

Adjustments Written Statement

The property situated at the corner of 17th ST SE and Oak ST SE, Taxlot Number: 073W26CD04401, falls within the RM2- Multiple Family Residential 2 zone, permitting multiple family developments as outlined in Table 514-1. Our proposal entails 12 multiple family units. Given the irregular shape of the property, a result of surrounding city developments, and its status as a residual piece of land, specialized adjustments are necessary to optimize its development potential.

The original design for the widening of 17th street at the intersection of Mission Street was based on a 1984 report ([Link to Report](#)), projecting a traffic load of approximately 21,000 trips per day by the year 2000. Recent data from the city of Salem, however, indicates a significantly lower traffic count of 11,228 as of 3/15/2023, consistent with the count of 11,030 recorded in 1998 ([Salem GIS Traffic Counts](#)).

Following the 1985 expansion, the right of way along 17th Street was widened to an extent greater than standard for a minor arterial road, measuring approximately 52ft from the centerline, compared to the standard 36ft. This resulted in a narrow property, zoned industrial, sandwiched between the new intersection and a residential zone. This necessitates site access from the narrow side on Oak Street rather than the more typical access from the longer side facing 17th Street.

Subsequently, the property was rezoned as Multi-Family-II, aligning more suitably with the location and municipal requirements. Additionally, when the railroad abandoned the right of way running through the northern end of the property, the city failed to acquire the necessary dedication to connect the existing alleyway to Oak Street, land locking the alley. Our proposal aims to rectify this by facilitating access from Oak Street to the alleyway and upgrading the alleyway to meet city standards.

Per SRC 250.005(d)(2)(C), all the requested adjustments will result in a project that is still consistent with the overall purpose of the RM2 zone.

Adjustment #1 – Lot size and Ratio

SRC table 514-2 requires a minimum of 40' width, 70' depth and 6,000 sf minimum lot size. There are currently 6 residual portions of lots left over from the 17th street extension and one parcel on the north that is a metes and bounds description. To redevelop this ground that has been vacant for 40 years, a replat will be necessary. After dedicating the right-of-way on Oak Street (a portion of the former railroad right-of-way), we will be creating 2 parcels. Lot 1 fronts on Oak St and extends south along 17th St. Lot 1 complies with the area, dimension and ratio set forth in table 514-2. Lot 2 will front on 17th and will be an average of 52' in depth where 70' is required. The lot area will be 5,400 sf where 6,000 sf is required.

SRC250.005(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.

Given the residual nature of the property from the 17th street extension, and with the pressing demand for multi-family housing it is difficult to maximize affordable, market rate housing without an adjustment. The 70' depth of the lot will always be impossible without exceeding the 300% ratio (width to depth ratio). If you average the area of lot 1 and 2, they are more than the

6,000sf minimum lot size. The average depth when you add the 16' alley width exceeds the 70' depth.

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

Not applicable, the property is not in a residential zone.

Adjustment #2 – Landscaping @ interior property lines @ vehicular use areas.

Following the proposed replat of the properties, an interior property line will traverse the parking areas between buildings B and C in an east-west direction. Per SRC 806.035(c)(3), a 5' setback with landscaping on each side of the property line is mandated.

We are requesting an adjustment to eliminate this setback requirement.

SRC 250.005(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.

There is a substantial amount of landscaping provided elsewhere on the property, amounting to approximately 38% of the lot. SRC 806 has no minimum parking requirements however for the health of the complex, we believe that in reality the person(s) who can afford market rate rent will have a car. On street parking is already at a premium and is neighbors usually do not want to have extra cars parking on their streets. A carless society, while a righteous goal, is certainly not a reality, especially in Salem. When given the choice between a badly needed marketable apartment and a 40-years-vacant field, the choice seems simple. Many of the parking spaces provided (6) are located underneath the 3 story buildings. The balance of the parking provided is surface parking, and is located between buildings to reduce the visual impact of parking. The maximum number of surface parking spaces is 21, which we are well under at 12 spaces.

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

Not applicable, the property is not in a residential zone.

We believe that granting this adjustment will allow for consolidating parking in the property that allows for larger landscaped areas serving as effective buffers to the adjacent streets. It will allow a more harmonious coexistence with the neighbors by tenants not parking on the street.

Adjustment #3 – 17th Street Setback

As per SRC Table 514-4, the current setback from the 17th Street property line is 20ft due to the proposed building height of 30ft.

We are requesting a reduction of this setback from 20ft to 12ft.

SRC 250.005(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.

The 1985 expansion of 17th Street beyond the standard right of way for a minor arterial road resulted in an irregularly shaped, narrow lot. Using the centerline of 17th St (Minor Arterial, 72ft

ROW) as a reference, a ROW line offset of 36ft places a line approximately 14ft outside of the existing subject property line. Thus, the proposed setback of 12ft aligns roughly 26ft from the 36ft ROW of 17th Street.

Additionally, the majority of each building facade is positioned at the 20ft setback line. This reduction in setback is justified by SRC 702.020(e)(9) and the predominantly open design of the covered entry and porch. We believe this proposed building placement better adheres to development standards by orienting the buildings towards the minor arterial, as per SRC 702.015(e)(2), and away from the adjacent single-family zone, while providing much-needed housing near Downtown Salem's core.

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

Not applicable, the property is not in a residential zone.

We believe that granting this adjustment benefits the adjacent residential uses, as the development it provides somewhat of a sound barrier from 17th St, and this adjustment allows us to orient the buildings towards 17th St.

Adjustment #4 – Oak Street Setback

As per SRC Table 514-4, the current setback from the Oak Street property line is 20ft due to the proposed building height of 30ft.

We are requesting a reduction of this setback from 20ft to 12ft.

SRC 250.005(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.

Following the proposed replat of the properties, the actual use of the lot adjacent to Oak Street could be considered 4-family, necessitating only a 12ft setback per SRC 514-4. Additionally, the property dimensions resulting from the city's acquisition of front portions along 17th Street necessitate a linear development. Furthermore, as part of the replat, there is a ROW dedication along Oak St, reducing the building setback from approximately 20ft to the 12ft as currently designed.

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

Not applicable, the property is not in a residential zone.

We believe this development benefits the adjacent residential uses, as it provides somewhat of a sound barrier and provides lighting and a visual presence on Oak St.

Adjustment #5 – Driveway Setback adjacent to RS zone

The driveway at the NE corner of the project is currently placed directly on the East property line, the maximum distance from the Oak and 17th intersection. Per SRC Table 514-4, there is a zone-to-zone setback of 10ft requiring type C landscaping.

We are requesting an adjustment from 10ft to 0ft to place the driveway directly on the property line, furthest from 17th Street.

SRC 250.005(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.

This adjustment allows us to align the driveway with the existing public alleyway, facilitating a potential future connection of this alleyway to Oak St.

Moreover, should this corner of the property become an alleyway in the future, no setback would be required per SRC 806.35(c)(A)(i)¹. As it stands, the driveway is positioned 8 feet from the East ROW extension. The driveway location provides the safest access considering the lack of access on the south end of the alley (Shelton ditch) and the restrictions from 17th Street, while maximizing distance from the Oak & 17th intersection.

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

Not applicable, the property is not in a residential zone.

We believe that granting this adjustment provides a benefit to the city, as it provides improved access to the alley.

Applicable to all requested adjustments

SRC 250.005(d) Criteria.

(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.

SRC 514.001. - Purpose. The purpose of the Multiple Family Residential-II (RM-II) Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

The granting of these adjustments is not in conflict with the purpose of the zone, and it will allow badly needed high-density infill development on a transit street near the downtown core. Furthermore, it provides a benefit to the adjacent residential area by developing a previously vacant lot that was very publicly visible.

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SRC Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

(c) Perimeter setbacks and landscaping.

(1) Perimeter setbacks and landscaping, generally.

(A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

(i) Off-street parking and vehicle use areas abutting an alley.