

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF AFFIRMING) ORDER NO. 2016-04 DR-SPR
THE DECISION OF THE PLANNING) DESIGN REVIEW / SITE PLAN REVIEW
COMMISSION AND APPROVING) CASE NO. DR-SPR 16-03
DESIGN REVIEW / SITE PLAN)
REVIEW CASE NO. DR-SPR16-03)

This matter coming regularly for hearing before the City Council, at its October 24, 2016, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Commission in Design Review/Site Plan Review Case No. DR-SPR16-03, and approving the application.

PROCEDURAL FINDINGS:

- (a) A public hearing was held before the Planning Commission on September 6, 2016 for review of a consolidated application for a proposed 88-unit multiple family development. On September 9, 2016, a notice of decision approve the application was issued.
- (b) On September 23, 2016, a timely appeal of the Planning Commission’s decision was filed by the Faye Wright Neighborhood Association.
- (c) Pursuant to SRC 300.620(g)(3) and Table 300-2, the review authority for appeal of this consolidated application is the City Council.
- (d) On October 24, 2016, the City Council conducted a hearing to receive evidence and testimony regarding the application, the public hearing was closed on October 24, 2016. The City Council conducted deliberations on October 24, 2016 and voted to affirm the decision of the Planning Commission and approve the consolidated application.

SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

- (a) The Appellant objects to 2nd floor balconies in the design for proposed Building 2 which face towards an abutting residential area,
- (b) The Multi-Family Design Guidelines in SRC Chapter 702 require private open space areas to be provided for each dwelling unit in the form of balconies, decks or patios, but the design guidelines do not limit the direction the private open space areas face, and do not prohibit balconies from facing towards an abutting residential area.
- (c) The City Council finds that the Planning Commission decision satisfies the approval criteria for a Class 3 Design Review and Class 3 Site Plan Review, and the proposed development is in substantial conformance with the conditions of approval from Zone Change/Conditional Use Permit Case No. 15-03, and adopts the facts and findings of the staff report dated October 24, 2016, and therefore affirms the application for Design Review/Site Plan Review Case No. DR-SPR16-03.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Commission’s decision approving the application for Design Review/Site Plan Review Case No. DR-SPR16-03 is hereby affirmed.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 14th day of November, 2016.

ATTEST:

City Recorder

Checked by: Aaron Panko