

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## REVISED

### DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2  
ADJUSTMENT CASE NO.: DR-SPR-ADJ19-07**

**APPLICATION NO. : 19-113518-DR, 19-111985-RP & 19-114806-ZO**

**NOTICE OF DECISION DATE:** August 7, 2019

**SUMMARY:** A request for a Design Review, Site Plan Review and Class 2 Adjustment to allow a three-unit multi-family use on the subject property.

**REQUEST:** A proposed Class 3 Design Review, Class 3 Site Plan Review to allow development of a three-unit multi-family use with a Class 2 Adjustment to:

1. Reduce the required 10-foot setback abutting a vehicle use area to the eastern and western property lines to 5-feet; and
2. Reduce the required number of parking spaces from six spaces to five spaces.

For proposed parcel size of approximately 0.20 acres, zoned RM-II (Multiple Family Residential - 2) and located in the 1175 Nebraska Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W23BD / 6500).

**APPLICANT:** Jose Garcia

**LOCATION:** 1175 Nebraska Avenue NE / 97301

**CRITERIA:** Class 3 Design Review: SRC 225.005(e)(2)  
Class 3 Site Plan Review: SRC 220.005(f)(3)  
Class 2 Adjustment: SRC 250.005(d)(2)

**FINDINGS:** The facts and findings are in the attached exhibit dated August 7, 2019.

**DECISION:** The Planning Commission **APPROVED** Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No.: DR-SPR-ADJ19-07 subject to the following conditions of approval:

**Condition 1:** The recycling area shall be similar materials and design as the proposed development.

**Condition 2:** The applicant shall pave the alley abutting the subject property from the west boundary of the subject property to 12<sup>th</sup> Street NE pursuant to PWDS. The pavement shall abut the south right-of-way line of the alley and shall be a minimum of 17 feet wide.

**Condition 3:** Design and construct a storm drainage system at the time of development in SRC Chapter 71 and *PWDS*.

**Condition 4:** A minimum of 13 plant units shall be provided between the vehicle use and the eastern property line.

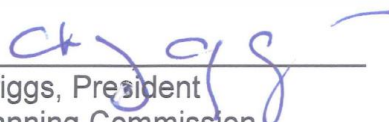
**Condition 5:** A minimum of 13 plant units shall be provided between the vehicle use and the western property line.

**Condition 6:** A minimum 6-foot-tall site obscuring fence shall be provided along the eastern and western interior property lines abutting the proposed vehicle use area. The fence shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall not be allowed.

**Condition 7:** The reduction in the minimum off-street parking requirement for a three unit multi-family development, 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 the minimum off-street parking requirements of SRC Chapter 806, unless adjusted through a future land use action.

**VOTE:**

**Yes 7      No 1 (Wright)      Absent 1 (Schweickart)      Abstain 0**

  
\_\_\_\_\_  
Chane Griggs, President  
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Class 3 Design Review	<u>August 23, 2021</u>
Class 3 Site Plan Review	<u>August 23, 2023</u>
Class 2 Adjustment	<u>August 23, 2021</u>

Application Deemed Complete:	<u>July 11, 2019</u>
Public Hearing Date:	<u>August 6, 2019</u>
Notice of Decision Mailing Date:	<u>August 7, 2019</u>
Decision Effective Date:	<u>August 23, 2019</u>
State Mandate Date:	<u>November 8, 2019</u>

Case Manager: Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Thursday, August 22, 2019.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable

code section, SRC Chapter(s) 220, 225, & 250. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 Salem 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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## **FACTS & FINDINGS**

### **CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. DR-SPR-ADJ19 -07**

**AUGUST 7, 2019**

## **PROCEDURAL FINDINGS**

1. On May 23, 2019, a design review application was submitted to develop the subject property with a three-unit multi-family residential use. Additional applications for a site plan review and adjustments were received on July 1, 2019. The applications were deemed complete for processing on July 11, 2019. **(Attachment A)**.
2. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on July 17, 2019.
3. The public hearing on the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment applications was held on August 6, 2019. The state-mandated 120-day local decision deadline for the application is November 8, 2019.

## **BACKGROUND**

In 1903, the subject property was annexed into the City Limits. According the Marion County Assessor's Office the two residential buildings were developed in 1910.

On May 23, 2019, a design review application was submitted to develop the subject property with a three-unit multi-family residential use. Additional applications for a site plan review and adjustments were received on July 1, 2019. The applications were deemed complete for processing on July 11, 2019.

The public hearing before the City of Salem Planning Commission is scheduled for August 6, 2019, at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on July 17, 2019. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

## **PROPOSAL**

The applicant has submitted Design Review, Site Plan Review, and Adjustment applications for development of a three-unit multi-family use for property located in the 1175 Nebraska Avenue NE (Attachment A).

## **APPLICANT'S PLANS AND STATEMENT**

The applicant's proposed site plan and building plans are included as Attachment B, and the applicant's statement addressing the applicable approval criteria for the consolidated request is included as Attachment C.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **SUBSTANTIVE FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP)**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Multiple Family." The subject property is within the Urban Growth Boundary and is within the Urban Service Area.

### **2. Zoning**

The subject property is zoned RM-II (Multi-Family Residential). The proposed use includes development of a three-unit residential complex. Multi-family uses are allowed as a permitted use in the RM-II zone.

Zoning designations for surrounding properties is as follows:

North: Across Public Alley, RM-II (Multi-Family Residential) – Single Family Dwellings;  
South: Across Nebraska Street NE, RM-II (Multi-Family Residential) – Single Family Dwellings;  
East: RM-II (Multi-Family Residential) – Duplex  
West: RM-II (Multi-Family Residential) – Single Family Dwelling

### **3. Neighborhood Association Comments**

The subject property is located within the Grant Neighborhood Association (Grant). Written testimony was received from the Grant Neighborhood Association indicating support for the proposal.

### **4. Public Comments**

All property owners within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. No written comments were received from surrounding property owners. Four surrounding property owners provided testimony at the hearing, which is summarized below:

### **Stormwater, Flooding and Erosion**

**Finding:** The general area is not located within a floodplain. The developer is required to design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and Public Works Street Design Standards, which requires post-development peak runoff rates for large projects not exceed the

predevelopment peak runoff rate for different types of storm events. Stormwater quality facilities will be required that will reduce the risk of impacts to the adjacent properties.

### **Alley Safety**

Testimony was received about the concern of the additional traffic on the existing alley. The testimony included information about the lack of width of the alley, existing utilities, site distance and possible damage to other properties.

**Finding:** The existing alley is recorded at 18-feet in width and the applicant will be required to pave the alley 17-feet in width behind the proposed vehicle use area. The Assistant City Traffic Engineer has reviewed the proposal and submitted comments indicating that the access for the three units will be safe, including site distance. As a condition of approval, the applicant will pave the existing alley from 12<sup>th</sup> Street and will be required to work with any utility agencies for the relocation of poles, guy wires, etc.

### **Construction**

Testimony was received about concerns during construction on the subject property, including paving of the alley.

**Finding:** Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 also prohibits idling engines on motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

### **Crime**

**Finding:** 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 the proposal 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 would exceed what would otherwise occur from any other legal development of property within the City.

### **Off-Street Parking**

**Finding:** SRC 102.040(j) prohibits on-street parking for more than five days and is enforced by the City's Parking Services Division. Case law precedent prohibits an applicant for a development proposal from being required to mitigate a pre-existing condition in the vicinity.

## **5. City Department Comments**

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department commented that access is required to be provided within 150 feet of all portions of the structures, and a Fire Department turnaround is required if the access road exceeds 150 feet in length. Water supply is determined based on the type of construction and fire area. Water supply is required to be provided within 600 feet of single family dwellings or structures with fire sprinklers, and 400 feet of structures with no fire sprinklers as measured along an approved route. The Fire Department will review access and water supply at time of building permit plan review.

The Public Works Department has reviewed the proposal and provided a memo included as Attachment D.

## **6. Public Agency & Private Service Provider Comments**

Salem Keizer School District has reviewed the proposal and provided a memo included in the record.

### **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 DESIGN REVIEW**

## **7. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA**

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 702.010 provides that multiple family developments shall comply with all of the applicable design review guidelines set forth in SRC Chapter 702.

### **Open Space Design Review Guidelines and Standards**

#### *702.015(b)(2) – Common Open Space*

(A) Common open space shall be provided in all newly constructed multiple family developments with five or more dwelling units as follows:

- (i) A minimum of 30 percent of the gross site area shall be designated and permanently reserved as common open space.
- (ii) Not more than 50 percent of the common open space shall be located in the required perimeter setbacks of the development.
- (iii) Not more than 15 percent of the common open space shall be located on land with slopes greater than 25 percent.
- (iv) Indoor or covered recreation space may count toward the common open space requirement, provided such indoor or covered space does not exceed 30 percent of the common open space.
- (v) At least one of the common open space areas provided within the development shall meet the size and dimensional standards set forth in Table 702-1

**Finding:** The proposal is for the redevelopment of an existing multiple family development and is less than five dwelling units, therefore this standard does not apply.

*702.015(c)(2) – Children’s Play Areas and Adult Recreation Areas*

(A) Outdoor children's play and/or adult recreation areas shall be provided, as set forth in Table 702-2, in all newly constructed multiple family developments with 20 or more dwelling units. Outdoor children's play and/or adult recreation areas count toward meeting the common open space requirement.

**Finding:** The applicant is proposing three units as part of the re-development of the site, therefore this standard does not apply.

*702.015(d)(1) – Private Open Space.*

(A) Individual private open space shall be provided for each dwelling unit in all newly constructed multiple family developments.

(B) Private open space shall be easily accessible from the dwelling unit.

(C) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

**Finding:** This standard applies to new multi-family developments. The applicant is proposing an addition to the existing dwelling and the addition of a duplex. The proposal includes more than 96 square feet for each dwelling unit with a new six foot wood fence providing privacy. The proposal meets the standard.

**Landscaping Design Review Guidelines and Standards**

*702.020(b)(1) – General Landscaping*

(A) A variety of tree types shall be distributed throughout the site to maximize tree canopy.

**Finding:** The applicant’s preliminary landscape plan indicates that a variety of tree types will be distributed throughout the development site.

(B) Landscaping shall be used to shield the site from winter winds and summer sun.

**Finding:** Trees and shrubs will be distributed throughout the development site to provide shade during the summer and to shield from winter winds.

(C) Existing trees shall be preserved to the maximum extent possible.



**Finding:** The existing conditions plan indicates that there are 13 existing trees located on the property. Eleven of the trees is designated for preservation.

- (D) Where a development site abuts property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided that is sufficient to buffer between the multiple family development and the abutting RA or RS zoned property.

**Finding:** The subject property is not adjacent to a RA (Residential Agriculture) or RS (Single Family Residential) zones, therefore the criterion is not applicable.

*702.020(c)(1) – Street Frontage*

- (A) The residential character of the site shall be enhanced with trees planted within the public right-of-way.

**Finding:** The preliminary landscaping plan shows street trees exist within the public right-of-way approximately every 40 feet.

*702.020(d)(1) – Building Exteriors*

- (A) Landscaping shall be planted to define and accentuate the primary entry way of each dwelling unit, or combination of dwelling units.

**Finding:** Landscaping is provided at the primary of the dwelling units. The Planning Commission finds the guideline is met.

- (B) Vertical and horizontal landscape elements shall be provided along all exterior walls to soften the visual impact of buildings and create residential character.

**Finding:** The preliminary landscape plan indicates that trees and shrub beds will be provided around the exterior walls of the proposed buildings.

*702.020(e)(1) – Privacy*

- (A) Landscaping, or a combination of landscaping and fencing, shall be used to buffer the multiple family development from abutting properties.

**Finding:** Landscaped setback areas and a 6-foot tall sight obscuring fence is proposed around each of the unit's private open space.

- (B) Landscaping shall be used to enhance the privacy of dwelling units. Methods may include fencing in combination with plant units.

**Finding:** The preliminary landscape plan indicates that trees and shrub beds will be provided around the exterior walls of the proposed building and privacy fencing will be placed at the property lines abutting the existing buildings.

*702.020(f)(1) – Parking Areas*

- (A) Canopy trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

**Finding:** The applicant's written statement indicates that one plant unit will be provided for every 20 square feet of landscaping and at least 40 percent of the plant units will be trees. The site plan indicates one canopy tree for every 50-feet of perimeter. The preliminary landscape plan indicates that 36% of the site will be landscaped.

**Crime Prevention Through Environmental Design**

*702.025(a)(1) – Safety Features for Residents*

- (A) Multiple family developments shall be designed in a manner that considers crime prevention and resident safety.

**Finding:** The applicant indicates that the new building has windows provided in habitable rooms and windows that face the parking lots and open space areas. The existing buildings has windows provided in habitable rooms and windows facing the parking are and open space areas. Adequate lighting is proposed to illuminate parking areas and walkways.

- (B) Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or dwelling unit entryways.

**Finding:** The preliminary landscape plan and the applicant's statement indicate that no fences or plant materials will be located in areas which obstruct visibility. All landscaping adjacent to open space areas will be low profile and the use of wrought iron fences and gates allow visibility.

**Parking, Site Access, and Circulation**

*702.030(b)(1) – General Parking and Site Access*

- (A) Parking areas shall be designed to minimize the expanse of continuous parking.

**Finding:** Due to the width of the subject property, landscaping cannot be provided within the parking area, which is 1,375 square feet in size. The Planning Commission finds that the guideline is met.

- (B) Pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and surrounding uses.

**Finding:** The proposed site plan includes pedestrian pathways which connect the parking areas, and open space areas to the multi-family dwelling units.

(C) Parking shall be located to maximize the convenience of residents.

**Finding:** A parking area is provided near the rear of development site, in a convenient distance from the proposed multi-family dwelling units.

(D) Parking areas and circulation systems shall be designed in a manner that considers site topography, natural contours, and any abutting properties zoned Residential Agriculture (RA) or Single Family Residential (RS).

**Finding:** A proposed parking area is adjacent to a residential zone to the east and west. The applicant is proposing an adjustment to the minimum setback of 10-feet on the east and west property lines to 5-feet. The natural topography is flat and will be set closer to the neighboring property lines than what Code allows. The adjustment criteria is addressed below and with the recommended conditions of approval below, the guideline is met.

*702.030(c)(1) – Site Access*

(A) Accessibility to and from the site shall be provided for both automobiles and pedestrians.

**Finding:** The development site is served by an existing alley at the rear of the property. A pedestrian connection is proposed to the public sidewalk system on Nebraska Avenue.

(B) Site access shall be provided in a manner that minimizes vehicle and pedestrian conflicts.

**Finding:** The parking area is in the rear of the development site with access to the alley. Pedestrian access through the site is not adjacent to parking areas or streets and eventually connects to the public sidewalk system at Nebraska Avenue.

(C) Where possible, driveway access shall be provided onto collector or local streets rather than arterial streets.

**Finding:** The proposed access is not being provided to an arterial street, but will be adjacent to an existing alley.

(D) Where possible, driveway access shall be consolidated with either existing or future driveways serving adjacent developments.

**Finding:** The subject property currently abuts an existing alley, which is proposed for access to the new vehicle use area. As conditioned below, the applicant will be required to pave the alley 17-feet from the abutting property line, which provide adequate space for maneuvering.

(E) Parking areas shall be located to minimize their visibility from the public right-of-way and abutting properties.

**Finding:** The proposed parking area is in the rear of the property. The preliminary landscaping plan indicates that the parking areas will be screened from view by the existing buildings, shrubs and trees; therefore, minimizing their visibility from the public right-of-way.

### **Building Mass & Façade Design**

#### *702.035(b)(1) – General Siting and Building Mass*

(A) Buildings shall be sited with sensitivity to topography and natural landform.

**Finding:** The development site is relatively flat and does not contain and areas of mapped landslide hazards.

(B) The development shall be designed to reinforce human scale.

**Finding:** The proposed single story buildings comply with height and setback requirements of the underlying zone.

(C) Buildings with long monotonous exterior walls shall be avoided.

**Finding:** Building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length.

#### *702.035(c)(1) – Compatibility*

(A) Contrast and compatibility shall be provided throughout the site through building design, size, and location.

**Finding:** Horizontal and vertical building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length. The proposed building setbacks and building height comply with the standards and guidelines for multi-family development.

(B) Appropriate transitions shall be provided between new buildings and structures on-site and existing buildings and structures on abutting sites.

**Finding:** The proposed buildings comply with height and setback requirements of the RM-II zone. The building height and setbacks proposed provide a separation and transitional area between existing buildings on abutting sites.

(C) Architectural elements and façade materials shall be used to provide continuity throughout the site.

**Finding:** The proposed single story building provides offsets front entry. The roof is similar to the residential neighborhood in the area.

(D) The majority of dwelling units within the development shall be placed as close as possible to the street right-of-way.

**Finding:** The proposed site plan shows the existing dwelling is approximately 20-feet from the right-of-way. The setback for buildings abutting a street is 12-feet. Since the buildings are existing, the buildings are placed as close as possible.

- (E) Architecturally defined and covered entryways shall be incorporated into the design of buildings.

**Finding:** The proposed and existing buildings will have covered entry ways as part of the design of the primary entrance for each of the buildings.

*702.035(d)(1) – Building Articulation*

- (A) The appearance of building bulk shall be minimized by:
- (i) Establishing a building offset interval along building facades; and

**Finding:** The proposed new building provides an offset for the covered entry. None of the buildings are more than two units and articulation is not required.

- (ii) Dispersing windows throughout building facades.

**Finding:** The design standards require windows to be provided in all habitable rooms, other than bathrooms, that face required setbacks, common open areas, and parking areas.

The proposed plans indicate that windows will provided in habitable space which faces common open space and parking areas.

- (B) Articulation shall be provided at the common entry way to all residential buildings.

**Finding:** Covered entry ways, which are clearly defined and accessible, are provided for at the common entries for each building.

- (C) Building roofs shall reinforce the residential character of the neighborhood.

**Finding:** The design standards require that the horizontal length of roof shall not exceed 100 feet without providing a change of elevation of at least 4 feet. The proposed design does not include a horizontal roof length does not exceed 100 feet, in compliance with the corresponding design standard.

**Recycling**

*702.040(a)(1) – On-Site Design and Location of Facilities*

- (A) Facilities shall be provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles, and that are in compliance with any applicable federal, state, or local laws.

**Finding:** The site plan includes a trash and recycling areas to serve residents which will be screened from the street and dwelling units. The applicant provides written testimony that due to the size of the subject property covering the recycling is not feasible. The proposed site plan does not indicate details of the recycling and solid waste receptacle area, therefore as conditioned below prior to building permit issuance, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.

- (B) The design and materials of recycling areas shall be similar to the design and materials of the buildings within the development.

**Finding:** The site plan includes a trash and recycling areas to serve residents. The proposed site plan does not indicate details of the recycling and solid waste receptacle area, therefore the following condition is necessary:

**Condition 1:** The recycling area shall be similar materials and design as the proposed development.

- (C) Recycling areas shall be located to provide adequate access for franchised haulers, and shall have containers sufficient to allow collection of all recyclables collected by the haulers.

**Finding:** The site plan includes a trash and recycling areas to serve residents. The proposed site plan does not indicate details of the recycling and solid waste receptacle area. As conditioned below the proposed enclosure will meet the solid waste service area requirements of SRC Chapter 800.055, including requirements for vehicle operation and servicing area. Adequate space is provided to allow for the servicing of recyclables.

#### **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW**

### **8. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA**

Site plan review is required for any development that requires a building permit, unless the development is identified as being exempt from site plan review under SRC 220.005(a)(2). Class 3 Site Plan Review is required for development proposals that involve a land use decision or limited land use decision as defined under ORS 197.015. Because the proposed development involves a Class 3 Design Review and Class 2 Adjustment, the proposed site plan review must be processed as a Class 3 Site Plan Review.

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the

Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

**(A) *The application meets all applicable standards of the UDC.***

SRC 220.005(f)(3) establishes the following criteria for a Class 3 Site Plan Review:

Criterion 1:

***The application meets all applicable standards of the UDC.***

**Finding:** The proposal includes a request to develop a three-unit apartment complex for property with the RM-II (Multi-Family Residential). The following is a summary of the use and development standards of the RM-II zone (SRC Chapter 514).

**Development Standards – RM-II Zone:**

***SRC 514.005(a) - Uses:***

Except as otherwise provided in Chapter 514, the permitted, special, conditional and prohibited uses in the RM-II zone are set forth in Table 514-1.

**Finding:** Multifamily uses are allowed as a permitted use in the RM-II zone per Table 514-1.

***SRC 514.010(b) – Lot Standards:***

Lots within the RM-II zone shall conform to the standards set forth in Table 514-2. The minimum lot area for a multi-family use in the RM-II zone is 4,000 square feet.

**Finding:** The RM-II portion of the subject property is approximately 8,712 square feet in size, exceeding the minimum lot size requirement.

***SRC 514.010(c) – Dwelling Unit Density:***

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted.

**Finding:** The property is 8,712 square feet in size requiring a minimum of three dwelling units which is the applicant's proposal, in compliance with the density allowance in Table 514-3.

***SRC 514.010(d) – Setbacks:***

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

**North:** The property is adjacent to a public alley to the north. Zone-to-zone setbacks are not required abutting an alley.

**South:** Adjacent to the south is right-of-way for Nebraska Avenue NE. Multi-family buildings require a minimum 12 foot building setback, plus 1 foot for each 1 foot of

height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12 foot setback adjacent to a street.

**Finding:** The existing building is approximately 19-feet from the right of way. The addition and duplex are greater than the 20-foot minimum setback.

**East:** Adjacent to the east is property zoned RM-II (Multi-Family Residential). Per Table 514-5, a minimum 10 foot building and vehicle use area is required adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

**Finding:** Proposed building and addition are setback 10 feet or greater from the eastern property line, meeting or exceeding the minimum setback requirement. The proposed vehicle use area is setback 5-feet from the eastern property, not meeting the standard. The applicant has requested an adjustment which is addressed in Section 8 below.

**West:** Adjacent to the west is property zoned RM-II (Multi-Family Residential). Per Table 514-5, a minimum 10 foot building and vehicle use area is required adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

**Finding:** The existing dwelling is setback approximately four feet from the west property, which is non-conforming. The new development is proposed to be 10-feet from the west property line with landscaping and a walkway. The proposed vehicle use area is setback 5-feet from the western property, not meeting the standard. The applicant has requested and adjustment which is addressed in Section 8 below.

***SRC 514.010(e) - Lot Coverage, Height:***

The maximum lot coverage allowance for all uses in the RM-II zone is 50 percent. The maximum building height allowance for multi-family uses is 50 feet.

**Finding:** The site plan indicates that the proposed multi-family buildings have a footprint of approximately 2,800 square feet, for a lot coverage of approximately 33 percent ( $2,800 / 8,580 = 32.6$ ) for the total site, less than the maximum lot coverage requirement of the RM-II zone. The average height for proposed duplex is 12 feet, and for the addition to the dwelling the average height is approximately 12.5 feet in height, less than the 50 foot maximum height allowance.

***SRC 514.010(g) - Landscaping:***

Landscaping within the RM-II zone shall be provided as set forth in this subsection.

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.



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

**Finding:** Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapters 806 and 807 at the time of building permit application review.

***SRC 514.010(h) – Outdoor Storage:***

Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

**Finding:** Outdoor storage areas are not provided for the proposed use.

***SRC 514.015 – Design Review:***

Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

**Finding:** A Class 3 Design Review application has been submitted for the proposed multi-family development, findings are included in Section 6 of this report.

**General Development Standards SRC 800**

***SRC 800.055(a) – Applicability.***

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

**Finding:** The proposed development includes a new solid waste service area with a receptacle size less than 1 cubic yard, therefore the standards of SRC 800.055 are not applicable.

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

***SRC 806.005 - Off-Street Parking; When Required.***

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

***SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.***

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

**Finding:** Required off-street parking spaces are provided on the same development site as the use or activity it serves.

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

- a) **Minimum Required Off-Street Parking.** The minimum number of off-street parking spaces required for a multi-family use with three units is 2 spaces per dwelling unit.
- b) **Compact Parking.** Up to 75 percent of the minimum off-street parking spaces required under this Chapter 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) **Maximum Off-Street Parking.** Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The proposed three dwelling unit multi-family apartment complex requires a minimum of six off-street parking spaces ( $3 \times 2 = 6$ ). The maximum off-street parking allowance for the use is 292 spaces ( $6 \times 2.5 = 15$ ). The applicant has requested a zoning adjustment in order to provide five spaces instead of the required six spaces. The zoning adjustment request is analyzed in Section 8.

All spaces are proposed as standard parking spaces. Carpool/vanpool spaces are not required for the proposed multi-family residential use.

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

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 and Two Family shall be developed and maintained as provided in this section.

- a) **General Applicability.** The off-street parking and vehicle use area development standards set forth in this section apply to:
  - 1. The development of new off-street parking and vehicle use areas.
  - 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
  - 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
  - 4. The paving of an un-paved area.

**Finding:** Off-street parking and vehicle use area development standards apply to the new off-street parking area.

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

**Finding:** The proposed off-street parking area complies with all applicable setback requirements.

- 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.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

**Finding:** The proposed off-street parking area complies with all applicable perimeter and interior setback requirements.

- d) ***Interior Landscaping.*** Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

**Finding:** Off-street parking areas does not exceed 5,000 square feet in size, therefore this standard is not applicable.

A minimum of one deciduous shade tree is proposed for every 12 parking spaces.

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

**Finding:** The proposed off-street parking spaces are sufficient to meet the minimum dimensions for standard.

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

**Finding:** The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards or wheel barriers are not required for the proposed off-street parking area. The striping, and lighting will meet the standards of SRC 806.

The proposed parking area has 5 spaces and is not required to be screened from abutting residentially zoned property.

## **Bicycle Parking**

### ***SRC 806.045 - General Applicability.***

Bicycle parking shall be provided and maintained for any 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.

***SRC 806.055 - Amount of Bicycle Parking.***

A multi-family use is required to have the greater of 4 bicycle spaces or a minimum of 0.1 bicycle spaces per dwelling unit.

**Finding:** The proposed three-unit apartment complex requires a minimum of four bicycle parking spaces. The proposed site plan indicates that bicycle racks with a total of six bicycle parking spaces will be provided.

***SRC 806.060 – Bicycle Parking Development Standards***

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

- a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

**Finding:** The proposed bicycle parking spaces are within 50 feet of the main entry for the buildings. Dimensions and design of the bicycle parking spaces will be reviewed 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.***

For multiple family uses containing less than 49 units, two off-street loading spaces are required per Table 806-9.

**Finding:** The proposal is to develop a three unit multi-family complex, therefore this standard is not applicable.

**Landscaping**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees,

evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

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

**Finding:** The proposed site plan indicates that 3,084 square feet of landscaping is provided for the development site. A minimum of 154 plant units are required for the proposed development ( $3,084 / 20 = 154.2$ ). Of the required plant units, a minimum of 62 plant units shall be a combination of mature trees, shade tree, evergreen/conifer trees, or ornamental trees.

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

***SRC 807.030(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.

Subsection(2) provides that 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 inches caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

**Finding:** The applicant's existing conditions plan indicates that there are 12 trees on the subject property. The applicant is proposing to remove two trees (22" Apple tree and 21" Cedar). The proposal will retain more than 75 percent of the existing trees.

**Natural Resources**

***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 24 inches in diameter at breast height) (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.

The applicant's existing conditions plan indicates that there are 12 trees on the subject property. The applicant is proposing to remove two trees (22" Apple tree and 21" Cedar). The proposal will retain more than 75 percent of the existing trees.

**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.

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

**SRC 810 - Landslide Hazards:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed multi-family residential activity adds two activity points to the proposal, which results in a total of four points, indicating a low landslide risk, therefore a geologic assessment is not required for the proposed development.

**Criterion 2:**

**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 subject property abuts Nebraska Avenue NE, which meets the criteria for an alternative street standard pursuant to SRC 803.065(a)(2). The alternative street standard recognizes the existing right-of-way width and pavement width met the standards that were in place at the time of construction. The proposed development will generate less than 20 additional trips and therefore meets the exemptions of SRC 803.040(d) for boundary street improvements. Nebraska Avenue currently has property line sidewalks, travel lanes and existing street trees abutting the property. No additional street improvements are required as a condition of the proposed development.

**Criterion 3:**

**Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.**

**Finding:** The applicant is proposing to take vehicular access from the alley abutting the property to the north. The alley is currently unimproved. In order to facilitate the safe and efficient movement of vehicles and bicycles, the applicant shall pave the alley abutting the subject property from the west boundary of the subject property to 12th Street NE pursuant to PWDS. The pavement shall abut the south right-of-way line of the alley and shall be a minimum of 17 feet wide. With completion of this condition, the driveway access onto the alley provides for safe turning movements into and out of the property.

**Condition 2:** The applicant shall pave the alley abutting the subject property from the west boundary of the subject property to 12th Street NE

pursuant to PWDS. The pavement shall abut the south right-of-way line of the alley and shall be a minimum of 17 feet wide.

**Criterion 4:**

**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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water and sewer infrastructure is available within surrounding streets/areas and is adequate to serve the proposed development. The nearest available stormwater facilities are located in 12th Street NE to the east and in Capitol Street NE to the west.

The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant's engineer submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface. The applicant shall demonstrate that new areas of impervious surface shall be safely conveyed to an approved point of discharge pursuant to SRC 71.075(a).

**Condition 3:** Design and construct a storm drainage system at the time of development in SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to PWDS and to the satisfaction of the Public Works Director.

**FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT**

**9. CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the 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.***

**Finding:** *Reduce the required vehicle use are setback from the RM-II (Multi-Family Residential) zone to the east and west from 10 feet to 5 feet.*

The subject property is approximately 0.20 acres in size and is rather narrow at approximately 55 feet in width. Full compliance with the minimum setbacks for the vehicle use area creates a difficulty in this case due to the narrowness of the lot. The proposed vehicle use area is oriented with vehicles entering into the site to the south. This will reduce headlights on neighboring properties and with the proposed conditions of approval the impact would be minimal. The Planning Commission finds that to equally or better meet the proposed development standard, a 6-foot-tall sight obscuring fence along the east and west property lines adjacent to the parking area, and providing landscaping in the setback areas will meet or exceeds the landscaping that would be required had the full setback been required.

**Condition 4:** A minimum of 13 plant units shall be provided between the vehicle use and the eastern property line.

**Condition 5:** A minimum of 13 plant units shall be provided between the vehicle use and the western property line.

**Condition 6:** A minimum 6-foot-tall site obscuring fence shall be provided along the eastern and western interior property lines abutting the proposed vehicle use area. The fence shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall not be allowed.

The request to reduce the setback area, while providing a sight-obscuring fence and a greater density of landscaping provides a buffer between the subject property and abutting residential use which equally or better meets the intent of the setback requirements.

*Reduce the required parking spaces from six spaces to five spaces:*

The applicant's complete written statement addressing the Adjustment criteria is included as Attachment C. The applicant is requesting to reduce the number of required off-street parking spaces for a multi-family use from six spaces to five spaces, a 17 percent reduction to the minimum off-street parking requirement of SRC Chapter 806. The applicant requested that both adjustments be reviewed as Class 2 Adjustment applications.

The proposal is to construct a duplex and addition to an existing single family dwelling. The applicant indicates that additional bicycle parking spaces will be provided to equally meet the development standard. The applicant is required to provide two spaces per unit since only three units are proposed. Multi-family developments with more than three units are required to provide 1.5 spaces per unit. The proposal would meet the standard for the larger multi-family development and will provide two additional bicycle parking spaces.



Any future development, beyond what is shown in the proposed plans, shall conform to the minimum off-street parking requirements of SRC Chapter 806, unless adjusted through a future land use action.

**Condition 7:** The reduction in the minimum off-street parking requirement for a three unit multi-family development, 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 the minimum off-street parking requirements of SRC Chapter 806, unless adjusted through a future land use action.

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

**Finding:** A greater density of plant units, including trees and shrubs, will be provided in the proposed setback areas, in order to equally or better comply with the minimum landscaping standard. The reduced setback area will meet the intent of providing a physical and visual buffer between abutting uses, and will not detract from the livability or appearance of the residential area. The additional bicycles parking spaces and reduction in a parking space will be consistent with the surrounding 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.***

**Finding:** Two 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 the minimum setback requirements, unless adjusted through a future land use action.

## **CONCLUSION**

Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment, as recommended to be conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 220.005(f)(3), and SRC 250.005(d)(2), for approval.

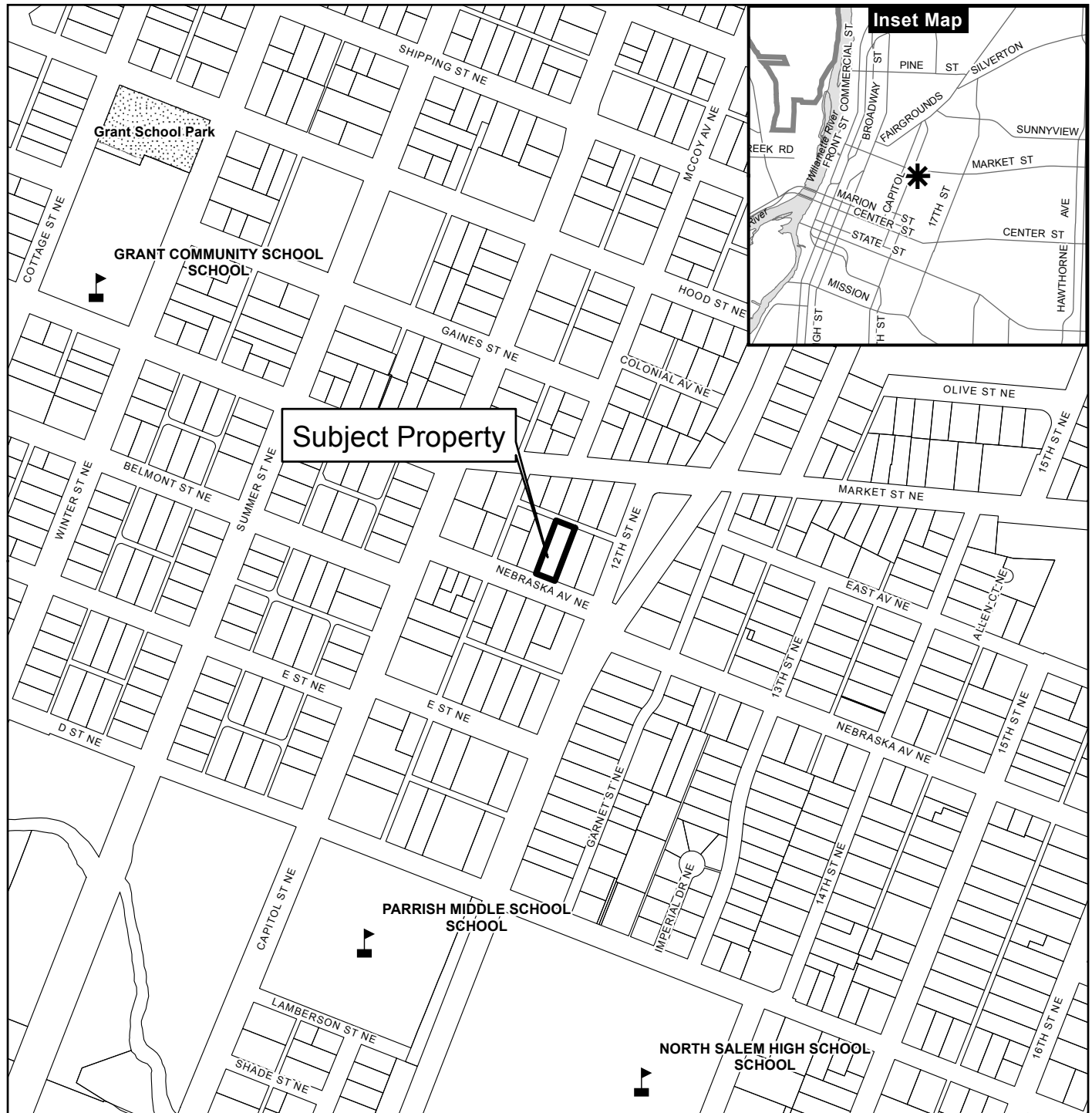
**Attachments:** A. Vicinity Map  
B. Site Plan, & Building Elevations  
C. Applicant's Written Statement  
D. Public Works Department Comments

Prepared by Olivia Glantz, Planner III

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# Vicinity Map

## 1175 Nebraska Ave NE



### Legend

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

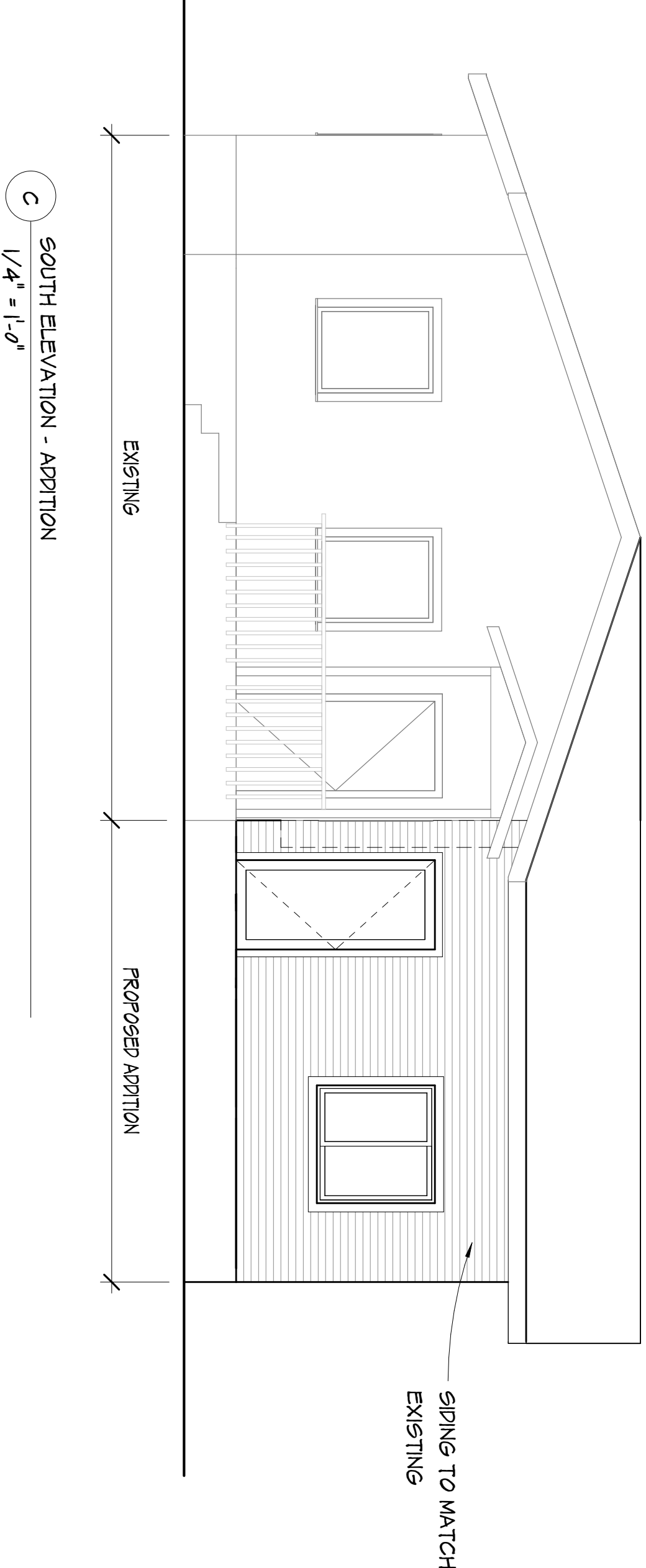
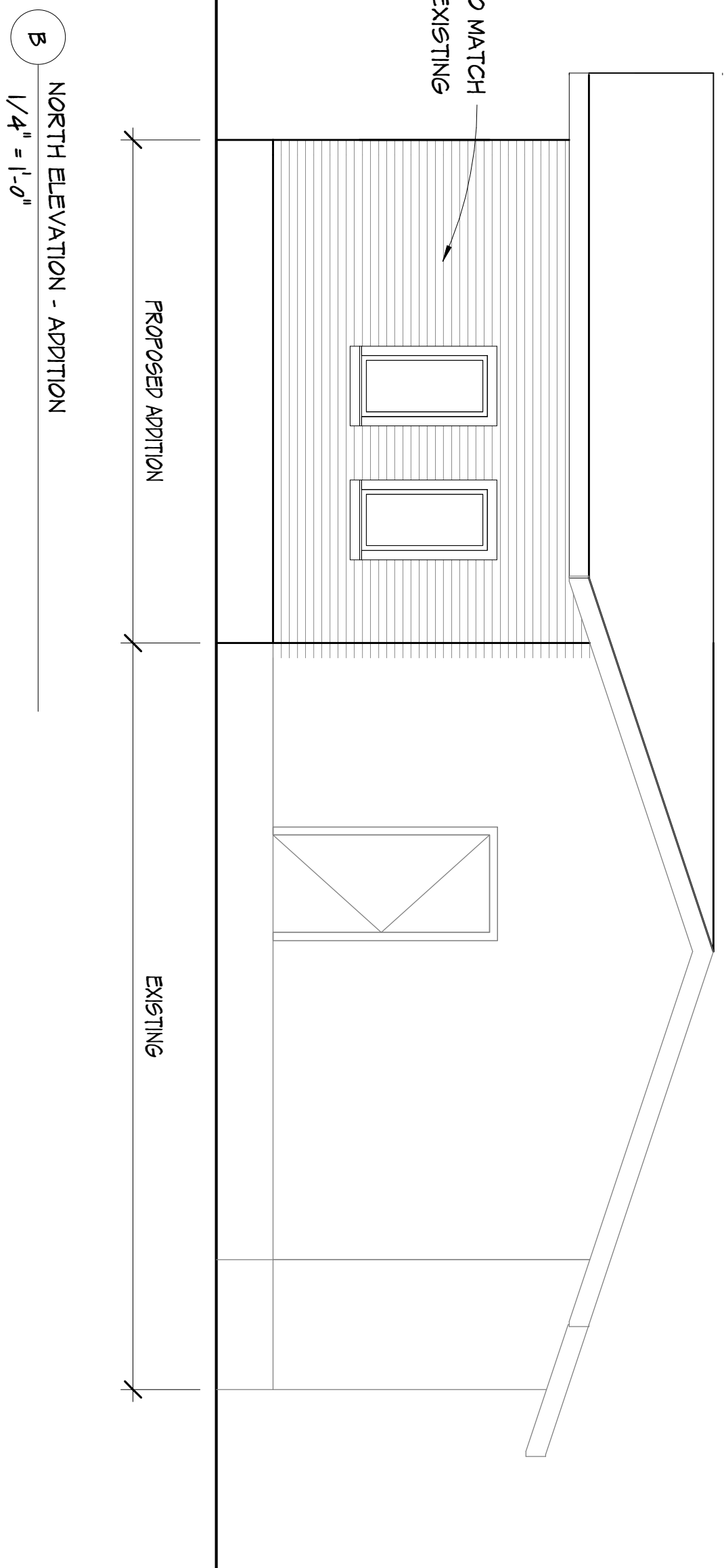
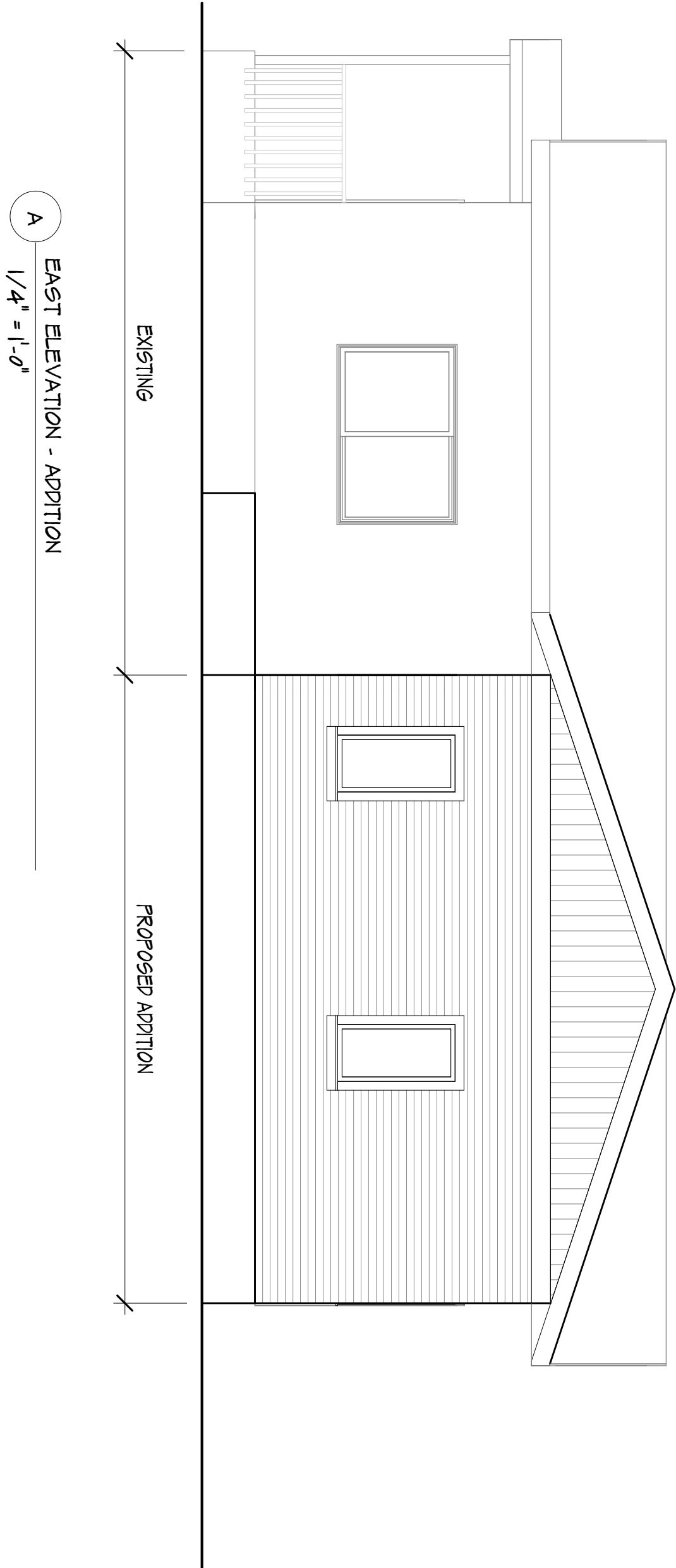
Parks

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0 100 200 400 Feet





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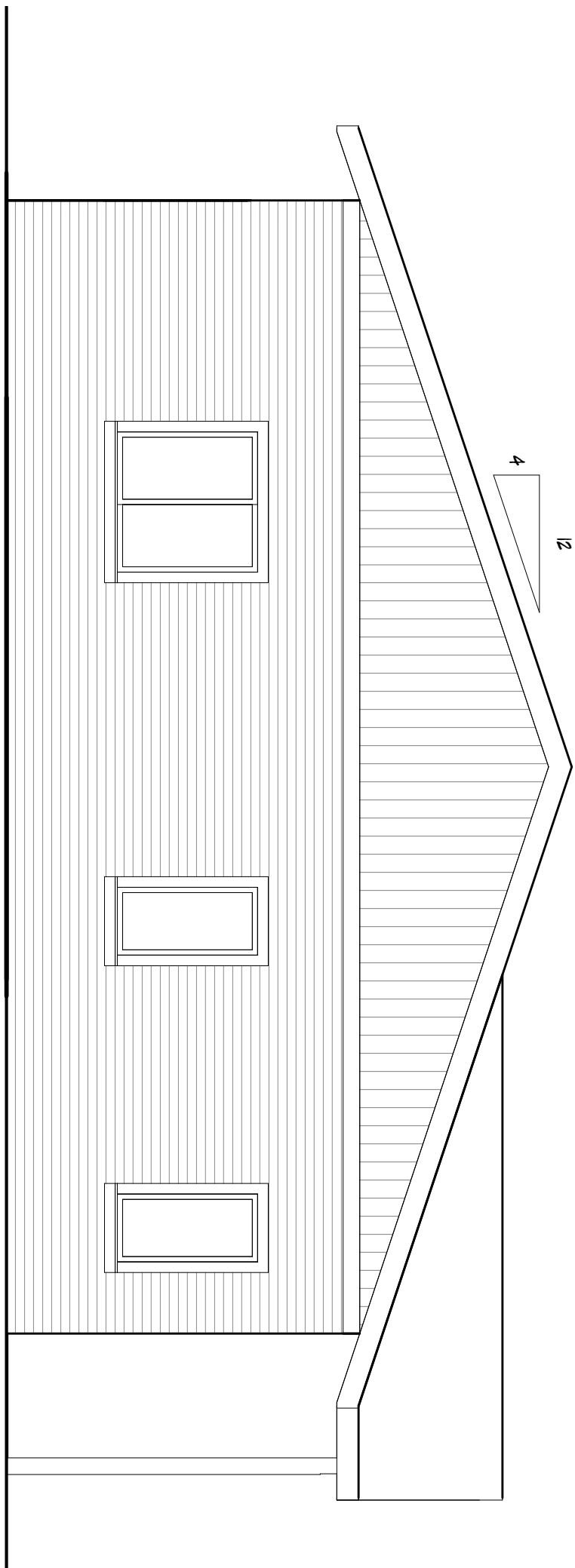
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<b>PROJECT #:</b>
1901
<b>DOCUMENT TYPE</b>
Site Plan Review
<b>DATE:</b>
05.10.19

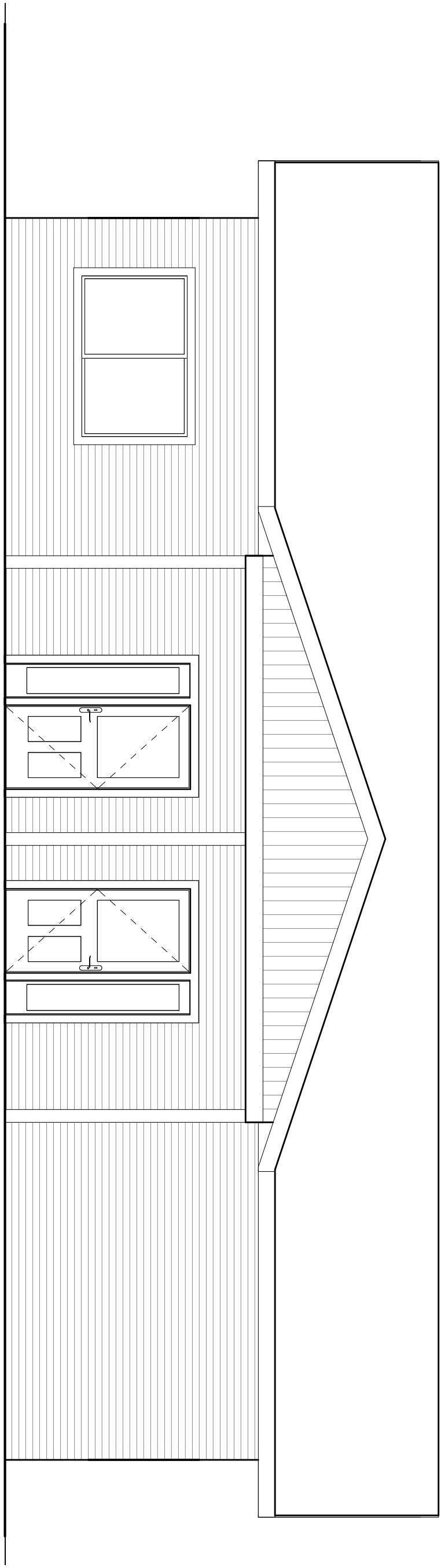
ELEVATIONS -  
ADDITION

**A3.1**

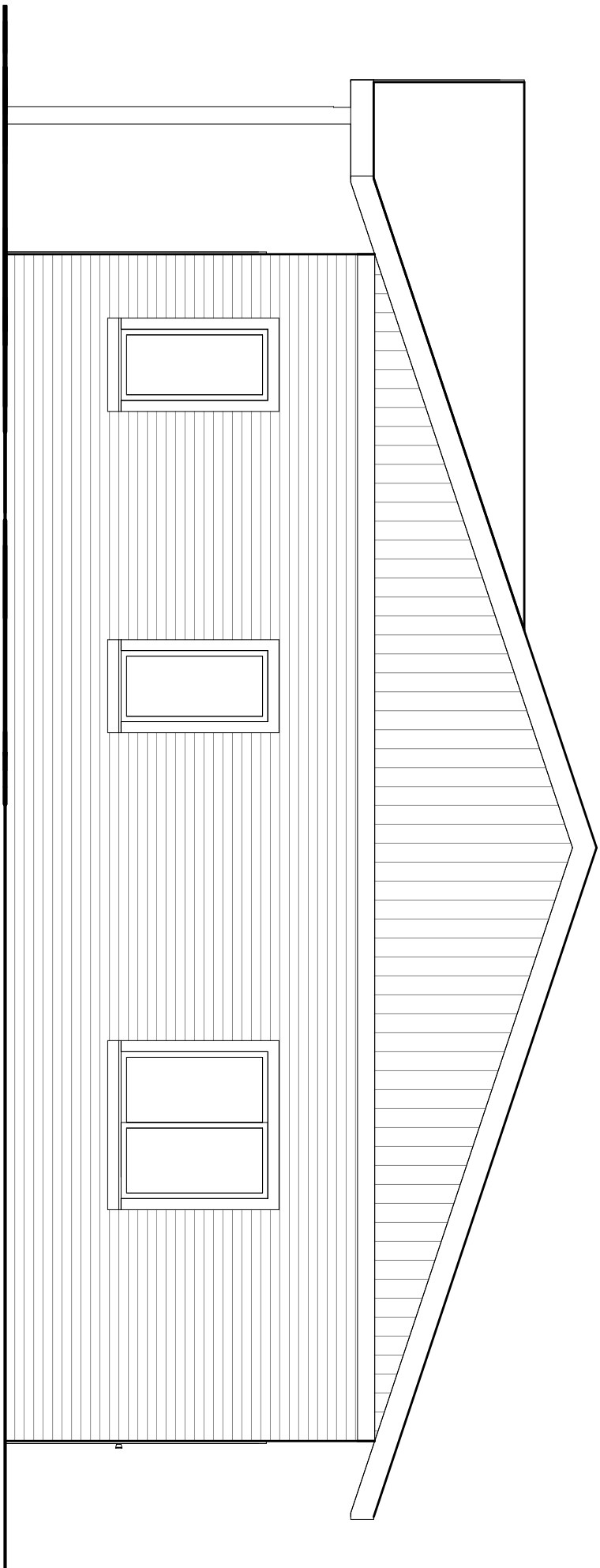
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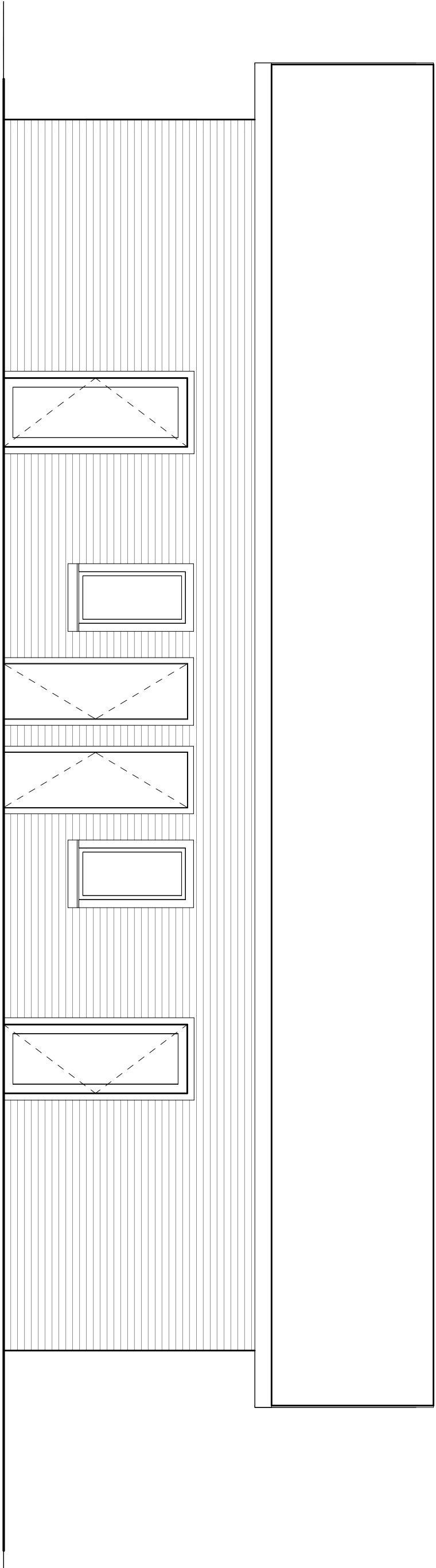
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1/4" = 1'-0"



B WEST ELEVATION - DUPLEX  
1/4" = 1'-0"



C SOUTH ELEVATION - DUPLEX  
1/4" = 1'-0"



D EAST ELEVATION - DUPLEX  
1/4" = 1'-0"

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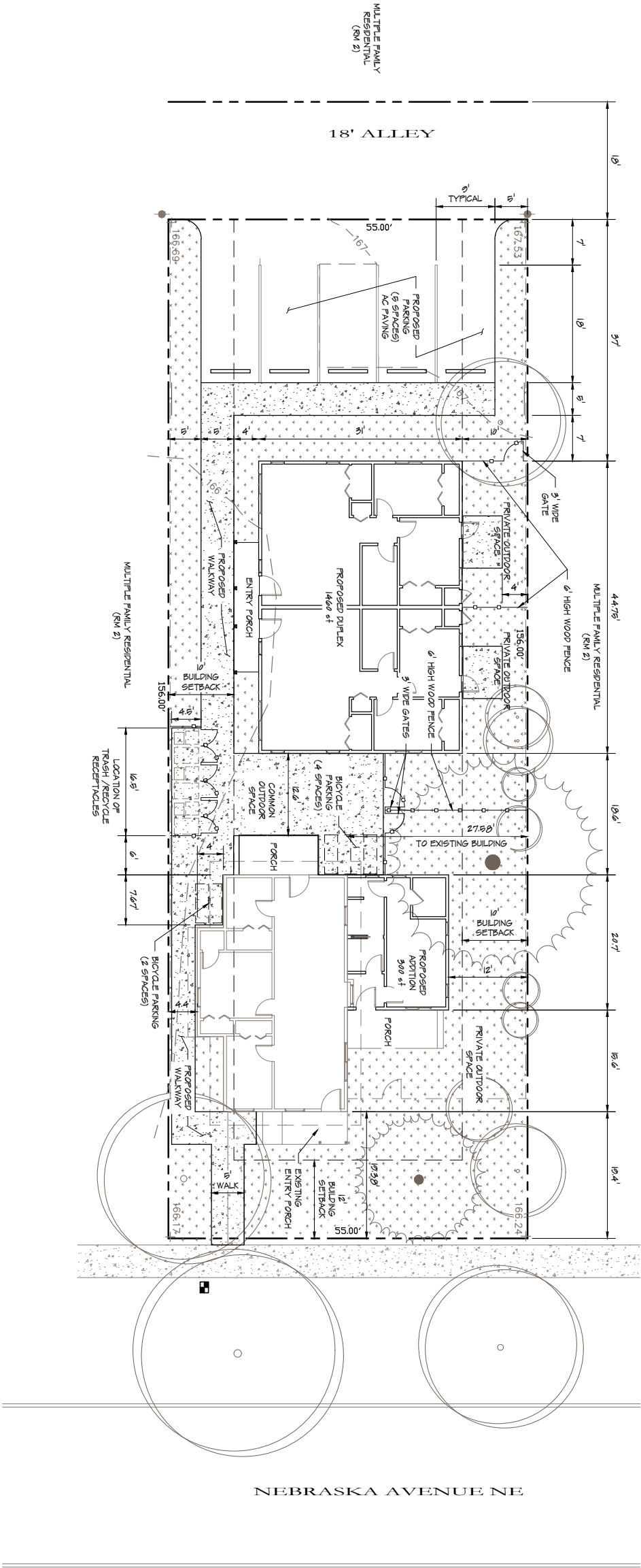
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PROJECT #:	1901
DOCUMENT TYPE	Site Plan Review
DATE:	06.28.19

ELEVATIONS -  
DUPLEX

A3.2

SITE PLAN REVIEW - NOT FOR CONSTRUCTION



TABULATION OF COVERAGE

DEVELOPMENT SITE:	AREA (sq ft)	% OF SITE
INTERVIEWS AREAS:	8,150 sq ft	100 %
BUILDINGS:	2,800 sq ft	35 %
PARKING:	1,125 sq ft	15 %
SIDEWALKS/CONC. PAVING:	1,475 sq ft	17 %
PERVIOUS AREAS (LANDSCAPING)	3,160 sq ft	37 %

PARKING REQUIREMENTS

VEHICLE PARKING: 2 spaces per unit

2 spaces x 3 units = 6 standard parking spaces required

6 spaces provided

BIYCLE PARKING

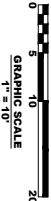
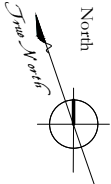
Multiple family requirements = 4 spaces required

4 spaces provided

SITE LEGEND

	PROPERTY LINE		NEW FENCE
	EXISTING FENCE		NEW CONCRETE PAVING
	CONTOURS, 1 - FT INTERVAL		PROPOSED LANDSCAPE AREAS - SEE LANDSCAPE DRAWINGS
	SPOT ELEVATION		
	EXISTING TREES		
	EXISTING CONCRETE PAVING		
	EXISTING WATER METER		
	UTILITY POLE		

SITE PLAN REVIEW - NOT FOR CONSTRUCTION



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STATE OF OREGON  
NO. 11891





## Project Description

This design review application is for a proposal of a 3 unit multiple-family development that is currently developed with a single family home and Accessory Dwelling Unit. The ADU is proposed for removal and to be replaced with a duplex. We are also proposing a 300 sf addition on to the existing single-family home.

## Neighborhood Association

The Grant Neighborhood association has been contacted through email. First contact was made on April 2<sup>nd</sup> and follow-up was on May 7<sup>th</sup>. Drawings have also been sent to the co-chair, Eric Bradfield, and are awaiting a response.

## Salem-Keizer Transit District (Cherriots)

Chris French at Cherriots was contacted by phone and proposed plans email. The proposed plans have been reviewed and Cherriots has no concerns.

## Multiple Family Design Review Guidelines and Standards

### 702.015 – Open Space

#### 702.015 (b) – Common Open Space (*Standards met*)

(1) Guidelines: A variety of open space areas of sufficient size have been provided for use by the residents. Common open space has been distributed around buildings and throughout out the site to maximum extent possible. The amounts of perimeter setbacks used for common open space have been minimized. A larger common open space has been provided between the existing residence and the proposed duplex. Hard surface paving is intended to allow this space to be used for multiple uses.

(2) Standards: Common open space shall be provided in all newly constructed multiple family developments with five or more dwelling units. We only have three dwelling units. This section does not apply to our development.

#### 702.015(c) – Children’s play area and adult recreation areas (*Standards met*)

(1) Guidelines: A variety of common open areas opportunities have been provided for enjoyment by all residents. Recreation areas have been located within the development



accessible to greatest extent possible. Recreation areas have been located in a manner to incorporate safety into the design by locating them in areas visible from the dwelling units and away from driveways and parking areas.

(2) Standards: Play/Recreation Area minimum size does not apply. We only have 3 dwelling units not 20 as stated in the Design review standards.

**702.015(d) – Private Open Space (*Standards met*)**

(1) Guidelines: Individual private open space has been provided for each dwelling unit and is easily accessible from the dwelling units. Where private open spaces are located to common open spaces, a buffer and a separation of space between the two has been provided.

(2) Standards: Private open space, minimum square feet of 96 and minimum dimension of 6 feet have been met. They have been located contiguous to the dwelling unit, with direct access to the private open space through a doorway. Private open space has been visually separated from common open space through the use of perimeter landscaping and or fencing.

**702.020 – Landscaping**

**702.020(b) – General Landscaping (*Standards Met*)**

(1) Guidelines: A variety of existing tree types is distributed throughout the site to maximize tree canopy. Landscaping has been used to shield the site from winter winds and summer sun. Existing trees have been preserved to maximum extent possible. An appropriate combination of landscaping and screening has been provided that is sufficient to buffer between the multiple family development and the abutting property.

(2) Standards: A minimum one tree has been preserved for every 2,000 square feet of gross site area. Planted trees provide canopy over a least one-third of the open space and setbacks. The propose development does not abut an arterial or collector street, therefore landscaping, or a combination of landscaping and fencing is not required at the street. The proposed development abuts RM2 zones on all sides; therefore landscape screening is not required.

**702.020(c) – Street Frontage (*Standards Met*)**

(1) Guidelines: The residential character of the site shall be enhanced with trees planted within the public right-of-way. There are established existing canopy street trees.





(2) Standards: There are established existing canopy street trees.

**702.020(d) – Building Exterior (*Standards Met*)**

(1) Guidelines: Landscaping has been designed to define and accentuate the primary entryway of each dwelling unit, or combination of dwelling units. Vertical and horizontal landscape elements have been provided along all exterior walls to soften the visual impact of buildings and create residential character.

(2) Standards: A minimum of two plant units, as set forth in SRC [chapter 807](#), Table 807-2, have been provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units. Existing trees have been preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees are located not more than 25 feet from the edge of the building footprint. Shrubs will be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall. See landscape plan.

**702.020(e) – Privacy (*Standards Met*)**

(1) Guidelines: Landscaping and fencing will be used to buffer the multiple family development from abutting properties. A combination of landscaping and fencing will be used to enhance the privacy of dwelling units.

(2) Standards: Ground level private open space will be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

**702.020(f) – Parking Areas (*lot not big enough to accommodate*)**

(1) Guidelines: Canopy trees could not be distributed throughout the interior, and planted along the perimeter, of parking areas. Instead, Landscaping strips are provided along the perimeter of the parking area.

(2) Standards: A minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within 15 feet of the edge of the parking area (see Figure 702-4). The parking area is too small to accommodate.

**702.025 – Crime Prevention through environmental design**

**702.025(a) – Safety Features for Residents (*Guidelines Met*)**



(1) Guidelines: Multiple family developments shall be designed in a manner that considers crime prevention and resident safety. Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or dwelling unit entryways. Due to the current configuration of the lot and existing dwelling, the guidelines have been met to the fullest extent possible. This development will meet this guideline by the following:

- Clear sight lines have been provided from the Unit entries and are visible from the parking at the Duplex; and at Nebraska St at the addition. Entrances to Duplex are clearly visible from the alley, the parking area and adjacent unit. Low profile landscaping and the use of wrought iron or chain-link fences/gates will allow the user to see any obstacles as they exit through locations containing gates. Where walkways have been provided with sight lines, visible surveillance is also provided through the use of windows and openings. Windows are placed in the duplex overlooking the parking lot and are visible from alley. Bicycle parking is provided close to the building and entrance to the units and is adjacent to the common activity area. Bicycle racks are intended to be provided.
- Adequate lighting will be provided. Illumination for parking area will be provided. Walkways and inset spaces will be lit, as well as, the recycling and garbage area. User controlled light switched will illuminate private outdoor spaces.
- Concealed and isolated routes have been minimized to the greatest extent possible. The walkway to Nebraska Street will be controlled through a wrought iron/chain link gate and exterior light fixture will be provided to illuminate path, reduce glare and control light over spill into neighbor's yard. Windows and openings are placed to overlook the common space.
- Any entrapment areas have been avoided or will be provided with light.
- Any areas of isolation will be lit.
- A mixture of activities is provided between the two buildings to minimize any dead space.
- A sense of ownership has been provided for each dwelling unit and maintenance and management will be addressed.
- The overall design of the development will improve the environment.

(2) Standards: Fences, walls, and plant materials will not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. Landscaping in these areas will be low profile. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage. Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet. Windows have been



provided in all habitable rooms, other than bathrooms, that face common open space, parking areas, and pedestrian paths. Lighting will be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development. A completed "Enhanced Safety Assessment Report for Multi-Family Construction" can be submitted. Standards have been met to the fullest extent possible.

**702.030 – Parking, site access, and circulation**

**702.030(b) – General Parking and site access (*Guidelines met*)**

(1) Guidelines: Parking areas have been designed to minimize the expanse of continuous parking. Pedestrian pathways have been provided to connect buildings, common open space, parking areas, and surrounding uses. Parking has been located to maximize the convenience of residents to the greatest extent possible. Parking areas and circulation systems have been designed to consider site topography, natural contours, and abutting properties to the maximum extent possible. As there is no existing driveway serving the property off Nebraska Avenue NE, the only access for off-street parking is off the alley. The size limitation of the property also limits us to only providing parking off the alley. In section 806.035(c)(A), perimeter setbacks are not required for off-street parking abutting an alley. We are proposing a 5' landscape setback from the property lines to the parking area. We are following the guidelines to the maximum extent possible for this site and maximizing the site's use.

(2) Standards: Parking area is only 1,125 sf. Pedestrian pathways are provided to connect building, common open space, and parking areas. However, they do not meet the minimum separation distance of 10 feet from dwelling units because there is not enough room. We have provided the maximum distance that the site design can accommodate.

**702.030(c) – Site Access (*Guidelines Met*)**

(1) Guidelines: Accessibility to and from the site have been provided for both automobiles and pedestrians. Site access has been provided to minimize vehicle and pedestrian conflicts. As there is no driveway access from Nebraska Street, vehicle access has been maintained off the Alley and its visibility minimized from the public right-of-way.

(2) Standards: Pedestrian pathways have been provided to connect the duplex to the public sidewalk on Nebraska Avenue. Direct access has been provided to all building on the site from the Alley. There is no existing driveway access from Nebraska Avenue.



## **Project Description**

This site plan review application is for a proposal of a 3 unit multiple-family development that is currently developed with a single family home and Accessory Dwelling Unit. The ADU is proposed for removal and to be replaced with a duplex. We are also proposing a 300 sf addition on to the existing single-family home.

## **Neighborhood Association**

The Grant Neighborhood association has been contacted through email. First contact was made on April 2<sup>nd</sup> and follow-up was on May 7<sup>th</sup>. Drawings have also been sent to the co-chair, Eric Bradfield, and are awaiting a response.

## **Salem-Keizer Transit District (Cherriots)**

Chris French at Cherriots was contacted by phone and proposed plans email. The proposed plans have been reviewed and Cherriots has no concerns.

## **Development Standards**

### **86 – Trees on City Owned Property**

Trees in the Right-of-Way are shown on the Existing conditions plan.

### **514 – RM2 Multiple Family Residential**

We are proposing a multifamily development. The use is permitted per Table 514.1. The existing lot size falls with the lot standards per Table 514.2. The dwelling unit density minimum is 12 units per acre. The lot is 0.20 acres; therefore, the minimum density allowed for the site is 3 units. The existing residence meets the minimum setback requirement of 3 feet at the Interior side and the proposed duplex meets the zone-to-zone setback of 10 feet. See Proposed Site Plan drawing. We are meeting the lot coverage and height standards. A tabulation of coverage is provided on the Proposed Site Plan.

### **800 – General Development Standards**

Our site is not on a hillside; therefore per section 800.030 a topographical survey is not required. We are meeting the height standard. We are meeting the fence height standards. We plan to meet



the exterior lighting standard per section 800.060. Design will be completed by the design-build contractor.

- SRC 800.055 – The solid waste collection franchisee company has been contacted. As there is only curb side pick-up along Nebraska Ave NE, the only option available for solid waste and recycling are 20-90 gallon carts. The franchise Hauler, Republic Services, recommended one 35 gallon cart for solid waste, one 90 gallon cart for mixed recycling, and one 18" bin for glass recycling for each unit. The trash and recycling area has been located on the Proposed Site Plan. The carts will need to be wheeled to the curb on collection day, therefore, a concrete path to the sidewalk on Nebraska Avenue NE has been provided. The location of the trash receptacles will be screened from the street and the residents through the use of a screening fence. With the proposed solid waste and recycling area we meet the standards.

#### **802 – Public Improvements**

The site is currently serviced by City Utilities.

#### **803 – Streets and Right-of-Way Improvements**

We do not believe a traffic impact analysis is required as the development will not generate 200 daily vehicle trips. We are not proposing any new streets.

#### **804 – Driveway Approaches**

There is no driveway approach onto this property from Nebraska Street; vehicle access to the property is off the Alley. We are not proposing any changes to the Driveway approach.

#### **805 – Vision Clearance**

We are not proposing any driveways, therefore no changes to the vision clearance.

#### **806 – Off-Street Parking**

Because the Lot is 55' wide, our proposal is maximizing the site to the highest use possible and are meeting the standards to the maximum extent allowed by the property dimensions. We are proposing three dwelling units; therefore, 6 parking spaces are required (two per dwelling unit per table 806-1.) We are providing 5 spaces. Parking will be located on the property. We are proposing a 5' walk and a 7' landscape strip separating the parking area from the dwelling unit, and also a 5'



landscape strip along each side of the property lines. Our off-street parking area is 1,125 sf. Off-street parking area screening does not apply as we are proposing only 5 spaces (806.035(m)). The required Bicycle parking is 4 spaces. To offset the reduction in vehicular parking, 6 bicycle spaces are proposed (two more than required,) see proposed site plan. The parking area will be paved and have wheel stops.

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

We are meeting the standards. Existing trees are shown on the Existing conditions Plan and Landscape plan. Two trees are proposed to be removed. See Landscape plan for planting requirements.

#### **809 – Wetlands**

The lot is not on wetlands.

#### **810 – Landslide Hazard**

The site is flat. Landslide hazard does not apply.

#### **Multiple Family Design Review Guidelines and Standards**

See Design Review Application and written statement.



## **Project Description**

This Class 2 Adjustment application is for a proposal of a 3 unit multiple-family development that is currently developed with a single family home and Accessory Dwelling Unit. The ADU is proposed for removal and to be replaced with a duplex. We are also proposing a 300 sf addition on to the existing single-family home.

## **Neighborhood Association**

The Grant Neighborhood association has been contacted through email. First contact was made on April 2<sup>nd</sup> and follow-up was on May 7<sup>th</sup>. Drawings have also been sent to the co-chair, Eric Bradfield, and are awaiting a response.

## **Salem-Keizer Transit District (Cherriots)**

Chris French at Cherriots was contacted by phone and proposed plans email. The proposed plans have been reviewed and Cherriots has no concerns.

## **Adjustment Request**

We are applying for a Class 2 Adjustment to reduce the setbacks from 10 feet to 5 feet for vehicle use area along the east and west property lines and to reduce the required number of parking spaces from 6 to 5. The development is located in a residential zone; therefore the development will not detract from the livability or appearance of the zone. We are replacing the uninhabitable existing ADU with two units and enhancing the livability of the existing residence. The outcome of the adjustment will result in a project that is consistent with the zone and will make a positive contribution to the neighborhood.

## **SRC 806 – Off-Street Parking**

Because the Lot is 55' wide, our proposal is maximizing the site to the highest use possible and are meeting the standards to the maximum extent allowed by the property dimensions. We are proposing three dwelling units; therefore, 6 parking spaces are required (two per dwelling unit per table 806-1.) We are providing 5 spaces. Parking will be located on the property. We are proposing a 5' walk and a 7' landscape strip separating the parking area from the dwelling unit, and also a 5' landscape strip along each side of the property lines. Our off-street parking area is 1,125 sf. Off-street parking area screening does not apply as we are proposing only 5 spaces (806.035(m)). The required Bicycle parking is 4 spaces. To offset the reduction in vehicular parking, 6 bicycle spaces are proposed (two more than required,) see proposed site plan.



### **702.035 – Building Mass and Façade Design**

#### **702.035(b) – General Siting and Building Mass (*Standards Met*)**

(1) Guidelines: The site is relatively flat and the buildings have been designed to reinforce the human scale and use of spaces. It is a small development; therefore there are no long monotonous exterior walls.

(2) Standards: The site is relatively flat and the development is small, therefore the buildings do not have dimensions greater than 150 feet.

#### **702.035(c) – Compatibility (*Guidelines Met*)**

(1) Guidelines: contrast and compatibility have been provided throughout the site through building design, size, and location. Appropriate transitions between the new building and the existing buildings and structures on abutting sites have been provided. Architectural elements and façade materials have been chosen to provide continuity throughout the site. The existing residence dictated the location of the proposed development. Covered entryways have been architecturally incorporated and defined into the design of the buildings.

(2) Standards: The site abuts RM2 properties on all sides; therefore table 702-4 and table 702-5 does not apply. The site does not have a buildable width of 75 feet. There will be no roof-mounted equipment. An architecturally defined entry area has been provided for each dwelling unit. The duplex shares an entryway and exceeds the requirement of 25 square feet of area per dwelling unit. Porch dimension is less than 5 feet. The outside porch perimeter will be defined through the inclusion of hand-rails and shrubs as applicable.

#### **702.035(d) – Building Articulation (*Guidelines met*)**

(1) Guidelines: The appearance of building build has been minimized establishing building offset along the façades and dispersing windows throughout the building façades. Articulation has been provided at the entryways to all buildings through the use of a porch roof. The building roofs reinforce the residential character of the neighborhood.

(2) Standards: There are no more than two attached dwelling units. The site is small, therefore 28 4 feet building articulation along every 28 feet of lot line could not be met. Common entrances have only been provided for the duplex. The entryways have been articulated with a differentiated roof. There are no roofs exceeding 100 feet. Windows have





been provided in all habitable rooms that face required setbacks, common open areas, and parking areas.

**702.040 – Recycling – on site design and location of facilities** *(Guidelines Met)*

(1) Guidelines: Facilities have been provided to allow recycling opportunities for tenants that are as conveniently located next to the trash receptacles and are in compliance with applicable laws. The solid waste collection franchisee company has been contacted. There is only curb side pick-up along Nebraska Ave NE and the only option available for solid waste and recycling are 20-90 gallon carts. The franchise Hauler, Republic Services, recommended one 35 gallon cart for solid waste, one 90 gallon cart for mixed recycling, and one 18" bin for glass recycling for each unit. The trash and recycling area has been located on the Proposed Site Plan and outlines for each cart are shown. The carts will need to be wheeled to the curb on collection day, therefore, a concrete path to the sidewalk on Nebraska Avenue NE has been provided. The location of the trash receptacles will be screened from the street and the residents through the use of a screening fence. With the proposed solid waste and recycling area we meet the guidelines.

(2) Standards: Facilities have been provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles and are in compliance with applicable laws. Recycling could not be protected against environmental conditions, such as rain, do to property size, convenient locations and close proximity to the lot line. Instructions will be clearly posted in recycling areas. Recycling areas have been provided that are sufficient in capacity, number, distribution, and size to serve the tenants of the development. The design and materials of recycling areas will be similar to the design and materials within the development.



# MEMO

**TO:** Olivia Glantz, Planner III  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** July 22, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
DR-SPR-ADJ19-07 (19-111985-RP)  
1175 NEBRASKA AVENUE NE  
3-UNIT MULTI-FAMILY DEVELOPMENT**

## PROPOSAL

A proposed Class 3 Design Review and Class 3 Site Plan Review to allow development of a three-unit multi-family use with a Class 2 Adjustment to: (1) Reduce the required 10-foot setback abutting a vehicle use area to the eastern and western property lines to 5 feet; and (2) Reduce the required number of parking spaces from six spaces to five spaces. For proposed parcel size of approximately 0.20 acres, zoned RM-II (Multiple Family Residential - 2) and located at 1175 Nebraska Avenue NE (Marion County Assessor's Map and Tax Lot Number: 073W23BD / 6500).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Pave the Alley abutting the subject property from the west boundary of the subject property to 12<sup>th</sup> Street NE pursuant to PWDS. The pavement shall abut the south right-of-way line of the alley and shall be a minimum of 17 feet wide.
2. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## FACTS

### **Streets**

1. Nebraska Avenue NE
  - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 24-foot improvement within a 70-foot-wide right-of-way abutting the subject property.

2. Alley

- a. Standard—The standard for an Alley classification is right-of-way measuring 10 to 20 feet, with improvements detailed in Public Works Standard Plan Nos. 304 and 305.
- b. Existing Condition—The Alley abutting the subject property is not paved and has a right-of-way measuring approximately 18 feet.

**Storm Drainage**

1. Existing Condition

- a. A 30-inch storm main is located in 12<sup>th</sup> Street NE approximately 150 feet east of the subject property.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch water main is located in Nebraska Avenue NE. Mains of this size generally convey flows of 120 to 300 gallons per minute.

**Sanitary Sewer**

1. Existing Condition

- a. An 8-inch sewer main is located in the alley abutting the subject property.

**CRITERIA AND FINDINGS**

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

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

**Finding**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601—Floodplain; 802—Public

Improvements; 803—Streets and Right-of-Way Improvements; 804—Driveway Approaches; 805—Vision Clearance; 809—Wetlands; and 810—Landslides.

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

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

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

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

**Finding—**Nebraska Avenue NE meets the criteria for an alternative street standard pursuant to SRC 803.065(a)(2) because the existing right-of-way width and pavement width met the standards that were in place at the time of construction. The proposed development creates less than 20 additional trips and therefore meets the exemptions of SRC 803.040(d) for Boundary street improvements. No additional street improvements are required as a condition of the proposed development.

**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 applicant is proposing to take all vehicular access from the Alley abutting the property to the north. The Alley is currently unimproved. In order to facilitate the safe and efficient movement of vehicles and bicycles, the applicant shall pave the Alley abutting the subject property from the west boundary of the subject property to 12<sup>th</sup> Street NE pursuant to PWDS. The pavement shall abut the south right-of-way line of the Alley and shall be a minimum of 17 feet wide. With completion of this condition, the driveway access onto the Alley 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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water and sewer infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The nearest

available stormwater facilities are located in 12<sup>th</sup> Street NE to the east and in Capitol Street NE to the west.

The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant's engineer submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface. The applicant shall demonstrate that new areas of impervious surface shall be safely conveyed to an approved point of discharge pursuant to SRC 71.075(a).

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.

Prepared by: Jennifer Scott, Program Manager  
cc: File