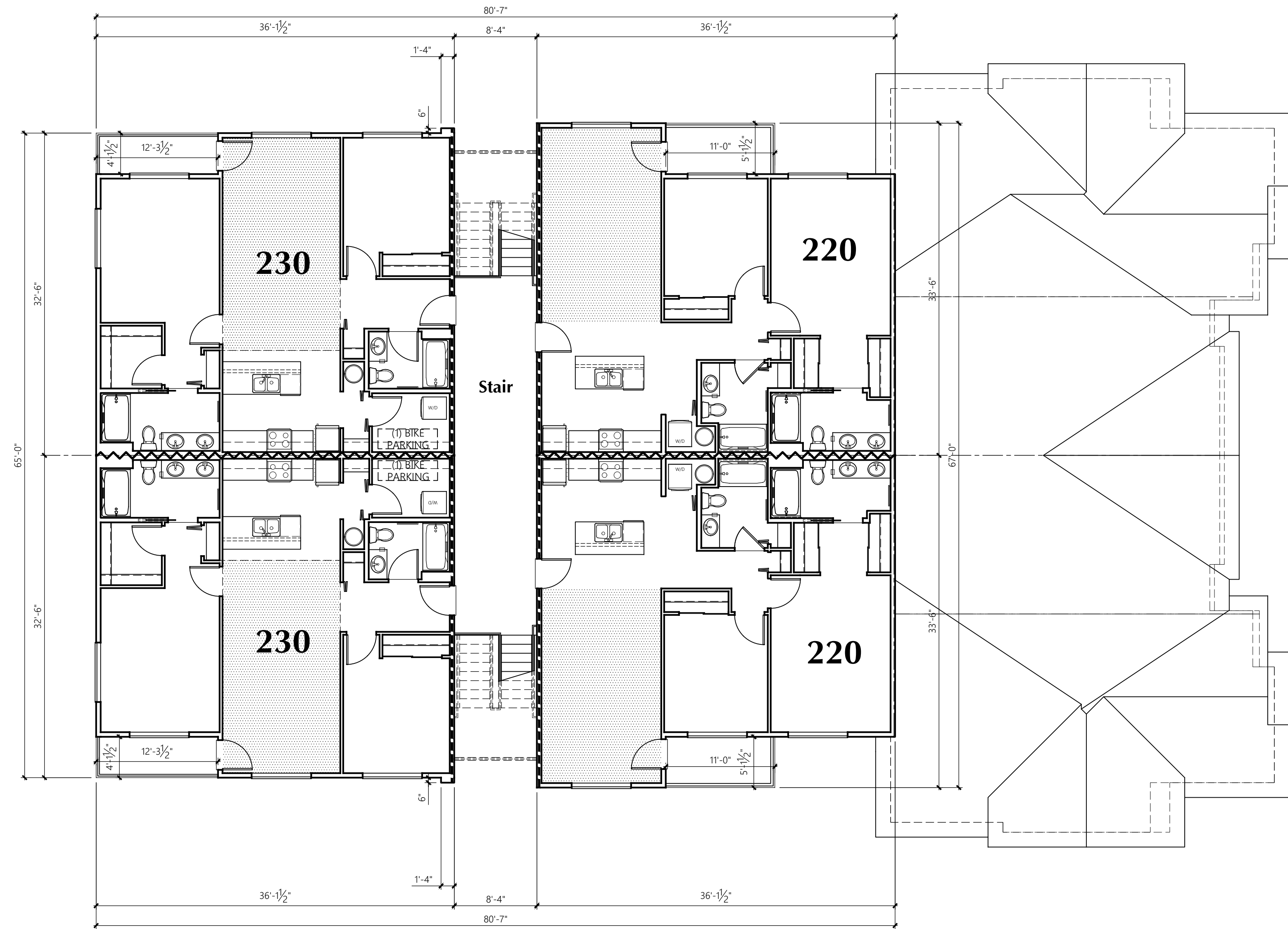
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B11

\\2245\BUILDING 6.DWG



BUILDING 6

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
UPPER LEVEL PLAN

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Building 6
Upper Level Plan

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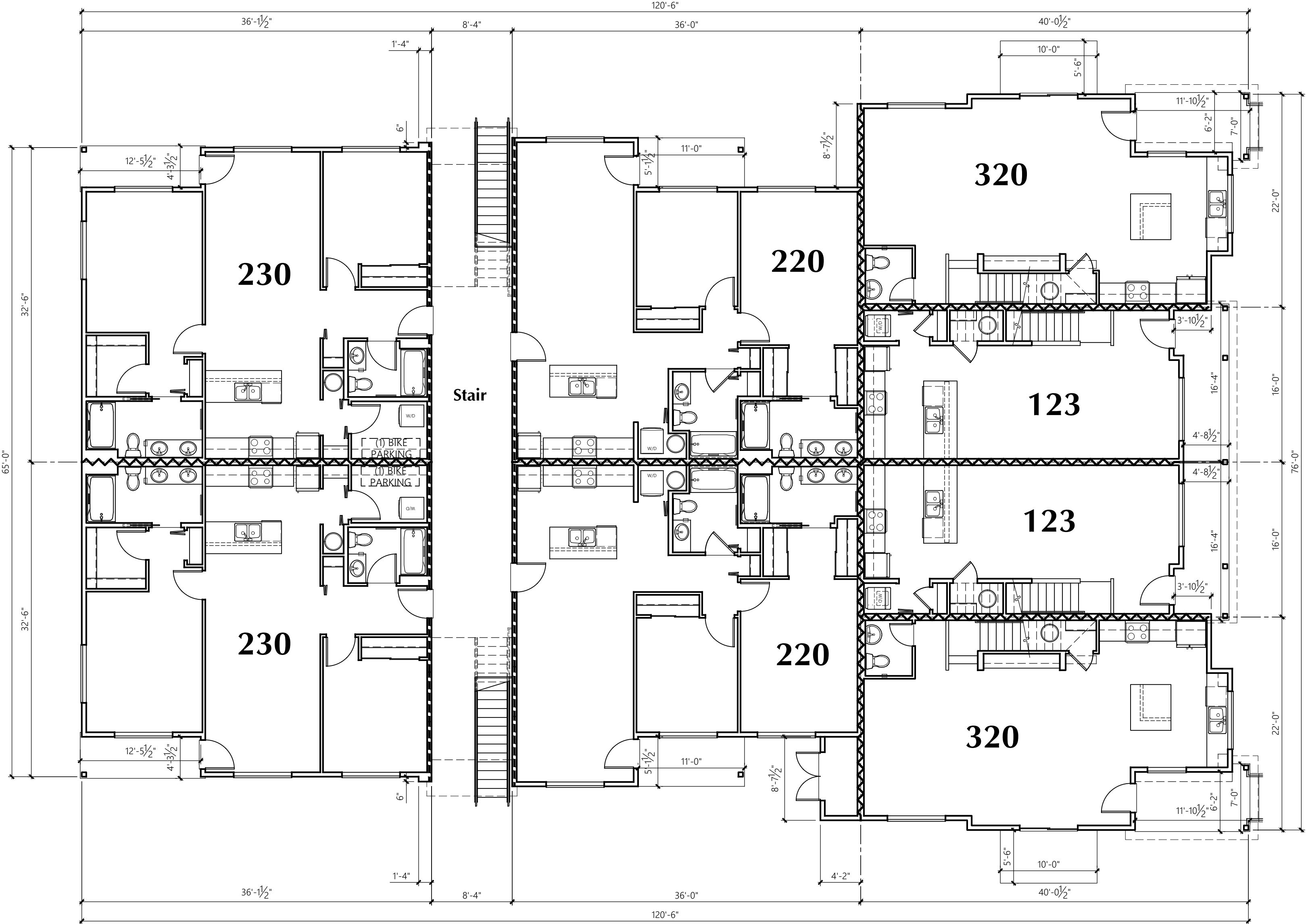
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B12

\\2245\BUILDING 7.DWG



BUILDING 7

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
LOWER LEVEL PLAN

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Building 7
Lower Level Plan

Orchard Heights

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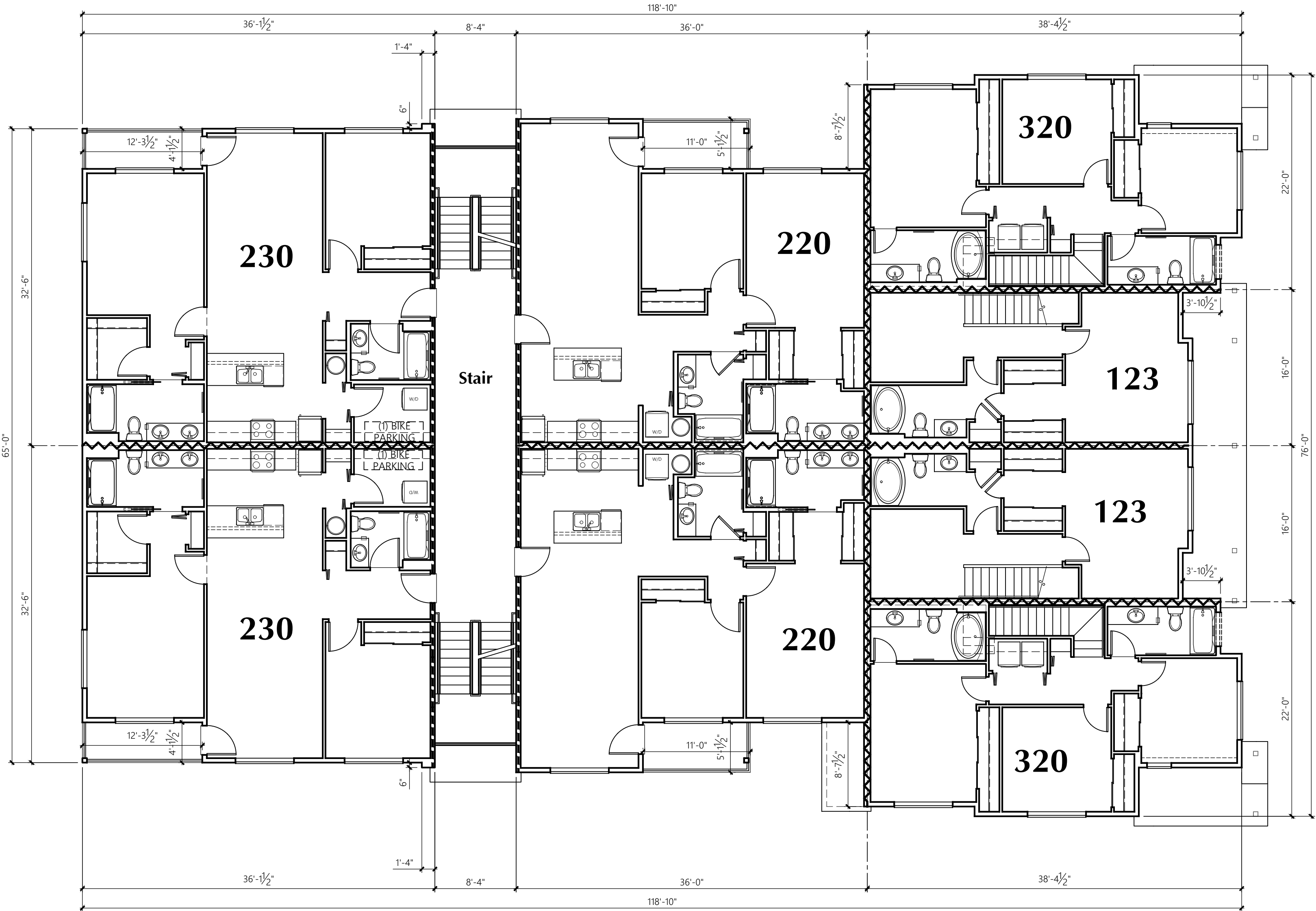
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B13

1-22-24\BUILDING 7.DWG



BUILDING 7

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
MIDDLE LEVEL PLAN

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Building 7
Middle Level Plan

Orchard Heights

Salem,
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Evergreen Housing

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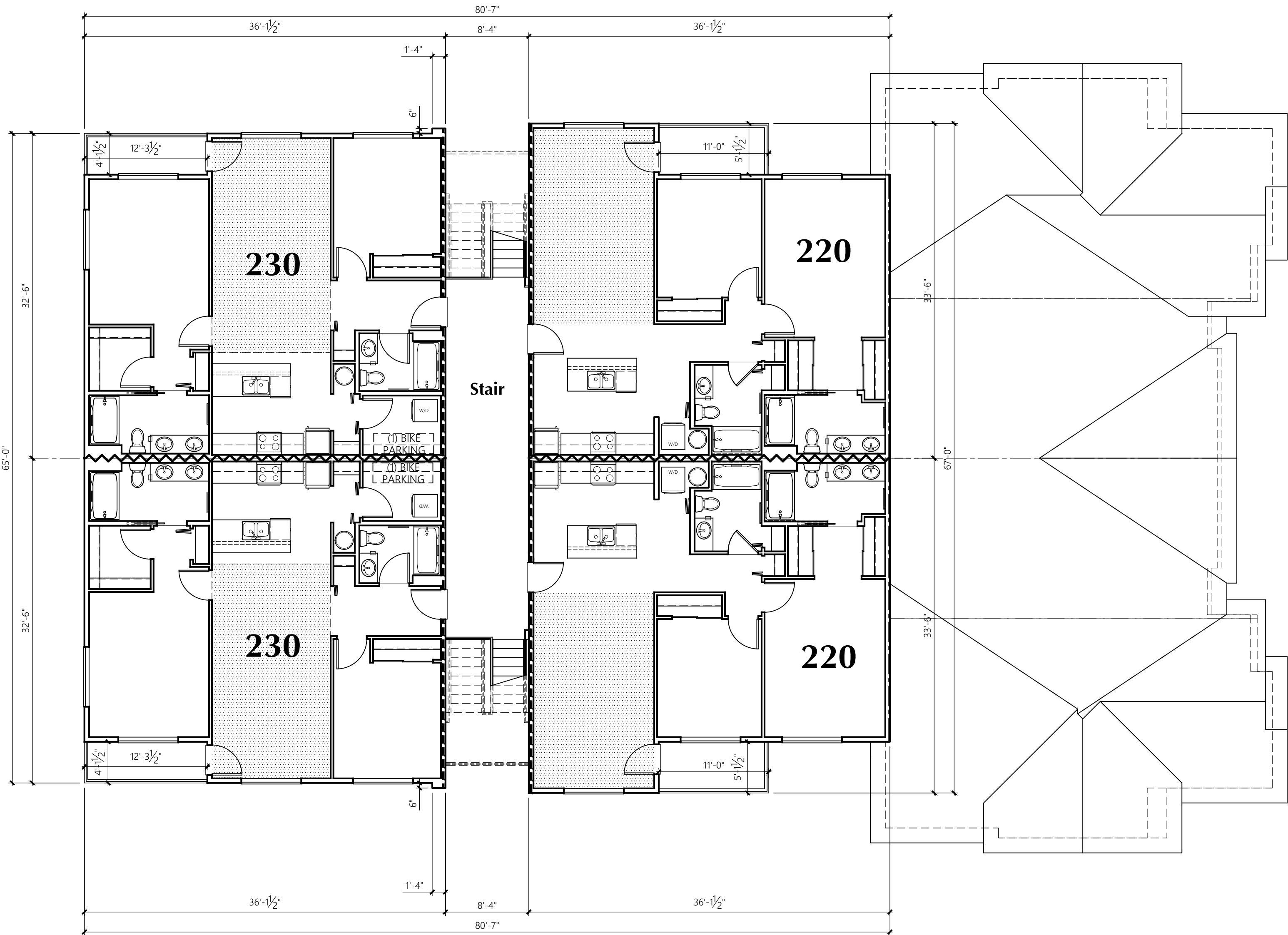
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B14

R:\2245\BUILDING 7.DWG



BUILDING 7

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
UPPER LEVEL PLAN



Building 7
Upper Level Plan

Orchard Heights
Salem,
Oregon

Evergreen Housing

Revisions

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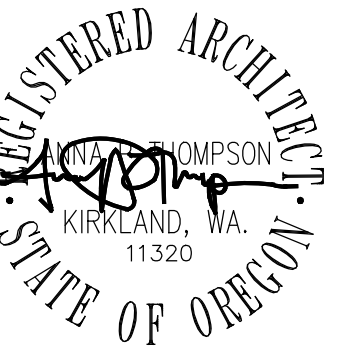
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B15



Building 8

Lower Level Plan

Orchard Heights

**Salem,
Oregon**

Evergreen Housing

Revisions

Date	Description
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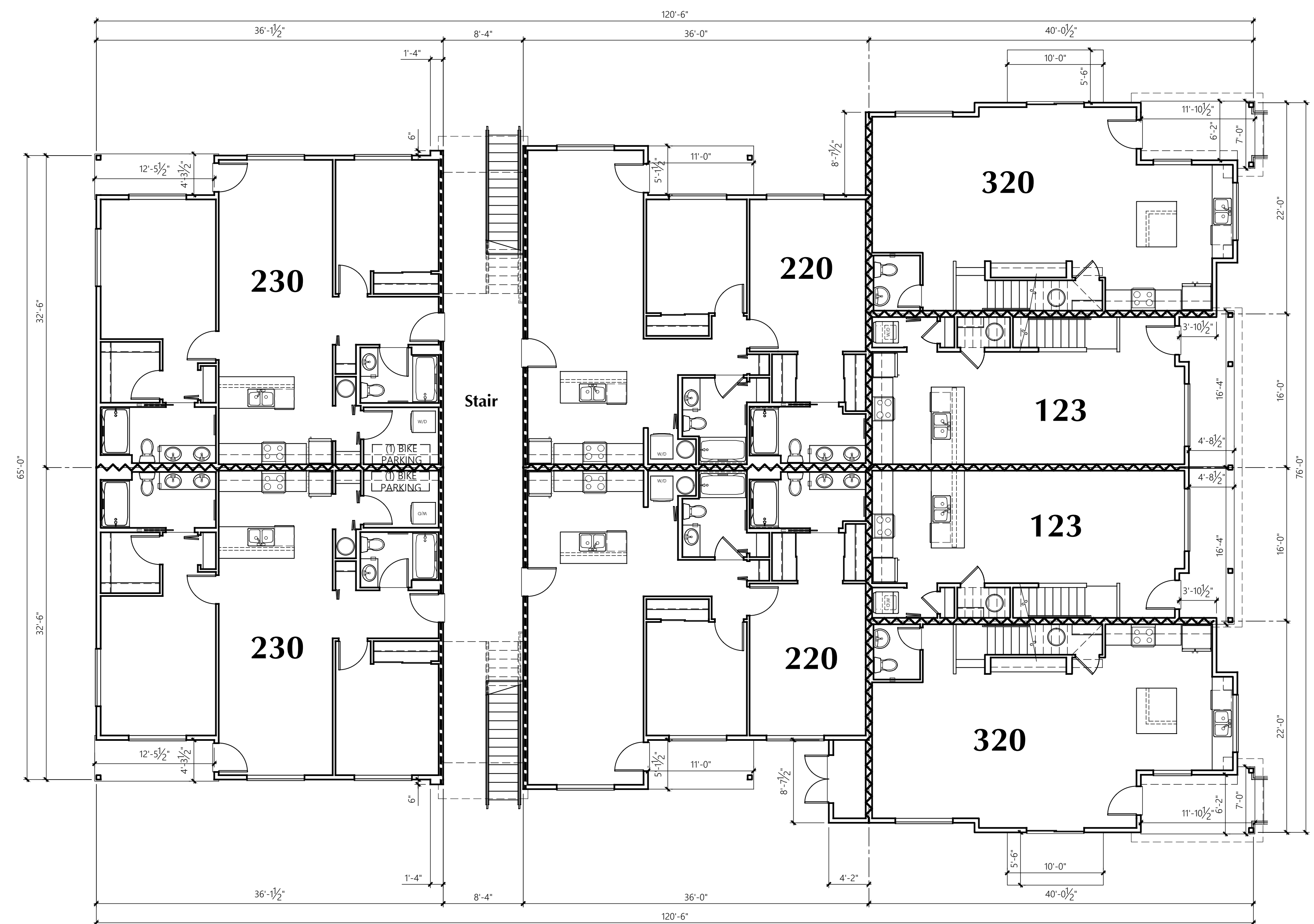
al Publish Date:

e Plotted: 1-12-24

No.:	Drawn By:
22-45	ESE/SV

et No.:

B16

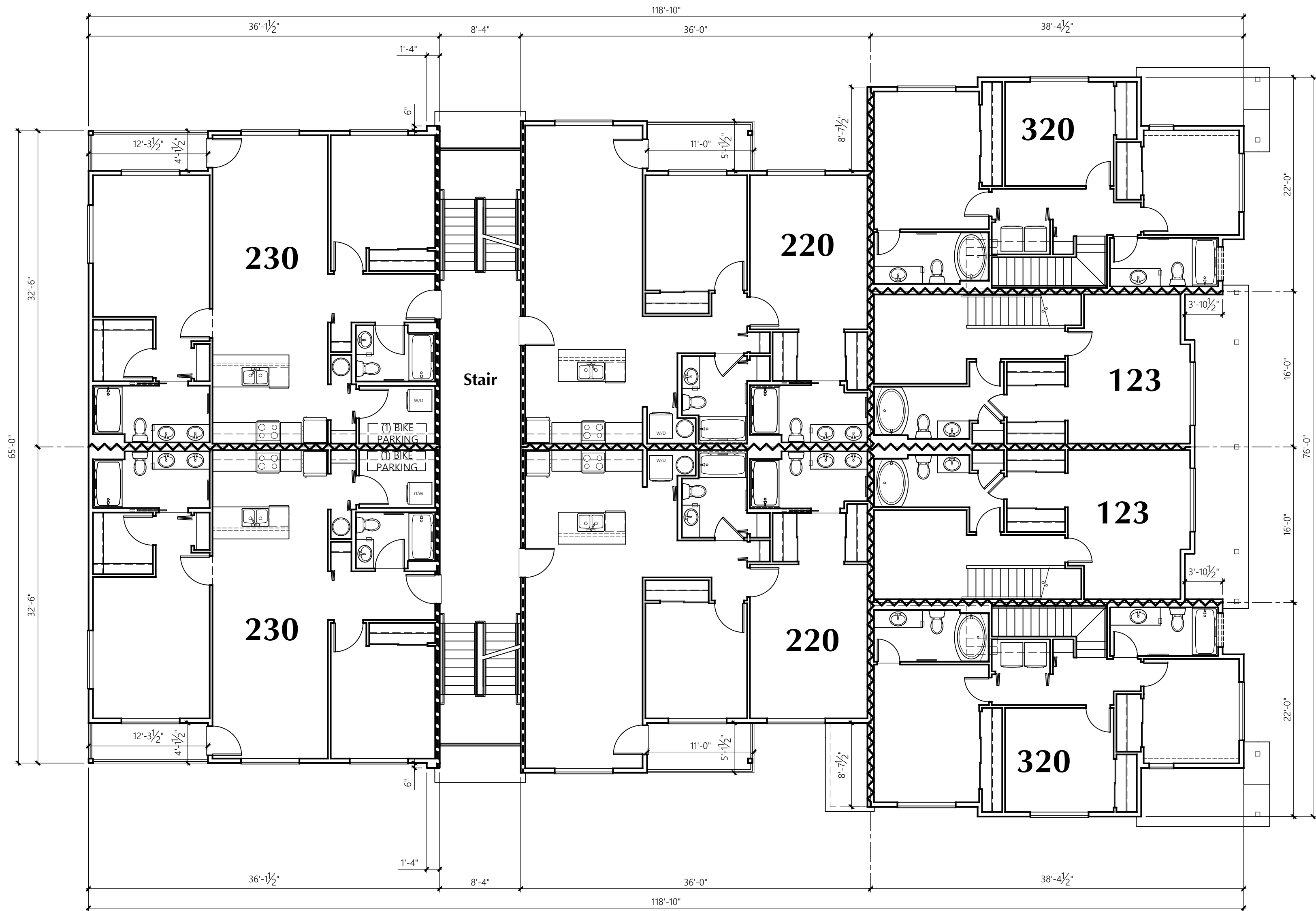


BUILDING 8

16 UNITS - 2 & 3-BED. UNITS
LOWER LEVEL PLAN

$$1/8'' = 1'-0'$$

11/22/24\BUILDING 8.DWG



BUILDING 8

16 UNITS - 2 & 3-BED. UNITS
MIDDLE LEVEL PLAN

1/8" = 1'-0"



Building 8
Middle Level Plan

Orchard Heights

Salem,
Oregon

Evergreen Housing

Revisions

No. Date Description

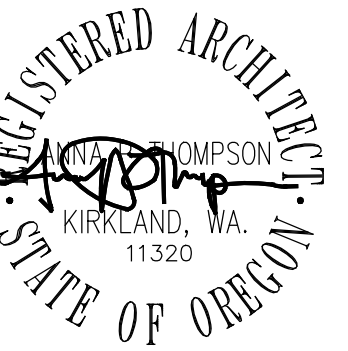
Initial Publish Date:

Date Plotted: 1-12-24

Job No.: 22-45
Drawn By: ESE/SV

Sheet No.:

B17



Building 8

Upper Level Plan

Orchard Heights

**Salem,
Oregon**

Evergreen Housing

Revisions

Date	Description
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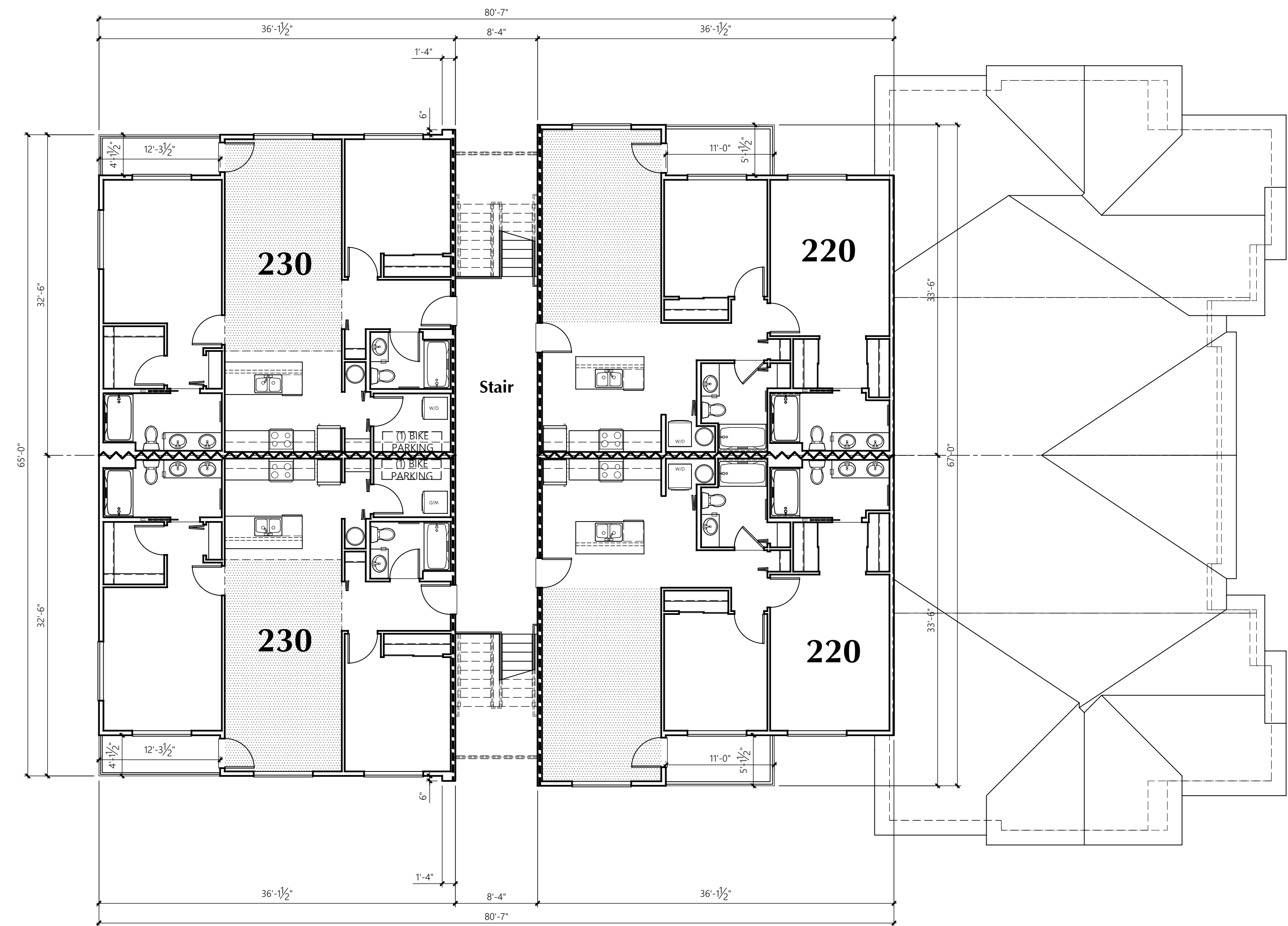
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No.:	Drawn By:
22-45	ESE/SV

et No.:

B18

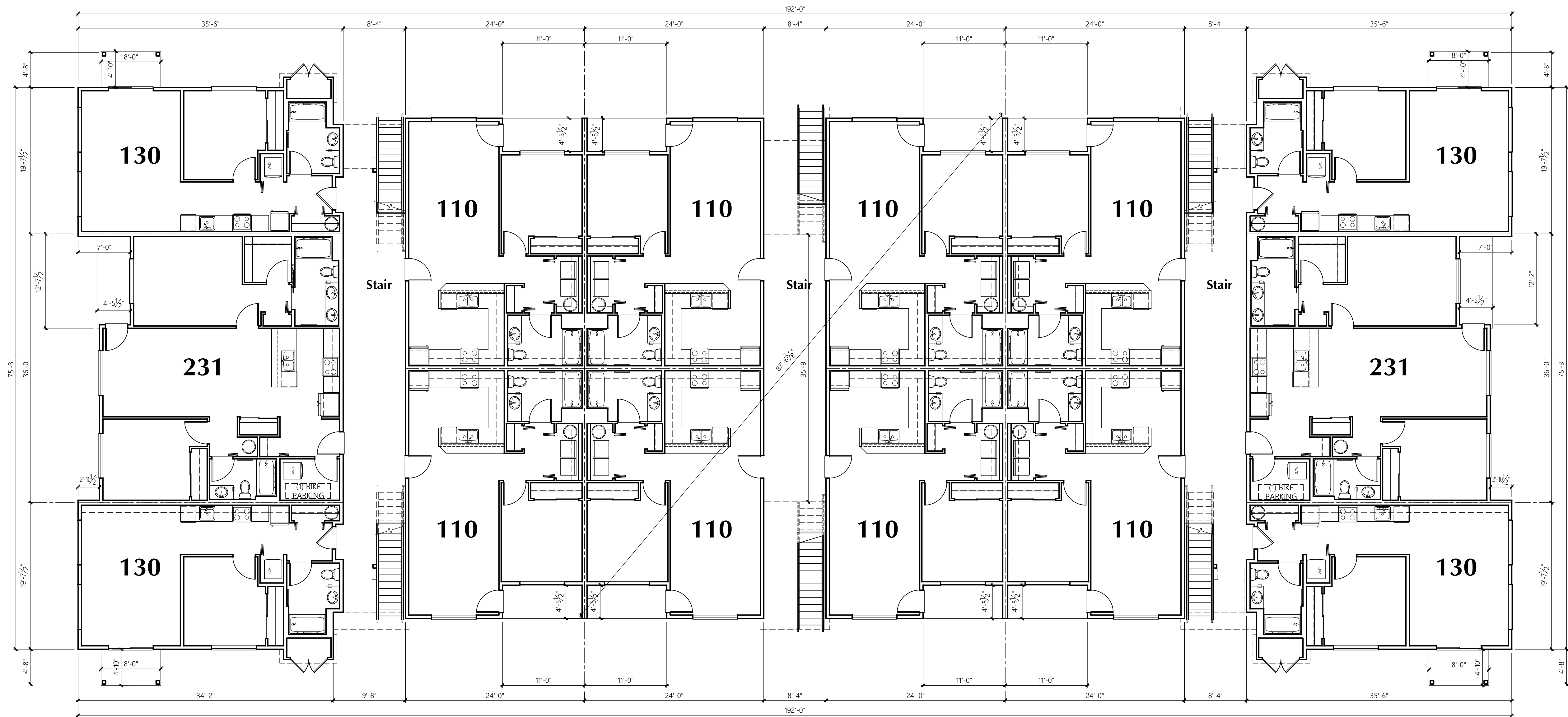


BUILDING 8

16 UNITS - 2 & 3-BED. UNITS
UPPER LEVEL PLAN

$$1/8'' = 1'-0'$$

\\2245\BUILDING 9 NEW.DWG



BUILDING 9

1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
LOWER LEVEL PLAN

MILBRANDT
ARCHITECTS

25 Central Way, Suite 210
Kirkland, Washington 98033
P: 425.454.7130 F: 425.658.1208
Web: www.milbrandtarch.com

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Building 9
Lower Level Plan

Orchard
Heights

Salem,
Oregon

Evergreen
Housing

Revisions

No.	Date	Description
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Initial Publish Date:

Date Plotted: 1-12-24

Job No.:

22-45

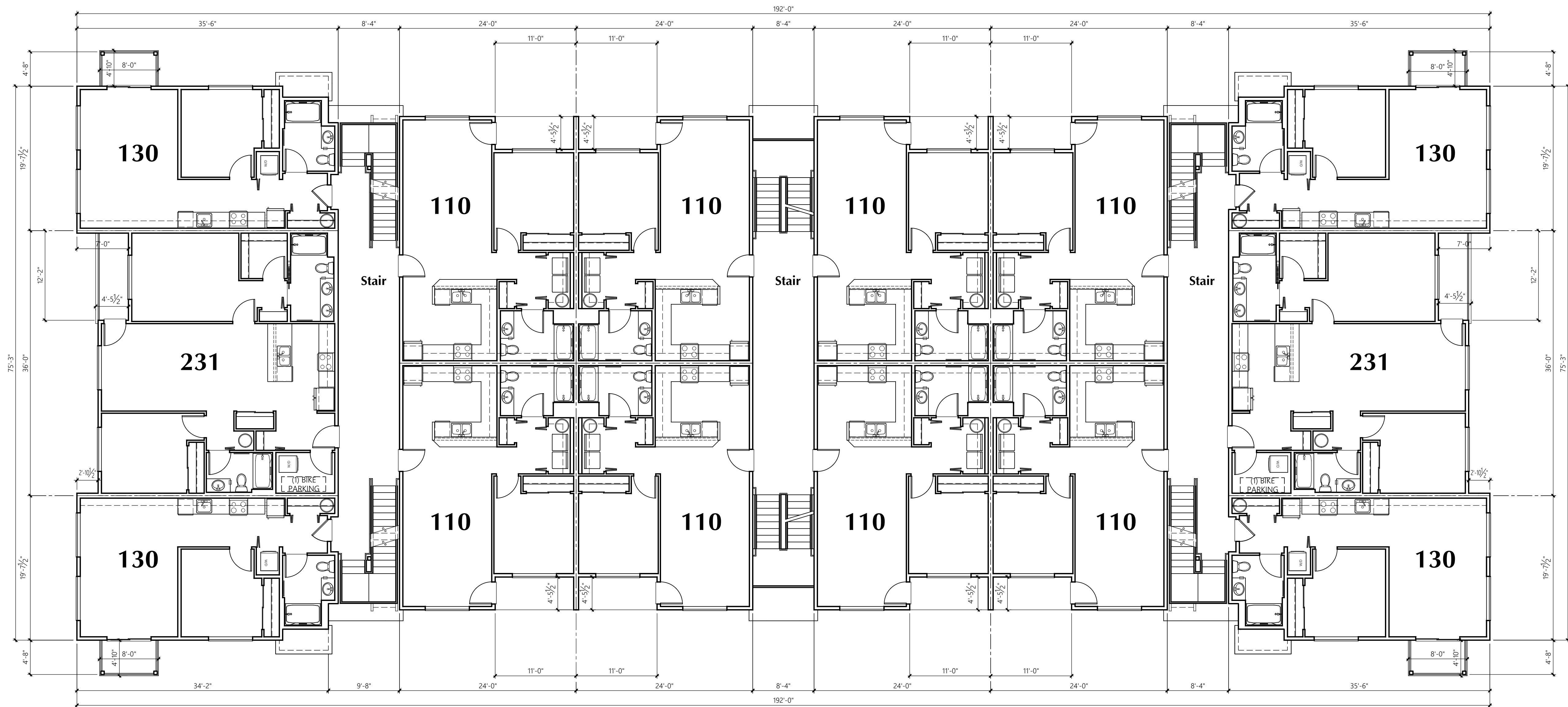
Drawn By:

ESE/SV

Sheet No.:

B19

\\2245\BUILDING 9 NEW.DWG



BUILDING 9

1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
MIDDLE LEVEL PLAN

MILBRANDT
ARCHITECTS

25 Central Way, Suite 210
Kirkland, Washington 98033
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Building 9 Middle Level Plan

Orchard Heights

Salem,
Oregon

Evergreen Housing

Revisions

No.	Date	Description
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Initial Publish Date:

Date Plotted: 1-12-24

Job No.:

22-45

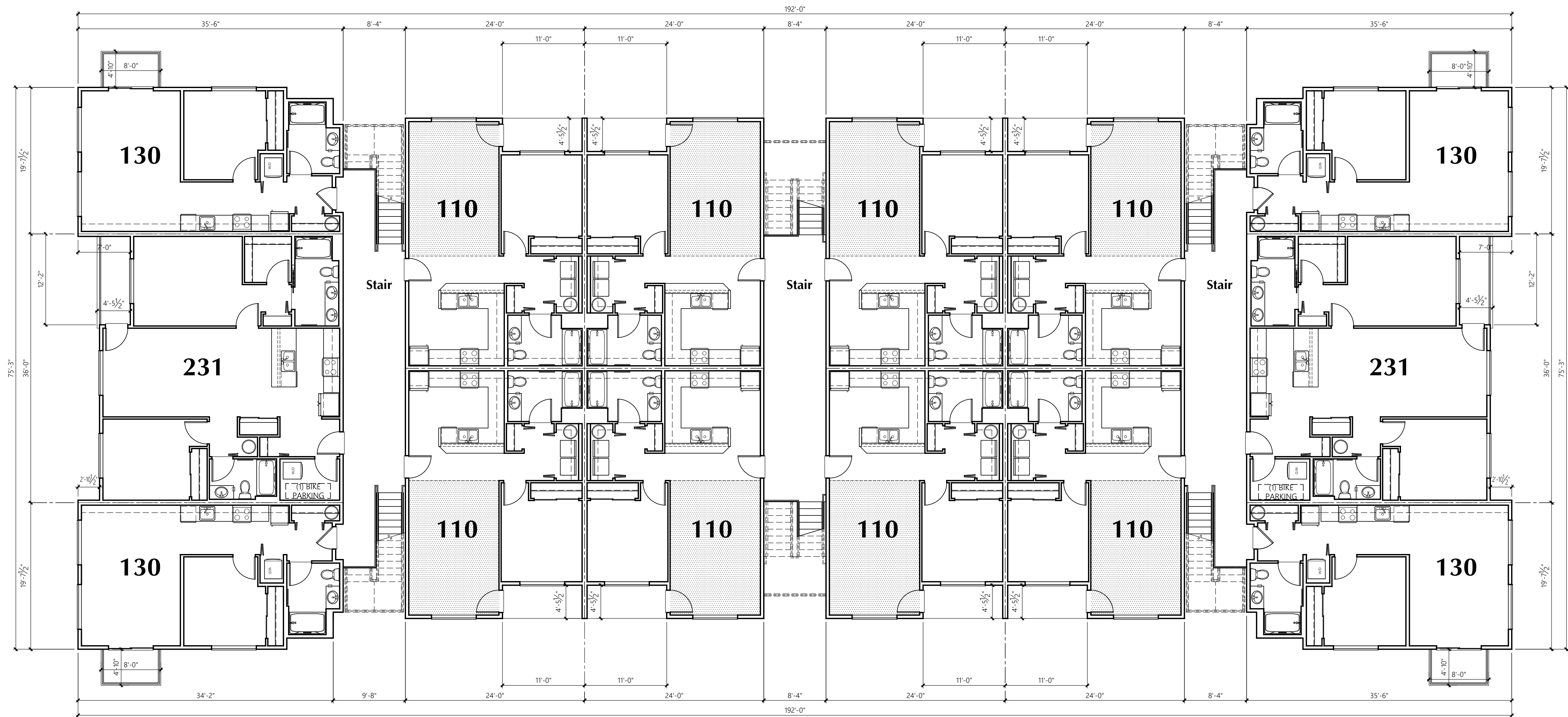
Drawn By:

ESE/SV

Sheet No.:

B20

\\2245\BUILDING 9 NEW.DWG



BUILDING 9

1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
UPPER LEVEL PLAN

MILBRANDT
ARCHITECTS

25 Central Way, Suite 210
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Building 9
Upper Level Plan

Orchard
Heights

Salem,
Oregon

Evergreen
Housing

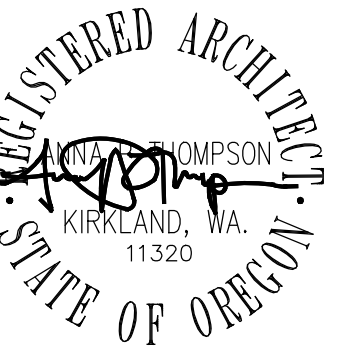
Revisions
No. Date Description

Initial Publish Date:
Date Plotted: 1-12-24

Job No.: 22-45
Drawn By: ESE/SV

Sheet No.:

B21



Amenity Building

Orchard Heights

**Salem,
Oregon**

Evergreen Housing

Revisions

[illegible]

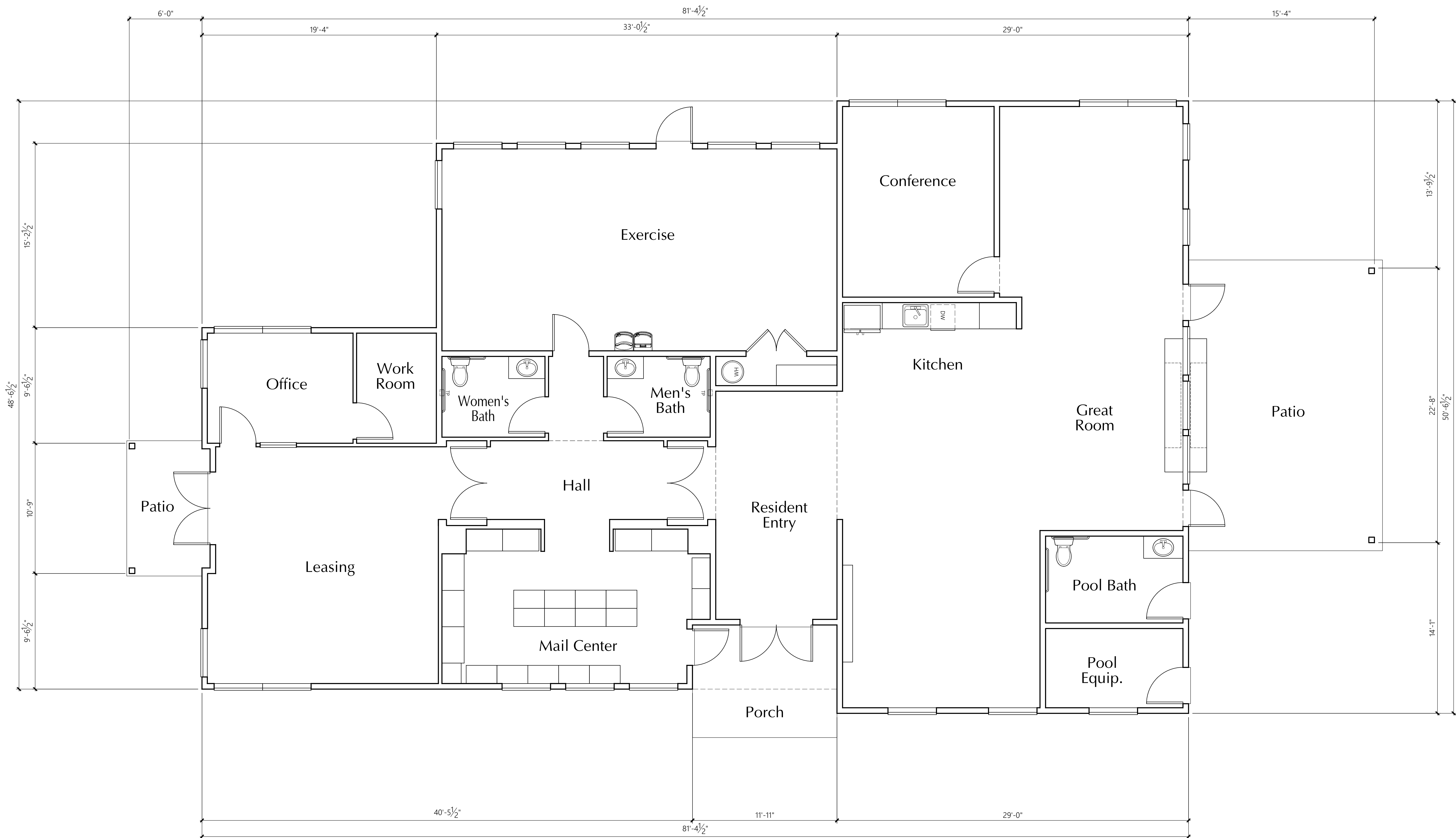
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e Plotted: 1-12-24

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22-45	APT/ESE

et No.:

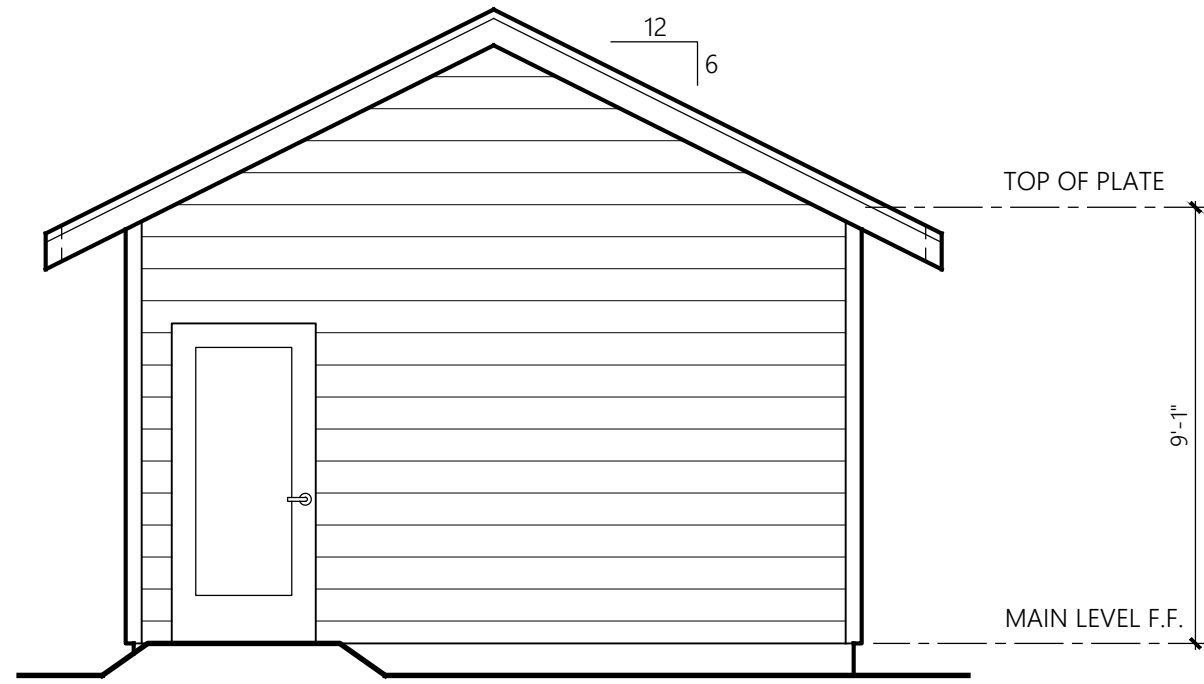
B22



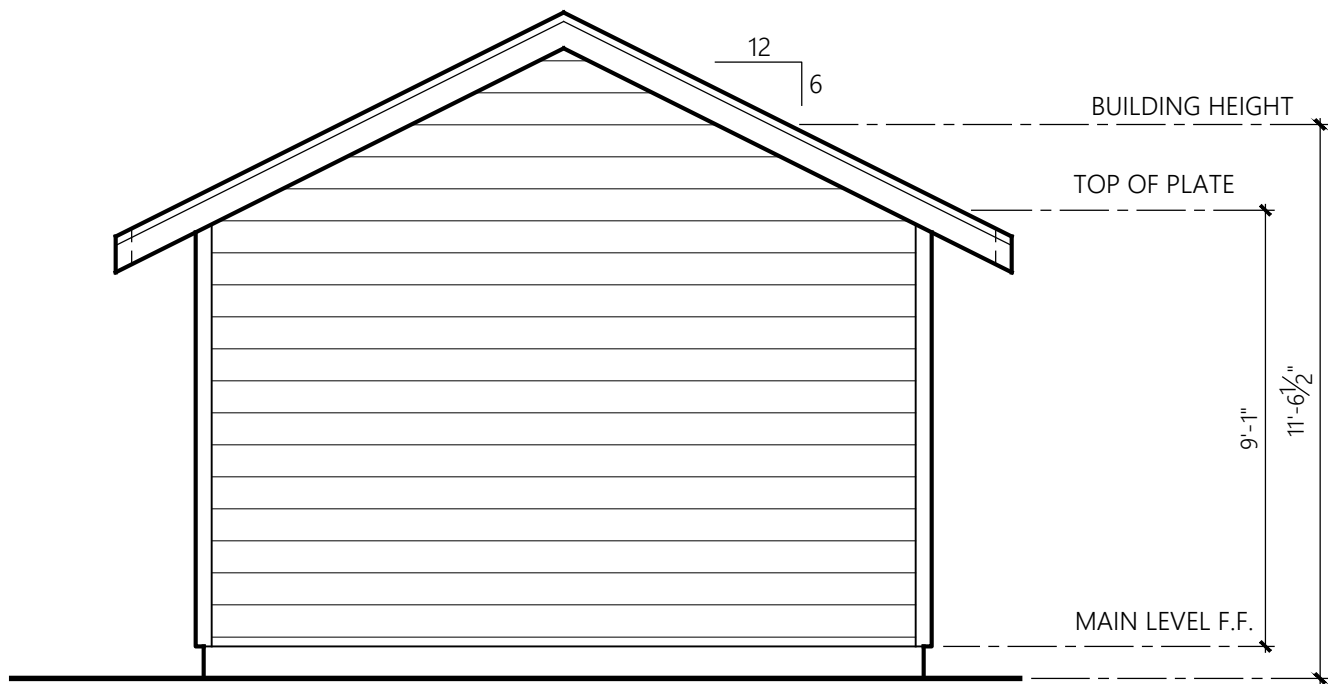
AMENITY BUILDING

FLOOR PLAN

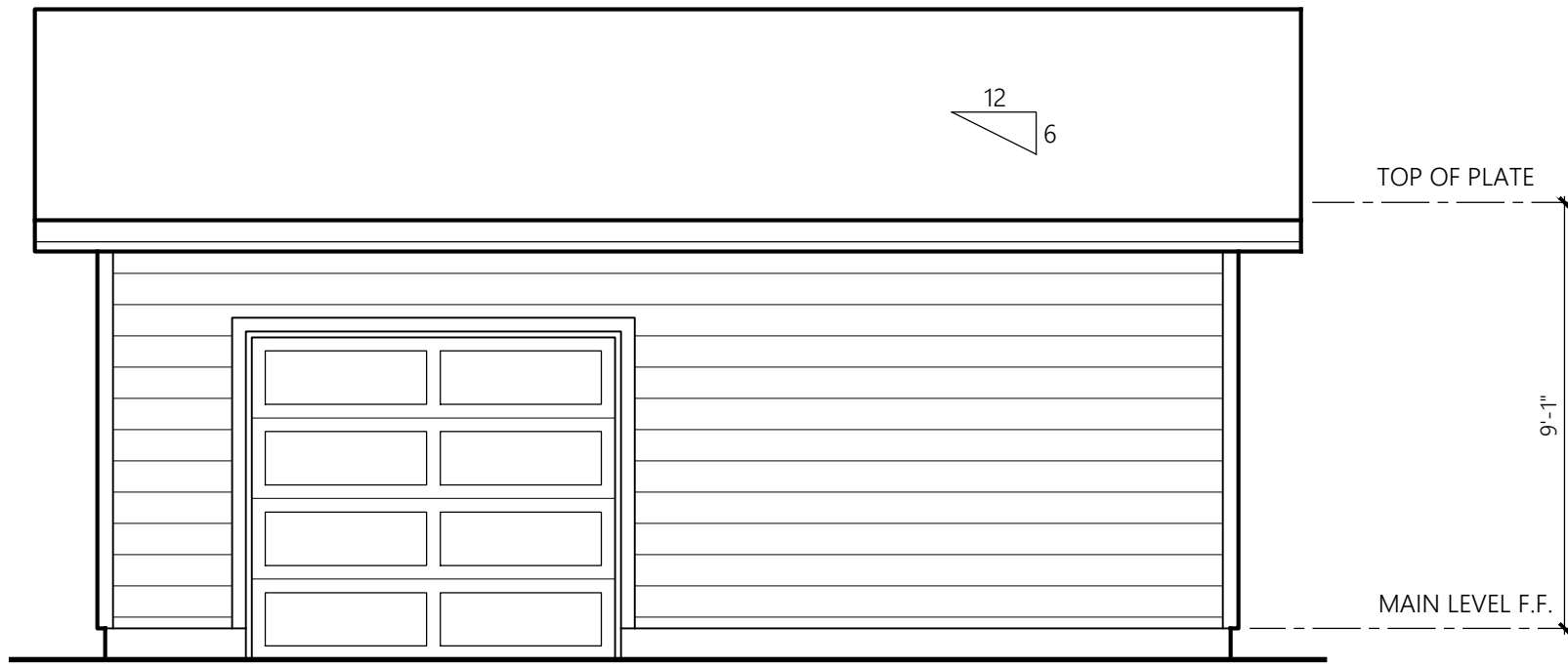
1/4" = 1'-0"



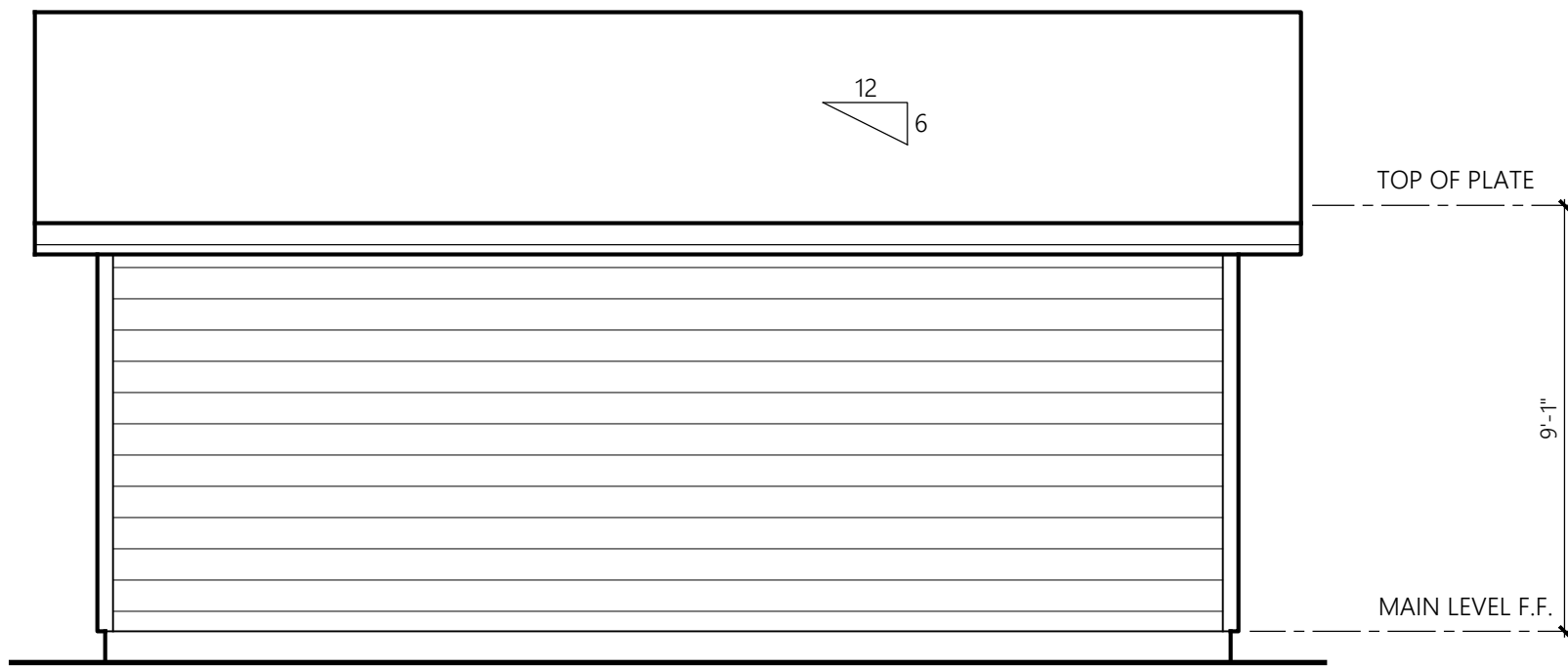
Maintenance Building SIDE ELEVATION
1/4"=1'-0"



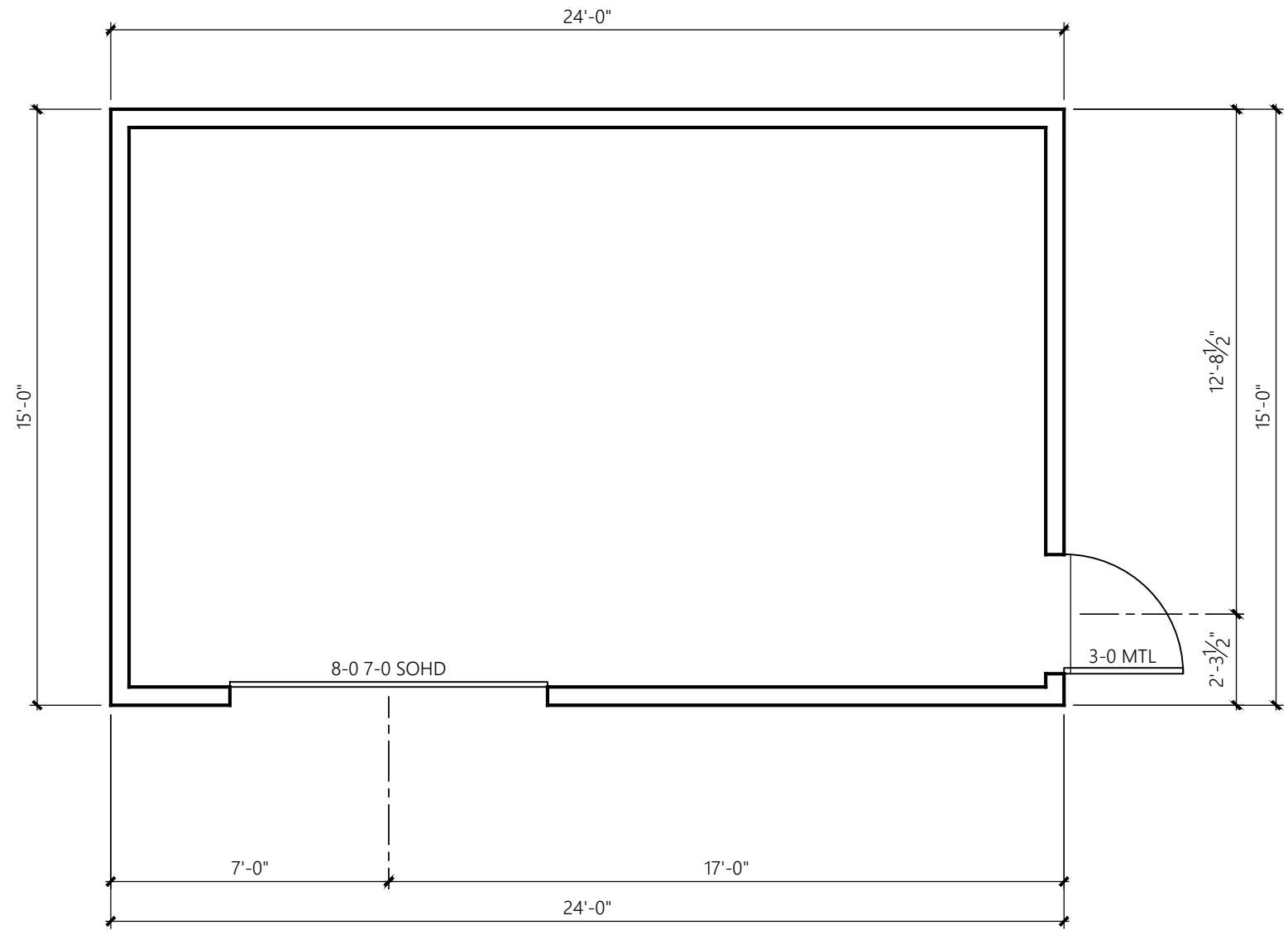
Maintenance Building SIDE ELEVATION
1/4"=1'-0"



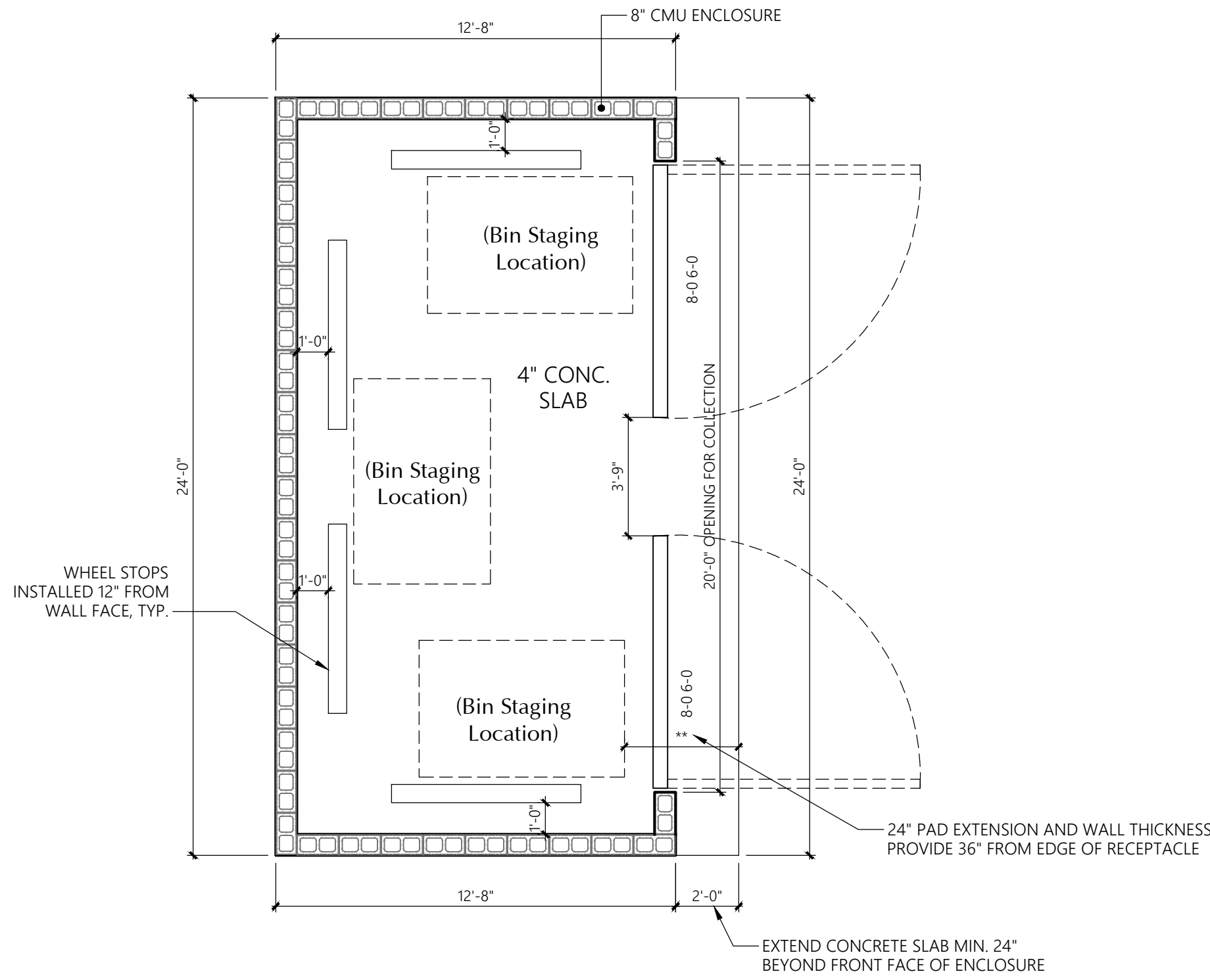
Maintenance Building FRONT ELEVATION
1/4"=1'-0"



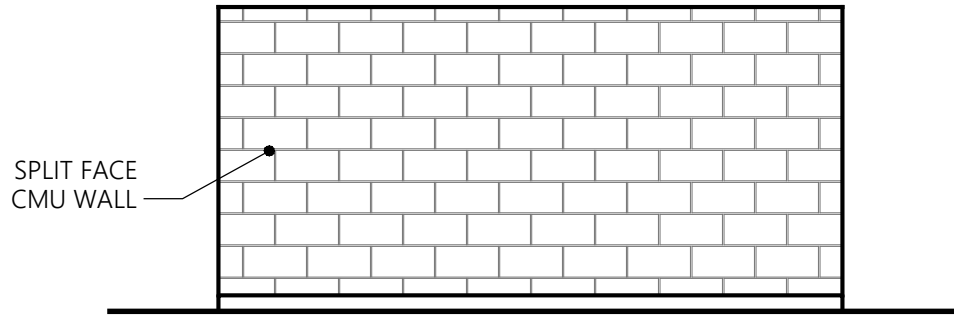
Maintenance Building REAR ELEVATION
1/4"=1'-0"



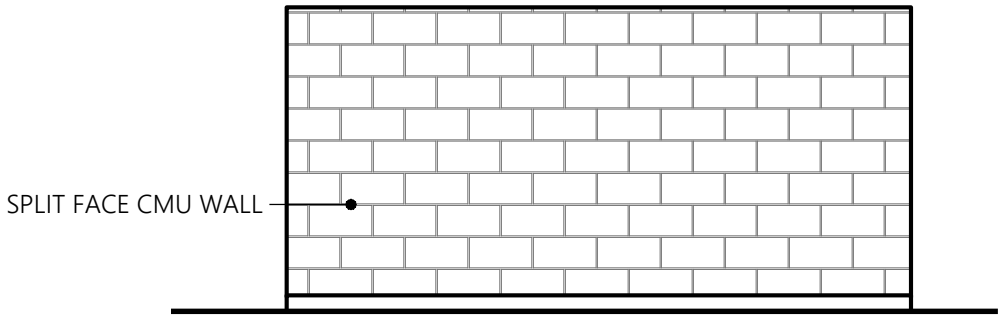
Maintenance Building FLOOR PLAN
1/4"=1'-0"



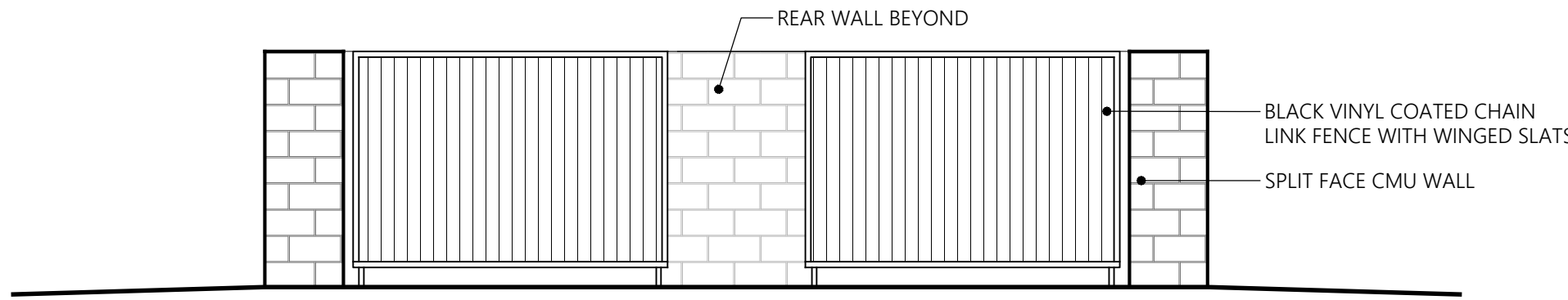
Plan View Trash Enclosure
1/4"=1'-0"



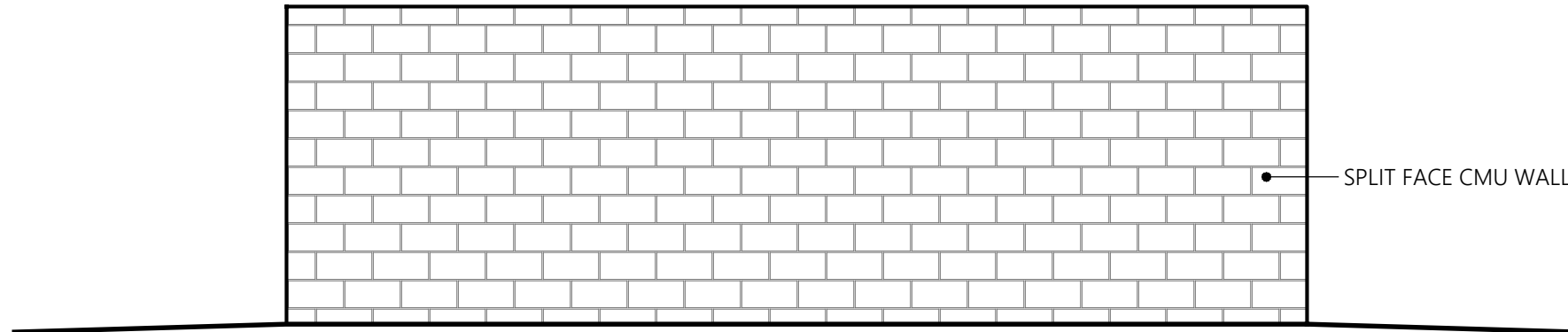
Side Elevation Trash Enclosure
1/4"=1'-0"



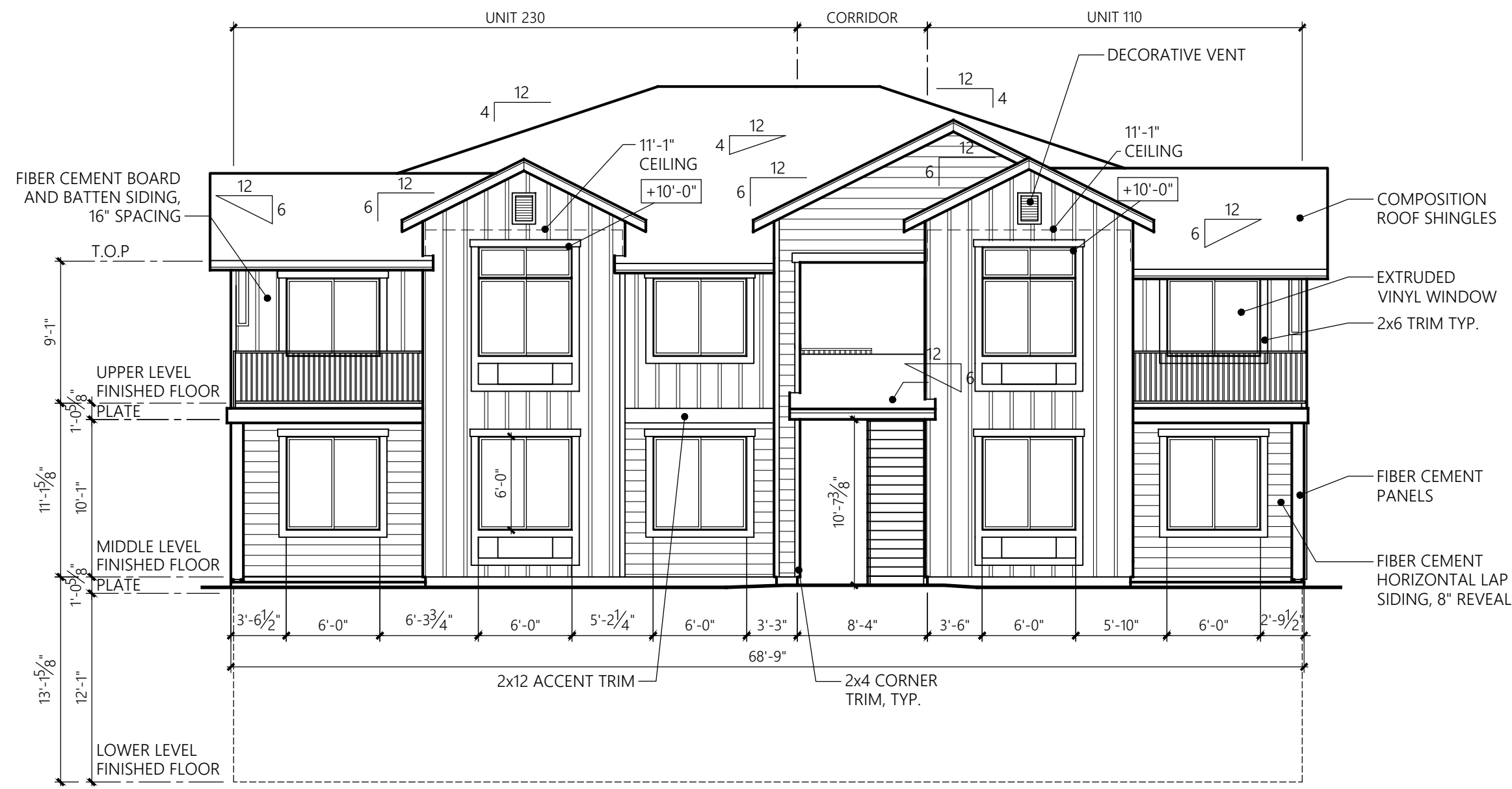
Side Elevation Trash Enclosure
1/4"=1'-0"



Front Elevation Trash Enclosure
1/4"=1'-0"



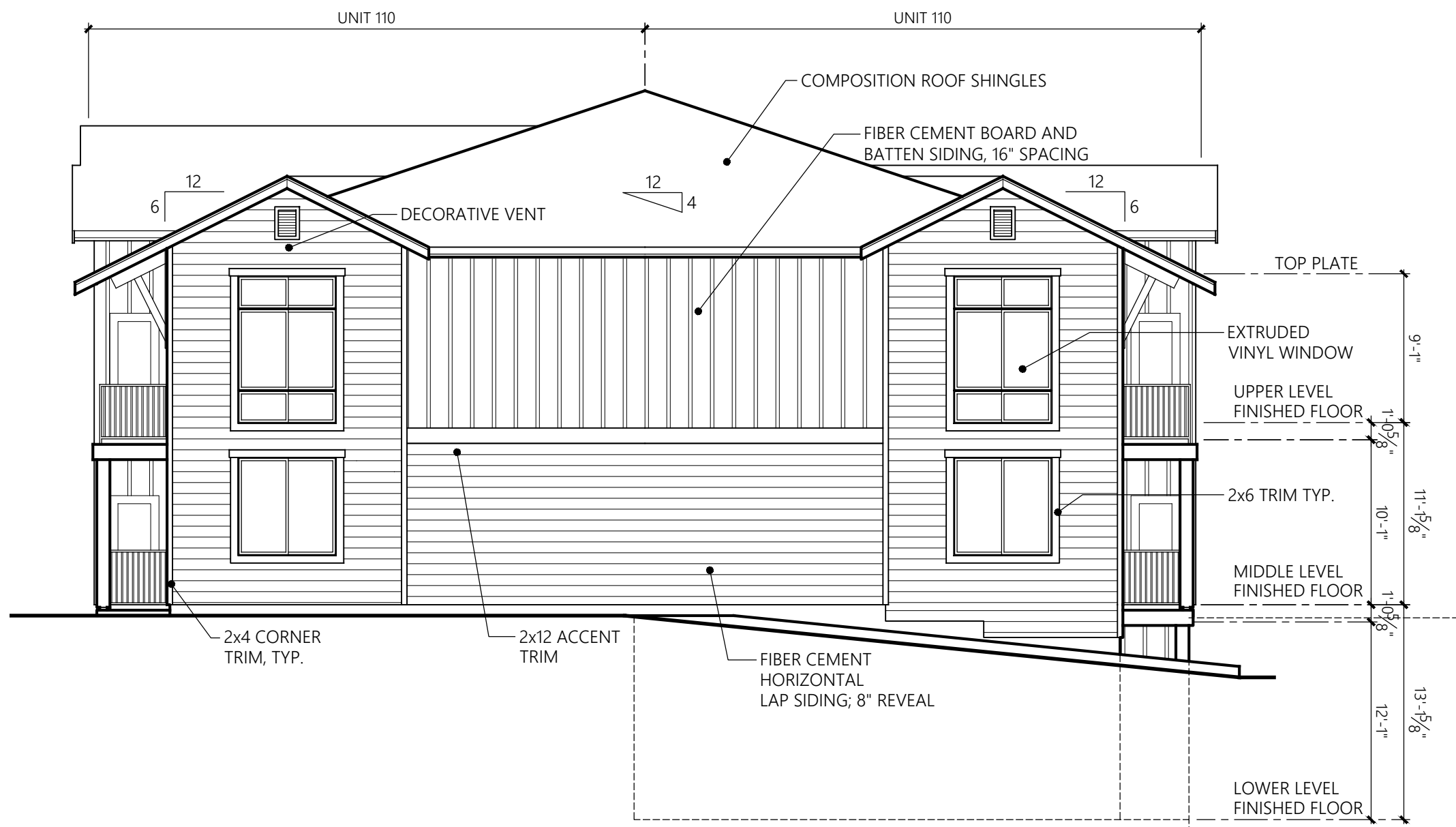
Rear Elevation Trash Enclosure
1/4"=1'-0"



Building 1 10 UNITS - 1 & 2-BED UNITS
NORTH ELEVATION - PLAN 110 & 230 UNITS
1/8" = 1'-0"

Sec 112.030 ground floor windows calculating window percentage: measurement option (b) "Dividing the total width of windows along the ground floor of the building by the length of the ground floor of the building. This method of calculation may be used only if the windows have a vertical dimension that equals six feet or more in height."

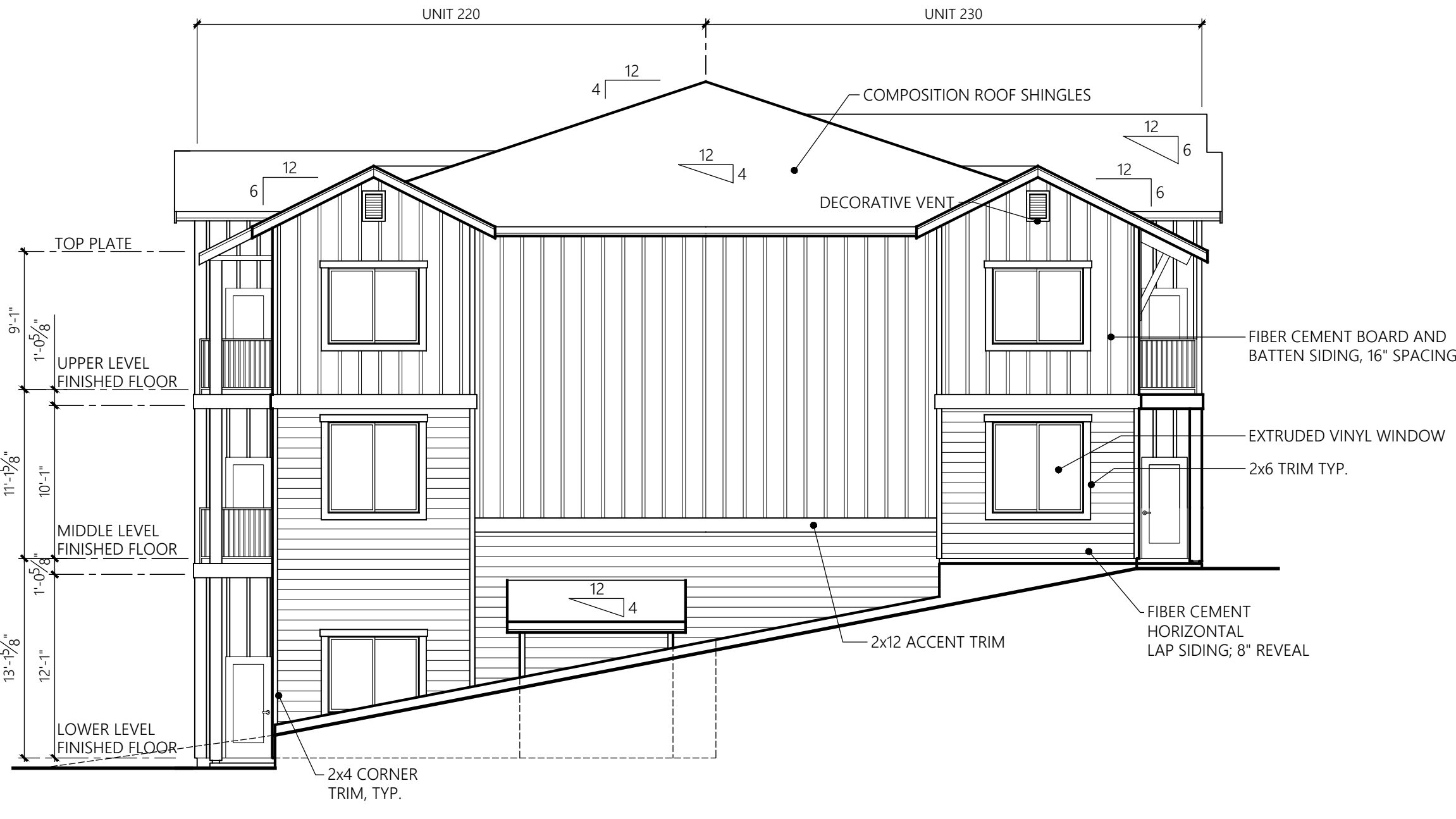
The ground floor windows and two main building entries facing Orchard Heights in building 1 are all 6 feet or more in height and provide 55.3% transparency of the ground floor using the lineal calculation method (38'-0" lin. Ft. / 68'-9" lin. Building length = 55.3%).



Building 1 10 UNITS - 1 & 2-BED UNITS
WEST ELEVATION - PLAN 110 UNITS
1/8" = 1'-0"



Building 1 10 UNITS - 1 & 2-BED UNITS
SOUTH ELEVATION - PLAN 110 & 220 UNITS
1/8" = 1'-0"



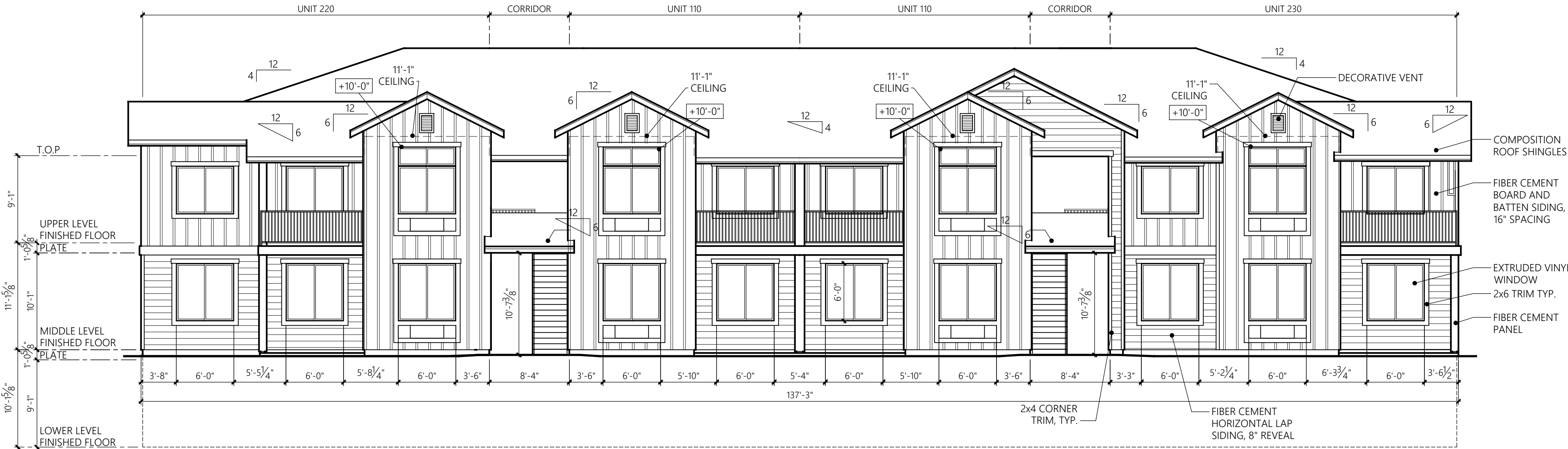
Building 1 10 UNITS - 1 & 2-BED UNITS
EAST ELEVATION - PLANS 220 & 230 UNITS
1/8" = 1'-0"



Buildings 2 & 3

1/8" = 1'-0"

**20 UNITS - 1 & 2-BED UNITS
SOUTH ELEVATION - PLAN 110 & 220 UNITS**



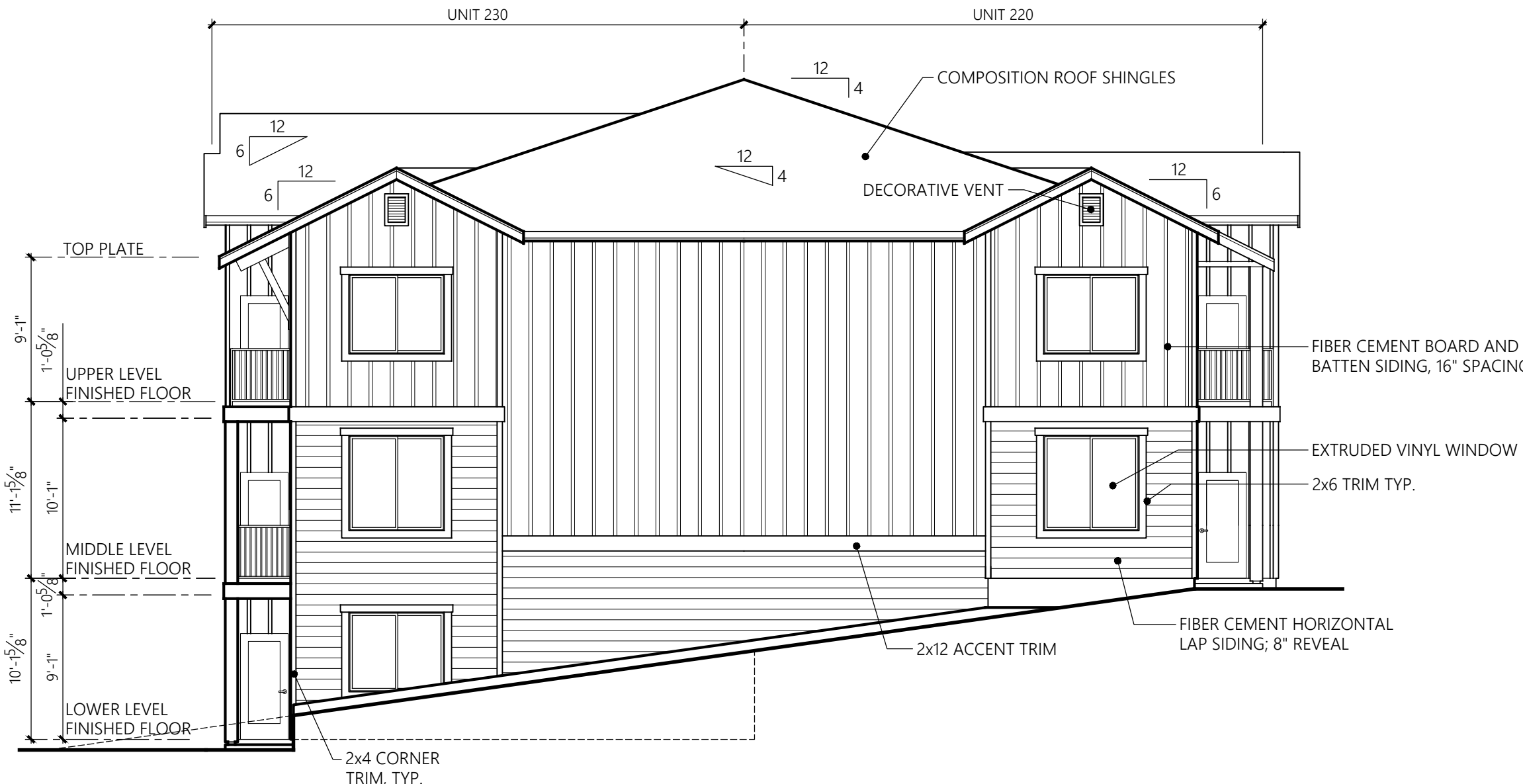
Buildings 2 & 3

1/8" = 1'-0"

**20 UNITS - 1 & 2-BED UNITS
NORTH ELEVATION - PLAN 110 & 230 UNITS**

Sec 112.030 ground floor windows calculating window percentage: measurement option (b) "Dividing the total width of windows along the ground floor of the building by the length of the ground floor of the building. This method of calculation may be used only if the windows have a vertical dimension that equals six feet or more in height."

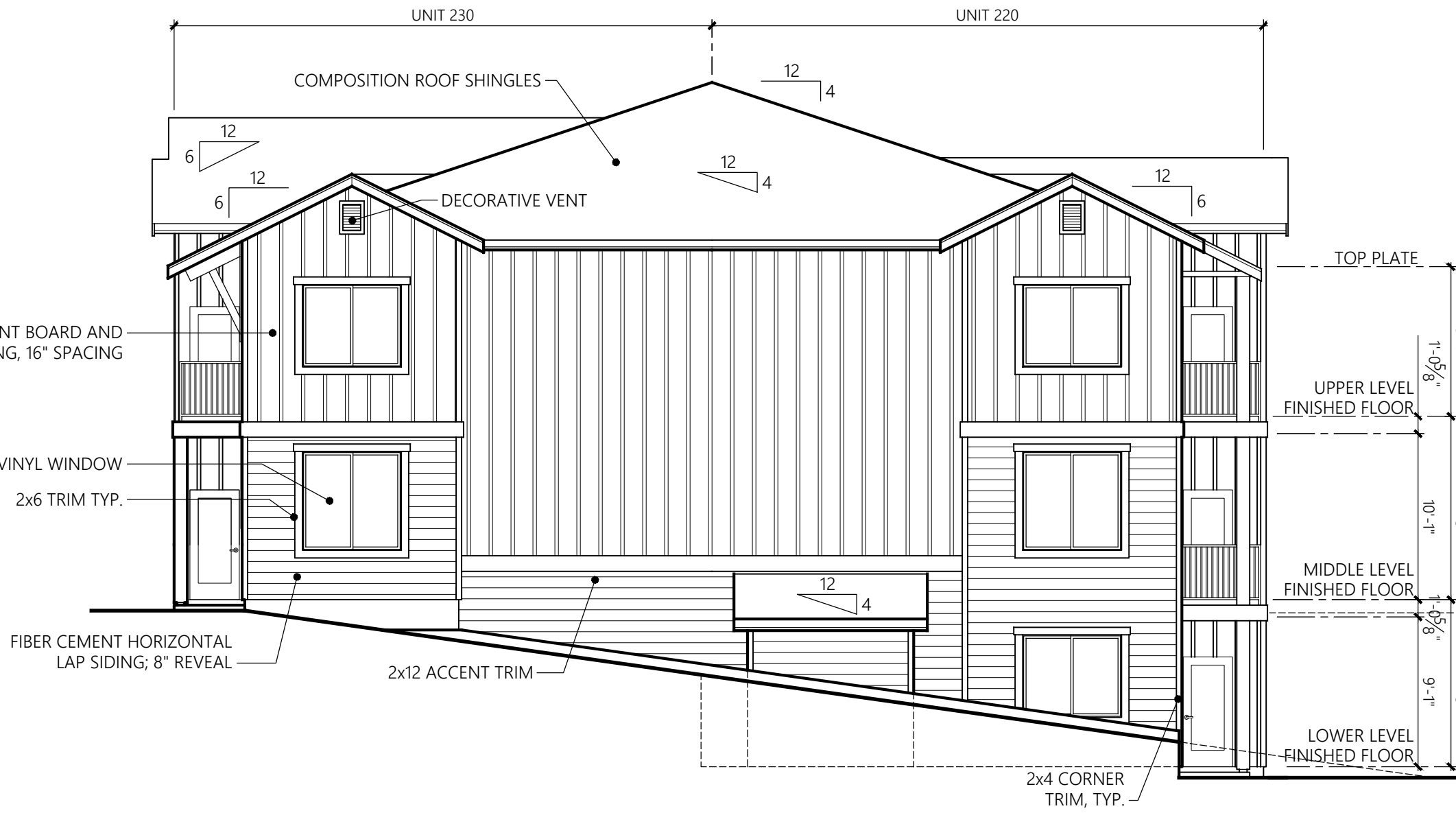
The ground floor windows and two main building entries facing Orchard Heights in buildings 2 and 3 are all 6 feet or more in height and provide 55.3% transparency of the ground floor using the lineal calculation method (76'-0" lin. Ft. / 137'-3" lin. Building length = 55.3%).



Buildings 2 & 3

1/8" = 1'-0"

**20 UNITS - 1 & 2-BED UNITS
EAST ELEVATION - PLANS 220 & 230 UNITS**



Buildings 2 & 3

1/8" = 1'-0"

**20 UNITS - 1 & 2-BED UNITS
WEST ELEVATION - PLAN 220 & 230 UNITS**



Building 4

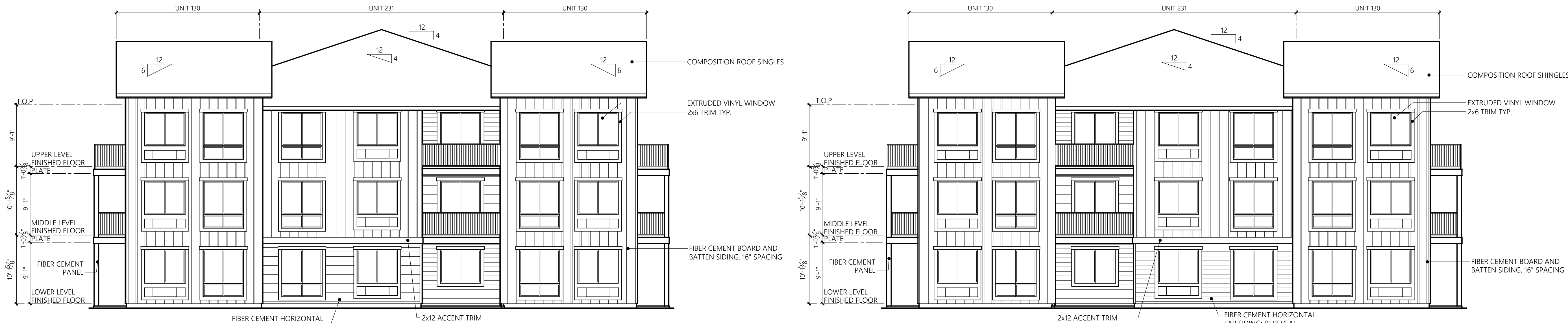
1/8" = 1'-0"



BUILDING 4

1/8" = 1'-0"

30 UNITS - 1 & 2-BED UNITS
EAST ELEVATION - PLAN 130 & 230 UNITS



BUILDING 4

1/8" = 1'-0"

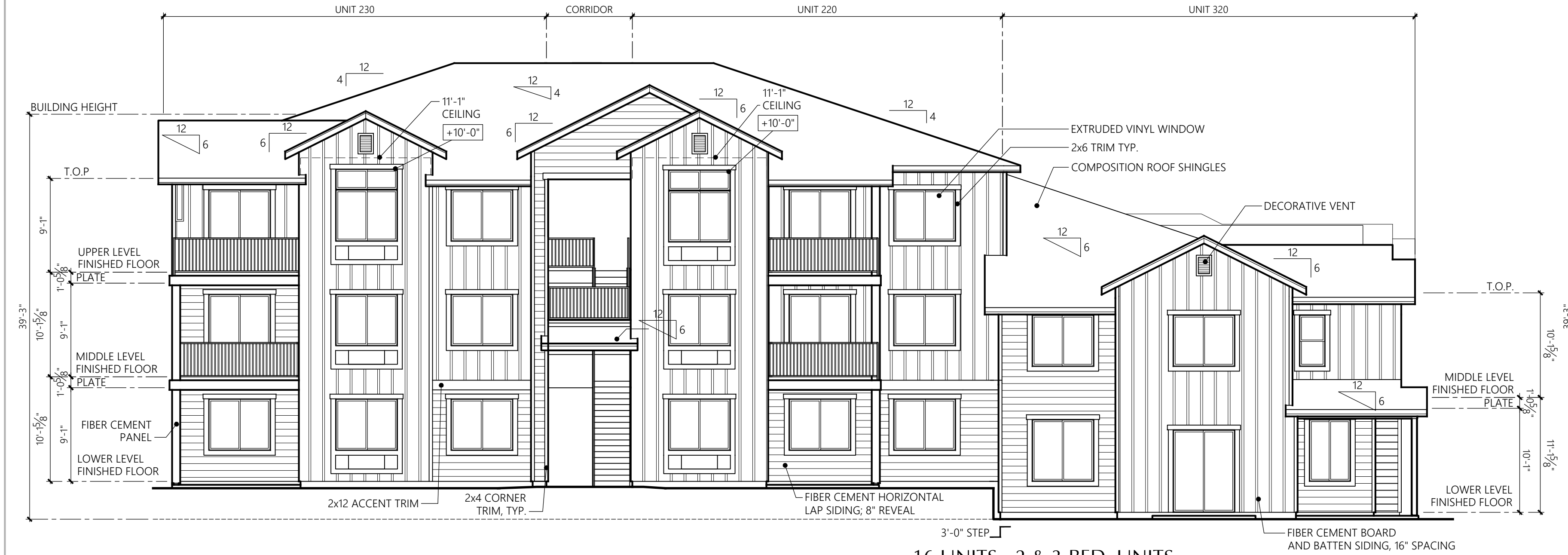
30 UNITS - 1 & 2-BED UNITS
SOUTH ELEVATION - PLAN 130 & 231 UNITS

BUILDING 4

1/8" = 1'-0"

30 UNITS - 1 & 2-BED UNITS
NORTH ELEVATION - PLAN 130 & 231 UNITS

1/2" = 1'-0" BUILDING 5 DWG



Building 5
16 UNITS - 2 & 3-BED. UNITS
SOUTH ELEVATION - PLAN 230, 220, & 320 UNITS
1/8" = 1'-0"



Building 5
16 UNITS - 2 & 3-BED. UNITS
EAST ELEVATION - PLAN 320 & 123 UNITS
1/8" = 1'-0"

SRC Table 534-6: Pedestrian-Orientated Design - Weather Protection

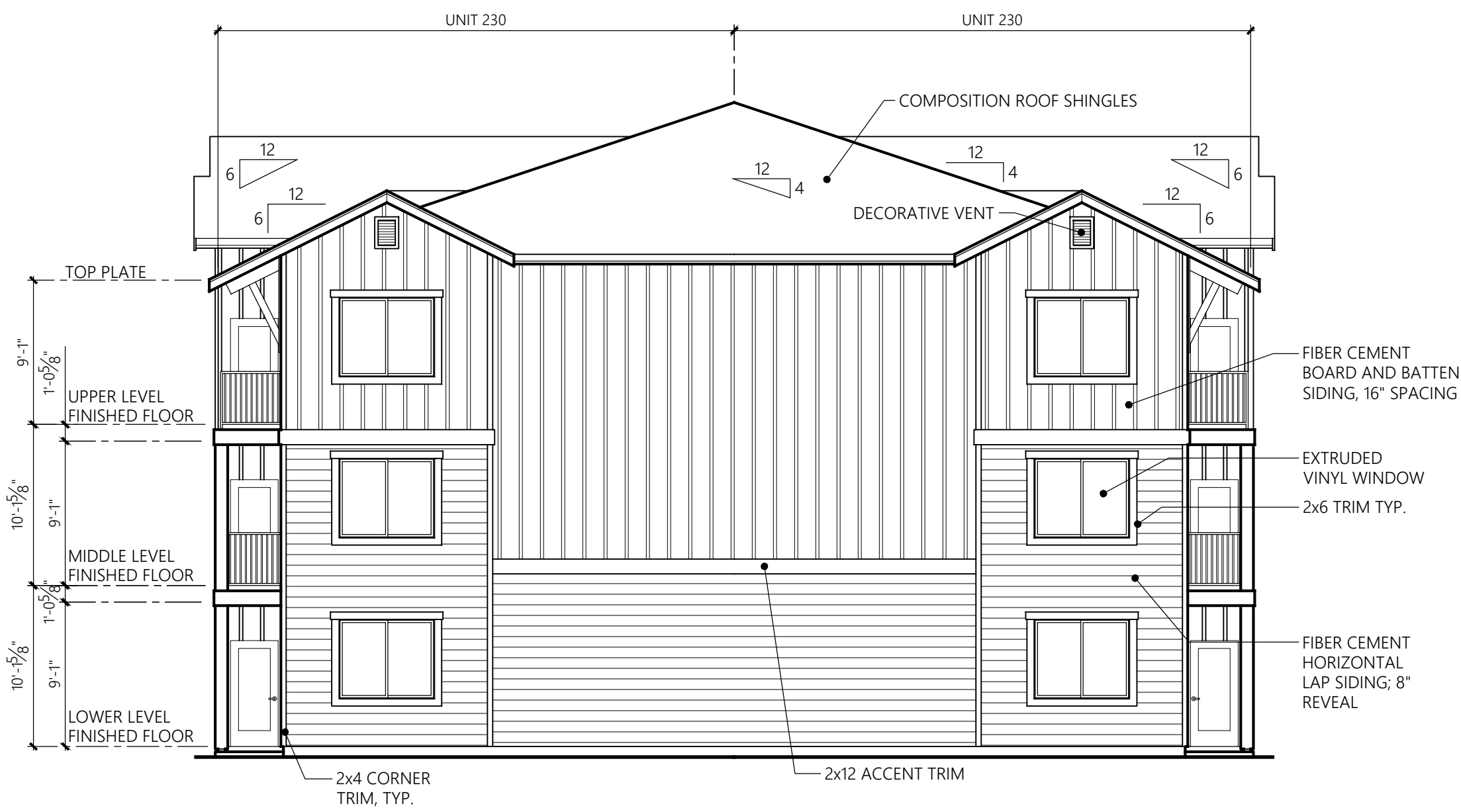
This standard applies to building ground floors adjacent to a street. Residential uses = Min. 50%

For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.

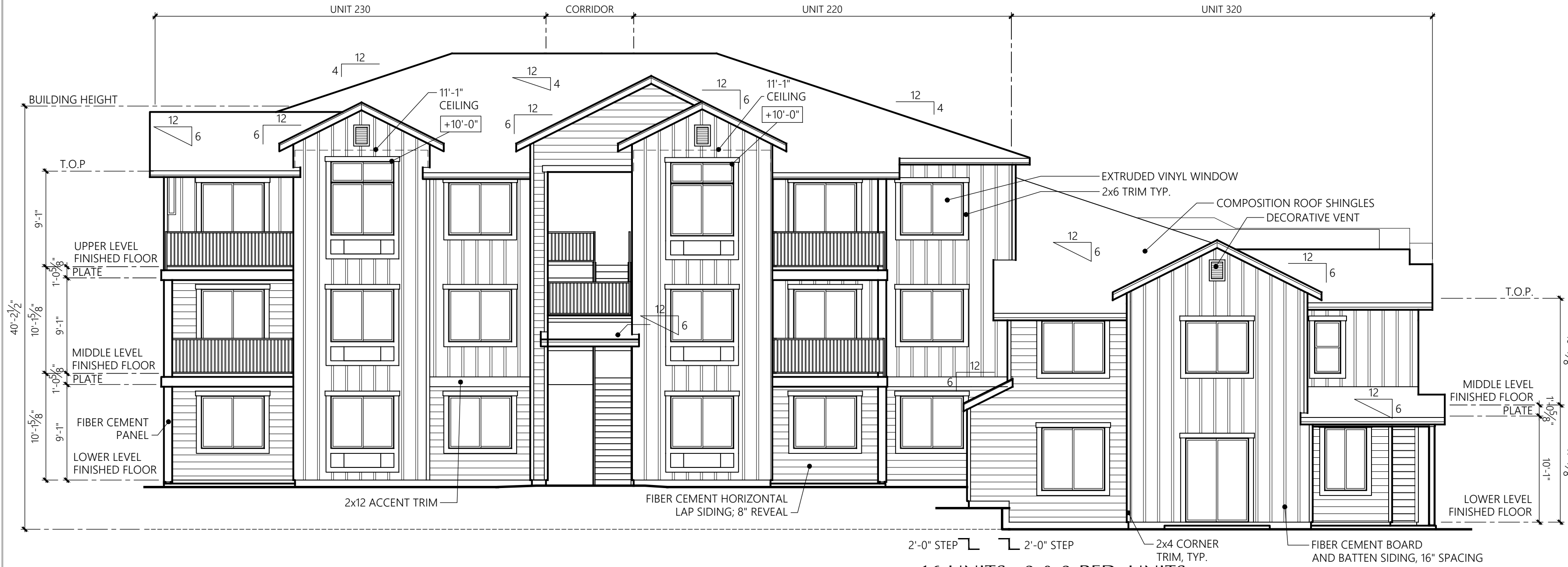
The ground floor porch covers meet the standards for weather protection facing Settlers Spring Drive NW on building 5 and provide 64.85% coverage using a lineal calculation method (50'-7" lin. FT. / 78'-0" lin. Building length = 64.85%).



Building 5
16 UNITS - 2 & 3-BED. UNITS
NORTH ELEVATION - PLANS 320, 220, & 230 UNITS
1/8" = 1'-0"



Building 5
16 UNITS - 2-BED UNITS
WEST ELEVATION - PLAN 230 UNITS
1/8" = 1'-0"



Building 6
16 UNITS - 2 & 3-BED. UNITS
SOUTH ELEVATION - PLAN 230, 220, & 320 UNITS
1/8" = 1'-0"



Building 6
16 UNITS - 2 & 3-BED. UNITS
EAST ELEVATION - PLAN 320 & 123 UNITS
1/8" = 1'-0"

SRC Table 534-6: Pedestrian-Orientated Design - Weather Protection

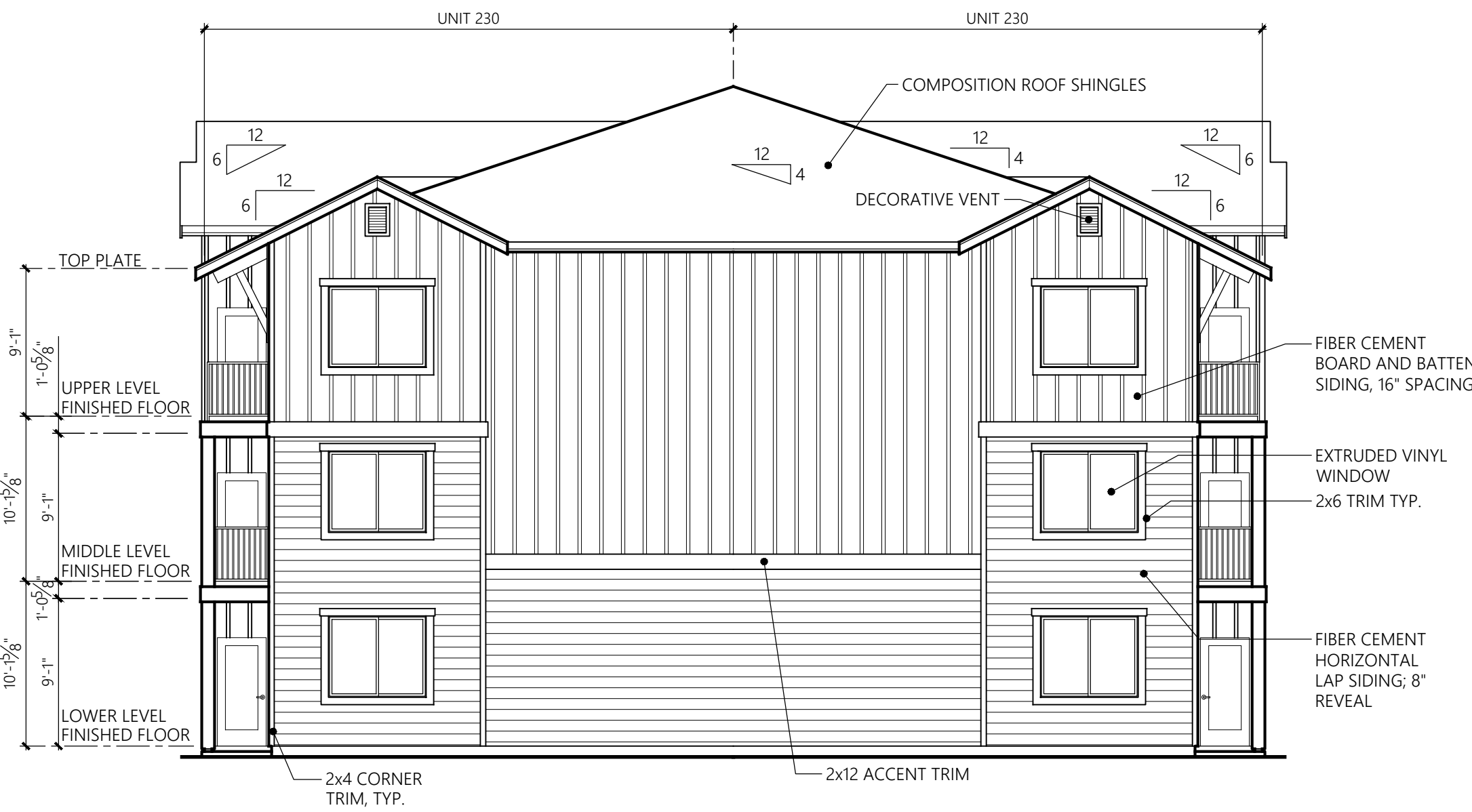
This standard applies to building ground floors adjacent to a street. Residential uses = Min. 50%

For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.

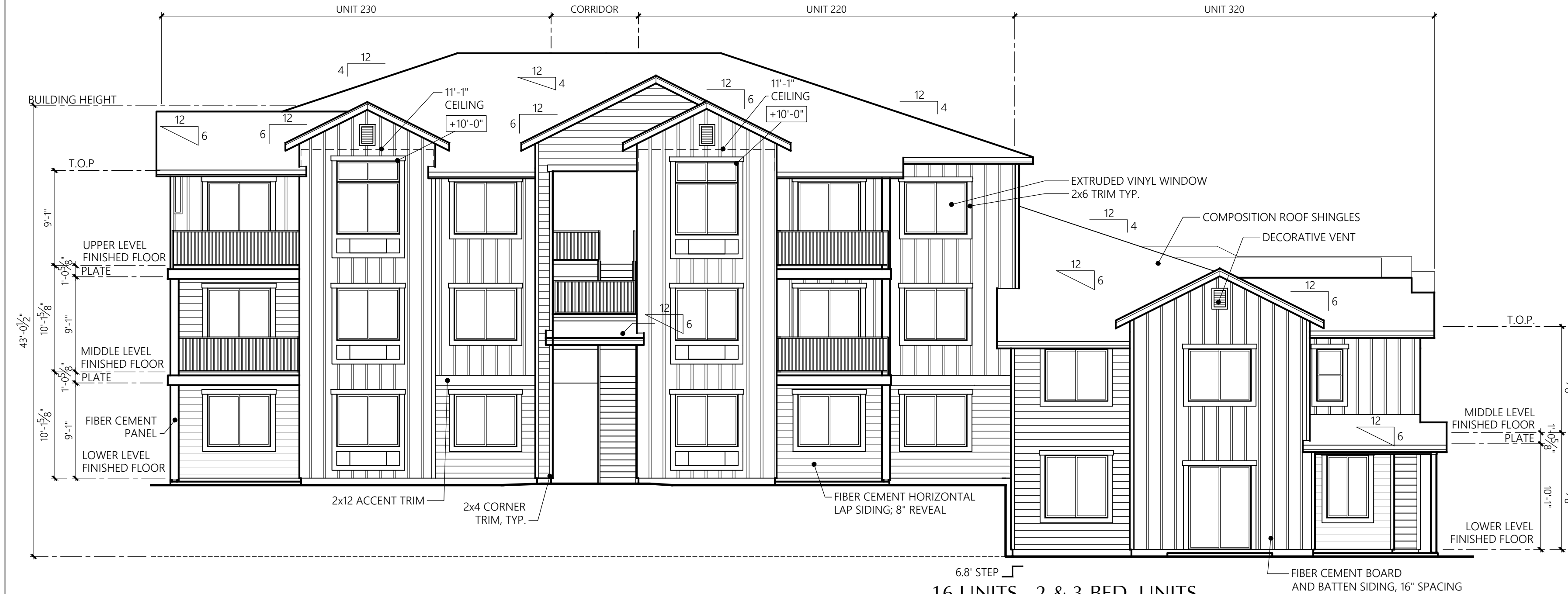
The ground floor porch covers meet the standards for weather protection facing Settlers Spring Drive NW on building 6 and provide 64.85% coverage using a lineal calculation method (50'-7" lin. Ft. / 78'-0" lin. Building length = 64.85%).



Building 6
16 UNITS - 2 & 3-BED. UNITS
NORTH ELEVATION - PLANS 320, 220, & 230 UNITS
1/8" = 1'-0"



Building 6
16 UNITS - 2-BED UNITS
WEST ELEVATION - PLAN 230 UNITS
1/8" = 1'-0"



Building 7

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
SOUTH ELEVATION - PLAN 230, 220, & 320 UNITS



Building 7

1/8" = 1'-0"

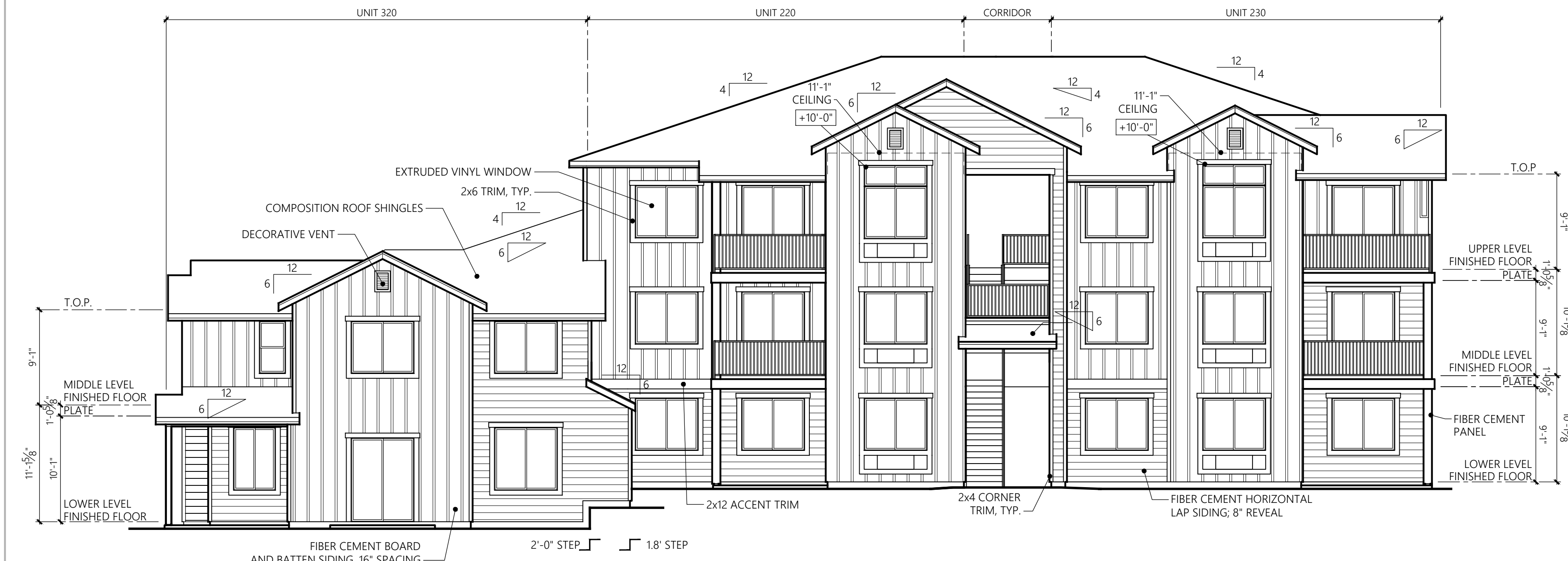
16 UNITS - 2 & 3-BED. UNITS
EAST ELEVATION - PLAN 320 & 123 UNITS

SRC Table 534-6: Pedestrian-Orientated Design - Weather Protection

This standard applies to building ground floors adjacent to a street. Residential uses = Min. 50%

For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.

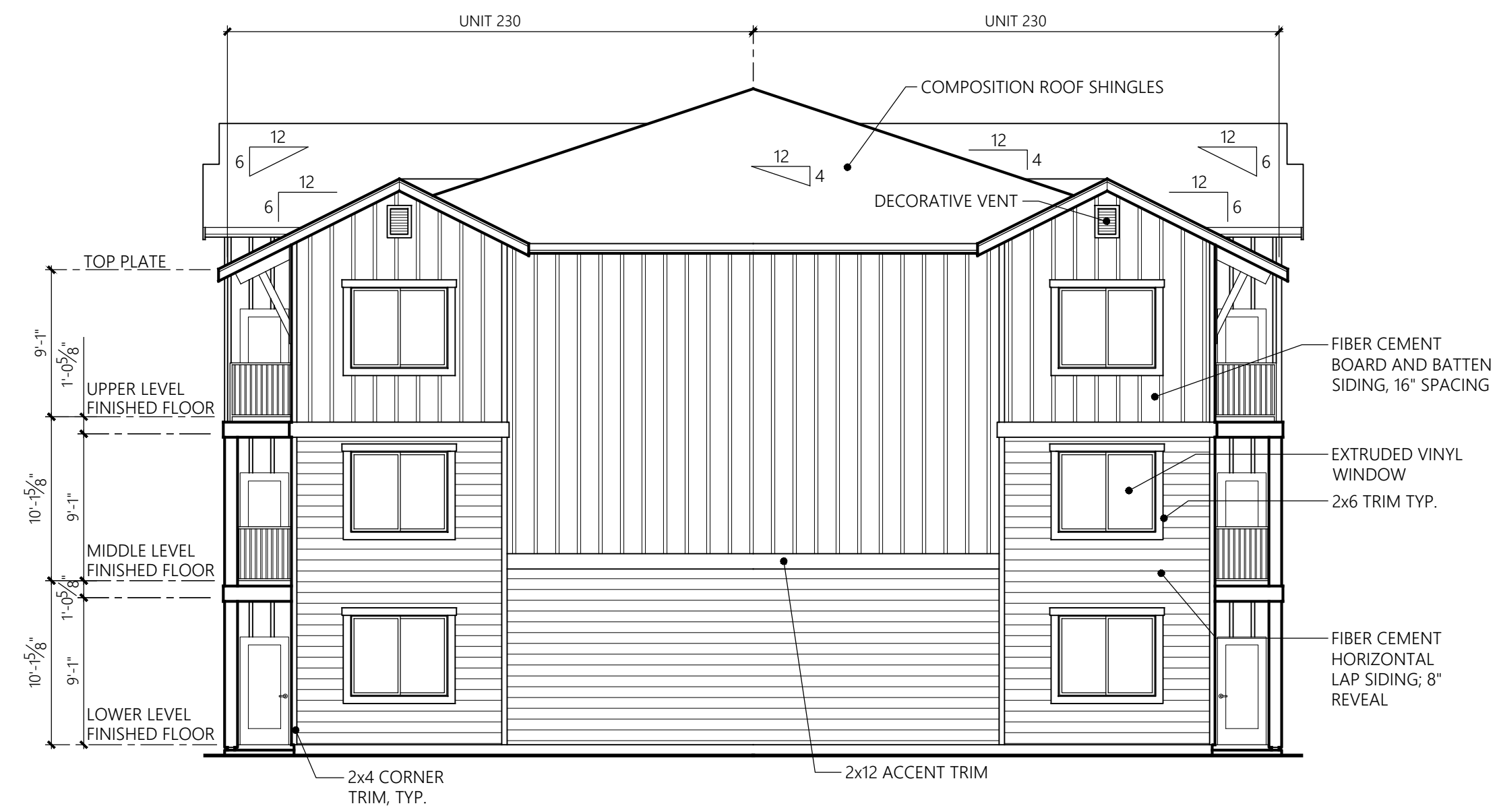
The ground floor porch covers meet the standards for weather protection facing Settlers Spring Drive NW on building 7 and provide 64.85% coverage using a lineal calculation method (50'-7" lin. Ft. / 78'-0" lin. Building length = 64.85%).



Building 7

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
NORTH ELEVATION - PLANS 320, 220, & 230 UNITS

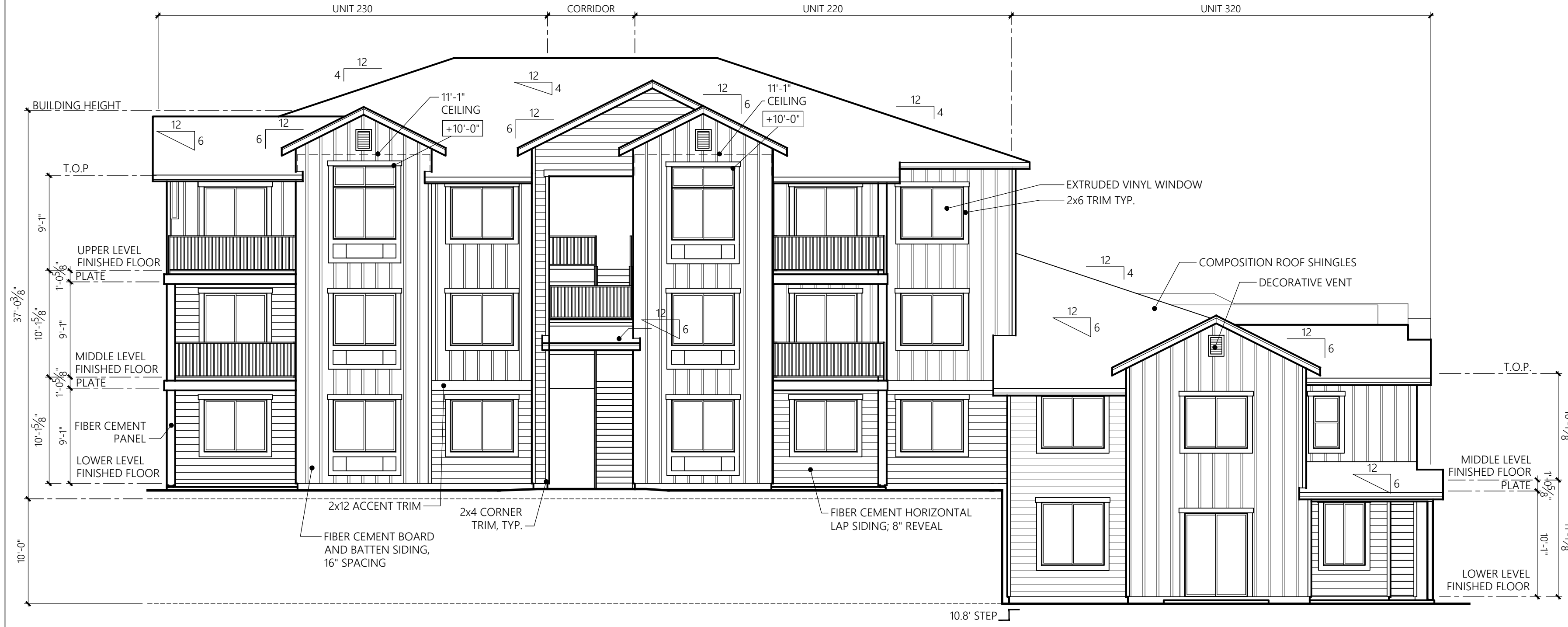


Building 7

1/8" = 1'-0"

16 UNITS - 2-BED UNITS
WEST SIDE ELEVATION - PLAN 230 UNITS

1/8" = 1'-0"



Building 8

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
SOUTH ELEVATION - PLAN 230, 220, & 320 UNITS



Building 8

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
EAST ELEVATION - PLAN 320 & 123 UNITS

SRC Table 534-6: Pedestrian-Orientated Design - Weather Protection

This standard applies to building ground floors adjacent to a street. Residential uses = Min. 50%

For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.

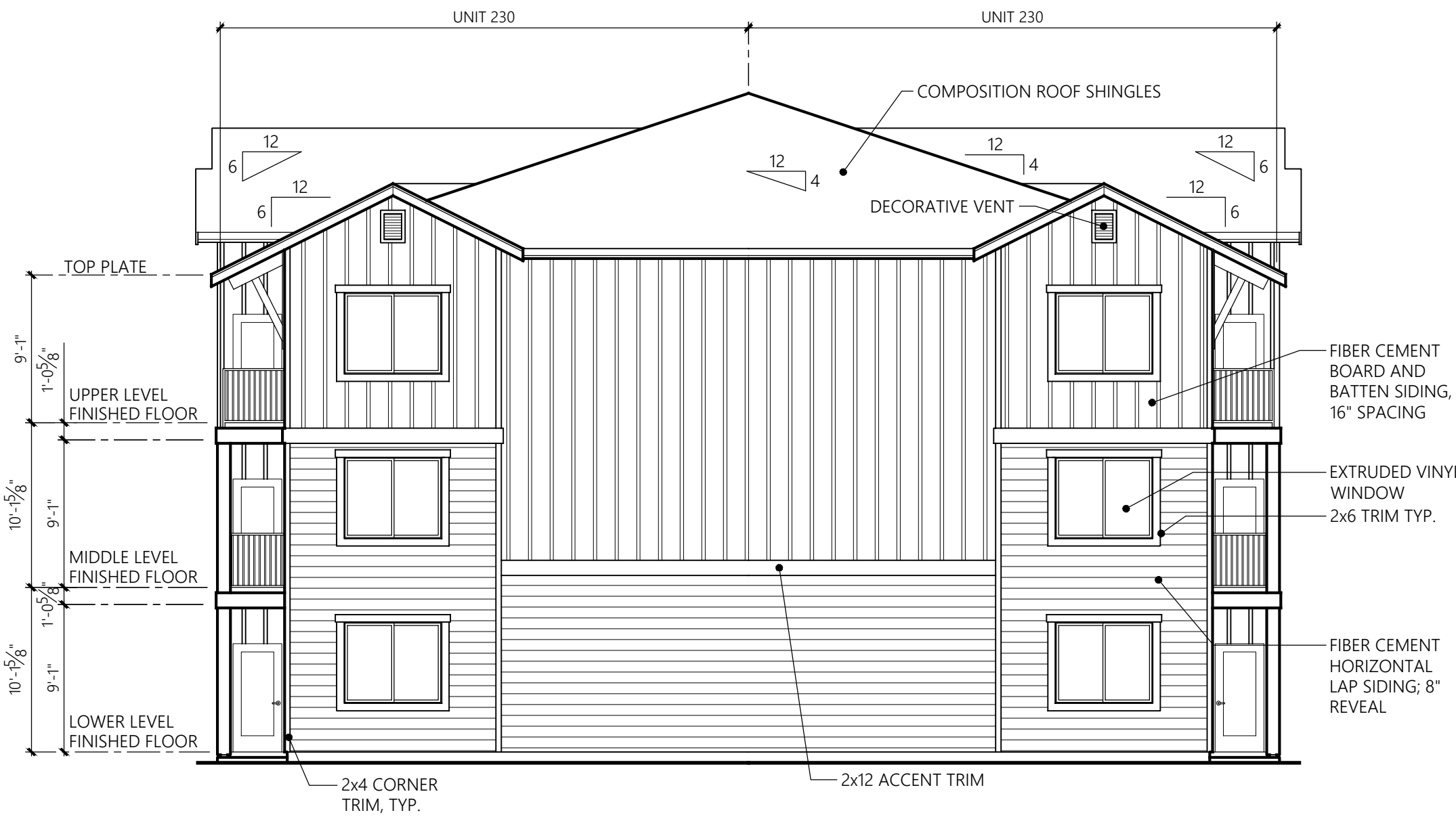
The ground floor porch covers meet the standards for weather protection facing Settlers Spring Drive NW on building 8 and provide 64.85% coverage using a lineal calculation method (50'-7" lin. Ft. / 78'-0" lin. Building length = 64.85%).



Building 8

1/8" = 1'-0"

16 UNITS - 2 & 3-BED. UNITS
NORTH ELEVATION - PLANS 320, 220, & 230 UNITS



Building 8

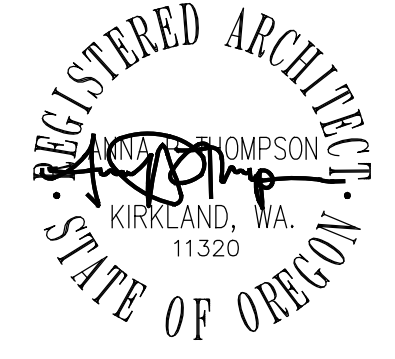
1/8" = 1'-0"

16 UNITS - 2-BED UNITS
WEST SIDE ELEVATION - PLAN 230 UNITS

MILBRANDT
ARCHITECTS

25 Central Way, Suite 210
Kirkland, Washington 98033
P: 425.454.7130 F: 425.658.1208
Web: www.milbrandtarch.com

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Building 8
Elevations

Orchard
Heights

Salem,
Oregon

Evergreen
Housing

Revisions
No. Date Description

Initial Publish Date:

Date Plotted: 1-12-24

Job No.: 22-45
Drawn By: ESE/SV

Sheet No.:

E7



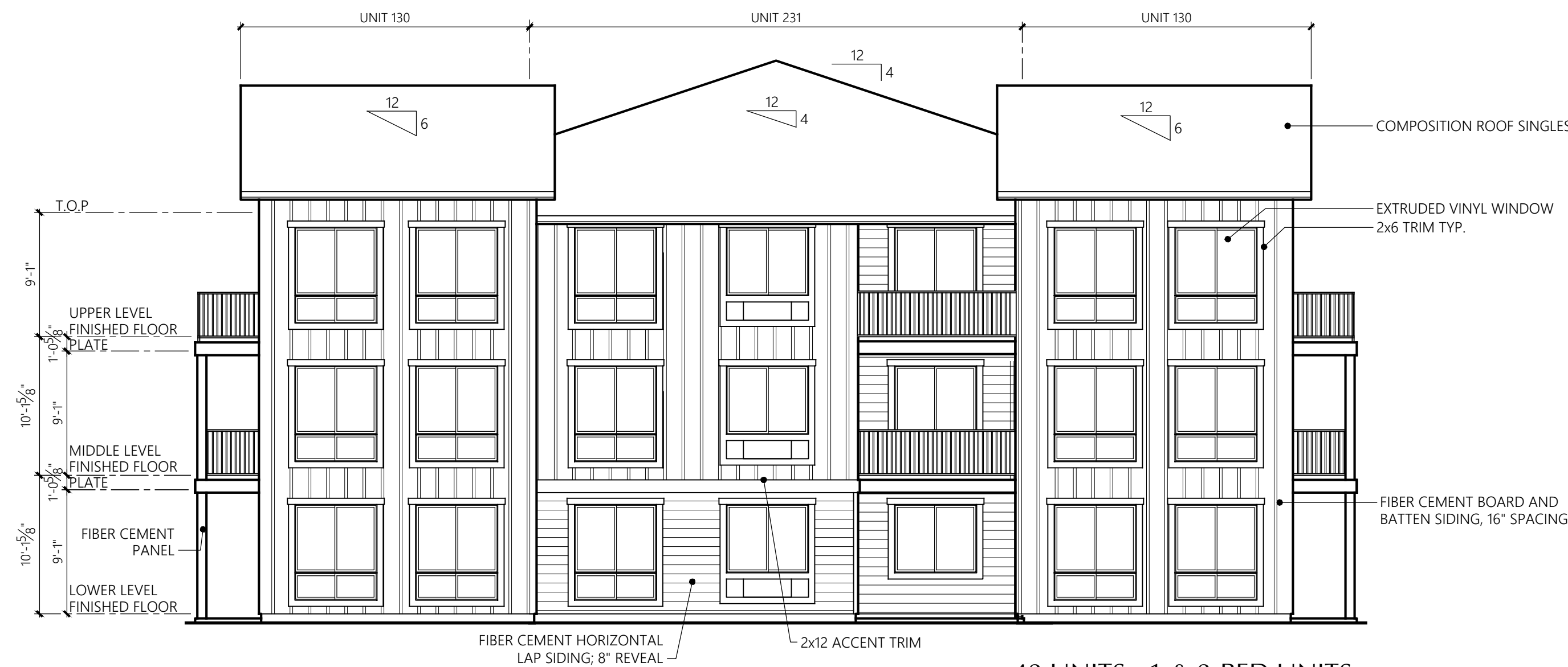
Building 9
1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
WEST ELEVATION - PLAN 110 & 130 UNITS



Building 9
1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
EAST ELEVATION - PLAN 110 & 130 UNITS



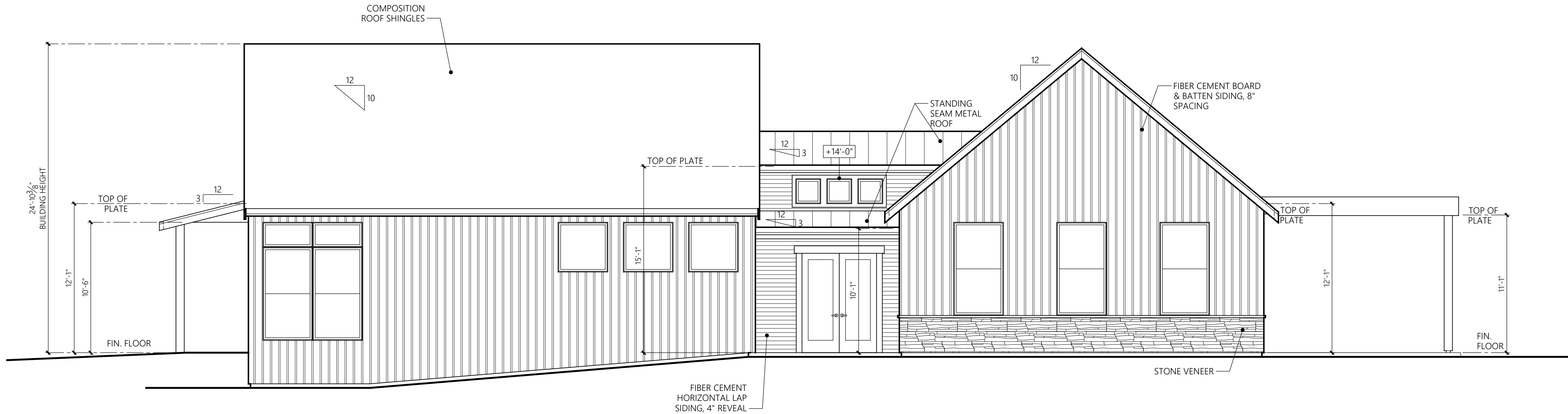
Building 9
1/8" = 1'-0"

42 UNITS - 1 & 2-BED UNITS
SOUTH ELEVATION - PLAN 130 & 231 UNITS



Building 9
1/8" = 1'-0"

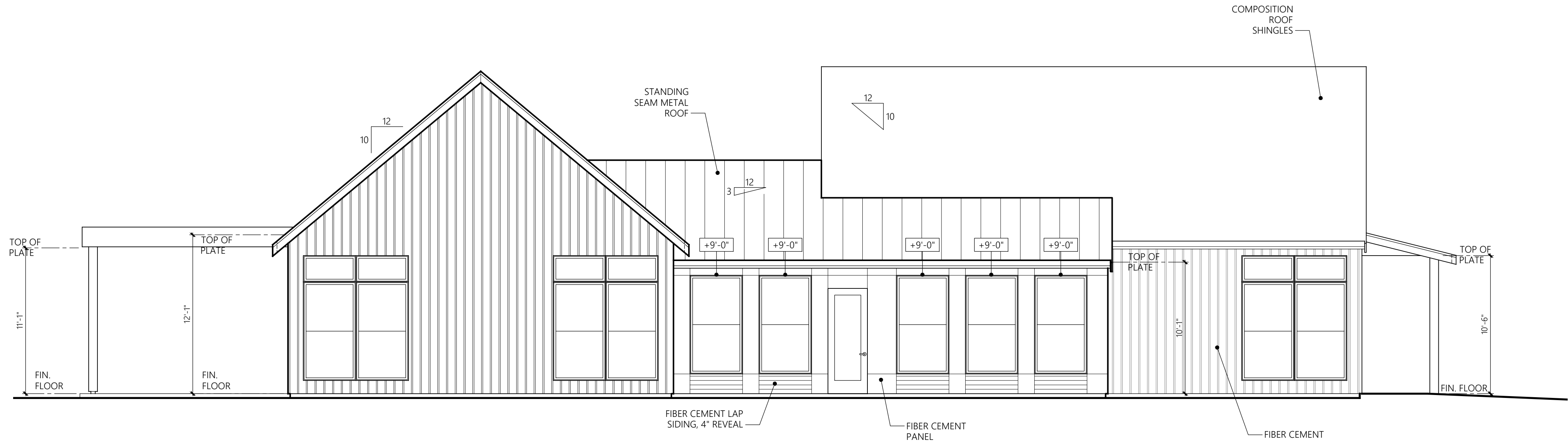
42 UNITS - 1 & 2-BED UNITS
NORTH ELEVATION - PLAN 130 & 231 UNITS



AMENITY BUILDING

3/16" = 1'-0"

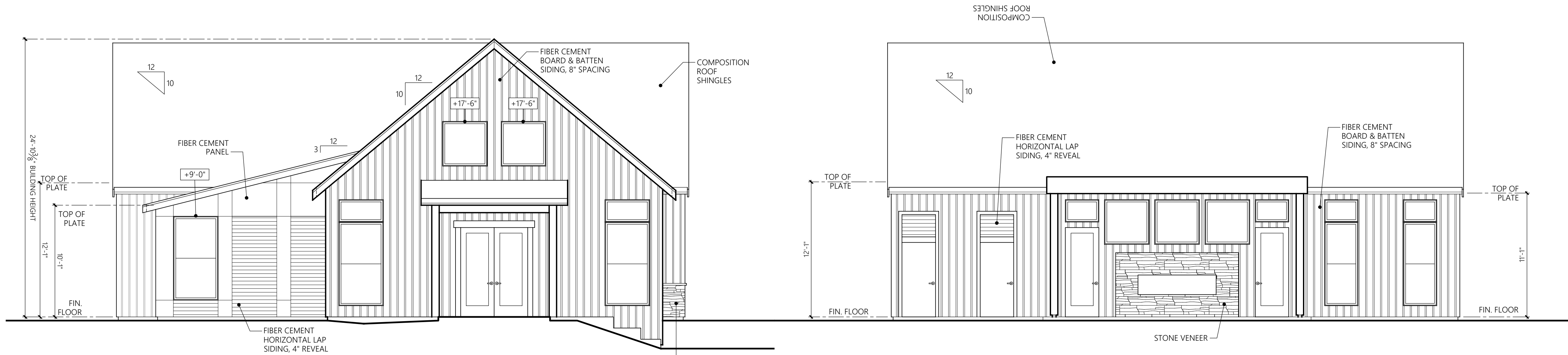
FRONT ELEVATION



AMENITY BUILDING

3/16" = 1'-0"

REAR ELEVATION



AMENITY BUILDING

3/16" = 1'-0"

SIDE ELEVATION

AMENITY BUILDING

3/16" = 1'-0"

SIDE ELEVATION

Orchard Heights Apartments
SITE PLAN REVIEW
Burden of Proof

Project Information:

Site Address: 2916 Orchard Heights Rd NW, Salem OR 97304

Assessors Map/Tax Lot Number: 073W17 / 2500

Zoning: MU-II (Mixed-Use II)

Site Area: 7.21 Acres

Owner/Applicant: Evergreen Housing Development Group LLC
P.O. Box 24787
Seattle, WA 98124

Applicant Contact: Hans Christiansen
Director of Planning and Construction
Evergreen Housing Development Group LLC
hans@evergreenhd.com
206-535-6248

Civil Engineer: Steven A. Ward, PE
Westech Engineering Inc.
3841 Fairview Industrial Drive SE, Suite 100
Salem, OR 97302
503-585-2474

Architect: Anna Thompson
Managing Principal
Milbrandt Architects
25 Central Way, Suite 210
Kirkland, WA 98033
425-454-7130

~~July 20, 2023~~

Revised January 15, 2024

Project Overview:

The subject project site is approximately 7.21 Acres in size and is located at 2916 Orchard Heights Rd NW, Salem OR 97304 (Marion County Assessors Map and Tax Lot number: 073W17 / 2500). The site is zoned MU-II. The site is a slightly irregular rectangular shape. The site is a corner lot with frontage on Orchard Heights Road NW along the site's north property boundary and frontage on Settlers Spring Drive NW along the eastern boundary of the site.

The project site is currently developed with an existing residence, barn, miscellaneous out buildings. The western half of the site is divided up into various sized paddocks/corals formerly used for keeping of livestock. The site topography generally falls downhill from north to south. There is no significant vegetation on site. Most of the site is overgrown with pasture grasses, however there is an overgrown blackberry bramble near the middle of the site. There are also trees onsite. Most of the trees can be found in the southern portion of the site. There are also existing street trees along the project frontage on Settlers Spring Rd.

The site is zoned MU-II. There is a PGE power line corridor and Salem Electric Substation site that abuts the site's west boundary that is zoned RA – Residential Agriculture, however land west of the PGE power line corridor is MU-II and is currently undeveloped. Land opposite the site on the north side of Orchard Heights Road is zoned PA – Public Amusement and is currently undeveloped. Land opposite the site on the east side of Settlers Spring Drive as well as the land abutting the southern boundary of the site is zoned RS – Single Family Residential and is developed with single-family residences.

The Applicant, Evergreen Housing Development Group LLC, is proposing to develop the subject property as a 186-unit multi-family community. Buildings will be garden style 2-3-story walk up apartment flats and buildings that are a combination of two-story townhomes attached to 3-story flats.

There will be three walk up apartment flat buildings, Buildings 1, 2, and 3 as depicted on the Applicant's site plan, that will be situated along the project's Orchard Heights Rd frontage. Due to the significant grade change Buildings 1, 2, & 3, will have 2-story facades facing Orchard Heights Rd and will have a lower daylight level resulting in a 3-story facade facing the parking lot drive aisle south of Buildings 1, 2, & 3. Buildings 4, & 9, depicted on the Applicant's site plan, will be 3-story walk up apartment flats. Buildings 5-8, depicted on the Applicant's site plan, will be hybrid townhome/apartment flat buildings. Each of these four buildings will have a row of 2-story townhomes facing the Settlers Spring Dr road frontage backing up to and attached to a 3-story walk apartment flat.

The project will provide common open space, private walkways to provide pedestrian connectivity throughout the multi-family community, as well as connectivity to public sidewalks adjacent to the property. The proposed multi-family community will also include a clubhouse amenity area. The Clubhouse Building will be located interior to the site. It will house leasing office/property management, and indoor common amenities for residents. The outdoor amenity area at the clubhouse may include a pool and other outdoor passive and active amenities for residents. There will be additional open space areas situated around the community that will provide for additional shared passive outdoor open space. There will also be a small maintenance garage building south of Building 9 for use by property management maintenance staff. Other structures will include carports and trash enclosures.

A large stormwater facility will be located in southwestern portion of the site, south of Building 4 and west of Building 9 as depicted on the site plan. This is one of the lowest locations on the project site and had the least impact on tree preservation. The site plan was designed to preserve a significant number of trees on the south end of the property, but some tree removal will be required.

Two story facades were used for the apartment flats along Orchard Heights Rd. to help minimize the scale of the buildings and the two-story townhome units attached to the eastern portions of Buildings 5-8 were located along the perimeter of the property facing Settlers Spring Dr to provide for appropriate scaling relative to the single-family residential development that exists on along Settlers Spring Dr NW east of the project site.

A Pre-Application Conference was held with the City on October 10, 2022, as is required for Class 3 Site Plan Review applications.

The project site is located in the West Salem Neighborhood Association boundary. Neighborhood association contact is required for Class 3 Site Plan Review Application, per SRC 300.310. The Applicant provided project information to the West Salem Neighborhood Association Chair and Land Use Chair, via e-mail, a copy of which is included as proof of neighborhood contact with this Class 3 Site Plan Review application. Although not a requirement, at the request of the West Salem Neighborhood Association Chair and Land Use Chair, the Applicant's representatives Jim Stephens, President, Evergreen Housing Development Group LLC (EHDG) and Hans Christiansen, Director of Planning and Construction, EHDG, attended a West Salem Neighborhood Meeting on May 3, 2023 and gave a presentation on the project and answered any questions the neighborhood had about the project. A copy of the presentation was provided to the West Salem Neighborhood Association Chair and Land Use Chair via e-mail following the presentation.

CHAPTER 200. URBAN GROWTH MANAGEMENT

Sec. 200.025. Urban Growth Preliminary Declaration.

- (a) *Applicability.* This section applies to development within the urban growth area, or within the urban service area but preceding the construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area. An Urban Growth Preliminary Declaration may be obtained prior to, or concurrent with, an application for development.

Applicant Response: The Applicant request that the Urban Growth Preliminary Declaration be issued concurrent with Site Plan Review which is also a Type II procedure.

- (b) *Procedure type.* Applications for Urban Growth Preliminary Declarations are processed as a Type II procedure under SRC chapter 300.

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:

- (1) The legal description of the total contiguous ownership on which the development is to occur;

Applicant Response: The property legal description can be found in the title report submitted with this application. There is no contiguous ownership to consider.

- (2) A vicinity map showing the outline of the proposed development and its relation to all existing designated arterial and collector streets within a one mile radius;

Applicant Response: The Traffic Impact Analysis (TIA) submitted with the Site Plan Review application includes a vicinity map meeting the requirements listed above. See Figure 1. Site Location and Vicinity Map included in the TIA.

- (3) The proposed or anticipated use;

Applicant Response: The proposed use is Multiple family which is a permitted use in the MU-II zone.

Orchard Heights Apartments
SITE PLAN REVIEW
Burden of Proof

- (4) If property is to be subdivided for residential purposes, the proposed dwelling unit density of the subdivision; and

Applicant Response: The Applicant is not proposing to subdivide the property, therefore the above criteria is not applicable.

- (5) Such other information as the Director deems necessary to evaluate the application.

Applicant Response: At this time no other information has been requested by the Director to evaluate the application.

- (d) *Determination.* 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.

Applicant Response: The Applicant request that the Urban Growth Preliminary Declaration be issued concurrent with Site Plan Review, which is also a Type II procedure.

CHAPTER 220. SITE PLAN REVIEW

Sec. 220.001. Purpose.

The purpose of this chapter is to provide a unified, consistent and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Sec. 220.005. Site plan review.

- (a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
(A) Prior to issuance of a building permit, for any development that requires a building permit;
...
(2) Exemptions.

Applicant Response: The Applicant's proposed development does not meet any of the exemption requirements of subsection (2) *Exemptions* and therefore the Applicant's proposed Multiple Family development project will require site plan review prior to building permit per section (1)(A) above.

- ...
(b) *Classes.* The three classes of site plan review are:

- ...
(3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those

terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

- (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;

Applicant Response: The Applicant's proposed development requires a Transportation Impact Analysis, therefore the Class 3 site plan review is required. The project may require other items from subsections (3)(B)-(3)(G), however, the requirement to provide just one of the items listed in subsection (3) triggers the requirement for Class 3 site plan review.

- (c) *Procedure type.*

...

- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

Applicant Response: The above requirement that the Class 3 site plan review be processed as a Type II procedure is noted by the Applicant.

- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Applicant Response: The Applicant may decide to submit for building permit(s) while site plan review is being processed, however the applicant understands that a building permit(s) shall not be issued until site plan review approval has been granted.

...

- (e) *Submittal requirements for Class 2 and Class 3 site plan review.*

- (1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

- (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;

-
- (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
 - (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
 - (iii) The location of the 100-year floodplain, if applicable.
 - (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
 - (D) A completed trip generation estimate for the proposed development, on forms provided by the City.
 - (E) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
 - (F) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.
- (2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
 - (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
 - (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
 - (E) The location of drainage patterns and drainage courses, if applicable;
 - (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
 - (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

-
- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
 - (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Applicant Response: In addition to providing all of the submittal requirements of section (e)(1) above as part of the Applicant's Class 3 site plan review application, the Applicant has provided all the submittal requirements listed in section (e)(2) above as part of its Class 3 site plan review application. Therefore, the above criteria have been met.

(f) *Criteria.*

...

- (3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:

- (A) The application meets all applicable standards of the UDC;

Applicant Response: In the sections that follow the Applicant will demonstrate compliance with all applicable standards of UDC.

- (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;

Applicant Response: The City first requested a Trip Generation Estimate form be completed for the project, a copy of which was submitted with this Class 3 Site Plan Application. However, it was determined that a Traffic Impact Analysis (TIA) would be a submittal requirement for the project. A Traffic Impact Analysis (TIA) has been submitted with the Applicant's Class 3 Site Plan Review application. The TIA has reviewed traffic access into and out of the proposed development and the TIA demonstrates that the transportation system will comply with the requirements of section (B) above. No negative impacts were identified, and the TIA determined that no mitigation was needed as a result of the proposed development.

- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Applicant Response: Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians as required in section (C) above. The TIA reviewed the three proposed driveway locations and determined that all of the proposed driveways can operate as full access driveways with no restrictions. During completeness review staff commented that the northerly driveway, opposite Butterfly Ave would need to be shifted to align with Butterfly Avenue. The Applicant and the Applicant's Transportation Engineer met with the City Traffic Engineer, Tony Martin, P.E. and it was determined that a commercial style right-in only driveway would be acceptable to the City and would allow the driveway location to remain near the location proposed for the north driveway onto Settlers Spring. The Preliminary Site Development plans prepared by Westech Engineering included with the Site Plan Review application have been updated to depict the right-in only configuration at the north driveway onto Settlers Spring.

- (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Applicant Response: City water and sewer are available to serve the project as well as other utilities appropriate to the proposed multiple family development. During completeness review Public Works staff issued comments providing options to the Applicant for the water system design. The site's domestic water meter will be connected to public water mains that are temporarily tied into the W1 water system. Eventually these public water mains will be shifted over to the W2 water system once the full system improvements have been constructed for the W2 system. Provisions will be set in place that will allow for the development to temporarily boost the water pressure

in the private onsite water lines. Once the W2 system is active and the water main is shifted over to the W2 system the temporary booster will be abandoned. The final private water system design will also include a provision for installing a pressure reducing valve to allow for reduction of water pressure from the W2 public water system once connected. Storm runoff from the project will be managed in private systems onsite before controlled release into the City's public stormwater system. Salem Public Works issued comments on the stormwater design as part of completeness review. The Applicant and Applicant's Civil Engineer, Westech Engineering worked together with the City to address the stormwater design comments issued as part of completeness review in order to ensure a viable design is proposed. A revised stormwater system design addressing Public Works' completeness comments is included with this application.

...

CHAPTER 250. ADJUSTMENTS

Sec. 250.001. Purpose.

The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Sec. 250.005. Adjustments.

(a) *Applicability.*

(1) *Classes.*

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;

-
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
 - (K) The required landscaping in the Industrial Business Campus (IBC) Zone.
- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
 - (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

(d) *Criteria.*

...

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
 - (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.
 - (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
 - (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.

Applicant Response: The Applicant has included the applicable submittal requirements of section (c) above with its Class 3 site plan review application. The Applicant is proposing the following adjustments:

- Section 534.015(c), Table 534-3 *Setbacks*, adjustment for the minimum “abutting street, front setback” requirements specific to Buildings 1, 2, 3, 5, 6, 7, & 8. The minimum street setback adjustments for Buildings 1, 2, 3, 5, 6, 7, & 8 will require Class 2 Adjustments (7ea. - one for each building). See adjustment request language beginning on page 14 of this narrative under Section 534.015, following Table 534-3.
- Section 534.015(c), Table 534-4 adjustment to the “interior side” “Zone to Zone” *Setbacks and Landscaping & Screening* requirements of table 534-4 “Residential Zone” from the adjacent RA-Residential Agriculture zone is requested for the “vehicular use areas” adjacent to the west property line. See adjustment request language on page 17 of this narrative under Section 534.015, following Table 534-4.
- Section 534.015(c), Table 534-4, adjustment for the minimum “interior side” “Zone to Zone” *Setbacks and Landscaping & Screening* requirements of table 534-4 “Residential Zone” from the adjacent RA-Residential Agriculture zone described above is requested for Building 1 adjacent to the west property line. See adjustment request language on page 17 of this narrative under Section 534.015, following Table 534-4.
- Section 534.015, TABLE 534-6 – *Pedestrian-Oriented Design, Separation of Ground Floor Residential Uses* adjustment to the maximum horizontal ground floor separation specific to the east façade of Building 3 along its Settlers Spring Dr. frontage. The maximum horizontal ground floor separation adjustment for Buildings 3 will require a Class 2 Adjustment. See adjustment request language beginning on page 20 of this narrative under the Section 534.015, preceding Table 534-6.
- Section 534.015, TABLE 534-6 – *Pedestrian-Oriented Design, Weather Protection* adjustment to the weather protection for “residential uses” specific to the façades of Buildings 1, 2, & 3 along the Orchard Heights Rd. street frontage. The weather protection adjustment for Buildings 1, 2 & 3 will require a Class 2 Adjustment. See adjustment request language beginning on page 22 of this narrative under the Section 534.015, preceding Table 534-6.
- Section 804.030(c) *Spacing*, requires driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline. A class 2 adjustment to this standard is requested for the northern driveway onto Settlers Spring Dr. due to the driveway being approximately 140-feet from Orchard Height Rd. which is classified as a Minor Arterial. See adjustment request language on page 64 of this narrative under Section 804.030(c).
- Section 804.035(c)(2) requires access be taken from the lower classification street for corner lots. A Class 2 Adjustment to this standard is requested to allow for the proposed driveway access onto Orchard Heights Rd. See adjustment request language on page 65 of this narrative under Section 804.035(c)(2).
- Section 804.035.(d) *Spacing*, adjustment for the Applicant’s proposed Orchard Heights Dr driveway location due to proximity to the nearest existing driveway to the west, which is located at the north side of Orchard Heights Rd. approximately 137-feet west of the proposed Orchard Heights Driveway location. The Adjustment to the minimum driveway spacing will require a Class 2 Adjustment. See adjustment request language on page 66 of this narrative under Section 804.035.(d) *Spacing*.

...

CHAPTER 534. MIXED USE-II

Sec. 534.001. Purpose.

The purpose of the Mixed Use-II (MU-II) zone is to identify allowed uses, establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, and encourage a mix of compatible uses in multi-story buildings.

Sec. 534.005. Definitions.

Unless the context otherwise specifically requires, as used in this chapter, the following mean:

Pedestrian amenities means areas and objects that are intended to serve as places for public use and are closed to motorized vehicles. Examples include plazas, sidewalk extensions, outdoor seating areas, and street furnishings.

Primary street means a street that is classified in the Salem Transportation System Plan (TSP) as an arterial or collector.

Secondary street means a street that is classified in the TSP as a local street.

Sec. 534.010. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-II zone are set forth in Table 534-1.

TABLE 534-1
USES**

Table 534-1: Uses		
	Status	
Household Living		
Single family	P	The following single family activities: ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	N	
Three family	P	
Four family	P	
Multiple family	P	

** Table has been modified to only depict uses proposed by the Applicant's proposed development.

- (b) *Prohibited uses.* Notwithstanding Table 534-1, any permitted, special, or conditional use within the MU-II zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Existing uses within the MU-II zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.

...

Applicant Response: The Applicant is proposing a “multiple family” development which is listed as a permitted use in the MU-II zone per table 534-1 above. The Applicant’s proposed development does not include any “prohibited uses” or “continued uses” therefore sections (b) and (c) above are not applicable to the review.

Sec. 534.015. Development standards.

Development within the MU-II zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-II zone shall conform to the standards set forth in Table 534-2.

Applicant Response: The Applicant’s proposed development does not propose any new lots, nor does it propose to adjust any lots, therefore the criteria of section (a) are not applicable.

- (b) *Dwelling unit density.* Development within the MU-II zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Applicant Response: The Applicant’s proposed development will be exclusively residential. The site area is 7.2 acres, and 186 dwelling units are being proposed. The proposed development will have a density of 25.8 dwelling units per acre which will exceed the minimum density of 15 dwelling units per acre. Therefore, this criterion is met.

- (c) *Setbacks.* Setbacks within the MU-II zone shall conform to the standards set forth in Tables 534-3 and 534-4.

**TABLE 534-3
SETBACKS**

Table 534-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities.
		a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing facade of the new building and the street. b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 534.015(h).

		<p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing facade of the new building and the street.</p> <p>b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.</p>
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 534-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 534-4)	

Applicant Response: The Applicant's proposed development site is a corner lot with frontages on both Orchard Heights Rd NW and Settlers Spring Dr NW. Therefore, the minimum and maximum setback standard for buildings abutting a street is applicable to both Orchard Heights Rd NW and Settlers Spring Dr.

As depicted on the Applicant's site plan, Buildings 1, 2, & 3 abut Orchard Heights Rd NW, and depict the building placements and associated dimensions of the maximum 10-foot setback. For Buildings 2 and 3 the main building façade has been aligned with the maximum setback in compliance with this requirement, however there are elements of street facing façade that are setback further than the maximum 10-foot setback, therefore Buildings 2

and 3 will require a Class 2 adjustment for the abutting street setback to Orchard Heights Rd. The Class 2 Adjustment requests and responses to adjustment approval criteria are outlined below.

Building 1 is proposed to be set back 21' from the back of right-of-way which will require a Class 2 adjustment. The Class 2 Adjustment request and response to adjustment approval criteria is outlined below.

The east façade of Building 3 also abuts Settlers Spring Dr. Building 2 is proposed to be set back 10' or greater from the back of right-of-way which will require a Class 2 adjustment. The Class 2 Adjustment request and response to adjustment approval criteria is outlined below.

The east facades of Buildings 5, 6, 7, and 8 also abut Settlers Spring Drive NW. The main building façades of all four of these buildings have been aligned with the maximum setback in compliance with this requirement, however there are elements of street facing façades of these buildings that are setback further than the maximum 10-foot setback, therefore Buildings 5, 6, 7 and 8 will require a Class 2 adjustments for the abutting street setback to Settlers Spring Dr. The Class 2 Adjustment requests and responses to adjustment approval criteria are outlined below.

“Accessory structures” that are part of the Applicant’s development proposal will include carports, trash enclosures, clubhouse/amenity building, and a maintenance garage. None of these structures abut on Orchard Heights Rd, however all accessory structures are set back more than the minimum 10-foot abutting street building setback required for accessory structure. To the limited extent that any “Vehicle Use Areas” abut a street compliance with SRC chapter 806 will be demonstrated below.

Interior Side and Interior Rear setbacks in Table 534-3 refer to the Zone-To-Zone Setback requirements listed in Table 534-4 below. These will be addressed below.

Orchard Heights Rd. NW “abutting street” setback adjustment requests:

Adjustment Request – Building 1: A Class 2 Adjustment to the “Abutting street” setback requirement for Building 1 applicable to the Orchard Heights Road street frontage is requested by the Applicant due to the existing significant grade change present in this portion of the site. Between the Orchard Heights Rd street frontage at the north side of Building 1 and the parking lot drive aisle that will serve as the parking area at the south side of Building 1 there is nearly a 16-foot grade change. It is unreasonable to accommodate all of this grade change within the building footprint itself. The north side of the building is set approximately 1.5 feet below street grade and the south side of the building is set approximately 2 feet above the south parking lot area to help reduce the floor to floor height difference between the street level floor and the parking lot level floor, however accessibility can only be maintained by also setting the building back from the street and parking lot as depicted on the site plan.

The standard requires a minimum 5-foot and maximum 10-foot setback for ground-floor residential uses. The applicant is requesting an increase in the maximum setback from 10 feet to 21 feet (110% increase) for the 95-foot long segment of the project’s Orchard Heights frontage between the western property line and the proposed vehicle access drive aisle east of Building 1. Lesser adjustments are requested for Buildings 2 & 3 located between the vehicle access drive onto Orchard Heights Rd and the intersection at Settlers Spring Dr discussed in the adjustment request below.

Adjustment Request – Buildings 2 & 3: Class 2 Adjustments to the “Abutting street” setback requirement for Building 2 and Building 3 are requested, applicable to their Orchard Heights Rd. street frontages. Buildings 2 & 3 have the same building footprints and therefore the same façade abutting Orchard Heights Rd. and therefore their adjustment requests are addressed here, together, for the Orchard Heights Rd. frontage. Although the primary building façade is aligned with the 10-foot maximum setback, portions of the building façade jog back from the street to provide horizontal building articulation to comply with the SRC 534.15., Table 534-6: Pedestrian-Orientated Design, requirement for Building Façade Articulation. The horizontal building articulation also accommodates ground floor patios and decks on the upper floor. Additionally, the buildings cannot be shifted

further forward as a public utility easement (PUE) of 10-feet (required per SRC 803.035(n)) will be required along Orchard Heights Rd. as depicted on the civil, Overall Site Plan, Sheet C1.3

Criteria for Class 2 Adjustment Approval – Buildings 1, 2, & 3:

The criteria for approval of the above adjustment requests for Buildings 1, 2, & 3 relating to the “Abutting Street” setback requirement are addressed together below as they pertain to the same street frontage (Orchard Heights Rd.).

The adjustment requests for Buildings 1, 2, & 3 do not prevent the project from meeting the other building frontage requirements found in Table 534-5 along Orchard Heights Rd. and therefore equally meet the underlying purpose of the standard, as these adjustments will not detract from the purpose of the MU-II zone, which is to promote pedestrian-oriented development. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests the adjustments to the “Abutting street” setback requirement for Buildings 1, 2, & 3 along Orchard Heights Rd. be approved.

Settlers Spring Dr. NW “abutting street” setback adjustment requests:

Adjustment Request – Building 3: A Class 2 adjustment to the “abutting street” setback requirement for the east side elevation of Building 3 abutting Settlers Spring Dr is requested by the Applicant due to the significant grade change present in this portion of the site. The existing road profile of Settlers Spring Drive from the intersection at Orchard Heights south to Butterfly Ave NW drops 12 feet vertically over 150 feet (8%).

The standard requires a minimum 5-foot setback and maximum 10-foot setback. The entrance to Building 3 is facing Orchard Heights Rd which is the primary street, and no entrance is proposed on Settlers Spring Dr. The Applicant is requesting an adjustment increase in the maximum setback from 10 feet to up to 17 feet for the 100-foot long segment of Settlers Spring Dr frontage between the northern right-of-way/property line and the proposed vehicle access drive aisle. Lesser adjustments are requested for Buildings 5, 6, 7, and 8 located between the northern vehicle access drive onto Settlers Spring Dr and the south property line as discussed in the adjustment request below.

Adjustment Request – Buildings 5, 6, 7 & 8: Class 2 Adjustments to the “Abutting street” setback requirement for Building 5, Building 6, Building 7, and Building 8 are requested, applicable to their Settlers Spring Dr. street frontages. Buildings 5, 6, 7, & 8 have the same building footprints and therefore the same façades abutting Settlers Spring Dr. and therefore their adjustment requests are addressed here, together, for the Settlers Spring Dr. frontage. Although the primary building façade is aligned with the 10-foot maximum setback, portions of the building façade jog back from the street to provide horizontal building articulation to comply with the SRC 534.15., Table 534-6: Pedestrian-Orientated Design, requirement for Building Façade Articulation. The horizontal building articulation also accommodates ground floor covered porches. Additionally, the buildings cannot be shifted further forward as a public utility easement (PUE) of 10-feet (required per SRC 803.035(n)) will be required along Settlers Spring Dr. as depicted on the civil, Overall Site Plan, Sheet C1.3.

Criteria for Class 2 Adjustment Approval – Buildings 3, 5, 6, 7 & 8:

The criteria for approval of the above adjustment requests for Buildings 3, 5, 6, 7 & 8 relating to the “Abutting Street” setback requirement are addressed together below as they pertain to the same street frontage (Settlers Spring Dr.).

The adjustment requests for Buildings 3, 5, 6, 7 & 8 do not prevent the project from meeting the other building frontage requirements found in Table 534-5 along Settlers Spring Dr. and therefore equally meet the underlying purpose of the standard, as these adjustments will not detract from the purpose of the MU-II zone, which is to promote pedestrian-oriented development. Although the proposed development is not in a Residential Zone, this

adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests the adjustments to the “Abutting street” setback requirement for Buildings 3, 5, 6, 7, & 8 along settlers Spring Dr. be approved.

**TABLE 534-4
ZONE-TO-ZONE SETBACKS**

Table 534-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet ⁽²⁾	Type C
	Vehicle Use Areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			
(2) The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.			

Applicant Response: The Applicant’s property is zoned MU-II. The property abuts public streets on its North and East boundaries. “Zone-to-Zone Setbacks” are not applicable to these two sides of the property.

The easterly portion of the south property line (interior rear) abuts the RS zone (a Residential Zone) along the site’s southernmost south boundary. Buildings that abut the Residential Zone along the south property line are Buildings 8 & 9 and the Maintenance garage. Building 8 is 37’-1” tall and will therefore require a 43’- 1 ½” setback. Building 9 is 35’-6” feet tall and will therefore require a 40’-9” setback. The Maintenance Garage is 11’-6 ½” tall and will therefore require the minimum 10-foot setback. Dimensions for the distance from the south edge of these three buildings to the adjacent south property line are depicted for each building on the Architectural Site Plan, A1. Building 9 is also adjacent to a residential zone to the west. Dimensions for the distance from the west

edge of Building 9 to the adjacent west property line is depicted on the Architectural Site Plan, A1. All three of these buildings will exceed the applicable setbacks noted above.

The Applicant's property abuts the RA-Residential Agriculture zone along the west site boundary (interior side), and the westerly portion of the south(interior rear) property lines. However, there are no residential uses on the RA zoned property that abut these boundaries, nor would the development of any residential uses be feasible as public utility uses occupy the adjacent property. The adjacent uses in this zone include a high voltage PGE power corridor and a Salem Electric Substation. Both of these uses would be considered "basic utilities" as described in SRC 400.110. Utilities Classification section (a)(1) *Characteristics*. PS—Public Service zone (Chapter 544, Table 544.1 Uses) lists "Basic Utilities" as a permitted use and it would therefore make sense for the RA zoned land adjacent to these boundaries to be treated as an adjacent Public zone. Therefore, the Applicant will request an adjustment below to allow for the Applicant's proposed vehicular use areas to follow the "Public zone" *Setbacks* and *Landscaping & Screening* identified in table 534-4 along the west property boundary. Similarly, the Applicant will also request a separate adjustment to allow Building 1 to follow the "Public zone" *Setbacks* and *Landscaping & Screening* requirements identified in table 534-4 along the west property boundary.

Adjustment Request - Vehicle Use Areas: A Class 2 adjustment to the "Zone to Zone" *Setbacks* and *Landscaping & Screening* requirements of table 534-4 "Residential Zone" from the adjacent RA- Residential Agriculture zone described above is requested for the "vehicular use areas" adjacent to the west property line. The Applicant believes the standards that would be applied to an adjacent "Public Zone" in Table 534-4 would be more appropriate to be applied along the west property line in this location, as the adjacent utility types are "Basic Utilities" that could easily fit with the Public Service Zone permitted uses as described above and there is no potential for the RA zoned land to be developed with residences. Where "vehicle use areas" abut the west property line adjacent to the RA zone, the Applicant proposes the "Public Zone" *Setbacks* and *Landscaping & Screening* from table 534-4 be applied to the "vehicular use areas".

Adjustment Request – Building 1: A Class 2 adjustment to the "Zone to Zone" *Setbacks* and *Landscaping & Screening* requirements of table 534-4 "Residential Zone" for the adjacent RA- Residential Agriculture zone described above is requested for Building 1 along the west property line. The Applicant believes the standards that would be applied to an adjacent "Public Zone" in Table 534-4 would be more appropriate to be applied along the west property line in this location, as the adjacent utility types are "Basic Utilities" that could easily fit with the Public Service Zone permitted uses as described above and there is no potential for the RA zoned land to be developed with residences. Where Building 1 abuts the west property line adjacent to the RA zone, the Applicant proposes the "Public Zone" *Setbacks* and *Landscaping & Screening* from table 534-4 be applied to Building 1.

Criteria for Class 2 Adjustment Approval – Vehicle Use Areas and Building 1

The criteria for approval of the above adjustment requests for the "vehicular use areas" and Building 1, adjacent to the site's west property line, are addressed together below as they both request adjustments to the site's west property line (interior side) "Zone to Zone" *Setbacks* and *Landscaping & Screening* requirements of table 534-4 "Residential Zone" where the west property line abuts the RA zone. Both adjustments propose that the "Public Zone" *Setbacks* and *Landscaping & Screening* from table 534-4 be applied to the "vehicular use areas" and Building 1 where they abut the west property line adjacent to the RA zone. This is a case where the RA zoning on the property adjacent to the project site's west property line is "clearly inapplicable" to the existing uses and foreseeable future uses. It is clear, based on the description of the adjacent "Basic Utilities" uses found in the adjacent RA zone, that applying "Public Zone" requirements from Table 534-4 as suggested above, would be much more appropriate than the "Residential Zone" *Setbacks* and *Landscaping & Screening* from table 534-4. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests the adjustments to the west site boundary (interior side) "Zone to Zone" *Setbacks* and *Landscaping & Screening* requirements of table 534-4 be approved as requested above.

Compliance with “Zone-to-Zone” *Setbacks and Landscaping & Screening*– west property line vehicular use areas and Building 1. Assuming the adjustments above are approved, the Applicant’s site plan demonstrates that the minimum 5 ft. “zone to zone” setback is met for the vehicular use areas based on considering the adjacent public utility uses as a “Public Zone” at the west property line. Similarly, the vehicular use areas abutting the west property will only be required to provide the same *Landscaping & Screening* as is required for the “Public Zone”. The proposed development will therefore provide for Type A *Landscaping & Screening* as depicted on the Applicant’s Reference Landscape Concept Plan detail on the Compliance Site Plans, Sheet A2. For Building 1 the Applicant’s site plan demonstrates that the minimum 5 ft. “zone to zone” setback is met for Building 1 based on considering the adjacent public utility uses as a “Public Zone” at the west property line. Therefore, the Applicant’s proposed development will comply with the adjusted criteria.

- (d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-II zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 534-5.

**TABLE 534-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE**

Table 534-5: Lot Coverage; Height; Building Frontage				
Requirement		Standard	Limitations & Qualifications	
Lot Coverage				
Buildings and Accessory Structures				
All uses		No Max.		
Rear Yard Coverage				
Buildings				
All uses		NA		
Accessory Structures				
All uses		No Max.		
Height				
Buildings and Accessory Structures				
All uses		Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.	
		Max. 55 ft.	Applicable to buildings on all other lots.	
Building Frontage				
Buildings				
All uses		Min. 50%	(1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
			(2)	For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 50% building frontage standard and on which street to meet the minimum 40% building frontage standard.

		(3)	For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.
Accessory Structures			
All uses	Not applicable	Accessory structures shall be located behind or beside buildings.	

Applicant Response:

There is “no maximum” “Lot Coverage” requirement listed in Table 534-5, therefore this criterion can be met.

There is “no maximum” “Rear Yard Coverage” requirement listed in Table 534-5, therefore this criterion can be met.

Regarding “Building Height”, the site is not adjacent to a National Register Residential Historic District therefore the maximum “building height” allowed is 55-feet. Building height calculations are provided on the architectural elevation sheets included with this submittal package and vary by building and each building’s unique location on site relative to proposed site grading. The tallest building as calculated per SRC Chapter 112 is building 8 at 37’-11 ¼”. No building will exceed the maximum height of 55-feet, therefore this criterion is met.

Regarding “Building Frontage” the project site abuts Orchard Heights Rd NW and Settlers Spring Dr NW. Orchard Heights Rd NW is the higher classification street and therefore the 50% building frontage requirement is applicable along Orchard Heights Rd. and the 40% frontage requirement is applicable along Settlers Spring Dr. The Frontage and Separation Plan detail on the Compliance Site Plans, Sheet A2 demonstrates compliance with this requirement. Along Orchard Heights there is 60.7% building frontage and along Settlers Spring there is 43.4% building frontage, therefore these criteria are met.

- (e) *Parking.* Required off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.

Applicant Response: No standalone off-street parking is proposed as part of the Applicant’s proposed development, therefore this criterion is met.

- (f) *Landscaping.*

- (1) *Setback areas.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 534.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

Applicant Response: The Reference Landscape Concept Plan detail on the Compliance Site Plans, Sheet A2, generally depicts all required “setback area” landscaping locations. Formal landscape and irrigation plans will be submitted with the site development permit and building permits for approval prior to start of construction, therefore the Applicant has demonstrated that the above criteria can be met by the proposed development.

- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

Applicant Response: The Reference Landscape Concept Plan detail on the Compliance Site Plans, Sheet A2, generally depicts all required “vehicle use area” landscaping locations. Formal landscape and irrigation plans will be submitted with the site development permit and building permits for approval prior to start of construction, therefore the Applicant has demonstrated that the above criteria can be met by the proposed development.

...

- (h) *Pedestrian-oriented design.* Development within the MU-II zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 534-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Applicant Response: The proposed project does not require historic design review and therefore must comply with the Pedestrian-Oriented Design Standards outlined in Table 534-6 below. See below for compliance outlined by TABLE 534-6 “Requirements” category, listed in *black italic text*.

Table 534-6 Requirements

Ground Floor Height: The ground floor residential units of buildings 1, 2, 3, 5, 6, 7, and 8 that front directly on to Orchard Heights Road and Settlers Spring Drive are designed with a 10’ ground floor ceiling.

Separation of Ground Floor Residential Uses: Vertical or Horizontal separation shall be provided per the standards listed in the table below. See spot elevations shown on Frontage and Separation Plan detail on the Compliance Site Plans, Sheet A2 for elevations referenced below.

Building 1 will provide separation via vertical separation. The street level finished floor of Building 1 is elevation 425’. The elevation of the sidewalk at Orchard Heights Rd NW where the entry walkway to the building meets the sidewalk is elevation 426.50. The ground elevation and front porch landing at the front façade of the building will be elevation 424.0 which will be 2.5-feet below the sidewalk grade noted, therefore Building 1 meets the vertical separation criteria.

Buildings 2 and 3 are a stacked flat breezeway style buildings and comply with this standard with vertical separation. The street level finished floor of Building 2 and Building 3 is elevation 423’. Both of these buildings have two entry ways each, facing Orchard Heights. The elevation of the sidewalk at Orchard Heights Rd NW where the entry walkways to each building meets the sidewalk is elevation 421.00. The ground elevation and front porch landing at the front façade of the buildings will be elevation 423.0 at each entry point, which will be 2.0 -feet above the sidewalk grade noted, therefore Building 2 and Building 3 both meet the vertical separation criteria along Orchard Heights Rd.

Building 3 also abuts the Settlers Spring Dr right-of-way. Building 3 will provide horizontal separation at a maximum of 17-feet from the right-of-way along Settler Spring Dr. An adjustment is needed to increase the maximum horizontal separation from a maximum of 10-feet up to 17-feet. The Applicant will respond to the adjustment criteria at the end of this section.

Buildings 5 & 6 have 2-story townhome units fronting Settlers Spring Drive and will comply with this standard with vertical separation. Spot elevations for each unit front porch and the corresponding sidewalk elevation at the right-of-way edge have been provided on the Frontage and Separation Plan detail on the Compliance Site Plans, Sheet A2 to show that all units provide the minimum 1.5-foot, but do not exceed maximum 3-foot vertical separation from right-of-way to porch.

Buildings 7 and 8 have 2-story townhome units fronting Settlers Spring Drive and will comply with this standard with vertical separation. Spot elevations for each unit front porch and the corresponding sidewalk elevation at the right-of-way edge have been provided on the Frontage and Separation Plan detail on the Compliance Site Plans, Sheet A2 to show that all units provide the minimum 1.5-foot, but do not exceed maximum 3-foot vertical separation from right-of-way to porch.

Adjustment Request: A Class 2 adjustment to the “Separation of Ground Floor Residential Uses” requirement for the east side elevation of Building 3 abutting Settlers Spring Dr is requested by the Applicant due to the significant grade change present in this portion of the site. The existing road profile of Settlers Spring Drive from the

intersection at Orchard Heights south to Butterfly Ave NW drops 12 feet vertically over 150 feet (8%). This transition of grade is challenging both from the perspective of where to take measurement for vertical separation compliance (would comply for some portions of the façade but not others) and how to physically construct the building with so much excavation/grade to contend with if the horizontal separation provision was followed.

The standard requires a minimum 5-foot and maximum 10-foot horizontal distance separation or a min. 1.5 ft. max. 3. Ft. vertical distance separation. Table 534-6 states that for the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room. There are no residential entrances on the east façade, however there are ground floor residential uses, which means there are habitable rooms that abut Settlers Spring Dr. Grade change is too great along the Settlers Spring frontage to demonstrate compliance with the vertical separation, therefore the only applicable separation reasonable to comply with is the horizontal separation. The Applicant is requesting an adjustment to increase in the maximum horizontal separation distance from 10 feet to 17 feet for the segment of Settlers Spring Dr frontage between the northern right-of-way/property line and the northernmost proposed vehicle access drive aisle for the east façade of Building 3 fronting Settlers Spring Dr. Buildings fronting the remaining segment of Settlers Spring Dr., between the proposed northern vehicle access drive and the south property line, would maintain the code complaint vertical separation distance allowed per Table 534-6, as is outlined above.

This adjustment request would impact 14.2% of the total Settlers Spring Drive frontage and does not impair the project from meeting the other building frontage requirements found in Table 534-5. Although the area of horizontal separation exceeds 10-feet, the area between the building and sidewalk can still “take the form of a landscaped area” and therefore equally meets the underlying purpose of the standard, as this adjustment will not detract from the purpose of the MU-II zone, which is to promote pedestrian-oriented development. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests this adjustment be approved.

Building Façade Articulation: “Primary street” means a street that is classified in the Salem Transportation System Plan as an arterial or collector street. Orchard Heights Rd NW is a Minor Arterial and therefore the criteria for Building Façade Articulation applies to building facades facing Orchard Heights Rd NW. Buildings 1, 2, & 3 all abut Orchard Heights Rd. and therefor this standard applies to the north elevations of Buildings 1, 2, & 3. Because the property is a corner lot and Orchard Heights Rd (primary street) intersects Settlers Spring Dr (secondary street), this standard also applies to the portion of the east façade of Building 3 that is within 50-feet of Orchard Heights Rd as measured from the south edge of right of way on Orchard Heights Rd. The north facades of Buildings 1, 2, & 3 and a portion of the east façade of Building 3 comply with the “*Building Façade Articulation*” requirements as follows:

Buildings 1, 2, and 3 are stacked flat breezeway style buildings and their north facades facing Orchard Heights are 2-story. The eastern elevation of Building 3 facing on to Settlers Spring Dr transitions from 2-story on the north side of the building to 3-story on the sound side of the building as the grade transitions around the building, tracking with the road profile. The building elevations have been designed with modulation and siding treatment transitions that work together to comply with the vertical and horizontal articulation, visual interest and definition requirements of this section.

A “Base” is visually distinguished from the upper portion of the building by combined use of material and color placement. The ground floor units on the buildings as shown on the architectural elevations drawing sheets show horizontal lap siding which will be painted a different/contrasting color than then vertical board and batten siding used above it, which is separated by either a deck or horizontal trim piece.

The “Middle” of the façade includes both vertically oriented window panes and modulations at the decks of 4’-5” deep and 11’-0” wide.

The “Top” of the building is a pitched roof form that has roof overhangs of minimum 18” depth beyond the face of the façade, as well as accent gable roof forms with raised heel heights that provide breaks in the roof elevation.

Ground Floor Windows: This standard applies to facades facing primary streets. As discussed above Orchard Heights Rd NW is a primary street. Buildings 1, 2, & 3 abut Orchard Heights Rd NW. The ground floor uses on these three buildings are residential, therefore the ground floor residential requirement for the minimum 30% transparent windows standard applies to these three buildings. The north facades of Buildings 1, 2, & 3 comply with the “Ground Floor Windows” requirements for ground floor residential uses as follows:

Sec 112.030 - *Ground Floor Windows* defines two methods for calculating window percentage, the applicant has selected measurement option (b) to demonstrate compliance with this section: “Dividing the total width of windows along the ground floor of the building by the length of the ground floor of the building. This method of calculation may be used only if the windows have a vertical dimension that equals six feet or more in height.”

The ground floor windows and two main building entries facing Orchard Heights in Building 1 are all 6 feet or more in height and provide 55.3% transparency of the ground floor using the lineal calculation method (38’-0” lin. Ft. / 68’-9” lin. Ft. Building length = 55.27%).

The ground floor windows and two main building entries facing Orchard Heights in Buildings 2 and 3 are all 6 feet or more in height and provide 55.3% transparency of the ground floor using the lineal calculation method (76’-0” lin. Ft. / 137’-3” lin. Ft. Building length = 55.37%). Buildings 2 & 3 comply with this requirement, dimensions are noted on the architectural elevations included in this submittal package.

Building Entrances: This standard applies to facades facing primary streets. As discussed above Orchard Heights Rd NW is a primary street. Buildings 1, 2, & 3 abut Orchard Heights Rd NW. The ground floor uses on these three buildings are residential, therefore the ground floor residential requirement for a primary building entrance applies to these three buildings. The north facades of Buildings 1, 2, & 3 comply with the “Building Entrances” requirements for ground floor residential uses as follows:

Buildings 1, 2 and 3 provide direct connection from the public right-of-way sidewalk to the primary entrances of each building. Building 1 has one primary entrance and buildings 2 and 3 each have two primary entrances. Each entry is provided with a low roof for weather protection as shown on the architectural elevation sheets included in this submittal package.

Weather Protection: Residential uses on the ground floor of a building adjacent to a street are required to provide weather protection along 50% of the ground floor building facade. Buildings 1, 2, and 3 abut Orchard Heights Rd. Building 3 also abuts Settlers Spring Dr. All three of these uses have residential uses on the ground floor. An adjustment will be requested at the bottom of this section requesting that weather protection be excluded from the street facing façade(s) of these three buildings, except at the shared building entrances, where the entrances to the breezeways will have a roof above as depicted on the building plans and elevations for the north elevations of Buildings 1, 2, & 3 facing Orchard Heights Rd. The east elevation of Building 3, facing Settlers Spring has no shared building entrances and therefor will provide no weather protection. Buildings 4 and 9 do not abut any streets, therefore this requirement is not applicable to those buildings. Buildings 5, 6, 7, and 8 have the same style residential townhome unit facade facing Settlers Spring Dr. These buildings have covered porches at each unit. Along the building façade of each of these buildings the covered porches provide weather protection. The street facing façade of these building types is 76’-0” long. Covered porches provide weather protection along 46’-8” or 61.4% of the street facing façade of each of these four buildings. Therefore this criteria is met for Buildings 5, 6, 7, & 8. The adjustment request for Buildings 1, 2, and 3 will follow below.

Adjustment Request – Weather Protection Buildings 1, 2, & 3: A Class 2 adjustment to the “Weather Protection” requirements of table 534-6 for ground floor residential uses adjacent to a street, for Building 1,

Building 2, and Building 3 are requested, applicable to their Orchard Heights Rd. street frontages; as well as for the street frontage on Settlers Spring Dr. for Building 3. The weather protection requirements are described above. The Applicant requests that only weather protection be provided at the shared building entrances, where the entrances to the entry breezeways will have a roof above as depicted on the building plans and elevations for the north facades of Buildings 1, 2, & 3 facing Orchard Heights Rd. included with this Site Plan Review application. Because there are no shared building entrances along the east façade of Building 3, facing Settlers Spring Dr. the applicant request no whether protection be required.

Adjustment Approval Criteria – Weather Protection – Buildings 1, 2, and 3: The criteria for approval of the above adjustment requests for the “weather protection” requirement for Building 1, Building 2, and Building 3 abutting Orchard Heights Rd, and Building 3 abutting Settlers Spring Dr., are addressed together below, as they are similar style buildings requesting similar adjustments along the same roadway frontages.

Buildings 1, 2, and 3 are apartment flat buildings with shared entry breezeways that face Orchard Height’s Rd. Building 1 has one shared breezeway entry and Buildings 2 and 3 have two shared breezeway entries each. The Applicant proposes to provide weather protection at these shared entrances as depicted on the building plans and elevations included with this Site Plan Review application. Along Orchard Heights Rd the existing sidewalks are curb tight and will remain so with the proposed development. However, 11’ of right of way dedication is required which pushes the buildings back away from the public sidewalk. The purpose of this requirement is to provide weather protection for pedestrian oriented development. Even if the buildings were constructed tight to the new edge of right of way they would be effectively set back 11-feet from the back of sidewalk. This makes providing any meaningful weather protection over the public sidewalk infeasible, along the Orchard Heights Rd elevations of Buildings 1, 2, and 3. For the Settlers Spring Dr. facing façade of Building 3 the Applicant has requested an adjustment above that would increase in the maximum setback from 10 feet to up to 17 feet for the 100-foot long segment of Settlers Spring Dr frontage between the northern right-of-way/property line and the proposed northernmost vehicle access drive aisle on Settlers Spring. This creates a similar effective setback issue from the public sidewalk as discussed for the Orchard Heights frontages for Buildings 1, 2, and 3, making providing any meaning full weather protection over the public sidewalk at Settlers Spring facing façade of Building 3 infeasible as well. Public Utility Easements that will be required along back of right of way along both of these street frontages serve to further exacerbate this issue.

This is case where this a case where this criteria should be considered “clearly inapplicable to the proposed development” as noted in the Class 2 adjustment criteria SRC 250(d)(2)(i). Whether protection is proposed to be provided where pedestrians will access the shared breezeway entries, which will enhance the pedestrian experience at these locations. However, even if weather protection were provided along other portions of the facades of these buildings it would not create a more friendly pedestrian-oriented environment for the reasons discussed above. Therefor, the Applicant’s proposed adjustments will equally meet the standard to the extent that is practically feasible. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests this adjustment be approved.

Parking Location:

All off-street parking and is located behind or beside buildings and structures that front Orchard Heights Rd and/or Settlers Spring Dr. Therefore, this criterion is met.

Mechanical and Service Equipment:

Any ground level mechanical and/or service equipment required for buildings abutting Orchard Heights Rd or Settlers Spring Dr will be located behind or beside the buildings. Ground level mechanical and service equipment

will be screened with landscaping or a site-obscuring fence or wall as needed. No rooftop mechanical equipment is proposed. Therefore, these criteria can be met.

**TABLE 534-6
PEDESTRIAN-ORIENTED DESIGN**

Table 534-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
<p>FIGURE 534-1 GROUND FLOOR HEIGHT</p>		
Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.
<p>FIGURE 534-2 HORIZONTAL SEPARATION</p>		



Building Facade Articulation

This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
		b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
			1. Recesses of a minimum depth of two feet.
			2. Extensions of a minimum depth of two feet.
			3. Vertically-oriented windows.

			4. Pilasters that project away from the building.
		c)	Top: Building tops shall be defined by at least one of the following standards:
			1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
			4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
		(3)	The repainting of a facade of an existing building is exempt from this standard.

FIGURE 534-3
ARTICULATION



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Residential uses Min. 30%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
	Non-residential uses Min. 65%	(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

FIGURE 534-4
GROUND FLOOR WINDOWS



Building Entrances

This standard applies to building ground floors on primary streets.	Required	(1) For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2) For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3) Building entrances shall include weather protection.

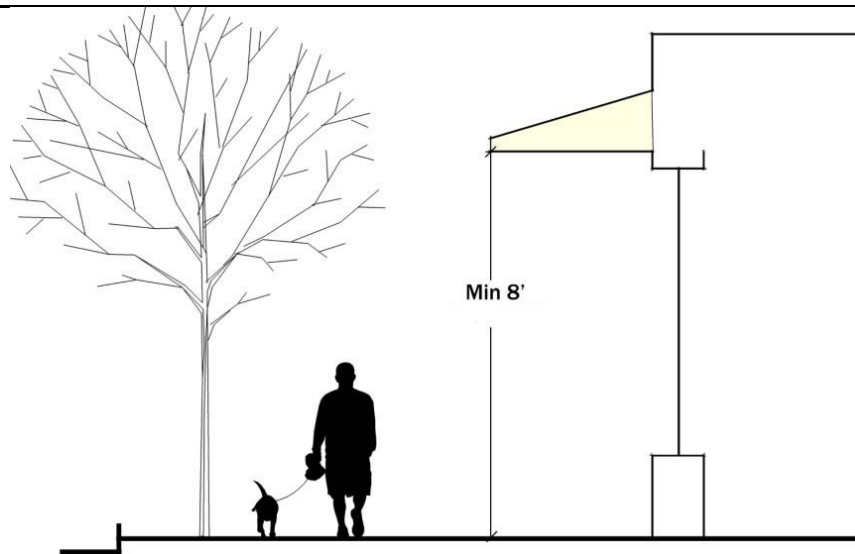
FIGURE 534-5
ENTRANCE AT BUILDING CORNER



Weather Protection

This standard applies to building ground floors adjacent to a street.	Residential uses Min. 50%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
	Non-residential uses Min. 75%	(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

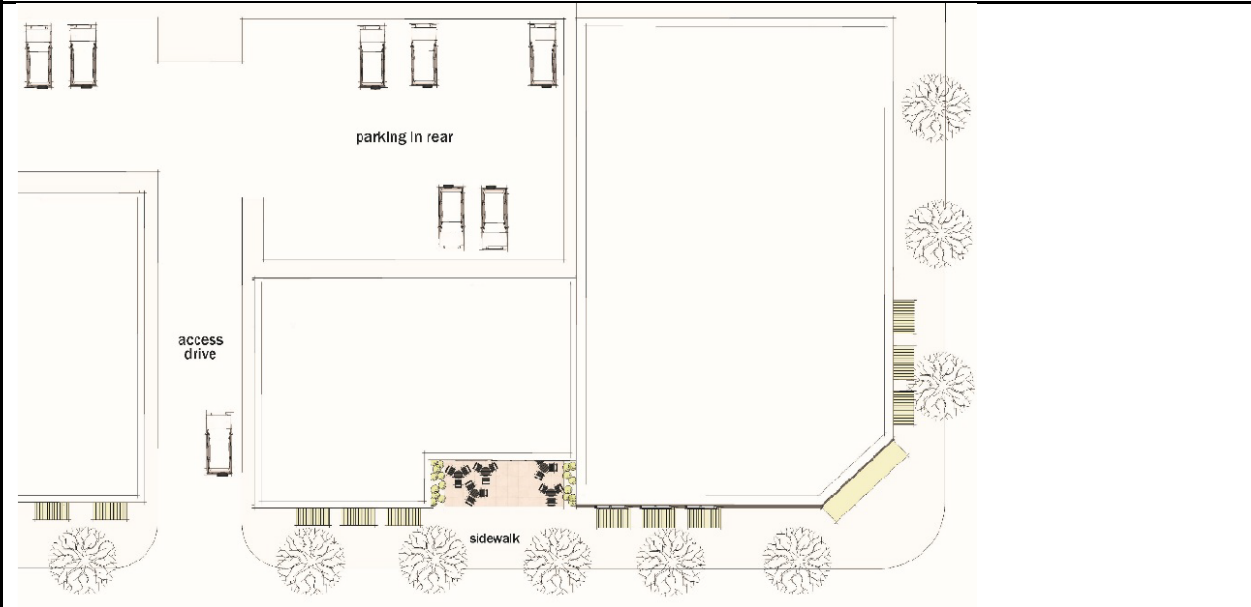
FIGURE 534-6
WEATHER PROTECTION



Parking Location

This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	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
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**FIGURE 534-7
OFF-STREET PARKING**

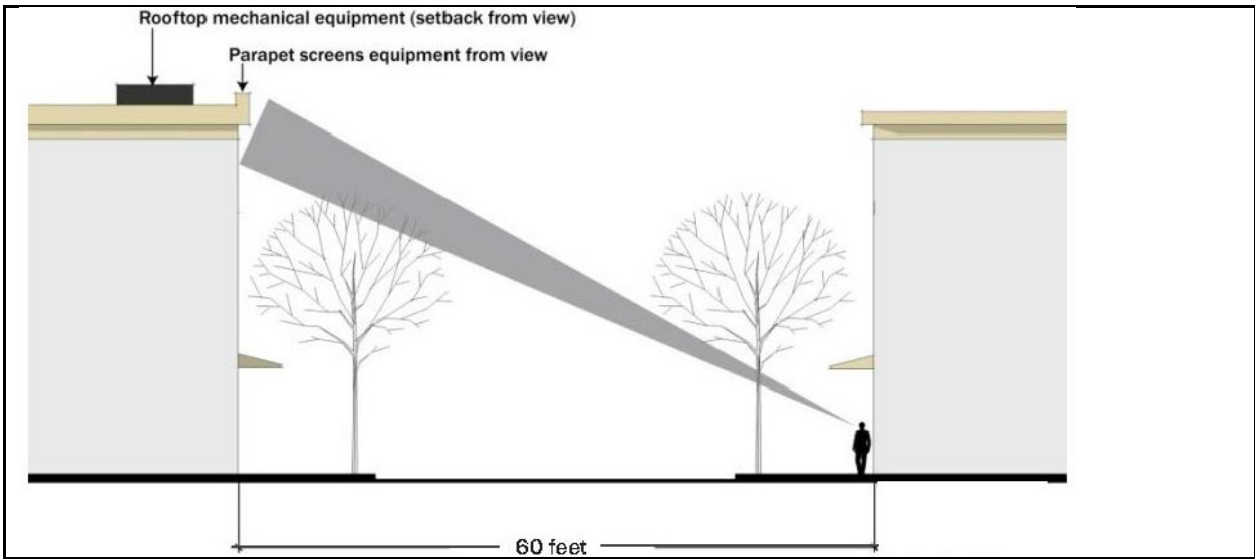


Mechanical and Service Equipment			
This standard applies to mechanical and service equipment.	Required	(1)	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside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

**FIGURE 534-8
GROUND-LEVEL MECHANICAL EQUIPMENT**



**FIGURE 534-9
ROOFTOP MECHANICAL EQUIPMENT**



Sec. 534.020. Design review.

Design review under SRC chapter 225 is not required for development within the MU-II zone. Multifamily development within the MU-II zone is not subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Applicant Response: The Applicant is proposing a multiple family development within the MU-II zone and therefore the multiple family design standards set forth in SRC chapter 702 are not applicable to the proposed project.

Sec. 534.025. Other provisions.

In addition to the standards set forth in the chapter, development within the MU-II zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Floodplain Overlay Zone SRC chapter 601

Applicant Response: The Applicant's development site is not located within a Floodplain overlay zone therefore compliance with SRC chapter 601 is not applicable to the proposed development.

- (b) General Development Standards SRC chapter 800
- (c) Public Improvements SRC chapter 802
- (d) Streets and Right-of-Way Improvements SRC chapter 803
- (e) Driveway Approaches SRC chapter 804
- (f) Vision Clearance SRC chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC chapter 806
- (h) Landscaping and Screening SRC chapter 807
- (i) Preservation of Trees and Vegetation SRC chapter 808
- (j) Wetlands SRC chapter 809

Applicant Response: There are no wetlands on the Applicant’s development site, and there are no wetlands immediately adjacent to the proposed development that would be impacted by the proposed development. The Oregon Statewide Wetlands Inventory online GIS tool was consulted, and no mapped wetlands were found within 100-feet of the proposed development site. Therefore, compliance with SRC chapter 809 is not applicable to the proposed development.

(k) Landslide Hazards SRC chapter 810

Applicant Response: A Geological Assessment Letter dated June 29, 2023 is included with the Applicant’s Class 3 site plan review application. The letter finds that the proposed development site falls within a Class A - low landslide hazard classification. Therefore, additional studies to determine compliance with SRC chapter 810 are not applicable to the proposed development.

(l) Sign Code SRC chapter 900

Applicant Response: Demonstration of compliance with Sign Code SRC 900 is not a requirement of Class 3 Site Plan Review and therefore not applicable to the review of the Applicant’s proposed development. The Applicant will submit for sign permit applications following Class 3 Site Plan approval and will demonstrate conformance with the applicable sections of SRC 900 at that time.

Applicant Response: Unless already addressed above as being non-applicable sections, the Applicant will demonstrate compliance with the “*other applicable development standards*” listed above in the applicable sections to follow below.

CHAPTER 800. GENERAL DEVELOPMENT STANDARDS

...

Sec. 800.015. Lot standards, generally.

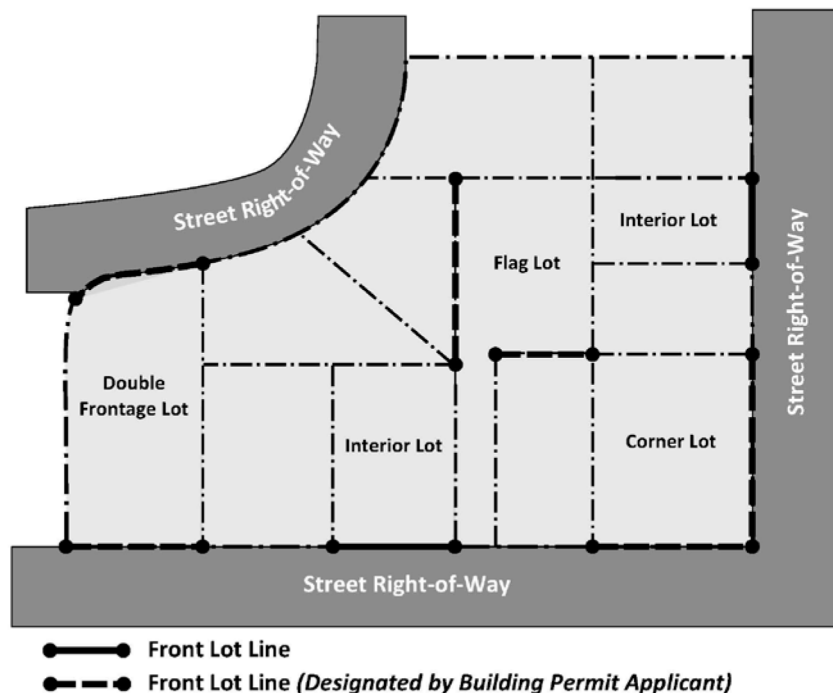
- (a) *Lot shape and size.* In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.
- (b) *Buildings to be on a lot.* Every building or structure shall be entirely located on an individual lot. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.
- (c) *Side lot lines.* As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Applicant Response: The Applicant’s proposed project does not create any new lots. The proposal development will occur on an existing Lot. All of the buildings proposed within the multiple family development will be located entirely on the lot. No buildings are proposed to be attached at a common property line. There is only one lot that is the subject of this proposal. Therefore, all of the above criteria that are applicable have been met.

Sec. 800.020. Designation of lot lines.

- (a) *Front lot line.* The front lot line shall be designated as set forth in this subsection (see Figure 800-1).
- (1) *Interior lot.* For an interior lot, the front lot line shall be the property line abutting the street.
 - (2) *Corner lot.* For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.
 - (3) *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
 - (4) *Flag lot.* For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.
 - (5) *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

FIGURE 800-1. DESIGNATION OF FRONT LOT LINE



Applicant Response: The Applicant's lot is a corner lot with frontages on Orchard Heights Rd NW and Settlers Spring Dr NW. The Applicant chooses to designate the lot line fronting Orchard Heights Rd. (north property line) as the front lot line.

- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).

-
- (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.

...

Applicant Response: The Applicant's lot is a corner lot with frontages on Orchard Heights Rd NW and Settlers Spring Dr NW. The Applicant chooses to designate the lot line fronting Orchard Heights Rd. (north property line) as the front lot line. The rear property line will therefore be the south property line, which is opposite Orchard Heights Rd.

- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

Applicant Response: The Applicant's lot is a corner lot with frontages on Orchard Heights Rd. NW and Settlers Spring Dr. NW. As discussed above the Applicant has designated the north property line as the front lot line and therefore, the south property line will be the rear lot line. Therefore, the east and west property lines will be considered side lot lines.

Sec. 800.025. Flag lots.

Flag lots are allowed subject to the standards set forth in this section.

Applicant Response: The Applicant's lot is not a flag lot therefore the below standards for "Flag lots" are not applicable to the Applicant's proposed development.

...

Sec. 800.030. Hillside lots.

Applicant Response: The Applicant has not selected the option of applying "Hillside Lot" standards to the proposed development, therefore this section is not applicable to review of the Applicant's proposed development.

Sec. 800.031. Maintenance easements for dwelling units.

No building permit shall be issued for a townhouse, zero side yard dwelling, or any other dwelling unit which is constructed contiguous to a property line unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the dwelling unit providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.

Applicant Response: The Applicant is not proposing any zero lot line development, therefore the standards of this section are not applicable to the Applicant's proposed development.

Sec. 800.035. Setbacks.

- (a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.

- (b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

Applicant Response: SRC Section 800.005 states that “In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply”. There exists a conflict between the requirements of Table 800-2 and Table 534-3. Table 534-3 requires buildings of all uses to have a standard 0 ft. or Max. 10 ft. setback, with qualification (2) allowing “a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 534.015(h)”.

The conflict is in Table 800-2 under the “Porches and decks— covered, but unenclosed” heading, where the maximum projection from front abutting street, side abutting street or interior front indicates that these projections are not limited provided they meet 3 criteria. It is the third criterion that presents the conflict in standards, which states that “In no case shall the covered porch or deck come closer than 10 ft. to the property line”. This is in direct conflict with the 534 requirements to be set back not more than 10 feet.

SRC 534.015(h) Pedestrian-oriented design states that development within the MU-II zone shall conform to the pedestrian-oriented design standards set forth in Table 534-6. This section also includes requirements for horizontal setback of not more than 10 feet. The standards found in Chapter 534 MU-II zone requirements are more restrictive, and therefore should apply.

Following the 5 foot minimum and 10 foot maximum setback requirements of Table 534-3 (2) as the more restrictive code requirement, the project does not include any projections in to the required 5-foot minimum setback, therefore the standards of this section are met.

TABLE 800-2. PERMITTED PROJECTIONS INTO REQUIRED SETBACKS			
Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
Porches and decks— covered, but unenclosed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 10 ft. to the property line.	Not allowed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.
<u>Limitations and Qualifications</u>			

⁽¹⁾ No permitted projection into a rear setback shall extend to within 10 ft. of the centerline of an alley, or to within 6 ft. of an accessory structure.

(c) *Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.*

Applicant Response: The Applicant's proposed project is not abutting any property located outside the City limits therefore this section is not applicable to the Applicant's proposed project.

...

(d) *Setbacks abutting an interstate freeway, railroad right-of-way, or alley.*

Applicant Response: The Applicant's proposed project is not abutting an interstate freeway, railroad right-of-way, or alley; therefore, this section is not applicable to the Applicant's proposed project.

Sec. 800.040. Special setbacks.

- (a) *Generally.* To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.
- (b) *Setback distance required; how measured.* The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.
- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.

...

Applicant Response: No special setbacks should be required. Once 11-feet of right-of-way is dedicated along Orchard Heights Rd NW, there will be adequate public right of way for both Orchard Heights Rd NW and Settlers Spring Drive NW as identified in the Salem Transportation System plan for the applicable street classifications for Orchard Heights Rd (minor Arterial) and Settlers Spring Dr (local road) . Therefore, the criteria for special setbacks are not applicable to the Applicant's proposed project.

Sec. 800.045. Height.

- (a) *Generally.* Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.
- (b) *Height exceptions.* Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:
 - (1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not exceed 185 feet in height;
 - (B) They do not contain any habitable space;

-
- (C) The horizontal section of the structure does not exceed 625 square feet at the top of the main building or structure; and
 - (D) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.
- (2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.
 - (3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not project more than 15 feet above the roof;
 - (B) They do not contain any habitable space;
 - (C) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;
 - (4) Relationship to FAA Part 77 Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part 77 surface established under SRC chapter 602.
- (c) *Height of structures within 165 feet of capitol mall district.* Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.

Applicant Response: The applicant has calculated the building height as set forth in SRC chapter 112 for each unique building condition and has provided the height callouts on the individual building exterior elevation sheets included with this submittal package. The Applicant is not seeking any exceptions to the height under this section, please see the applicant response to Sec. 534.015. Development standards above for additional information on the allowed maximum height for the project site.

Sec. 800.050. Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
 - (1) *Fences and walls.*
 - (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

Applicant Response: The zoning of the Applicants property is MU-II however the development proposed is “Multiple family” which falls under the “household living” uses permitted in the MU-II Zone. Therefore, the below standards within section (A) are applicable.

- (i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Applicant Response: The Applicant is not presently proposing any fences or walls within the front yards abutting Orchard Heights Rd NW. Therefore, the above criteria are not applicable to the Applicant’s project as currently proposed. If fences or walls are proposed in the front yard abutting Orchard Heights Rd. the Applicant understands that the above requirements are applicable to the proposed development.

- (ii) *Side and rear yards abutting street.* Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

Applicant Response: Settlers Spring Dr NW is considered as side yard abutting a street, as the Applicant selected Orchard Heights Rd. NW to be the front yard. The Applicant is not presently proposing any fences or walls within the side yard abutting Settlers Spring Dr. NW. Therefore, the above criteria are not applicable to the Applicant’s project as currently proposed. If fences or walls are proposed in the yards abutting Settler’s Spring the Applicant understands that the above requirements are applicable to the proposed development.

- (B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:

Applicant Response: As discussed above under section (A), the zoning of the Applicants property is MU-II, however the development proposed is “Multiple family” which falls under the “household living” uses permitted in the MU-II Zone. Therefore, the below standards within this section (section (B)) are not applicable.

- (i) *Front, side, and rear yards abutting street.* Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
- (2) *Hedges.* There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Applicant Response: The Applicant is not proposing any hedges. Therefore, the above criteria are not applicable to the Applicant’s project as currently proposed.

- (3) *Gates.* Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Applicant Response: The Applicant is not proposing any gates associated with any fences or walls. Therefore, the above criteria are not applicable to the Applicant’s project as currently proposed.

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- (4) *Retaining walls.* Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Applicant Response: No retaining walls are currently proposed at the property lines that abut Orchard Heights Rd. or Settlers Spring Dr. Therefore, the above criteria are not applicable to the Applicant's project as currently proposed.

Note: Retaining walls will be built for the Stormwater Facility depicted on the Applicant's preliminary engineering plans submitted with the Class 3 Site Plan Review application. Additionally, retaining walls will be built along a portion of the west property boundary. These retaining walls are expected to have a maximum exposed height of up to 12-feet tall (measured from finished grade at bottom of wall (BW) to top of finished wall (TW)). See spot elevations on Grading & Drainage Plan (North), Sheet C3.0 and Grading and Drainage Plan (South), Sheet C3.1 and PCC Retaining Wall Plan-Profile, Sheet C5.0. Note sheet C5.0 shows bottom of wall (BW) elevations based on the assumed footing depth rather than the finished grade at bottom of wall (BW). These elevations should not be used in computing the exposed wall height. The 12-foot maximum exposed height is based on measuring from BW at finished grade to top of finished wall (TW) as noted above. Per criteria (a)(4) "*Retaining walls not located at the property line abutting a street may exceed four feet in height*" therefore the wall heights for the west property line retaining walls and stormwater facility retaining walls have no height limit.

- (b) *Vision clearance.* Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

Applicant Response: The above vision clearance requirements are noted. The applicant will address the clear vision requirements of SRC chapter 805 below.

- (c) *Material.*

- (1) *Fences.* Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.

Applicant Response: The above material requirements for fences are noted.

- (2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Applicant Response: The above material requirements for walls are noted.

- (d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

Applicant Response: The above hazardous material requirements for fences and walls are noted and are not proposed to be used for the Applicant's proposed development.

...

Sec. 800.055. Solid waste service areas.

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

- (a) *Applicability.* Solid waste service area design standards shall apply to:
 - (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.
- (b) *Solid waste receptacle placement standards.* All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
 - (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 one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three 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.

Applicant Response: There are two trash enclosure locations proposed for the site located adjacent to the southwest corner of Building 1 and the northwest corner of Building 7. Both enclosures are planned to be similar size with 6' CMU walls on three sides with access gates on the fourth side. The enclosures are planned to be uncovered. The pad beneath the enclosures will be a 4" thick concrete pad that will follow the three CMU wall lines and extend 24" beyond the front face on the access gate side to ensure the pad clearances around the receptacles are provided per this section. See the trash enclosure plan and elevations sheet included with this submittal package, which demonstrates conformance with the requirement that the pad extend a minimum of 3-feet beyond the front of the receptacles.

- (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 five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Applicant Response: The receptacles are located a minimum of 1.5 feet from the side walls of the enclosure by the specified wheel stop/curbs to be installed at minimum 12" from the side wall. The curbs themselves are 6" which in total provide the 1.5 feet required by this section. No combustible walls or construction are within or adjacent to the enclosures.

- (3) *Vertical clearance.*

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- (A) *Receptacles two cubic yards or less.* Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
 - (B) *Receptacles greater than two cubic yards.* Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:

Applicant Response: The applicant is proposing to leave the enclosures uncovered to ensure compliance with the vertical clearance requirements of this section. Both enclosures will most likely have receptacles greater than two cubic yards and have therefore been designed to comply with section (3)(B) above. See the architectural elevations of the trash reclosures included with this Class 3 Site Plan Review submittal package for full design details.

...

- (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.

Applicant Response: Residentially zoned property abuts the property on its southernmost boundary. On the west property line, the adjacent uses are Public Utilities that the Applicant proposes should be considered Public Zone uses rather than the existing RA – Residential Agricultural zoning. Streets abut the property on the north and east property lines. Solid waste service areas will not abut any streets or residentially zoned areas except where noted above. One of the solid waste service areas is interior to the site, and the second solid waste service area is near the west property line abutting the RA zone. While the Applicant believes the adjacent uses in the RA zone should be considered Public Zone uses for purposes of applying this standard, both solid waste service areas will be contained within trash enclosures. The trash enclosures will have walls on three sides with a gate on the front to screen the solid waste service areas. The trash enclosure will have a concrete pad. The walls will be split-faced CMU and will be capped with capstones. Walls will be a minimum of 6-feet tall. Gates will be black vinyl coated chain link with winged slats installed to obscure the interior and will also be a minimum of 6-feet tall. Therefore, the screening requirements noted above are met regardless of whether the Applicant believes the above standards should be applicable or not.

- (e) *Solid waste service area enclosure standards.* When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.
 - (1) *Front opening of enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
 - (2) *Measures to prevent damage to enclosure.*

-
- (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
 - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
 - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
 - (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.
 - (3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.
 - (4) *Prohibited enclosures.* Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
 - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

Applicant Response: The trash enclosures have been designed to be free-standing separate structures and sized to meet the requirements of this section. The enclosures will be constructed on three sides with 6-foot tall split-face CMU walls, with a front opening of 20'-0" wide. There will be two gates at the opening side of the enclosure. The gates will each be 8'-0" wide and will be set to either side of the 20' opening, with a 4' gap in between. When one gate is opened the opening width will be 12-feet. When both gates are open, the overall opening width will be approximately 19.5'. Because the opening exceeds 15 feet when both gates are open, the gates will open to a minimum of a 90-degree angle. The 4' gap between the gates will allow for pedestrian access into the enclosure without the need to open a gate to enter the enclosure. The gates will be 6-feet tall. All of the gates will be black vinyl coated chain link fence with winged privacy slats to obscure the view into the enclosure. Wheel stops of minimum 6" wide and 4" tall are specified to be installed a minimum of 12" from the inside face of the enclosure walls to protect the walls from impact damage. See the architectural plans and elevations included in this submittal package for complete trash enclosure design details.

- (f) *Solid waste service area vehicle access.*
 - (1) Vehicle operation area.
 - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

- (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.

FIGURE 800-8. VEHICLE OPERATION AREA PERPENDICULAR TO FRONT OF ENCLOSURE

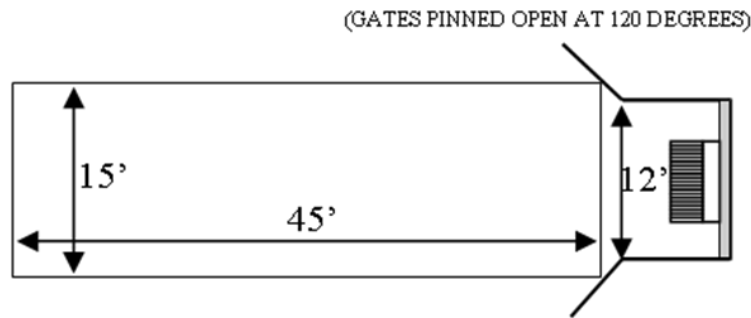
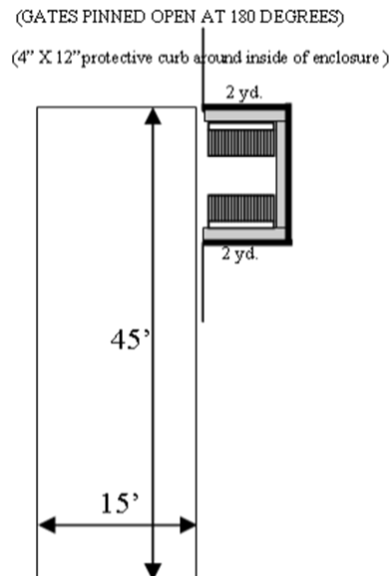


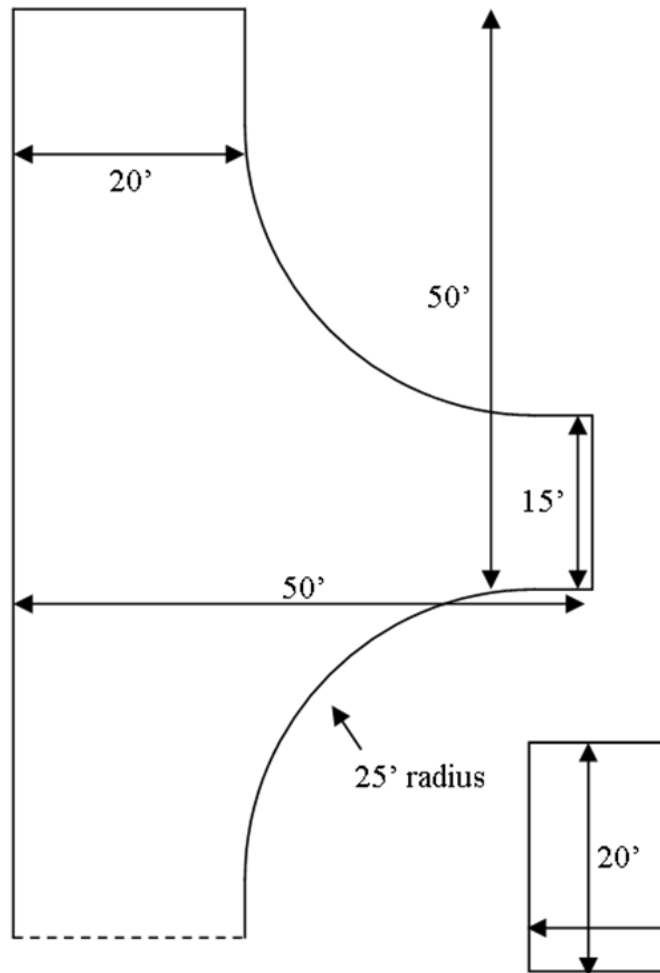
FIGURE 800-9. VEHICLE OPERATION AREA PARALLEL TO FRONT OF ENCLOSURE



- (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) Vertical clearance. 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.

FIGURE 800-10. VEHICLE OPERATION AREA PARALLEL TO FRONT OF ENCLOSURE



- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
- (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Applicant Response: The trash vehicle operation areas have been noted on the Architectural Site Plan, Sheet A1 to show the approach available in both the forward and side positions to demonstrate maximum flexibility in routing through the site for collection. All paths are planned as asphalt pavement, unobstructed and do not require backing onto a public street. As noted above, the enclosures will be uncovered to ensure vertical clearance is provided, see the Architectural Site Plan, Sheet A1 and Trash Enclosure Plans and Elevations, Sheet B13 included with this submittal package.

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- (g) *Notice to solid waste collection franchisee.* Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Applicant Response: There are no variances or adjustments to the standards set forth in the section above therefore there will be no need to contact the applicable solid waste collection franchise for comment.

Sec. 800.060. Exterior lighting.

- (a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.
- (b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
- (1) Completely shielded from direct view; or
 - (2) No greater than five foot-candles in illumination.

Applicant Response: Exterior lighting and exterior light fixtures will be located and designed to comply with the requirements listed above. Site lighting plans will be submitted with building permit review or site plan review and will be reviewed against the standards of this section. Therefore, these requirements can be met.

Sec. 800.065. Pedestrian access.

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

- (a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
- (1) *Connection between building entrances and streets.*
 - (A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).

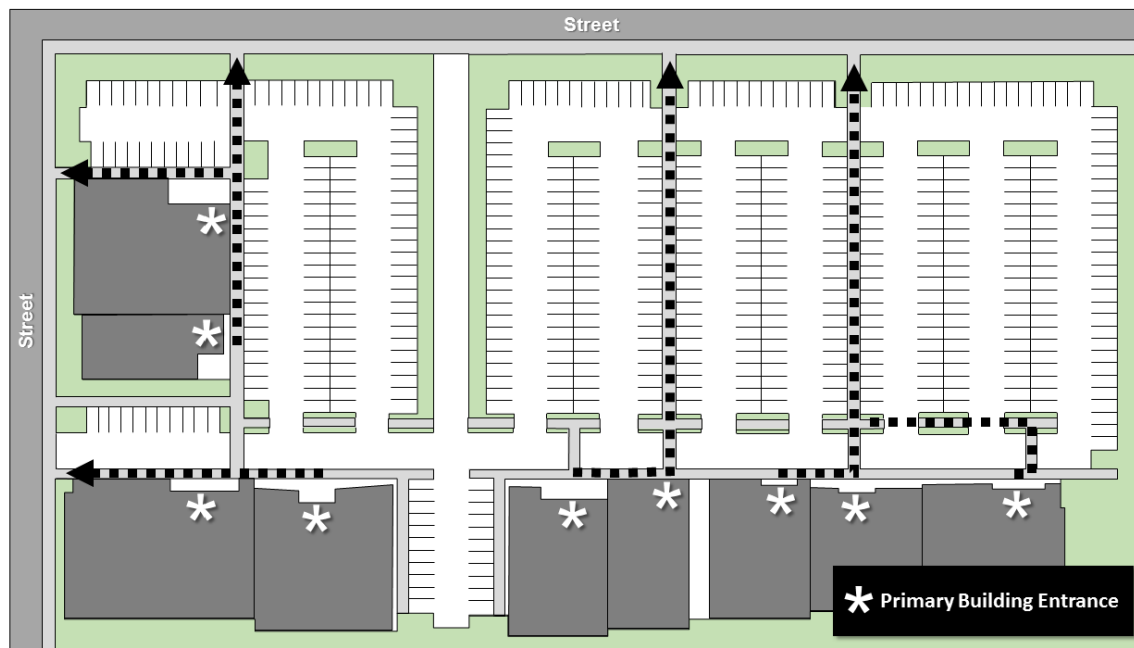
Applicant Response: The project site is located on a corner lot. As depicted on the site plan there is a network of pedestrian walkways within the development that will connect the primary building entrances to the adjacent streets. Where buildings have more than one primary building entrance at least one of those entrances is connected to the adjacent streets (Orchard Heights Rd NW and Settlers Spring Dr NW) through the onsite pedestrian walkway network. Therefore, this criterion is met.

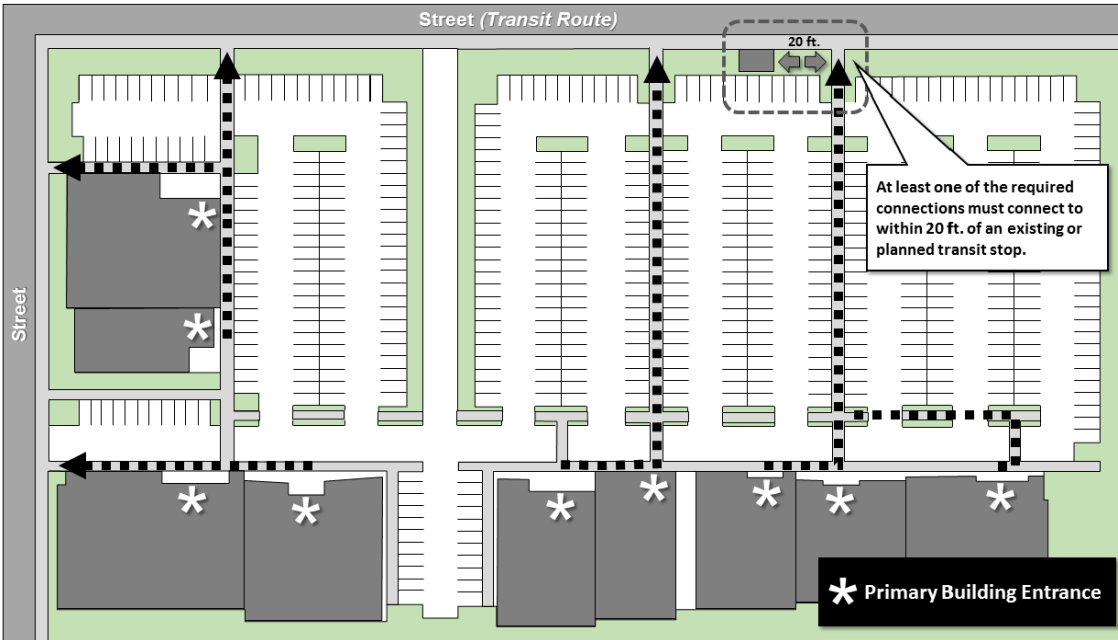
- (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).

Applicant Response: There are no existing or planned transit stops along Orchard Heights Rd NW or Settlers Spring Dr. NW therefore the above criterion is not applicable. Therefore, this criterion is met.

- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
- (i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
 - (ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

Applicant Response: The project site is located on a corner lot. Where buildings abut one of the adjacent streets primary entrances to those buildings connect to at least one of the adjacent streets. Therefore, this criterion is met.





(2) *Connection between buildings on the same development site.*

- (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.
- (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:
 - (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
 - (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
 - (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Applicant Response: As depicted on the site plan there is a network of pedestrian walkways within the development that will connect the primary building entrances to other buildings within the same development site. Buildings 5, 6, 7 & 8 all have individual unit entrances facing Settlers Spring Drive NW. Those units are able to connect back to other units within the development site via the public sidewalk within the adjacent street right-of-way, providing pedestrian access to the other primary building entrances within the development site. Therefore, this criterion is met.

(3) *Connection through off-street parking areas.*

- (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.

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- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.
 - (v) For purposes of this subsection, off-street surface parking area means:
 - (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

Applicant Response: Per Section 800.065.(a)(3)(iv) pedestrian connections are not required through any of the off-surface parking areas, as none of the off-street parking areas have a depth, in all locations, of not more than 124 feet. Therefore, the requirements of Section 800.065.(a)(3) are not applicable.

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

Applicant Response: The proposed project does not propose any parking structures or parking garages. Therefore, the above criterion is not applicable.

- (4) *Connection to existing or planned paths and trails.* Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:
 - (A) Be constructed, and a public access easement or dedication provided; or
 - (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Applicant Response: There are no existing or planned paths or trails identified in the Salem TSMP or Salem Comprehensive Parks System Master Plan that would pass through the development site. Therefore, the above criteria are not applicable.

- (5) *Connection to abutting properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

...

Applicant Response: There are no vehicular connections planned to be provided from the proposed project development site to any abutting properties. Therefore, the above criterion is not applicable.

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- (b) *Design and materials.* Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.

(1) Walkways shall conform to the following:

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

(2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Applicant Response: The required onsite pedestrian connections comply with the above criteria as depicted on site plans submitted with this application, except as noted below. All pedestrian connections are proposed as hard surfaces and will either be paved with asphalt or concrete as depicted on the Erosion Control Plan – Final Landscape & Stabilization Plan, sheets C2.6 & C2.7 submitted with this application. Off-street parking areas are not required to have pedestrian connections per Section 800.065.(a)(3)(iv) above and therefore the pedestrian connections that are proposed to cross through off-street parking areas should not be required to meet the criteria of section 800.065.(b)(1)(B) above, however they are proposed to be striped to differentiate them from the parking lot driving surfaces.

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

Applicant Response: The on-site pedestrian circulation system will be lighted to comply with the above criterion. A site lighting plan will be submitted with the site development permit that will conform with the above criterion.

- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*

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Applicant Response: The project site is only comprised of one lot under one ownership; therefore, the criteria of this section are not applicable.

CHAPTER 802. PUBLIC IMPROVEMENTS

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Sec. 802.010. Design standards and specifications.

The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.

Applicant Response: Public improvements required to be constructed in association with the proposed project will conform to the adopted design standards and specifications and any other plans and policies adopted by the City of Salem.

Sec. 802.015. Development to be served by city utilities.

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Applicant Response: The proposed project will be served by City of Salem sanitary sewer, water, and stormwater systems. Any services extended to the project will comply with all applicable provisions of the Salem Revised Code and Public Works standards and will be reviewed at building permit or site development permit submittal.

Sec. 802.020. Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Applicant Response: A pre-application meeting was held for the proposed project and City of Salem Public Works did not identify any easements that may be required to serve the proposed project or that are necessary to serve adjacent properties. If easements are determined to be required as part of site plan review or site development permit approval the Applicant will convey or dedicated easements as may be required.

Sec. 802.025. Utilities to be placed underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

Applicant Response: Where new utilities are required to be constructed to serve the proposed development, said utilities will be placed underground , except where stormwater management facilities are required to be above

ground, and except above ground appurtenances typically associated with electrical, telecommunications, and water services.

Sec. 802.030. Watercourses.

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Applicant Response: There are no water courses onsite or adjacent to the proposed project site therefore the criteria of this section are not applicable to the Applicant's proposed project.

Sec. 802.035. Partitions in areas unserved by city wastewater system.

Applicant Response: The Applicant's proposed development is within the City's wastewater system service area therefore the criterion of this section is not applicable to the Applicant's proposed development.

Sec. 802.040. Private stormwater, wastewater, and water systems.

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- (a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- (b) If the system is a water system:
 - (1) The water system conforms to the water distribution standards of the City;
 - (2) Except as authorized by state law, water from the system is not submetered or resold to other parties;
 - (3) Each building under separate ownership has a separate water meter; and
 - (4) The properties served are located within a commercial or an industrial and employment zone.
- (c) If the system serves multiple properties under separate ownership:
 - (1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.
 - (2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
 - (A) The system serving the property is private;
 - (B) The City has no responsibility to maintain the system;
 - (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
 - (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and

-
- (E) Persons served by the system assume responsibility for any repairs required for the City.

Applicant Response: A public sewer extension will be required to be constructed along the project's Orchard Heights frontage even though this sewer is not intended to serve the proposed development. Onsite utilities to serve the Applicant's proposed multiple family development are proposed to be private. Stormwater will be collected in a private onsite stormwater system and routed to a private onsite stormwater facility which will have an overflow that is planned to connect to the public storm system in Settlers Spring. Public Water, Fire Water and Sewer Connections as to serve the Applicants proposed development as generally depicted on the Applicant's preliminary Utility Plan sheets C4.0, C4.1, and 4.2. Where private utilities are proposed, the Applicant understands the above criteria must be met.

CHAPTER 803. STREETS AND RIGHT-OF-WAY IMPROVEMENTS

Sec. 803.001. Purpose.

The purpose of this chapter is to establish standards for streets and other improvements within public right-of-way in the City.

...

Sec. 803.010. Streets, generally.

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

Sec. 803.015. Traffic impact analysis.

- (a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
- ...
- (c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

...

Applicant Response: The Applicant's proposed development will create more than 1,000 Average Daily Trips (ADT) and therefore triggers the requirement under (b)(1) above to provide a Traffic Impact Analysis (TIA). A TIA is included with the Applicant's Class 3 site plan review application submittal. The TIA finds that there are no off-site or on-site impacts that trigger mitigation.

Sec. 803.020. Public and private streets.

- (a) *Public streets.* Except as provided in subsection (b) of this section, all streets shall be public streets.
- (b) *Private streets.*
- (1) Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.
 - (2) Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.
 - (3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.

Applicant Response: The Applicant's proposed development site is located on a corner lot fronting Orchard Heights Rd NW and Settlers Spring Rd. NW. Public works did not identify any public road extensions that would be required to extend through the applicant's proposed. Therefore, there are no new roads, public or private, required to serve the proposed development. The multiple-family development will be served by a system of internal parking lot drive aisles providing vehicular access and off-street parking for residents of the proposed development.

Sec. 803.025. Right-of-way and pavement widths.

- (a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

TABLE 803-1. RIGHT-OF-WAY WIDTH		
Right-of-Way	Width	Limitations & Qualifications
Parkway	Min. 120 ft.	Applicable for up to 4 motor vehicle travel lanes.
	Min. 144 ft.	Applicable for greater than 4 motor vehicle travel lanes.
Major arterial	Min. 96 ft.	
Minor arterial	Min. 72 ft.	
Collector	Min. 60 ft.	
Local street	Min. 60 ft.	
Cul-de-sac	Min. 50 ft.	Applicable to the stem of the cul-de-sac.

	Min. 45 ft. radius	Applicable to the turnaround of the cul-de-sac.
Alley	Min. 10 ft.	
	Max. 20 ft.	

- (b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

TABLE 803-2. PAVEMENT WIDTH		
Street Type	Width	Limitations & Qualifications
Parkway	Min. 80 ft.	
Major arterial	Min. 68 ft.	
Minor arterial	Min. 46 ft.	
Collector	Min. 34 ft.	Applicable to Type A collector.
	Min. 40 ft.	Applicable to Type B collector.
	Min. 34 ft.	Applicable to Type C collector.
Local Street	Min. 30 ft.	
Cul-de-sac	Min. 30 ft.	Applicable to the stem of the cul-de-sac.
	Min 38 ft. radius	Applicable to the turnaround of the cul-de-sac.

- (c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.
- (d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.
- (e) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

Applicant Response: City of Salem public works will require 11-feet of additional right-of-way be dedicated along Orchard Heights Rd. NW. to provide adequate half street right-of-way along the project frontage (36-feet). No additional right-of-way is required to be dedicated for Settlers Spring Dr. per City of Salem Public Works. No additional paving has been requested by Public Works for either street as the existing streets already meet the minimum pavement width requirements.

There are no required right-of-way improvements along Orchard Heights Rd NW except that, pursuant to SRC 78.180(a), the Applicant shall construct sidewalks and replace non-conforming portions of existing sidewalks in conformance with the provisions of SRC Chapter 78 and PWDS.

Along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide “property line tight” sidewalks. Removal of existing street trees on the project’s Settlers Spring Dr. frontage for placement of sidewalks is required pursuant to SRC Chapter 86. Public Street lights will also be required to be installed along the proposed developments Settlers Spring Dr. frontage.

Sec. 803.030. Street spacing.

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.
- (b) Street spacing may be increased where one or more of the following exist:
 - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
 - (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
 - (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.
 - (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

Applicant Response: Settlers Spring Dr. (north-south axis) abuts the east boundary of the site. Along the north-south axis of the site, between 120 feet and 400 feet west of the west edge of the Settlers Spring Dr. right-of-way, existing residential development on the land to the south of the property would preclude connecting a street north-south through the site. Furthermore, the width of the site is less than 600-feet, so even under the 600-foot spacing maximum allowed it would not be feasible to create a north-south street connection through the project site. Therefore, under the provisions of section (b)(2) and (b)(4) as described above, the Applicant requests the City approve an alternative street spacing standard to allow for the exclusion of a north-south street connection through the project site.

Orchard Heights Rd. (east-west axis) abuts the north boundary of the site. 600-foot max spacing of the east-west axis, measured south from the south edge of the Orchard Heights Road right-of-way would align an east-west axis street directly with the Salem Electric Substation to the west, which would preclude providing an east-west connection at this location due to the existing development adjacent to the site. And, providing an east-west connection between 120 feet and 400 feet south of the south edge of the Orchard Heights Dr. right-of-way would not result in a street network that is more beneficial to the vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network (and on-site parking lot drive aisles) will accommodate necessary emergency access. Therefore, under the provisions of section (b)(2) and (b)(4) as described above, the Applicant requests the City approve an alternative street spacing standard to allow for the exclusion of a east-west street connection through the project site.

Sec. 803.035. Street standards.

All public and private streets shall be improved as follows:

- (a) *Connectivity.* Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and

adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:

- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
- (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
- (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

Applicant Response: Settlers Spring Dr. abuts the site's east boundary. The project site is less than 600-feet wide and providing a north-south oriented street between Settlers Spring Dr. and the west property line of the site would conflict with existing residential development on the land to the south of the property. Therefore, under the provisions of section (a)(2) above, the Applicant request the City approve an alternative street connectivity standard to allow for the proposed development of the site with no new north-south street connection.

The Applicant attended a pre-application meeting with the City and there were no requests that the project provide any east-west connections. Orchard Heights Rd. abuts the site's north boundary. The existing subdivision to the east has one east-west connection opposite the project site's Settlers Spring Dr. frontage; Butterfly Avenue NW. However, Butterfly Avenue does not provide connectivity through to the east without having to wind through the subdivision to the east. And given the extremely low likelihood for redevelopment of the adjacent subdivision, the adjacent subdivision also precludes making a connection further to the east beyond the subdivision. There are no other east-west road connections for the subdivision to the east that abut the project site's frontage on Settlers Spring Dr. that would meet the maximum 600-foot spacing requirement, therefore the adjacent subdivision to the east precludes future connections to the east. Furthermore, when considering whether to make an east-west street connection to the west, it should be noted that a high tension powerline corridor runs north south along the site's west boundary. 600-foot max spacing of the east-west axis, measured south from the south edge of the Orchard Heights Rd. right-of-way would align an east-west axis street directly with the Salem Electric Substation to the west, which would preclude providing an east-west connection at this location due to the existing development adjacent to the site. Therefore, under the provisions of section (a)(2) above, the Applicant request the City approve an alternative street connectivity standard to allow for the proposed development of the site with no new east-west street connection.

- (b) *Improvements.* All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.

Applicant Response: If the alternative street standards are approved by the City as requested above, there will be no new streets required to serve the proposed development. There are no required right-of-way improvements along Orchard Heights Rd NW except the requirement to replace any sidewalk segments that may be damaged or out of conformance with PROWAG. Along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide "property line tight" sidewalks. This will also require the removal and replacement of street trees. Public Street lights will also be required to be installed along the proposed development's Settlers Spring Dr. frontage. These public improvements will comply with the applicable requirements of this section and plans for these improvements will be reviewed during building permit/civil site development permit/right of way permit review . Therefore, the Applicant's proposed development can conform with the applicable criteria of this section.

...

- (k) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Applicant Response: City of Salem has not requested that street trees be provided along Orchard Heights Rd as part of the frontage improvements that have been requested. However, new street trees will be required to be installed along the Settlers Spring Dr. project frontage as part of the frontage improvements requested by the City as discussed in section (b) above. Although not requested by the City for Orchard Heights the Applicant is prepared to provide street trees pursuant to SRC 86.015(e). Therefore this criterion can be met.

(l) *Sidewalks.*

- (1) *Sidewalk construction required.* Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.
- (2) *Sidewalk location; width.*
 - (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
 - (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.
 - (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

Applicant Response: There are no required right-of-way improvements along Orchard Heights Rd NW except the requirement to replace any sidewalk segments that may be damaged or out of conformance with PROWAG. Along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide “property line tight” sidewalks. This will also require the removal and replacement of street trees. Public Street lights will also be required to be installed along the proposed development’s Settlers Spring Dr. frontage. These public improvements will comply with the applicable requirements of this section and plans for these improvements will be reviewed during building permit/civil site development permit/right of way permit review . Therefore, the Applicant’s proposed development can conform with the applicable criteria of this section.

- (m) *Bicycle facility standards.* Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

Applicant Response: As noted in the Applicant’s Transportation Impact Analysis (TIA) included with this Site Plan Review application. *There are bike lanes on both sides of Orchard Heights Road from the western property boundary to the east.* Therefore, this criterion is already met along the project site’s Orchard Heights Rd. frontage.

- (n) *Utility easements.* Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.

Applicant Response: The Civil Overall Site Plan, C1.3 depicts the minimum 10-foot wide public utility easements that will be required to be granted along the project’s Orchard Heights Rd. and Settlers Spring Dr. street right-of-ways. Due to the proposed location of Buildings 5, 6, 7, 8, on Settlers Spring Dr. the Applicant may need to request a reduced PUE width be approved by the Director. This can be resolved as part of the Site Development Permit review process, therefore this criterion can be met.

-
- (o) *Street lights.* All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.

Applicant Response: The Applicant's proposal requires Site Plan Review approval therefore these criteria apply. There are already street lights on Orchard Heights Rd. and electrical lines are wiring are already underground. The City has requested that street lights be installed along the project site's Settlers Spring Dr. frontage. Street lights will be installed according to these criteria. Therefore, these criteria can be met by the Applicant's proposed development.

- (p) *Landscape strips.* Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.

Applicant Response: The City has not requested landscape strips be provided along the project frontage along Orchard Heights Rd. However, along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide "property line tight" sidewalks. This will also require the removal and replacement of street trees. The property line tight sidewalk configuration will allow for landscape strips to be included along the project's Settlers Spring Dr. frontage. These public improvements will comply with the applicable requirements of this section and plans for these improvements will be reviewed during building permit/civil site development permit/right of way permit review. Therefore, the Applicant's proposed development can conform with the applicable criteria of this section.

- (q) *Landscaping.* Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.

Applicant Response: The Applicant acknowledges this criteria and will provide Landscape Plans during building permit/civil site development permit/right of way permit review. Therefore, the Applicant's proposed development can conform with the applicable criteria of this section.

- (r) *Transit facilities.* Transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Where a transit stop is required, on-street parking shall be restricted in the area of the stop as defined by the Transit District in order to ensure unobstructed access by transit.

Applicant Response: The City has not requested or identified the project site street frontages as locations for Transit stops on Orchard Heights Rd or Settlers Spring Dr. Therefore the criteria is not applicable.

- (s) *Urban growth area street improvements.* Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

Applicant Response: The Applicant's proposed development is neither a subdivision nor a partition, however There City of Salem Public Works Department have indicated that there are no required right-of-way improvements along Orchard Heights Rd NW except the requirement to replace any sidewalk segments that may be damaged or out of conformance with PROWAG. Along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide "property line tight" sidewalks. This will also require the removal and replacement of street trees. Public Street lights will also be required to be installed along the proposed development's Settlers Spring Dr. frontage. These public improvements will comply with the applicable requirements of this section and plans for these improvements will be reviewed during building permit/civil site

development permit/right of way permit review . Therefore, the Applicant's proposed development can conform with the applicable criteria of this section.

Sec. 803.040. Boundary streets.

(a) *General.* Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:

- (1) Subdivisions;
- (2) Partitions;
- (3) Planned unit developments;
- (4) Manufactured dwelling parks; and
- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.

...

(e) *Improvement.*

- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
- (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.

...

Applicant Response: As noted above in response to section 803.025. *Right-of-way and pavement widths* the Applicant's proposed development site fronts on Orchard Heights Rd NW and on Settlers Spring Dr. NW. City of Salem public works will require 10-feet of additional right-of-way be dedicated along Orchard Heights Rd. NW. to provide adequate half street right-of-way along the project frontage. No additional right-of-way is required to be dedicated for Settlers Spring Dr per City of Salem Public Works.

There are no required right-of-way improvements along Orchard Heights Rd NW except the requirement to replace any sidewalk segments that may be damaged or out of conformance with PROWAG. Along Settlers Spring Dr. the City of Salem Public Works Department will require the project to provide "property line tight" sidewalks. This will also require the removal and replacement of street trees. Public Street lights will also be required to be installed along the proposed development's Settlers Spring Dr. frontage.

All improvements will comply with the City of Salem Public Works Design Standards except where exceptions may be allowed by the City of Salem Public Works department when requested.

If any of the additional criteria of section 803.040. *Boundary streets* are found to be applicable to the Applicant's proposed development, the Applicant will comply with the applicable standards of this section except where exceptions may be allowed by the City of Salem Public Works department when requested.

Sec. 803.045. Monuments.

Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.

Applicant Response: No new public streets are required to be constructed by the project. Only minor frontage improvements. The Applicant does not expect the setting of Monument's will be a requirement for the Applicant's proposed development. However, if they are determined to be required, monuments will conform to the City of Salem's Public Works Design Standards.

Sec. 803.050. Public accessways.

- (a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.
- (b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.

Applicant Response: No special public accessways have been requested for the project by the City of Salem, therefore the criteria of Section 803.050. *Public accessways* are not applicable.

Sec. 803.055. Traffic control, parking regulation, and street signs and pavement markings.

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.

Applicant Response: The Applicant's proposed development is not a subdivision or partition. The Applicant's proposed development will provide/install all required traffic control, parking regulation, street signs, and pavement markings for all paved public streets prior to final acceptance of the public streets by the City as part of site improvements, frontage improvements, and building construction of the proposed multiple family development.

Sec. 803.060. Conveyance by dedication.

All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

Applicant Response: The Applicant is not proposing a subdivision or partition. However, the Applicant will dedicate the additional 10-feet of right of way required to be dedicated along the project's Orchard Heights Rd NW project frontage via a Dedication of Public Right of Way to City of Salem, to be recorded with Marion County prior to building permit issuance for the first building in the proposed multiple family development.

Sec. 803.065. Alternative street standards.

- (a) The Director may authorize the use of one or more alternative street standards:

...

Applicant Response: No alternative street standards are currently being proposed by the Applicant's proposed development. However, if it is determined that alternative standards may be necessary for public roadway improvements required of the proposed development, the Applicant's proposed development will comply with the applicable standards of this section.

Sec. 803.070. Deferral of construction of certain improvements.

- (a) *Applicant initiated deferral.* An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:

...

Applicant Response: While the Applicant is not currently proposing to defer any public improvements for the proposed development. However, if there is a circumstance where the applicant finds deferral of certain public improvements may be necessary, the Applicant will comply with the applicable criteria of this section.

CHAPTER 804. DRIVEWAY APPROACHES

Sec. 804.001. Purpose.

The purpose of this chapter is to establish development standards for safe and efficient access to public streets.

Sec. 804.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means a driveway approach that is no longer used for vehicle access.

Driveway approach means any access providing direct vehicle ingress and egress over public right-of-way to property.

One-way driveway means a driveway that provides only ingress or only egress.

Shared access means a driveway that jointly serves two or more lots or parcels.

Two-way driveway means a driveway that provides both ingress and egress.

Sec. 804.010. Applicability.

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Sec. 804.015. Driveway approach permit required.

- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (b) Exceptions. A driveway approach permit is not required for:
 - (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

Applicant Response: The Applicant's proposed development will require construction of "privately engineering public improvements" (PEPI) to complete the required frontage improvements. The three new driveway approaches, together with the removal of the existing driveway approach on Orchard Heights Rd NW, will be included in the design of the PEPI improvements and therefore should not require a separate driveway approach permit. Three driveway approach permits have been applied for concurrent with this Site Plan Review Application. The Applicant's proposed development will conform with the applicable criteria of this section as addressed below.

...

Sec. 804.025. Class 2 driveway approach permit.

- (a) *Required.* A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
 - (2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
 - (1) A completed application form.

Applicant Response: A completed land use application form has been submitted as part of the Class 3 Site Plan Review Application.

- (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (G) The location of any street trees adjacent to the location of the proposed driveway approach.

Applicant Response: Preliminary Civil plans have been included with the Site Plan Review application that provide all of the applicable information requested in items (A)-(G) above.

- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

Applicant Response: The Applicant's proposed development is a 186-unit multiple family development. Three (3ea.) driveway approach permits are requested. One for a new driveway on Orchard Heights Road, and two for the two new driveways proposed along the project's Settlers Spring Drive frontage. The Orchard Heights Rd. driveway and the southern Settlers Spring Dr. driveways are both proposed to be full access. Based on completeness review comments and subsequent discussions with the City Traffic Engineer, Tony Martin, P.E., it was determined that a commercial style right-in only driveway would be acceptable to the City for the northern Settlers Spring Dr. driveway and would allow the driveway location to remain near the location proposed for the onto Settlers Spring. The Preliminary Site Development plans prepared by Westech Engineering included with the Site Plan Review application have been updated to depict the right-in only configuration at the north driveway onto Settlers Spring.

- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

Applicant Response: The Applicant's TIA, submitted with the Class 3 Site Plan Review application reviews the location and operation of all three driveways. The TIA found no issues with the proposed driveway locations. This information should help the City review and analyze the proposed driveway approaches.

- (d) *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;

Applicant Response: The Orchard Heights Rd. driveway approach and the southerly Settlers Spring Dr. driveways are designed to meet the standards of this chapter and the Public Works Design Standards. The northerly Settlers Spring Dr. driveway will be a right-in only driveway configured in a modified commercial driveway style to restrict movements to right-in only. The final design of this driveway will need to be approved by the City.

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

Applicant Response: No site conditions prevent placing the driveway approaches in the required location.

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

Applicant Response: The Applicant only proposes one driveway approach onto Orchard Heights Rd. which is considered a minor arterial. The two other driveway approaches will access Settlers Spring Drive

- (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;

Applicant Response: The Applicant only proposes one driveway approach onto Orchard Heights Rd. which is considered a minor arterial. The two other driveway approaches will access Settlers Spring Dr. which is considered the lowest classification street abutting the property. No driveways are proposed to be shared with adjacent properties as adjacent properties on Orchard Heights Rd. and Settlers Spring Dr. all have existing established driveway approaches. Therefore, to the extent applicable, these criteria have been met.

- (5) The proposed driveway approach meets vision clearance standards;

Applicant Response: Three proposed driveway approaches meet vision clearance standards. See the TIA submitted with the Applicant's Site Plan Review application for full details. Therefore, this criteria is met.

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

Applicant Response: Three proposed driveway approaches were reviewed by the Applicant's Transportation Engineer and it was determined that none of the three driveway approaches would create traffic hazards. The City's Traffic Engineer expressed some concerns with safe turning movement for the north Settlers Spring Dr driveway due to its proximity to the Butterfly Avenue intersection, however, making this driveway a right-in-only driveway alleviated his concerns. The Civil plans included with this Site Plan Review application have been revised to depict a right-in only driveway at the northern Settlers Spring Dr. driveway. Therefore, this criteria is met.

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

Applicant Response: The three proposed driveway approaches will not result in significant adverse impacts.

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

Applicant Response: The three proposed driveway approaches will not impact the functionality of adjacent streets and intersections. See the TIA for additional information.

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

Applicant Response: By proposing three driveway approaches, the proposed driveway approaches work together to balance traffic flow to and from the site, which should be of great benefit to adjacent residentially zoned property and the functionality of Orchard Heights Rd and Settlers Spring Drive; helping to mitigate impacts that might exist if only one or two driveway approaches were proposed to serve the site.

Sec. 804.030. Access onto local and collector streets.

- (a) *Number of driveway approaches.* Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.
- (b) *Permitted access.*
- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.
- (c) *Spacing.* Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.
- (d) *Vision clearance.* Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

Applicant Response: The Applicant's proposed development is a multiple family development. The development proposes two driveway approaches onto Settlers Spring Dr., which is identified as a "local street". The center of the northern driveway is just over 140-feet from the center of the intersection of Orchard Heights Rd. and Settlers Spring Dr., with Orchard Heights Rd. being identified as a "minor arterial". Section 804.030(C) requires a spacing of "no less than 200 feet from intersections with major arterials or minor arterials". Therefore, the Applicant will need to request adjustment to the standard to allow for the 140-foot spacing proposed.

Adjustment Request: A Class 2 adjustment to the “Spacing” requirements of SRC 804.030(c) for the northern driveway approach proposed on Settlers Spring. The “Spacing” requirement requires driveway approaches are spaced “no less than 200 feet from intersections with major arterials or minor arterials”. The Applicant request an adjustment to allow for a spacing of 140 feet from the center of the intersection of Orchard Heights Rd. and Settlers Spring Dr to the center of the northern driveway approach to Settlers Spring. The Applicant’s TIA discusses Access Spacing beginning on page 34 of the TIA and specifically addresses the northern driveway’s Stopping Site Distance and Intersection Site Distance on page 35 of the TIA. When the TIA was prepared the northern driveway approach onto Settlers Spring Dr. was proposed as a full access driveway so the analysis in the TIA is much more conservative. The required stopping site distance for a southbound vehicle approaching from the Orchard Heights intersection will be 85-feet per the TIA. For Intersection Sight Distance (ISD) the TIA concludes, “(t)he ISD for the north access looking north can see a vehicle turning onto Settlers Spring Drive at 15 mph (approaching from Orchard Heights). This reduces the ISD to a point where the vehicles turn onto Settlers Spring Drive....intersection site distance is met for both access connections” Because the TIA demonstrates that both Stopping Site Distance and Intersection Site Distance can be met at the northernmost driveway, in its originally proposed full access configuration, this demonstrates that the northern driveway approach set up to operate as a right-in only driveway should operate better than a full access driveway.

The revised spacing of 140’ was the result of converting to the right-in only configuration discussed earlier and shifting the right-in only driveway slightly north so that it would not conflict with the northern curb ramps and pedestrian crossing at the north side of the intersection of Settlers Spring Dr. and Butterfly Avenue. Because the right-in only driveway will not have exiting traffic, southbound vehicles stopping site distance should no longer be a concern for southbound vehicles approaching the northern driveway and because no vehicles will be exiting and turning onto Settlers Spring from the north driveway intersection site distance will not be an issue. The right-in only driveway will therefore have less operational concerns than a full access driveway, therefore the adjustment to allow for the 140-foot spacing should be approved. Approving this adjustment will not prevent the proposed development from meeting the purpose of Section 804, which is to establish development standards for safe and efficient access to public streets. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments result a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests this adjustment be approved.

Sec. 804.035. Access onto major and minor arterials.

(a) Number of driveway approaches.

- (1) Except as otherwise provided in this chapter, a complex is entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:
 - (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;
 - (B) There is a shared access agreement between two or more complexes; or
 - (C) It is impracticable to serve the complex with only one driveway approach.
- (2) Development that is not a complex, and is other than a single family, two family, three family, or four family use, is entitled to one driveway approach onto a major or minor arterial where:
 - (A) The driveway approach provides shared access;
 - (B) The development does not abut a local or collector street; or
 - (C) The development cannot be feasibly served by access onto a local or collector street.

-
- (3) A single family, two family, three family, or four family use is entitled to one driveway approach onto a major or minor arterial where:
 - (A) The driveway approach provides access to an existing single family, two family, three family, or four family use; or
 - (B) The driveway approach provides access to a proposed single family, two family, three family, or four family use on a lot created prior to March 16, 2022.
 - (b) *Traffic volume threshold.* No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park or a single family, two family, three family, or four family use.
 - (c) *Permitted access.*
 - (1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - (2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.
 - (3) No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.
 - (4) No access shall be provided onto a major or minor arterial from a single family, two family, three family, or four family use constructed as part of a subdivision or partition.
 - (5) Only forward in/forward out access shall be allowed onto a major or minor arterial.
 - (d) *Spacing.* Except for driveway approaches providing access to a single family, two family, three family, or four family use, driveway approaches onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.
 - (e) *Vision clearance.* Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.

Applicant Response: The Applicant has proposed one access onto Orchard Heights Rd NW which is identified in the City's TSP as a "minor arterial". The Applicant's proposed development is for a Multiple Family community with multiple buildings and therefore qualifies as a "complex". The proposed driveway is 370-feet west of the intersection of Orchard Heights Rd NW and Settlers Spring Dr NW. The TIA has reviewed the access spacing, Stopping Site Distance, Intersection Site Distance and all of these criteria are met as demonstrated in the Applicant's TIA. Turn lane warrants were also reviewed in the TIA and it was determined that a left turn lane (into the project from Orchard Heights) is not warranted for the AM or PM peak hours. It was also determined that right turn lane warrants (into the project from Orchard Heights) are not met. Therefore, the above criteria have been met except for where adjustments are requested below.

Adjustment Request: Section. 804.035.(c) *Permitted access* item (2) stipulates "for a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification." And adjustment to this section is requested to allow for there to be one access onto Orchard Heights Rd ,which is classified as a minor arterial, with two other driveway approaches proposed that will provide access from Settlers Spring Dr. which is classified as a "local street" . Although there is access proposed onto Orchard Heights Dr. there is technically access to the street with the lower classification via the two driveways proposed at Settlers Spring Dr. The TIA demonstrates that the Orchard Heights Dr. driveway approach should function without creating issues as discussed above. Providing for two driveway approaches onto Settlers Spring "local street" and one driveway approach onto Orchard Heights "minor arterial" better balances the distribution of vehicles trips to and from the development. Approving this adjustment will not prevent the proposed development from meeting the purpose of Section 804, which is to establish development standards for safe and efficient access to public streets.

Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments result a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests this adjustment be approved.

Adjustment Request: Section. 804.035.(d) *Spacing* requires driveway approaches onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline. The Applicant's proposed driveway is located approximately 137-feet from the nearest driveway to the west, located at the north side of Orchard Heights Rd. The nearest driveway to the west provides access to a franchise utility maintenance driveway. The nearest driveway is used very infrequently and is visible from the proposed driveway location. Drivers entering Orchard Heights Rd from either the proposed project driveway or the nearest driveway to the west will be able to see the respective neighboring driveways so there are no visibility issues that would create an unsafe condition. Approving this adjustment will not prevent the proposed development from meeting the purpose of Section 804, which is to establish development standards for safe and efficient access to public streets. Although the proposed development is not in a Residential Zone, this adjustment would not detract from the livability or appearance of the area. Although the proposed development proposes more than one adjustment, the cumulative effect of all the adjustments result a project which is still consistent with the overall purpose of the zone. The Class 2 Adjustment approval criteria have been met, and therefore the Applicant requests this adjustment be approved.

Sec. 804.040. Access onto parkways.

...

Applicant Response: The proposed project does not front on any parkways. Therefore, the standards of this section are not applicable to the Applicant's proposed development.

Sec. 804.045. Shared access.

...

Applicant Response: The proposed project involves only one lot. These standards apply to adjoining lots proposing shared access. Additionally, the project is not proposing shared access with any other adjoining lots. Therefore, the standards of this section are not applicable to the Applicant's proposed development.

Sec. 804.050. Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

(a) *Design and construction.* Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.

(b) *Width.*

...

(2) *Driveway approach width for uses other than single family, two family, three family, and four family.* Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THREE FAMILY, OR FOUR FAMILY		
Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

- (3) *Measurement.* For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.
- (c) *Marking and signage.* Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards.

Applicant Response: The Applicant’s proposed development is proposing one (1) two-way driveway for access to Orchard Heights Rd. NW and two driveways for access to Settlers Spring Dr. NW. The northern driveway on Settlers Spring Dr. will be a “one-way” right in only driveway approach. That driveway is proposed to be 16-feet wide. The driveway on Orchard Heights Rd and the southern driveway on Settlers Spring Dr. are two-way driveways that are proposed to be 30-feet wide where the paved surface of the driveway meets the street property (ROW) line. Therefore, all of the proposed driveways are within the applicable width ranges allowed in TABLE 804-2. Therefore, this criterion is met.

Sec. 804.055. Driveway approach relocation, reconstruction, and maintenance.

...

Applicant Response: There is one existing driveway approach to the site from the south side of Orchard Heights Rd. NW. The Applicant is proposing to abandon this driveway approach and is proposing a new driveway further to the west. This is not a City directed relocation therefore the criteria of this section are not applicable to the Applicant’s proposed project. Driveway approaches for the Applicant’s proposed project will be subject to the standards in sections 804.030, 804.035, 804.050 as are addressed in the sections above.

Sec. 804.060. Driveway approach closure.

- (a) *General.* The Director may require the closure of a driveway approach where:

...

Applicant Response: There is one existing driveway approach to the site from the south side of Orchard Heights Rd. NW. The Applicant is proposing to abandon this driveway approach and is proposing a new driveway further to the west. This is not a City directed driveway approach closure, therefore the criteria of this section is not applicable to the Applicant’s proposed project. Driveway approaches for the Applicant’s proposed project will be subject to the standards in sections 804.030, 804.035, 804.050 as are addressed in the sections above.

CHAPTER 805. VISION CLEARANCE

Sec. 805.001. Purpose.

The purpose of this chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

(Prior Code, § 805.001; Ord. No. 31-13)

Sec. 805.005. Vision clearance areas.

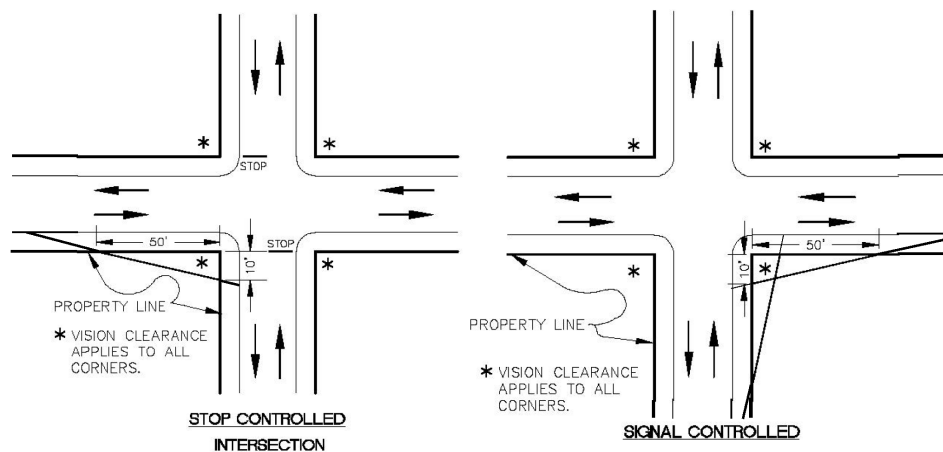
Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

- (a) *Street intersections.* Vision clearance areas at street intersections shall comply with the following:

...

- (2) *Controlled intersections.* At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).

FIGURE 805-2. CONTROLLED INTERSECTIONS



Applicant Response: Orchard Heights Rd NW and Settlers Spring Rd NW is a 3-way stop controlled intersection with Settlers Spring Dr being the stop controlled street. The project site only abuts the SW corner of this intersection. The vision clearance area described in section (a)(2) above can be provided at the project frontage at the SW corner of the intersection.

...

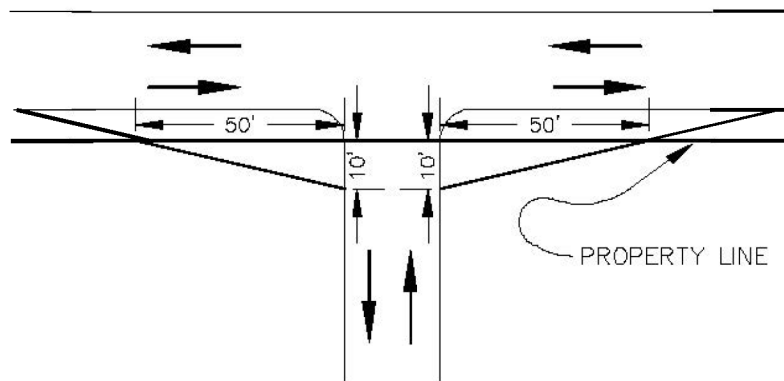
- (b) *Intersections with driveways, flag lot accessways, and alleys.* Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

(1) *Driveways.*

...

- (B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

FIGURE 805-5. DRIVEWAYS SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY



...

- (4) *Measurement.* The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley.

Applicant Response: There are three driveways proposed to serve the proposed project. There is one new full access driveway proposed west of the intersection of Orchard Heights. There are two private driveways that will be accessed via Settlers Spring Rd. the north driveway being right-in only and the south driveway being full access. All three proposed driveways can meet the *Vision Clearance* requirements of (b)(1)(B) and will be evaluated during Site Plan Review.

Sec. 805.010. Obstructions to vision prohibited.

Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:

-
- (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
 - (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
 - (3) On-street parking.
 - (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
 - (1) The planting area is sufficient to support the tree when mature.
 - (2) The tree will not interfere with overhead utilities.
 - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.
 - (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

Applicant Response: The above criteria are noted and compliance will be confirmed during civil site improvements plan review.

...

CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS

Sec. 806.001. Purpose.

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

(Prior Code, § 806.001; Ord. No. 31-13)

...

Sec. 806.015. Amount off-street parking.

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

TABLE 806-1. MAXIMUM OFF-STREET PARKING

Use	Maximum Number of Spaces Allowed ¹	Limitations and Qualifications
Household Living		
Single family	3 per dwelling unit	
Two family, three family, and four family	1.75 per dwelling unit	
Multiple family	1.2 per dwelling unit	Applicable to studio units.
	1.75 per dwelling unit	Applicable to all other dwelling units.
⁽¹⁾ For land uses with more than 65,000 square feet of floor area, surface off-street parking shall not exceed the floor area of the building. For the purposes of measuring the area of surface off-street parking, loading areas and other paved areas not for use by passenger vehicles shall not be counted.		

- (b) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- (c) *Carpool and vanpool parking.* New developments with 60 or more 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.
- (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.

(Ord. No. 4-23 , § 1(Exh. A), 4-24-2023)

Applicant Response: The Applicants proposed development is a 186 unit multiple family project. There are no studio units. The smallest unit is a 1 bedroom/1 bath unit. Therefore, the maximum parking allowed would be 325 parking stalls. 270 parking stalls (1.45 per dwelling unit) are proposed. 68 (25%) of the parking stalls are compact. The proposed project does not include public services and industrial use classifications or the business and professional services use category, therefore section (c) above is not applicable. 108 (40%) EV parking stalls are depicted on the Architectural Site Plan, A1. Therefore, the Applicant's proposed development complies with the applicable criteria above.

Sec. 806.020. Method of providing off-street parking.

- (a) *General.* Off-street parking shall be provided through one or more of the following methods:
 - (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;

Applicant Response: The Applicant's proposed development will be providing off-street parking on the development site. The proposed multiple family development and the associated off-street parking will be owned by the underlying property owner, thereby meeting the above criterion.

...

Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

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

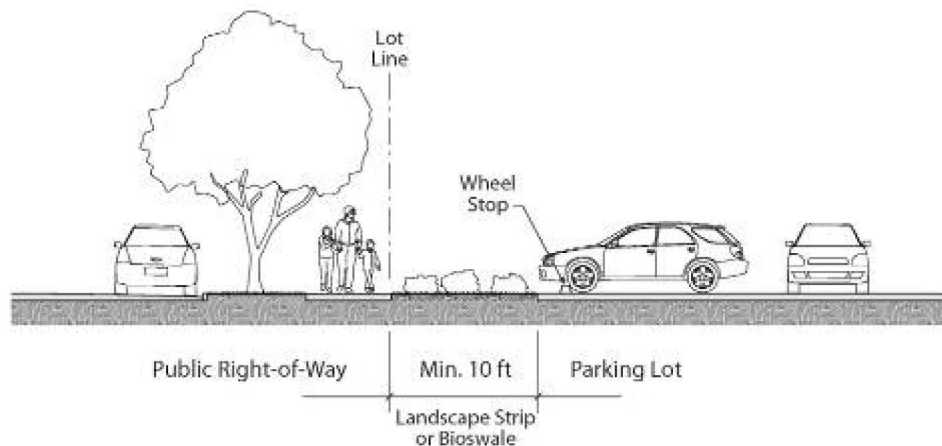
- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:
 - (1) The development of new off-street parking and vehicle use areas;
 - ...
- (b) *Location.*
 - (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.
 - (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Applicant Response: The proposed off-street parking stalls are located outside of all required setbacks, no carpool/vanpool stalls or underground parking is included in the project, therefore the project meets the applicable requirements of this section.

- (c) *Perimeter setbacks and landscaping.*
 - (1) *Perimeter setbacks and landscaping, generally.*
 - (A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.
 - (ii) Vehicle storage areas within the IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.

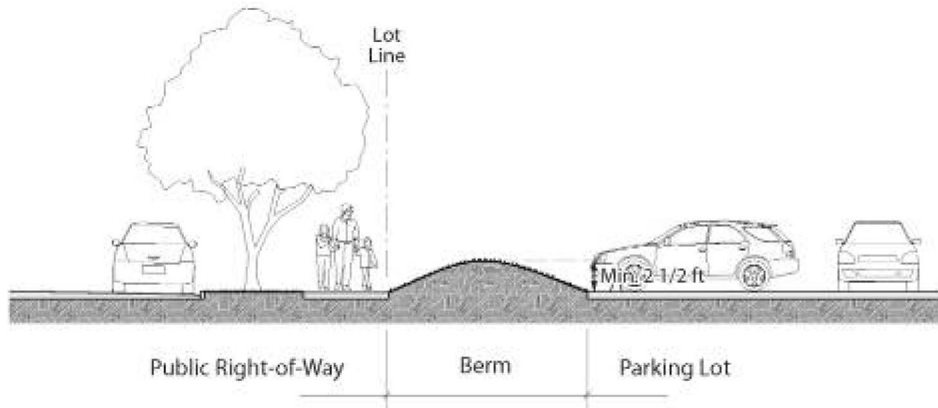
- (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
- (B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.
- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
 - (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



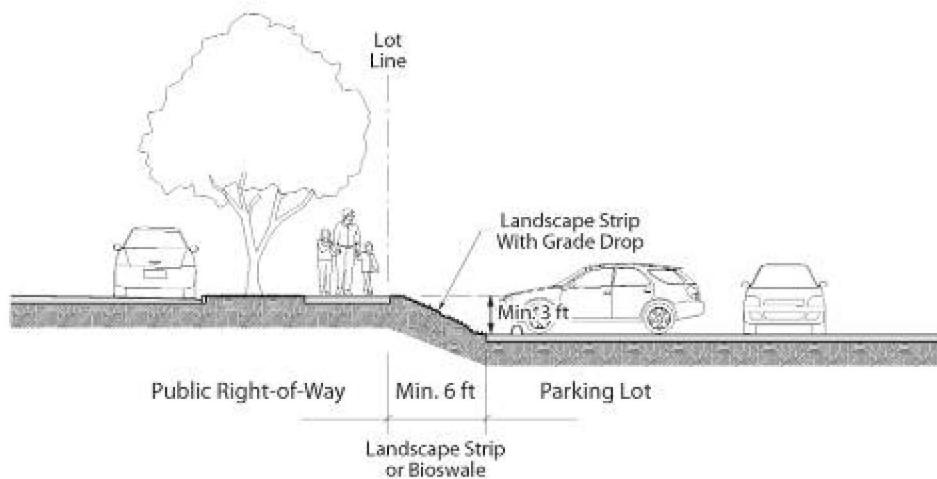
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-2. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS- METHOD B



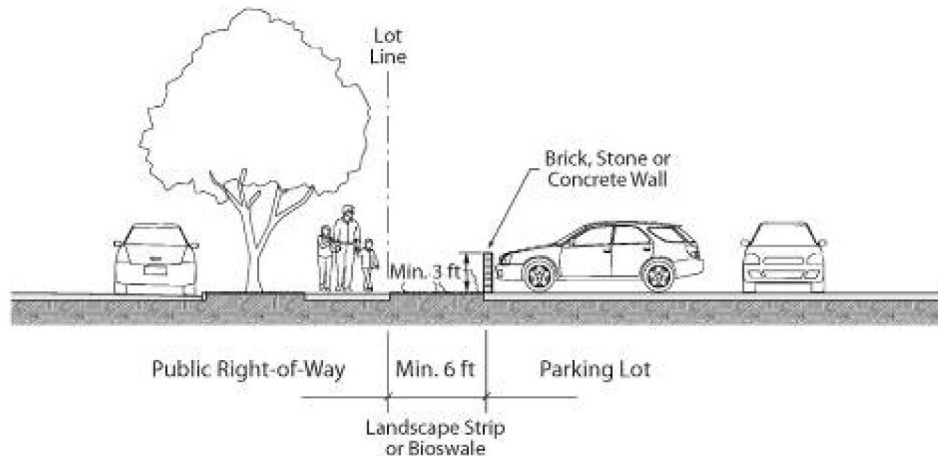
- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-3. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD C



- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-4. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD D

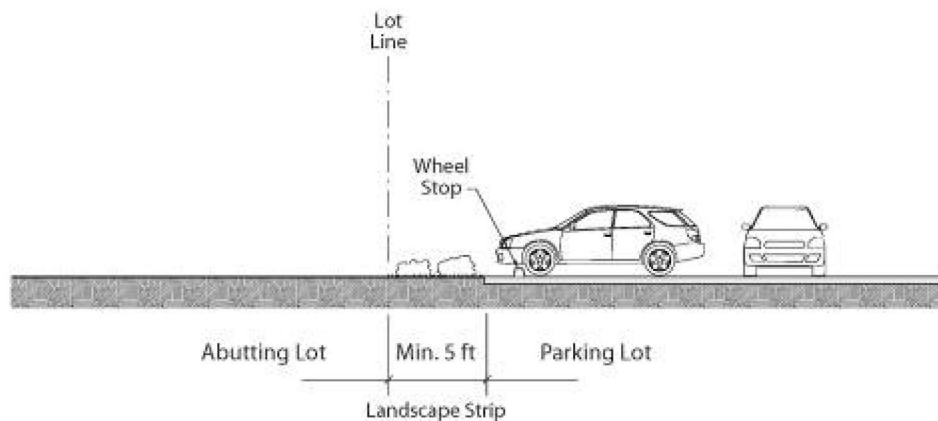


- (E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

Applicant Response: The proposed development does not have any parking aisles/stalls parallel to the right-of-way where head-in parking faces the street. There are two locations where the parking aisle is perpendicular to the street where the two driveway access points connect to Settlers Spring Dr. At these locations the edge of the parking stalls closest to the right-of-way meet the requirements of screening Method A, with a 10-foot landscape strip between the side of the stall and the property line, to be landscaped according to the Type A standard set forth in SRC chapter 807.

- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

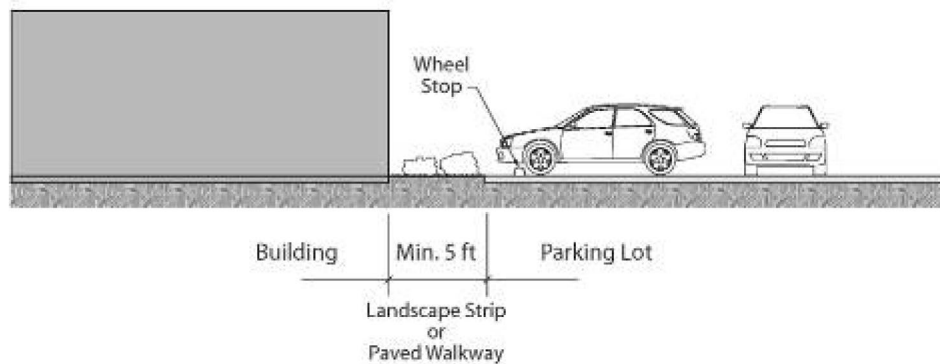
FIGURE 806-5. LANDSCAPING ADJACENT TO AN ADJACENT LOT



Applicant Response: The Applicant's proposed development has off-street parking areas that abut interior side and interior rear property lines. The minimum 5-foot landscape strip will be provided at the back of the off-street parking areas proposed on the west (interior side) and south (interior rear) property line boundaries. These areas are noted as required landscape areas on the Reference Landscape Concept Plan detail on the Compliance Site Plans, Sheet A2 and are identified as being required to meet Type A landscape standards on the referenced plan.

- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



Applicant Response: The Reference Landscape Concept Plan detail on the Compliance Site Plans, Sheet A2 included with this submittal package highlights how the minimum 5-foot setback from building or structure is achieved. In most cases the site plan includes a 7-foot wide paved pedestrian walkway at the back of parking or vehicular use areas. The 7-foot width allows for up to a 2-foot vehicle overhang from the back of curb, replacing the need to install a wheel stop while ensuring the 5-foot minimum pedestrian walkway width remains clear for passage and therefore satisfying this requirement.

...

(d) *Interior landscaping.*

- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
- ...
- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

TABLE 806-5. INTERIOR OFF-STREET PARKING AREA LANDSCAPING

Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
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Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

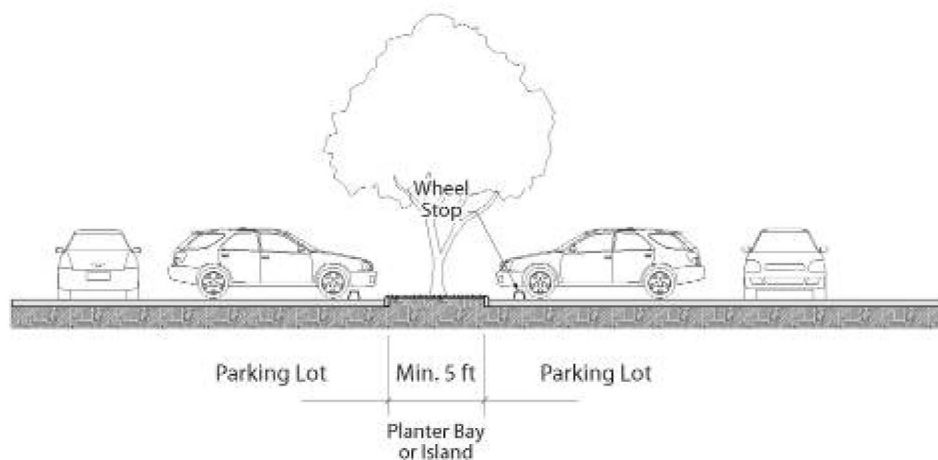
Applicant Response: The Landscape Concept & Bike Parking Plan detail on the Compliance Site Plans, Sheet A2 included with this submittal package shows the boundary of the area tabulated as “interior off-street parking area”. There is a total of 92,160 SF of “interior parking area off-street”. Therefore, the project must provide a minimum of 8% area be landscaped which equates to a minimum interior landscaping area of 7,372 SF for the project. As noted on the Reference Landscape Concept & Bike Parking Plan detail on the Compliance Site Plans, Sheet A2, 7,415 SF of interior landscaping area will be provided, therefore this criterion is met.

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Applicant Response: There are 270 off-street parking stalls proposed. Per section (3) above 1 ea. deciduous shade tree is required per 12 stalls. Therefore, a total of 23 trees are required for this off-street parking area. Trees will be disbursed throughout the areas indicated on the Reference Landscape Concept & Bike Parking Plan detail on the Compliance Site Plans, Sheet A2 as “interior landscaping area”, therefore this criterion can be met.

- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



Applicant Response: Please see the Landscape Concept & Bike Parking Plan detail on the Compliance Site Plans, Sheet A2, included with this submittal package, to see the size and location of the designated “interior landscape area” plantings. All areas meet or exceed the dimensions and area requirements of this section. Therefore the criteria of this section are met.

- (e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:
- (1) Vehicle storage areas.
 - (2) Vehicle display areas.

TABLE 806-5. MINIMUM OFF-STREET PARKING AREA DIMENSIONS

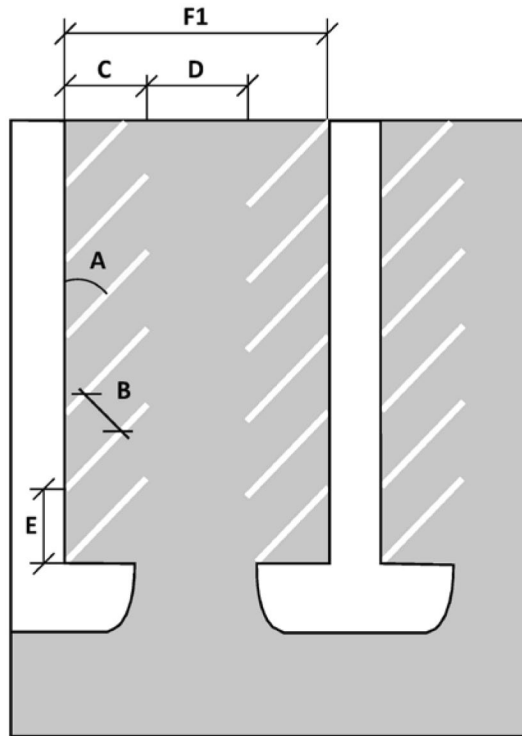
Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ^{(1),(2)} D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
0° (Parallel)	Compact	8'0"	8.0	12.0	22.0	28.0	-
	Standard	8'0"	8.0	12.0	22.0	28.0	-
20°	Compact	8'0"	12.6	11.0	23.4	36.2	28.7
	Standard	8'6" (4)	14.5	11.0	24.9	40.0	32.0
		9'6"	15.5	11.0	27.8	42.0	33.1
		10'0"	15.9	11.0	19.2	42.8	33.4
30°	Compact	8'0"	14.4	11.0	16.0	39.8	32.9
	Standard	8'6" (4)	16.9	11.0	17.0	44.8	37.4
		9'0"	17.3	11.0	18.0	45.6	37.8
		9'6"	17.8	11.0	19.0	46.6	38.4
		10'0"	18.2	11.0	20.0	47.4	38.7
40°	Compact	8'0"	15.8	12.0	12.4	43.6	37.5
	Standard	8'6" (4)	18.7	12.0	13.2	49.4	42.9
		9'0"	19.1	12.0	14.0	50.2	43.3
		9'6"	19.5	12.0	14.8	51.0	43.7
		10'0"	19.9	12.0	15.6	51.8	44.1
45°	Compact	8'0"	16.3	13.5	11.3	46.1	40.5
	Standard	8'6" (4)	19.4	13.5	12.0	52.3	46.3
		9'0"	19.8	13.0	12.7	52.6	46.2
		9'6"	20.1	13.0	13.4	53.2	46.5
		10'0"	20.5	13.0	14.1	54.0	46.9
50°	Compact	8'0"	16.6	15.5	10.4	48.7	43.6
	Standard	8'6" (4)	20.0	15.5	11.1	55.5	50.0
		9'0"	20.4	15.0	11.7	55.8	50.0
		9'6"	20.7	15.0	12.4	56.4	50.3
		10'0"	21.0	15.0	13.1	57.0	50.6
60°	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
	Standard	8'6" (4)	20.7	18.5	9.8	59.9	55.6
		9'0"	21.0	18.0	10.4	60.0	55.7
		9'6"	21.2	18.0	11.0	60.4	55.6
		10'0"	21.5	18.0	11.5	61.0	56.0
70°	Compact	8'0"	16.8	19.5	8.5	53.1	50.4

	Standard	8'6" (4)	20.8	19.5	9.0	61.1	58.2
		9'0"	21.0	19.0	9.6	61.0	57.9
		9'6"	21.2	18.5	10.1	60.9	57.7
		10'0"	21.2	18.0	10.6	60.4	57.0
80°	Compact	8'0"	16.2	22.0	8.1	56.4	55.0
	Standard	9'0"	20.3	24.0	9.1	64.3	62.7
		9'6"	20.4	24.0	9.6	64.4	62.7
		10'0"	20.5	24.0	10.2	65.0	63.3
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" ⁽⁵⁾	15.0	22.0	8.0	54.0	-
	Standard	9'0"	19.0	24.0	9.0	62.0	-
		9'6"	19.0	24.0	9.5	62.0	-
		10'0"	19.0	24.0	10.0	62.0	-

Limitations and Qualifications

- (1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.
- (2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.
- (3) See Figure 806-8 for corresponding off-street parking area layout requirements.
- (4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.
- (5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.

FIGURE 806-8. OFF-STREET PARKING AREA LAYOUT REQUIREMENTS



Applicant Response: Please see the parking space dimensions on the Architectural Site Plan, A1 included with this submittal package. A mix of standard and compact 90-degree parking spaces are proposed. All of the proposed parking spaces meet the minimum parking space size requirements for the type of stall specified, therefore the criteria of this section are met.

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

FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND

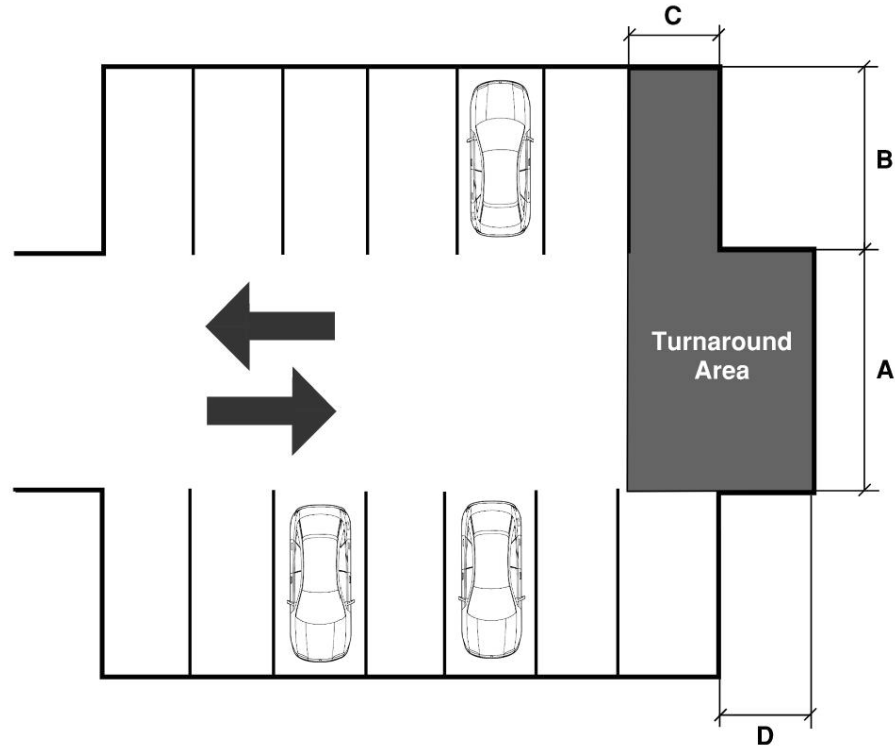


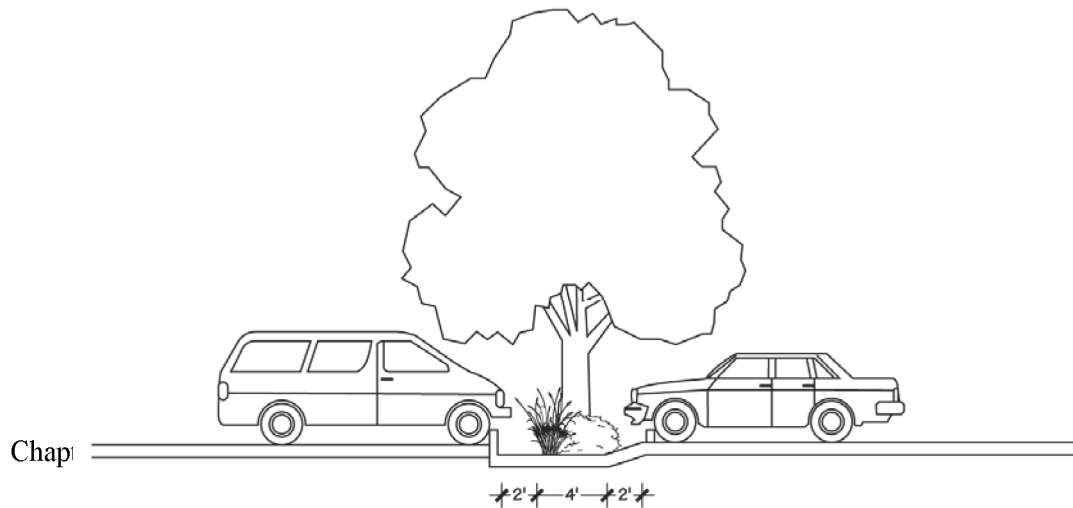
TABLE 806-6. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

Aisle Width A	Turnaround Dimensions		
	B	C	D
24 ft. or less	15 ft.	9 ft.	6 ft.
25 ft.	15 ft.	9 ft.	5 ft.
26 ft.	15 ft.	9 ft.	4 ft.
27 ft.	15 ft.	9 ft.	3 ft.
28 ft.	15 ft.	9 ft.	2 ft.
29 ft.	15 ft.	9 ft.	1 ft.
30 ft. or more	15 ft.	9 ft.	0 ft.

- (g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.
- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
 - (1) Vehicle storage areas within the IG zone.
 - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.

-
- (3) Gravel off-street parking areas, approved through a conditional use permit.

FIGURE 806-10. LANDSCAPED FRONT PORTION OF PARKING STALL



- (i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (j) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (4) Gravel off-street parking areas, approved through a conditional use permit.
- (l) *Marking and signage.*
- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
 - (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
 - (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

-
- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.
 - (n) *Off-street parking area screening.* Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

(Prior Code, § 806.035; Ord. No. 31-13; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022; Ord. No. 4-23 , § 1(Exh. A), 4-24-2023)

Applicant Response: The Applicant's proposed development meets the applicable off-street parking design requirements of subsections (f)-(n) as demonstrated on the civil Overall Site Plan, Sheet C1.3, together with the following clarifications below.

- With regard to (j) *bumper guards and wheel barriers* requirements, the proposed development site plan has been designed to provide the required bumper guard or wheel barrier in the form of increased depth of the raised pedestrian walkway at the head of the parking stalls (7-foot instead of min. 5-foot). The standard stalls on site are proposed at 17' from edge of drive aisle to the curb/wheel barrier, with the remaining two feet of the otherwise 19-foot stall added to the width of the pedestrian way. This provides the same effective parking stall depth to wheel barrier and clear pedestrian accessway as would a 19' stall with moveable wheel barrier and 5-foot pathway. In the few locations where 5' wide walkways abut the end of a parking space, wheel barriers will be provided as needed. Where the end of a parking space abuts landscape areas, the planters widths are increased to allow for 2' overhang, following similar logic to that described above where ends of parking stalls abut pedestrian walkways.
- With regard to (m) *Lighting* the Applicant will submit a site lighting plan that conforms to the requirements of section (m) with either building permits or site improvement plan permit review.
- With regard to (N) *Off-street parking area screening*, The north and east property lines abut adjacent streets. The west property line abuts a residential zone but the applicant has requested an adjustment to allow for use of Type A screen that is more appropriate given the adjacent public utility uses. The easterly portion of the south property line abuts residential zoned property. Along the south property line, the Applicant will construct a 6-foot-tall site-obscuring fence where existing residential lots do not already have six-foot-tall sight-obscuring fence.

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

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) *Access.* Off-street parking and vehicle use areas 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:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-7.

TABLE 806-7. MINIMUM DRIVEWAY WIDTH

Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

- (e) *Surfacing.* All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.
- (f) *Drainage.* Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) *"No Parking" signs.* Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

(Prior Code, § 806.040; Ord. No. 31-13; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022; Ord. No. 4-23 , § 1(Exh. A), 4-24-2023)

Applicant Response: All three of the project's proposed driveways provide access to off-street parking areas and are necessary to provide adequate vehicular circulation and access options. The Orchard Heights Rd. and southern Settlers Spring Dr. driveways are two-way driveways. The northern Settlers Spring Dr. driveway is proposed as a commercial style right-in only driveway. All of the driveways will be paved with asphalt surfacing and will be provided with adequate drainage to meet Public Works Design Standards. The driveway that accesses the site

from Orchard Heights Road NW runs perpendicular to the street setback and passes between two of the multiple family buildings before reaching the onsite parking area. This driveway will be a two-way driveway and will be 30-feet wide, however it is not the intent of the applicant to allow for any parking along this driveway. The driveway accessing the site from Orchard Heights Rd NW will need to be marked with “No Parking” signage. The two driveways accessing the site from Orchard Heights immediately access parking areas after crossing through the street setback and will not require no parking signage.

Sec. 806.045. Bicycle parking; when required.

- (a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:
- (1) Each proposed new use or activity.
 - (2) Any change of use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings 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.

(Prior Code, § 806.045; Ord. No. 31-13; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022; Ord. No. 4-23 , § 1(Exh. A), 4-24-2023)

Sec. 806.050. Proximity of bicycle parking to use or activity served.

Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity it serves.

(Prior Code, § 806.050; Ord. No. 31-13; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022)

Sec. 806.055. Amount of bicycle parking.

- (a) *Minimum required bicycle parking.* Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

TABLE 806-8. BICYCLE PARKING

Use	Minimum Number of Spaces Required ^{(1), (2)}	Maximum Percentage of Long-Term Spaces Allowed ⁽³⁾	Limitations & Qualifications
Household Living			
Single-family	None	N/A	
Two family			
Three family			
Four family			
Multiple family	None	N/A	Applicable to cottage clusters.
	1 space per dwelling unit	100%	
⁽¹⁾ Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.			
⁽²⁾ The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.			
⁽³⁾ The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.			

- (b) *Long-term bicycle parking.* Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. *(Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).*

(Prior Code, § 806.055; Ord. No. 31-13; Ord. No. 5-17, § 38(806.055), 6-12-2017; Ord. No. 10-17, § 30, 7-10-2017; Ord. No. 6-19, § 1(Exh. A), 6-24-2019, eff. 7-24-2019; Ord. No. 1-20, § 2(Exh. B), 2-24-2020; Ord. No. 13-21, § 1(Exh. A), 2-14-2022; Ord. No. 4-23, § 1(Exh. A), 4-24-2023)

Applicant Response: The proposed development is for 186 multiple family units. The Landscape Concept & Bike Parking detail on the Compliance Site Plan, A2 depicts the project providing for a mix of short term and long-term bike parking spaces. There are 74 long-term bicycle parking spaces that will be provided within individual apartment units (see Building Plan Sheets for locations) and 112 short term bicycle parking spaces proposed to be provided outside of a building within 50 feet of a primary building entrance, for a total of 186 bicycle parking stalls. Therefore, this criterion is met.

Sec. 806.060. Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

(a) *Location.*

- (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.

Applicant Response: There are 112 short-term bicycle parking spaces proposed to be provided outside of a building within 50 feet of a primary building entrance. See Landscape Concept & Bike Parking detail on the Compliance Site Plan, A2. Therefore, the above criteria are met.

(2) *Long-term bicycle parking.*

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

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

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

- (i) A residential dwelling unit;

...

Applicant Response: There are 74 long-term bicycle parking spaces that will be provided within individual apartment units (see Building Plan Sheets for locations). Therefore, the applicable criteria above are met.

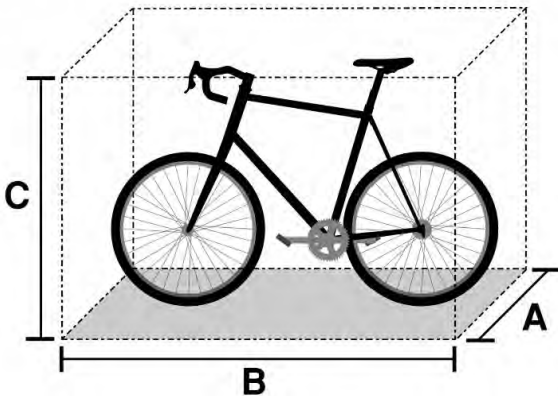
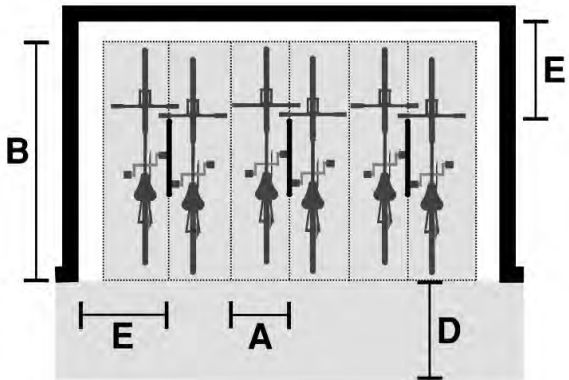
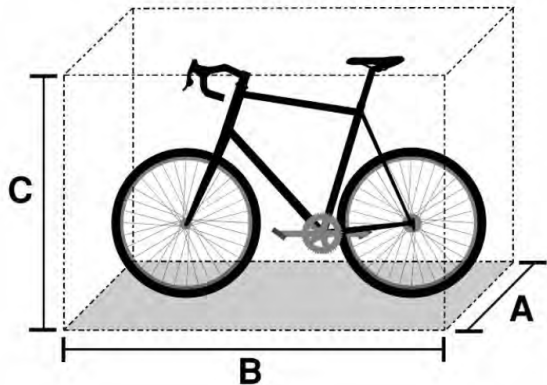
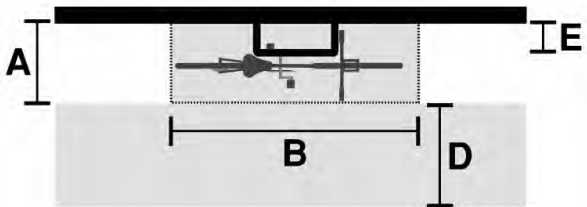
- (b) *Access.* All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

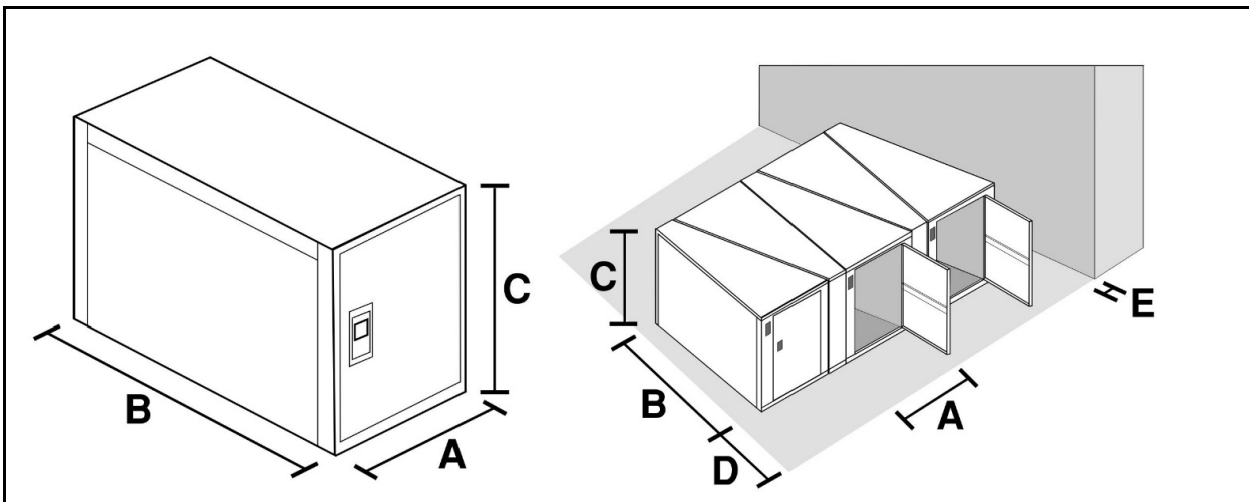
Applicant Response: The above-described bicycle parking areas will have direct accessible access routes to the public right-of-way and areas considered to be the primary building entrances. Therefore, the applicable criteria above are met.

(c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9.
- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

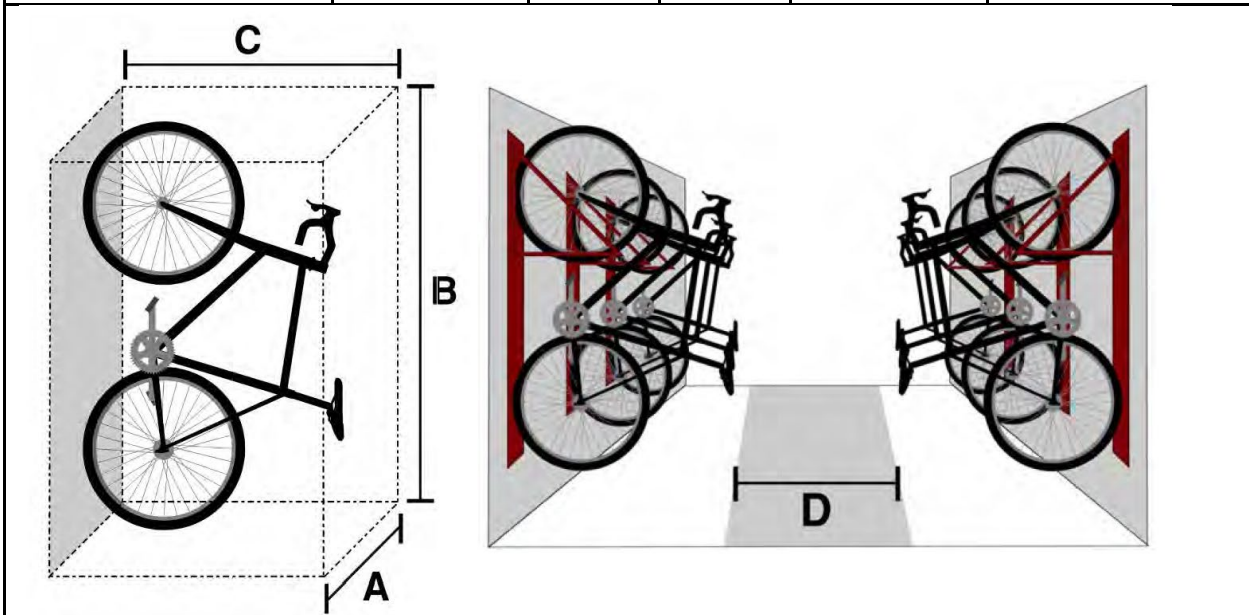
TABLE 806-9. MINIMUM BICYCLE PARKING SPACE & ACCESS DIMENSIONS

Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
Horizontal Spaces ⁽¹⁾					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side ⁽²⁾	1.5 ft.				
<div><div></div><div></div></div>					
Wall mounted	2 ft.	6 ft.	4 ft.	4 ft.	1 ft.
<div><div></div><div></div></div>					
Bicycle locker (standard)	2 ft.	6 ft.	4 ft.	4 ft.	N/A
Bicycle locker (pie shaped)	30 in. (at widest end)				



Vertical Spaces

Standard	2 ft.	6 ft.	4 ft.	5 ft.	N/A
Side-by-side ⁽²⁾	1.5 ft.				



Limitations and Qualifications

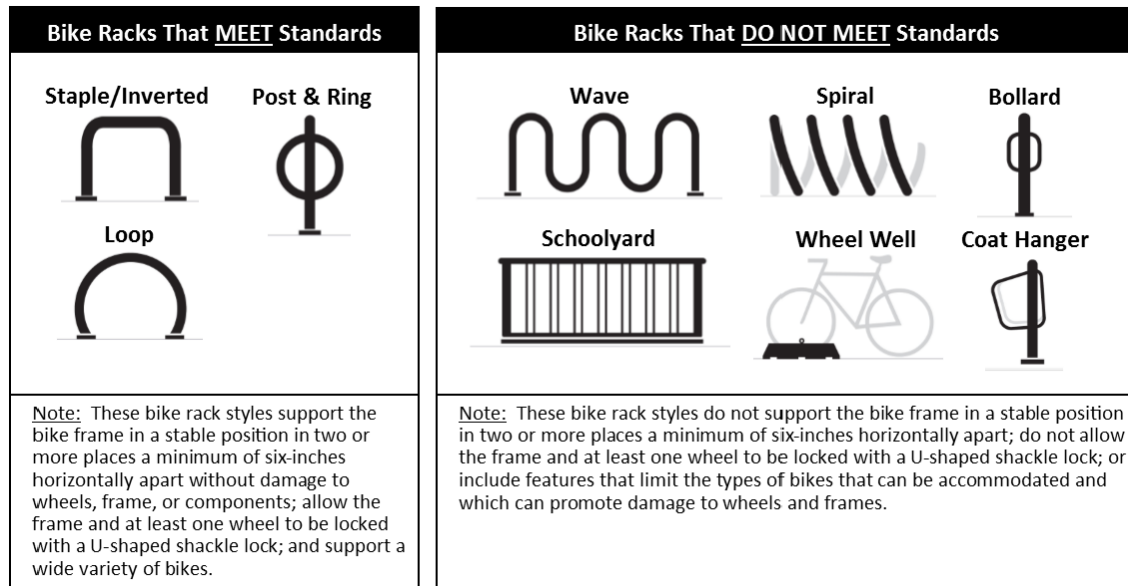
⁽¹⁾ For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.

⁽²⁾ Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.

- (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.
- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle in a stable position.
 - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

...

FIGURE 806-11. EXAMPLES OF BIKE RACKS THAT DO AND DO NOT MEET STANDARDS



(Prior Code, § 806.060; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022; Ord. No. 4-23 , § 1(Exh. A), 4-24-2023)

Applicant Response: The short-term bike parking provided be horizontal spaces that will have staple/inverted or loop racks, and design of the spaces will conform with the standards applicable standards outlined in sections (c), (d), and (e) above. Where long-term bicycle parking will be provided in units, unit plans submitted for building permit will show the long-term bicycle parking locations. See Building Plans, Units 230 and 231 for unit types with long-term bicycle parking provided. Conformance with these criteria can be confirmed at building permit or site improvement permit review, therefore these criteria can be met.

Sec. 806.065. Off-street loading areas; when required.

(a) *General applicability.* Off-street loading shall be provided and maintained as required under this chapter for:

(1) Each proposed new use or activity.

...

Sec. 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.

Sec. 806.075. Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-10.

TABLE 806-11. MINIMUM OFF-STREET LOADING; DIMENSIONS						
Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
<u>Use:</u> ■ Multiple family	None	5 to 49 dwelling units	N/A	N/A	N/A	
	1	50 to 99 dwelling units	12 ft.	19 ft.	12 ft.	If a recreational or service building is provided, at least 1 of the required loading spaces shall be located in
	2	100 to 199 dwelling units	12 ft.	19 ft.	12 ft.	

	3	200 or more dwelling units	12 ft.	19 ft.	12 ft.	conjunction with the recreational or service building.
⁽¹⁾ Unless otherwise provided, when required loading is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.						

- (a) *Off-street parking used for loading.* An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.

(Prior Code, § 806.075; Ord. No. 31-13; Ord. No. 5-17, § 39(806.075), 6-12-2017; Ord. No. 10-17, § 31, 7-10-2017; Ord. No. 1-20, § 2(Exh. B), 2-24-2020; Ord. No. 13-21, § 1(Exh. A), 2-14-2022; Ord. No. 4-23, § 1(Exh. A), 4-24-2023)

Applicant Response: The proposed development will include 186 multiple family units and with therefore be required to provide 2 loading spaces. As delivery vehicle and load ratings exceeding 8,000 pounds is not required to serve the Applicant's proposed multiple family development, the Applicant proposes to use off-street parking to meet the requirements of this chapter as allowed per section (a) above. There are two loading spaces identified on the Architectural Site Plan, A1 included with this application. Therefore, this criteria can be met.

Sec. 806.080. Off-street loading development standards.

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

- (a) *Location.* Off-street loading areas shall not be located within required setbacks.
- (b) *Perimeter setbacks and landscaping.* Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.
- (1) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).
- (2) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A landscaping standard of SRC chapter 807.
- (c) *Dimensions.* Loading areas shall conform to the minimum dimensions set forth in Table 806-9.
- (d) *Maneuvering.* Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.
- (e) *Surfacing.* All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

-
- (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
 - (2) Gravel loading areas, approved through a conditional use permit.
 - (f) *Drainage.* Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
 - (g) *Lighting.* Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Applicant Response: The two required off-street loading areas are part of the off-street parking area to be provided within the project site and comply with all of the applicable criteria listed above.

CHAPTER 807. LANDSCAPING AND SCREENING

Sec. 807.001. Purpose.

The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City.

(Prior Code, § 807.001; Ord. No. 31-13)

Sec. 807.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of a tree trunk measured one foot above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

Ground cover means living plant species which normally reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground.

Landscaped area means the area of a development site that is required to be landscaped as provided under this chapter.

Landscaping means a combination of living plants, such as trees, shrubs, vines, ground covers, flowers, and grass; natural features such as streams, wetlands, rocks, stone, bark chips and shavings; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, arbors, and benches.

Mature tree means:

- (a) A healthy tree of ten inches dbh or greater;
- (b) A significant tree, as defined under SRC chapter 808;
- (c) A heritage tree, as defined under SRC chapter 808; or
- (d) A grouping of three or more four-inch dbh or greater evergreen or hardwood trees.

Ornamental tree means a relatively low growing deciduous or evergreen tree typically reaching a height of 15 to 20 feet which usually provides color due to its flowers, leaves, or fruit (berries).

Shade tree means a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy.

Shrub means a deciduous or evergreen woody plant, smaller than a tree, which consists of a number of small stems from the ground or small branches near the ground.

Sec. 807.010. Applicability.

The provisions of this chapter apply to all required landscaping and screening under the UDC.

Sec. 807.015. Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) *Landscaping types.* Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

TABLE 807-1. LANDSCAPING TYPES		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

- (b) *Plant materials and corresponding plant unit values.* Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. 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 shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

TABLE 807-2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 8 ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

-
- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Applicant Response: There is significant grading required to develop the project as proposed by the Applicant, therefore, the Applicant does not intent to preserve existing vegetation to satisfy required landscaping, except that there are 15 trees on-site that are presently planned to be preserved. To the extent that these trees will be allowed to be counted toward meeting the required landscaping, the Applicant will propose to do so. Formal landscape plans will be included with the Applicant's building permit/site development permit application and utilization of this credit for preservation of exiting trees can be evaluated at that time.

- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

Applicant Response: Tree numbers 1, 2, 6, 9, 10, and 14 fall within required setbacks. All other trees proposed for removal fall outside of the required setbacks. The Arborist Report submitted with the Class 3 Site Plan Review application recommends these trees be removed prior to construction (see arborist report for full evaluation and recommendation). These six trees will be replaced at a rate of 2:1 per the criteria above. These replacement trees will be called out on the Applicant's Landscape Plans to be submitted either with Site Development Permit review or Building Permit Review, therefore this criteria will be met.

- (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Applicant Response: Although Trees 2-5 are identified as hazard trees they are also required to be removed for installation of required utilities. Tree 6 will need to be removed for a required stormwater facility. Tree 9 is also identified as a hazard tree, however, trees 9 will be required to be removed to provide private walkways (similar to trails and sidewalks) that provide accessible route of travel from Building 9 to the parking lot and eventually to the public right-of-way. There are a total of 24 trees onsite. If the six (6 ea.) trees discussed above are not required to be counted toward the total percentage of trees removed from the development site, then the other two trees to be removed (Tree 1, Tree 10 and Tree 14) only comprise 12.5% of the existing trees. Therefore, replacement trees are not necessary to be planted for the nine total trees to be removed as part of the Applicant's proposed development. Therefore, this criterion is not applicable.

- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
- (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
- (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or

landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.

- (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.
- (f) *Berm.* Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.
- (g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Applicant Response: The above requirements of Sections (e), (f), and (g) are noted and will be adhered to as applicable. Conformance with the applicable requirements can be confirmed at building permit/site development permit review. Therefore, the applicable criteria can be met by the Applicant's proposed development.

Sec. 807.020. Landscaping plan and landscaping permit.

- (a) *Landscaping plan.* A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.

Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:
 - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.

-
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
 - (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

[Applicant Response:](#) The Applicant intends to submit formal landscape plans meeting the above criteria as part of building permit/site development permit application.

(b) *Landscaping permit.*

- (1) *Applicability.* When development subject to the landscaping requirements is this chapter requires site plan review but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.

...

[Applicant Response:](#) The Applicant's proposed development is subject to Class 3 Site Plan Review. However, the Applicant intends to submit formal landscape plans meeting the above criteria as part of building/site development permit application. Therefore, a separate Landscaping Permit is not required.

Sec. 807.025. Plant material standards.

All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.

[Applicant Response:](#) This requirement has been noted.

Sec. 807.030. Tree protection measures during construction.

Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.

[Applicant Response:](#) This requirement has been noted.

Sec. 807.035. Installation.

- (a) Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.
- (b) Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.

[Applicant Response:](#) The above requirements have been noted.

Sec. 807.040. Irrigation.

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:
 - (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
 - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and
 - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.
- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

[Applicant Response:](#) The above requirements have been noted.

Sec. 807.045. Maintenance.

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.
- (b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

[Applicant Response:](#) The above requirements have been noted.

Sec. 807.050. Compliance/performance assurance.

- (a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.
- (b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.
- (c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.

[Applicant Response:](#) The above requirements have been noted.

Sec. 807.055. Administrative relief.

Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:

- (a) The proposed landscaping meets the intent of providing a buffer between adjacent uses of differing character;
- (b) The proposed landscaping incorporates the increased retention of mature tree(s);
- (c) The proposed landscaping provides protection for wildlife habitat and existing native vegetation and plant materials maintained in a natural state; or
- (d) The proposed landscaping incorporates elements to maintain solar access or provides for wind protection.

[Applicant Response:](#) The Applicant is not seeking any administrative relief under the provision of section 807.055. above, therefore this section is not applicable.

CHAPTER 808. PRESERVATION OF TREES AND VEGETATION

Sec. 808.001. Purpose.

The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

(Prior Code, § 808.001; Ord. No. 31-13)

Sec. 808.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture or the American Society of Consulting Arborists and maintains a current accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree or, as an alternative for non-significant trees, may be specifically determined by an arborist.

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).

Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

Significant tree means:

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, but excluding:
 - (1) Tree of heaven (*Ailanthus altissima*);
 - (2) Empress tree (*Paulownia tomentosa*);
 - (3) Black cottonwood (*Populus trichocarpa*); and
 - (4) Black locust (*Robinia pseudoacacia*).

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved

alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

Applicant Response: The Applicant's proposed development site has twenty-four (24 ea.) Oregon white oak (*Quercus garryana*) onsite, all with a dbh of 20 inches or greater, which would therefore be considered significant trees by the definition above. There are no other significant trees on site. See Arborists Report for tree evaluations and recommendations.

Sec. 808.010. Heritage trees.

- (a) *Designation of heritage trees.* The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.
- (b) *Protection of heritage trees.* No person shall remove a heritage tree unless the tree has been determined to be a hazardous tree by a certified arborist, and such determination is verified by the Planning Administrator.
- (c) *Rescinding heritage tree designation.* The Council shall rescind a heritage tree designation if the tree has been removed pursuant to subsection (b) of this section.

Applicant Response: The Applicant's proposed development site has no heritage trees on site.

Sec. 808.015. Significant trees.

No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

Applicant Response: All of the trees on the Applicant's project site are Gary White Oak and are greater than 20-inch dbh. The Applicant's proposed development proposes to remove nine (9) of these significant trees. 8 of the 9 trees are recommended for removal per the Arborist Report submitted with the Applicant's Class 3 Site Plan Review Application, with 7 considered to be hazardous trees.

Sec. 808.020. Trees and native vegetation in riparian corridors.

No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

Applicant Response: There are no riparian corridors on or immediately adjacent to the Applicant's proposed development site. Therefore, the above criteria are not applicable.

Sec. 808.025. Trees on lots or parcels 20,000 square feet or greater.

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square

feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

Applicant Response: The Applicant's proposed development requires Class 3 Site Plan review and the proposed development site is greater than 20,000 square feet. The above criterion is noted. Once site plan review and tree removal permit(s) have been approved it is likely that the Applicant will move forward with removing hazardous trees identified in the arborist report so that they no longer remain a hazard on the property.

Sec. 808.030. Tree and vegetation removal permits.

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
...
(C) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;

Applicant Response: The Applicant's proposed development qualifies for exception (C) under section (a)(2) above for removal of street trees in order to be able to construct the required property line tight sidewalks along Settlers Spring Dr. NW, however there are additional trees onsite that are protected under SRC 808.015 Significant Trees, that will require removal for the Applicant's proposed development. Therefore, the Applicant requests the Tree and vegetation removal permit be approved as part of the Applicant's Class 3 Site Plan Review application.

(b) *Procedure type.* A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.

Applicant Response: The Applicant requests that the tree removal permit be processed together with the Class 3 Site Plan Review application, which will be processed as a Type II procedure. Processing the tree and vegetation removal permit concurrent with a Type II application will exceed the requirements of this criterion, therefore this criterion is met.

(c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;

-
- (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
 - (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.

Applicant Response: The Applicant has submitted a Tree Protection Plan, Sheet C1.4 as part of the Applicant's Class 3 Site Plan Review Applications that complies with the submittal requirements outline under section (c)(1) above. The requirements of section (c)(2) are not applicable as the proposed removal is not connected with a restoration activity in a riparian corridor. Therefore, the applicable criteria of this section have been met.

...

- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
- (1) *Hazardous tree.* The tree removal is necessary because the condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.

Applicant Response: The Applicant has included an Arborist Report with its Class 3 Site Plan Review application. The Arborist Report assessed the health of the 24 significant trees located on the development site in relation to the Applicant's proposed site development plans. The Applicant's proposes to remove 9 of the significant trees to construct the proposed development.

The Arborist Report recommends that 7 of the 9 significant trees be removed as they are hazardous to be near and should be removed to eliminate risk. Three These trees are identified as Tree # 1, 2, 3, 4, 5, 9, and 14 in the Arborist Report.

Five of the threes, Trees 1, 3, 4, 5, & 14, have significant amounts of disease, rot, dead wood, and/or decay and present hazards to persons or property and the hazards or danger they present cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning. Below is a summary of the Arborist's recommendations for each of these trees:

- Tree 1 - The Arborist Reports notes "due to the tree's level of decay, state of decline and proximity to the neighboring home to the south, this tree should be removed."
- Trees 3 & 4 - The Arborist Reports notes the same for both trees. "Given this tree's level of decay, and its state of decline, this tree is hazardous to be near, and should be removed to eliminate risk."
- Tree 5 - The Arborist Report notes "because this tree has previously lost half of its structure and it has a cavity reaching below the center of the remaining trunk, it will likely continue to decline into a much higher risk category. Any further stressors such as high winds would likely cause this tree to fail. This tree should be removed prior to construction while readily accessible , and to eliminate any further risk/"
- Tree 14 – The Arborist Report notes. "This tree is in significant decline. It has dead wood and decay located throughout the trunk...there is no way to reverse internal decay. This tree is clearly dying, and given its state of decline should be removed while accessible to avoid any further unnecessary future risk.

The Arborist's report clearly demonstrates trees, 1, 3, 4, 5, and 14 are clear and present hazards and should be removed. Therefore the Applicant requests these trees be allowed to be removed under the Hazard Tree provisions of section (d)(1) above.

Trees 2 and 9 both have several large dead limbs or large limbs that have broken off. Tree 2 has mechanical damage and Tree 9 has a poor growth pattern. Given their current conditions, as described in detail in the Arborist Report, both trees will be prone to failure under stressful conditions in the future. The proposed development will increase targets and thereby increase the risk factors of these trees and therefore the Arborist Report recommends both trees “be removed prior to construction, while access is more available and to avoid any unnecessary future risk.” Even if trees 2 & 9 are not immediate hazards, there can be nothing done to remedy the existing conditions of the trees, and it is clear that they will become greater hazards in the future and should be removed prior to construction of the proposed development, while access to the trees is at its safest. It is the Applicant’s position that these trees are hazard trees as well, and hereby request they also be allowed to be removed under the provisions of section (d)(1).

...

- (5) *Removal of significant tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster.* The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:
- (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.
 - (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 to the boundary of the subject property;
 - (bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (dd) Any relocation of the proposed street resulting in lots that do not meet lot standards;
 - (ee) A required boundary street improvement.
 - (ii) *Utilities.* The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

Applicant Response: The Applicant proposes construction of a multiple family development which would be considered “*construction of a development other than single family, two family, three family, four family, or cottage cluster.*” Therefore, the tree removal approval, under the criteria section (d)(5), is applicable to the Applicant’s proposed development.

During completeness review it was recommended that the Applicant address the criteria found in SRC 808.030(d)(5) for trees 2, 4, 5, 6, 9, and 10. Following the receipt of this completeness review recommendation, the Arborist Report was revised to make it clear that trees 2, 4, 5, and 9 should be removed. And, even though the Applicant is requesting trees 2, 4, 5, and 9 be allowed to be removed as *Hazard Trees* under the provisions of section (d)(1) above, out of an abundance of caution, the Applicant’s narrative will also address the applicable criteria of 808.030(d)(5) for removal of trees 2, 4, 5, and 9, below. Removal of Trees 6 and 10 will also address the applicable criteria of 808.030(d)(5) below.

Removal of Tree 2: In addition to being allowed to be removed as a *Hazard Tree* under the provisions of section (d)(1) above, Tree 2 should be allowed to be removed pursuant to section (d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*. Under the provisions of section (ii) *Utilities*, trenching for stormwater piping and stormwater manholes is proposed to cross through the northerly portion of the critical root zone and given the condition of the tree, as discussed in the Arborist report, would cause the health of the tree to decline more rapidly. Stormwater outfall piping from the stormwater facility must be routed to the SE corner of the site to the stormwater system in Orchard Heights Rd. as part of the overflow piping. This is the least impactful route that can be followed and cannot be relocated to an alternative location with less impacts. Under the provisions of section (iii) *Site Topography*, grading in the critical root zone will also be necessary to meet ADA Accessibility Standards. The paved accessible route of travel from Building 8 to the parking lot and eventually to the public right of way will require grading in the form of up to 2-feet of cut in the critical root zone and cannot be relocated to an alternative location with less impacts. Pursuant to section (d)(1) *Hazard Tree* above, as well as sections (d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*, the Applicant requests removal of Tree #2 be approved as part of the tree and vegetation removal permit requested for the Applicant's proposed development.

Removal of Tree 4 and Tree 5: In addition to being allowed to be removed as a *Hazard Tree* under the provisions of section (d)(1) above, Tree 4 and Tree 5 should be allowed to be removed pursuant to section (d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*. Under the provisions of section (ii) *Utilities*, trenching for stormwater piping and stormwater manholes is proposed to cross directly through the critical root zones of both trees very close to the trunks of both trees. It would be dangerous to attempt to trench so close to the trees and doing so would impact nearly 50% of each tree's critical root zone. Stormwater emergency overflow outfall piping from the stormwater facility must be routed between Buildings 7 and 8 to the stormwater system in Orchard Heights Rd. as part of the overflow piping. This is the least impactful route that can be followed and cannot be relocated to an alternative location with less impacts. Under the provisions of section (iii) *Site Topography*, grading in the critical root zone will also be necessary to meet ADA Accessibility Standards. The paved accessible route of travel from Building 8 to the parking lot and eventually to the public right of way will require grading in the form of 1-3-feet of cut in the critical root zones of these trees and cannot be relocated to an alternative location with less impacts. Pursuant to section (d)(1) *Hazard Tree* above, as well as sections (d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*, the Applicant requests removal of Tree 4 and Tree 5 be approved as part of the tree and vegetation removal permit requested for the Applicant's proposed development.

Removal of Tree 6: Removal of Tree 6 should be allowed pursuant to section (d)(5)(B)(ii) *Utilities*. The location of Tree #6 is where the Applicant proposes to construct the proposed development's primary stormwater facility (a "utility"). The location of Tree #6 (elevation 388.50' +/-) happens to correspond with one of the lowest portions of the property, which also happens to be the best location for a stormwater facility. In addition to being near one of the lowest portions of the property, the stormwater facility has been located in the portion of the site with the least potential for impact to trees when compared to other portions of the site with similar low elevations. The removal of Tree #6 is necessary as the proposed stormwater facility cannot be relocated to an alternative location that would have less impact on tree retention. Therefore, the Applicant requests removal of Tree #6 be approved as part of the tree and vegetation removal permit requested for the Applicant's proposed development.

Removal of Tree 9: In addition to being allowed to be removed as a *Hazard Tree* under the provisions of section (d)(1) above, Tree 9 should be allowed to be removed pursuant to section (d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*. Under the provisions of section (ii) *Utilities*, trenching for stormwater piping at the west side of Building 9 will cross through the easterly portion of the critical root zone of Tree 9 and given the condition of the tree, as discussed in the Arborist report, would cause the health of the tree to decline more rapidly. Stormwater from Building 9 must be directed back north to the stormwater facility. This is the least impactful route that can be followed as more direct routing would also impact trees 8 and 9. Therefore, the stormwater piping cannot be relocated to an alternative location with less impacts. Under the provisions of section (iii) *Site Topography*, grading in the critical root zone will also be necessary to meet ADA Accessibility Standards. The paved accessible route of travel from Building 9 to the parking lot and eventually to the public right of way will require grading including construction of a retaining wall and up to 5.5-feet of fill in the critical root zone and cannot be relocated to an alternative location with less impacts. Pursuant to section (d)(1) *Hazard Tree* above, as well as sections

(d)(5)(B)(ii) *Utilities* and (iii) *Site Topography*, the Applicant requests removal of Tree 9 be approved as part of the tree and vegetation removal permit requested for the Applicant's proposed development.

Removal of Tree 10: Under the provisions of section (iii) *Site Topography*, grading in the critical root zone of Tree 10 will be necessary to meet ADA Accessibility Standards. The paved accessible route of travel from the south end breezeway of Building 9 to the parking lot and eventually to the public right of way will require grading including construction of a retaining wall and up to 5.5-feet of fill in the critical root zone and cannot be relocated to an alternative location with less impacts. Pursuant to section (iii) *Site Topography*, the Applicant requests removal of Tree 10 be approved as part of the tree and vegetation removal permit requested for the Applicant's proposed development.

...

(e) *Conditions of approval.*

- (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
- (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Applicant Response: The applicable requirements of section (e) above have been noted.

Sec. 808.035. Tree conservation plans.

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

Applicant Response: The Applicant's proposed development is not for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The Applicant's development proposal is for multiple family development, therefore a tree conservation plan is not required.

...

Sec. 808.045. Tree variances.

- (a) *Applicability.* Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

Applicant Response: Presently, the Applicant does not believe a Tree Variance is necessary to allow for the removal of the 9 significant trees located on the Applicant's development site that is necessary for development of the proposed project. Removal should be allowed as detailed in either section 808.030(d)(1) or (d)(5)(B) above.

Sec. 808.046. Protection measures during construction.

Except where specific protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

- (a) *Trees.* All trees shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
 - (1) The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.
 - (2) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
 - (3) Notwithstanding SRC 808.046(a)(2):
 - (A) Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.
 - (B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.
- (b) *Native vegetation.* All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
 - (1) The above ground silt fence shall be located around the perimeter of the native vegetation.
 - (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
- (c) *Duration.* Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Applicant Response: The Applicant's Site Plan Review application includes a Tree Protection Plan, C1.4. In addition to the tree removal requested for nine trees, the proposed development will disturb the critical root zones of Tree 7, Tree 8, and Tree 11. Per SRC 808.046(a)(3)(A) "*Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.*" The Applicant's Arborist has prepared report documenting that the proposed disturbance will be no more than 30 percent of the critical root zone of each tree and will not compromise the long-term health and stability of the tree. The report also includes recommendations to minimize any impacts to the trees. Therefore, the criteria of SRC 808.046(a)(3)(A) will be met.

Sec. 808.050. Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.

Applicant Response: The Applicant's proposed development is not proposing to create any lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The applicant is proposing a multiple family development. Therefore, SRC 808.050. *Tree planting requirements.* are not applicable to the Applicant's proposed development.

...

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CHAPTER 810. - LANDSLIDE HAZARDS

Sec. 810.025. Landslide hazard risk assessment.

- (a) Graduated Response Tables. The Graduated Response Tables set forth in this subsection are used to determine the total landslide hazard risk and required level of site investigation for regulated activities under this chapter. To determine the total landslide hazard risk, follow the steps set forth in this subsection. Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.

- (1) *Step One: Earthquake Induced Landslide Susceptibility.* Select one assigned point value from Table 810-1A and proceed to step two.

TABLE 810-1A. EARTHQUAKE-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under very low or low categories on IMS-17 or IMS-18.	0 Points
Property identified under a moderate category on IMS-17 or IMS-18.	2 Points
Property identified under a high category on IMS-17 or IMS-18.	3 Points
<u>References:</u> Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18)	

- (2) *Step Two: Water-Induced Landslide Susceptibility.* Select one assigned point value from Table 810-1B and proceed to step 3.

TABLE 810-1B. WATER-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under Category 1 on IMS-5 and IMS-6 Reports.	0 Points
Property identified under Categories 2 or 3 on IMS-5 or IMS-6 Reports.	2 Points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and between 15% - 25 % slopes, including 25%.	2 Points
Property identified under Categories 4, 5a, 5b, or 6 on IMS-5 or IMS-6 Reports.	3 Points
Property identified in IMS-22 Report.	3 points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and over 25% slopes.	3 Points
<u>References:</u> Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6), Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18), Interpretive Map Series (IMS-22) and Slope Contour Map	

- (3) *Step Three: Activity Susceptibility Ratings.* Select one assigned point value from Table 810-1C and proceed to step four.

Table 810-1C. ACTIVITY SUSCEPTIBILITY RATINGS		
Type of Activity		Assigned Point Value
Excavation or fill, as an independent activity, exceeding 2 feet in depth or 25 cubic yards of volume.		3 Points
Installation or construction of any structure greater than 500 square feet in area.	Single family, duplex, or manufactured dwelling building permit	1 Point
	Multiple family building permit	2 Points
	Schools, hospital, or public building permit	3 Points
	Commercial or industrial building permit	3 Points
Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation.	Single family, duplex, or manufactured dwelling building permit	1 Point
	Multiple family building permit	2 Points
	Schools, hospital, or public building permit	3 Points
	Commercial or industrial building permit	3 Points
Installation or construction of any structure greater than 500 square feet, not otherwise identified in table.		1 Point
Land division, planned unit development, or manufactured dwelling park.	Partition	2 Points
	Subdivision, planned unit development, manufactured dwelling park	3 Points
Tree removal, as an independent activity, on regulated slopes greater than 60%.		3 Points

- (4) *Step Four: Cumulative Score.* Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

TABLE 810-1D. CUMULATIVE SCORE			
Step 1. Earthquake-Induced Landslide Susceptibility Rating	Step 2. Water-Induced Landslide Susceptibility Rating	Step 3. Activity Susceptibility Rating	Step 4. Cumulative Score
Points: _____	Points: _____	Points: _____	Total Points: _____

- (5) *Step Five: Total Landslide Risk.* Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.

TABLE 810-1E. TOTAL LANDSLIDE HAZARD RISK		
Cumulative Score (From Table 810-1D)	Landslide Hazard Risk	Requirement
4 or fewer points	Category A - Low	No Requirements
5 - 8 points	Category B - Moderate	Geologic Assessment/ Geotechnical Report
9 or more points	Category C - High	Geotechnical Report

- (b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:
- (1) *Low landslide hazard risk.* If application of Table 810-1E indicates a low landslide hazard risk, all regulated activities may proceed without further investigation, permitting, or approval required by this chapter.

Applicant Response: The Applicant has included a Geotechnical Hazard Assessment letter as part of the Class 3 Site Plan Review application. The Geotechnical Assessment was prepared per the criteria outlined above and it was determined that the proposed development site has a cumulative score, from table 810-D, of 3 Points Total. Per Table 810-1E. *Total Landslide Hazard Risk*, a score of 4 or fewer points falls under the Category A – Low landslide hazard risk. Therefore, no further investigation, permitting, or approval should be required for the Applicant’s proposed development pertaining to Landslide Hazard Risks. See Geotechnical Hazard Assessment letter dated June 29, 2023 for the full details of the development site assessment.

...

End of Applicant Narrative

Aaron Panko

From: Steve Anderson <andersonriskanalysis@comcast.net>
Sent: Thursday, February 15, 2024 4:09 PM
To: Aaron Panko
Cc: michaelfreitas9459@att.net
Subject: WSNA Comments Case No. UGA-SPR-ADJ-DAP-TRP24-02 2916 Orchard Heights Rd NW, Salem OR 97304
Attachments: 2916 Orchard Heights Application Comments.pdf

Aaron Panko, Planner III:

Attached are the West Salem Neighborhood Association comments in this matter. Please enter them into the record and acknowledge receipt of this email. If you need additional information, please let me know. Thank you.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair



TO: Aaron Panko, Planner III; E-mail: APanko@cityofsalem.net
FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair
RE: Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment /
Class 2 Driveway Approach Permit / Tree Removal Permit
Case No. UGA-SPR-ADJ-DAP-TRP24-02
2916 Orchard Heights Rd NW, Salem OR 97304

This proposal requests an Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review for the development of a new 186-unit multi-family residential development, Class 2 Driveway Approach Permits for three new driveway approaches, Tree Removal Permits for the removal of nine significant trees, and the following Class 2 Adjustments:

The three driveway approaches specifically request:

- 6) To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet;*
- 7) To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street; and*
- 8) To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.*

There have been safety concerns raised by neighbors and our neighborhood association traffic chair in this matter. Traffic and safety being the root cause underlying these concerns coupled with the recent Titan Hills Subdivision traffic load and its trip cap approval. We request that as part of Public Works analysis and report here that they do an infield visit to this site as part of their investigation. We find no evidence supporting granting reducing minimum driveway spacing requirements (#6 & #8).

We request that a trip cap analysis be conducted for this proposed subdivision to evaluate traffic impacts at the High School and along this section of Orchard Heights Drive given this subdivision and the Titan Hill Subdivision and population growth in the area. Traffic volume and safety issues need to be clearly addressed. This is not clear in the record for this application. There is no convincing evidence to grant reducing the minimum driveway spacing in this area. This section of Orchard Heights Drive should be



considered as a safety corridor with some restrictions not precluding this development but ensuring that they meet standards in the city code and are not granted variances as requested. As for #7, allowing another driveway approach to Orchard Heights Road, No. There is the Titan Hill subdivision, City Fire Station, West Salem High School, Salem Electric Station, a winery with public facilities **All** immediately in this vicinity meaning a complicated traffic pattern and use here. The granting of these variances **does** pose a safety matter for careful consideration and analysis. We see no need to grant these variances and request that they be denied.

As for the Urban Growth Area Preliminary Declaration and tree removal permit, we reserve comment until the traffic issues are addressed and resolved. Hopefully, this will be part of the final report and findings published. Thank you,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair
Cc:/ Michael Freitas, West Salem Neighborhood Association Chair

TECH MEMO

DATE: March 4, 2024

TO: Hans Christiansen
Evergreen Housing Development Group, LLC

FROM: Kelly Sandow P.E.
Sandow Engineering



RENEWAL 06/30/24

RE: Orchard Heights Apartments - Response to West Salem Neighborhood Association
Comments submitted February 15, 2024

The following provides a response to the traffic-related comments made by the West Salem Neighborhood Association public comment letter submitted February 15, 2024, via email regarding Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Tree Removal Permit Case No. UGA -SPR-ADJ-DAP-TRP24-02 for the Orchard Heights Apartments project located at 2916 Orchard Heights Rd NW, Salem, OR 97304.

Response to general comments regarding traffic safety concerns and the request for a Traffic Analysis:

Sandow Engineering followed the City of Salem standard procedures by first submitting the required Trip Generation Estimate form to the City of Salem Assistant City Traffic Engineer, followed by the submittal of a required comprehensive Traffic Impact Analysis (TIA) as directed by the City of Salem Assistant City Traffic Engineer. The Traffic Impact Analysis, dated April 20, 2023, evaluated the levels of traffic on the adjacent roadway system, levels of traffic from the development proposal, intersection operations, intersection safety, and site access safety. The evaluation followed the standards for the City of Salem for private developments and industry standards for the evaluation procedures. The comprehensive Traffic Impact Analysis found that all impacted intersections and site accesses will operate according to the City of Salem's and the Transportation Engineering industry's standards for safety and operations.

Response to comments regarding Adjustment Request #6:

This adjustment request is to reduce the access spacing standards between the site's northernmost driveway on Settlers Spring Drive and Orchard Heights Road from 200 feet to

140 feet. The initial application and Traffic Impact Analysis included this access as a full movement access with a slight offset to the north of Butterfly Avenue NW, and the TIA determined that as a full movement driveway, there were no operational or safety concerns. However, during the completeness review, the City of Salem Transportation Engineering Department expressed concerns with the driveway alignment being offset from the intersection of Settlers Spring and Butterfly Ave. After discussions with the City of Salem Assistant City Traffic Engineer, it was determined that a right-in only driveway configuration would be better at this location as it would allow for access into the site while alleviating concerns with the intersection's offset alignment. As a result, the access was modified to a right-in only style driveway entrance (no westbound in, no left turn in, no exit). To accommodate this, the driveway needs to be designed with adequate width and curb radius to allow an emergency vehicle or other larger vehicle, such as a delivery truck or garbage truck, to make the right turn safely, but also to prohibit non right turning vehicles from being able to make the turn into the site and to eliminate any vehicles from exiting via this driveway. The City of Salem Assistant Traffic Engineer also wanted to be sure that the driveway location did not limit the ability to construct the required curb ramps for the pedestrian ADA crossings at the Settlers Spring/Butterfly Ave intersection. The geometric design needed for restricting access to a right-in only and the design needed for proper alignment of curb ramps places the center of the right turn into the site at 140 feet south of Orchard Heights Road.

The safety of a site access is determined based on specific design criteria ensuring that the vehicles can use the site access safely and that the users on the roadway are not subject to unsafe conditions when vehicles are using the site access. The specific design criteria are based on engineering studies to ensure that when the drivers are using the roadways as designed (traveling the design speed, following rules of the road, etc.), ordinary travel is safe and operates efficiently.

The site's northernmost driveway on Settlers Spring Dr. is designed per standards to ensure a vehicle can make the turn safely into the site without unsafe driving practices such as an abrupt stop or having to swing wide. There are no safety concerns with vehicles using the driveway to turn right into the site, as southbound right turn movements into the site access do not have any interaction with northbound traveling vehicles on Settlers Spring Drive or turns onto Settlers Spring Drive from Butterfly Avenue NW. The only interaction would be with other southbound traveling vehicles on Settlers Spring Drive. As demonstrated in the TIA, a vehicle that slows down to make a turn into the driveway or comes to a complete stop on Settlers Spring Drive prior to executing the right turn can be seen by a driver turning from Orchard Heights Road onto Settlers Spring Dr. A vehicle heading westbound, making a left turn from Orchard Heights Road onto Settlers Spring Dr. will make the turn either from a complete

stop or will have slowed down from the posted speed of 45 mph on Settler's Spring Drive to a safe turning speed of 15 mph. 15 mph is the typical safe speed for left turning vehicles making 90 degree turns onto local streets while maintaining control of a vehicle within the travel lane/roadway. At a speed of 15 mph, the distance needed to come to a complete stop is 80 feet. 80 feet accounts for the reaction time and the time needed to come to a complete non-panicked (not locking brakes) stop. A vehicle heading eastbound, making a right turn from Orchard Heights Road will execute the turn at a typical safe speed of 9 mph. At a speed of 9 mph, the distance needed to come to a complete non-panicked stop is 45 feet. Once the turn movement is fully executed, there is sufficient roadway length to allow a vehicle turning at safe speeds from Orchard Heights Road onto Settlers Spring Dr. (via left turn or right turn) to come to a complete stop for a vehicle that has come to a complete stop prior to entering the site driveway.

The site access, as designed, will operate safely and efficiently for the users of the access and for the traveling public on Settlers Springs Drive.

Response to comments regarding Adjustment Request #7:

Adjustment Request #7 is to allow a driveway approach onto Orchard Heights Road. The request for a driveway approach at Orchard Heights Road provides a secondary access (ingress/egress) point, alleviating the impact of placing all of the traffic onto Settlers Spring Drive, a local road. While a secondary access point is not a requirement of this development, best practices recommend a secondary access for improved access for emergency response, emergency egress, and for dispersal of traffic over more than one roadway when possible.

Following the same methodology as discussed above, the proposed site access was evaluated for safety following the standard safety and design criteria, ensuring that the vehicles can use the site access safely and that the users on the roadway are not subject to unsafe conditions when vehicles are using this site access. As demonstrated in the Traffic Impact Analysis, a driver exiting the driveway onto Orchard Heights needs to be able to see in both the east and west directions for a minimum distance of 500 feet to be able to perceive a gap in traffic that is sufficient enough to allow for a safe turn onto the Orchard Heights Road. The 500 feet is the distance needed to execute a left turn safely onto a 45-mph roadway. This distance is met for exiting vehicles.

A vehicle traveling on Orchard Heights Road needs approximately 360 feet of distance to come to a complete stop for a vehicle that is stopped on Orchard Heights Road prior to entering the site access. 360 feet includes the reaction time and time to come to a complete non-panicked stop. There is more than 360 feet of clear roadway available for a driver on Orchard Heights

Road approaching the site access to perceive a stopped vehicle on Orchard Heights and to make a safe stop.

There have been no reported crashes within the past 5 years of available data at Orchard Heights Road and Settlers Spring Drive or at any site access within 0.5 miles to the west. This indicates that there are no persistent roadway geometric, traffic volume, or speed issues for vehicles entering or exiting Orchard Heights into private driveways that would translate to a concern at the development site access.

Additionally, the Traffic Impact Analysis evaluated the turning movements for delay and queuing. A long delay (defined as longer than 50 seconds) for a vehicle making a turn into or out of the site access could result in a vehicle accepting a shorter gap in traffic, resulting in unsafe turning maneuvers. The delay calculation is based on traffic, speed, and available gaps. On average, a vehicle entering or exiting the site will experience a delay of no longer than 10 seconds during the busiest time of the day. This delay is well within acceptable standards for safe driving practices.

There are no safety or operational concerns with the proposed access to Orchard Heights Road.

Response to comments regarding Adjustment Request #8:

Adjustment Request #8 is to allow for reduced spacing between the site access onto Orchard Heights Road and the accesses to the west. The spacing standard is 370 feet for Orchard Heights Road. Within the 370-foot distance, there is a gated access to a municipal utility located on the south side, a gated access to a cell tower and agricultural use on the north side, and an access to a private residence on the north side. All access connections within the 370-foot spacing distance are limited use/low-volume users. Therefore, there will be no issues with queuing between the site access connections. Additionally, all driveways within 370 feet to the west will have adequate site distances to see movements occurring at the respective driveways, including movements at the site access. As demonstrated within the TIA, all vehicles turning into or out of the site access can observe and react to a vehicle turning into or out of the driveways to the west. There are no safety issues with the spacing between the site access and the existing driveways located within 370 feet to the west.



MEMO

TO: Aaron Panko, Planner III
Community Planning and Development Department

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

DATE: March 28, 2024

Infrastructure Memo
UGA-SPR-ADJ-DAP-TRP24-02 (23-114876-PLN)
2916 Orchard Heights Road NW
Multi-family Development

PROPOSAL

An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review for the development of a new 186-unit multi-family residential development, Class 2 Driveway Approach Permits for three new driveway approaches, Tree Removal Permits for the removal of nine significant trees, and Class 2 Adjustments.

The subject property is approximately 7.2 acres in size, zoned MU-II (Mixed Use-II) and located at 2916 Orchard Heights Road NW 97304 (Polk County Assessors map and tax lot number: 073W17 / 02500).

RECOMMENDED CONDITIONS OF APPROVAL

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
2. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Orchard Heights Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
3. Along Orchard Heights Road NW, relocate the curblane sidewalk to the new property line and provide landscape strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks may remain curblane at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

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

4. Along Settlers Spring Drive NW, provide property line sidewalks, planter strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
5. Obtain a street tree removal permit pursuant to SRC Chapter 86.
6. Install street trees to the maximum extent feasible along Orchard Heights Road NW and Settlers Spring Drive NW.
7. Permanently close the existing driveway approach onto Orchard Heights Road NW and replace with curbs, sidewalks, and planter strip improvements.
8. The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:
 - a. Construct *Salem Water System Master Plan W-2* water mains and the Orchard Heights W-2 Water Pump Station, or
 - b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.
9. 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)* or receive approval for a design Exception from the City Engineer.

FACTS

Streets

1. Orchard Heights Road NW
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 46-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
2. Settlers Spring Drive NW

- 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 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Orchard Heights Road NW.
- b. A 24-inch storm main is located in Settlers Spring Drive NW

Water

1. Existing Conditions

- a. The subject property is located in the W-1 and W-2 water service level.
- b. An 8-inch W-1 water main is located in Settlers Spring Drive NW.
- c. An 18-inch W-1 water main is located in Orchard Heights Road NW.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Settlers Spring Drive NW.

Parks

The proposed development is served by Grice Hill Park directly 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). Orchard Heights Road NW and Settlers Spring Drive NW abutting the property meet the linking street requirements established in SRC 200.005(b); therefore, no linking street improvements are required.

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 in Settlers Spring Drive NW abutting 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).

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 Orchard Heights Road NW and Settlers Spring Road NW abutting the subject property. 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 subject property is located within the W-1 and W-2 water service levels. There are existing W-1 water facilities located in Orchard Heights Road NW and Settlers Spring Drive NW. There are no W-2 water facilities available to serve the W-2 portion of the property. The applicant proposes to connect the entire development to the existing W-1 water system and provide a private temporary booster pump station until W-2 service becomes available. Pursuant to SRC 200.080, where a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to access temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

W-2 water will not become available to serve the development site until additional W-2 public mains and the Orchard Heights W-2 Water Pump Station is constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, staff recommends payment of a temporary access fee for the required W-2 facilities. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary W-2 water service level facilities. The temporary access fee is based on the eligible SDC costs for creating new system capacity, which includes the cost to construct the Orchard Heights W-2 Water Pump Station and associated water mains to connect the new system to existing facilities. Total facility costs are \$14,464,372, based on current Engineering News-Record (ENR) average costs. These facilities will serve 398.5 acres of land, according to the *Salem Water System Master Plan*. The temporary access fee is established at \$36,300 per acre ($\$14,464,372 \text{ total costs} / 398.5 \text{ acres served} = \$36,300 \text{ per acre}$) based on current estimated costs available at the time of this decision. The established fee is subject to inflationary adjustments based on the current ENR rate determined at the time of submittal of a complete building application for development of the subject property.

Needed Improvement: The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* W-2 water mains and the Orchard Heights W-2 Water Pump Station, or
- b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.

SRC 200.075—Standards for Park Sites

Findings: The proposed development is served by Grice Hill Par, located directly north of the subject property. No additional Park improvements are required.

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 and approval of the adjustment for the driveway approach onto Orchard Heights Road NW, the subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located outside of the Urban Service Area, as such an Urban Growth Preliminary Declaration has been consolidated into this application. With recommended conditions, the development will comply with SRC Chapter 200 relating to Urban Growth Management.

SRC 200.050 (Acquisition of property, easements, and right-of-way): SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens. As described below, right-of-way dedication is required along Orchard Heights Road NW. There are existing overhead powerlines and power poles along Orchard Heights Road NW. Based on the information provided, it is unclear whether or not these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

SRC Chapter 601 (Floodplain): The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 804 (Driveway Approaches): The applicant proposes two new driveway approaches onto Settlers Spring Drive NE and one new driveway approach onto Orchard Heights Road NW and has applied for a Class 2 Driveway Approach Permit with adjustments; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit and adjustment. With approval of the Class 2 Driveway approach permit and adjustments, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed structures meet the vision clearance

standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Assessment prepared by Central Geotechnical Services, LLC, and dated June 29, 2023, was submitted to the City of Salem. The applicant's engineer submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

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 Orchard Heights Road NW to the north and Settlers Spring Drive NW to the east. Orchard Heights Road NW is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Orchard Heights Road NW meets the minimum pavement width standards according to the Salem TSP for a minor arterial street; however, lacks adequate right-of-way abutting the subject property. As a condition of approval, the applicant shall convey for dedication a half-width right-of-way up to 36 feet to Orchard Heights Road NW Street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. In addition, the applicant shall relocate the existing curblin sidewalks to the new property line in order to provide planter strips and street trees along the development frontage, as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC 803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*. As shown on the applicants grading plan, there is a topographic break between the top of the driveway approach onto Orchard Heights Road NW and the internal drive aisles for the development. Grading is necessary to accommodate the proposed driveway approach; however, this grading does not accommodate the required property line sidewalks along the driveway approach due to topographic constraints. In order to allow necessary grading for the proposed driveway along Orchard Heights Road NW, the sidewalks may remain curblin at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

Condition: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Orchard Heights Road NW, including sufficient

right-of-way to accommodate public infrastructure at the property corners.

Condition: Along Orchard Heights Road NW, relocate the curblin sidewalk to the new property line and provide landscape strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks may remain curblin at the driveway approach onto Orchard Heights Road NW and transition to property line sidewalks for the remainder of the property frontage pursuant to SRC 803.035(l)(2)(B).

Settlers Spring Drive NE is classified as a local street according to the Salem TSP and has adequate right-of-way width and improvement width for a local street. However, Settlers Spring Drive NE lacks streetscape improvements including property line sidewalks and planter strips for street trees, as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC 803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*. As a condition of approval, along Settlers Spring Drive NW, the applicant shall construct property line sidewalks and planter strips and plant street trees along the development frontage as required by SRC 803.035(l)(2)(A) *Sidewalk Location*, SRC 803.035(p) *Landscape Strips* and SRC 803.035(k) *Street Trees*.

Condition: Along Settlers Spring Drive NW, provide property line sidewalks, planter strips and street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The proposal does not include additional public streets through the development site to provide east-west connectivity from Settlers Spring Drive NW, as required under SRC 803.030 and SRC 803.035(a) for connectivity and block length standards. The applicant has requested an Alternative Street Standard to eliminate the required connection and allow Settlers Spring Drive NW to have an increased block length pursuant to SRC 803.065. The existing block length of Settlers Spring Drive NW along the westerly right-of-way is 1,043-feet from the intersection of Settlers Spring Drive NW and Orchard Heights Road NW to the intersection of Settlers Spring Drive NW and Horse Clover Drive NW, exceeding the maximum block length of 600-feet (SRC 803.030(a)). The Director approves an Alternative Street Standard to allow Settlers Spring Drive NW to have an increased block length per SRC 803.065(a)(1) as the property to the west of the development site is federally owned, contains overhead power lines and access to a Salem Electric Station and is not likely to develop and does not warrant additional access to serve the directly adjacent property.

There are existing trees in the Settlers Spring Drive NW right-of-way that limit required improvements for property line sidewalks. These trees will likely need to be removed and replaced in order to accommodate property line sidewalks and plater strips. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. Prior to removal of these trees, the applicant shall obtain a street tree removal permit pursuant to SRC Chapter 86.

Condition: Obtain a street tree removal permit pursuant to SRC Chapter 86.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As conditioned, the development will provide street trees along Orchard Heights Road NW and Settlers Spring Drive NW.

Condition: Install Street trees to the maximum extent feasible along Orchard Heights Road NW and Settlers Spring Drive NW.

Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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 subject property is currently served by one (1) driveway approach onto Orchard Heights Road NW. The applicant proposes to relocate the existing driveway on Orchard Heights Road NW west to meet spacing standards from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW. In addition, two new driveways onto Settlers Spring Drive NW are proposed, one of which will be restricted to right-in-only movements. As a condition of approval, the existing driveway approach onto Orchard Heights Road NW shall be permanently closed and replaced with streetscape improvements.

Condition: Permanently close the existing driveway approach onto Orchard Heights Road NW and replace with curbs, sidewalks, and planter strip improvements.

As part of the applicant's TIA, turn lane warrants were evaluated to determine whether or not a turn lane was required at the driveway approach onto Orchard Heights Road NW. The TIA concluded that a turn lane was not warranted and recommended no mitigation for the proposed access. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings. The proposed driveway accesses onto Orchard Heights Road NW and Settlers Spring Drive NW provides for safe turning movements into and out of the property.

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,

the proposed development is designed to accommodate required on-site and off-site improvements. Development Services has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets and with recommended conditions, are adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Water – The subject property is located within the W-1 and W-2 water service levels. There are existing W-1 water facilities located in Orchard Heights Road NW and Settlers Spring Drive NW. There are no W-2 water facilities available to serve the W-2 portion of the property. The applicant proposes to connect the entire development to the existing W-1 water system and provide a private temporary booster pump station until W-2 service becomes available. Pursuant to SRC 200.080, there a development precedes construction of required facilities that are specified to serve a development, the land use approval may be conditioned to allow the development to access temporary facilities under conditions specified with a Temporary Facilities Access Agreement.

W-2 water will not become available to serve the development site until additional W-2 public mains and the Orchard Heights W-2 Water Pump Station is constructed, per the *Salem Water System Master Plan*. In lieu of construction of these facilities, staff recommends payment of a temporary access fee for the required W-2 facilities. The applicant will be required to record a Temporary Facilities Access Agreement to allow the development to precede construction of the necessary W-2 water service level facilities. The temporary access fee is based on the eligible SDC costs for creating new system capacity, which includes the cost to construct the Orchard Heights W-2 Water Pump Station and associated water mains to connect the new system to existing facilities. Total facility costs are \$14,464,372, based on current Engineering News-Record (ENR) average costs. These facilities will serve 398.5 acres of land, according to the *Salem Water System Master Plan*. The temporary access fee is established at \$36,300 per acre ($\$14,464,372 \text{ total costs} / 398.5 \text{ acres served} = \$36,300 \text{ per acre}$) based on current estimated costs available at the time of this decision. The established fee is subject to inflationary adjustments based on the current ENR rate determined at the time of submittal of a complete building application for development of the subject property.

Condition: The existing water system facilities are not considered adequate facilities pursuant to *Salem Revised Code* Chapter 200. To meet the requirement for an adequate facility, the applicant shall either:

- a. Construct *Salem Water System Master Plan* W-2 water mains and the Orchard Heights W-2 Water Pump Station, or

- b. Pay a temporary access fee per acre of development temporarily utilizing the W-1 system and construct a private water pump station to serve the proposed development. The private pump station and private water system shall be designed to accommodate elimination of the private pump station once permanent W-2 water facilities are available to serve the property.

Sewer – A public sanitary sewer main is located in Settlers Spring Drive NW and is available for use by the proposed development. No additional sanitary sewer improvements are required as a condition of approval.

Stormwater – There are existing public stormwater mains located in Orchard Heights Road NW and Settlers Spring Drive NW available for use by the proposed development. No additional public stormwater improvements are required as a condition of approval.

The development is considered a “large” project and requires stormwater detention and treatment and the use of Green Stormwater Infrastructure per SRC Chapter 71 and the Public Works Design Standards (PWDS). The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. However, the preliminary review of the stormwater report indicates the design may not meet Public Works Design Standards. Specifically, the stormwater design does not address stormwater management for all areas of the proposed development that drain into Settlers Spring Drive NW and the facility does not meet minimum setback standards from adjacent property. As a condition of approval, the applicant shall be required to design a storm drainage system that meets standards in the *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS). Alternatively, the applicant may apply for design exception(s) to deviate from the standards. Design exceptions shall be reviewed by the City Engineer.

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS) or receive approval for a design Exception from the City Engineer.

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMITS

The applicant proposes three (3) new driveways:

Driveway 1: A new driveway approach onto Orchard Heights Road NW, located 370-feet west of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

Driveway 2: A new entrance-only driveway approach onto Settlers Spring Drive NE, located 130-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

Driveway 3: A new driveway approach onto Settlers Spring Drive NW, located 420-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW.

As discussed in the written findings below and with approval of requested adjustments, the proposed Driveway Approaches meet the approval criteria for a 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 (PWDS);**

Findings—

Driveway 1: The applicant requests two (2) adjustments for proposed Driveway 1; written findings are provided below. With approval of the adjustment for spacing and access onto an arterial, proposed Driveway 1 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

Driveway 2: Proposed Driveway 2 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

Driveway 3: Proposed Driveway 3 meets the standards in SRC Chapter 804 and the PWDS. This criterion is met.

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

Findings—

Driveway 1: There are no site conditions prohibiting the location of the proposed driveway. This criterion is met.

Driveway 2: There are no site conditions prohibiting the location of the proposed driveway. This criterion is met.

Driveway 3: There are no site conditions prohibiting the location of the proposed driveway. This criterion is met.

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

Findings—

Driveway 1: There is one (1) existing driveway approach onto Orchard Heights Road NW that is proposed to be relocated west; as such, one access is proposed onto the arterial street (Driveway 1). The proposal minimizes driveway approaches onto the arterial street by utilizing one (1) driveway approach onto the arterial street. The existing, unused approach is required to be closed, as previously conditioned. This criterion is met.

Driveway 2: Proposed Driveway 2 takes access onto a local street. This criterion is met.

Driveway 3: Proposed Driveway 3 takes access onto a local street. This criterion is met.

(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;**

Findings—

Driveway 1: Proposed Driveway 1 takes access to an arterial street. It is not feasible for this driveway approach to be served with adjacent federally owned property; as such, this criterion is met.

Driveway 2: Proposed Driveway 2 takes access to the lowest classification of street abutting the property (local street). This criterion is met.

Driveway 3: Proposed Driveway 3 takes access to the lowest classification of street abutting the property (local). This criterion is met.

(5) Proposed driveway approach meets vision clearance standards;

Findings—

Driveway 1: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

Driveway 2: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

Driveway 3: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

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

Finding—

Driveway 1: No evidence has been submitted to indicate that the proposed Driveway 1 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. This criterion is met.

Driveway 2: No evidence has been submitted to indicate that the proposed Driveway 2 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. This criterion is met.

Driveway 3: No evidence has been submitted to indicate that the proposed Driveway 3 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. This criterion is met.

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

Finding—

Driveway 1: Staff analysis of proposed Driveway 1 and the evidence that has been submitted indicate the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

Driveway 2: Driveway 2 is a new entrance-only driveway approach onto Settlers Spring Drive NE, located 130-feet south of the intersection of Orchard Heights Road NW and Settlers Spring Drive NW, does not result in adverse impacts to the vicinity.

Driveway 3: Staff analysis of the proposed Driveway 3 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. This criterion is met.

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

Findings—

Driveway 1: Proposed Driveway 1 is located on a minor arterial street and minimizes the impact to street intersections by complying with the spacing standards established in SRC Chapter 804. This criterion is met.

Driveway 2: Proposed Driveway 2 is an entrance-only driveway approach, which limits impacts to the intersection of Orchard Heights Road NW and Settlers Spring Drive NW and the intersection of Settlers Spring Drive NW and Butterfly Avenue NW. This criterion is met.

Driveway 3: Proposed Driveway 3 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—

Driveway 1: The proposed development is surrounded by residentially zoned 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.

Driveway 2: The proposed development is surrounded by residentially zoned 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.

Driveway 3: The proposed development is surrounded by residentially zoned 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.

CRITERIA AND FINDINGS—CLASS 2 ADJUSTMENT

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

Criteria—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

Finding— The applicant requests two (3) adjustments relating to Public Infrastructure Standards:

Request: *To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street.*

Findings: The proposal includes one (1) new driveway approach onto Orchard Heights Road NW, an arterial street, and two (2) new approaches onto Settlers Spring Drive NW, a local street. Pursuant to SRC 804.035(c)(2) for corner lots, access should be provided to the lower classification of street. The intent of this code criteria is to limit new driveway approaches onto arterial streets, which carry more vehicular traffic, and reduce turning conflict. The subject property is currently served by one (1) existing driveway approach onto Orchard Heights Road NW. The proposal shifts the existing driveway approach west in order to meet the spacing standards from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW. By meeting the spacing standards from the street intersection, vehicle conflicts are reduced. In addition, the Traffic Impact Analysis identifies that the proposed driveway onto Orchard Heights Road NW meets City of Salem mobility and sight distance standards. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Request: *To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet, per SRC 804.035(d), to 137 feet.*

Findings: The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The proposed driveway is 137-feet from an adjacent driveway approach to the west that serves a Salem Electric station. In order to maximize driveway spacing from the intersection of Orchard Heights Road NW and Settlers Spring Drive NW, the proposed driveway was shifted west to comply with the spacing standard from the intersection. The intent of this standard is to reduce vehicle conflicts at adjacent driveway and street intersections, and to limit curb cuts that create bicycle and pedestrian conflicts. The Traffic Impact Analysis identifies that the proposed driveway onto Orchard Heights Road NW meets City of Salem mobility and sight distance standards. Additionally, the neighboring driveway to the west serves a Salem Electric Station and has very low trip generation, therefore; vehicle conflicts from the two driveway approaches are minimized. The proposed driveway configuration meets the adjustment criteria by allowing for turning

movements and traffic safety equal to what would be accomplished by meeting the development standard.

Request: *To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet, per SRC 804.030(c), to 140 feet;*

Findings: The applicant inadvertently requested an adjustment to SRC 804.030(c) to reduce the driveway spacing for the northern driveway approach onto Settlers Spring Drive NW. SRC 804.030(c) applies to collector streets:

Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.

Settlers Spring Drive NW is classified as a local street; therefore, there are no spacing standards for the northern driveway approach onto Settlers Spring Drive NW. This adjustment was applied for by mistake; the proposal meets applicable driveway standards. As such, this adjustment is withdrawn from the application.

RESPONSE TO CITIZEN COMMENTS

- 1. Traffic:** Comments received express concerns for additional traffic that is generated by the development and how the development would contribute to mitigation of traffic in the area.

Staff Response: Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. In addition, the TIA identifies that the proposed driveway approaches meet City of Salem mobility standards and sight distance requirements. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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.

- 2. Parking:** Comments received express concerns for parking from the development over-flowing onto adjacent public streets.

Staff Response: Orchard Heights Road NW is classified as an arterial street according to the Salem TSP and no on-street parking is allowed along this street frontage. Settlers Spring Drive NW is classified as a local street according to the Salem TSP and allows for parking on both sides of the street unless otherwise restricted. Public streets are intended to provide on-street parking for adjacent development. The proposed development is also providing off-street parking as part of the development proposal.

3. **Water Pressure:** Comments received indicate there is inadequate water pressure in the surrounding neighborhood and express concerns for how this development would impact existing water pressure.

Staff Response: The development will construct a temporary water boost pump station to provide adequate water pressure to the proposed development. Similar to the proposed development, existing development in the surrounding neighborhood was approved under a temporary facilities access agreement that determined temporary W-1 water service provides water pressure that complies with Oregon Health Authority and fire code standards.

RESPONSE TO NEIGHBORHOOD ASSOCIATION COMMENTS

1. **Driveway Spacing:** Comments from the West Salem Neighborhood Association address concerns for traffic safety in the area, specifically relating to requests for adjustments that allow access onto Orchard Heights Road NW. In addition, concerns are raised regarding the adjustment for the northerly driveway onto Settlers Spring Drive NW.

Staff Response: Staff and The Assistant City Traffic Engineer reviewed the proposed site plan and the applicants Traffic Impact Analysis (TIA) against relevant sections of the Salem Revised Code and the Public Works Design Standards and finds no evidence that the proposed driveway onto Orchard Heights Road NW will impact traffic safety in the vicinity. Specifically, the TIA identifies that the proposed driveway onto Orchard Heights Road NW does not create a safety or operational issue; the Assistant City Traffic Engineer agrees with the findings of the TIA. In addition, Denying the adjustment to the spacing standards to allow a driveway to Orchard Heights Road would result in a redesign of the site plan and would likely create a need for a third driveway to Settlers Spring Drive. If a driveway approach onto Orchard Heights Road NW is not approved, all of the traffic from this development would be utilizing Settlers Spring Drive and the neighborhood streets to access the arterial and collector streets in the vicinity. It should also be noted that the need for the adjustment to the driveway spacing standard along Orchard Heights Road NW is due to the proximity of an existing driveway that serves the Salem Electric Substation, which generates very little traffic. As such, staff finds that the

proposal equally meets the development standards, as described in the written findings of this report.

2. **Trip Cap:** The West Salem Neighborhood Association requests that a “Trip Cap” be placed on the proposed development to limit vehicle trips generated by the development.

Staff Response: A “Trip Cap” evaluation is appropriate for a Comprehensive Plan Map Amendment and Zone Change and is not a requirement for this Site Plan Review Application. The applicant has not requested a Comprehensive Plan Change/Zone Change that would require staff to evaluate a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) as those only apply to requests for Comprehensive Plan Change/Zone Changes. As required by SRC 803.015(b)(1), the applicant did submit a Traffic Impact Analysis (TIA) as part of the application package. The TIA indicated there was no required mitigation at any of the studied intersections and included no recommendations for a trip cap for the subject property. The Assistant City Traffic Engineer reviewed the TIA and agrees with the findings.

3. **Applicant Response to Neighborhood Association Comments:** The applicant submitted a Technical Memorandum from their Traffic Engineer in response to the traffic-related comments raised by the Neighborhood Association. The applicant’s response reiterates that Traffic Impact Analysis, required under SRC 803.0015(b)(1), found that all impacted intersections and site accesses will operate according to the City of Salem’s and the Transportation Engineering industry’s standards for safety and operations. The response also provides additional information regarding the driveway approach adjustments requested and generally concludes the requested adjustments do not create safety or operational hazard.

Staff Response: The Assistant City Traffic Engineer has reviewed the applicant’s Traffic Impact Analysis, Supplemental Technical Memo in Response to Comments, site plans, and comments submitted and agrees with the findings in the TIA and Supplemental Technical Memorandum. Staff finds that based on the information submitted in the record, the requested adjustments relating to driveways and access are appropriate for approval based on the written findings provided.

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 / Tree Removal Permit Case No. UGA-SPR-ADJ-DAP-TRP24-02

PROJECT ADDRESS: 2916 Orchard Heights Rd NW, Salem OR 97304

AMANDA Application No.: 23-114876-PLN

COMMENT PERIOD ENDS: February 7, 2024 at 5:00 p.m.

SUMMARY: Proposed development of a new 186-unit multi-family residential development containing nine residential buildings and a clubhouse/amenity space.

REQUEST: An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review for the development of a new 186-unit multi-family residential development, Class 2 Driveway Approach Permits for three new driveway approaches, Tree Removal Permits for the removal of nine significant trees, and the following Class 2 Adjustments:

- 1) To increase the 10-foot maximum setback requirement for buildings adjacent to a street per SRC 534.015(c), Table 534-3, for proposed buildings 1, 2, 3, 5, 6, 7 and 8;
- 2) To adjust landscaping and screening requirements for the vehicle use area adjacent to the interior lot line to the west per SRC 534.015(c), Table 534-4;
- 3) To adjust the zone-to-zone setback and screening requirement for proposed Building 1 abutting the western property line from approximately 32.5 feet per SRC 534.015(c), Table 534-4, to approximately 10 feet;
- 4) To increase the maximum horizontal ground floor separation requirement from 10 feet per SRC 534.015(h), Table 534-6, to approximately 17 feet for proposed Building 3 adjacent to Settlers Spring Drive NW;
- 5) To reduce the minimum 50 percent weather protection requirement for residential uses per SRC 534.015(h), Table 534-6, for proposed buildings 1, 2, and 3;
- 6) To reduce the minimum driveway spacing requirement between a proposed driveway to Settlers Spring Drive NW and an intersection on Orchard Heights Road NW from 200 feet per SRC 804.030(c), to 140 feet;
- 7) To allow a driveway approach to Orchard Heights Road NW where SRC 804.035 limits access to a minor arterial street; and
- 8) To reduce the minimum driveway spacing requirement between a proposed driveway to Orchard Heights Road NW and adjacent driveway to the west from 370 feet per SRC 804.035(d), to 137 feet.

The subject property is approximately 7.2 acres in size, zoned MU-II (Mixed Use-II), and located at 2916 Orchard Heights Road NW 97304 (Polk County Assessors map and tax lot number: 073W17 / 02500).

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. Wednesday, February 7, 2024, 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: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@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 Schools

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

Phone: 503-315-0232

Email: fridenmaker_david@salkeiz.k12.or.us

Date: 2/5/24

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



Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

February 5, 2024

Aaron Panko, 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-TRP24-02, 2916 Orchard Heights Rd NW

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:

School Name	School Type	Grades Served
Kalapuya	Elementary	K thru 5
Straub	Middle	6 thru 8
West 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
Kalapuya	Elementary	504	601	84%
Straub	Middle	572	956	60%
West Salem	High	1,640	2,100	78%

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	186	MF	0.164	31
Middle			0.085	16
High			0.096	18

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
Kalapuya	Elem.	504	72	31	103	601	101%
Straub	Mid.	572	37	16	53	956	65%
West Salem	High	1,640	54	18	72	2,100	82%

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
Kalapuya	Elementary	Eligible for School Transportation
Straub	Middle	Walk Zone
West Salem	High	Walk Zone

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	31	\$83,655	\$2,593,305
Middle	16	\$101,069	\$1,617,104
High	18	\$118,482	\$2,132,676
TOTAL			\$6,343,085

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: 1/31/2024

CASE/APP NUMBER: UGA-SPR-ADJ-DAP-TRP24-02

PROPERTY LOCATION: 2916 Orchard Heights Rd NW

CASE MANAGER: Aaron Panko, Planner III, City of Salem

Email: apanko@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner II, Cherriots

Email: planning@cherriots.org

COMMENTS: This development will be served by Cherriots Local Route 26, which is within walking distance on Titan Drive NW. In addition to fixed route transit, the Salem Area Mass Transit District provides a suite of services and programs that encourage people to try out other transportation options, such as carpool, vanpool, bike, walk and telework. Promoting easy, cost-effective, and environmentally friendly ways to get around is a great way to attract and retain long-term residents/tenants. For more information on transportation options to fit any lifestyle, contact the Commuter Options Coordinator at commute@cherriots.org.

January 11, 2024

MEMORANDUM

RE: Orchard Heights Apartments - Site Plan Review
SRC 808.046 (3)(A) Critical Root Zone Disturbance Assessment

To Whom It May Concern:

As the arborist of record for this project, the Applicant/Owner, Evergreen Housing Development Group LLC, has asked that I review the proposed development disturbance occurring within the critical root zones of four of the trees proposed to be preserved onsite as part of the proposed Orchard Heights Apartments project, currently undergoing completeness review for its Site Plan Review application; specifically, tree numbers 7, 8, 11, & 26. Note that the critical root zone location of tree #13 was also checked and does not overlap any of the Applicant's proposed development and therefore no further assessment of Tree #13 is warranted as part of this evaluation. In the City's completeness review comments dated August 11, 2023 the City requested disturbance within the critical root zone of Tree #14 also be assessed. Tree #14 was depicted as being preserved on the Tree Protection Plan in the original application submittal, however the tree is now proposed to be removed in the revised Tree Protection Plan as recommended in the Arborist Report and is therefore not included in this assessment. Please refer to the Arborist Report for any additional care recommendations for the trees discussed as part of this assessment. Below I will assess the proposed disturbance occurring within the dripline of Trees 7, 8, 11, & 26, individually, and will include any recommendations that would be necessary to mitigate disturbance that could be detrimental to the tree.

The Critical Root Zones of the trees to be preserved are depicted on the Tree Protection Plan, Sheet C1.4, prepared by Westech Engineering. Per SRC 808.005. Definitions. *Critical Root Zone* is defined as follows:

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree or, as an alternative for non-significant trees, may be specifically determined by an arborist.

Trees 7, 8, 11, & 26 are all Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater and therefore considered as *Significant Tree(s)* per SRC 808.005. Definitions.

Per SRC 808.046 (3)(A) *Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.* This consideration will be the primary consideration in the evaluation of tree impacts proposed by the Applicant's development as.

Alternative Critical Root Zone: It should be noted that Oregon white oak typically have a smaller critical root zone that is 75% of the standard radius recommended. For example a Oregon white oak with a dbh of 25-inches would have a recommended critical root zone radius of 18.75-feet. Where more than 30% of the standard critical root zone, as defined by the City, is impacted, this consideration will be included in the evaluation of tree impacts proposed by the Applicant's development as an "alternate" critical root zone.

Tree #7 has a dbh of 24.5 inches and a critical root zone radius of 24.5-feet per the City definition of critical root zone. The critical root zone represents an area of approximately 1,885 sq.ft. The tree is located south of a concrete retaining wall to be constructed for purposes of building a stormwater facility to serve the proposed development. The face of the wall will be within 19.5-feet of the center of the tree and excavation for the footings for the wall are expected to extend an additional 3-feet south toward the tree. The wall, wall foundation and backfill behind the north side of the wall will result in primarily filling within the critical root zone. The disturbance area only represents approximately 233.5 sq.ft., or 12.38% of the critical root zone. Given that the tree appears to be healthy and has no other significant defects, the proposed development is not expected to adversely impact the long term health and stability of the tree. A tree protection fence should be set 4' south the proposed face of the retaining wall, as depicted on the Tree Preservation plan. Monthly tree protection fence and tree health inspections should be implemented during construction. Otherwise, there are no additional recommendations for the protection and care of the tree during construction.

Tree #8 has a dbh of 34.1 inches and a critical root zone radius of 34.1-feet per the City definition of critical root zone. The critical root zone represents an area of approximately 3,653 sq.ft. The tree is located south of a concrete retaining wall to be constructed for purposes of building a stormwater facility to serve the proposed development. The face of the wall will be within 29.4-feet of the center of the tree and excavation for the footings for the wall are expected to extend an additional 3-feet south toward the tree. The wall, wall foundation and backfill behind the north side of the wall will result in primarily filling within the critical root zone. To the east of the tree the applicant proposes to construct a modular concrete block retaining wall, walkway, utilities, and a small portion of Building 9 within the critical root zone. There is also minor grading proposed west of the toe of the retaining wall. These improvements result in primarily filling within the critical root zone. The disturbance area represents approximately 1,500 sq.ft., or 41% of the critical root zone.

Due to the disturbance area being greater than the 30% allowed by SRC 808.046 (3)(A), the alternate critical root zone diameter of 75% discussed above has also been used to assess the impacts of the Applicant's development. 75% of the 34.1-foot critical root zone radius would result in an alternate critical root zone radius of 25.6-feet which would have an critical root zone area of approximately 2,059 sq.ft. Using the alternate critical root zone area, the area that would be disturbed by the Applicant's proposed development would be approximately 630.75 sq.ft, or 30.6% of the critical root zone. It is recommended that minor adjustments be made to the limits of grading so that only 30% of the alternate critical root zone is impacted by the Applicant's proposed development. Given that the tree appears to be healthy and has no other significant defects, the proposed development is not expected to adversely impact the long term health and stability of the tree. A tree protection fence should be set tight to the grading limits as possible as depicted on the Tree Preservation plan. Monthly tree protection fence and tree health inspections should be implemented during construction. Otherwise, there are no additional recommendations for the protection and care of the tree during construction.

Tree #11 has a dbh of 32.5 inches and a critical root zone radius of 32.5 feet per the City definition of critical root zone. The critical root zone represents an area of approximately 3,298 sq.ft. The tree is located south of Building 9. Fill grading, construction of a modular concrete block wall, and a small portion of Building 9 within the critical root zone. These improvements result in primarily filling within the critical root zone. The disturbance area represents approximately 1,037 sq.ft., or 31.44% of the critical root zone. It is recommended that minor adjustments be made to the limits of grading so that only 30% of the critical root zone is impacted by the Applicant's proposed development. Given that the tree appears to be healthy and has no other significant defects, the proposed development is not expected to adversely impact the long term health and stability of the tree. A tree protection fence should be set tight to the grading limits as possible, as depicted on the Tree Preservation plan. Monthly tree protection fence and tree health inspections should be implemented during construction. Otherwise, there are no additional recommendations for the protection and care of the tree during construction.

Tree #26 has a dbh of 35.7 and a critical root zone radius of 35.7 feet per the City definition of critical root zone. The critical root zone represents an area of approximately 4,004 sq.ft. Site grading will disturb a negligible portion of the critical root zone, on the northern edge. The disturbance area represents approximately 44 sq.ft., or 1.1% of the critical root zone. These site changes do not warrant concern for the health of this tree. A tree protection fence should be set tight to the grading limits as possible, as depicted on the Tree Preservation plan. Monthly tree protection fence and tree health inspections should be implemented during construction. Otherwise, there are no additional recommendations for the protection and care of the tree during construction.

Emmett Axmaker

ISA Certified Arborist

ISA Tree Risk Assessment Qualification

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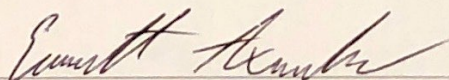
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