

TO: HEARINGS OFFICER

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

SUBJECT: CLASS 2 WILLAMETTE GREENWAY DEVELOPMENT PERMIT AND
TENTATIVE REPLAT CASE NO. WGP-REP22-02
1887-1899 WATER STREET NE - 97301
AMANDA NO. 22-117086-PLN

REQUEST

Summary: Proposed development of a new four-family residential use within the Willamette Greenway Overlay Zone, and a lot line consolidation.

Request: A Class 2 Willamette Greenway Development Permit for the proposed development of a new four-family residential use within the Willamette Greenway compatibility review boundary, and a Tentative Replat to consolidate existing lots (comprised of Lots 1-3, and the northerly portion of Lot 4 of Block 7, River Side Addition to Salem, Oregon subdivision plat).

The subject property is approximately 0.76 acres in size, zoned IC (Industrial Commercial) at the time of application submittal and located at 1887 Water Street NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DC / 00100).

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

APPLICANT: Susan Huston

OWNER: Randy Fultz

APPLICATION PROCESSING

On August 22, 2022, a consolidated application for a Class 2 Willamette Greenway Permit and three Property Line Adjustments were accepted for processing. After receiving additional information including withdrawal of the Property Line Adjustment applications, and submittal of a Tentative Replat, the collective applications were deemed complete for processing on December 20, 2022. The 120-day state mandated decision deadline for this collective application is April 19, 2023.

The public hearing before the City of Salem Hearings Officer is scheduled for January 11, 2023, 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 December 22, 2022. Public hearing notice was also posted on the property on December 28, 2022 pursuant to SRC requirements.

PROPOSAL

The applicant has submitted Class 2 Willamette Greenway Permit and Tentative Replat applications for development of a new four-family residential use, for property located at 1887-1889 Water Street NE.

The applications were submitted on August 22, 2022. At that time, the subject property was zoned IC (Industrial Commercial). On August 24th, as a result of the Our Salem project, the zoning map for the subject property was changed to MU-R (Mixed Use-Riverfront).

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 117086.

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 "River Oriented Mixed-Use." The subject property is located within the Urban Growth Boundary and is within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The applications were submitted on August 22, 2022. At that time, the subject property was zoned IC (Industrial Commercial). On August 24th, as a result of the Our Salem project, the zoning map for the subject property was changed to MU-R (Mixed Use-Riverfront).

The zoning designation of surrounding properties prior to the August 24th Our Salem map changes is as follows:

North: Across right-of-way for Academy Street NE, IC (Industrial Commercial) zone

South: IC (Industrial Commercial) zone

East: Across Water Street NE, IC (Industrial Commercial)

West: Willamette River

The current zoning designation of surrounding properties following the August 24th Our Salem map changes is as follows:

North: Across right-of-way for Academy Street NE, MU-R (Mixed Use-Riverfront) zone

South: MU-R (Mixed Use-Riverfront) zone

East: Across Water Street NE, MU-R (Mixed Use-Riverfront) zone

West: Willamette River

3. Site Analysis

A duplex was previously located on the subject property but was removed in 2016, the property is currently vacant. The subject property is approximately 0.76 acres in size and has approximately 180 feet of frontage on Water Street NE. Water Street NE is designated as a Local street in the Transportation System Plan. The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

4. Neighborhood and Citizen Comments

The subject property is located within the Highland Neighborhood Association. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On August 11, 2022, the applicant contacted the Highland Neighborhood Association meeting the requirements of SRC 300.310(c). Notice was provided to the Highland Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no public comments have 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 indicated no concerns.

The Salem Fire Department reviewed the proposal and indicated no concerns.

The Historic Preservation Officer/City Archaeologist has reviewed the proposal and commented that the proposed work involves ground disturbing activity within Salem's Cultural Resource Protection Zone (CRPZ). There are no known archaeological sites on this property; however, an Inadvertent Discovery Plan (IDP) is required to be on site during ground disturbing activity.

Salem-Keizer Public Schools reviewed the proposal and provided a memo which is included as **Attachment E**.

6. Analysis of Class 2 Willamette Greenway Permit Criteria

SRC 600.015(e)(2) establishes the following criteria for approval of a Class 2 Willamette Greenway Development Permit:

Criterion 1:

The proposed intensification, development, or change of use is consistent with:

(i) The Willamette Greenway Plan.

Finding: The Oregon Greenway Plan is Goal 15 of the Oregon's Statewide Planning Goals & Guidelines. The Salem Area Comprehensive Plan (SACP) includes adopted Urban Area Goals and Policies consistent with Statewide Planning Goal 15. In turn, the Salem Zoning Code implements the SACP land use goals, and more precisely governs development of the subject property. Therefore, conformance with all applicable standards in SRC Chapter 600 is sufficient to establish consistency with the Greenway Plan. Development of the subject property, as proposed, is consistent with the Greenway Plan.

(ii) The Willamette Greenway Riparian Buffer Enhancement Guide.

Finding: The applicant selected to provide a wider riparian buffer instead of providing riparian buffer enhancement as the mitigation measure to protect and improve water quality within the Willamette Greenway Boundary. The proposed building footprints are located outside of the Willamette Riparian Buffer Area and the proposal does not include removal of trees or native vegetation, or ground disturbing activity in the riparian buffer. Even though riparian buffer enhancement is not required, the applicant's statement indicates that the project will include native riparian plants and ground cover selected from the city's Guide to Salem's Common Native Riparian Plants (also known as the City of Salem Native Plant List).

(iii) The applicable standards of this Chapter.

Finding: Development within the Willamette Greenway Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in SRC Chapter 600.

SRC 600.020 – Uses

Except as otherwise provided in this section, any use or activity that is a permitted, special, conditional, or prohibited use or activity in the underlying zone is a permitted, special, conditional, or prohibited use or activity in the Willamette Greenway Overlay Zone.

(a) Uses in Riparian Buffer. The following uses and activities, when allowed in the underlying zone, shall be the only uses and activities allowed within the riparian buffer of the Willamette Greenway Overlay Zone:

- (1) Uses and activities excepted from a Greenway Development Permit under SRC 600.015(a)(2);
- (2) Riparian restoration and enhancement activities; and

(3) Water-dependent and water-related uses and activities.

Finding: The applicant's proposed site plan indicates the location for the Willamette River Greenway Riparian Buffer. Proposed building footprints and parking areas are located outside of the riparian buffer. No buildings, structures, or development is proposed within the riparian buffer area. The plans do show the location of the required easement for a future Willamette Greenway trail within the riparian buffer; however, this activity is allowed within the riparian buffer pursuant to SRC 600.015(a)(2)(N).

SRC 600.025(a) – General Standards

- (1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:
 - (A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and
 - (B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.
- (2) The slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.
- (3) The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.
- (4) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.
- (5) Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.

Finding: The applicant provided a geotechnical report that concluded that, with proper construction control, the geology and topography of the site and the surrounding area will not adversely affect the proposed project, and the project will have negligible geologic impact on adjacent properties or the risk of slope instability, and, with the use of generally accepted construction techniques and by strictly following the recommendations contained in the report and in the building code, the site is geologically suitable for the proposed development.

The Floodplain Administrator reviewed the proposed development and determined that the flood carrying capacity of the river is adequate to accommodate the proposed development. The proposed duplexes are not located within the regulatory floodway boundary of the Willamette River, reducing any potential impacts to the hydraulic and flood carrying capacity of the river.

To ensure that necessary measures are in place to reduce existing or potential bank and escarpment erosion related to the proposed construction and development activities, staff recommends the following condition:

Condition 1: Coordinate construction activities with the Public Works Department and Building and Safety to ensure that any required erosion control or grading

permits or other appropriate measures are in place to protect the topographical features of the bank and escarpment.

Development and construction will not encroach into the Willamette Riparian Buffer Area.

SRC 600.025(b) – Landscaping

- (1) Landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or activity.
- (2) Native vegetation removed from the riparian buffer shall be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.
- (3) Trees and shrubs shall be provided as follows:
 - (A) A minimum of 1 tree shall be provided for every 20 feet of river frontage.
 - (B) A minimum of 1 shrub shall be provided for every 2 feet of river frontage.
 - (C) All trees and shrubs shall be planted within and generally riverward of the Willamette Greenway Boundary.
 - (D) The planting standards included under subparagraphs (A) and (B) of this paragraph are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.
- (4) Areas which are not paved or revetted shall be planted with living ground cover.

Finding: The applicant has selected to provide a wider riparian buffer area for the subject property. No development activity is proposed to occur within the riparian buffer area, and no trees or native vegetation will be removed from the buffer area. The application materials includes a landscape plan and statement that show the project will include native riparian plants and ground cover selected from the city's Guide to Salem's Common Native Riparian Plants (also known as the City of Salem Native Plant List).

SRC 600.025(c) – Water Quality

- (1) Water Quality Development Standards, Generally. In order to protect and improve water quality within the Willamette Greenway Boundary, a riparian buffer, as set forth in paragraph (2) of this subsection, along with one or more of the mitigation measures, as set forth in paragraph (3) of this section, shall be established.
- (2) Riparian Buffer. A riparian buffer shall be established as set forth in this paragraph.
 - (A) Boundary. The applicant shall establish the riparian buffer boundary by choosing one of the following two methods:
 - (i) Method 1. Method 1 provides a relatively simple methodology for establishing a uniform riparian buffer boundary based on three bank slope measurements. The three bank slope measurements shall be taken along the Willamette River, one at each property line and one located at the center of the property, as determined by measuring the property line parallel to the Willamette River and dividing it by two. The riparian buffer boundary pursuant to Method 1 shall be established as set forth in Table 600-1.

- (ii) Method 2. Method 2 enables properties with varying bank slopes to establish a varying riparian buffer boundary reflecting site conditions and maximizing the area available for development. Bank slope measurements shall be taken along the Willamette River spaces at intervals no greater than 20 feet along the ordinary high-water line. The riparian buffer boundary pursuant to Method 2 shall be established as set forth in Table 600-2.

Finding: In this case, the floodway boundary provides for a wider riparian buffer than the 50-75 feet distance prescribed by Methods 1 or 2; therefore, the floodway boundary is the riparian buffer boundary. Per SRC 600.025(c)(2)(B), the buffer measures a greater distance than 100-125 feet, therefore, the applicant receives credit for providing the wider riparian buffer mitigation measure.

(3) Mitigation Measures. A mitigation plan, to mitigate the effects of any intensification, development, or change of use, shall be provided based on one of the following mitigation measures:

- (A) Wider Riparian Buffer. A riparian buffer wider than the riparian buffer required under subsection (c)(2) of this section may be provided as a mitigation measure.

Finding: The applicant indicates that the riparian buffer extends to the floodway, which provides a wider riparian buffer consistent with this section.

SRC 600.025(d) – Structures

All buildings, structures, and exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian area. Colors shall be natural earth or leaf tones. Surfaces shall be non-reflective. Screening shall be sight-obscuring.

Finding: The application materials indicate that the roofing material for the proposed buildings will include dark brown and black composite roofing and clay roof tile. Siding materials will include gray basalt stone veneer, Hardie panels and bats, and cedar shake. Paint colors include Simply White and Stonington Gray. Windows will be natural wood and black.

The proposed white paint color for the buildings is not a natural earth or leaf tone color that blends with the natural environment. Staff recommends that the Hearings Officer adopt a condition of approval requiring the applicant to select an alternative color within the green or brown color palette that is more appropriate for the natural environment.

Condition 2: The applicant shall select a paint color for the proposed buildings that is within the green or brown color palette.

No exterior mechanical equipment is proposed.

SRC 600.025(e) – Lighting

- (1) Lighting shall not flash, if visible from the Willamette River, and shall not be focused or oriented onto the surface of the Willamette River.

- (2) The maximum aggregate intensity of all lighting falling on the surface of the Willamette River shall not exceed one-tenth foot-candle per square foot.
- (3) No red or green lights shall be visible from the Willamette River.
- (4) Notwithstanding any other provision of this section, lighting necessary for safety of pedestrians may be provided for public or private walkways.

Finding: No light sources are proposed to be focused or oriented towards the surface of the Willamette River. No red, green, or flashing lights are proposed. Light sources are provided on each of the proposed buildings to provide needed lighting along walkways and building entrances. Lighting shall be shielded from direct view of adjacent properties and the Willamette River in compliance with the development standards of this section and SRC Chapter 800.

SRC 600.025(f) – Screening of Parking and Unenclosed Storage

Parking, loading, and unenclosed storage areas shall be screened from the Willamette River and from adjacent properties by:

- (1) A sight-obscuring berm; or
- (2) A sight-obscuring hedge, a minimum of 6 feet in height at maturity. Hedges shall, when planted, be no less than 3 feet in height and shall be of a species capable of attaining a minimum height of 6 feet within 3 years after planting.

Finding: No parking, loading, or unenclosed storage areas are proposed; therefore, this standard is not applicable.

SRC 600.025(g) – View Corridors

- (1) Whenever right-of-way located wholly or partially within the Willamette Greenway Overlay Zone is vacated, the city shall retain a scenic easement or other equivalent interest in the area vacated to provide visual access to the Willamette River across the entire width of the vacated right-of-way, or for a width of 30 feet, whichever is less, and along the entire length of the vacated right-of-way. Subject to approval by the City Council, the abutting property owner, or owners, may substitute an area with equivalent size and dimensions under like restriction, if the substitute area provides comparable or better visual access to the Willamette River.
- (2) The area covered by the scenic easement or other equivalent interest shall be limited to use for walkways, bicycle paths, and berms or landscaped areas; provided, however, that within an area of 7.5 feet on either side of the centerline of the scenic easement or other equivalent interest, landscaping and berms shall not exceed 3 feet in height.

Finding: No portion of right-of-way is being vacated with this request; therefore, this section is not applicable. However, as conditioned below, the applicant is required to provide a new public access easement for a future pedestrian and bicycle pathway.

SRC 600.025(h) – Public Access

Where practical, public access to and along the Willamette River should be provided by easement, dedicated right-of-way, or other appropriate legal means.

Finding: The Salem Comprehensive Parks System Master Plan identifies a shared-use path in the vicinity of the subject property. To provide future public recreational access and use along the Willamette River, the applicant is required to dedicate an easement along the western portion of the subject property that borders the Willamette River.

Condition 3: Dedicate a public access easement for recreational use along the western property line, in an alignment approved by the Public Works Director.

SRC 600.015(f) – Conditions of Approval

(1) Conditions may be imposed on any Greenway Development Permit necessary to insure that proposed intensification, development, or change of use complies with the Willamette River Greenway Plan and the purpose of this Chapter, and preserves and enhances the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

(2) In addition to any conditions imposed under paragraph (1) of this subsection, every Greenway Development Permit shall include the following conditions:

Condition 4: Prior to any excavation, grading, or construction, a survey map, certified by a licensed Professional Land Surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.

Condition 5: Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

(iv) Where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.

Finding: The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The project demonstrates compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

Criterion 2:

The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.

Finding: The use and development standards of the IC zone are applicable to the proposed development as follows:

Use and Development Standards – IC (Industrial Commercial) Zone:

SRC 551.005(a) – Uses:

Finding: Permitted, special and conditional uses for the IC zone are found in SRC Chapter 551, Table 551-1. Four family residential uses are allowed as special uses in the IC zone per Table 551-1. There are currently multiple existing lots and lot lines that make up the subject property. After recording of the replat, the existing lots will be consolidated into one, and the interior lot lines removed. The proposed development includes two new duplexes on one lot for a total of four dwelling units and meeting the definition of a four-family residential use, which is an allowed use for the property once the replat has been recorded.

Condition 6: The final plat for the replat shall be recorded prior to building permit approval.

SRC 551.010(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the IC zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property is approximately 0.76 acres in size and has approximately 180 feet of frontage on Water Street NE, exceeding minimum lot standards of the IC zone.

SRC 551.010(b) – Setbacks:

North: Adjacent to the north is right-of-way for Academy Street NE, an unimproved street. Buildings and accessory structures require a minimum 5-foot setback adjacent to a street.

Finding: The proposed duplex on the north side of the property is setback approximately five feet from the northern property line, in compliance with the minimum setback requirement.

South: Adjacent to the south is an IC (Industrial Commercial) zone. Four family uses require a minimum five-foot interior side yard setback.

Finding: The proposed duplex on the south side of the property is setback approximately five feet from the southern property line, in compliance with the minimum setback requirement.

East: Adjacent to the east is right-of-way for Water Street NE. Buildings and accessory structures require a minimum 5-foot setback adjacent to a street.

Finding: The proposed duplexes are setback approximately 12 feet from Water Street NE, in compliance with setback requirements.

West: Adjacent to the west is the Willamette River. There is no minimum building or vehicle use area setback adjacent to waterway, however, there is a riparian buffer that applies adjacent to the waterway.

Finding: The proposed duplex buildings are located outside of the Willamette River riparian buffer.

SRC 551.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the IC zone, the maximum height allowance for all buildings and structures is 70 feet.

Finding: The proposed duplex buildings have an average height of approximately 30 feet, less than the maximum height allowance in the IC zone.

SRC 551.010(d) – Landscaping:

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Finding: The subject property, after dedication of right-of-way, is approximately 0.76 acres, or 33,106 square feet in size which requires a minimum of 4,966 square feet of landscaping (33,106 x 0.15 = 4,965.9). The site plan indicates that approximately 26,000 square feet, or 79 percent of the lot area, will be the riparian buffer area. Existing trees and native vegetation in the riparian buffer will be protected and preserved, this existing landscape area exceeds the minimum landscape requirement for the development site.

Criterion 3:

The proposed intensification, development, or change of use will, to the greatest extent possible, provide the maximum possible landscaped area, open space, or vegetation.

Finding: The proposal includes development of two new duplexes on the subject property. The proposed duplexes are located outside of the Willamette Greenway Riparian Buffer, and no trees or native vegetation are proposed for removal within the Willamette Greenway Riparian Buffer. The proposal preserves open space and existing vegetation within the riparian buffer to the greatest extent possible.

The proposal meets this criterion.

7. Analysis of Tentative Replat Approval Criteria

SRC 205.025(d) establishes the following approval criteria for a Tentative Replat:

Criterion 1:

The tentative replat does not proposed to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The purpose of the proposed replat is to consolidate the existing lots which make up the subject property (*comprised of Lots 1-3, and the northerly portion of Lot 4 of Block 7 of the River Side Addition to Salem subdivision plat*) into one lot approximately 0.76 acres in size in order to accommodate future redevelopment of the property.

The replat does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions. The proposed replat meets this approval criterion.

Criterion 2:

The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

Finding: The subject property is zoned IC (Industrial Commercial). The minimum lot size and dimension requirements applicable to the subject property based on its zoning are included under SRC 551.010(a). A summary of the applicable minimum lot size and dimension requirements is provided in the following table:

IC Zone Lot Size & Dimension Standards	
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	Min. 16 ft. <i>(applicable to all uses except for Single Family)</i>

As shown on the replat tentative plan, the consolidated lot resulting from the proposed replat is approximately 0.76 acres in size. The proposed consolidated lot exceeds the minimum lot area, dimension, and street frontage requirements of the IC zone and does not result in the creation of non-conforming units of land.

The subject property is currently vacant, future development of the property is subject to all current use and development standards of the underlying zone. The proposed replat will not result in either the creation of non-conforming units of land or non-conforming development; and will not increase the degree of non-conformity in existing units of land or development. This approval criterion is met.

Criterion 3:

The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.

Finding: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The proposed replat meets all applicable provisions of the UDC as detailed below.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. Because the subject property is located within the City's Urban Service Area, and because the proposal is for a replat, an Urban Growth Preliminary Declaration is not required for the development pursuant to SRC 200.020.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The replat process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed replat. The proposed replat conforms to the applicable requirements of SRC Chapter 205.

SRC Chapter 551 (Industrial Commercial Zone): The subject property is zoned IC (Industrial Commercial). The proposed replat seeks to consolidate the existing lots which currently make up the subject property into one single lot approximately 0.76 acres in size.

The lot areas and dimensions of the proposed replatted lots exceed the minimum lot size, dimension, and street frontage requirements of the IC zone and are of a size and configuration that is suitable for their future development in conformance with the applicable requirements of the IC zone. Future development of the lots will be reviewed for conformance with the applicable development standards of the zone at the time of building permit approval for development of the properties.

City Infrastructure Standards: The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve future development of the lots in conformance with the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements). A summary of existing improvements are as follows:

- Water
 - ❖ The subject property is located within the G-0 water service level.
 - ❖ An 8-inch water main is located in Water Street NE.
- Sewer
 - ❖ An 8-inch sewer main is located in Water Street NE.
- Storm Drainage
 - ❖ A 10-inch stormwater main is located in Water Street NE.
 - ❖ A 10-inch stormwater main is located in Academy Street NE.
- Streets
 - ❖ Water Street NE
Water Street NE is designated as a Local street in the Salem Transportation System Plan (TSP). The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The portion of Water Street NE has an approximate 20-foot-wide improvement within a 60-foot-wide right-of-way.
 - ❖ Academy Street NE
Academy Street NE is designated as a Local street in the Salem Transportation System Plan (TSP). The standard for this classification of street is a 30-foot-wide improvement

within a 60-foot-wide right-of-way. Academy Street NE is a 65-foot undeveloped right-of-way abutting the subject property.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) protects:

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

In addition, tree conservation plans are required in conjunction with any development proposal involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. Because the development proposal does not result in the creation of lots to be used for four family development, a Tree Conservation Plan is not required in conjunction with the request.

As shown on the applicant's existing conditions plan, there are 22 existing trees on the subject property, with five trees located outside of the riparian buffer. The five trees located outside the riparian buffer will be removed, none of these trees are significant trees. The 17 trees within the riparian buffer will be preserved. The proposal is consistent with the tree preservation requirements of SRC Chapter 808.

SRC Chapter 809 (Wetlands): Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetlands Inventory (LWI) shows the Willamette River as a riverine wetland area(s) mapped on/adjacent to the property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps, the subject property contains mapped landslide areas equal to two hazard susceptibility points. The construction of two duplexes on the site adds one activity point, for a total of three points. The proposed development is classified as a low landslide risk according to SRC Chapter 810, a geologic assessment is therefore not required in conjunction with the future development of the subject property.

Final Plat:

The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the subdivision replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation.

As identified above, the proposed replat complies with the standards of SRC Chapter 205 and with all applicable provisions of the UDC. This approval criterion is met.

Criterion 4:

The tentative replat complies with all applicable provisions of ORS chapter 92.

Finding: ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements. The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review. The proposed replat meets all applicable provisions of ORS 92.185 as detailed below:

ORS 92.185(1): *A replat, as defined in ORS 92.010, shall only apply to a recorded plat.*

Finding: The land subject to the proposed replat consists of properties comprised of Lots 1-3 and the northern portion of Lot 4, of Block 7, River Side Addition to Salem, Oregon subdivision plat. The proposal complies with this requirement.

ORS 92.185(2): *Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.*

Finding: Streets and infrastructure have been constructed to serve the platted subdivision lots subject to the proposed replat. The existing subdivision is therefore defined as a “developed” subdivision pursuant to ORS 92.225 and this requirement is not applicable to the proposal.

ORS 92.185(3): *Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property contiguous to the proposed replat.*

Finding: As described in the procedural findings included in this decision, notice was provided to owners of property, including any contiguous property, located within 250 feet of the subject property. The public notice provided for replats is the same type of notice provided for subdivisions and other Type II land use applications under SRC 300.520. The proposal therefore satisfies this requirement.

ORS 92.185(4): *When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body’s notice to owners of the property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body within 14 days of the mailing or other service of the notice.*

Finding: In addition to providing notice to owners of property located within 250 feet of the subject property, notice of the proposed replat was also provided to public and private utility providers serving the subject property. The replat does not propose to realign, reduce in width, or omit any utility easements. The proposal therefore satisfies this requirement.

ORS 92.185(5): *A replat shall not serve to vacate any public street or road.*

Finding: The proposed replat does not vacate any public street or road, the public streets abutting the property will remain in place. The proposal therefore satisfies this requirement.

ORS 92.185(6): A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.

Finding: Staff has reviewed the proposed replat for compliance with the applicable provisions of the ORS Chapter 92 and the Salem Revised Code. As described in the findings in this decision regarding conformance with the approval criteria under SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot size and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement. The proposal complies with the requirements of ORS Chapter 92.

Criterion 5:

The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Finding: There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

Criterion 6:

The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate street access. The applicant shall ensure relocated property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc.

Condition 7: Relocate utilities that may obstruct future driveways or provide a site plan demonstrating that no such obstructions exist.

All existing and proposed easements shall be shown on the final plat.

Condition 8: Show all existing and proposed easements on the final plat.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a Class 2 Willamette Greenway Permit and Tentative Replat for the proposed development of a new four-family residential use within the

Willamette Greenway Overlay Zone, and a lot line consolidated for property located at 1887-1899 Water Street NE, subject to the following conditions of approval:

CLASS 2 WILLAMETTE GREENWAY PERMIT:

- Condition 1:** Coordinate construction activities with the Public Works Department and Building and Safety to ensure that any required erosion control or grading permits or other appropriate measures are in place to protect the topographical features of the bank and escarpment.
- Condition 2:** The applicant shall select a paint color for the proposed buildings that is within the green or brown color palette.
- Condition 3:** Dedicate a public access easement for recreational use along the western property line, in an alignment approved by the Public Works Director.
- Condition 4:** Prior to any excavation, grading, or construction, a survey map, certified by a licensed Professional Land Surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.
- Condition 5:** Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.
- Condition 6:** The final plat for the replat shall be recorded prior to building permit approval.

TENTATIVE REPLAT:

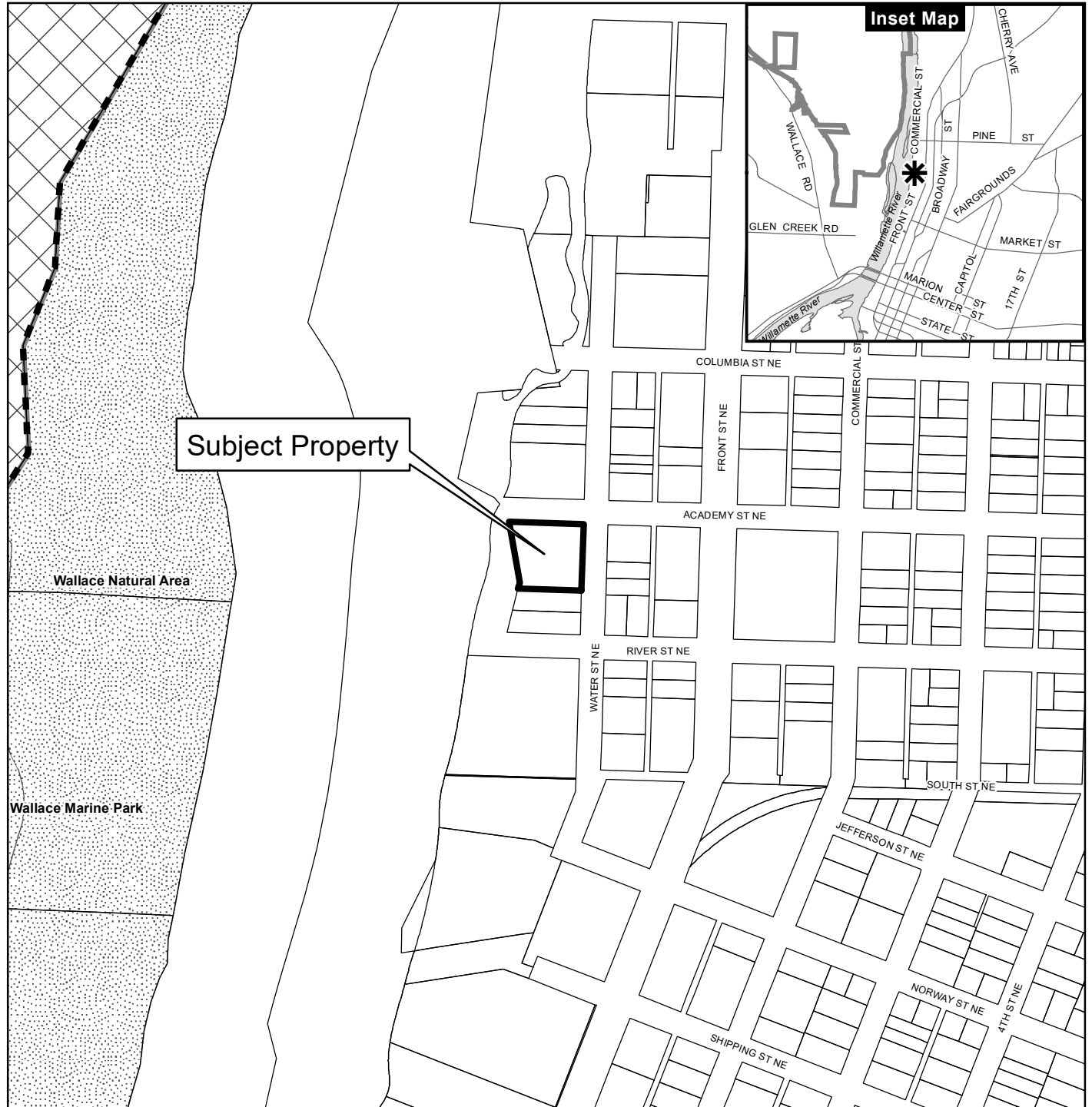
- Condition 7:** Relocate utilities that may obstruct future driveways or provide a site plan demonstrating that no such obstructions exist.
- Condition 8:** Show all existing and proposed easements on the final plat.

Prepared by Aaron Panko, Planner III

Application Deemed Complete Date: December 20, 2022
State Mandated Decision Date: April 19, 2023








- Attachments: A. Vicinity Map
- B. Proposed Development Plans
- C. Applicant's Statement Addressing Approval Criteria
- D. Public Works Memo Dated January 3, 2023
- E. Salem-Keizer Public Schools Memo Dated January 4, 2023

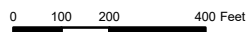
Vicinity Map 1887 Water Street NE



Subject Property

Legend

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



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.

LAND MARKERS SURVEYING
 4068 HUDSON AVE. NE
 SALEM, OR 97301
 OFFICE (503) 581-0911

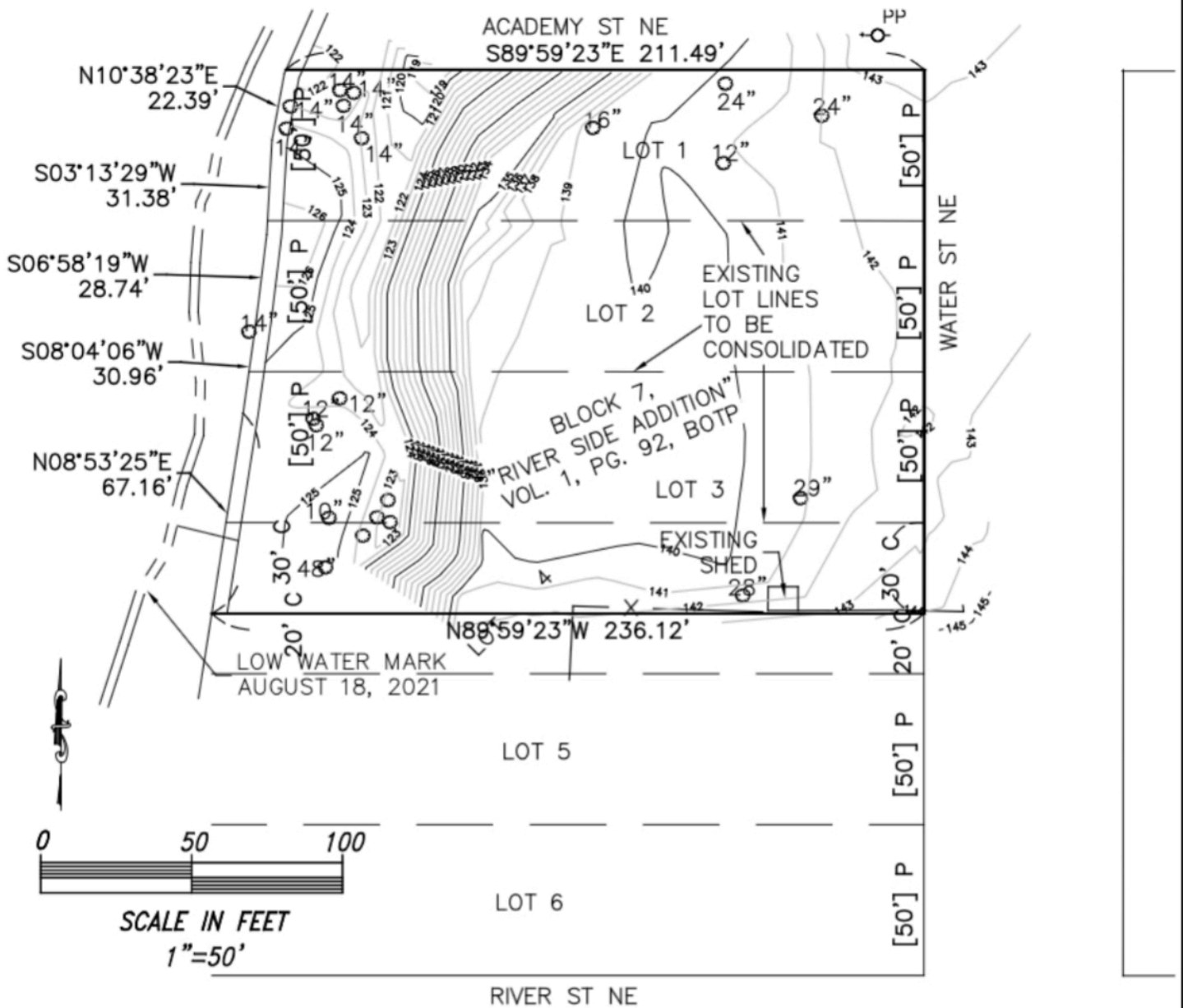


PROPOSED LOT CONSOLIDATION

PREPARED FOR: RANDY FULTZ JOB #18-021

DATE: OCT. 31, 2022

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
 CITY OF SALEM, MARION COUNTY, OREGON



NARRATIVE:
 The purpose of this map is to illustrate a lot consolidation on Lots 1-3 and the north 30 feet of Lot 4, Block 7, "RIVER SIDE ADDITION". No monuments were set for this map.

LEGEND:
 R/W - RIGHT OF WAY
 BOTP - BOOK OF TOWN PLATS
 VOL - VOLUME
 PG - PAGE

NOTE:
 ALL BOUNDARY INFORMATION SHOWN HEREON IS RECORD INFORMATION FROM "RIVER SIDE ADDITION", VOL. 1, PG. 92, BOTP.

REVISED: 12/02/2022

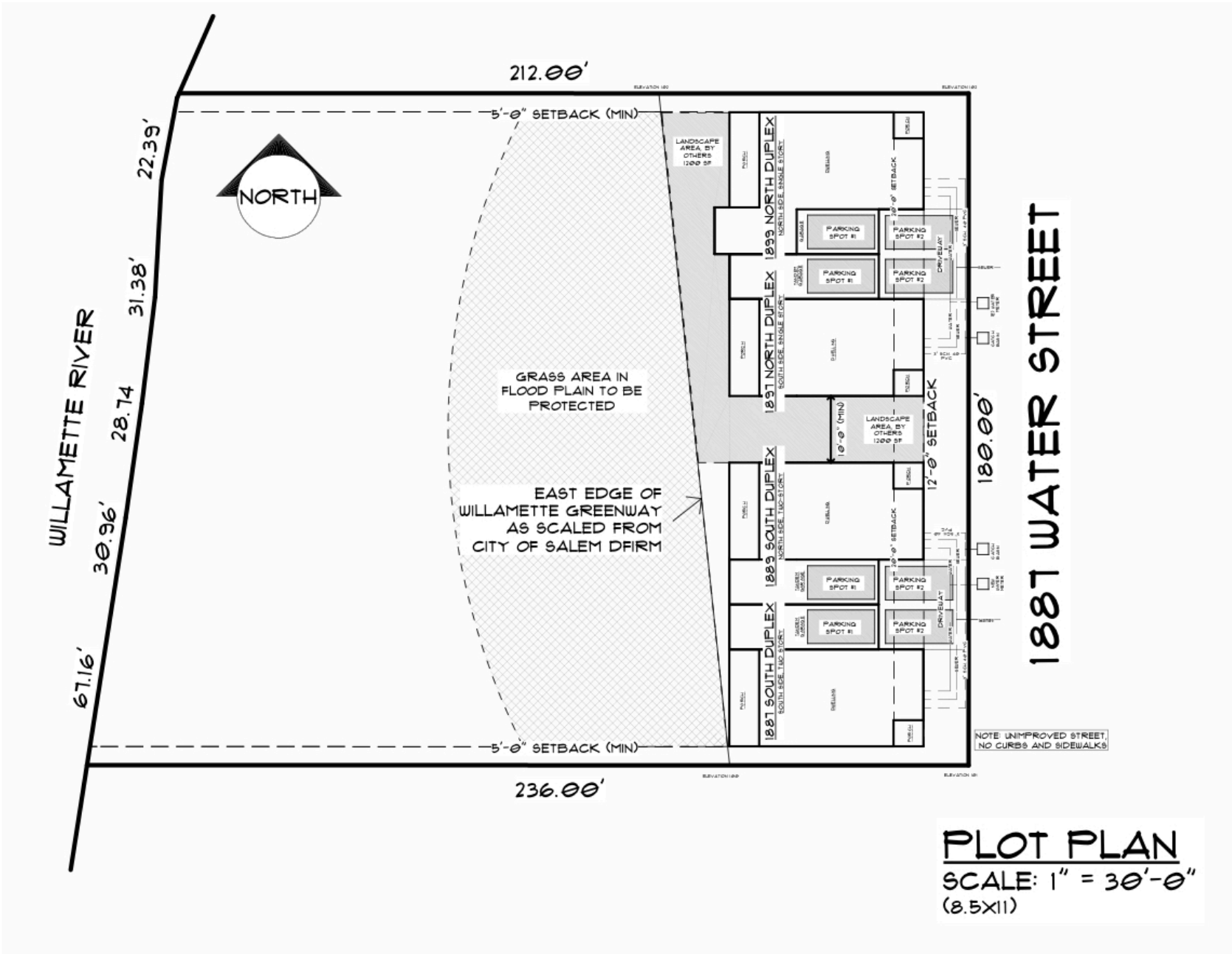
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

PRELIMINARY

OREGON
 JANUARY 10, 2006
 TROY E. PETERSEN
 61408

EXPIRES: 12/31/22

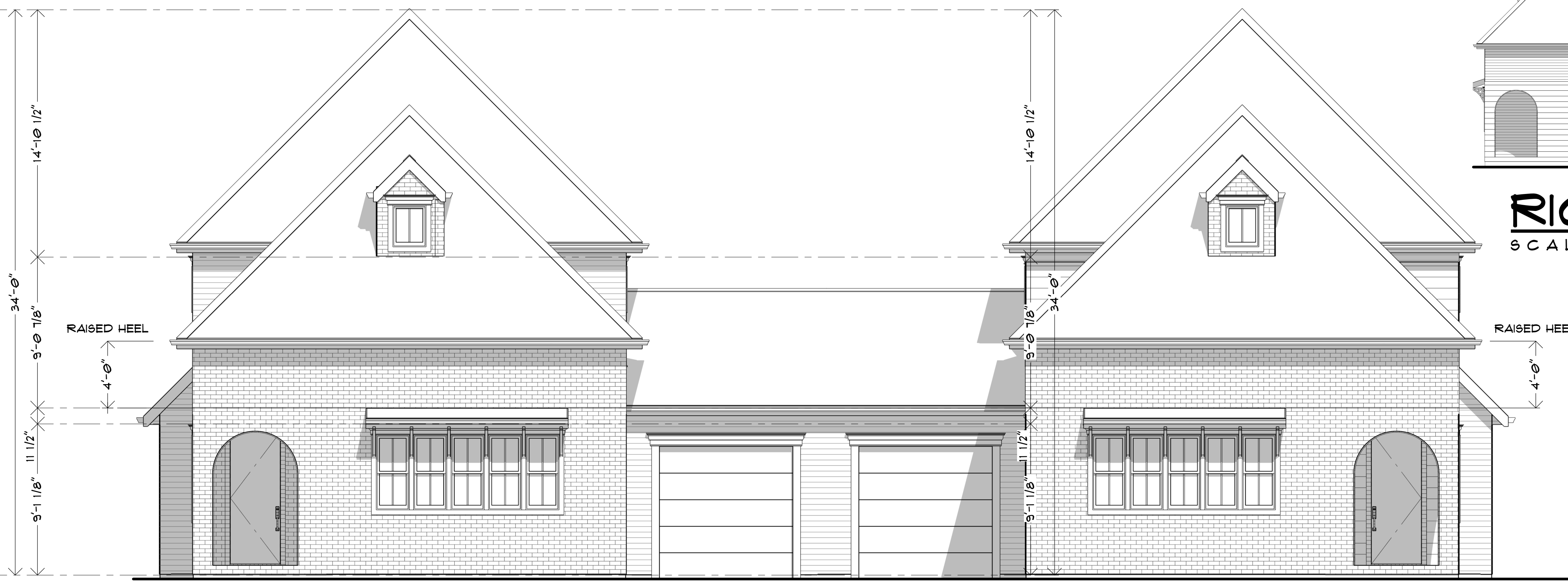
SIGNED: 10/31/22



NORTH LEFT	NORTH RIGHT
MAIN: 1100 SF	MAIN: 1100 SF
SECOND: 805 SF	SECOND: 805 SF
TOTAL: 1905	TOTAL: 1905



RIGHT ELEVATION
SCALE 1/8" = 1'0"



FRONT ELEVATION
SCALE 1/4" = 1'0" 1881 WATER STREET

FRONT ELEVATION
SCALE 1/4" = 1'0" 1889 WATER STREET

TABLE N101.1(2) ADDITIONAL MEASURES
5. DUCTLESS HEAT PUMP MIN HSPF 10 IN PRIMARY ZONE
TABLE N101.1(2) PRESCRIPTIVE ENVELOPE REQUIREMENTS
WALLS - R21 FLAT CEILING - R49 VAULTED CEILING - R50 UNDER FLOOR - R39 WINDOWS - U-0.27 EXTERIOR DOORS - U-0.20

HUSTON SOUTH DUPLEX
1887 AND 1889 WATER STREET
SALEM, OREGON

111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

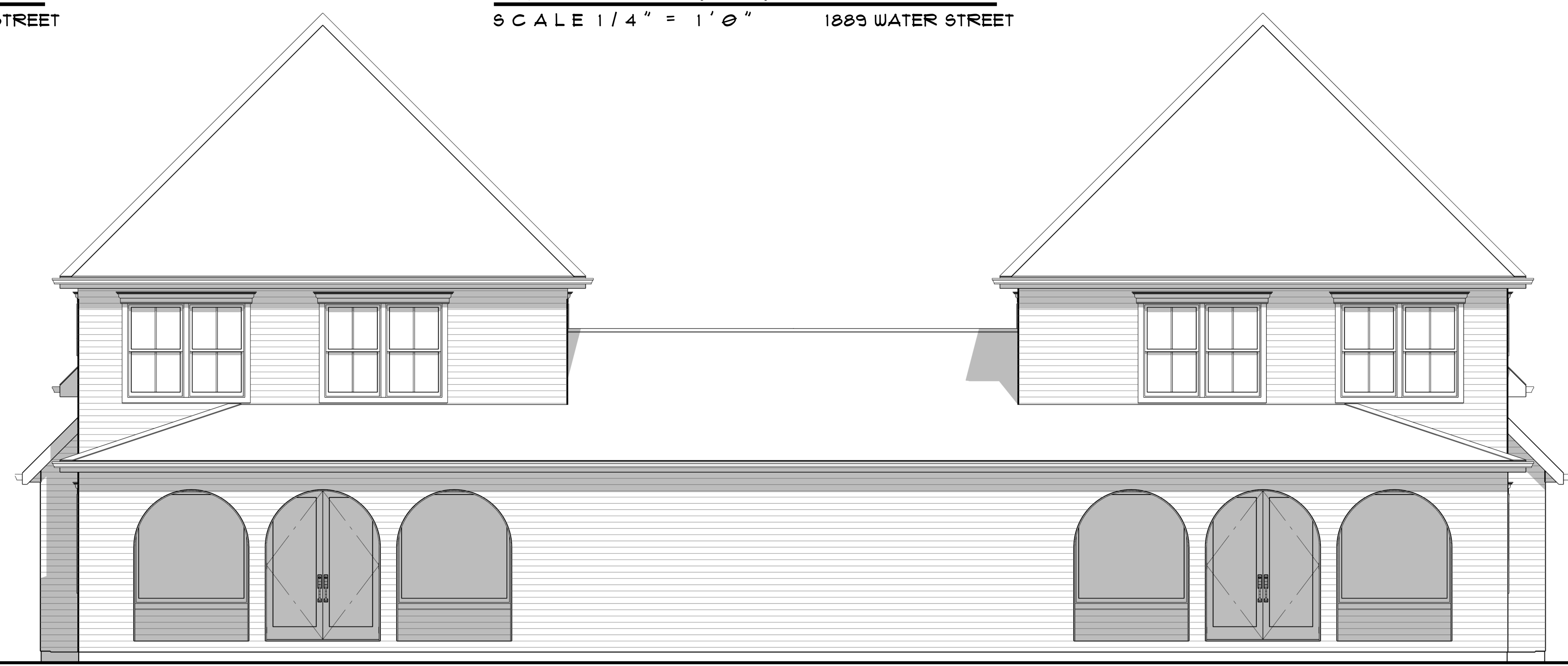
THESE PLANS HAVE BEEN LICENSED TO THE CUSTOMER FOR USE IN CONSTRUCTION OF ONE BUILDING ONLY AND ARE SUBJECT TO THE CONDITIONS OF LICENSE ACCEPTED BY THE CUSTOMER. ANY USE OF THESE PLANS WITHOUT WRITTEN PERMISSION FROM WAVRA DESIGN CO. LLC IS PROHIBITED. WAVRA DESIGN CO. RETAINS COPYRIGHT AND OWNERSHIP OF THESE PLANS. WAVRA DESIGN CO. PREPARES ITS PLANS CAREFULLY FOR USE BY ITS CUSTOMERS. HOWEVER, ADAPTATION OF THE PLANS TO MEET SPECIFIC STATE AND LOCAL BUILDING CODES, REGULATIONS AND SPECIFIC SITE CONDITIONS IS THE RESPONSIBILITY OF THE CONTRACTOR/USER. IN ADDITION WAVRA DESIGN CO. WILL NOT BE RESPONSIBLE FOR ANY DAMAGES RELATING TO THE ACCURACY AND OVERALL INTEGRITY OF THE PLANS IN EXCESS OF THE LICENSE FEE PAID FOR THEIR USE. THE CONTRACTOR THEREFORE MUST CAREFULLY INSPECT ALL DIMENSIONS AND DETAILS IN THE PLANS FOR ERRORS AND/OR OMISSIONS UNAUTHORIZED USE OR COPYING OF THESE PLANS FOR THE DESIGN THEY DEPICT INFRINGES RIGHTS UNDER THE COPYRIGHT ACT.

SEPT. 2022

PAGE



LEFT ELEVATION
SCALE 1/8" = 1'0"



REAR ELEVATION
SCALE 1/4" = 1'0"

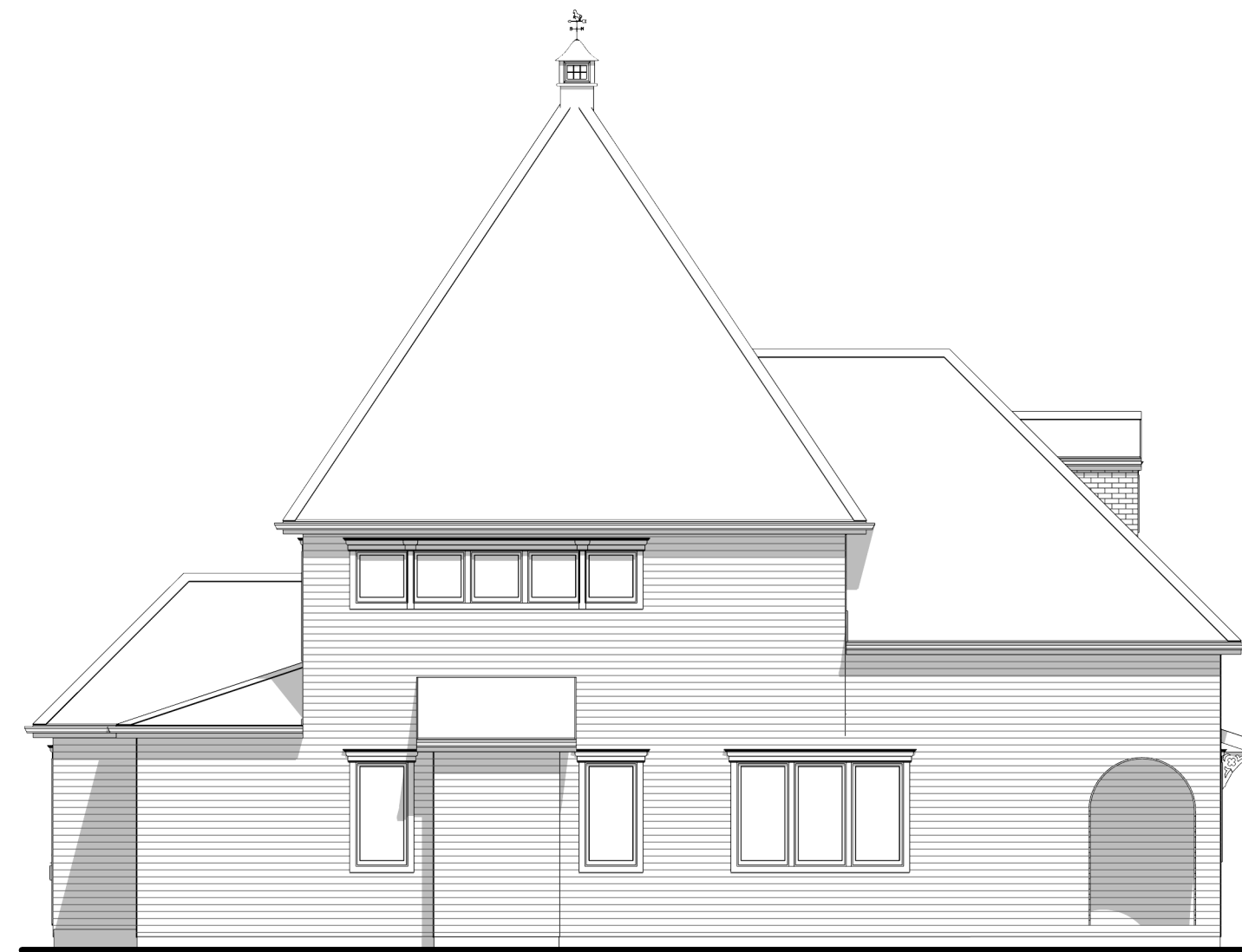


FRONT ELEVATION

SCALE 1/4" = 1'0" 1891 WATER STREET

FRONT ELEVATION

SCALE 1/4" = 1'0" 1899 WATER STREET



LEFT ELEVATION

SCALE 1/8" = 1'0"

2021 ORSC

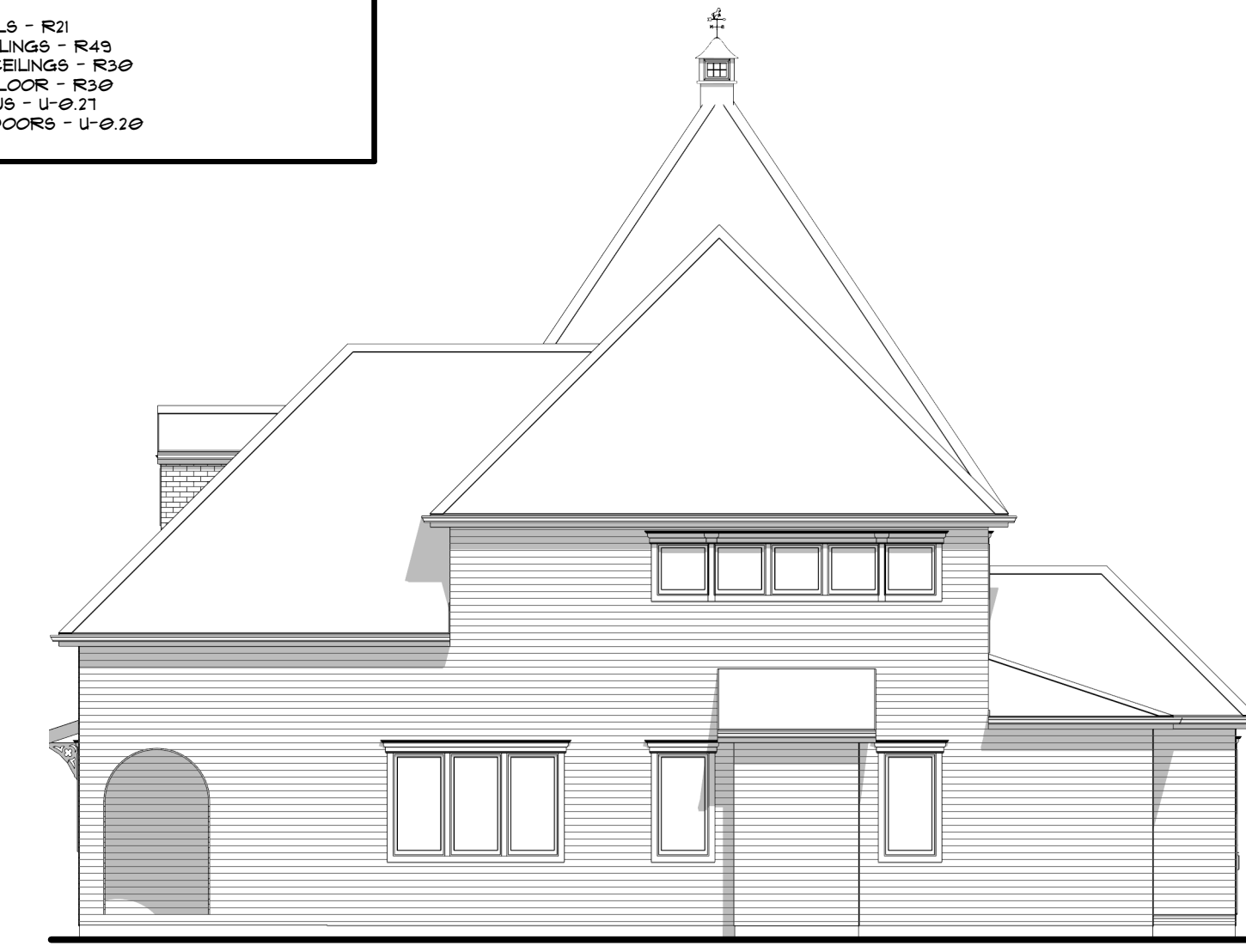


REAR ELEVATION

SCALE 1/4" = 1'0"

TABLE N1101.1(2) ADDITIONAL MEASURES
5. DUCTLESS HEAT PUMP MIN H9FF 10 IN PRIMARY ZONE
TABLE N1101.1(2) PRESCRIPTIVE ENVELOPE REQUIREMENTS
WALLS - R21 FLAT CEILING - R49 VAULTED CEILING - R30 UNDER FLOOR - R30 WINDOWS - U-0.21 EXTERIOR DOORS - U-0.20

NORTH LEFT	NORTH RIGHT
MAIN: 1100 SF	MAIN: 1401 SF
SECOND: 805 SF	SECOND: 805 SF
TOTAL: 1905	TOTAL: 2206



RIGHT ELEVATION

SCALE 1/8" = 1'0"

HUSTON NORTH DUPLEX
1897 AND 1899 WATER STREET
SALEM, OREGON

111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

THESE PLANS HAVE BEEN LICENSED TO THE CUSTOMER FOR USE IN CONSTRUCTION OF ONE BUILDING ONLY AND ARE SUBJECT TO THE CONDITIONS OF LICENSE ACCEPTED BY THE CUSTOMER. FULLY USE LICENSE OPTIONS ARE AVAILABLE UPON REQUEST. USE OF ANY PART OF THE PLANS BY ANY PARTY OTHER THAN THE CUSTOMER NECESSARY TO ASSIST THE CUSTOMER AND USING THE PLANS SUCH AS CONTRACTORS AND SUBCONTRACTORS IS STRICTLY PROHIBITED. THE PLANS MAY NOT BE REPRODUCED, COPIED, IN WHOLE OR IN PART, WITHOUT WRITTEN PERMISSION FROM WAVRA DESIGN CO. LLC. WAVRA DESIGN CO. RETAINS COPYRIGHT RIGHTS TO AND OWNERSHIP OF THESE PLANS. WAVRA DESIGN CO. PREPARES ITS PLANS CAREFULLY FOR USE BY ITS CUSTOMERS. HOWEVER, ADAPTATION OF THE PLANS TO MEET SPECIFIC STATE AND LOCAL BUILDING CODES, REGULATIONS AND SPECIFIC SITE CONDITIONS IS THE RESPONSIBILITY OF THE CONTRACTOR/USER. IN ADDITION WAVRA DESIGN CO. WILL NOT BE RESPONSIBLE FOR ANY DAMAGES RELATING TO THE ACCURACY AND OVERALL INTEGRITY OF THE PLANS IN EXCESS OF THE LICENSE FEE PAID FOR THEIR USE. THE CONTRACTOR THEREFORE MUST CAREFULLY INSPECT ALL DIMENSIONS AND DETAILS IN THE PLANS FOR ERRORS AND/OR OMISSIONS UNAUTHORIZED USE OR COPYING OF THESE PLANS FOR THE DESIGN THEY DEPICT INFRINGES RIGHTS UNDER THE COPYRIGHT ACT.

SEPT. 2022

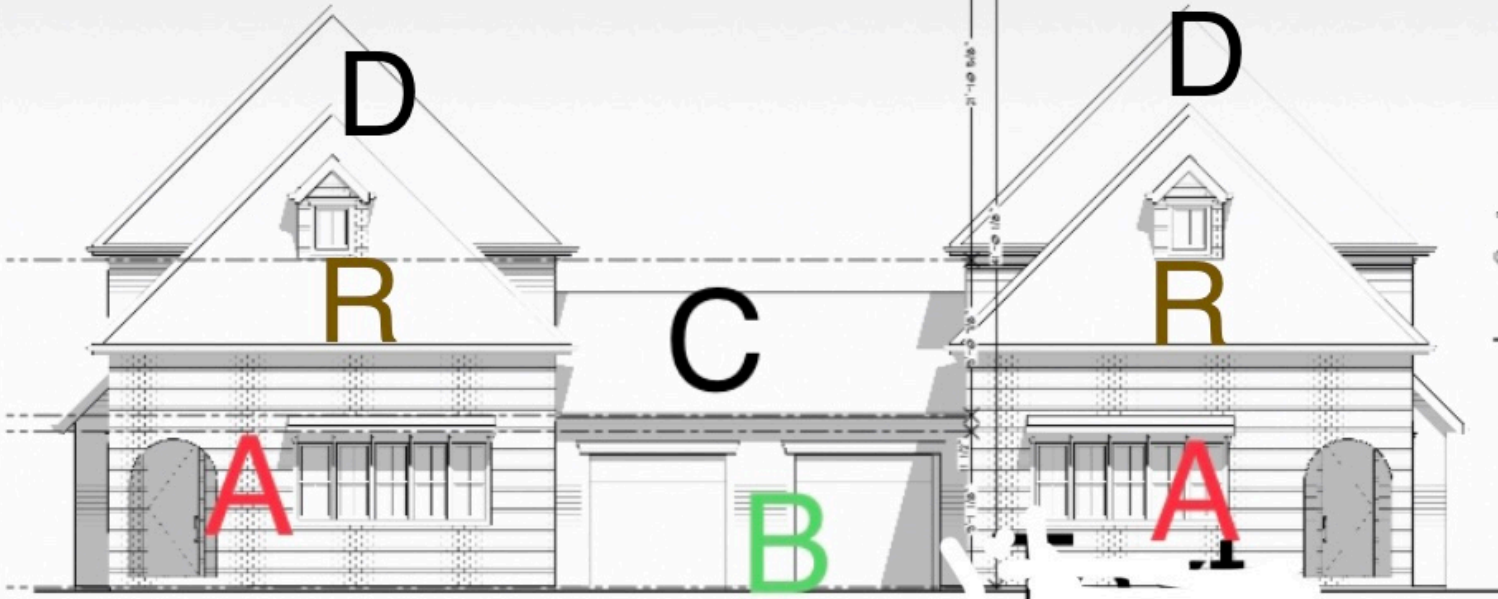
PAGE

1 8

Exterior Surfaces:

To emphasize the native terrain and function well under exposure, natural exterior materials will be used on all four sides of each (of two) duplex buildings.

1887 & 1889 Water St NE



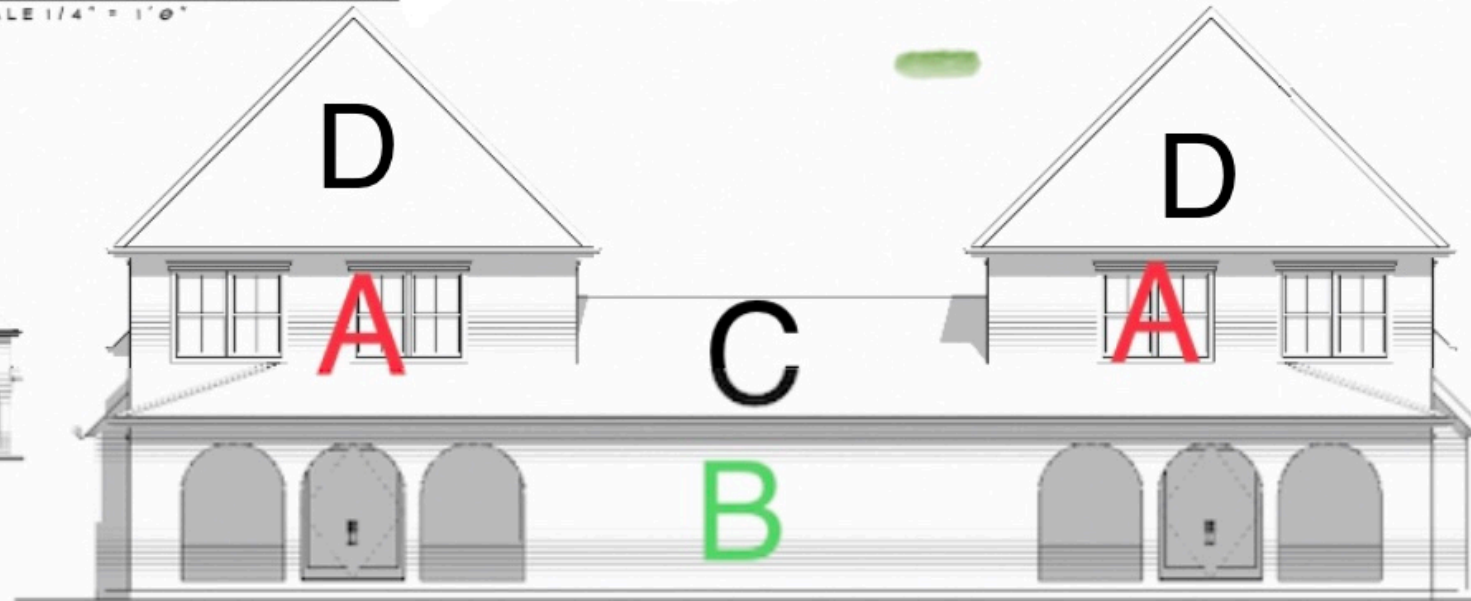
FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



LEFT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"

1897 & 1899 WaterSt NE

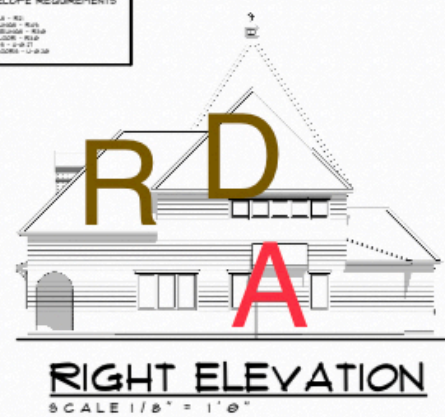
TABLE N101 (12) ADDITIONAL MEASURES
DUPLEX HEAT PUMP
HEAT LOSS ZONE
PREScriptive ENVELOPE REQUIREMENTS
WALL - R1 FLOOR CEILING - R15 GLAZED WINDOW - R10 GLAZED DOOR - R10 ROOF - R30 EXTERIOR DOOR - U-0.30

NORTH LEFT	NORTH RIGHT
MAIN 1100 SF	MAIN 1401 SF
SECOND 805 SF	SECOND 805 SF
TOTAL 1905	TOTAL 2206

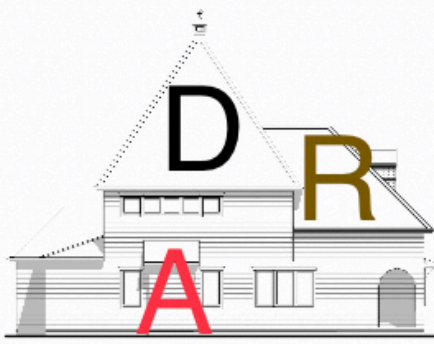


FRONT ELEVATION
SCALE 1/4" = 1'-0"
1897 WATER STREET

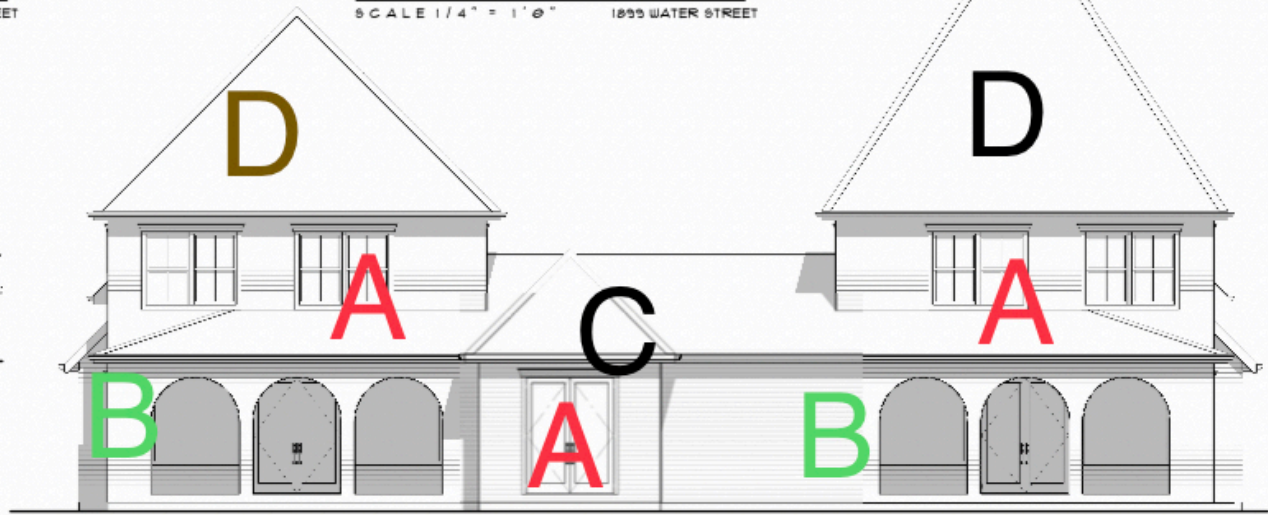
FRONT ELEVATION
SCALE 1/4" = 1'-0"
1899 WATER STREET



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



LEFT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"

2021 ORSC



HUSTON NORTH DUPLEX
1897 AND 1899 WATER STREET
SALEM, OREGON

111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCORPORAL.COM
WAVRADESIGNCO.COM
PH: 503-532-4134

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and that I am a duly licensed architect in the State of Oregon. I have prepared the above information in accordance with the requirements of the Oregon State Board of Architecture and Engineering, and I have not been disciplined by the Board. I have not been disciplined by the Board. I have not been disciplined by the Board.

SEPT. 2022

PAGE

1 8

**1887 & 1889 Water St
NE**

(South duplex)

**1897 & 1899 Water St
NE**

(North duplex)

**Specified materials are
as follows:**

D = Black Grey Comp



R = dark cedar shake



**B = Natural Native Rock
(Basalt)**



C = Clay barrel roof tiles



A = James Hardie bat & siding




**Pallet is natural native;
intended to enhance the
natural native
environment; native
gray basalt stone, clay
roof tile, James Hardie
plank and bat and dark
brown/black composite
roofing.**

**Windows are black on all
sides. Window exterior
trim is natural wood on
every window.**

**BENJAMIN
MOORE Exterior
Latex**

Simply White OC-117



STONINGTON GRAY

BENJAMIN MOORE
Exterior Latex



22-117086-00-PLN

Tax lot # 073WI5 DC

1897 Water Street NE

Salem, Oregon 97301

Randy Fultz/ Susan Huston

Tentative Replat type II

Written Statement:

Per Salem's request, we have deconstructed, cleaned up and removed all debris from the preexisting condemned original duplex building, and all the concrete additional out- buildings.

We plan to replace with two duplex buildings. Our objective is to restore native habitat, to replace invasive plant species with native plantings and to utilize natural materials when applicable.

Tentative Replat type II

All plans meet the City of Salem's criteria for a Replat tentative plan. SRC 205.025.



MEMO

TO: Aaron Panko, Planner III
Community Development Department

FROM: Laurel Christian, Development Services Planner II
Public Works Department

DATE: January 3, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
WGP-REP22-02 (22-117086)
1887 WATER STREET NE
FOUR-FAMILY RESIDENTIAL DEVELOPMENT**

PROPOSAL

A Class 2 Willamette Greenway Development Permit for the proposed development of a new four-family residential use within the Willamette Greenway compatibility review boundary, and a Tentative Replat to consolidate existing lots (comprised of Lots 1-3, and the northerly portion of Lot 4 of Block 7, River Side Addition to Salem, Oregon subdivision plat).

The subject property is approximately 0.76 acres in size, zoned IC (Industrial Commercial) at the time of application submittal and located at 1887 Water Street NE – 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DC / 00100).

RECOMMENDED CONDITIONS – REPLAT

1. Show all existing and proposed easements on the final plat.
2. Relocate utilities that may obstruct future driveways or provide a site plan demonstrating that no such obstructions exist.

RECOMMENDED CONDITIONS – WILLAMETTE GREENWAY PERMIT

3. Dedicate a minimum 15-foot-wide public access easement for recreational use along the western property line, in an alignment approved by the Public Works Director.
4. Coordinate construction activities with the Public Works Department and Building and Safety to ensure that any required erosion control or grading permits or other appropriate measures are in place to protect the topographical features of the bank and escarpment.

FACTS

Streets

1. Water 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 20-foot-wide improvement within a 66-foot-wide right-of-way abutting the subject property.

2. Academy 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 is a 65-foot-wide undeveloped right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch stormwater main is located in Water Street NE.
- b. A 10-inch stormwater main is located in Academy Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in Water Street NE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Water Street NE.

Natural Resources

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows the Willamette River as a riverine wetland area(s) mapped on/adjacent to the property.
2. Floodplain—An existing “AE” floodway is located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.
3. Landslide Hazards—City records show there may be category 2 landslide hazard areas mapped on the subject property. The construction of two duplexes on the site adds 1 activity point, for a total of 3 points. The proposed development is classified as a low landslide risk according to SRC Chapter 810.

CRITERIA AND FINDINGS – Tentative Replat

SRC 205.025(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.025(d)(1)—The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Findings—The applicant’s proposal does not vacate any public rights-of-way.

SRC 205.025(d)(3)—The tentative replat complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code (UDC).

Findings—The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the subdivision replat by the City Surveyor may be delayed or denied based on the non-compliant violation.

SRC 205.025(d)(4)—The tentative replat complies with all applicable provisions of ORS Chapter 92.

Findings—The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

SRC 205.025(d)(6)—The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Findings—The Public Works Department has reviewed the applicant’s preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate street access. The applicant shall ensure relocated property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc. All existing and proposed easements shall be shown on the final plat.

CRITERIA AND FINDINGS – Willamette Greenway Development Permit

SRC 600.015(e)(2) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 600.015(e)(2)(a)—*The proposed intensification, development, or change of use is consistent with the Willamette River Greenway Plan; the Willamette Greenway Riparian Buffer Enhancement Guide; the applicable standards of this chapter; and where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.*

Findings—Pursuant to SRC 600.025(h), *Where practical, public access to and along the Willamette River should be provided by easement, dedicated right-of-way, or other appropriate legal means.* The Salem Comprehensive Parks System Master Plan identifies a shared-use path in the vicinity of the subject property. To provide future public recreational access and use along the Willamette River, the applicant is required to dedicate an easement along the western portion of the subject property that borders the Willamette River.

Condition: Dedicate a minimum 15-foot-wide public access easement for recreational use along the western property line, in an alignment approved by the Public Works Director.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The project demonstrates compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

SRC 600.025(a)—*Development within the Willamette Greenway Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the development standards in this section shall be the applicable development standard.*

(a) General Standards

- (1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:
 - (A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and**
 - (B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.****
- (2) The slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.**
- (3) The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.**
- (4) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.**
- (5) Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.**

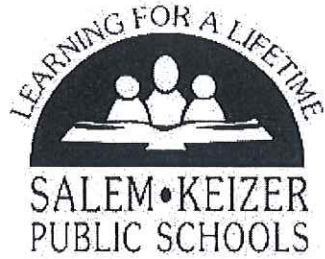
Findings— The applicant provided a geotechnical report that concluded that, with proper construction control, the geology and topography of the site and the surrounding area will not adversely affect the proposed project, and the project will have negligible geologic impact on adjacent properties or the risk of slope instability, and, with the use of generally accepted construction techniques and by strictly following the recommendations contained in the report and in the building code, the site is geologically suitable for the proposed development.

The Floodplain Administrator reviewed the proposed development and determined that the flood carrying capacity of the river is adequate to accommodate the proposed development. The proposed duplexes are not located within the regulatory floodway boundary of the Willamette River, reducing any potential impacts to the hydraulic and flood-carrying capacity of the river.

To ensure that necessary measures are in place to reduce existing or potential bank and escarpment erosion related to the proposed construction and development activities, staff recommends the following condition:

Condition: Coordinate construction activities with the Public Works Department and Building and Safety to ensure that any required erosion control or grading permits or other appropriate measures are in place to protect the topographical features of the bank and escarpment.

Prepared by: Laurel Christian, Development Services Planner II
cc: File



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

January 4, 2023

Aaron Panko, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. WGP-REP22-02, 1887 Water St. NE, Salem

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

School Name	School Type	Grades Served
Highland	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Highland	Elementary	336	423	79%
Parrish	Middle	657	829	79%
North Salem	High	2,161	2,248	96%

Table 2

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

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

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	4	DU	0.221	1
Middle			0.126	1
High			0.155	1

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Highland	Elem.	336	0	1	1	423	80%
Parrish	Mid.	657	3	1	4	829	80%
North Salem	High	2,161	27	1	28	2,248	97%

Table 4

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

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

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

School Name	School Type	Walk Zone or Eligible for School Transportation
Highland	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	1	\$68,445	\$68,445
Middle	1	\$83,363	\$83,363
High	1	\$98,280	\$98,280
TOTAL			\$250,088

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 Third Quarter.

Sincerely,

David Fridenmaker, Manager
 Planning and Property Services

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