



# LAND USE APPEAL APPLICATION

1. **GENERAL DATA REQUIRED** [to be completed by the appellant]

SPR-ADJ16-06 APRIL 21, 2016  
 Case # Being Appealed Decision Date

1177 CENTER ST. NE, SALEM 97301  
 Address of Subject Property

NORTHEAST NEIGHBORS (NEN) 555 LIBERTY ST. SE, RM 305, SALEM 97301  
 Appellants Mailing Address with zip code

SALEMNEN@gmail.com 503-588-6207  
 Appellant's E-mail Address Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

NANCY McDANIEL 265 21ST ST. NE, SALEM OR 97301  
 Name Mailing Address with ZIP Code

nanmcdann@yahoo.com 503-986-4464  
 E-Mail Address Day-time Phone / Cell Phone

2. **SIGNATURES OF ALL APPELLANTS**

Signature: Nancy McDaniel Date: May 6, 2016

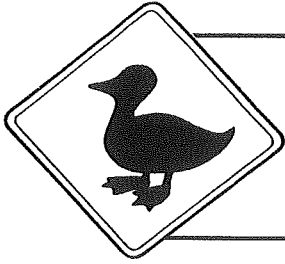
Printed Name: NANCY McDANIEL

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

<b>FOR STAFF USE ONLY</b>		
Received By: <u>B.B.</u>	Date: <u>5/6/2016</u>	Receipt No: <u>N/A</u>
Appeal Deadline: <u>5/6/2016 @ 5:00pm</u>	Case Manager: <u>AMY BROWN</u>	



# NEN

**NORTHEAST NEIGHBORS**  
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## Appeal of Case No. SPR-ADJ16-06

The Board of the Northeast Neighbors Neighborhood Association appeals the city's approval of Site Plan Review and Adjustment Case Number SPR-ADJ16-06, at 1177 Center Street NE.

The application does not demonstrate how it meets the criteria for a Class 2 adjustment (SRC 250.005(d)(2)).

1. The applicant's letter states that the standard of 15% landscaping is "clearly inapplicable to the proposed project because there is no room or available land for more landscaping." This is obviously not the case. The submitted plans show that almost all of the site's 2.93 acres is used for parking.
2. The application does not demonstrate that the purpose underlying the landscaping requirement is equally or better met by the proposed development. The proposal is to keep the existing landscaping coverage of 4.3%. This is so far short of the requirement for 15% coverage that it clearly does not "equally or better" meet the purpose of the landscaping code. Even with Condition 2 imposed by the decision, coverage will be only 4.5%. If this minimal coverage can be found to meet the purpose of the code, then the coverage requirement and plant unit formulas in SRC Chapter 807 are unnecessary.

According to the Decision of the Planning Administrator, the notice of appeal "must state where the decision failed to conform to the provisions of the applicable code section."

3. The Decision determines the appropriate level of landscape coverage based on what is "proportional" to the impacts of the development on the site. However, there is nothing in the code providing for proportionality in determining an adjustment.

**STANDING.** The NEN Board received a notice of the land use application and submitted comments, which are summarized in the Decision.

Thank you for your consideration,

Nancy McDaniel  
NEN Land Use Chair