

January 20, 2025

VIA ELECTRONIC MAIL: *PDomine@cityofsalem.net*

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Peter Domine, Planner II
Community Planning and Development Department
555 Liberty Street SE
Room 305
Salem, OR 97301

RE: Response to Incomplete Letter (No. 24 123435 00 PLN)
Our File No: 40951-00001

Dear Peter:

This letter is a follow-up to my email dated January 16, 2025, regarding whether the Applicant would be permitted to remove the fence between the Subject Property and Phase 1 of the Project to the west. Based on our discussion, the Applicant is requesting a Class 2 Adjustment to allow for the removal of the fence between the two properties to allow the two phases to operate as a unified apartment complex. Terms capitalized, but not defined herein, shall have the same meaning as defined in the application accepted by the City, for the reference number provided above (the “***Application***”).

The applicable provisions that the Applicant is requesting an adjustment to are set for in bold and italics below:

SRC 514.010(d)- Setbacks. Setbacks within the RM-2 zone shall be provided as set forth in Tables 514-4 and 514-5.

SRC 702.020(e)(2) Façade and building design Table 702-1.

Interior Side/Interior Rear: Under SRC 514.010, the setback is the zone-to-zone setback, requiring ten foot (10') setback from the RM2 Zone to the east and the west and a ten foot (10') setback from the RA zone to the north. Setbacks shall be landscapes to a Type C standard.

Under SRC 702.020(e)(2) for development of abutting property zoned RA or RS, setbacks are determined by the building height, requiring one foot (1') of setback for each one foot (1') of building height, with a minimum of fourteen feet (14') for a single-story building and a minimum of a minimum of twenty feet (20') for a multi-story building.

Proposed Finding: The Existing House and accessory structures comply with the applicable setback standards. The Applicant is not proposing development on Parcel 2 beyond the addition of approximately 350 square feet of asphalt, following an existing driveway to maintain ingress and egress to Parcel 1.

The proposed multiple family buildings are three (3) stories and vary in height with a maximum of approximately forty-seven feet (47'), three inches (3") in height and each building is approximately forty-one feet (41') wide where they face the adjacent property lines. Therefore, the applicable setbacks abutting Phase 1 is ten feet (10'). The Applicant is requesting an adjustment to the screening and landscaping standard for the shared interior property line between Phase 1 and the Proposed Development.

The Applicant is required to landscape and screen the setback adjacent to residentially zoned properties at a Type C landscaping standard. The Applicant meets these standards along each of the interior and rear property lines for Parcel 1, as shown on the Landscape Plan. The applicant is not modifying the setbacks on Parcel 2, although there is some existing vegetation within the setbacks that provides additional screen and as a pre-existing non-conforming element, the Applicant is not updating this area, but there is existing landscaping that will be maintained. The fence between Phase 1 and the Proposed Development will be removed as part of the construction of the Proposed Development. The Applicant is requesting a Class 2 Adjustment to the screening and landscaping requirement to allow the two phases to operate as a single development site.

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.

Proposed Finding: Upon the inclusion of the additional adjustment to SRC 514.010, the Applicant is requesting Class 2 Adjustments to each of the following standards: SRC 702.020(b)(7), SRC 702.020(b)(7)(B) and SRC 702.020(d)(1) regarding the development of planter bays; SRC 702.020(e)(2) regarding the setback standard for Building P; and eight (8) adjustments to SRC 112.050(c); SRC 702.020(e)(5); and SRC 702.020(e)(6). Applicant's requested adjustments all require either a request that the adjustment not apply to the Proposed Development or an adjustment to a numerical standard in

excess of twenty (20%) percent, requiring Applicant to satisfy the applicable approval criteria for a Class 2 Adjustment.

Applicant's requested adjustments all require either a request that the adjustment not apply to the Proposed Development or an adjustment to a numerical standard in excess of twenty (20%) percent, requiring Applicant to satisfy the applicable approval criteria for a Class 2 Adjustment.

(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.

Proposed Finding: The Applicant is requesting this adjustment to allow for the removal of a fence that divides the first two phases of the Project to operate as a unified development site. The fence was added upon the development of the adjacent property, to provide screening in association with the adjacent residential property, with the existing single family residence and the adjacent residential property. Upon the completion of the Proposed Development, the residential uses will be screened by the landscaping and fencing being added as part of the Applicant's development of Phase 2. Adequate landscaping and screening will be provided for the adjacent residential properties, but the two phases of the Project that have been developed at this point will operate as a single, unified development, allowing for equal access for all of the residents to the existing and proposed amenity spaces.

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

Proposed Finding: The Subject Property is located within a residential zone; however, the requested adjustments have the overall effect of resulting in a development that will either enhance the livability of the Proposed Development for the residents of the development, address topographical or dimensional challenges, preserve the developability of proposed Parcel 2 in the future, or prevent potential safety issues. The Proposed Development will not detract from the livability or appearance of the residential area. This criterion is satisfied.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone.

Proposed Finding: The proposed adjustments for this Application are confined to minimal departures from the standards, accommodating unique elements of the project, the physical constraints of the Subject Property, livability concerns, and the development on the surrounding properties which justify the proposed deviations. As adjusted, the Proposed Development remains consistent with the purpose of the applicable zone where multiple family residential use is permitted and expected and will be consistent with the development built in Phase 1, immediately to the east of the Proposed Development. This criterion is satisfied.

Please feel free to reach out if you have any additional questions regarding any of these items.

Sincerely,



MARGARET Y. GANDER-VO
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Voice Message #374

MYG/ear:bg

cc: Client (via email only)