

# 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 1 ADJUSTMENT MODIFICATION NO.: ADJ22-11MOD1**

**APPLICATION NO.: 23-107598-PLN**

**NOTICE OF DECISION DATE:** June 1, 2023

**SUMMARY:** An application to modify an existing Class 1 Adjustment approval to increase the maximum allowed front building setback abutting a street for three additional lots within the Strong Heights subdivision.

**REQUEST:** An application for a modification to an existing Class 1 Adjustment approval (Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11) to increase the maximum allowed front building setback abutting a street required under the Fairview Refinement Plan II refinement plan for three additional lots within the Strong Heights subdivision (Lots 12, 13, and 23) from 20 feet to approximately 22.5 feet.

The properties are zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan and are located at 2431, 2434, and 2439 Strong Heights Lane SE (Marion County Assessor Map and Tax Lot Numbers: 083W11AA01200, 01300, and 02300).

**APPLICANT:** Sam Laprayy

**LOCATION:** 2431, 2434, and 2439 Strong Heights Lane SE

**CRITERIA:** Salem Revised Code (SRC) Chapter 250.010(d) – Modification of Class 1 Adjustment

**FINDINGS:** The findings are in the attached Decision dated June 1, 2023.

**DECISION:** The **Planning Administrator APPROVED** Class 1 Adjustment Modification Case No. ADJ22-11MOD1 based upon the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by August 17, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>May 3, 2023</u>
Notice of Decision Mailing Date:	<u>June 1, 2023</u>
Decision Effective Date:	<u>June 17, 2023</u>
State Mandate Date:	<u>August 31, 2023</u>

Case Manager: Bryce Bishop, Planner III, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Friday, June 16, 2023.

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 AND ORDER
MODIFICATION OF CLASS 1 ADJUSTMENT )	
CASE NO. ADJ22-11MOD1; 2431, 2434, )	
AND 2439 STRONG HEIGHTS LANE SE )	JUNE 1, 2023

### REQUEST

An application for a modification to an existing Class 1 Adjustment approval (Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11) to increase the maximum allowed front building setback abutting a street required under the Fairview Refinement Plan II refinement plan for three additional lots within the Strong Heights subdivision (Lots 12, 13, and 23) from 20 feet to approximately 22.5 feet.

The properties are zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan and are located at 2431, 2434, and 2439 Strong Heights Lane SE (Marion County Assessor Map and Tax Lot Numbers: 083W11AA01200, 01300, and 02300).

### PROCEDURAL FINDINGS

1. On April 4, 2023, an application to modify the Class 1 Adjustment approval of Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11 was submitted by applicant and property owner Sam Lapray, of Covey Rowhouses, LLC, to increase the maximum allowed front building setback abutting a street for three additional lots within the Strong Heights subdivision in the Fairview Refinement Plan II refinement plan area of the former Fairview Training Center site.
2. On May 3, 2023, the application was deemed complete for processing and notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements.
3. The 120-day state mandated local decision deadline for the application is August 31, 2023.

### SUBSTANTIVE FINDINGS

#### 1. Background

The application under review by the Planning Administrator is a modification to an existing Class 1 Adjustment approval that was originally included in Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11. The application seeks approval to increase the maximum allowed front building setback abutting a street required under the Fairview Refinement Plan II refinement plan for three additional lots within the Strong Heights subdivision (Lots 12, 13, and 23) located at 2431, 2434, and 2439 Strong Heights Lane SE (**Attachment A**).

The original approved application included a Class 1 Adjustment to increase the maximum front building setback abutting a street for numerous lots within the subdivision from 20 ft. up to a maximum of 22.5 ft., but the three lots included with the proposed modification request (Lots 12, 13, and 23) were not included. As such, the applicant has requested a modification to the original Class 1 Adjustment approval to include these three additional lots within the Class 1 Adjustment approval to increase their maximum front building setback abutting the street from 20 feet to approximately 22.5 feet.

## 2. Applicant's Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The site plan submitted by the applicant showing the layout of the subdivision along with the building envelopes, setbacks, and driveway depths for the proposed dwellings to be constructed on the lots is included as **Attachment B**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment C**.

## 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 can use the search function without registering and enter the permit number listed here: 23 107598.

## 4. Salem Area Comprehensive Plan (SACP)

The subject property is designated Mixed-Use on the Salem Area Comprehensive Plan map.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Old Strong Road SE, Industrial Commercial
South	Across Strong Road SE, Mixed-Use
	Across Reed Road SE, Community Service Hospital
East	Across Reed Road SE, Industrial Commercial
West	Mixed-Use

## 5. Zoning

The subject property is zoned FMU (Fairview Mixed-Use). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Old Strong Road SE, IC (Industrial Commercial)
South	Across Strong Road SE, FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan
	Across Reed Road SE, PH (Public and Private Health Services)
East	Across Reed Road SE, IC (Industrial Commercial)
West	FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan

## 6. Neighborhood Association and Public Comments

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

Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), an application to modify a Class 1 Adjustment does not require neighborhood association contact.

Neighborhood Association Comments: Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

## 7. City Department Comments

**Building and Safety Division and Fire Department** – Reviewed the proposal and indicated no objections.

**Public Works Department** – Reviewed the proposal and indicated no objections.

## 8. Public Agency Review

Notice of the proposal was provided to public agencies and to public & private service providers. No comments were received.

### **DECISION CRITERIA FINDINGS**

## 9. Analysis of Modification of Class 1 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.010(d) sets forth the following criteria that must be met before approval can be granted to an application to modify a Class 1 Adjustment approval. The following subsections are organized with approval criteria shown in ***bold italic***, 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 250.010(d)(1): The proposed modification does not substantially change the original approval.***

**Finding:** The applicant has requested a modification to an existing Class 1 Adjustment approval that was originally included in Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11. The application seeks approval to increase the maximum allowed front building setback abutting a street required under the Fairview Refinement Plan II refinement plan for three additional lots within the Strong Heights subdivision (Lots 12, 13, and 23) located at 2431, 2434, and 2439 Strong Heights Lane SE.

The original approved Class 1 Adjustment increased the maximum front building setback abutting a street for numerous lots within the subdivision from 20 ft. up to a maximum of 22.5 ft., but the three lots included with the proposed modification request (Lots 12, 13, and 23) were not included. As such, the applicant has requested a modification to the original Class 1 Adjustment approval to include these three additional lots within the Class 1 Adjustment approval to increase their maximum front building setback abutting the street from 20 feet to approximately 22.5 feet so as to establish a setback for these lots that is consistent with the approved building setbacks for other lots within the subdivision.

The proposed modification to increase the maximum front building setback abutting a street for Lots 12, 13, and 23 does not substantially change the original approval, and therefore complies with this approval criterion, because the request only adds three additional lots to the overall number of lots within the subdivision that have already been approved to have front building setbacks from the street of up to 22.5 feet, including Lots 1, 3, 4, 9, 10, 11, 15, 16, 24, 25, 27, and 29. This is in addition to other lots within the subdivision (Lots 2, 5, 6, 7, 8, 14, 17, 18, 19, 20, 21, 26, and 28) which have been previously approved to have their maximum front building setback from the street increased up to 44.2 ft. Because the proposed modification only results in the addition of three lots to the 25 lots which have already been approved for a greater allowable maximum setback from the street, the proposal does not substantially change the original approval and instead will result in front building setbacks for these lots that are consistent

with the front building setbacks approved for surrounding lots. This approval criterion is met.

***SRC 250.010(d)(2): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.***

**Finding:** The proposed modification to increase the maximum allowed building setback from the street for Lots 12, 13, and 23 within the Strong Heights subdivision will not result in significant changes to the physical appearance of the development, the use of the site, or impacts on surrounding properties. This is because the previous adjustment application approved for the lots within subdivision (Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11) approved a maximum setback of 22.5 feet for 12 of the lots and a maximum setback of up to 44.2 feet for 13 lots. As identified in the previous adjustment decision, the increased maximum front building setbacks met the applicable Class 1 and Class 2 Adjustment approval criteria by equally meeting the underlying purpose of the maximum front building setback standard, not detracting from the livability or appearance of the area, and maintaining consistency with the overall purpose of the FMU zone. The same factors and considerations applicable to the original Class 1 Adjustment approval are applicable to the proposed modification request and the proposed modification to increase the maximum front building setback for Lots 12, 13, and 23 satisfies the Class 1 Adjustment approval criteria in the same fashion as the original approval demonstrated that the increased 22.5-foot front setback for Lots 1, 3, 4, 9, 10, 11, 15, 16, 24, 25, 27, and 29 met the Class 1 Adjustment approval criteria.

The proposed 2.5-foot increase to the maximum allowed 20-foot setback for Lots 12, 13, and 23 will not result in buildings being setback significantly farther from the street than is otherwise required under the refinement plan; the dwellings will still frame the private street right-of-way as envisioned by the plan; and the resulting appearance of the development of these lots will be consistent with that which has been approved for surrounding lots within the subdivision.

In addition, the proposed increase to the maximum setback will not result in unreasonable impacts on surrounding existing or potential uses or development because the requested change represents only a slight increase in setback distance between the dwellings on these lots and the abutting private street. The increased setback provides for additional space for vehicles to reasonably park within the driveway and minimizes the potential of vehicles hanging over into the private street and obstructing pedestrian access and accessibility along the sidewalk. This approval criterion is met.

#### **10. Effect on Expiration Period of Original Approval:**

The original decision on Class 2 Adjustment / Class 1 Adjustment Case No. ADJ22-11 became effective on August 17, 2022. Pursuant to SRC 300.850, Table 300-3, the original decision is set to expire on August 17, 2024.

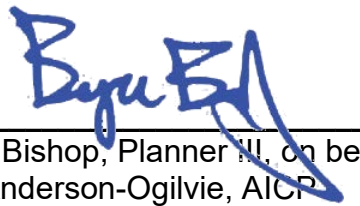
Pursuant to SRC 250.010(e), when a Class 1 or Class 2 Adjustment decision is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision. Because the original decision is not set to expire until August 17, 2024, and because up to two additional two-year extensions to this expiration period are still available under SRC 300.850, the requested modification will not change the expiration period for the original approval. As such, the expiration date for the modified Class 1 and Class 2 Adjustment approval shall remain August 17, 2024.

## 11. Conclusion

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

### **IT IS HEREBY ORDERED**

Class 1 Adjustment Modification Case No. ADJ22-11MOD1 is hereby **APPROVED** subject to SRC Chapters 250 and 530, and the Fairview Refinement Plan II refinement plan.



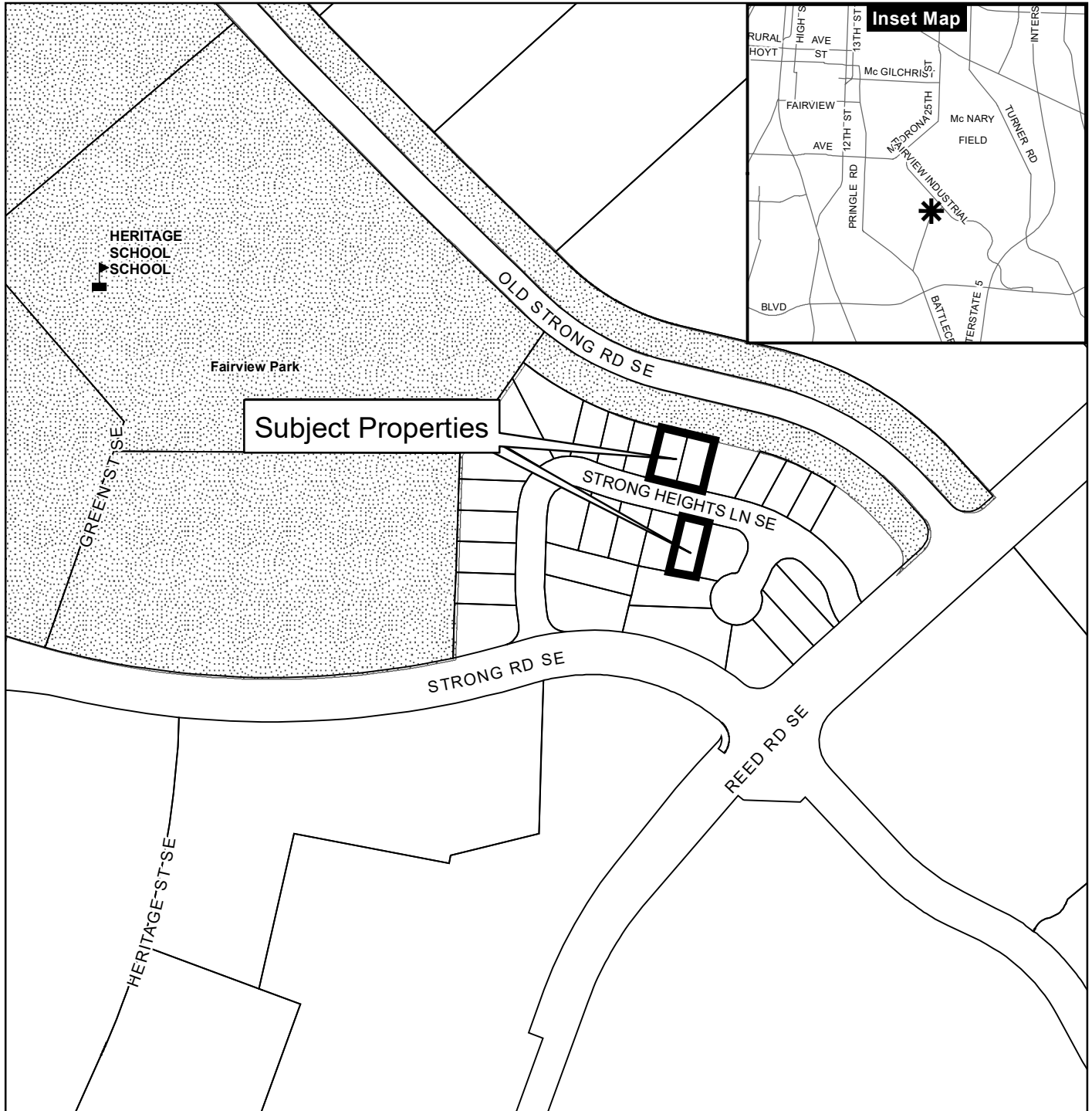
Bryce Bishop, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Applicant's Site Plan  
C. Applicant's Written Statement



# Vicinity Map

## 2431, 2434, and 2439 Strong Heights Lane SE



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet





Attachment B

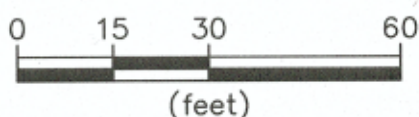
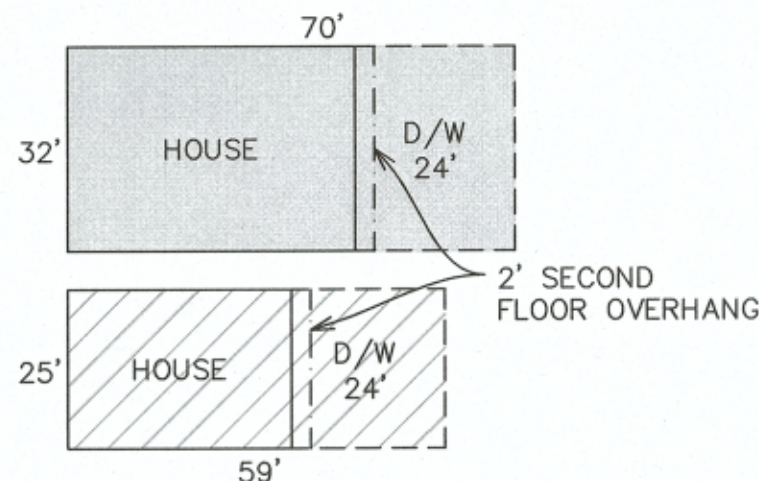
PARCEL SUMMARY

MIN LOT SIZE	2,590 SF	
MAX LOT SIZE	7,401 SF	
AVG LOT SIZE	3,922 SF	
PARCEL SIZE	194,288 SF	4.46 AC
29 / 4.46 =	6.5 LOTS/AC	2.35 AC
HOA	91,884 SF	2.11 AC

ALL LOTS TO HAVE ADU OVER THE GARAGE.

BUILDING/D/W ENVELOPE LEGEND

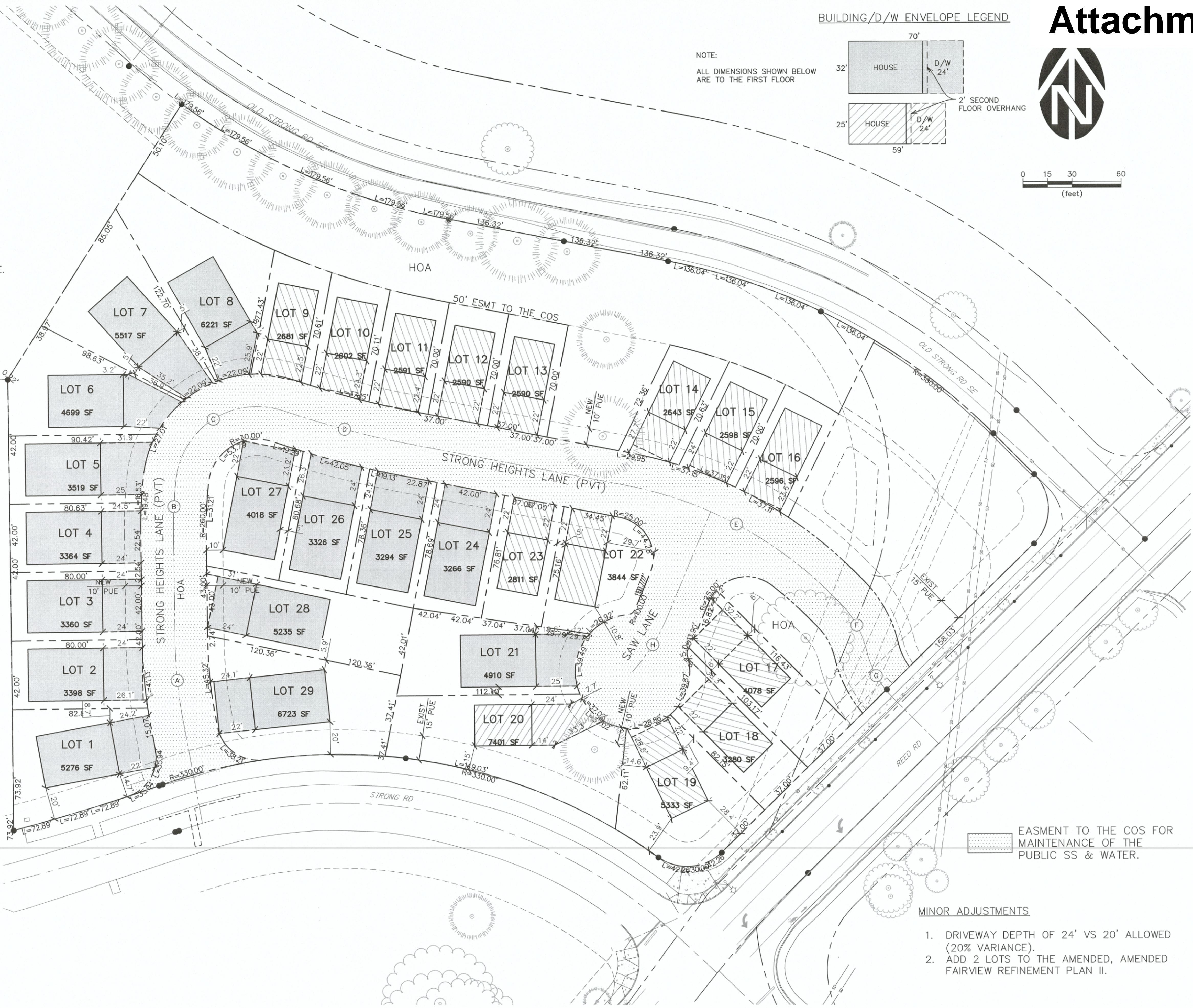
NOTE:  
ALL DIMENSIONS SHOWN BELOW  
ARE TO THE FIRST FLOOR



CURVE DATA

	RADIUS	LENGTH	DELTA
(A)	280'	48.8'	N80°00'45"E
(B)	280	33.6	N83°07'24"E
(C)	50'	89.6'	N12°43'39"W
(D)	547.4'	77.6'	N81°52'30"E
(E)	240'	144.4'	N55°31'00"E
(F)	60'	33.3'	N58°12'42"E
(G)	60'	33.3'	N58°12'42"E
(H)	120'	41.3'	N70°16'45"E

6/10/2022 1:52:26 PM  
R:\New\WARD Property\Strong Heights Subdivision\Civil\Plots G-3 Overall Lot Layout.dwg, (Layout1) tab



MINOR ADJUSTMENTS

1. DRIVEWAY DEPTH OF 24' VS 20' ALLOWED (20% VARIANCE).
2. ADD 2 LOTS TO THE AMENDED, AMENDED FAIRVIEW REFINEMENT PLAN II.

NO.	DATE	DESCRIPTION
1		

VERIFIED SCALE  
BAR IS ONE INCH ON  
ORIGINAL DRAWING  
0  
DO NOT SCALE DIMENSIONS  
FROM THIS SHEET, ADJUST  
SCALES ACCORDINGLY

REGISTERED PROFESSIONAL  
ENGINEER  
1184A  
OREGON  
JULY 16, 2016  
STEVEN A. MARSH  
REVISIONS: 6/20/2024

WESTTECH ENGINEERING, INC.  
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
Phone: (503) 585-2474 Fax: (503) 585-3996  
E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC  
STRONG HEIGHTS SUBDIVISION

OVERALL LOT LAYOUT

DRAWING  
G-3

JOB NUMBER  
2720.7000.0



## 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.

**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.

(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.