

MISTY MEADOWS PHASE 2 ADJUSTMENT NARRATIVE & COMPLIANCE REPORT

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- A Title Report
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I. Proposal Summary

General Information

Applicant and Owner:

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Applicants' Representative:

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(503) 941-9484

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Site Location

Approximately 550' west of the intersection of Wallace Rd NW (Hwy 221) and Michigan Ln NW; contiguous to the city limits (Bella Rosa subdivision to the east and Misty Meadows Ph 1 subdivision to the south).

Site Address

2490 Michigan City Lane NW Salem, OR 97304

Map and Tax Lots

073W08AB10500, 'Lot 48 of Misty Meadows'

Site Area

1.26 acres

City Comprehensive Plan
Map Designation

Developing Residential

Zoning District

RS- Single Family Residential

Requested Approval:

Class 1 Adjustment

Project Description

The applicant is proposing to develop a 1.26 acres property for the future construction of sixteen single family attached dwellings in a single phase. This application is for an adjustment to the proposed subdivision adjust the street side setbacks for two corner lots. Along with the size of the existing lot and intended lot size, the development is also required to provide a $\frac{3}{4}$ street improvement for a north/south local road to facilitate future development.

Site Description and Associated Land Use Applications

The subject property is located adjacent to the city limits and Urban Growth Boundary (UGB) within the West Salem Neighborhood and is Lot 48 of the Misty Meadows subdivision. The site contains approximately 236 feet of frontage along Michigan City Lane NW. The property contains one - single family dwelling constructed in 1940 and two accessory structures. The site slopes consistently from west to east and contains a mix of native vegetation and historical horticultural activities. Improvements to Michigan City Ln NW were constructed with Misty Meadows Phase 1. Adjoining properties are described as follows:

- East: Existing subdivision (Bella Rosa Villa; Zoned RS Single Family Residential), Misty Meadows Phase 1; Zoned RS)
- South: Subdivision under construction (Misty Meadows Phase 1; Zoned RS)
- West: Undeveloped - unincorporated County; Zoned SR (Suburban Residential)
- North: Developed low density properties -unincorporated County; Zoned FF (Farm/Forest)

The subject property was annexed in March 2022 (Case File # 2022-2 ANX). Misty Meadows Phase 1 was approved in April 2022 (Case File #21-123447 LD). The Final Plat for Misty Meadows Phase 1 was recorded on May 14th, 2024 record number 2024-3606. This adjustment application is being submitted separately but concurrently with a Tentative Subdivision plan and a Tree Conservation Plan.

II. Compliance with City of Salem Revised Code

CHAPTER 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: This Class 1 Adjustment application is to support a separate but concurrent Tentative Subdivision application for a 16-unit townhome residential development. Due to the site's location abutting existing development to the east, south and a collector road to the north, there are constraints on the possible site layout in order to connect necessary infrastructure to the adjacent development and road network. Therefore, an adjustment is

being applied for to provide flexibility in a setback standard to offer relief for the special condition of the site.

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.

Response: The requested adjustment would be to amend the 12 ft street side setback to 10 ft, which is within 20% of the standard. Therefore, this would be processed as a Class 1 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.

Response: The requested adjustment does not modify any of the above, allow or change uses or activities not allowed under the UDC, and is not being applied to a design review guideline/ standard or landscaping in the IBC zone.

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

Response: This requested Class 1 adjustment 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 is included in this submittal as Sheet 4 in Exhibit B and shows the requested adjustment to the street side setback.

(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: An Existing Conditions plan is included in this submittal as Sheet 2 in Exhibit and contains the above required information.

(d) *Criteria.*

(1) An application for a Class 1 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) Clearly satisfied by the proposed development.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: The purpose of the street side setback is to provide safe conditions for drivers approaching intersections of corner lots. The UDC's standard is 12 ft, however due to site constraints of needing to connect with existing and planned infrastructure, meeting the 12 ft standard is not feasible with the intended home type. The separate but concurrent Tentative Subdivision proposes 16 townhomes, which are a needed 'Missing Middle' housing type. The requested 10 ft street side setback facilitates the proposed townhome development and maintains safe conditions for the vision clearance area on the corner lots for pedestrians and drivers in the neighborhood and retains a livable side yard for the homeowner. The purpose of the Street Side setback is satisfied by the proposed adjustment. As the vision clearance area is still met with the proposed adjustment, the surrounding existing residential neighborhoods will also not be unreasonably impacted by this if neighboring homeowners and visitors use the proposed north/ south local road to access the development. The Site Plan on Sheet 4 in Exhibit B illustrates the proposed adjusted setbacks and the unobstructed clear vision areas.

CHAPTER 300 - PROCEDURES FOR LAND USE APPLICATIONS

Sec. 300.100. Procedure types.

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.

TABLE 300-2. LAND USE APPLICATIONS BY PROCEDURE TYPE			
	Application Pre-Submittal	Review Authority	

Application	Procedure Type	Pre-App. Required	N.A Contact	Open House	Decision	Appeal	Council Review	Applicable Code Chapter(s)
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250
LEGEND								
PA - Planning Administrator; BO - Building Official; CDD - Community Development Director; PWD - Public Works Director; HO - Hearings Officer; HLC - Historic Landmarks Commission; PC - Planning Commission; CC - City Council								

Response: This application is for an Adjustment to modify street side setbacks within a 20% range of the required setbacks; therefore this is subject to a Class 1 adjustment and will be processed as a Type II procedure. This application is being submitted in conjunction with a subdivision tentative plan.

Sec. 300.120.- Procedures for review of multiple applications

When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject to the same procedure type and decided upon by the same Review Authority. When multiple land use applications are subject to the same procedure type and decided upon by the same Review Authority, the land use applications shall be consolidated.

(b) *Applications processed concurrently.* 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 processed simultaneously.

Response: The applicant is applying for a Type II Class 1 Adjustment, which will be processed concurrently with a separate Type II Tentative Subdivision Plan.

Sec. 300.200. Initiation of applications.

(a) Type I, Type II, Type III, and Type IV land use applications may be submitted by one or more of the following persons:

- (1) The owner of the subject property;
- (2) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
- (3) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
- (4) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by subsection (a)(1), (2) or (3) of this section, and accompanied by proof of the agent's authority.

(b) Type III applications may be initiated by the City where identified in the UDC for specific application type.

(c) Type IV applications may be initiated by the City.

Response: The owner of the subject property is applying for this Type II application.

Sec. 300.210. Application submittal.

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
- (1) A completed application form. The application form shall contain, at a minimum, the following information:
- (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (B) The address or location of the subject property and its assessor's map and tax lot number;
 - (C) The size of the subject property;
 - (D) The comprehensive plan designation and zoning of the subject property;
 - (E) The type of application(s);
 - (F) A brief description of the proposal; and
 - (G) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Response: A completed application form will be submitted with the application online during time of submittal with the above information.

- (2) Recorded deed/land sales contract with legal description;

Response: A title report is included in this submittal as Exhibit A.

- (3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

Response: There are no actual or potential conflicts of interest under state or local ethics laws that are known for members of the review authority.

- (4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

Response: A pre-application conference summary for the proposed development was held on July 8th, 2024, notes for which are included in the separate but concurrent Tentative Subdivision Plan.

- (5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone

conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Response: Contact with the applicable West Salem Neighborhood Association is not required for this Class 1 Adjustment application, however the applicant did contact the Neighborhood Association for the Tentative Subdivision Plan that is being submitted concurrently with this application.

- (6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

Response: Contact with the applicable West Salem Neighborhood Association is not required for this Class 1 Adjustment application, however the applicant did contact the Neighborhood Association for the Tentative Subdivision Plan that is being submitted concurrently with this application.

- (7) For applications requiring an open house under SRC 300.320:

- (A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or
- (B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

Response: An open house is not required for this Class 1 Adjustment application; therefore this criterion is not applicable.

- (8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

Response: Contact with Salem-Keizer Transit was not required for this Type I application, however as this is being submitted in conjunction with a Type II Tentative Subdivision Plan, the applicant contacted Salem-Keizer Transit District to discuss the proposed development. Evidence of this contact is included in the Tentative Subdivision Plan application.

- (9) A written statement addressing each applicable approval criterion and standard;

Response: This narrative addresses the applicable approval criteria for the proposed Class 1 Adjustment being submitted concurrently but separately to a Tentative Subdivision plan.

- (10) For Type II, Type III, and applicant initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

Response: This is an application for a Class 1 Adjustment, therefore this criterion is not applicable.

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Response: This is an application for a Class 1 Adjustment, therefore this criterion is not applicable.

- (12) Any additional information required under the UDC for the specific land use action sought;

Response: No additional information is required under the UDC for this land use action.

- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Response: The Planning Administrator has not requested additional information for this land use action.

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

Response: The required fee is included in this submittal.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

Response: The Planning Administrator has not waived any submittal requirements for this application.

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Response: This criterion is procedural and will be met by City staff.

Sec. 300.220. Completeness review.

- (a) Except as otherwise provided under ORS 227.178, the Planning Administrator shall review an application for completeness within 30 days of its receipt.
- (b) Determination of completeness shall be based upon the information required under SRC 300.210 and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- (c) If an application is determined to be complete, review of the application shall commence.
- (d) If an application is determined to be incomplete, written notice shall be provided to the applicant identifying the specific information that is missing and allowing the applicant the

opportunity to submit the missing information. An application which has been determined to be incomplete upon initial filing shall be deemed complete for purposes of this section upon receipt of:

- (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
- (e) If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.
- (f) An application shall be deemed void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (d) of this section.

Response: The applicant will comply with the above requirements of the completeness review.

Sec. 300.230. Withdrawal of application.

- (a) An application may be withdrawn by the applicant at any time prior to the issuance of the final written decision of the City, including the final written decision of the City on an appeal or City Council Review.
- (b) A request to withdraw an application shall be in writing.
- (c) Upon receipt of a request to withdraw, the application shall be deemed dismissed without further action by the Review Authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A new application, upon payment of a new fee, may be filed unless the filing is barred by another provision of the UDC. Withdrawals under this subsection cannot be appealed.
- (d) If an application is withdrawn after the mailing of public notice, the Planning Administrator shall send written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.

Response: In the event the applicant must withdraw this application, they will comply with the above withdrawal criteria.

Sec. 300.300. Pre-application conference.

- (a) *Purpose.* Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (b) *Applicability and waiver of pre-application requirement.*

- (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.
- (2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.
- (3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.

Response: A pre-application conference is not required for this Class 1 Adjustment application, however the applicant voluntarily requested one to review the concurrent Tentative Subdivision plan, which was held on July 8th, 2024. Notes from this meeting are included in the Tentative Subdivision application.

(c) *Pre-application conference procedures.*

- (1) *Application requirements.*
 - (A) *Application form.* Pre-application conference requests shall be made on forms provided by the Planning Administrator.
 - (B) *Submittal requirements.* Pre-application conference requests shall:
 - (i) Include a completed application form;
 - (ii) Include payment of the application fee;
 - (iii) Be accompanied by the information required, if any, for the specific pre-application conference sought; and
 - (iv) Be accompanied by any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow city staff to review and comment.
- (2) *Scheduling of pre-application conference.* Upon receipt of a complete application, the Planning Administrator shall schedule the pre-application conference. The Planning Administrator shall coordinate the involvement of other city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (3) *Pre-application conference summary.* Subsequent to the pre-application conference, the Planning Administrator will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the City or any other outside agency or service provider on the merits of the proposal.

Response: A pre-application conference was applied for following the above procedures and was held on July 8th, 2024. Notes from this meeting are included in the Tentative Subdivision application.

- (4) *Validity period for mandatory pre-application conferences; follow-up conferences.* A follow-up conference is required for those mandatory pre-application conferences that have already been held when:

- (A) A complete application relating to the proposed development that was the subject of the pre-application conference has not been submitted within 18 months of the pre-application conference;
- (B) The proposed use, layout, and/or design of the proposal have significantly changed; or
- (C) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: A pre-application follow-up conference is not required as this application is being submitted within 18 months of the conference, and the proposed use, layout and design have not significantly changed, and the owner/ developer has not changed.

Sec. 300.310. Neighborhood association contact.

- (a) *Purpose.* The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) *Applicability.*
 - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.
- (c) *Process.* Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
 - (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
 - (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;
- (d) *Effect on subsequent land use application submittal.* A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Response: Contact with the applicable West Salem Neighborhood Association is not required for this Class 1 Adjustment application, however the applicant did contact the Neighborhood Association for the Tentative Subdivision Plan that is being submitted concurrently with this application.

Sec.300.510. Type II applications

The following land use actions are Type II applications:

- (a) Those identified in Table 300-2 as Type II applications;
- (b) Those identified in the UDC as Type II applications; and
- (c) Those identified by the Planning Administrator as Type II applications based upon the guidelines for classification of applications under SRC 300.100(c).

Response: This Class 1 adjustment application is identified as a Type II application per Table 300-2 and the UDC, therefore the following section requirements apply.

Sec. 300.420. Type II procedure.

(a) *Application requirements.*

- (1) *Application form.* Type II applications shall be made on forms provided by the Planning Administrator.
- (2) *Submittal requirements.* Type II applications shall include the information required under SRC 300.210.

Response: The application forms will be submitted online at time of submittal, along with the information required under 300.210.

(b) *Public notice and comment.* Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for subdivisions, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) *Mailed Notice.* Mailed Notice shall be provided as follow: [...]

(2) *Posted notice.* Posted notice shall be provided, when required, as follows:

- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place through the end of the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.
- (B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
- (C) Posted notice shall be provided on signs as prescribed by the Planning Administrator.

- (D) The applicant shall remove and return the signs within seven days after the end of the comment period.

Response: The applicant will post notice on the site as required by the above criteria.

- (c) *Application review.* The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.
- (d) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.
- (e) *Notice of decision.* Notice of the decision shall be mailed within five days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file [...]
- (f) *Appeal and review.* [...]
- (g) *Expiration.* Approval of a Type II application expires automatically as provided by SRC 300.850(a).

Response: The requirements under 300.520.c-f are procedural and will either be met by City staff or initiated by the applicant.

CHAPTER 511. RS—SINGLE FAMILY RESIDENTIAL

Sec. 511.001. Purpose.

The purpose of the Single Family Residential (RS) Zone is to implement the single family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

Response: This Class 1 adjustment application is being submitted separately but concurrently to a Tentative Subdivision application for a proposed single family attached residential development. The project site is located in the Single Family Residential (RS) zone and is therefore subject to this chapter's criteria. The development is proposed to include 16 single family attached townhomes, which are subject to SRC.700.085 in this zone.

Sec. 511.010. Development standards.

Development within the RS zone must comply with the development standards set forth in this section.

- (d) *Setbacks.* Setbacks within the RS zone shall be provided as set forth in Table 511-3.

TABLE 511-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All other uses	Min. 12 ft.	

	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Front		
Buildings		
All other uses	Min. 12 ft.	
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.085	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Interior Rear		
Buildings		
All other uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.

Response: A Tentative Subdivision application is being applied for separately but concurrently to this Adjustment application. All lots for the proposed single family attached dwellings are in accordance with the setback standards apart from the street side setback on the two corner lots. This Adjustment application requests a modified street side setback of 10', which is within the 20% of the required 12 ft. for a Class 1 adjustment. See the Typical Lot layout on the Preliminary Plat Sheet 4 in Exhibit B.

III. Conclusion

This proposed Class 1 Adjustment is submitted in conjunction with a Tentative Subdivision Plan to modify street side setbacks for the corner lots. This narrative and the attached plan set provide details on the adjustment and demonstrate compliance with the applicable provisions of the City of Salem Revised Code pertaining to Adjustment applications. Therefore, the Applicant respectfully requests approval of the proposed Class 1 adjustment.