

UGA - SPR - ADJ - DAP - DR - PLA 24 - 03

**APPEAL OF PLANNING ADMINISTRATOR'S DECISION
TO APPROVE A PROPOSED DEVELOPMENT OF 405
NEW MULTI-FAMILY HOMES**

May 13, 2024 - City Council Public Hearing

AKS
ENGINEERING & FORESTRY



Introductions

APPLICANT

I&E Construction

LAND USE PLANNER and CIVIL ENGINEER

AKS Engineering and Forestry

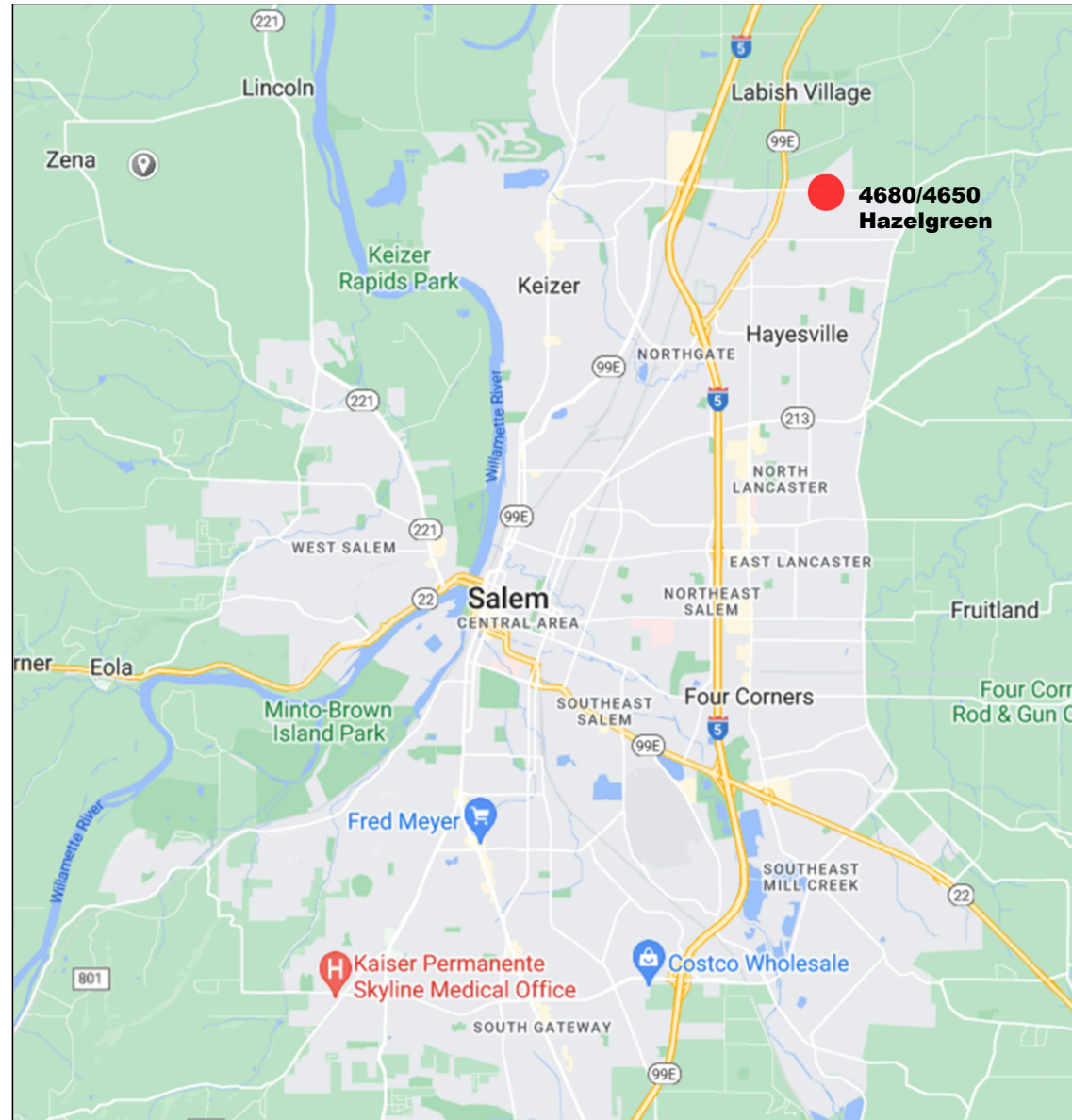
Zach Pelz, AICP – Land Use Planner

Presentation Overview

1. Project Background
2. Response to Appellant's Arguments
3. Q&A

Site Location

PROJECT BACKGROUND



Site Location

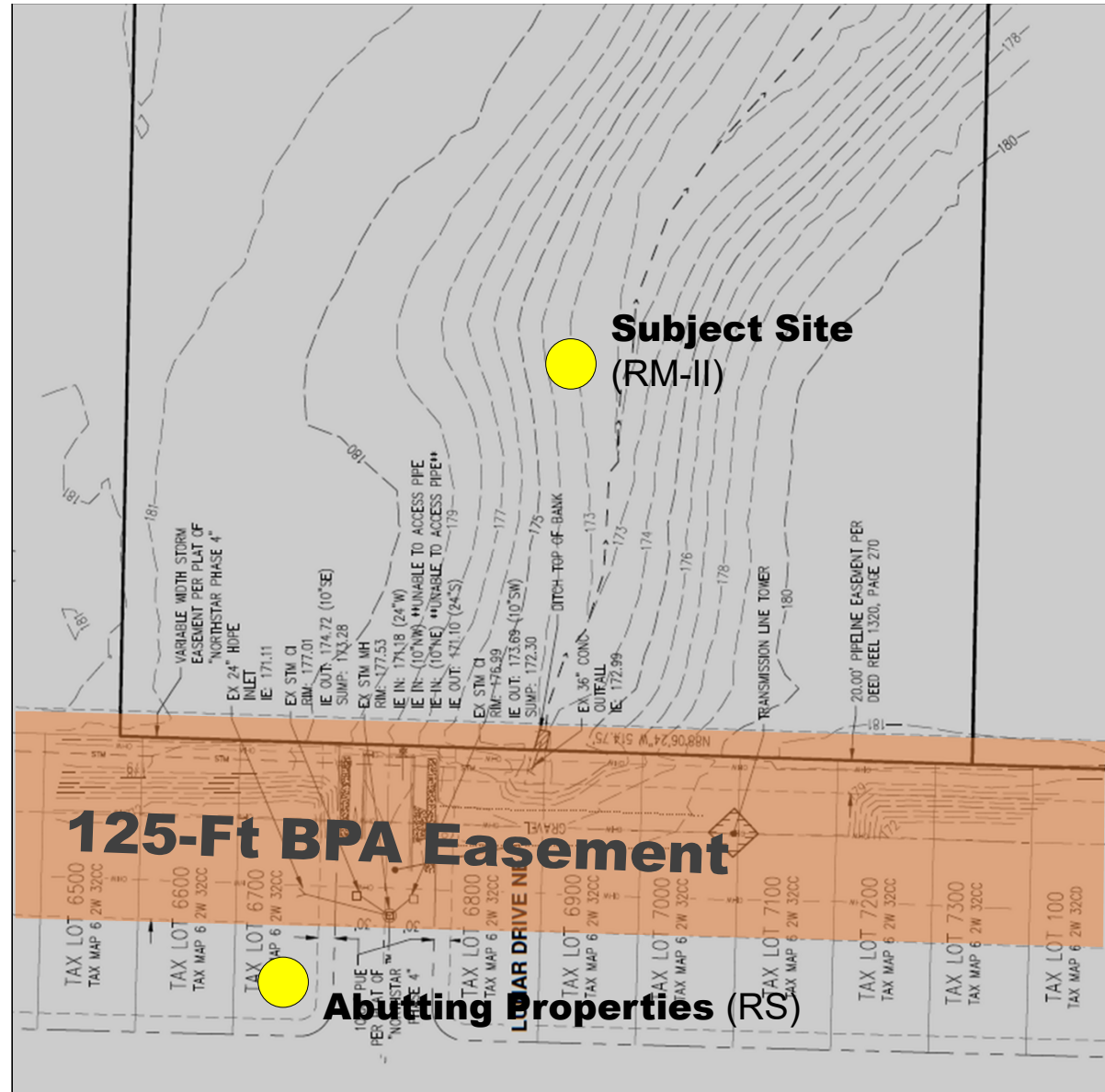
PROJECT BACKGROUND

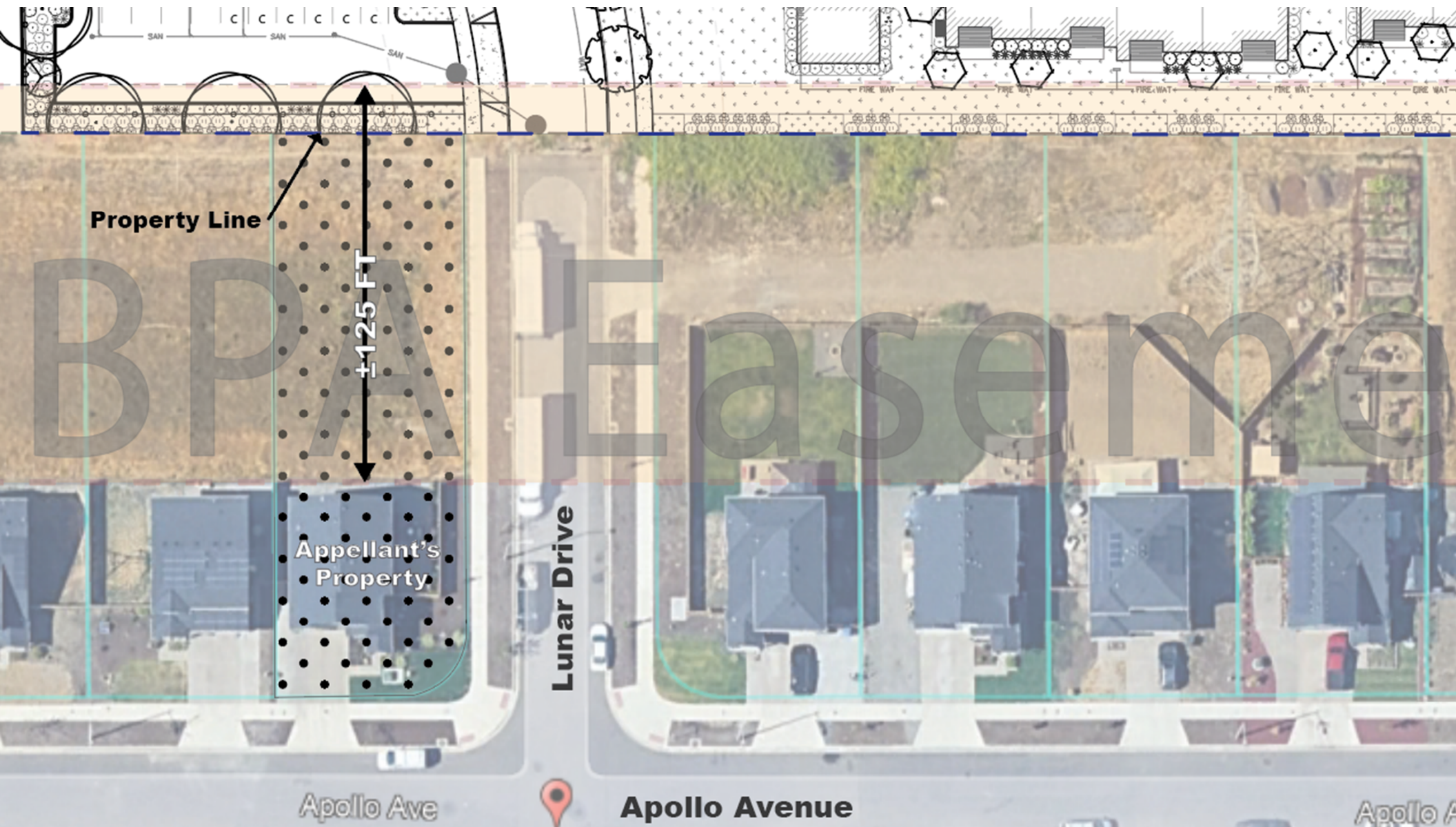


Project Background

- **Annexed into City 9/2022:** Zoned for multi-family homes to address demonstrated housing need
- **SPR approved 2/2024:** Staff approved application for 405 new multi-family homes on February 29, 2024
 - Included approval for an adjustment to the requirement to plant trees and install a fence along the site's south boundary
 - Fence and trees are prohibited by BPA easement on the subject property
- **Appeal filed 3/2024:** Appeal seeks installation of fence and trees along south property boundary, west of Lunar Drive

Project Background





Property Line

±125 FT

Appellant's
Property

Lunar Drive

Apollo Ave

Apollo Avenue

Apollo A

Project Background

- **Annexed into City 9/2022:** Zoned for multi-family homes to address demonstrated housing need
- **SPR approved 2/2024:** Staff approved application for 405 new multi-family homes on February 29, 2024
 - Included approval for an adjustment to the requirement to plant trees and install a fence along the site's south boundary
 - Fence and trees are prohibited by BPA easement on the subject property
- **Appeal filed 3/2024:** Appeal seeks installation of fence and trees along south property boundary, west of Lunar Drive



Project Background

- Appeal filed 3/2024: Appeal seeks installation of fence and trees along south property boundary, west of Lunar Drive
- Applicant has worked in good faith to resolve Appellant's concerns
 - Submitted request to BPA to install fence and trees in easement
 - BPA has approved the fence and Applicant agrees to install

Project Background

Applicant offers the following condition of approval:

- **Condition X:** A minimum six-foot-tall, decorative, sight-obscuring fence meeting the requirements of SRC Chapter 702.020(b)(2) shall be provided along the south property line, between the site's west property line and the planned westerly right-of-way of Lunar Drive, to buffer between the multiple family development and the abutting RS zoned property to the south.

Response to Appellant's Arguments

Appellant raises three main points:

1. Landscaping *and* a fence is required (SRC 702.020).
2. SRC standards apply regardless of private easements (SRC 110.060(a)).
3. Shrubs in place of fence and vegetation does not equally or better meet standard.

SRC 250 - Adjustments

Sec. 250.001. - Purpose.

*The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. 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.***

Response to Appellant's Arguments

Appellant raises three main points:

1. Landscaping *and* a fence is required (SRC 702.020).
2. SRC standards apply regardless of private easements (SRC 110.060(a)).
3. Shrubs in place of fence and vegetation does not equally or better meet standard.



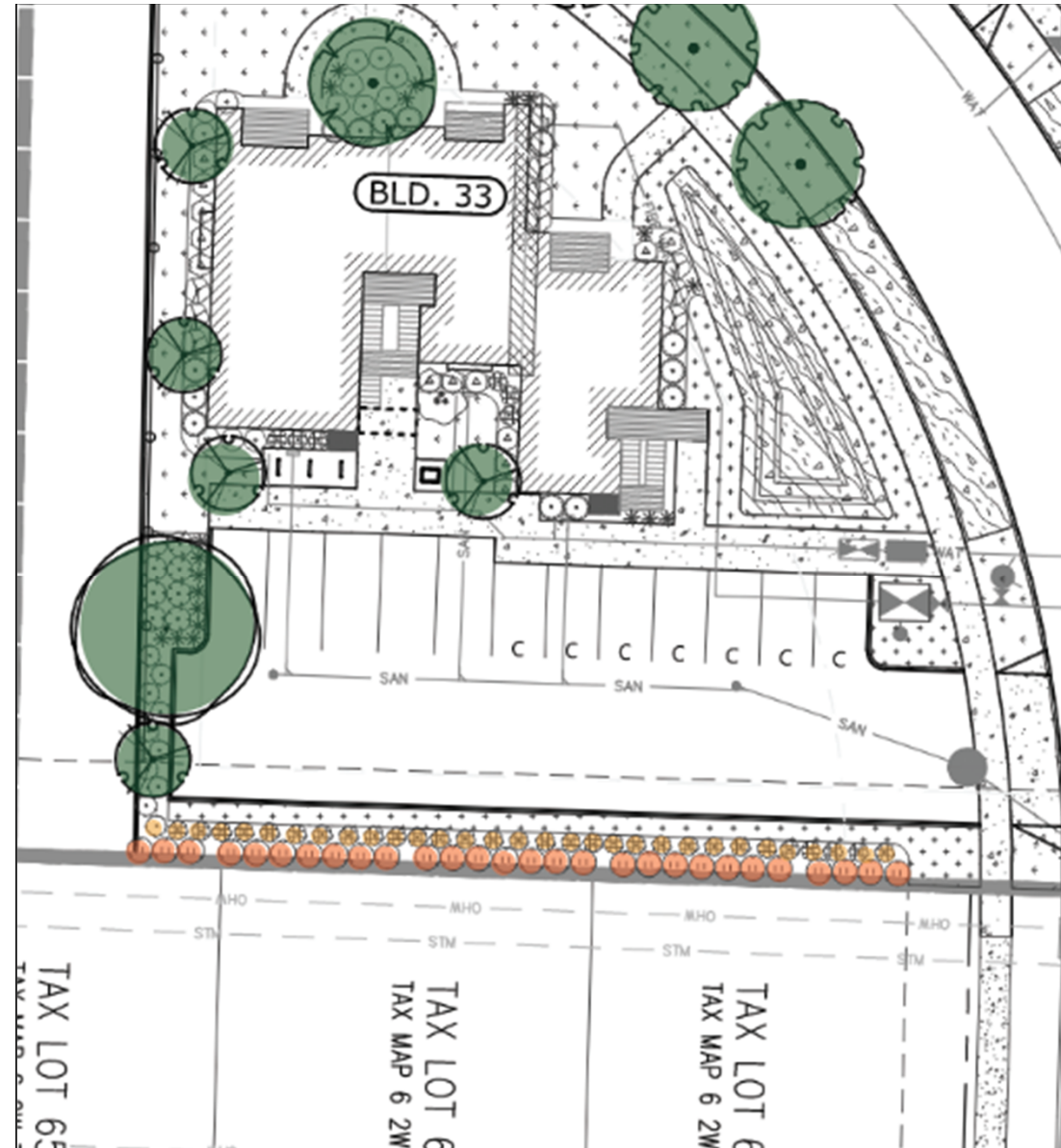
Response to Appellant's Arguments

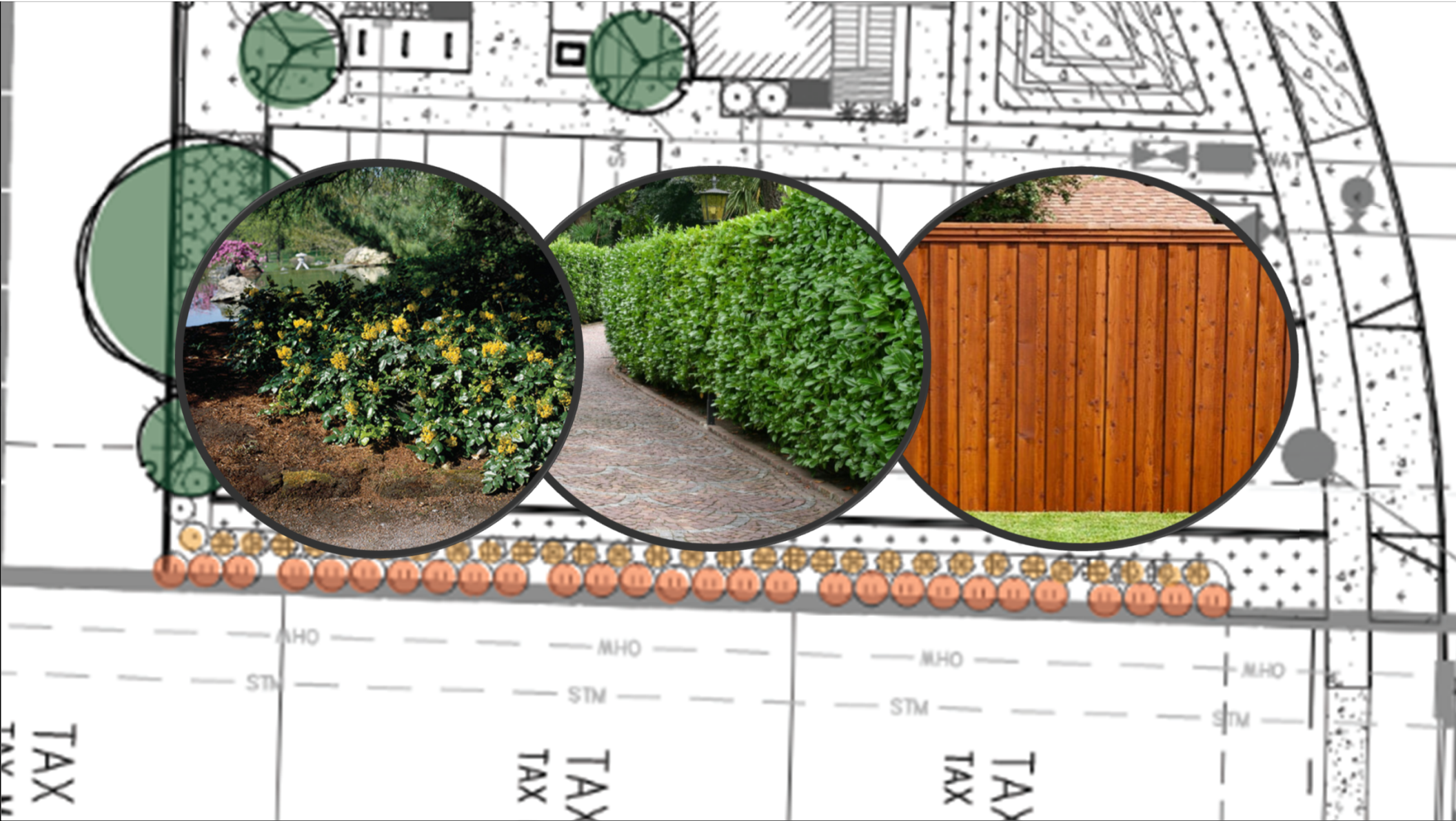
Class II Adjustment - Decision Criteria

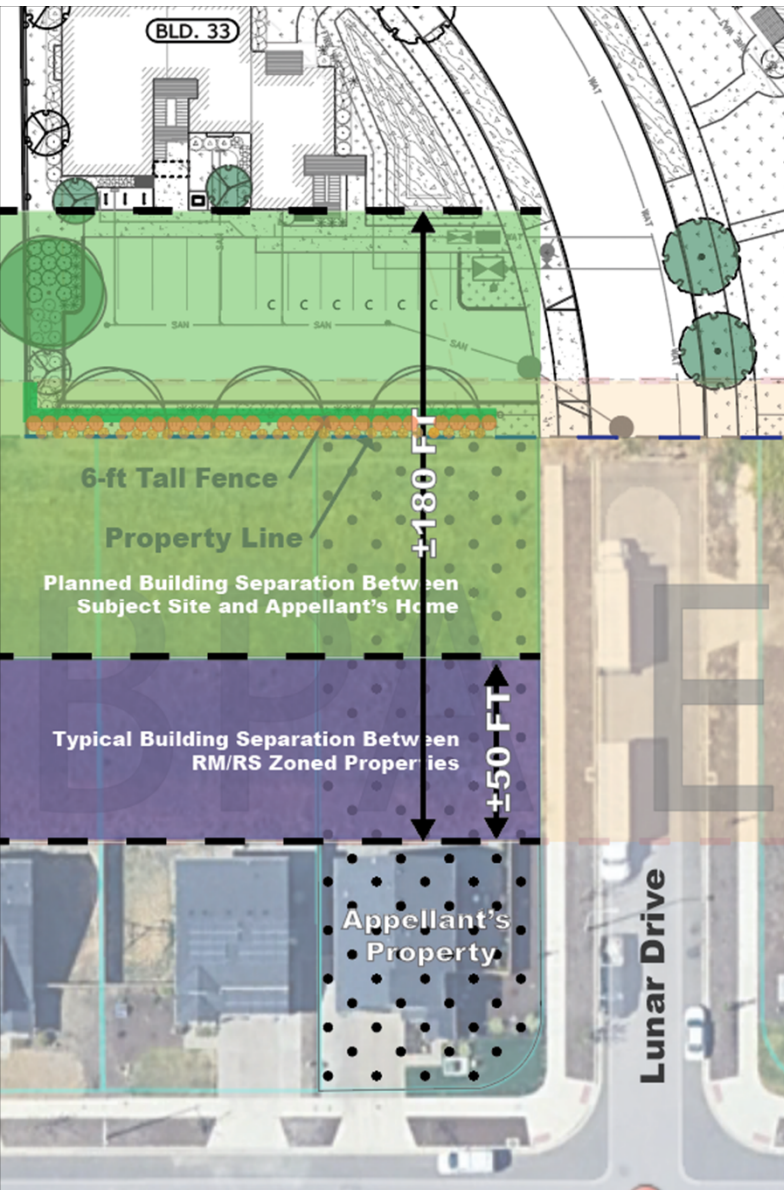
1. Purpose of the standard is inapplicable or equally or better met through the adjustment
2. Will not detract from the livability or appearance of the residential area
3. If more than one adjustment has been requested, the cumulative effect is a project that remains consistent with the purpose of the zone

Purpose of Standard is Met

- Improved appearance
- Promote compatibility
- Preserve livability



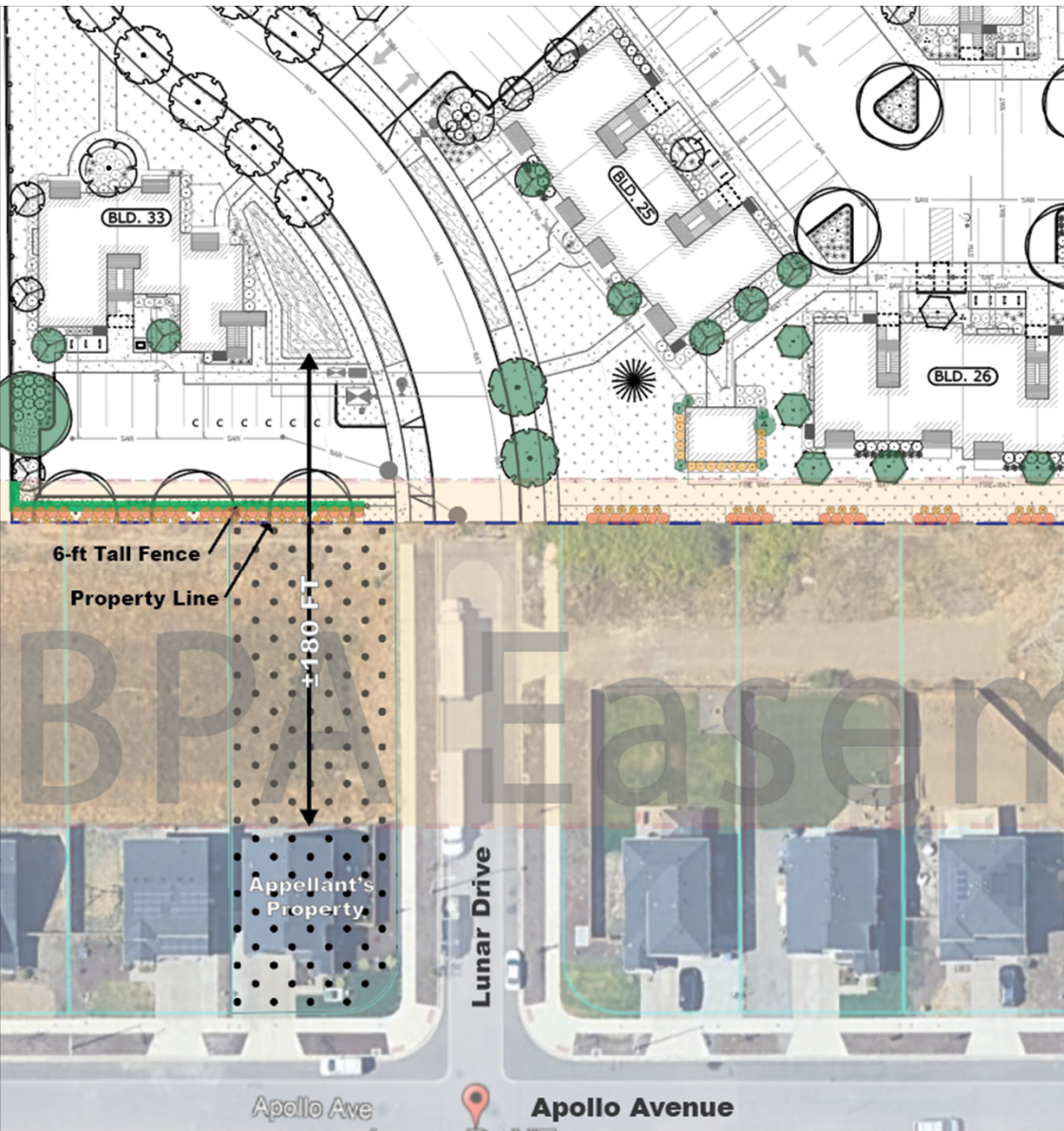




Purpose of Standard is Met

Promotes compatibility

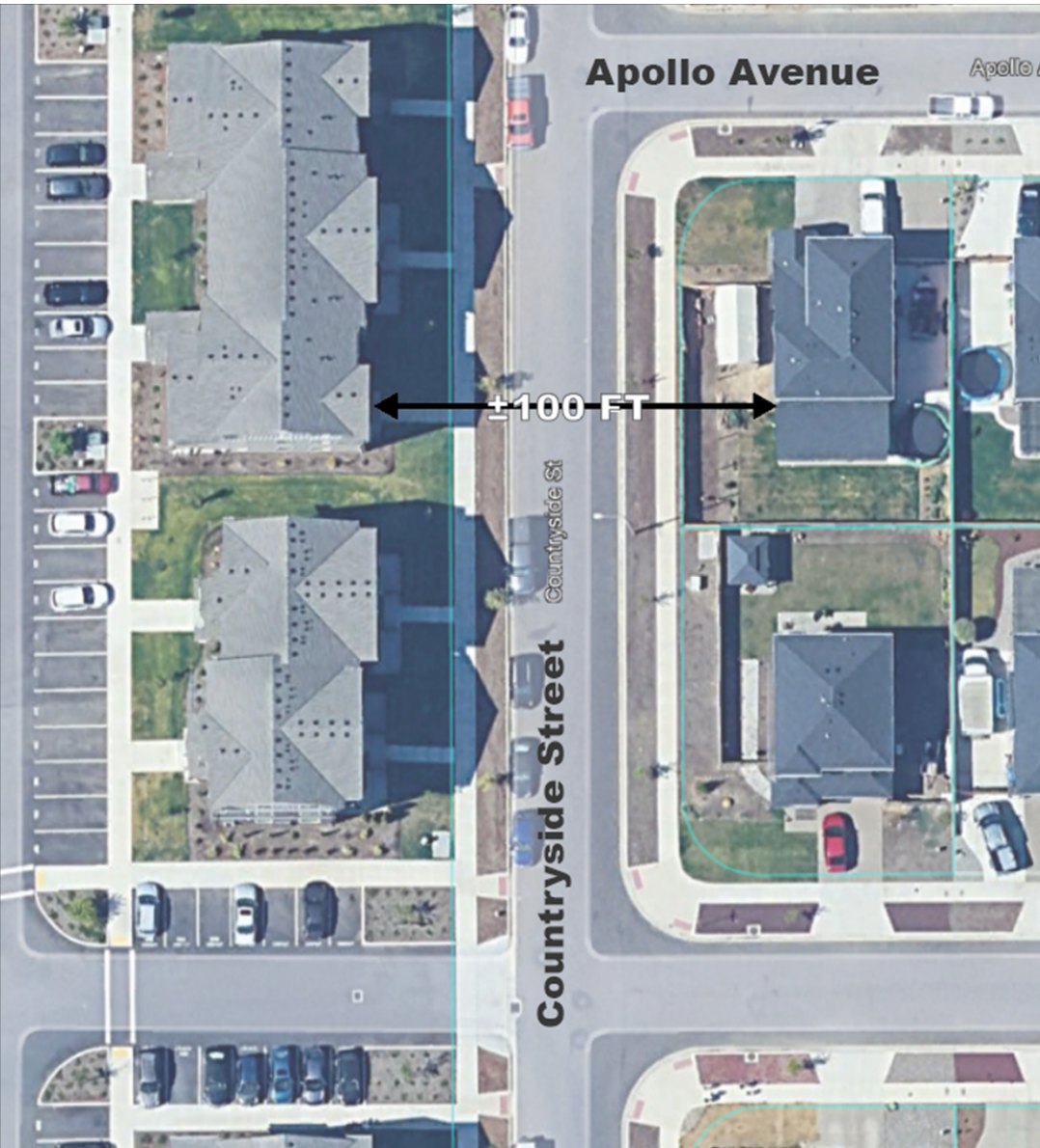
- Min. required building separation ± 50 -feet
- ± 180 feet between Appellant's home and planned building
- 6-ft tall sight-obscuring fence
- Dense landscaping



Purpose of Standard is Met

Promotes compatibility

- Min. required building separation ± 50 -feet
- ± 180 feet between Appellant's home and planned building
- 6-ft tall sight-obscuring fence
- Dense landscaping



Purpose of Standard is Met

- ±180 feet between Appellant's home and planned building
- Exceeds spacing in other similar situations

Summary

Applicant requests City Council approval with suggested condition for the following reasons:

1. Application demonstrates consistency with relevant approval criteria
2. BPA Easement creates unique situation that warrants use of Adjustment
3. Applicant has worked in good faith to resolve neighbor concerns
4. Application fulfills an important need for housing

THANK YOU
We appreciate your time.



CIVIL
ENGINEERING



SURVEYING



PLANNING



NATURAL
RESOURCES



LANDSCAPE
ARCHITECTURE

AKS
ENGINEERING & FORESTRY



WATER
RESOURCES



CONSULTING
ARBORIST



FORESTRY &
FOREST
ENGINEERING



CONSTRUCTION
SUPPORT
SERVICES



GEOGRAPHIC
INFORMATION
SYSTEMS (GIS)

THANK YOU
We appreciate your time.



CIVIL
ENGINEERING



SURVEYING



PLANNING



NATURAL
RESOURCES



LANDSCAPE
ARCHITECTURE



WATER
RESOURCES



CONSULTING
ARBORIST



FORESTRY &
FOREST
ENGINEERING



CONSTRUCTION
SUPPORT
SERVICES



GEOGRAPHIC
INFORMATION
SYSTEMS (GIS)



Adj. Criteria - SRC 250.005(d)(2)(A)(ii)

Purpose of Landscape/Screening Standard (SRC 807.001)

1. Improve appearance of the community
2. Promote compatibility between land uses
3. Encourage the retention and use of existing vegetation
4. Preserve and enhance livability



Adj. Criteria - SRC 250.005(d)(2)(B)

Development will not detract from the livability or appearance of the residential area

Several steps after Annexation...

1. **Annexation**, Comprehensive Plan Map Amendment, and Zoning Map Amendment
2. **Site Plan Review** and Design Review
3. **Final Design Review** for public improvements
4. **Construction** of public and site improvements
5. **Building permit review** and construction

