

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2
ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CASE
NO. CU-SPR-ADJ-DAP20-04
1163 D STREET NE
AMANDA NO. 20-107338-ZO, 20-107339-RP, 20-107347-ZO, & 20-
107349-ZO**

REQUEST

Summary: A proposal to construct four tennis courts and associated parking.

Request: A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, and Class 2 Driveway Approach Permit, for the development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th street right-of-way), zoned RM-II (Multi-Family Residential-II) and PE (Public and Private Education Services) zones and designated Multiple Family Residential in the Salem Comprehensive Plan.

The request includes five Class 2 Adjustments for the following:

- To increase the height of the fence within the RM-II zone to six feet along E Street and eight feet for the remainder of the proposal.
- Reduce the driveway spacing on a minor arterial to 270 feet
- Eliminate the setback for a vehicle use area abutting 12th Street NE and D Street NE.
- ~~Eliminate the 5 foot setback abutting a property line for a vehicle use area for property lines on the southern portion of the development site.~~

The subject property is located at 1163 D Street NE (Marion County Assessor Numbers 073W23CA / 7200, 073W23CA / 7100, 073W23CA / 8100, 073W23CA / 8200, 073W23CA / 8300 and City right of way).

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

APPLICANT: Salem-Keizer School District

OWNER: Salem-Keizer School District and City of Salem

FILER: Mark Shipman, Saalfeld Griggs PC

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment, and driveway approach permit application for the proposed development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th street right-of-way) located at 1163 D Street NE, subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** There shall be no lighting on-site taller than four feet above grade.
- Condition 2:** The applicant shall provide signage on-site indicating the facility closes at dusk.

SITE PLAN REVIEW:

- Condition 3:** Prior to issuance of building permits, the applicant shall eliminate property lines within the development site.
- Condition 4:** The applicant shall provide landscaping within the 6.75 feet land area abutting E Street and the development with shrubs that will grow six feet in height along the length of the development site.
- Condition 5:** Obtain approval in compliance with SRC 76.160 for proposed uses in the public right-of-way.
- Condition 6:** Install street trees to the maximum extent feasible along the frontage of D Street NE pursuant to SRC 86.015(e).
- Condition 7:** Install street trees to the maximum extent feasible along the frontage of E Street NE pursuant to SRC 86.015(e).
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

ADJUSTMENT:

- Condition 9:** The applicant shall landscape the special setback of 11 feet between the vehicle use area and street improvements meeting Type A standards of SRC 807.
- Condition 10:** The adjusted development standard, 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 standards of the UDC, unless adjusted through a future land use action.

APPLICATION PROCESSING

On April 22, 2020, Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit applications were accepted for processing. The collective applications were deemed complete for processing on May 29, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for June 24, 2020, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on June 4, 2020. Public hearing notice was also posted on the property pursuant to SRC requirements.

PROPOSAL

The applicant is requesting approval for development of four tennis courts and associated parking. The application includes a request for adjustment to increase the height of the fence within the RM-II zone, reduce the driveway spacing on a minor arterial to 270 feet and eliminate the setback for a vehicle use area abutting 12th Street NE and D Street NE. This adjustment request to eliminate the 5-foot setback abutting a property line for a vehicle use area for property lines on the southern portion of the development site, was not needed, since additional research on the Vacated Right of Way from D Street has been provided, indicating the property line of each lot includes the previously vacated right of way. Therefore, the adjustment to the property lines along the southern portion of the property is not needed.

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.

APPLICANT'S STATEMENT

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications is included as **Attachment C**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

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

2. Zoning and Surrounding Land Uses

The subject property is zoned RM-II (Multi-Family Residential) and PE (Public and Private Education Services). The subject property has a conflict between the zoning and Comprehensive Plan. In order to be consistent with the Comprehensive Plan, the uses within the RM-II zone governs the development of the subject property. The proposed use of Recreational and cultural community services is an allowed use in the PE zone, but a Conditional Use within the RM-II zone, therefore a conditional use permit is required for development of the four tennis courts and associated parking.

The zoning of surrounding properties is as follows:

North:	Across E Street NE; RM-II (Multi-Family Residential)
South:	Across D Street NE; PE (Public and Private Education Services)
East:	RM-II (Multi-Family Residential)
West:	Across 12 th Street and Railroad; RM-II (Multi-Family Residential) and RD (Residential Duplex)

3. Site Analysis

The subject property is five tax lots (7 subdivision lots) totaling approximately 1.75 acres (including alley and 12th street right-of-way) and has approximately 220 feet of frontage on D Street NE and approximately 160 feet of frontage on E Street NE. D Street NE is designated as a Minor Arterial street in the Transportation System Plan and E Street NE and the right of way for 12th Street NE, which includes the railroad, are designated as Local streets.

4. Neighborhood and Citizen Comments

The subject property is located within the Grant Neighborhood Association and Northeast Neighbors Neighborhood Association (NEN). Notice was provided to Grant and NEN and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no neighborhood association or public comments had been received.

5. City Department and Public Agency Comments

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

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and identified no issues.
Cherriots reviewed the proposal and identified no issues.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: The subject property is zoned RM-II (Multi-Family Residential) and PE (Public and Private Education Services). The subject property has a conflict between the zoning and Comprehensive Plan. In order to be consistent with the Comprehensive Plan, the uses within the RM-II zone, SRC 514.005, governs the development of the subject property. The proposed use of Recreational and cultural community services is an allowed use in the PE zone, but a Conditional Use within the RM-II zone, therefore a conditional use permit is required for development of the four tennis courts and associated parking.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The proposal is for the development of a vacant field, currently used as a sports field and vacant house, into a tennis facility and associated parking that will benefit the neighboring schools, and thereby, the neighboring properties. The tennis courts are part of the adjacent schools and will not increase the noise or nature of the neighborhood in any meaningful way. The schools and/or neighborhood currently use the site as an undeveloped sports field. There may be a slight increase in traffic associated with the parking lot but the majority of the trips generated will be contained to school hours when the neighboring traffic is

already impacted by the existing school structures. The access will be from D Street NE, a minor arterial and no driveway will be provided on a local street within the residential neighborhood. The existing setback and landscaping requirements provide a buffer between the existing residential uses and the proposed tennis court. The applicant is providing a 43-foot setback between the courts and the neighboring property on the north and a 10-foot setback adjacent to the vehicle use area. Both setbacks meet or exceed the requirements of the Salem Revised Code and will be landscaped pursuant to SRC 807, buffering the two uses.

The tennis courts are proposed to be located 6.75 feet from the right of way abutting E Street NE. The use is an intensification of the existing use on the property. In order to mitigate the impacts of the use from the residential uses along E Street, the applicant shall provide a landscaping buffer abutting E Street.

The applicant has indicated that the courts will be open during school hours and for after school activities. The courts will be secured and locked after those events/ activities are completed. The applicant is not providing lighting for the courts. In order to minimize impacts to the abutting and adjacent residential uses, limits on lighting and hours of operation are important. The District has stated that the courts will be closed at dusk, therefore, a condition requiring signage is recommended. The plans indicate they will not light the courts or the parking lot, therefore, only pedestrian scale lighting along the paths should be permitted.

Condition 1: There shall be no lighting on-site taller than four feet above grade.

Condition 2: The applicant shall provide signage on-site indicating the facility closes at dusk.

Condition 3: The applicant shall provide landscaping within the 6.75 feet land area abutting E Street and the development with shrubs that will grow six feet in height along the length of the development site.

As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The Subject Property is surrounded on two sides by residential properties, to the east is the railroad and to the south, across D Street NE, by Parrish Middle School. The proposed development is consistent with the school use to the south and offers a benefit to the residential properties in the vicinity by providing parking for the creational school uses, minimizing the traffic impact of the proposed use, as well as usable recreational facilities that will be open to the public when not in use by the adjacent schools or neighborhood clubs. The

proposed recreational will generate minimal noise and the close proximity to North Salem High School will allow students practicing on the Subject Property to walk there, minimizing additional trips to other off-site facilities.

Any impact on the surrounding properties related to the tennis courts currently exist due to the proximity to Parrish Middle School and North Salem High School, making the Development compatible with the existing property uses in the vicinity. Increased impact from the parking lot will be off-set by decreasing traffic and congestion on D Street NE and will alleviate parking constraints at Parrish Middle School and North Salem High School.

Because the development will have minimal impact on surrounding uses, the proposed development meets this approval criterion.

7. Analysis of Class 3 Site Plan Review Approval Criteria

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

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The subject property is zoned RM-II (Multi-Family Residential) and PE (Public and Private Education Services). The subject property has a conflict between the zoning and Comprehensive Plan. In order to be consistent with the Comprehensive Plan, the uses within the RM-II zone governs the development of the subject property. The proposed use of Recreational and cultural community services is an allowed use in the PE zone, but a Conditional Use within the RM-II zone, therefore a conditional use permit is required for development of the four tennis courts and associated parking. The following is a summary of the applicable development standards for the proposed development.

The applicant is proposing to remove lot lines between the properties and locating improvements within the existing alley and 12th Street right of way (including the railroad right of way), which includes the existing railroad right of way. The application was evaluated based on the submitted property line adjustment applications, which consolidate the northern two lot and consolidate the southern three lots, therefore the following condition applies:

Condition 4: Prior to issuance of building permits, the applicant shall eliminate property lines within the development site.

Condition 5: Obtain approval in compliance with SRC 76.160 for proposed uses in the public right-of-way.

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: Recreational and cultural community services uses are allowed as a conditional 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 all uses other than single family uses in the RM-II zone is 6,000 square feet. Lots are required to have 40-ft width, 120-ft depth and 40-ft of frontage.

Finding: The RM-II portion of the subject property is approximately 1.75 acres, once consolidated, in size, exceeding the minimum lot size requirement. The property, once the property is consolidated, would meet lot standards of the RM-II zone.

SRC 514.010(d) – Setbacks:

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

South: Adjacent to the south is right-of-way for D Street NE. Buildings are required 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.

North: Adjacent to the north is right-of-way for E Street NE. Buildings are required 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.

East: Adjacent to the east is the 12th Street NE right-of-way and the railroad. Buildings are required to meet 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: There are no proposed buildings and the vehicle use area is located over the property line abutting 12th Street right-of-way. The applicant has applied for an adjustment, addressed below and has received an encroachment permit to locate the vehicle use area within the right-of-way. There is not a setback requirement for fencing.

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: Proposed building and parking area is setback 10 feet or greater from the western property line and greater than five feet to the alley, meeting or exceeding the minimum setback requirement. The applicant has applied for a property line adjustment to eliminate the underling lot lines, which would eliminate the five-foot setback requirement to those property lines. To ensure the setback to the underlining lot lines are not required, Condition 3 above applies.

SRC 514.010(e) - Lot Coverage, Height:

The maximum lot coverage allowance for all uses in the RM-II zone is 60 percent. The maximum building height allowance for uses other than single family, two family or multi-family is 70 feet.

Finding: The site plan indicates that the proposed tennis courts will have fences approximately six to eight feet in height. Pursuant to SRC 800.050(B), fences in a residential zone shall not exceed four feet abutting a street and six feet in the rear yard. The applicant is not proposing a building, therefore meeting the standard. The fence exceeds the maximum height, the applicant has requested an adjustment to the standard, which is addressed below.

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.

General Development Standards SRC 800

Pedestrian access SRC. 800.065

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. 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.
 - 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.
- (3) Connection between buildings on the same development site. 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.

Finding: The applicant is not proposing a building, therefore this standard is not applicable.

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

Finding: There is not a parking area greater than 25,000 square feet, more than four consecutive drive aisles or have a depth of 124-feet. There are no planned paths or trails near the subject property and the property does not share access with adjacent properties.

Design and materials.

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

- (1) Walkways shall conform to the following:
 - (A) 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.

Finding: There are no required pedestrian connections, therefore these standards are not applicable.

Solid Waste Service Areas – SRC 800.055

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 proposal does not include a solid waste service area; therefore, this section is 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 an outdoor recreational and cultural community services is one space per 2,000 square feet of gross site area.

- 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 development site, including the right-of-way is 1.75 acres or 76,230 square feet. The minimum off street parking is 38 spaces ($76,230 / 2,000 = 38.1$). The maximum off-street parking allowance for the use is 67 spaces ($38 \times 1.75 = 66.5$). The site plan indicates 52 spaces, meeting the minimum and maximum parking standard.

The proposal is allowed 29 compact spaces ($38 \times 0.75 = 28.5$), the site plan indicates six compact spaces, meeting the standard.

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 proposal does not contain a building. The off-street parking area complies with all applicable perimeter and interior setback requirements to the proposed tennis courts.

- d) *Interior Landscaping.* Interior landscaping shall be required for off-street parking areas less than 50,000 square feet is a minimum of five percent.

Finding: Off-street parking areas are 17,700 square feet in size, requirement 885 square feet of interior landscaping ($17,700 \times 0.05 = 885$). The site plan indicates 2,350 square feet of interior landscaping is provided, therefore meeting the standard.

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 will meet the standards of SRC 806. The applicant has not indicated lighting will be provided on site.

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.

An outdoor recreational and cultural community services use is required to have the greater of 4 bicycle spaces or a minimum of one bicycle spaces per 30 vehicle parking spaces.

Finding: The applicant has submitted a supplemental site plan indicating four 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. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - 1) Bicycle parking located outside a building shall be located within a convenient distance of, and 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) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible 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 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.
- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - 1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
 - 2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (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 floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - 1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - 2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - 3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

- 4) Racks shall be securely anchored.
- 5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The supplemental site plan indicates the type of rack meeting the development standards and located at the entrance of the tennis courts.

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 Recreation and cultural community services uses containing less than 5,000 square feet of floor area does not require off-street loading area per Table 806-9.

Finding: The proposal is the development of tennis courts and associated parking area. There are not buildings proposed, therefore no loading spaces are required, and the standard is met.

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 approximately 19,373 square feet of landscaping will be provided for the proposed development, requiring a minimum of 969 plant units ($19,373 / 20 = 968.65$). Of the required plant units, a minimum of 40 percent, or 388 plant units ($969 \times 0.4 = 387.6$) are required to be trees.

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

Natural Resources

SRC 601 – Floodplain: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation SRC 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.

No protected trees have been identified on the site plan for removal.

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) there are not mapped wetlands present on the subject property.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain areas of mapped landslide hazard. The proposed commercial development is assigned 3 activity points. A total of 3 points indicates a low landslide hazard risk; a geological 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: D Street NE does not meet current standards for the collector classification of street per the Salem Transportation System Plan. However, the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way or street improvements are required at this time. The property is subject to a special setback equal to 36 feet measured from the centerline of D Street NE.

E Street NE meets or exceeds the right-of-way width and pavement width standards pursuant to the Salem TSP. The development is not proposing a

building addition subject to SRC 803.040(a); therefore, no additional street improvements are required as a condition of the proposed development.

The applicant shall install street trees to the maximum extent feasible along the frontage of D Street NE and E Street NE pursuant to SRC 86.015(e). Staff recommends the following conditions to ensure compliance with this criterion:

Condition 6: Install street trees to the maximum extent feasible along the frontage of D Street NE pursuant to SRC 86.015(e).

Condition 7: Install street trees to the maximum extent feasible along the frontage of E Street NE pursuant to SRC 86.015(e).

Criterion 3:

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

Finding: The proposed driveway access onto D Street NE provides for safe turning movements into and out of the property. The applicant is proposing access to the only developed street abutting the subject property. The proposal does not meet the driveway spacing standards, which is addressed below in Section 8.

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, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

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

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 trash area shall be designed in compliance with Public Works Standards.

Staff recommends the following condition to ensure compliance with this criterion:

Condition 8: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

8. Analysis of Class 2 Zoning Adjustment Permit Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

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:

To increase the height of the fence within the RM-II zone to six feet along E Street and eight feet for the remainder of the proposal:

The applicant is requesting to develop new tennis courts in a RM-I (Multi-Family Residential) zone, that will be surround by a traditional 6-8-foot-tall fence to contain balls within the court. The applicant indicates that the purpose underlying the development standard is clearly inapplicable to the proposed development. The purpose of the height limitation for fences and walls in residential zones is to limit the visual impact and mass of excessively tall fences primarily at a property line, where fences and walls are typically placed. The tennis court fence is located approximately 10 feet from the abutting residentially zoned property to the north and will be visually screened by required landscaping and site-obscuring fencing requirements at the property line. The proposed fencing equally meets the purpose of this standard. This criterion is met.

Reduce the driveway spacing on a minor arterial to 270 feet:

The proposal includes a Class 2 Adjustment. The Class 2 Adjustment requests approval to reduce the minimum required driveway spacing onto a Minor Arterial street. The subject property does not have adequate frontage to meet the spacing requirement of 270 feet from the intersection with a Minor Arterial (SRC 804.030(c)). The development is proposing a new driveway to serve the tennis court facility. The development site consists of several lots of an existing subdivision, which would have multiple driveways. The applicant is proposing a property line adjustment to consolidate four existing lots, thereby reducing the number of driveways allowed for the property. The Assistant City Traffic Engineer has reviewed the proposed plan and has determined that 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. The proposed driveway configuration meets the

adjustment criteria by maximizing the distance from the intersection to allow for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Eliminate the setback for a vehicle use areas abutting 12th Street NE and D Street NE:

The applicant is requesting a setback adjustment to the property lines abutting 12th Street and D Street for the proposed vehicle use area. The 12th Street right of way is not developed as a street. The applicant has applied to vacate the right of way, in order to own the land area. The City has received an application for encroachment into the right-of-way; if approved it will allow the applicant to operate this use over City right-of-way until the street vacation is approved. Since there is not an existing street, and the right-of-way is proposed for vacation, the reduced setback will not affect the existing, or planned, transportation system.

The applicant requested to eliminate the setback to D Street NE, which is developed but not at the full size of the improvement required by SRC 803. The property is subject to a special setback abutting the property. The applicant has proposed to encroach into the special setback for landscaping requirements, under SRC 807. The applicant will be providing landscaping within the right of way, which will equally meet the standard of the required six to ten-foot setback from the ultimate right of way. The proposed vehicle use area will be setback more than ten feet from the current improvement and will be landscaped between the improvement and the street.

Condition 9: The applicant shall landscape the special setback of 11 feet between the vehicle use area and street improvements meeting Type A standards of SRC 807.

Eliminate the 5-foot setback abutting a property line for a vehicle use area for property lines on the southern portion of the development site:

This adjustment request is not needed, since additional research on the Vacated Right of Way from D Street has been provided, indicating the property line of each lot includes the previously vacated right of way. Therefore, the adjustment to the property lines along the southern portion of the property is not needed.

Criterion 2:

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 a residential zone. The proposed adjustment is requested to allow a tennis facility to be used in conjunction with the existing schools across D Street. The requested adjustment will not detract from the livability or appearance of the residential area.

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 10: The adjusted development standard, 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 standards of the UDC, unless adjusted through a future land use action.

The proposal meets the criterion.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Three separate Class 2 Adjustments have been requested with this development. 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.

9. Analysis of Class 2 Driveway Approach Permit Criteria

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit. The Driveway Approach Permit is required for the driveway on Myrtle Avenue NE.

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: The proposal is to enlarge the existing driveway approach. The property frontage does not contain adequate length to meet the spacing standards. The current approach is function and does not contain site conditions that are unsafe site. The applicant has requested a Class 2 Adjustment for the location of the driveway, which is addressed above.

Criterion 3:

The number of driveways onto an arterial is minimized.

Finding: The development is proposing to relocate an existing driveway and reduce the number of driveway approaches from two to one for the subject property along the Minor Arterial street.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

Finding: The proposed parking lot development abuts only one street, which has a Minor Arterial classification. A shared driveway approach is not possible because of existing development on the westerly abutting property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

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

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts

in the vicinity.

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

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach relocates an existing approach located on a Minor Arterial street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

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

Finding: The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the higher classification, D Street NE a minor arterial. Since Parrish Elementary and North Salem High School are currently located on D Street, locating a driveway on the lowest classification street abutting the subject property would adversely affect the residential neighborhood. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment, and driveway approach permit application for the proposed development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th street right-of-way/railroad right of way) located at 1163 D Street NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: There shall be no lighting on-site taller than four feet above grade.

Condition 2: The applicant shall provide signage on-site indicating the facility closes at dusk.

SITE PLAN REVIEW:

- Condition 3:** Prior to issuance of building permits, the applicant shall eliminate property lines within the development site.
- Condition 4:** The applicant shall provide landscaping within the 6.75 feet land area abutting E Street and the development with shrubs that will grow six feet in height along the length of the development site.
- Condition 5:** Obtain approval in compliance with SRC 76.160 for proposed uses in the public right-of-way.
- Condition 6:** Install street trees to the maximum extent feasible along the frontage of D Street NE pursuant to SRC 86.015(e).
- Condition 7:** Install street trees to the maximum extent feasible along the frontage of E Street NE pursuant to SRC 86.015(e).
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

ADJUSTMENT:

- Condition 9:** The applicant shall landscape the special setback of 11 feet between the vehicle use area and street improvements meeting Type A standards of SRC 807.
- Condition 10:** The adjusted development standard, 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 standards of the UDC, unless adjusted through a future land use action.

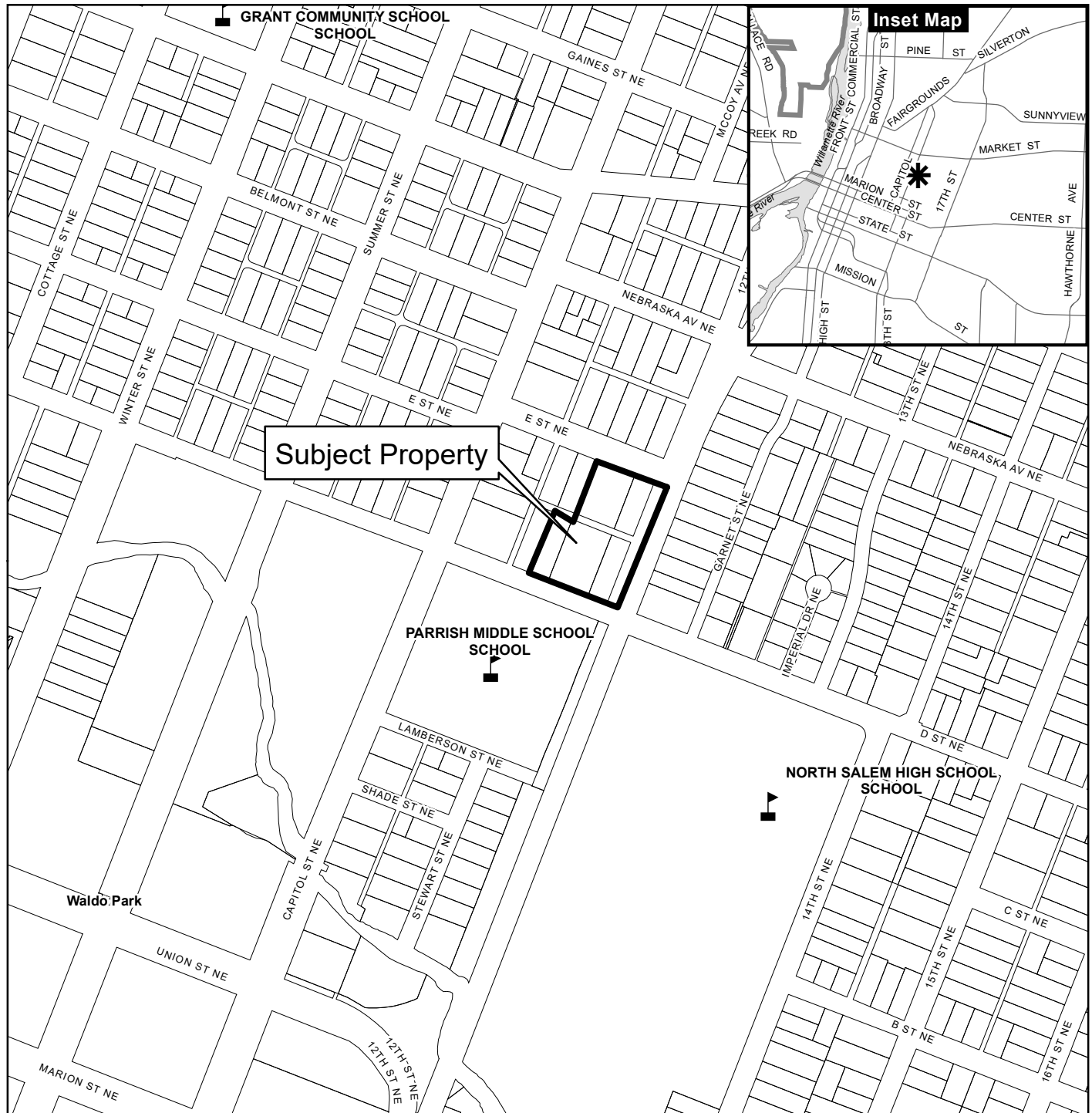
Prepared by Olivia Dias, Planner III

Application Deemed Complete Date: May 29, 2020
State Mandated Decision Date: September 26, 2020

- Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Applicant's Statement Addressing Approval Criteria
D. Public Works Memo

Vicinity Map

1163 D Street NE



Legend

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

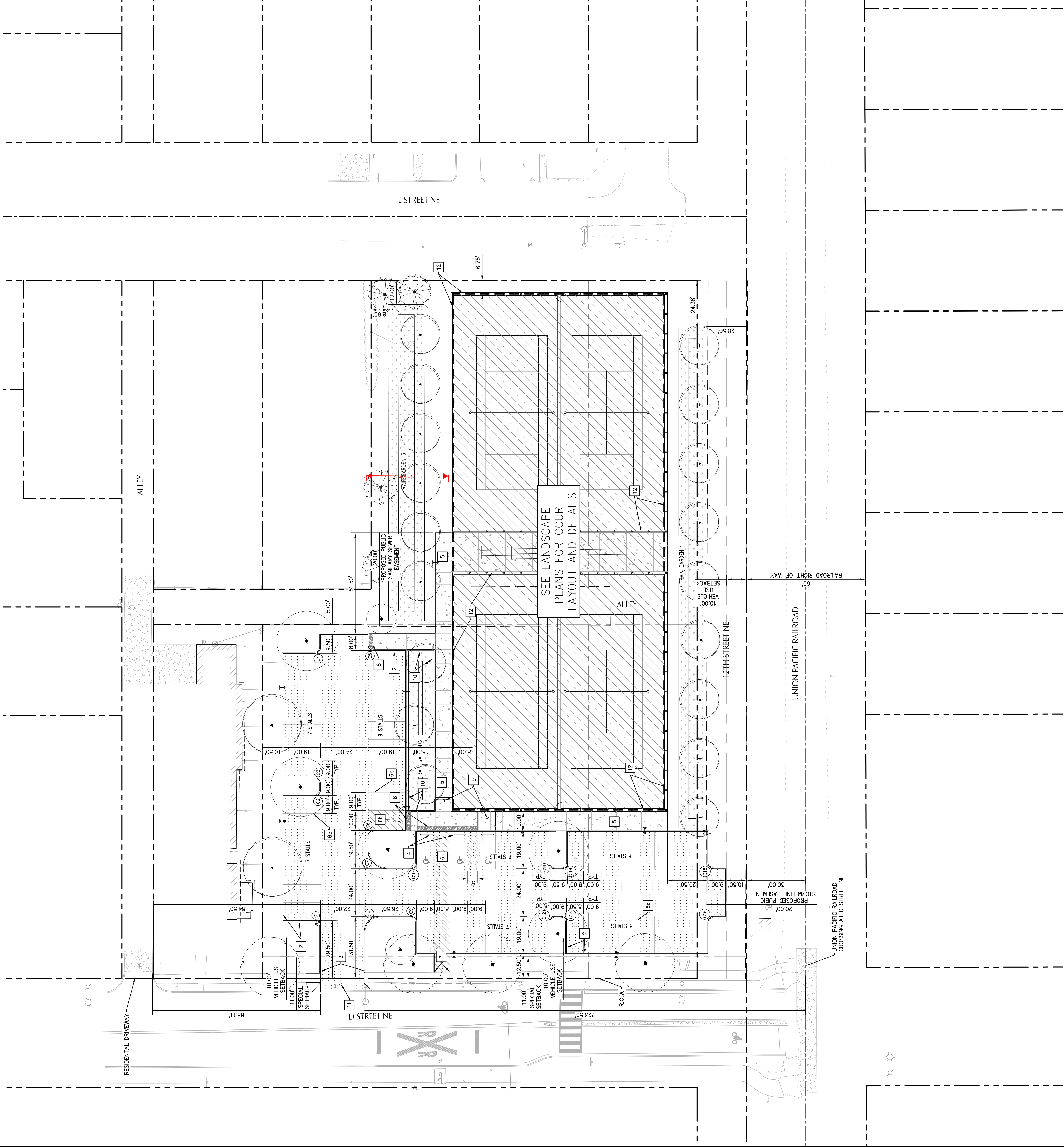
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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

0 100 200 400 Feet





SHEET NOTES

- 1. ALL DIMENSIONS ARE TO FACE OF CURB OR FACE OF WALL.
- 2. SEE LANDSCAPE PLANS FOR PLANTING PLANS, TENNIS COURTS, AND ADDITIONAL SITE FEATURES.

KEY NOTES

DESCRIPTION

- 1 SAWCUT LINE
- 2 STANDARD CURB
- 3 CURB ENDING
- 4 WHEEL STOP
- 5 CONCRETE SIDEWALK
- 6a ADA PARKING STALLS AND STRIPING
- 6b NO PARKING ZONE STRIPING
- 6c 4" WIDE WHITE STRIPE
- 7 ADA PARKING SIGN
- 8 DETECTABLE WARNING
- 9 CURB RAMP
- 10 CONCRETE CURB WALL
- 11 CONCRETE DRIVEWAY
- 12 TENNIS COURT FENCING

REFERENCE SALEM CITY
DETAIL NO.302/0602

REFERENCE LANDSCAPE PLANS

SHEET LEGEND

- PROPERTY LINE
- STANDARD CURB
- CONCRETE SIDEWALK
- STANDARD ASPHALT PAVEMENT
- STORMWATER MANAGEMENT FACILITY RAIN GARDEN
- SEE LANDSCAPE PLANS
- COMPACT PARKING STALLS
- LEFT
- POINT OF CURVATURE
- POINT OF COMPOUND CURVE
- POINT OF INTERSECTION
- POINT OF TANGENT
- RADIUS
- RIGHT
- SEE THIS SHEET FOR CURB RADIUS TABLE
- LIGHT, SEE ELECTRICAL PLANS FOR DETAILS

PARKING COUNT SUMMARY TABLE

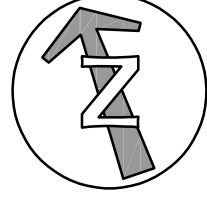
STANDARD STALLS	43
COMPACT STALLS	6
STANDARD ADA STALLS	2
VAN ADA STALLS	1
TOTAL STALLS	52

CURB RADIUS TABLE

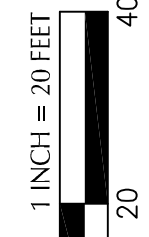
CURB #	BEGINNING NORTHING	BEGINNING EASTING	LENGTH	RADIUS	DELTA	TANGENT DISTANCE	ENDING NORTHING	ENDING EASTING
C1	476681.67	7548880.23	4.71'	3.00'	90°00'00"	4.24'	476685.76	7548878.54
C2	476744.17	7548901.64	4.71'	3.00'	90°00'00"	4.24'	476746.06	7548905.53
C3	476748.85	7548906.63	4.71'	3.00'	90°00'00"	4.24'	476752.75	7548904.94
C4	476811.36	7548928.04	4.71'	3.00'	90°00'00"	4.24'	476813.05	7548931.93
C5	476805.64	7548954.81	4.71'	3.00'	90°00'00"	4.24'	476801.75	7548956.56
C6	476717.09	7548923.13	4.71'	3.00'	90°00'00"	4.24'	476715.40	7548919.24
C7	476709.35	7548916.86	15.71'	10.00'	90°00'00"	14.14'	476896.38	7548922.50
C8	476675.52	7548909.97	12.57'	8.00'	90°00'00"	11.31'	476671.01	7548899.60
C9	476665.95	7548926.09	4.71'	3.00'	90°00'00"	4.24'	476669.84	7548924.39
C10	476692.17	7548933.19	4.71'	3.00'	90°00'00"	4.24'	476693.86	7548937.09
C11	476669.29	7548999.42	4.71'	3.00'	90°00'00"	4.24'	476665.40	7549001.11
C12	476643.07	7548992.31	4.71'	3.00'	90°00'00"	4.24'	476641.38	7548988.42
C13	476638.08	7548996.79	4.71'	3.00'	90°00'00"	4.24'	476641.97	7548995.10
C14	476664.11	7549004.37	4.71'	3.00'	90°00'00"	4.24'	476665.80	7549008.26
C15	476639.77	7549071.31	4.71'	3.00'	90°00'00"	4.24'	476635.88	7549076.00
C16	476613.55	7549067.20	4.71'	3.00'	90°00'00"	4.24'	476611.86	7549063.37

SITE AREAS SUMMARY TABLE

TOTAL SITE AREA	76,900	SF
IMPERVIOUS AREA	50,100	SF
LANDSCAPE AREA	19,373	SF
STORMWATER MANAGEMENT AREA	7,421	SF
LANDSCAPE AREA PERCENTAGE OF TOTAL SITE AREA	25%	SF



SCALE



1 INCH = 20 FEET

SALEM-KEIZER SCHOOL DISTRICT 24J
CONDITIONAL USE PERMIT
(2) CLASS 2 ADJUSTMENTS
CLASS 3 SITE PLAN REVIEW
CLASS 2 DRIVEWAY APPROACH
WRITTEN STATEMENT

OWNER/APPLICANT:

Salem-Keizer School District 24J
3630 State Street
Salem, Oregon 97301

CO-APPLICANT:

City of Salem
555 Liberty ST SE
Salem, OR 97301

APPLICANT'S REPRESENTATIVES:

Mark Shipman, Attorney
Saalfeld Griggs PC
Park Place, Suite 200
250 Church Street SE
Salem, OR 97301
Phone: 503-399-1070
Email: mshipman@sglaw.com



SUBJECT PROPERTY INFORMATION:

The Subject Property is located at 1163 D Street NE in Salem, Oregon and is designated by the Marion County Assessor as Marion County Tax Map 07-3W-23CA Tax Lots ("TL") 7100, 7200, 8200, 8300, and 8100 (the "**Subject Property**") as depicted on the attached **Exhibit A**. TL 7100, TL 7200, TL 8200, and TL 8300 (collectively, the "**Field Property**") are currently an undeveloped field. TL 8100 (the "**House Property**") is developed with a house that was constructed in 1940 along with a detached garage. The City of Salem (herein the "**City**") Comprehensive Plan Map designates the Subject Property as "Multifamily Residential" (MF) and the Field Property is zoned "Public/Private Education" (PE) while the House Property is zoned "Multiple Family Residential 2" (RM-II). (See Current Zoning Map, **Exhibit B**). The Subject Property is located within the City limits and the City's Urban Service Area.

The properties surrounding the Subject Property have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North Across E Street	RM-II	Multiple Family Residential	Residential
South Across D Street	PE	Public and Private Educational Services	Parrish Middle School
East Across ROW	RM-II	Multiple Family Residential	Residential
West Adjacent to Subject Property	RM-II	Multiple Family Residential	Residential

The Applicant's representatives met with City Staff on December 5, 2019 to discuss the development of four (4) tennis courts and a parking area for use by North Salem High School students (the "**Development**") on the Subject Property.

The Subject Property is located within the Grant Neighborhood Association and is adjacent to the Northeast Neighbors Association (collectively the "**Neighborhood Associations**"). Applicant contacted the Chairs and Land Use Chairs on February 5, 2020, to provide notice and solicit comments in compliance with SRC 300.310. Applicant has submitted copies of these emails as part of this Application. An open house is not required for this Application.

Access to the Subject Property is provided by D Street Northeast, which is a Minor Arterial, under the City's Transportation Systems Plan ("**STSP**"), and by E Street Northeast, which is not classified on the STSP. Applicant contacted Salem Area Mass Transit District dba Cherriots on February 4, 2020 and provided a copy of the proposed site plan. Applicant has submitted this email as part of this Application.

SUMMARY OF PROPOSAL:

Applicant is the owner of the Subject Property and proposes developing the Subject Property with four (4) tennis courts and a parking area for use by North Salem High School students. In order to facilitate the Development, Applicant is requesting a conditional use permit for the Development; a class 3 site plan review; a class 2 adjustment to the development standards governing fence height and driveway spacing on a minor arterial and a class 2 driveway approach permit (herein collectively, the "**Application**"). Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

ADDITIONAL APPLICATIONS:

The Applicant will also be filing three additional, but separate, applications:

- property line (consolidation) adjustment to consolidate TL 7100 and 7200;
- property line (consolidation) adjustment to consolidate TL 8100, 8200 and 8300; and
- right of way vacation application to vacate the (alley) right of way separating TL 7100 and TL 7200 from TL 8100, 8200 and TL 8300, and the (12th Street) right of way that runs parallel along the Union Pacific Railroad.

EXISTING SITE CONDITIONS:

The Subject Property has approximately 2,021 feet of frontage along D Street Northeast and approximately 165 feet on frontage along E Street Northeast. The Subject Property also has approximately 347 feet of frontage along Union Pacific Railroad's right-of-way that abuts the Subject Property. An existing conditions site plan has been submitted as part of this Application. The majority of the Subject Property is undeveloped, with a house located along part of the northeastern property line. The Subject Property is currently split zoned and the existing residential use is a permitted use in the RM-2 zone while the Development is a permitted use within the P/PE Zone.

SITE PLAN:

A proposed site plan has been submitted as part of this Application.

APPLICABLE DETAIL PLANS:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan ("**SACP**") and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The Grant Neighborhood Association ("**GNA**") has a Neighborhood Plan with identified goals and policies that was adopted by the City on June 13, 1983, with the exception of Residential Policy 9 and Transportation Policies 45, 60, and 63 (the "**Grant Neighborhood Plan**"). The Grant Neighborhood Plan acts as a guiding document for the GNA's recommendations regarding development within the GNA's boundaries. The Grant Neighborhood Plan designates the Subject Property for multi-family development.

While Northeast Neighbors Association ("**NNA**") also has an adopted Neighborhood Plan, that plan is not an applicable detail plan for this Application, however, the Development is consistent with the Northeast Neighbors' Neighborhood Plan in that the property adjacent to the Subject Property is the Parish Middle School site, which is designated for continued Public/Public Education use, which will occur on the Subject Property under the proposed conditional use permit.

HOMEOWNERS ASSOCIATION INFORMATION:

The Subject Property is not subject to an active homeowner's association (HOA). This Application does not require notice or approval from an HOA pursuant to SRC 300.210(a)(10).

SALEM TRANSPORTATION SYSTEM PLAN (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Access to the Subject Property is provided via D Street Northeast which is classified as a Minor Arterial under the SCM. The Subject Property also has frontage along E Street Northeast, which is classified as a Local Street under the SCM.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CONDITIONAL USE PERMIT

The Development is a conditional use in the RM-II Zone, requiring Applicant to obtain a conditional use permit. The criteria for obtaining a conditional use permit is set out in the SRC in Chapter 240. The

applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

Sec. 240.005 - Conditional use permits.

(d) Criteria. An application for conditional use permit shall be granted if all of the following criteria are met:

(1) The proposed use is allowed as a conditional use in the zone;

Proposed Finding: The proposed use is on-site parking and four (4) tennis courts. Under Section 400 of the SRC, which provides the classification of uses within the City, this is classified as "Recreational and cultural community services." The Development is a permitted use within the PE Zone but requires a Conditional Use Permit in the RM-II Zone. SRC 542.005, Table 542-1; SRC 514.005, Table 514-1. As indicated above, the Subject Property is designated as Multi-Family, as such, the RM-II zone governs whether the proposed use is permitted on the entirety of the Subject Property. An excerpt of the relevant table is as follows:

Sec. 514.005. - Uses.



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

Recreation, Entertainment, and Cultural Services and Facilities			EXPAND
Commercial entertainment— indoor	C	Membership sports and recreation clubs.	
	N	All other commercial entertainment—indoor.	
Commercial entertainment— outdoor	S	Golf courses, subject to SRC 700.015 .	
	C	Membership sports and recreation clubs.	
	N	All other commercial entertainment—outdoor.	
Major event entertainment	N		
Recreational and cultural community services	P	Libraries.	
	C	All other recreation and cultural community services.	

As depicted, the Development is not outright permitted in the RM-II zone but can be developed under a Conditional Use Permit. This criterion is satisfied.

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and

Proposed Finding: The Development proposes the development of a vacant field and vacant house into a well-maintained tennis facility that will benefit the neighboring schools, and thereby, the neighboring properties. Additionally, the tennis courts are part of the adjacent schools and will not increase the noise or nature of the neighborhood in any meaningful way. While there may be a slight increase in traffic, the majority of the trips generated will be contained to school hours when the neighboring traffic is already impacted by the existing school structures. If necessary, added noise or traffic impacts could

be conditioned by reasonable noise and hour restrictions on the proposed use of the Development. This criterion is satisfied.

(3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Proposed Finding: The Subject Property is surrounded on three sides by residential properties and to the south by Parrish Middle School. The proposed Development is consistent with the school use to the south and offers a benefit to the residential properties in the vicinity by providing parking, minimizing the traffic impact of the proposed use, as well as usable recreational facilities that will be open to the public when not in use by the adjacent schools or neighborhood clubs. The proposed recreational will generate minimal noise and the close proximity to North Salem High School will allow students practicing on the Subject Property to walk there, minimizing additional trips to other off-site facilities. Any impact on the surrounding properties currently exist due to the proximity to Parrish Middle School and North Salem High School, making the Development compatible with the existing property uses in the vicinity.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW

The Development requires the construction of a new off-street parking and vehicle use area, requiring Class 3 Site Plan review under SPR 220.005(a)(1)(B)(i). The criteria for obtaining Site Plan Review is set out in the SRC in Chapter 220. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

Sec. 220.005. - Site plan review.

(e) 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;

General Development Standards

SRC Chapter 800 - General Development Standards; SRC Chapter 802 - Public Improvements and SRC Chapter 803 – Streets; and Right-of-Way Improvements

Lot standards within the RM-II zone are established under SRC 514.010(a), Table 514-2. The RM-II zone requires a minimum lot size of 6,000 square feet, Lot Width of 40-feet, Lot Depth of 80-feet, and a minimum street frontage of 40 feet. Setbacks for buildings, accessory structures, and parking and vehicle uses areas within RM-II zones are generally established under SRC Tables 514-4 and 514-5. In the RM-II zone, buildings shall be set back abutting a street a minimum of 12-foot plus one foot for each one foot of building height over 12-feet; provided, however, the setback need not exceed 20 feet in depth abutting the street. Each interior side and rear lot line for each lawfully established unit of land is required to have a setback, which includes interior lines. The setback for buildings and vehicle use areas within the RM-II zone and abutting residential and public zones is 10-feet with Type C landscaping. Zone-to-zone setbacks are not required abutting an alley. Buildings shall be set back abutting a street a minimum of one foot for each one foot of building height; provided, however, the setback need not exceed 35 feet in depth abutting the street. Any vehicle use area would be required to be setback from abutting streets 12-feet within the RM-II zone.

Public Works indicated that a special setback of 11 feet applies abutting D Street NE. The required setbacks are measured from the special setback line. Landscaping within the special setback does not count as required setback area. Required parking is not allowed in the special setback.

Lot coverage requirements within the PE, and RM-II zone are established under SRC 514.010(c), Table 514-6. The PE and RM-I zone limits lot coverage by all buildings and accessory structures to a maximum of 50 percent.

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

Proposed Finding: In parallel with this Application, Applicant is preparing two property line adjustment applications to consolidate the existing tax lots in to two (2) parcels, one to the north and one to the south of an existing mapped, but undeveloped, public alleyway that runs through the Subject Property. As mentioned above, Applicant is also filing a separate application for a vacation of the public alleyway through the requisite vacation process. Until the vacation is finalized, Applicant and the City are prepared to enter into a revocable license agreement, granting Applicant the right to construct the Development while Applicant gathers the necessary consent for the vacation from the affected property owners. Both of the proposed parcels exceed the minimum lot size standards under SRC 800. The Subject Property is subject to special setback standards under 800.040 along D Street Northeast. Other than the driveway access, there is no proposed development within the special setback, in compliance with SRC 800.040.

There are no proposed Public Improvements or Right-of-Way Improvements as the Development will not negatively impact the traffic in the vicinity. The Development will require private stormwater facilities which will be contained within the Subject Property and will comply with the applicable design standards. Any additional right-of-way dedication will be addressed via Applicant's property line adjustment applications which will be filed separate from this Application.

SRC Chapter 804 - Driveway Approaches

Proposed Finding: The Development will use the existing driveway approach onto D Street Northeast. Applicant is applying for a Class 2 Driveway Approach Permit as part of this Application.

SRC Chapter 805 - Vision Clearance

Proposed Finding: The Development is designed in a manner that will conform to the vision clearance requirements, as set forth in Chapter 805.

Chapter 806 – Off-Street Parking, Loading and Driveways

Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. The minimum off-street parking requirement for the proposed Development is based on the parking required for the primary use of the subject property, Parks and Open Space. The minimum off-street parking requirement for Recreational and Cultural Community Services is 1 per 2,000 sq. ft. with a

maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed Development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required. Based on the gross site area, 34 parking spaces are required, and maximum is 60 spaces.

Proposed Finding: As depicted on the site plan, the Development will include 48 off street parking stalls, two of which are ADA accessible spaces. Applicant will provide at least four (4) bicycle parking spaces, in compliance with Table 806-8.

SRC Chapter 807 – Landscaping and Screening

All required setbacks shall be landscaped with a minimum of one plant unit per twenty square feet of landscaped area. A minimum of forty 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.

Proposed Finding: All building permit applications for the Development subject to landscaping requirements shall include landscape and irrigation plans that meet the requirements of SRC Chapter 807. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review. The site plan retains the majority of plants providing screening along the shared property line with the neighboring residential property and will retain or replace the existing fencing along said property lines as required by SRC 807.

Natural Resources

SRC Chapter 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 twenty-four (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.

Proposed Finding: No protected trees have been identified on the site plan for removal.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal 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.

Proposed Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the Subject Property. There is a small portion of the Subject Property that is within a floodplain,

however the City has determined that the Development will not encroach on the floodplain.

SRC Chapter 810 - Landslide Hazards:

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Proposed Finding: The Subject Property does not contain mapped landslide hazards a geological assessment is not required for the proposed Development.

(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;

Proposed Finding: The Subject Property provides for the safe and efficient movement of goods and people. The Subject Property has approximately 2,021 feet of frontage along D Street Northeast and approximately 165 feet on frontage along E Street Northeast. The Subject Property also has approximately 347 feet of frontage along Union Pacific Railroad's right-of-way that abuts the Subject Property.

D Street is classified as a minor arterial and E Street is classified as a local street by the SCMP. The Subject Property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood. The Subject Property is currently served by transit with several bus stops adjacent to the Subject Property along D and Capitol streets. The proposed Development is adjacent to pedestrian sidewalks along D Street. All of these factors encourage the use of alternative modes of transportation. This criterion is satisfied.

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

Proposed Finding: The proposed parking area provides for the safe and efficient movement of vehicles, bicycles, and pedestrians. The parking areas are bordered on the area closest to the tennis courts with pedestrian pathways, with several pedestrian lanes through the parking area to allow for the safe movement of pedestrians through the parking area. The parking area itself will have one access onto D Street with plenty of internal queuing space for cars waiting to access D Street Northeast. Bicycle parking is provided for at the North Salem High School campus across D Street Northeast. The design of the parking areas and driveway access is designed to facilitate the safe and efficient movement of vehicles, bicycles and pedestrians. This criterion is satisfied.

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

Proposed Finding: The Subject Property is located inside the City's Urban Service Area (USA) and is currently served, or capable of being served, by public facilities and services necessary to support the uses allowed by the proposed Development. The Applicant will be required to provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 73.065.

The Applicant may be assessed storm system development charges at the time of building plan approval based on the increase in impervious surface at the Subject Property. This criterion is satisfied.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT TO DEVELOPMENT STANDARDS GOVERNING FENCE HEIGHT

The Development is a conditional use in the RM-II Zone, requiring Applicant to obtain a Class 2 Adjustment to the development standards governing fence height. The criteria for obtaining a Class 2 Adjustment is set out in the SRC in Chapter 250. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

(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.

Proposed Finding: Fence height standards within the RM-II Zone are governed by SRC 514.010(c), Table 514-6 and SRC 521.010(c). Under the SRC, fences within the residential zones cannot exceed a maximum of eight (8) feet in height. For fences in front yards abutting a street, fences within twenty (20) feet of the property may not exceed four (4) feet in height. The maximum height standard for rear yards abutting a street is six (6) feet in height. Applicant is requesting an adjustment to the numerical height standard in the SRC from four (4) feet along D Street, six (6) feet along E Street, and eight (8) feet for the remainder of the fencing. Even the increase from Applicant will be using chain link fencing, which conforms to the opacity requirements set forth in the code.

(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.***

Proposed Finding: The purpose of design standards is to provide standards that are appropriate for the permitted uses within a given zone. In this instance, the standards of the RM-II zone regarding fence height are to ensure that fence heights are consistent across the zone. In this instance, Applicant is requesting a conditional use permit, demonstrating that the use is not of the type typically permitted in the zone. Accordingly, the fence height normally used in the zone is not adequate to contain stray balls necessitated by the proposed use as a tennis court. Therefore, Applicant is applying for a class 2 adjustment as the extended fence height will better meet the fencing requirements of the proposed use.

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

Proposed Finding: The proposed Development is four (4) tennis courts that will be designed to serve North Salem High School. The Subject Property is currently a vacant field and vacant residence. The proposed use will improve the appearance of the residential area by developing unused space with a well landscaped and maintained development. This will not detract from the livability or appearance of the adjacent residential areas. This criterion is satisfied.

(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.

Proposed Finding: Applicant is requesting an adjustment to the fence height standard and to the distance separating a driveway approach from an intersection on a minor arterial (below). Applicant is requesting these adjustments to minimize disruptions to the surrounding neighborhood by managing the traffic flow and restricting any interference the proposed use might have on the surrounding properties.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT TO DEVELOPMENT STANDARDS GOVERNING DRIVEWAY SPACING ON MINOR ARTERIAL

The Development is a conditional use in the RM-II Zone, requiring Applicant to obtain a Class 2 Adjustment to the development standards governing the spacing of driveway approaches onto a minor arterial. The criteria for obtaining a Class 2 Adjustment is set out in the SRC in Chapter 250. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

(b) Applicability

(3) Classes.

(C) 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.

(D) 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.

Proposed Finding: The Development includes the expansion of an existing driveway approach onto D Street Northeast, which is classified as a minor arterial under the STSP. Driveway approach spacing standards onto minor arterials are governed by SRC 804.035(d) which states:

Spacing. Driveway approaches providing direct access to 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 existing driveway approach, which will be expanded under this Application, is approximately 270 feet from the centerline of the intersection of Capitol Street Northeast and D Street Northeast. This

represents a reduction in the numerical spacing standard of approximately 100 feet, which exceeds twenty (20) percent of the standard, requiring a class 2 adjustment.

(e) Criteria.

(4) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(D) The purpose underlying the specific development standard proposed for adjustment is:

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

Proposed Finding: The purpose of the design standards regarding driveway approach spacing is to establish standards to provide for safe and efficient access to public streets. The proposed Development is modifying an existing approach in a manner that will allow for access in and out of the Subject Property in the safest and most efficient way possible. If Applicant was required to move the current approach in accordance with the spacing requirements, the approach would reduce the safety and circulation of the internal parking on the subject property. Additionally, placing the driveway approach adjacent to an existing crosswalk and significantly closer to the existing railroad right-of-way, impeding both pedestrian and vehicle traffic along D Street Northeast. The proposed adjustment is equally or better suited to providing safe and efficient access to public streets. This criterion is satisfied.

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

Proposed Finding: The proposed Development is 4 tennis courts that will be designed to serve North Salem High School. The Subject Property is currently a vacant field and vacant residence. The proposed use will improve the appearance of the residential area by developing unused space with a well landscaped and maintained development. This will not detract from the livability or appearance of the adjacent residential areas. This criterion is satisfied.

(F) 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.

Proposed Finding: Applicant is requesting an adjustment to the fence height standard and to the distance separating a driveway approach from an intersection on a minor arterial (below). Applicant is requesting these adjustments to minimize disruptions to the surrounding neighborhood by managing the traffic flow and restricting any interference the proposed use might have on the surrounding properties.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 DRIVEWAY APPROACH PERMIT

The Development requires the reconstruction and enlargement of an existing driveway approach onto D Street, which is classified as a minor collector under the STSP, requiring a Class 2 driveway approach permit. The criteria for obtaining a Class 2 driveway approach permit is set out in the SRC in Chapter

804.025. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

(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;

Proposed Finding: The driveway approach depicted on the site plan is the replacement and expansion of an existing driveway approach which accesses D Street Northeast which is classified as a Minor Arterial under the STSP. The driveway approach will otherwise meet the applicable Public Works Standards. This criterion is satisfied.

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

Proposed Finding: The proposed driveway approach is a slight enlargement of an existing driveway approach. The current approach is functional and there are no site conditions preventing the expansion of the approach to allow for the Development.

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

Proposed Finding: By repurposing the existing driveway approach and limiting the proposed approaches to a single approach serving the Subject Property, thus minimizing the number of approaches onto D Street Northeast. This criterion is satisfied.

(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;

Proposed Finding: The lowest classification street abutting the Subject Property is E Street Northeast, which is classified as a local street on the STSP. Due to the residential nature of the area abutting the Subject Property, Applicant has proposed taking access from D Street Northeast, a minor arterial, to minimize any impact on the surrounding residential uses. Additionally, while the proposed driveway approach does not share access with an adjacent property, Applicant is proposing an expansion of an existing approach, and is not proposing an additional approach. As these criteria use aspirational rather than mandatory language, Applicant's failure to satisfy these criteria is not fatal to its Application.

(5) The proposed driveway approach meets vision clearance standards;

Proposed Finding: The proposed driveway approach complies with the required vision clearance standards by making use of landscape buffers along the approach, keeping driver's sightline clear to facilitate safe access in and out of the Subject Property.

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

Proposed Finding: As depicted on the site plan, the expanded driveway approach will create the opportunity for two (2) vehicles to pass one another, allowing for safe and efficient movement of

vehicles in and out of the Subject Property. This will prevent unnecessary queuing along D Street Northeast and will marginally improve traffic flow in the area during the congested drop off and pick up times for the adjacent Parish Middle School and North Salem High School.

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

Proposed Finding: As previously stated, the proposed driveway approach is the enlargement of an existing approach. The driveway approach will facilitate safer, more efficient movement of traffic through the Development and in the surrounding area. The Development and the associated driveway approach will not result in a significant adverse impact to the traffic in the vicinity of the Subject Property. This criterion is satisfied.

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

Proposed Finding: The redesign of the driveway approach seeks to minimize any impact on the functionality of the adjacent streets by providing for the efficient movement both within the off-street parking on the Subject Property by providing ample internal queuing space and between the Subject Property and D Street Northeast through the enlargement of the driveway approach itself. This criterion is satisfied.

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

Proposed Finding: The design of the driveway approach seeks to balance any potential impact on the surrounding residential zones. There will be a single access to the Subject Property, taken from the portion of the Subject Property across from the existing Public Use rather than through the residential areas adjoining E Street Northeast. There is adequate space in the proposed parking area for internal queuing and the driveway approach is wide enough for two cars, preventing queuing along D Street Northeast. By allowing for additional parking for the adjacent public uses, Applicant's proposal may improve traffic flow in the vicinity during peak hours of pick-up and drop off for the neighboring schools. This criterion is satisfied.

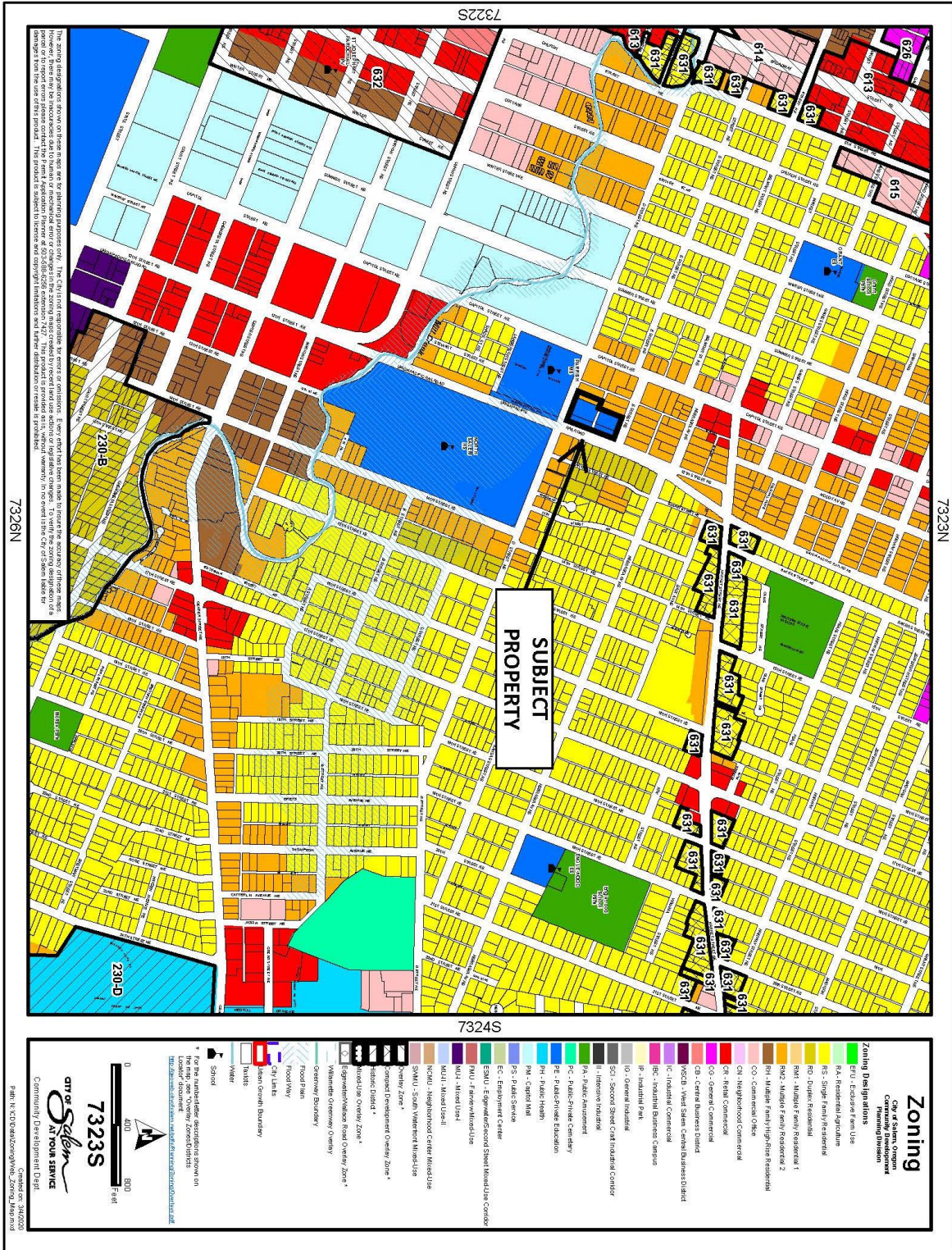
CONCLUSION

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting a Conditional Use Permit for the Development; a Class 3 Site Plan Review; Class 2 Adjustments to the development standards governing fence height and driveway spacing on a minor arterial, and a Class II Driveway Approach Permit. Applicant respectfully requests that the Application be approved.

EXHIBIT A
Subject Property Depiction



EXHIBIT B





May 26, 2020

VIA ELECTRONIC MAIL: odias@cityofsalem.net

Copy Uploaded to PAC Portal

Olivia Dias, Planner III
City of Salem | Community Development Department
555 Liberty St SE, Suite 305
Salem, OR 97301

RE: Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, and Class 2 Driveway Approach Permit (AMANDA 20-107338-ZO)
Our File No: 23583-30984

Dear Olivia:

This office represents the Salem-Keizer School District 24J (the “**Applicant**”) with regards to the above referenced land use application. Applicant is the owner of the Subject Property and proposes developing the Subject Property with four (4) tennis courts and a parking area for use by North Salem High School students (the “**Development**”). In order to facilitate the Development, Applicant submitted a consolidated application requesting a Conditional Use Permit; a Class 3 Site Plan Review; a Class 2 Adjustment to the development standards governing fence height and for the driveway spacing on a minor arterial roadway and a Class 2 Driveway Approach permit (herein collectively, the “**Application**”). On May 7, 2020, Applicant received an incomplete notice from the City of Salem (herein the “**City**”) notifying Applicant that two (2) additional Class 2 Adjustments would be necessary for approval of the Development. Applicant is submitting this supplemental written statement to address the applicable criteria.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT TO DEVELOPMENT STANDARDS GOVERNING SPECIAL SETBACKS

The Subject Property abuts D Street NE which is subject to a special setback. Special setbacks are governed by SRC 800.040. Special setbacks are established to avoid creating non-conforming structures in areas where street widening is not currently practicable. SRC 800.040. Applicant is requesting an adjustment to

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the special setback of approximately eleven (11') feet. The special setback for D Street NE is eleven (11) feet measured from the special setback line. Applicant's plans show that approximately four (4) feet of the proposed landscaping will encroach into the special setback, requiring an adjustment to the standard. The criteria for obtaining a Class 2 Adjustment is set out in the SRC in Chapter 250. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

(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.

Proposed Finding: The numerical development standard is question here is the 11-foot special setback along D Street NE. Applicant is requesting that the special setback be reduced by approximately 4-feet, resulting in a special setback seven (7') feet, or a reduction of approximately forty (40%) percent. Since this request decreases the special setback standard by more that 20 percent, a Class 2 Adjustment is required.

(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.**

Proposed Finding: The purpose of the special setback standard is, "To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures." SRC 800.040(a). Applicant's proposed encroachment is part of the required landscaping under the SRC, the purpose of which is to provide landscaping and screening 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." By allowing this development within the special setback, Applicant will be planting trees which will allow for cleaner air in the vicinity while minimally developing a portion of the setback. In the event the City were to undertake a widening of the street, the landscaping would impose no greater expense than the existing vacant land. The purpose of the standard is equally 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.

Proposed Finding: The proposed Development is 4 tennis courts that will be designed to serve North Salem High School. The Subject Property is currently a vacant field and vacant residence. The proposed landscaping will improve the appearance of the Development and help improve the appearance of the neighborhood for all users, but especially the neighboring residential areas. This will not detract from the livability or appearance of the adjacent residential areas. This criterion is satisfied.

- (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.

Proposed Finding: Applicant is requesting an adjustment to the fence height standard, to the distance separating a driveway approach from an intersection on a minor arterial, and an adjustment to the right of way standards (below). Applicant is requesting these adjustments to minimize disruptions to the surrounding neighborhood by managing the traffic flow and restricting any interference the proposed use might have on the surrounding properties. This criterion is satisfied.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT TO THE DEVELOPMENT STANDARDS GOVERNING RIGHT OF WAY

Applicant is also requesting a Class 2 Adjustment to the right of way standard to accommodate the parking area located along the 12th Street NE right of way. Adjacent to the Subject Property, 12 Street NE is classified as a local street and the portion of 12th Street NE that is mapped through the Subject Property is undeveloped at this time. Applicant is requesting an adjustment to the right of way standards. The criteria for obtaining a Class 2 Adjustment is set out in the SRC in Chapter 250. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

(a) Applicability

(2) 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.***

Proposed Finding: The setback requirement for a local street is a minimum of sixty (60') feet. SRC 803.025(a). The Development's landscaping extends approximately nine and one-half (9.5') feet into the right of way, extending along most of the right of way with an additional encroachment of approximately eighteen and one-half (18.5') feet by the Development's parking area towards the southern edge of the Development. The reduction in the right of way standard to accommodate the 18.5-foot encroachment results in a reduction in the standard by approximately thirty-one (31%) percent, exceeding the twenty (20%) percent threshold and requiring a Class 2 Adjustment.

(d) Criteria. 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.***

Proposed Finding: The purpose of the design standards regarding right of way is to "establish standards for streets and other improvements within public right-of-way in the City." SRC 803.001. The purpose of this standard is to provide for standardization for development within the public right of way adjacent to roadways. However, along the Subject Property, 12th Street NE is not developed as a street. Any

May 26, 2020

O. Dias

Page 4

development within the right of way will not affect the existing transportation system as it pertains to 12th Street NE. In this way, the standard is inapplicable to the Development. This criterion is satisfied.

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

Proposed Finding: The proposed Development is 4 tennis courts that will be designed to serve North Salem High School. The Subject Property is currently a vacant field and vacant residence. The portion of the Development located within the right of way is mostly landscaping which will serve to provide screening of the Development to the portion of the residential area located on the opposite side of the 12th Street NE right of way. Not only will this landscaping not detract from the livability or appearance, it seeks to mitigate any potential aesthetic impact the Development may have on the surrounding area. This criterion is satisfied.

(E) 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.

Proposed Finding: Applicant is requesting an adjustment to the fence height standard, to the distance separating a driveway approach from an intersection on a minor arterial, an adjustment to the special setback standard along D Street NE, and an adjustment to the right of way standards. Applicant is requesting these adjustments to minimize disruptions to the surrounding neighborhood by managing the traffic flow and restricting any interference the proposed use might have on the surrounding properties. This criterion is satisfied.

Applicant requests that this supplemental written statement for two (2) additional Class 2 Adjustments be processed as part of the Application. Please do not hesitate to contact me with any additional questions you may have regarding the Application.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310


MYG:hst

cc: Client



MEMO

TO: Olivia Dias, Planner III
Community Development Department

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

DATE: June 16, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-SPR-ADJ-DAP20-04 (20-107339-RP)
1163 D STREET NE
TENNIS COURTS AND PARKING LOT DEVELOPMENT**

PROPOSAL

A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustments, and Class 2 Driveway Approach Permit, for the development of tennis courts and associated parking on a property approximately 1.75 acres (including alley and 12th Street NE right-of-way), zoned RM-II (Multi-Family Residential-II) and PE (Public and Private Education Services) zones, and designated Multiple Family Residential in the Salem Comprehensive Plan. The subject property is located at 1163 D Street NE (Marion County Assessor Numbers 073W23CA / 7200, 073W23CA / 7100, 073W23CA / 8100, 073W23CA / 8200, 073W23CA / 8300 and City right-of-way).

RECOMMENDED CONDITIONS OF APPROVAL

1. Obtain Director approval in compliance with SRC 76.160 for proposed uses in the public right-of-way.
2. Provide street trees to the maximum extent feasible along the frontage of D Street NE and E Street NE.
3. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. D Street NE
 - 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.

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).

- b. Existing Conditions—This street has an approximate 30-foot improvement within a 55-foot-wide right-of-way abutting the subject property.

2. E Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 70-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 42-inch storm main is located in D Street NE.
- b. A 21-inch storm main is located in the right-of-way along the east side of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 24-inch water main is located in D Street NE. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.
- c. A 4-inch water main is located in D Street NE. Mains of this size generally convey flows of 120 to 300 gallons per minute.
- d. A 2-inch water main is located in E Street NE. Mains of this size generally convey flows of 30 to 100 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in the alley running east-west between Marion County Assessor's Map and Tax Lot numbers: 073W23CA 07200 and 08100/08200.

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 and approval of the adjustment for driveway spacing, 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 or hydric soils.

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.

A portion of the proposed development is located in the public right-of-way located between Marion County Assessor's Map and Tax Lot numbers: 073W23CA 07100/07200 and 08100/08200/08300, and within the public right-of-way shared with ODOT Rail east of the subject property. Encroachments into the public right-of-way require a permit to encroach pursuant to SRC 76.160.

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 existing condition of D Street NE does not meet current standards for its classification of street per the Salem TSP. However, the development is not proposing a building addition subject to SRC 803.040(a); therefore, no right-of-way or street improvements are required at this time. The property is subject to a special setback equal to 36 feet measured from the centerline of D Street NE.

E Street NE meets or exceeds the right-of-way width and pavement width standards pursuant to the Salem TSP. The development is not proposing a building addition subject to SRC 803.040(a); therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 86.015(e), the applicant shall provide street trees along all street frontages to the maximum extent feasible.

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 development proposes to relocate an existing driveway on the site. The proposed driveway access onto D Street NE provides for safe turning movements into and out of the property. See the Zoning Adjustment findings for driveway spacing below.

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, sewer, and storm infrastructure are available within surrounding streets/areas and 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's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

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

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

Finding—The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC Chapter 804 and PWDS.

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

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

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

Finding—The development is proposing to relocate an existing driveway and reduce the number of driveway approaches from two to one for the subject property along the Minor Arterial street.

(4) The proposed driveway approach, where possible:

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

Finding—The proposed parking lot development abuts only one street, which has a Minor Arterial classification. A shared driveway approach is not possible because of existing development on the westerly abutting property.

(5) Proposed driveway approach meets vision clearance standards;

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

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

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

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

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

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

Finding—The proposed driveway approach relocates an existing approach located on a Minor Arterial street and does not create a significant impact to adjacent streets and intersections.

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

Finding—The proposed development is bordered on the west by residentially zoned property. The proposed driveway relocates an existing driveway approach to serve the subject property. The driveway balances the adverse impacts to

residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

CRITERIA AND FINDINGS—Class 2 Adjustments

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 is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The development is proposing to relocate an existing driveway and reduce the number of driveways from two to one. The reduction in driveways minimizes turning conflicts along D Street NE in the vicinity of the property. 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.

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cc: File