

BRAND

Addendum to Lockwood Lane Apartments Narrative

22-102748-RP, 22-102749-DR, and 22-102750-ZO

701 Lockwood Lane S Salem, Oregon

Section 1: Background and Request

A land use application was submitted to the City of Salem on January 27, 2022. A completeness review was conducted, and a determination was made that the newly proposed building, containing eight dwelling units, does not meet the setback requirement when a multiple family development is abutting an RS or RA zone. The review also found that screening would be required along the interior property line of the development site. This addendum addressed the adjustment criteria for three additional adjustments needed to reduce the required setbacks to the north and west property lines for the new building and to eliminate the requirement to screen the property line within the development site. This addendum is supplemental to the complete narrative previously submitted for this application.

Section 2: Applicable Zoning Codes

Salem Revised Code Chapter 250 – Adjustments

Section 250.005 – Adjustments

Section 3: Findings Applicable to Class 2 Adjustments

Chapter 250 – Adjustments

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.

Applicant's Findings: The applicant is submitting for three additional Class 2 Adjustments which are required when adjusting a numerical standard more than 20 percent.

(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.

Applicant's Findings: The adjustments being sought are not prohibited in accordance with the list above. This criterion is not applicable.

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

Applicant's Findings: The applicant is seeking three additional Class 2 Adjustments to be consolidated with a Class 1 Design Review, Class 3 Site Plan Review, and two previously submitted Class 2 Adjustments which are processed using Type II procedures.

(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.

Applicant's Findings: *The site plan provided includes all of the information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

(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.

Applicant's Findings: *The existing conditions plan provided includes all of the information required by this section. In conjunction with the site plan and this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

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

Applicant's Findings: *The applicant is seeking three additional adjustments for the proposed multiple family development.*

Adjustments 1 and 2: The criterion to be adjusted is Salem Revised Code Section 702.020(e)(2) which states, Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

As shown on the site plan included with the application submittal, the new building will be setback 10-feet from the northern property line abutting an RS zone and 14'-9" from the western property line abutting an RS zone. The standard is as follows: setback to the north and west property lines is 26-feet. Granting the reduced setbacks down to 10-feet to the north and 14'-9" to the west equally meets the intent of the code. The newly proposed building contains only 8 dwelling units but the development site, with the addition of the new building, will contain 20 units in total. If the building was reviewed on its own as only 8 units, it would meet the requirement to have a setback of only 10-feet to the abutting RS zoned property. The building does not have a dimension larger than 80-feet and does not exceed two stories in height. Because there are only 8 dwelling units in the newly proposed building and it is detached from the existing building, the impact to the neighboring property is not more impactful than a development with 5 to twelve dwelling units.

Adjustment 3: The criterion to be adjusted is Salem Revised Code Section 514.010(d), Table 514-5 Zone-to-Zone Setbacks. Residential Zone – Buildings and Accessory Structures minimum setback is 10-feet with Type C Landscaping.

As shown on the site plan included with this application submittal, the newly proposed building meets the required setback. Additionally, the Type C landscape requirements outlined in Salem Revised Code Chapter 807.015(a). However, Type C landscaping also requires screening. Screening across an interior property line of a development site is impractical. The standard is clearly inapplicable to the proposed development. Providing screening would disjoint the development site and interrupt the pedestrian circulation from the new development to the existing development including access to walkways and the vehicle use and parking area.

Granting these three additional adjustments will not negatively impact the adjacent RS zoned land. The applicant is meeting every criterion which is put in place to buffer adjacent uses and is seeking the minimum adjustments needed to allow this development to move forward.

The cumulative effect of all five (including the two previously applied for) adjustments results in a project which is still consistent with the overall purpose of the zone. The applicant has provided delineation, where possible, to reduce any impacts of the adjustments being sought. The above criteria are met by the proposal.

- (e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Applicant's Findings: *The applicant understands should the development site transfer ownership, the adjustments will run with the land and the rights granted will transfer to the new owner.*