




Pre-Application Report


Community Development Department
Planning Division

555 Liberty Street SE/Room 305

Phone: 503-588-6173

www.cityofsalem.net/planning

 @Salem Planning

Case Number / AMANDA No. PRE-AP17-58 / 17-112142-PA
Conference Date July 10, 2017
Applicant Kerley Properties, LLC
Representative Rick Curry, Commercial CADD
Case Manager Christopher Green, AICP, Planner II 

Pre-Application Conference Required: ☒ Yes ☐ No

Project Description & Property Information

Project Description	28-unit multi-family development for a newly platted lot just south of 4072 Market Street NE. The proposal would extend existing multi-family development from the parcel immediately to the north, which was developed in the 1970s.
Property Address	4072 Market Street NE
Assessor's Map and Tax Lot Number	072W19BD03501
Existing Use	Vacant
Neighborhood Association	East Lancaster Neighborhood Association (ELNA)
Adjacent Neighborhood Association	N/A
Comprehensive Plan Map Designation	Multi-Family Residential
Zoning	RM-2 (Multi-Family Residential)
Overlay Zone	None
Urban Service Area	The subject property is located within the City's Urban Service Area.
Urban Renewal Area	N/A
Past Land Use Actions	PAR-VAR16-04: Partition to divide the subject property from Tax Lot 3500 to the north, with variances to increase flag lot accessway length and eliminate landscaping requirements along the boundaries of the accessway.

Planning Division Comments

Proposal

28-unit multi-family development for a newly platted lot just south of 4072 Market Street NE. The proposal would extend existing multi-family development from the parcel immediately to the north, which was developed in the 1970s.

Agency Comments

- Staff from the Fire Department submitted comments identifying the following list of issues:
 - 1) Fire sprinklers are required.
 - 2) Fire alarm system is required for fire sprinkler monitoring.
 - 3) Fire hydrant required within 600 feet of all exterior portions of all buildings and within 100 feet of the Fire Department connection.
 - 4) Fire lanes shall be marked.
 - 5) Provide flow data on existing fire hydrant to Fire Department.
- Staff from the Community Development Department, Building and Safety Division, submitted comments indicating no issues with the proposal at this time.
- Staff from the Public Works Department address issues related to utilities, transportation, and other infrastructure requirements in a separate memo.
- Salem-Keizer Mass Transit District ("Cherriots") submitted comments indicating no issues with the proposal at this time.

Required Land Use Applications

The land use applications checked in the table below have been preliminary identified as being required for the proposed development based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

The application submittal packets, which include a summary of the review procedure, submittal requirements, and approval criteria, can be found on the Planning website at the following location:

<http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Pages/LandUseApplicationInformation.aspx>

The applicable land use application fees for these applications can be found at the following location:

<http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/PlanningFees.pdf>

Required Land Use Applications					
Zoning		Site Plan Review			
	Conditional Use		Class 1 Site Plan Review		
	Comprehensive Plan Change		Class 2 Site Plan Review		
	Zone Change	X	Class 3 Site Plan Review		
	Temporary use Permit – Class 1	Design Review			
	Temporary Use Permit – Class 2		Class 1 Design Review		
	Non-Conforming Use Extension, Alteration, Expansion, or Substitution		Class 2 Design Review		
	Manufactured Dwelling Park Permit	X	Class 3 Design Review		
Land Divisions		Historic Design Review			
	Property Line Adjustment		Major		Minor Commercial
	Property Boundary Verification		Major		Minor Public
	Replat		Major		Minor Residential
	Partition	Wireless Communication Facilities			
	Subdivision		Class 1 Permit		
	Phased Subdivision		Class 2 Permit		
	Planned Unit Development Tentative Plan		Class 3 Permit		
	Manufactured Dwelling Park Subdivision		Temporary		
Relief			Adjustment		
	Adjustment – Class 1	Other			
?	Adjustment – Class 2		Annexation (voter approval)		
?	Variance		Annexation (voter-exempt)		
Natural Resources			Sign Adjustment		
	Tree Conservation Plan		Sign Conditional Use		
	Tree Conservation Plan Adjustment		Sign Variance		
	Tree Removal Permit		SWMU Zone Development Phasing Plan		
	Tree Variance		Urban Growth Preliminary Declaration		
	Willamette Greenway Permit – Class 1				
	Willamette Greenway Permit – Class 2				

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to

Historic Landmarks Commission review shall be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

Zoning of Surrounding Properties

North: RM2 (Multiple Family Residential)
South: RM2 (Multiple Family Residential)
East: RM2 (Multiple Family Residential)
West: RM2 (Multiple Family Residential) and CR (Retail Commercial)

Development Standards

Future development of the property will primarily be subject to the provisions of the following chapters of the SRC:

Land Use Application & Development Review Chapters

- SRC 220 – Site Plan Review
- SRC 225 – Design Review

Zoning & Development Standards Chapters

- SRC Chapter 86 – Trees and Shrubs
- SRC Chapter 511 – RM-2 (Multiple Family Residential) zone
- SRC Chapter 702 – Multi-Family Development Design Guidelines and Standards
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 – Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- All other applicable provisions of the Salem Revised Code

Proposed Use

The proposed development includes construction of a new 28-unit multi-family apartment complex on a property that is currently vacant. The proposed multi-family use is a permitted use in the RM-2 zone.

RM-2 (Multi-Family Residential) Development Standards SRC 514

Lot Standards: The minimum lot area requirement for multi-family uses is 6,000 square feet.

Dwelling Unit Density: The minimum dwelling unit density requirement in the RM-II zone is 12 units per acre, the maximum density allowance is 28 units per acre.

- ❖ **Staff Response:** *The subject property is approximately 1.17 acres in size, requiring a minimum of 15 dwelling units, and allowing a maximum of 33 dwelling units. The proposed development includes 28 dwelling units, in compliance with the density standards in the RM-2 zone.*

Setbacks: Setbacks within the RM-2 zone shall be provided as set forth in Tables 514-4 and 514-5.

Interior Front, Side and Rear

North: The subject property is adjacent to an RM-2 (Multiple Family Residential) zone to the north. Buildings and vehicle use areas are required to have a minimum 10 foot setback, meeting the Type C landscaping requirements. As currently shown, one of the proposed off-street parking spaces is located within this setback, requiring an adjustment or variance to either reduce the required setback in this location or reduce the required number of off-street parking spaces.

South and East: The subject property is adjacent to an RM-2 (Multiple Family Residential) zone to the south and east. Buildings and vehicle use areas are required to have a minimum 10 foot setback, meeting the Type C landscaping requirements.

West: The subject property is adjacent to RM-2 (Multiple Family Residential) and CR (Retail Commercial) zones to the west. There is a minimum 10 foot building and vehicle use area setback required adjacent to an RM-2 zone and CR zone, meeting the Type C landscaping requirements.

- ❖ **Staff Response:** *Please note that greater building and vehicle use area setbacks may be required by the multi-family design standards and guidelines found in SRC Chapter 702.*

Lot Coverage: Pursuant to Table 514-6, there is a maximum lot allowance of 50 percent in the RM-2 Zone.

Height: Pursuant to Table 514-6, the maximum height in the RM-2 zone is 50 feet.

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

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

Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Outdoor Storage: Within the RM-2 zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* Off-street parking requirements are based on the primary use, minimum requirements are found in SRC Chapter 806, Table 806-1. Multi-family uses require a minimum of 1.5 spaces per dwelling unit.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Staff Response: The proposed development requires a minimum of 42 off-street parking spaces ($28 \times 1.5 = 42$), the maximum allowance is 74 spaces ($42 \times 1.75 = 73.5$). 42 off-street parking spaces are proposed, consistent with the minimum and maximum parking requirements of SRC Chapter 806. However, as described elsewhere in this report, at least one parking space is located within the required setback for vehicle use areas. Under the present configuration an adjustment or variance would be needed to either reduce the applicable setback or reduce the number of off-street parking spaces required. Carpool and vanpool parking is not required for multi-family development.

Landscaping and Screening SRC Chapter 807

All building permit applications for development on lots subject to landscaping requirements shall include landscape and irrigation plans. All required landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area.

The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat and orderly appearance.

Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

Multiple Family Design Guidelines (SRC 702)

The following is a summary of the design guidelines which staff believes are applicable to the proposed development based on the information submitted for the pre-application conference. The City reserves the right to modify any of the following comments as more specific information becomes available. After review of SRC Chapter 702, it appears there are several items noted above that do not comply with the design standards.

For example, SRC 702.030(b)(2)(C) requires pathways connecting to and between buildings, common open space, and parking areas be separated from dwelling units by a minimum of 10 feet. Based on the plan provided, it appears unlikely that the proposal could meet this standard as designed. Instead, the application would need to address the corresponding design review guidelines, which implement the same design goals and objectives as the standards, but allowing the applicant greater flexibility in demonstrating compliance. A complete list of all the multi-family design standards and guidelines is found in SRC Chapter 702.

Common Open Space

SRC 702.015(b)(1)

- (A) A variety of open spaces areas of sufficient size shall be provided for use by all residents.*
- (B) Common open space shall be distributed around buildings and throughout the site.*
- (C) The amount of perimeter setbacks used for common open space shall be minimized.*

Staff Response: The plan appears to show one common open space area, at the corner of the site, to be used as a children's play area. The remaining open space on the site is almost entirely within perimeter setbacks, buffers between buildings and between buildings and parking areas, and landscape islands within the parking area. Please review both the applicable design guidelines as well as the design goals and objectives for common open space set forth in SRC 702.015(a)(1) and (2).

Children's Play Areas and Adult Recreation Areas

SRC 702.015(c)(1)

- (A) A variety of common open area opportunities shall be provided for enjoyment by all residents.*
- (B) Children's play and/or adult recreation areas shall be located centrally within the development.*
- (C) Children's play areas, if provided, shall be located in a manner to incorporate safety into the design by including such things as located play areas to be visible from dwelling units, locating play areas away from physical barriers such as driveways and parking areas, and selection of play equipment with safe designs.*

Staff Response: The plan shows a 1,250 square foot children's play area at the far corner of the subject property, in direct view of only one proposed building within the complex. Revised plans should include a centrally-located children's play area and/or adult recreation area, as well as specific information (equipment, layout, etc.) about the amenity being provided.

Landscaping – Building Exteriors

SRC 702.020(d)(1)

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

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

Landscaping – Privacy

SRC 702.020(e)(1)

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

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

Landscaping – Parking Areas

SRC 702.020(f)(1)(A) Canopy trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

Staff Response: The plans show adequate space to provide landscaping adjacent to buildings, along the perimeter of the site, and near parking areas to accommodate landscaping consistent with the applicable guidelines. The application submittal should include a landscape plan demonstrating how these guidelines are met.

Crime Prevention Through Environmental Design

SRC 702.025(a)(1)

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

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

Staff Response: As discussed at the pre-application conference, each habitable room facing common open space areas should include a window or windows to allow for passive surveillance of those areas.

General Parking and Site Access

SRC 702.030(b)(1)

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

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

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

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

Staff Response: Revised plans should show the location of pedestrian pathways, designed to comply with guideline (b).

Compatibility and Building Articulation

SRC 702.030(b)(1)(E) – Architecturally defined and covered entryways shall be incorporated into the design of buildings.

SRC 702.030(d)(1)(B) – Articulation shall be provided at the common entry way to all residential buildings.

Staff Response: Conceptual elevations do not clearly show if architecturally defined and covered entryways will be incorporated into building designs.

Recycling

SRC 702.040(a)(1)

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

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

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

Staff Response: No trash or recycle service areas are shown on the proposed site plan. Trash and recycling areas shall comply with the development guidelines of this section, as well as the applicable standards of SRC 800.055.

General Development Standards – Solid Waste Service

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee. The solid waste service area design standards in SRC 800.055 shall apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Staff Response: No trash or recycle service areas are shown on the proposed site plan. Please indicate in the Site Plan Review and Design Review application how the proposed solid waste service area meets the applicable development standards in SRC 800.055.

Design Review

Design Review is required for certain types of development, or in specified areas of the City, where design review requirements have been established to achieve a desired community character, to promote greater compatibility between uses, and to promote established principles of urban design. Design Review is based on either prescriptive and non-

discretionary design review standards or more flexible and discretionary design review guidelines.

After review of SRC Chapter 702, it appears there are several items noted above that do not comply with the development standards. A complete list of all the multi-family design standards and guidelines is found in SRC Chapter 702. If the proposed development cannot comply with the design standards, then a Class 3 Design Review will be required for the proposed development.

Class 2 Zoning Adjustment

The subject property is adjacent to an RM-2 (Multiple Family Residential) zone to the north. Pursuant to SRC Chapter 514, Tables 514-4 and 514-5, buildings and vehicle use areas are required to have a minimum 10 foot setback from residentially-zoned properties, meeting the Type C landscaping requirements. As currently shown, one of the proposed off-street parking spaces is located within this setback. Therefore, the proposal will require an adjustment to either decrease the required zone-to-zone setback between the vehicle use area and abutting residentially-zoned property, or to eliminate the parking space within the setback and decrease the required number of off-street parking spaces from 42 to 41.

A Class 2 Adjustment includes any adjustment to a numerical standard in the Unified Development Code that increases or decreases the standard by more than 20 percent. The purpose of a Class 2 Adjustment is to provide a process to allow deviation from the development standards of the SRC for developments that, while not meeting the standards of the SRC, will continue to meet the intended purpose of those standards. Class 2 Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Class 2 Adjustment (SRC 250.005(d)(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 the adjustment is:
 - (i) Clearly inapplicable to the proposed development; or*
 - (ii) Equally or better met by the proposed development.**
- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.*
- (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

Site Plan Review

Site Plan Review provides a consistent and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that the development meets all applicable requirements of the SRC. Examples of issues reviewed as part of site plan review include: property zoning, parking lot layout and landscaping, pedestrian connectivity, landscaped buffer yards, and transportation and utility infrastructure.

Certain decisions made by City staff while reviewing site plans are discretionary in nature, thereby meeting the definition of a limited land use decision under ORS 197.015(12). These types of discretionary decisions require an opportunity for public comment and appeal under state law. The Class 3 Site Plan Review process satisfies these requirements, thereby eliminating the threat of further appeals after building permit issuance.

In this case, a Class 3 Site Plan Review will be if a land use decision, such as an adjustment, variance, or Class 3 Design Review is required. A full list of triggers for a Class 3 Site Plan Review is found in SRC Chapter 220.005(b)(3).

Natural Resources

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

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) no wetland areas mapped on the property.

Landslide Hazard Susceptibility: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are no areas on the subject property that have been identified with landslide hazard susceptibility. There are 2 activity points associated with multi-family construction. Pursuant to the requirements of SRC Chapter 810, the cumulative total of 2 points indicates a low landslide risk. A geological assessment is not required for the proposed development.

Neighborhood Association Contact Information

Staff recommends that applicants/property owners contact the neighborhood association regarding their proposals as soon as possible. This allows for the neighborhood association to be involved early in the process and helps to identify any potential issues that might arise.

Neighborhood Association(s): East Lancaster Neighborhood Association (ELNA)

Meeting Date, Time, & Location: 1st Thursday of each month, 7 p.m.
Swegle Elementary
1751 Aguilas Court NE

Neighborhood Association Chair Sue Fowler, co-chair

Susanin Kaltwasser, co-chair
susann@kaltwasser.com

Specific contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website: <http://www.cityofsalem.net/south-gateway-neighborhood-association>.

Salem Revised Code Available On-Line

For specific reference to the requirements of the Salem Revised Code (SRC) discussed in this report, the code can be accessed on-line through the City's website at: <http://www.cityofsalem.net/Pages/salem-revised-code.aspx>

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