

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 ADJUSTMENT CASE NO.: ADJ25-04

APPLICATION NO.: 25-101747-PLN

NOTICE OF DECISION DATE: March 5, 2025

REQUEST: A Class 2 Adjustment to reduce the rear building setback to 12.7 feet where 14 feet is required for single-story structures per Table 514-4 in SRC 514.010(d). The subject property is 12.71 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5795 Joynak Street S (Marion County Assessor's Map and Tax Lot Number 083W16C / 600).

APPLICANT: Brandie Dalton, Multi/Tech Engineering

LOCATION: 5795 Joynak St S, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated March 5, 2025.

DECISION: The **Planning Administrator APPROVED** Class 2 Adjustment Case No. ADJ25-04 subject to SRC Chapter 250, the applicable standards of the Salem Revised Code and conformance with the approved site plan included as Attachment B.

The rights granted by the attached decision must be exercised, or an extension granted, by March 21, 2027, or this approval shall be null and void.

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|----------------------------------|--------------------------|
| Application Deemed Complete: | <u>February 18, 2025</u> |
| Notice of Decision Mailing Date: | <u>March 5, 2025</u> |
| Decision Effective Date: | <u>March 21, 2025</u> |
| State Mandate Date: | <u>June 18, 2025</u> |

Case Manager: Quincy Miller, gmiller@cityofsalem.net, 503-584-4676

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Thursday, March 20, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

| | | |
|------------------------------|---|------------------|
| IN THE MATTER OF APPROVAL OF |) | FINDINGS & ORDER |
| CLASS 2 ADJUSTMENT |) | |
| CASE NO. ADJ 25-04 |) | |
| 5795 JOYNAK STREET S |) | MARCH 5, 2025 |

In the matter of the application of a Class 2 Adjustment, submitted by the applicant Brandie Dalton of Multi-Tech Engineering, on behalf of the property owner Harrison Industries LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A Class 2 Adjustment to reduce the rear setback from 14 feet to 12.7 feet.

Request: A Class 2 Adjustment to reduce the rear building setback to 12.7 feet where 14 feet is required for single-story structures per Table 514-4 in SRC 514.010(d). The subject property is 12.71 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5795 Joynak Street S (Marion County Assessor's Map and Tax Lot Number 083W16C / 600).

PROCEDURAL FINDINGS

1. Proposal

The applicant is proposing to construct a two-unit townhome building in the Harrison Heights subdivision on Lots 14 and 15. The applicant is seeking a Class 2 Adjustment to reduce the rear setback for the townhome on Lot 15 from 14 feet to 12.7 feet.

2. Background

On January 10, 2025, an application for a Class 2 Adjustment was filed for the proposed development. After additional information was provided, the application was deemed complete for processing on February 18, 2025. The 120-day state mandated decision deadline for this application is June 18, 2025.

A vicinity map of the property is included as **Attachment A**, and the applicant's proposed site plan is included as **Attachment B**. The applicant's written statement can be found in the record, as indicated below.

SUBSTANTIVE FINDINGS

3. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25 101747.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association.

Applicant Neighborhood Association Contact: Neighborhood Association Contact is not required for this application.

Neighborhood Association Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(v), to the neighborhood association. The neighborhood association did not provide any comments as of the date of this decision.

Homeowner's Association: The subject property is not located within a Homeowner's Association.

Public Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of this decision, one comment was received and indicated the following concerns:

1. Concern about adequate erosion control

Staff Response: The proposed Adjustment for the rear yard setback will not affect any existing or planned erosion control measures for the subject property or neighboring properties. Compliance with erosion control measures will be evaluated by Development Services at the time of building permit review.

2. Concern about adequate space for sidewalks

Staff Response: The proposed Adjustment for the rear yard setback will not affect the location or width of the proposed sidewalks, which are located adjacent to the street-abutting property line and not near the rear property line. Compliance with minimum sidewalk width and development standards will be evaluated by Development Services at the time of building permit review.

5. City Department Comments

Building and Safety – The Building and Safety Division reviewed the proposal and indicated no concerns.

Salem Fire Department – The Fire Department has reviewed the proposal and indicated no concerns.

Development Services Division – The Development Services Division has reviewed the proposal and indicated no concerns.

6. Public Agency Comments

Notice was provided, pursuant to SRC 300.520(b)(1)(B) (viii), (ix) & (x); As of the date of this decision, one comment was received from a public agency.

Portland General Electric (PGE) – PGE advised that a transformer will be installed on the southeast side of the adjacent lot (Lot 14), and that transformers and vaults require a minimum 12-foot setback from combustible surfaces.

DECISION CRITERIA FINDINGS

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval

criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.***

Finding: The applicant is proposing to construct a two-unit townhome building in the Harrison Heights subdivision on Lots 14 and 15. Per Table 514-4 in SRC 514.010(d), single story single-family buildings are required to have a minimum rear yard setback of 14 feet, with a 20-foot rear setback required for structures taller than one story. As proposed, the townhome on Lot 14 is a two-story structure with a 20.7-foot rear yard setback, while the townhome on Lot 15 is a single-story structure with a 12.7-foot rear yard setback. The applicant is seeking a Class 2 Adjustment to reduce the rear setback for the townhome on Lot 15 from 14 feet to 12.7 feet.

The primary intent of the rear yard setback is to provide privacy, open space, light, and recreation for the occupants of each building, especially for residential uses. While the rear setback is proposed to be reduced by 1.3 feet, the side setback is exceeding the minimum five-foot setback, with a total ten-foot side setback. This effectively increases the private open space for the home more than what is being reduced by the proposed rear setback Adjustment, which is equally meeting the purpose for the rear setback standard.

Furthermore, according to the site plan submitted by the applicant, the proposed structure will be separated from the abutting townhome to the south on Lot 25, as the proposed structure on Lot 25 is a single-story structure with an approximately 15.2-foot rear setback. With the abutting townhome exceeding the minimum 14-foot setback by nearly the same amount requested for Adjustment on the subject property, the separation distance between the two townhomes is approximately the same as it would be without the Adjustment. Therefore, as the structures on abutting lots have adequate separation even with the proposed adjustment, this equally meets the purpose for the rear setback standard.

As proposed, the Class 2 Adjustment is equally or better met by the proposed development.

SRC 250.005(d)(2)(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The proposed structure is within the RM-II (Multiple Family Residential) zone, which encourages higher density residential development than that of lower density residential zones such as the RS (Single-Family Residential) zone. Developments such as townhomes traditionally have smaller rear yards than traditional detached single-family dwellings, as they are permitted smaller lot areas and widths. As shown on the site plan, the proposed development is exceeding the minimum five-foot side yard setback, allowing more private recreation space than the minimum even with the adjustment to the rear yard setback. Therefore, a reduction in the rear yard area with the proposed adjustment would not detract from the livability or appearance of the residential area, as ample private recreational space would remain for the subject property, and higher-density developments are to be expected in the RM-II zone.

SRC 250.005(d)(2)(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.

Finding: While only one Adjustment is request for this specific townhome, two other Adjustments to setbacks have been requested for other townhomes within the same residential subdivision. However,

as the subdivision is entirely within the RM-II zone, which encourages higher density residential development, the cumulative effect of all requested Adjustments remains consistent with the overall purposed of the RM-II zone.

8. Conclusion

Based upon review of SRC Chapter 250, the applicable standards of the Salem Revised Code, and the findings contained herein, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Class 2 Adjustment, Case No. ADJ25-04 is hereby **APPROVED** subject to SRC Chapter 250, the applicable standards of the Salem Revised Code and conformance with the approved site plan included as **Attachment B**.

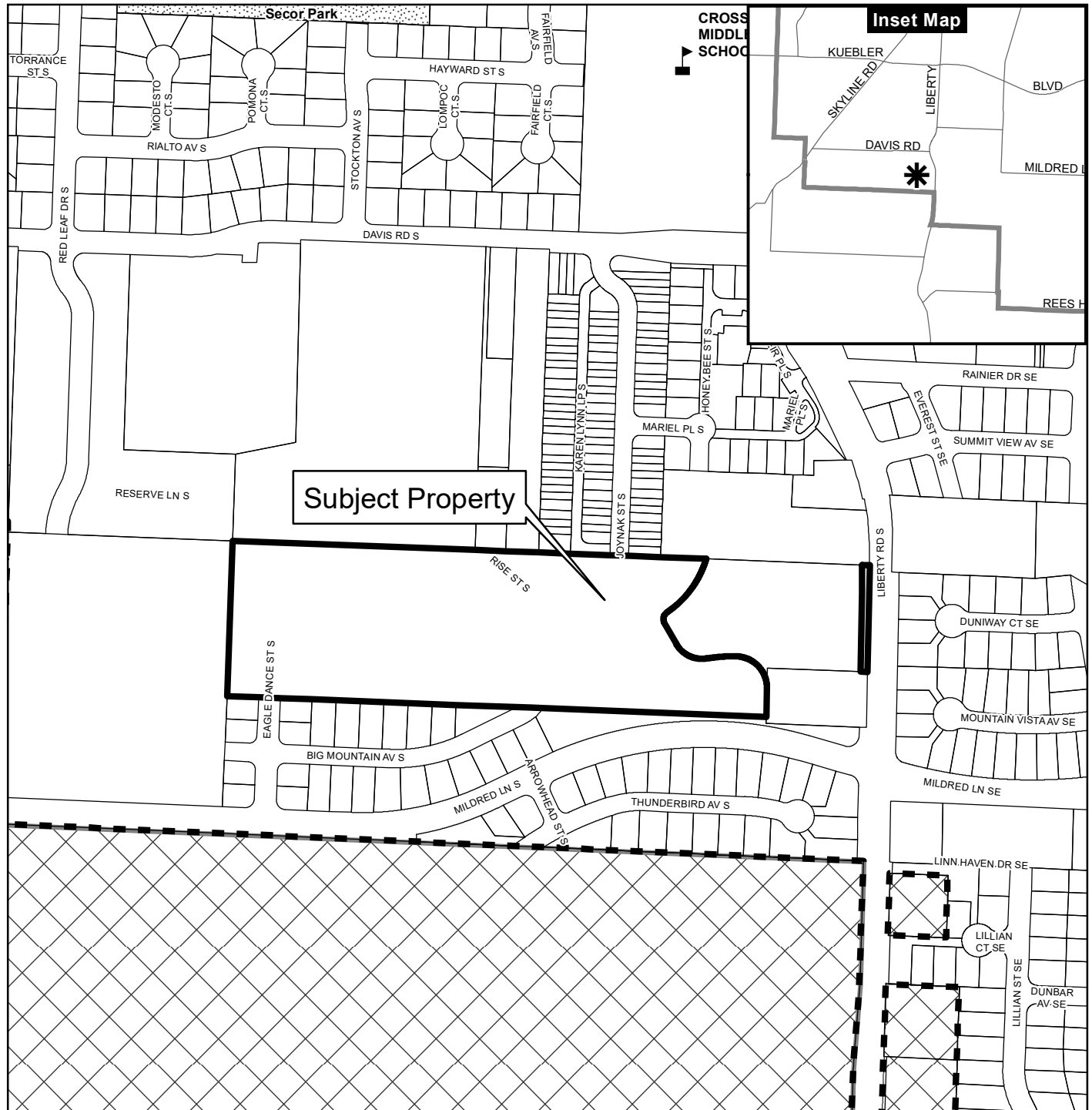


Quincy Miller, AICP, Planner I, on behalf
of Lisa Anderson-Ogilvie, AICP,
Planning Administrator

Attachments: A. Vicinity Map
B. Site Plan

Vicinity Map

5795 Joynak Street S



Legend

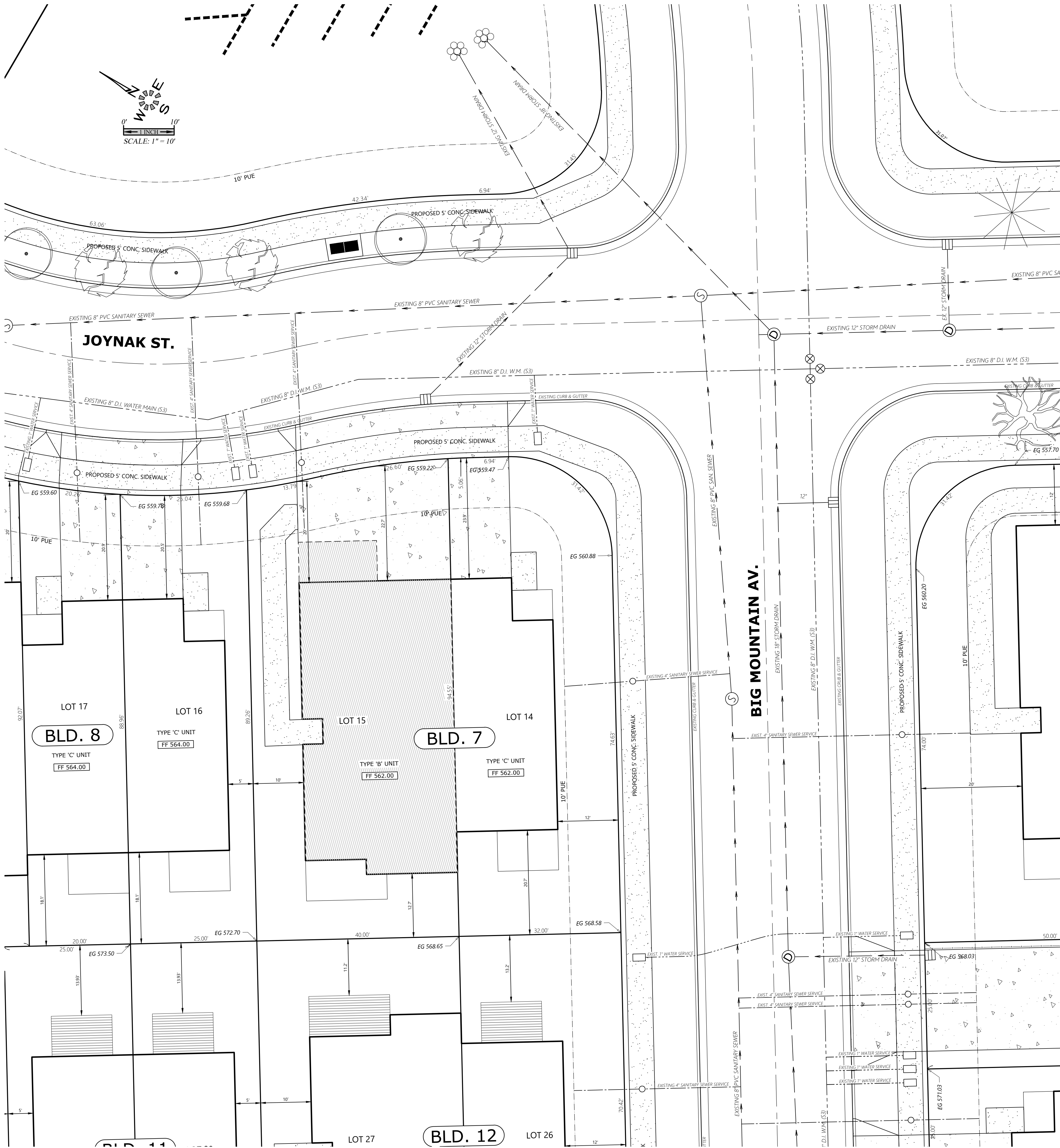
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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Standard Erosion Control Plan
Small Development – Sloped Site

CITY OF Salem
AT YOUR SERVICE
Public Works Department

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HOUSE FOOTPRINT

STOCK PILE

PROPERTY LINE

STREET

CURB LINE

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KEYNOTES

LEGEND

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GENERAL NOTES

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APPLICANT NAME

PHONE

SIGNATURE

DATE

EPSC-S2

- General Notes**
- All sediment is required to stay on the site.
 - Prior to any land-disturbing activities a minimum of the following Best Management Practices (BMPs) shall be installed to control erosion on the site: Construction entrance; perimeter sediment control; inlet protection. Catch basin inlet protection is required on the first downstream catch basin and any adjacent catch basin.
 - Additional BMPs shall be installed prior to activities which necessitate their use. If current methods and BMPs are insufficient, implement additional EPSC measures to adequately control sediment from leaving the site.
 - Applicant or designee shall inspect EPSC BMPs after each rainfall event or daily during extended rainfall. Record inspection results and actions taken in a log for review upon request by City Inspector. Make any required repairs, relocations, or additions as necessary.
 - An undisturbed vegetated buffer is either an undisturbed grassed area or is covered with dense vegetation. Limit vegetation removal to minimize disturbed land area and prevent erosion.
 - A sidewalk is assumed to be part of the site plan. If a sidewalk is not planned for the site, a Sediment Fence or other approved BMP shall be used in place of the Sidewalk Subgrade Gravel Barrier.
 - A Concrete Management Facility (CMF) BMP shall be provided for all concrete used on this site.
 - Permanent vegetation or native vegetation should be established prior to October 15 and before removing EPSC BMPs. Temporary BMPs shall be maintained until permanent restoration is achieved.
 - If construction occurs during the Wet Weather Season (October 15 to April 30), temporary stabilization, including covering of bare soils with approved BMPs, must be installed at the end of each work day, and before a holiday or weekend if rainfall is forecast in the next 24 hours.
- Maintenance**
- Remove sediment buildup on fences. No more than one foot of sediment shall be allowed to accumulate against sediment fences.
 - Inspect catch basin inserts daily on active sites. Remove sediment accumulation when clogged or if accumulated sediment is greater than one foot in depth. Replace catch basin inserts as necessary if damaged or functioning improperly.
 - Remove accumulated sediment and add gravel for all types of gravel barriers.
 - Remove dried accumulated Concrete Management Facility debris as needed, and completely remove prior to project completion.
 - Sediment found off-site shall be cleaned throughout each day by sweeping or shoveling. Flushing of sediment is not allowed.
- References**
- For BMP information, see the following documents: ACWA Construction Site Stormwater Guide, Illustrated Best Management Practices, 2013; City of Salem Erosion Prevention and Sediment Control (EPSC) Plan Technical Guidance Handbook.
 - For inspections, call Public Works Dispatch at 503-588-6333.

Attachment B

MULTI/TECH

ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mts-engineers.com

SITE PLAN
BUILDING #7
LOT 15 - 5795 JOYNAK ST. S.

LIBERTY ROAD TOWNHOMES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6/27/24 SITE A7.1-13

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Issue Date: 2/27/25
Scale: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER
MARK D. GAVIN
EXPIRES: 06-30-2025

JOB # 6727

A7.10