

# BRAND

## **Class 2 Adjustment Findings**

24-117815 | 215 Boone Road SE

### Chapter 250 – Adjustments

#### Section 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.

#### Section 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.

***Applicant's Findings:*** *The requested adjustment adjusts the standards numerical value by more than 20 percent, triggering the applicability of a Class 2 Adjustment.*

##### (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.

***Applicant's Findings:*** *The adjustment being sought is not prohibited in accordance with the list above. This criterion is not applicable.*

- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

***Applicant's Findings:*** *The adjustment is consolidated with a Conditional Use application, which is reviewed using Type III procedures; therefore, the adjustment will be reviewed using Type III procedures.*

- (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.

***Applicant's Findings:*** *The site plan provided includes all information required by this section. In conjunction with the previously submitted items, and this findings document, the review authority has all the information necessary to render a decision in this case. This criterion 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.

***Applicant's Findings:*** *The existing conditions plan provided includes all information required by this section. In conjunction with the previously submitted items, and this findings document, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

(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.

***Applicant's Findings:*** For 211 Boone Road to establish a Residential Care Facility use serving more than five people, allowed with a conditional use permit, the property is required to have frontage on an arterial or collector street. The applicant has applied for a property line adjustment to establish lot frontage on Boone Road SE, classified as a collector street in the Salem TSP, to meet the criteria for the conditional use permit. The property line adjustment reduces the size of the lot for 215 Boone Road SE, and with the existing structures, the maximum lot coverage has been exceeded by approximately 10%. Because the lot size of 215 Boone Road SE was reduced to provide frontage for 211 Boone Road SE to meet the standard for a conditional use permit for Bridgeway Recovery Services to operate a residential care facility that will be able to provide services for more than five people within the existing structure, the proposal is equally or better meeting the intent of the development standard for lot coverage. This is met.

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

***Applicant's Findings:*** The proposal is within the Single-Family Residential zone; however, the proposal is for a conditional use permit to increase the number of people to be served within the existing structures. Since there are no proposed changes to the existing development site, there is nothing proposed that would detract from the livability or appearance of the residential area; therefore, this criterion is not applicable.

(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.

***Applicant's Findings:*** One adjustment is being requested; therefore, this criterion is not applicable.

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

***Applicant's Findings:*** The applicant understands should the development site transfer ownership, the adjustments will run with the land and the rights granted will transfer to the new owner, unless otherwise indicated within the final decision.