

# NOTICE OF DECISION

PLANNING DIVISION  
planning@cityofsalem.net



*Si necesita ayuda para comprender esta información, por favor llame*

**503-588-6173**

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 2 ADJUSTMENT CASE NO.: ADJ25-12**

**APPLICATION NO.: 25-110838-PLN**

**NOTICE OF DECISION DATE:** July 2, 2025

**REQUEST:** A Class 2 Adjustment to increase the maximum interior fence height for a sports court within an existing multifamily complex to ten feet where three feet is required per SRC 702.020(c)(4). The subject property is approximately 3.5 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 3470 Blossom Drive NE (Marion County Assessor's Map and Tax Lot Number: 073W01A / 3301).

**APPLICANT:** Britany Randall, BRAND Land Use

**LOCATION:** 3470 Blossom Dr NE, Salem OR 97305

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

**FINDINGS:** The findings are in the attached Decision dated July 2, 2025.

**DECISION:** The **Planning Administrator APPROVED** Class 2 Adjustment Case No. ADJ25-12 subject to the following conditions of approval:

**Condition 1:** The fence shall be non-sight-obscuring and made of a material meeting the standards of SRC 800.050(c)(1).

**Condition 2:** No objects such as signage or coverings shall be attached which increases the opacity of the fence to 25 percent or greater when viewed at any angle at a point 25 feet away from the fence.

The rights granted by the attached decision must be exercised, or an extension granted, by July 18, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>June 11, 2025</u>
Notice of Decision Mailing Date:	<u>July 2, 2025</u>
Decision Effective Date:	<u>July 18, 2025</u>
State Mandate Date:	<u>October 9, 2025</u>

Case Manager: Quincy Miller, [gmiller@cityofsalem.net](mailto: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, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, July 17, 2025. 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, 440 Church St SE, Salem, 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. ADJ25-12	)	
3470 BLOSSOM DRIVE NE	)	JULY 2, 2025

In the matter of the application of a Class 2 Adjustment, submitted by BRAND Land Use on behalf of the property owner and applicant, Blossom Gardens Limited Partnership, 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 increase the maximum interior fence height from three feet to ten feet.

**Request:** A Class 2 Adjustment to increase the maximum interior fence height for a sports court within an existing multifamily complex to ten feet where three feet is required per SRC 702.020(c)(4). The subject property is approximately 3.5 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 3470 Blossom Drive NE (Marion County Assessor's Map and Tax Lot Number: 073W01A / 3301).

## PROCEDURAL FINDINGS

### 1. Proposal

The applicant is proposing to construct a ten-foot-tall fence around a sports court within an existing multifamily complex. The applicant is seeking a Class 2 Adjustment to SRC 702.020(c)(4) to increase the maximum fence height allowed from three feet to ten feet.

### 2. Background

- On May 27, 2025, an application for a Class 2 Adjustment was filed for the proposed development.
- The application was deemed complete for processing on June 11, 2025. The 120-day state mandated decision deadline for this application is October 9, 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 110838.

#### **4. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Northgate 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. As of the date of this decision, no comments were received indicating concerns with the proposal.

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, no comments were received indicating concerns with the proposal.

#### **5. City Department Comments**

Building and Safety – The Building and Safety Division reviewed the proposal and indicated that building permits will be required for fences taller than seven feet.

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 as the proposed fence is located outside of applicable vision clearance areas.

#### **6. Public Agency Comments**

Notice was provided, pursuant to SRC 300.520(b)(1)(B) (viii), (ix) & (x); at the time of this decision, no comments were received from public agencies.

### **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 ten-foot-tall fence around the perimeter of a sports court for the Blossom Garden Apartments. The sports court was approved as part of a Site Plan Review Modification (UGA-SPR-ADJ-DAP-DR23-01MOD1), where per Condition 4 of the decision, all interior fencing adjacent to common open space and outdoor community amenities shall have a maximum height of three feet, unless a Class 2 Adjustment is approved. Per SRC 702.020(c)(4), landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

The purpose of the standard—as stated in SRC 702.020(c)(4) itself—is to prevent large, opaque barriers from being installed within the middle of a multifamily development, obscuring sightlines for residents and decreasing site security. As the standard does not make the distinction or provide an exemption for fence height based on opacity, a Class 2 Adjustment has been requested to exceed the maximum height of three feet. The applicant has requested the ten-foot-tall fence around the perimeter of the sports court to ensure that sports equipment stays within the boundary of the sports court, while the fence itself will not be sight-obscuring. The proposed fence is black chainlink, allowing residents to see into and around the sports court regardless of fence height. To ensure that the proposed fence will not become sight-obscuring, the following Condition applies:

- Condition 1:** The fence shall be non-sight-obscuring and made of a material meeting the standards of SRC 800.050(c)(1).
- Condition 2:** No objects such as signage or coverings shall be attached which increases the opacity of the fence to 25 percent or greater when viewed at any angle at a point 25 feet away from the fence.

As conditioned, the multifamily complex will maintain sightlines within the development, equally meeting the purpose of the underlying standard.

***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 subject property is within the RM-II (Multiple Family Residential-II) zone; therefore, this standard is applicable.

The proposed ten-foot-tall fence is proposed only around the perimeter of the sports court within the Blossom Garden apartment complex, which is located within the interior of the development site which has additional screening around the perimeter. Furthermore, the subject property is adjacent to a variety of uses, with the property to the west zoned MU-II (Mixed Use-II), properties north across Blossom Drive NE zoned IG (General Industrial), and properties to the east within Marion County and zoned residential.

As the fence will be made from an approved material, will be located entirely within the interior of the development site, and the subject property is adjacent to a wide variety of uses, the proposed development will not detract from the livability or appearance of the area.

***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:** Only one Class 2 Adjustment has been requested; therefore, this criterion is not applicable.

## **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. ADJ25-12 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**, and the following conditions of approval:

- Condition 1:** The fence shall be non-sight-obscuring and made of a material meeting the standards of SRC 800.050(c)(1).
- Condition 2:** No objects such as signage or coverings shall be attached which increases the opacity of the fence to 25 percent or greater when viewed at any angle at a point 25 feet away from the fence.



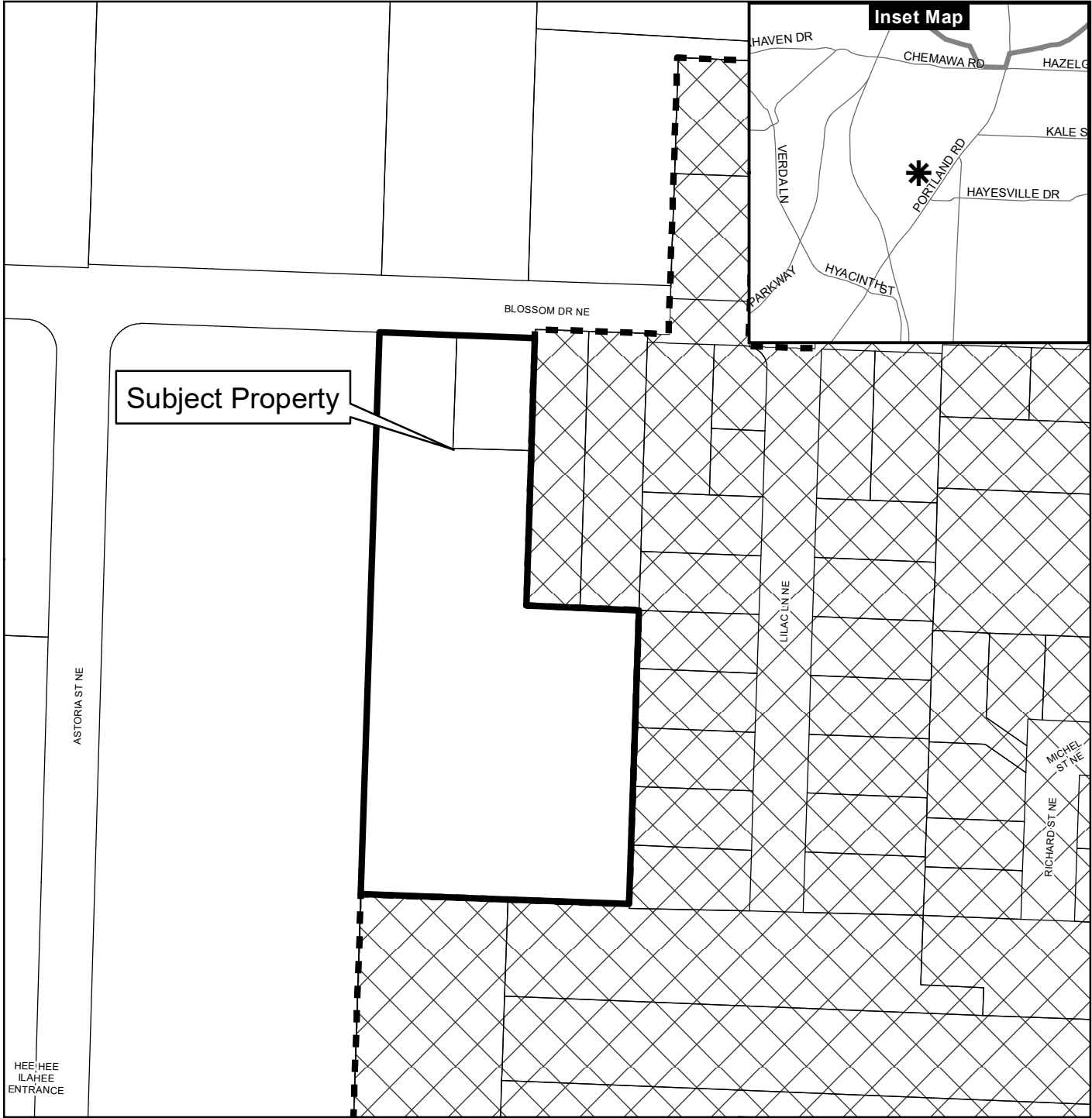
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Quincy Miller, AICP, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP,  
Planning Administrator

Attachments: A. Vicinity Map  
B. Proposed Site Plan

# Vicinity Map

## 3470 Blossom Drive NE



### Legend

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

Parks



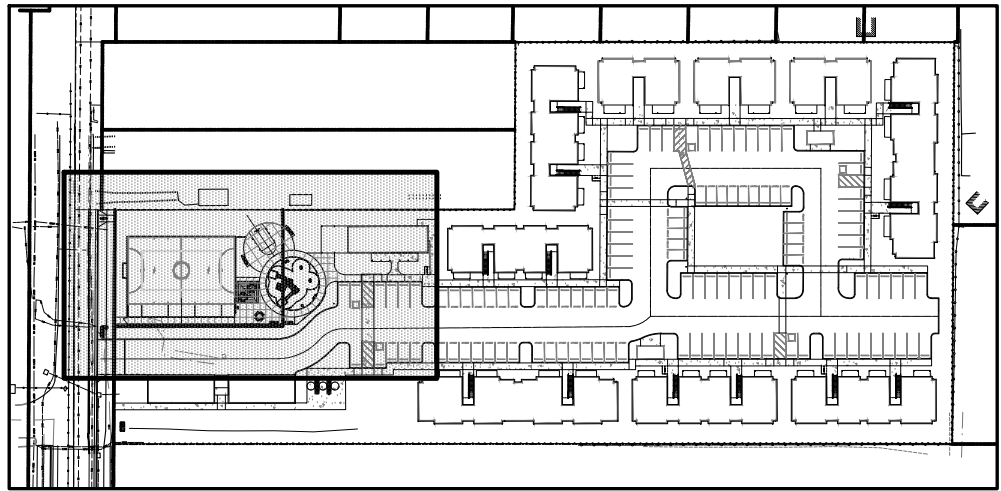
0 100 200 400 Feet



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KEY MAP:



LEGEND:

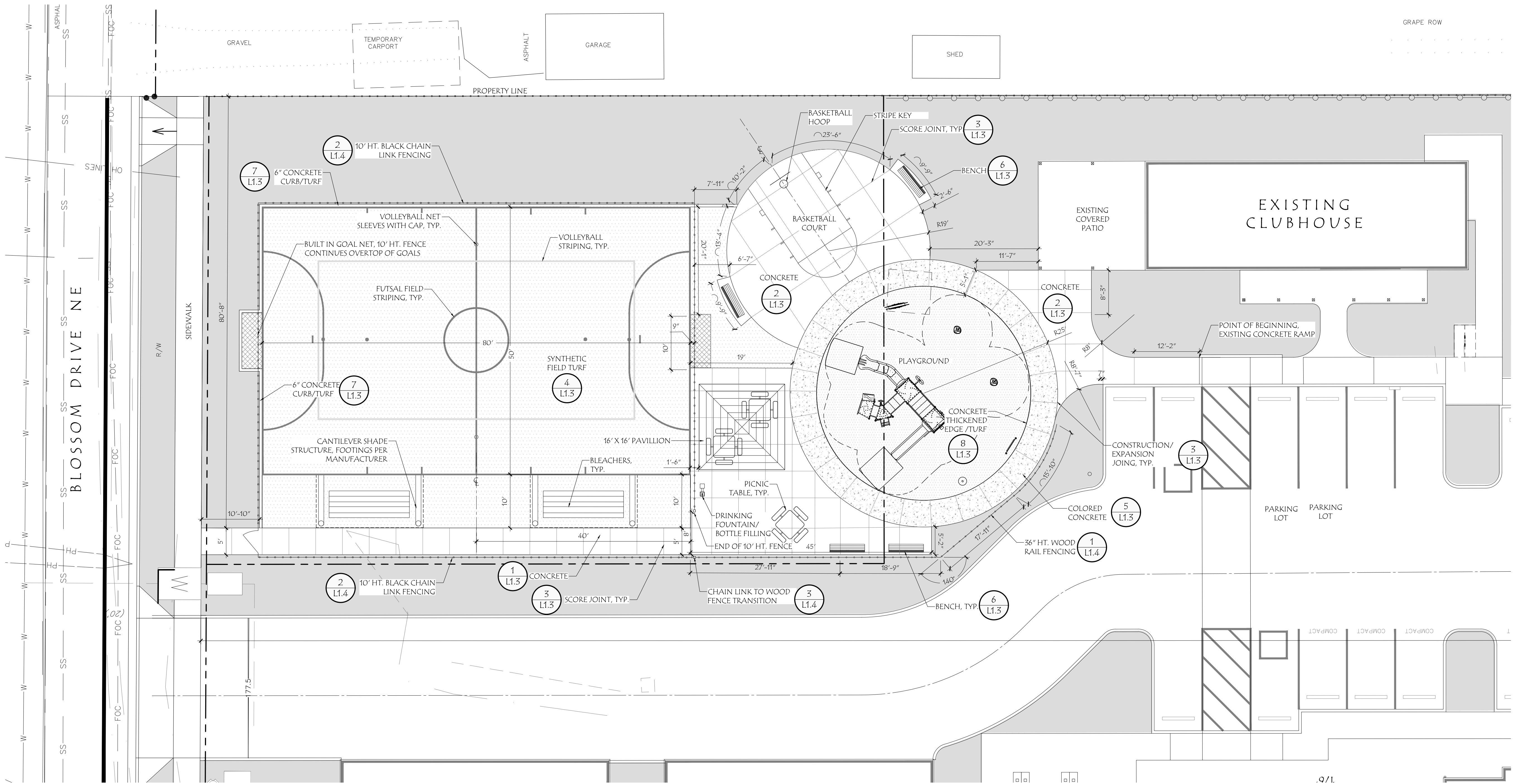
- PLANTER AREAS
- CONCRETE, SCORE AS SHOWN, EQUAL SPACES WHERE POSSIBLE, ALIGN JOINTS AS SHOWN, EXPANSION JOINTS AT STRUCTURES AND SEPARATE CONCRETE FEATURES, LIGHT BROOM FINISH, NO SHINERS
- COLORED CONCRETE: DAVIS COLORS 5084 HARVEST GOLD  
SCORE AS SHOWN, EQUAL SPACES WHERE POSSIBLE, ALIGN JOINTS AS SHOWN, EXPANSION JOINTS AT STRUCTURES AND SEPARATE CONCRETE FEATURES, LIGHT BROOM FINISH, NO SHINERS
- SYNTHETIC SPORTS TURF WITH STRIPING  
PL55 TURF  
SEE CIVIL DRAWINGS FOR PERF. PIPE DRAIN LOCATION
- SYNTHETIC TURF WITH PROTECTIVE FALL RUBBER UNDERLAY, CHILDREN'S PLAY AREA AND SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARD AND GUIDELINES.
- VOLLEYBALL NET SLEEVE (2)  
INSTALL PER TURF MANUFACTURER. SPECIFICATIONS FOR EQUIPMENT IN TURF PRODUCT

- FENCING:  
10' HEIGHT BALL FENCE  
STYLE: BLACK, CHAIN LINK
- 36" HEIGHT PLAYGROUND FENCE  
STYLE: WOOD RAIL
- DRINKING FOUNTAIN/BOTTLE FILLING STATION  
MANUFACTURER: GLOBAL INDUSTRIAL  
MODEL: WB761216BK  
COLOR: BLACK
- PICNIC TABLES (2) AND (1) ACCESSIBLE TABLE  
MANUFACTURER: ULTRA SITE  
STYLE/SIZE: 46" KENSINGTON SQUARE TABLE  
COLOR: BLACK POWDERCOAT  
FRAME COLOR: BLACK POWDERCOAT  
MOUNT: SURFACE
- BENCH WITH BACK (4)  
MANUFACTURER: ULTRA SITE  
STYLE/SIZE: JACKSON BENCH, 6' LENGTH  
COLOR: BLACK  
FRAME COLOR: BLACK POWDERCOAT  
MOUNT: SURFACE (4)

- BLEACHERS (2)  
3 ROW, 15' LENGTH  
MATERIAL AND FINISH: ALUMINUM  
MOUNT: OWNER SELECT
- 16' X 16' PAVILION TIMBER FRAME  
MANUFACTURER: YARDISTRY  
-OR APPROVED EQUAL-
- CANTILEVER SHADE COVER (2)  
10' X 20' PALRAM - CANOPIA SYDNEY  
FOOTING PER MANUFACTURER OR BY STRUCTURAL ENGINEER  
-OR APPROVED EQUAL-
- TRASH RECEPTACLE (2)  
MANUFACTURER: ULTRA SITE  
STYLE/SIZE: KENSINGTON 36 GAL.  
MOUNT: SURFACE

GENERAL NOTES:

1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWINGS. CALL BEFORE YOU DIG. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
2. SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN.
3. SEE CIVIL DRAWINGS FOR GRADING, UTILITIES, AND STORMWATER.
4. CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARD AND GUIDELINES. PLAY EQUIPMENT DETAILS SEE SHEET L1.2. CONTACT PARK N PLAY NORTHWEST FOR MORE INFORMATION.
5. SITE DETAILS SEE SHEETS L1.3 AND L1.4.
6. PLANTING PLAN SEE SHEET L2.1.



Laurus Designs, LLC



1012 Pine Street  
Silverton, Oregon 97381

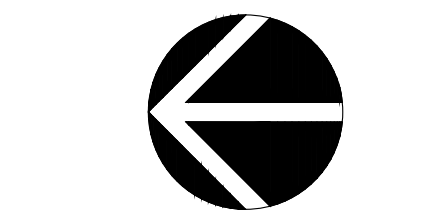
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laurusdesigns.com

BLOSSOM GARDENS  
PLAYGROUND IMPROVEMENTS

BLOSSOM DRIVE  
SALEM, OREGON



AMENITY  
SITE PLAN



SCALE: 1" = 10' - 0"

0' 5' 10' 20'  
SCALE

MAY 1ST, 2025

REVISIONS

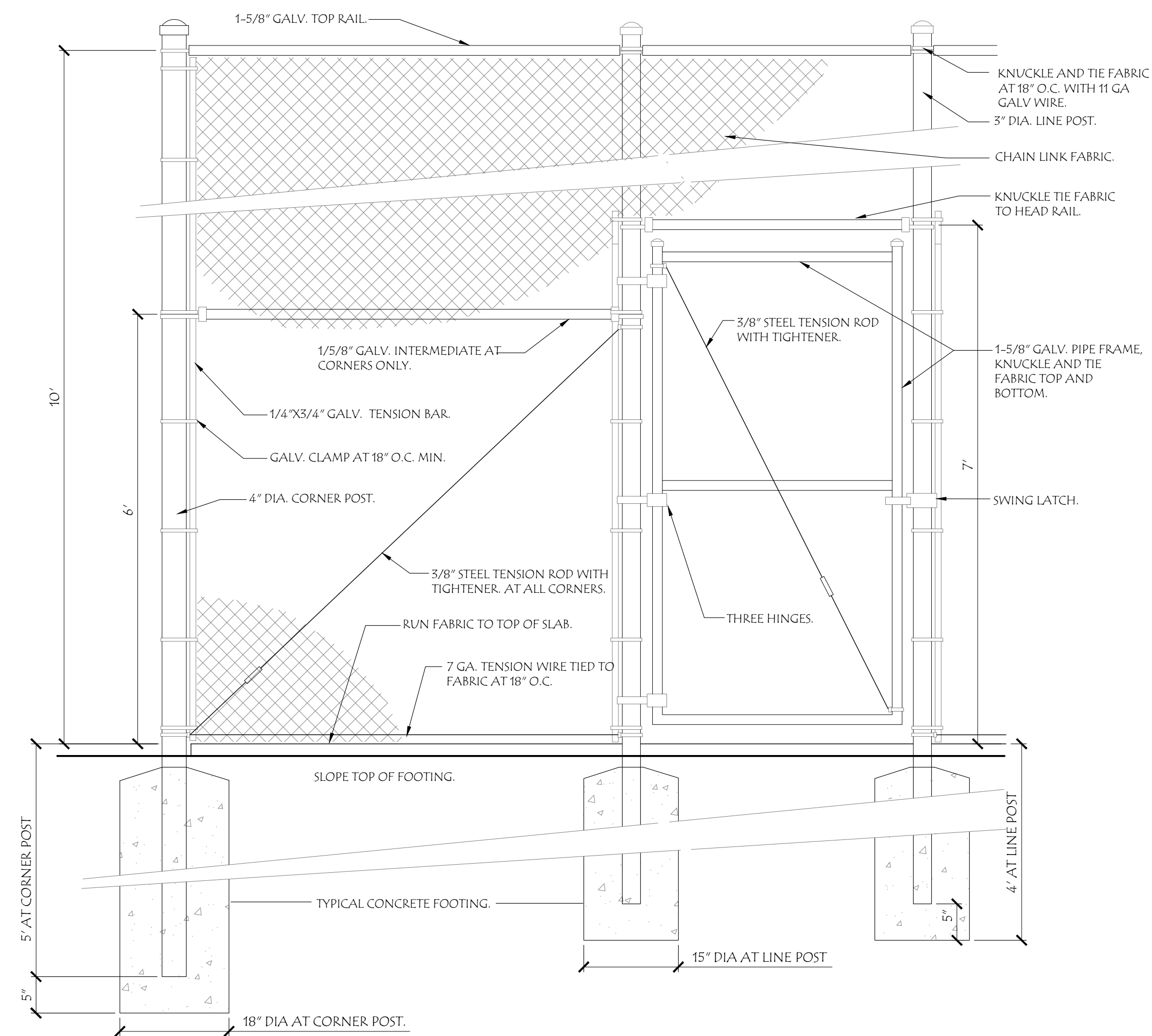
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L1.1

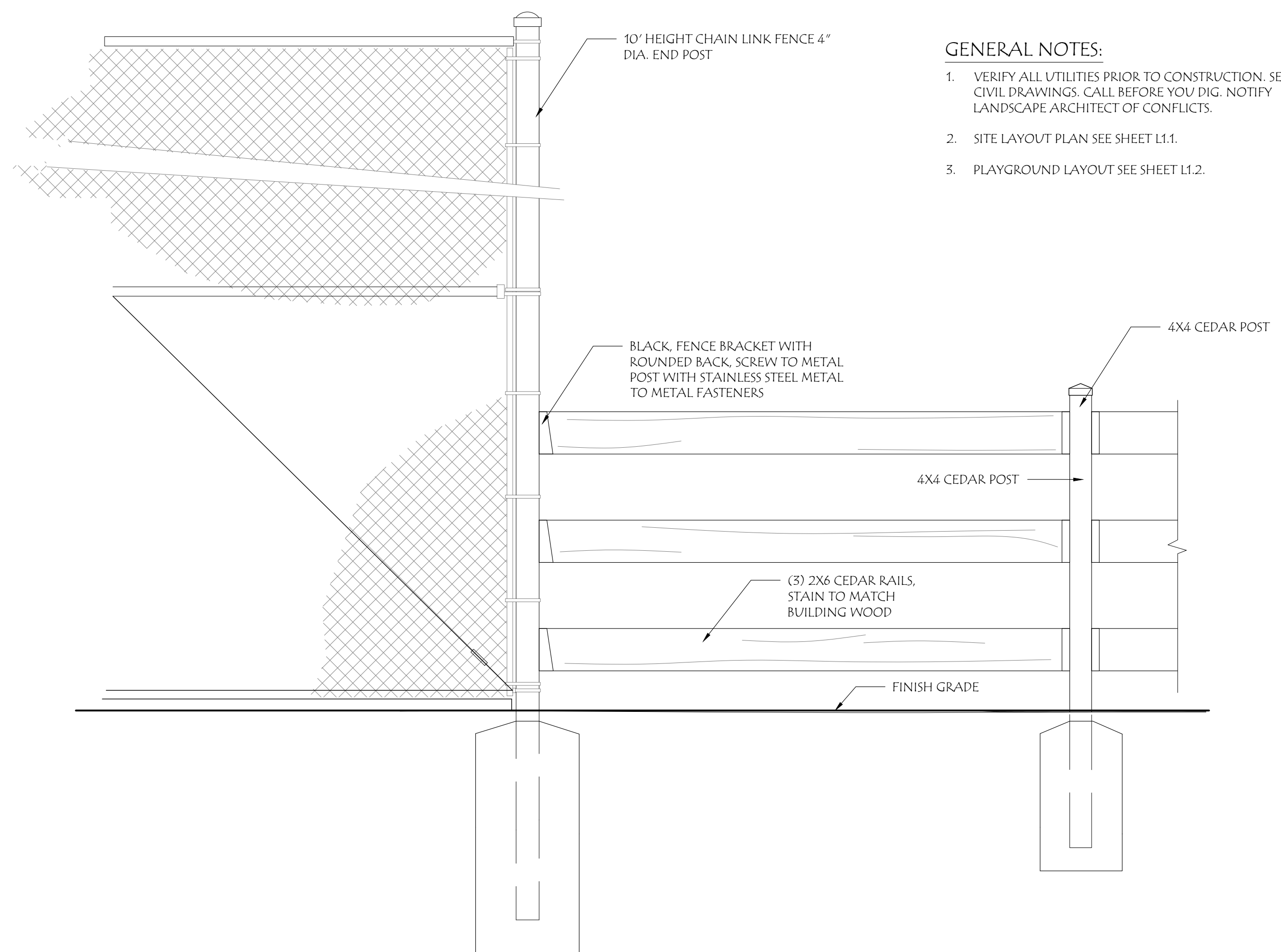
SHEET 2 OF 10

PROJECT #: 1487R

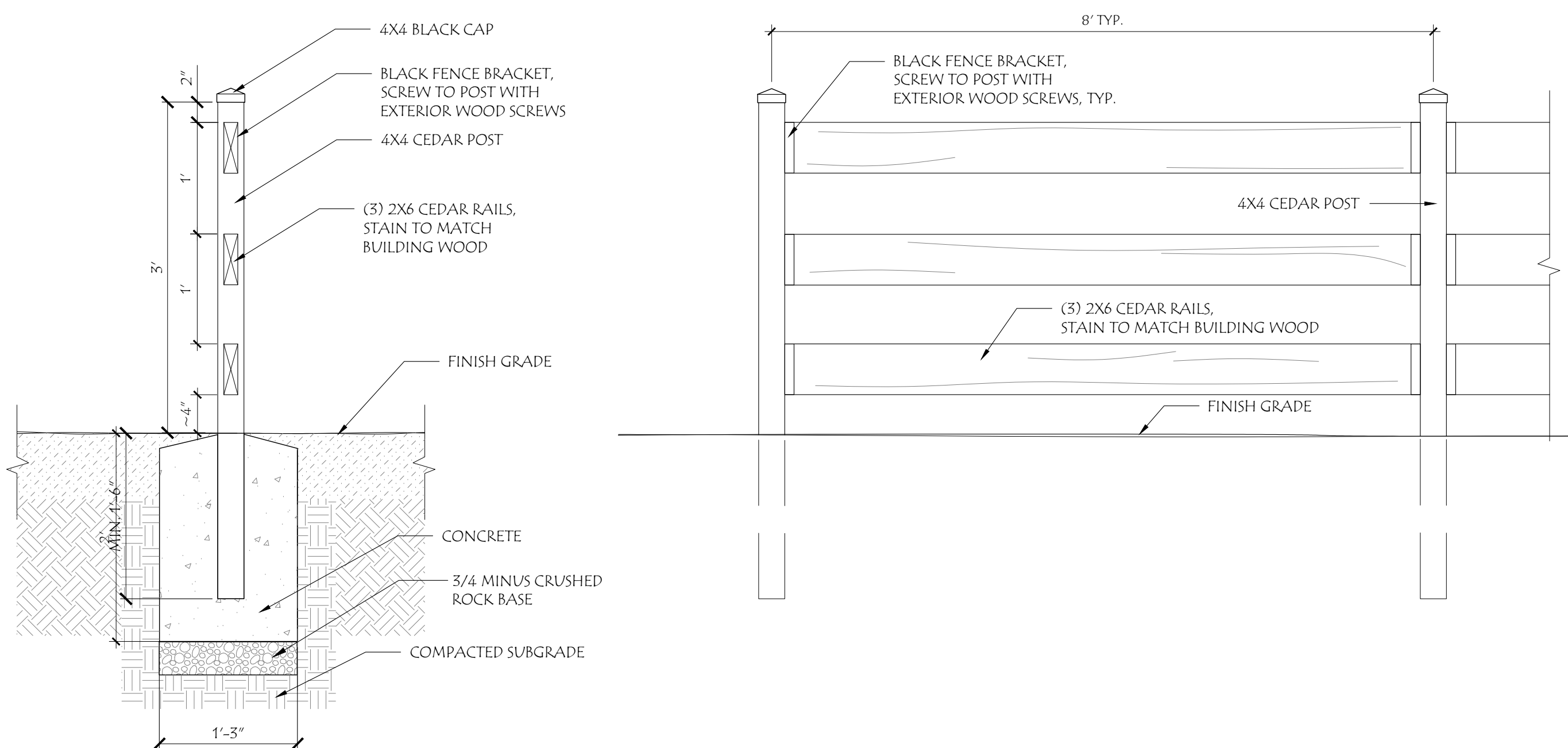




1 10' HEIGHT CHAIN LINK FENCE/GATE  
SCALE: NTS



## 2 CHAIN LINK TO WOOD RAIL FENCE DETAIL



3 36" HT. WOOD BOARD RAIL FENCE  
SCALE: NTS

Laurus  
Designs, LLC



1012 Pine Street  
Silverton, Oregon 97381

503.784.6494  
laurusdesigns.com

BLOSSOM  
GARDENS  
PLAYGROUND  
IMPROVEMENTS

BLOSSOM DRIVE  
SALEM, OREGON



# PLAYGROUND SITE PLAN

MAY 1ST, 2025

## REVISIONS

#	DATE	NOTES	INITIALS
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L1.4

SHEET 5 OF 10

PROJECT #: 1487R