

226 Salem Heights Ave SE Salem Or 97301
Class 3 Site Plan Review and Class 1 Design Review w/ Two Class 2 Adjustments

November 29, 2021

Summary Table

Zoning Designation: RM-II

Total Site Area: .367 acres & 15,995 SF

Gross Floor Area & Total Lot Coverage:

Building -- 3,492 SF

Parking & Pedestrian -- 4,637 SF

Open Space & Landscape -- 6,243 SF

Building Height: 29' 3 3/8" Top of Wall

Parking Spaces Itemized:

Garage Spaces -- 8

Tandem Spaces -- 8 (8 tandem spaces behind 8 garage spaces)

Compact Spaces -- 4

TOTAL PARKING SPACES – 20

Bike Spaces: 4 individual bike racks. 1 bike rack per building located on the interior (not covered).

Written Statement

Zoning of Surrounding Properties

North: Right of way for Salem Heights Avenue SE

South: RM-II (Multiple Family Residential)

East: RM-II (Multiple Family Residential)

West: Right of way Crawford Street SE

Proposed Use

The development will consist of (2) plex buildings & (2) duplex buildings totaling 10-units on property zoned RM-II zone. The subject property is .39 acres & 16,995 SF (Marion County Assessor's Map and Tax Lot number 083W03BD09100). The existing building, shed, planter and driveway off Salem Heights will be demolished and removed.

Dwelling Unit Density: The subject property is .39 acres & 16,995 SF and is located in the RM-II zone. Assuming a 10-foot right of way dedication or special setback is required on Salem Heights, the lot area would be reduced by 1,033.3 SF to 15,994.662 SF (.367 acre) which allows a maximum of 10 units, which is in compliance with the density standards in the RM-II zone.

Site Plan: Please see the attached Site Plan. The Site Plan is in compliance with the RM-II zone.

Setbacks: The project is in compliance with the RM-II zone.

Lot Coverage: The project is in compliance with the RM-II zone.

Height: The project is in compliance with the RM-II zone.

Landscaping: The project is in compliance with the RM-II zone.

Outdoor Storage: Project will have no outdoor storage.

Off-street Parking: Applicant is requesting a Class 1 Adjustment to add 2 additional parking spaces for the project to offer relief to the neighborhood concerns for lack of parking. During the initial application which was appealed and denied the neighborhood made it clear that the site needs more parking. The applicant is proposing 2 additional compact spaces.

The proposed development is within the 0.1 mile of the Core Network where no parking is required & the maximum parking is 1.75 spaces per dwelling unit. The project has 10 units and is allowed 18 parking spaces an additional 2 compact spaces are being requested to increase the total parking spaces to 20.

Off-Street Parking Spaces Itemized:

Garage Spaces --	8
Tandem Spaces --	8 (8 tandem spaces behind 8 garage spaces)
Compact Spaces --	4
TOTAL PARKING SPACES – 20	

Driveways: 1 driveway off of Crawford.

Bike Spaces: 4 individual bike racks. 1 bike rack per building located on the interior (not covered). This is in compliance with the RM-II zone.

Historic and Cultural Resources Protection Zone: I received this email from Kimberli Fitzgerald on 1-4-2021:

Hi Sam;

Yes, thank you for reaching out. This property is within our Historic and Cultural Protection Zone due to the high probability that archaeological resources may be encountered during any ground disturbing activity. I've attached our general FAQ about what being in this zone means.

In sum, if no federal permits are required (ie. Army Corps) and you are not using any public funds for the project and the property itself is not publicly owned – then no additional historic clearance for the work you are proposing is required. However, an IDP (Inadvertent Discovery Plan) must be in place/provided to the contractor/developer who will be in the field during any ground disturbing activity. This plan provides direction about what to do in the event that something is inadvertently uncovered during work.

Please let me know if you have any additional questions.

Thanks,

Kimberli

Kimberli Fitzgerald, AICP/RPA

Historic Preservation Program Manager

Historic Preservation Officer & City Archaeologist

City of Salem

[503 540-2397](tel:5035402397)

HOA Statement

NONE – there is no HOA

Emails with Faye Wright NA

Subject: 226 Salem Heights Design & Site Plan Review (NEW APPLICATION)

From: Sam Lapray - To: fwna.chair@gmail.com, bshelide@gmail.com, sjhecox@msn.com, mbbaire@hotmail.com, strange306@gmail.com - Cc: Tim Hurley - Date: October 22, 2021 at 12:20 PM, Attachments: 226 Salem Heights -- Class 1

226 Salem Heights Design & Site Plan Review (NEW APPLICATION) Hello Blake, Bryant, Shawn & Sue,

The City of Salem has asked me to reach out to you and the Faye Wright Neighborhood Association about the attached Design and Site Plan Review items for the 10 units we plan to develop at 226 Salem Heights Ave SE.

Please confirm you have received & will share with the Faye Wright Neighborhood Association. We would love to hear any & all feedback.

We Appreciate You & All Your Help in this Process!

God Bless, sam

Sam H Lapray, Sole Member & Owner Covey Rowhouses, LLC
ph 503-931-2315 SamHLapray@gmail.com

On Mon, Nov 1, 2021 at 4:42 PM Blake Shelide <bshelide@gmail.com> wrote:
Hi Sam,

Thank you very much for sending these. I have received them and we can share this at a future FWNA meeting. A couple quick questions as I reviewed the plans:

- can you confirm the unit count? The email indicates 10, but the plans appear to show 8 (4 buildings, with two units each)
- what is the function of the room labeled "office" and the separate restrooms on the first floor in each of the buildings? Will each building have an administrative office?

Thank you,
Blake

On November 8, 2021 at 12:09:30 PM, Blake Shelide (bshelide@gmail.com) wrote:

Hi Sam,

Thanks again for sending on the design and site plan review documents. Just a quick follow-up on my previous questions. Also, Faye Wright Neighborhood Association has a virtual meeting this Thursday 11/11 at 7pm, and we've included an agenda item for this project so we can share the updated site plans with any attendees, in case you are available and would like to attend I think that would be great.

<https://www.cityofsalem.net/meetingdocs/faye-wright-neighborhood-association-agenda-2021-11-11.pdf>

Thanks,
Blake

On Mon, Nov 8, 2021 at 4:10 PM Sam Lapray <samhlapray@gmail.com> wrote:
Hello Blake,

Thank you for the meeting invite — please let me know what time the project is on the agenda and I will connect in.

Also, in answering your questions from your 10-22-2021 email:

unit count is 10

- (6) 2 bd / 2ba
- (2) 2 bd / 2 ba w/ office and or 3 bedroom on main floor
- (2) Studio's on the main floor

No, administrative offices are planned for at this time. 2 of the main floors are for 2 studios & the other 2 of main floors are for an office or 3 bedroom for the 2 bd / 2 ba unit above.

Please let me know a good time to connect on the virtual meeting.

Thanks & God Bless! sam

Sam H. Lapray
ph [503-931-2315](tel:503-931-2315)
SamHLapray@gmail.com

Subject: Re: 226 Salem Heights Design & Site Plan Review (NEW APPLICATION)

From: Blake Shelide - To: samhlapray@gmail.com - Cc: Sue Hecox, Tim Hurley, Shawn Range, Faye Wright Chair - Date: November 9, 2021 at 9:16 PM

Sam,

Thank you, that sounds great. Thanks also for the additional clarification on the unit descriptions, that makes sense.

As far as timing goes, this item is toward the end of the agenda:

<https://www.cityofsalem.net/meetingdocs/faye-wright-neighborhood-association-agenda-2021-11-11.pdf>

We don't have specified time slots for the agenda items, but based on the rest of the agenda and preceding items, I would estimate sometime between 7:30-8:00.

I think we can use this meeting to introduce the revised design to anyone in attendance and keep it relatively brief, and if there is a need for additional discussion or comments from surrounding neighbors, there could be an opportunity for a follow-up meeting.

Thanks, Blake

Multiple Family Design Standards (SRC 702.015)

Common Open Space: The project will far exceed the 20 percent of the gross site area (16,995 SF x 20% = 3,399 SF). The proposed Common Open Space is in compliance with the RM-II zone.

Landscaping and Screening the building permit application for the development will include Landscape and Screening to be in compliance with the RM-II zone.

Site Safety and Security the windows provide and encourage visual surveillance of the common open space, parking areas and pedestrian paths. The lighting illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths.

Parking and Site Design minimizes the visual impact of the onsite parking and enhances the pedestrian experience. The pathways provide connection between the buildings, common open space, parking areas, public right of way on Salem Heights Ave SE & along Crawford St SE.

Facade and Building Design: The project is in compliance with the RM-II zone.

Recycling and Solid Waste is in compliance with the RM-II zone.

Natural Resources No trees will be removed. There are no wetlands as per the Salem-Keizer Local Wetland Inventory. There are no landslide hazards as per the City of Salem's landslide hazard susceptibility maps & a geological assessment is not required for this site.

Alternative Street Standard SRC 803.065 The applicant is requesting an Alternative Street Standard for Crawford St SE to be used in its current state as a 20' paved surface with a 20' public right of way. The applicant proposes a pedestrian path along the east side of Crawford (as per the Site Plan). Applicants Engineer has had communication with the City of Salem Planning Director & Public Works and they are in agreement to approve an Alternative Street Standard on Crawford St SE with the condition of a pedestrian path along the east side of Crawford (as per the Site Plan).

The Director may authorize the use of one or more alternative standards where existing development or physical constraints make compliance with the standards impracticable or where topography or other conditions make the construction that conforms to the standards impossible or undesirable.

A total of 15 properties, including the subject property, are served by Crawford Street. The original Plat was recorded in the 1940's and provided for a 20' right of way. All properties which have access off of Crawford are fully developed. The existing roadway is generally 20' wide with no pedestrian walkways.

Overhead utilities are located immediately east of the right of way. The OH utilities have a prescriptive right to be located on the private property since they have occupied the space since the property was developed.

Because of the existing utilities, right of way cannot be dedicated per SRC without any encumbrances. Relocating the power poles would require the 8 property owners on the east side to provide an easement to PGE and substantial cost to move the poles to allow any right of way to be dedicated without encumbrances. The applicant has no way of compelling the property owners fronting Crawford to dedicate an easement to PGE to allow the poles to be relocated.

The applicant proposes to grant the City an easement and provide a pedestrian pathway to allow safe pedestrian passage along the Crawford frontage for all pedestrians.

Constructing Crawford to City Standards places a significant burden on the development and is not practicable for a number of reasons.

- 1. The entire improvement would need to be on the applicant's property rendering the remaining property undevelopable.*
- 2. PGE will require all of the poles to be relocated along Crawford at substantial effort and expense. It is our opinion that it will not be possible to get 8 property owners to agree to allow the poles to be relocated.*
- 3. The extension of Crawford to City Standards is extremely unlikely since all of the properties are fully developed and are not likely to redevelop any time soon.*
- 4. Forcing City Standards on Crawford Street will eliminate the possibility for this project to provide much needed housing as determined by the State.*

The applicant proposes to pay a "Fee in Lieu" covering the cost of the Salem Heights Improvements to be constructed by others in the future.

ATTACHMENT: SRC Chapter 250 Adjustments

Sec. 250.005. Adjustments.

(a) *Applicability.*

(1) *Classes.*

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: The project will have two Class 2 adjustments for this project: 1) Additional Parking & 2) Reduction of Landscaping Setback.

The two Class 2 adjustments are:

- 1) Additional Parking:** This adjustment will allow for 2 additional compact parking spaces that will help provide relief for the lack of on street parking and will address the neighbors' concerns with the lack of parking. This request will not unreasonably impact the surrounding, existing, potential uses or development.
- 2) Landscaping Setback Reduction along the East Property Line Interior Side (Vehicle Use Area)** (SRC 806.040(d)): we request a **Class 2 adjustment** reducing the landscaping setback from 10' to 6' along the middle of drive aisle to provide a turnaround area at the end of the drive aisle. We propose the required landscaping for the 10' setback (type C – SRC chapter 807) be dispersed throughout the site. This Class 2 adjustment will not unreasonably impact the surrounding, existing, potential uses or development.

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: The project does not include an adjustment to any of the standards, guidelines, or requirements listed in (A) through (K) above. The project meets the applicable design review standards for multiple family development. This standard is met.

(b) *Procedure type.* Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Response: The Class 2 adjustments will be processed as a Type II procedure.

(c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:

- (A) The total site area, dimensions, and orientation relative to north;
- (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
- (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
- (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
- (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: A Site Plan with the applicable information required in (A) through (F) above has been submitted. This requirement is met.

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Response: The Topo and Existing Conditions Survey has been submitted. This requirement is met.

- (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.

Response: 1) **Additional Parking:** This adjustment will allow for 2 additional compact parking spaces that will help provide relief for the lack of on street parking and will address the neighbors' concerns with the lack of parking. The purpose underlying the specific development standard proposed for adjustment will be equally or better met. This adjustment will make the proposed development better for the parking, flow of traffic, future tenants, neighbors and visitors – this adjustment will not unreasonably impact the surrounding, existing, potential uses or development. This standard is met.

Response: 2) **East Property Line Interior Side (Vehicle Use Area)** (SRC 806.040(d)): this **Class 2 adjustment** reducing the landscaping setback from 10' to 6' along the middle of drive aisle to provide a turnaround area at the end of the drive aisle. We propose the required landscaping for the 10' setback (type C – SRC chapter 807) be dispersed throughout the site. This adjustment is needed to reduce the applicable landscape setback for the RM-II (Multiple Family Residential) zoned property. The UDC does not state a specific purpose for these interior setbacks. The Applicant understands that the purpose of these interior side setbacks in the RM-II zone is to maintain light, air, promote a reasonable physical relationship between residences, and provide privacy for the neighboring properties. The purpose underlying the specific development standard proposed for adjustment will be equally or better met. This adjustment will make the proposed development better for the flow of traffic, future tenants, neighbors and visitors – this adjustment will not unreasonably impact the surrounding, existing, potential uses or development. This standard is met.

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

Response: 1) **Additional Parking:** This adjustment will allow for 2 additional compact parking spaces that will help provide relief for the lack of on street parking and will address the neighbors' concerns with the lack of parking. The purpose underlying the specific development standard proposed for adjustment will be equally or better met and will not detract from the livability or appearance of the residential area. This adjustment will make the proposed development better for the parking, flow of traffic, future tenants, neighbors and visitors – this adjustment will not unreasonably impact the surrounding, existing, potential uses or development. This standard is met.

Response: 2) **East Property Line Interior Side (Vehicle Use Area)** (SRC 806.040(d)): this **Class 2 adjustment** reducing the landscaping setback from 10' to 6' along the middle of drive aisle to provide a turnaround area at the end of the drive aisle. We propose the required landscaping for the 10' setback (type C – SRC chapter 807) be dispersed throughout the site. This adjustment is needed to reduce the applicable landscape setback for the RM-II (Multiple Family Residential) zoned property. The UDC does not state a specific purpose for these interior setbacks. The Applicant understands that the purpose of these interior side setbacks in the RM-II zone is to maintain light, air, promote a reasonable physical relationship between residences, and provide privacy for the neighboring properties. The purpose underlying the specific development standard proposed for adjustment will be equally or better met and will not detract from the livability or appearance of the residential area. This adjustment will make the proposed development better for the flow of traffic, future tenants, neighbors and visitors – this adjustment will not unreasonably impact the surrounding, existing, potential uses or development. This standard is met.

(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.

Response: The Class 1 & Class 2 adjustments cumulative effect will make the proposed project better for the future tenants, neighbors, community and visitors. The criterion is met.

(e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Response: The Applicant acknowledges that the adjustment runs with the land.