



January 5, 2022

VIA ELECTRONIC MAIL: Bpike@cityofsalem.net
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Brandon Pike, Planner 1
City of Salem | Community Development Department
555 Liberty Street SE, Room 305
Salem, OR 97301

RE: Response to Planning Review Checklist
SPR3-ADJ-SKSD-LPC (2450 Lancaster Dr NE)
Our File No: 23583-30355

Dear Brandon:

This letter is in response to the Class 3 Site Plan Review/Class 2 Adjustment (the ***"Application"***) completeness review Sally Long conducted and provided Applicant with an email detailing on December 9, 2021 (the ***"Incomplete Letter"***). The Incomplete Letter requested that the Applicant address two (2) items in order to deem the Application as complete. Below is a summary of each item set out in bold and italics with Applicant's response in plain text below. Please consider this written response as a supplemental written statement, intended to be reviewed as part of Applicant's written statement, including the defined terms contained therein.

1. Landscaping Adjustment to Northern Setback Line

Applicant's Response: Applicant has reviewed what would be required to satisfy this requirement and believes it would be possible to add a shade tree within the northern setback, satisfying this standard. Applicant is prepared to comply with this standard and requests that the City refund the fees from this adjustment to the Applicant.

2. Landscaping Adjustment to SRC 806.065

Applicant's Response: Applicant previously requested an adjustment to the landscaping standard

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301
Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

www.sglaw.com

in SRC 806.035 (Applicant's written statement contained a typo referencing SRC 806.065), with a request for an adjustment to landscaping standard contained therein. However, Staff confirmed that the applicable standard is fifteen (15%) percent of the development site, as set forth in SRC 521.010(d) and verified that the Application meets the applicable standard. Therefore, Applicant is withdrawing its request for this adjustment and requests that the City issue a refund of the fees tied to this adjustment.

3. Adjustment to Northern Setback Standard

Applicant's Response: City Staff has identified that the Application does not meet this standard due to the encroachment of the proposed propane tank into the northern setback. The applicable standard is set forth in SRC 521.010(b), which requires a fifteen (15') foot setback from the property line. Applicant's propane tank will extend five (5) feet into the setback, requiring a reduction in excess of twenty (20%) percent. Applicant requests a Class 2 Adjustment to this standard because the Applicant cannot relocate the tank and still meet the applicable mechanical spacing standards. The applicable approval criteria for a Class 2 Adjustment is contained in SRC 250.005(d), the relevant provisions are copied below in bold and italics, followed by Applicant's proposed findings in plain text:

(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 setback standard contained in this chapter of the Code does not have an express purpose statement, but it can be inferred that the purpose of the setback standard is to ensure adequate space between the development on abutting properties. The property to the north of the Subject Property is owned by the Applicant and is undeveloped with the exception of an emergency access lane that runs the length of the LPDC on the Subject Property. The proposed addition of the propane tank in the northeastern corner of the Subject Property is a small percentage of the totality of the northern setback, measuring approximately one hundred (100 SQ. FT.) square feet in total. The Subject Property exceeds the applicable setback standards along the western, eastern, and southern portions of the Subject Property. The excess setbacks in these areas allow for adequate space between the LPDC and the surrounding properties, providing justification for approval of the adjustment under the "equally or better met" standard when considering the totality of the Subject Property. This criterion is satisfied.

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

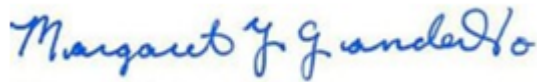
Proposed Finding: The Subject Property is not located within a residential zone. This criterion is not applicable.

(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.

Proposed Finding: The Subject Property is already fully developed with the LPDC. The majority of the Proposed Development is interior renovations except for some minimal re-grading and re-stripping of the existing vehicle use area and the addition of a trash enclosure. Applicant's requested adjustments retain existing non-conforming conditions and allow for additional strategic safety improvements on the Subject Property which allows for the continuation of an existing use that is consistent with the overall purpose and intent of the zone. This criterion is satisfied.

Since we have addressed the items identified in the Incomplete Letter, please deem the Application complete and commence your review.

Sincerely,



MARGARET Y. GANDER-VO
margaret@sglaw.com
Voice Message #374

MYG:hst