

## Summary Table & Written Statement

**Modification of a Class 1 adjustment of the Notice of Decision 22-113285-ZO dated 8-1-2022 case manager: Bryce Bishop. Modification will increase the allowed building setback of 20' to 22.5' for lots 12, 13 & 23 at Strong Heights, Salem OR**

**April 4, 2023**

### ***Summary Table***

Zoning Designation: FMU – Fairview Mixed-Use  
Total Site Area: lots 12, 13 & 23 of Strong Heights  
Approved: Strong Heights Subdivision (29 lots) -- Final Plat is submitted

### ***Written Statement***

#### **(1) Class 1 Adjustments that are being requested:**

1. Front Abutting Street setback of Maximum 20' be increased 11% to 22.5' -- for lots 12, 13 & 23 at Strong Heights Subdivision.

The request is being made for the following reasons:

- a) To improve safety & walkability of the pedestrian on the sidewalk.
- b) To provide adequate space for the parking & maneuverability of vehicles.
- c) To be like the other lots at Strong Heights Subdivision

#### **Zoning: Fairview Mixed-Use Zone (530.)**

Fairview Refinement Plan II dated 4-2016 states the following:

1. Front Abutting Street setbacks are Minimum of 10' and Maximum 20' on page 21
2. Driveway Depth Maximum 20' for single family on page 23

#### **Zoning of Surrounding Properties**

North: Right of Way for Old Strong Rd SE & IBC (Industrial Business Campus)  
South: Right of Way Strong Rd SE & FMU (Fairview Mixed-Use)  
Right of Way Reed Rd SE & IC (Industrial Commercial)  
East: Right of Way for Old Strong Rd SE & IBC (Industrial Business Campus)  
West: Right of Way Strong Rd SE & FMU (Fairview Mixed-Use)

### **Homeowners Association**

The subject property is not subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State.

### **SRC Chapter 250 Adjustments**

#### **Sec. 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.*

**Response:** The project will have (1) Class 1 adjustments for this project: 1) Front Abutting Street setback

**The (1) Class 1 Adjustments are for lots 12, 13 & 23 are:**

1. Front Abutting Street setback of Maximum 20' be increased 20% to 22.5'

*(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.

**Response:** The project does not include an adjustment to any of the standards, guidelines, or requirements listed in (A) through (K) above. The project meets the applicable design review standards for multiple family development. This standard is met.

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

**Response:** The (2) Class 1 adjustments will be processed as a Type II procedure.

(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.

**Response:** A Site Plan with the applicable information required in (A) through (F) above has been submitted with the Notice of Decision dated 8-1-2022. This requirement 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.

**Response:** The Strong Heights Topo and Existing Conditions Survey has been submitted with the 8-1-2022 Notice of Decision. This requirement is met.

- (1) An application for a Class 1 adjustment shall be granted if all 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) Clearly satisfied by the proposed development.

**Response:** 1) **Front Abutting Street setback of Maximum 20' be increased 11% to 22.5' -- for lots 12, 13 & 23 at Strong Heights Subdivision:** This adjustment will do the following:

- 1) Improve safety & walkability of the pedestrian on the sidewalk.
- 2) Provide adequate space for the parking & maneuverability of vehicles.
- 3) To be like the other lots at Strong Heights Subdivision

The purpose underlying the specific development standard proposed for adjustment will be equally or better met. The UDC does not state a specific purpose for driveway setbacks. This adjustment will make the proposed development better for the parking, flow of traffic, future tenants, neighbors, and visitors – this adjustment will not unreasonably impact the surrounding, existing, potential uses, or development. This standard is met.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

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

**Response:** The Applicant acknowledges that the adjustment runs with the land.