

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

**IN THE MATTER OF REVERSING) ORDER NO. 2016-03-SPR-ADJ
THE DECISION OF THE PLANNING) SITE PLAN REVIEW/ADJUSTMENT
ADMINISTRATOR AND DENYING) CASE NO SPR/ADJ16-06
SITE PLAN REVIEW/ADJUSTMENT)
CASE NO SPR/ADJ16-06)**

This matter coming regularly for hearing before the City Council, at its June 27, 2016, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order reversing the decision of the Planning Administrator in Site Plan Review/Adjustment Case No. SPR/ADJ16-06, and denying the application.

PROCEDURAL FINDINGS:

- (a) On April 21, 2016, the Planning Administrator issued a decision approving the Class 3 Site Plan Review/Class 2 Adjustment.
- (b) On May 6, 2016, the Northeast Neighbors filed a timely appeal of the decision.
- (c) On May 23, 2016, Council was notified of an appeal pursuant to SRC 300.520(f)(3)(A) and took jurisdiction of the case.
- (d) On June 27, 2016, the City Council conducted a hearing to receive evidence and testimony regarding the application. The public hearing was closed on June 27, 2016. The City Council conducted deliberations on June 27, 2016 and voted to reverse the decision of the Planning Administrator and deny the consolidated application.

SUBSTANTIVE FINDINGS:

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

- (a) SRC 250.005(d)(2)(A) requires the applicant to demonstrate that the specific development standard, in this case the 15% site landscaping requirement, is either clearly inapplicable to the development or is equally or better met by the proposed development. The applicant did submit testimony demonstrating that the 15% site landscaping was inapplicable to the proposed development.
- (b) The applicant did not demonstrate that the proposed 4.5% site landscaping equally or better met the purpose of the landscaping requirements pursuant to SRC 250.005(d)(2)(A)(ii). The purpose of landscaping is to improve the appearance of the site, provide shade and buffer the sidewalk from the parking lot and other uses. The purpose of interior landscaping is to create a canopy effect and break up expanses of paving and long rows of parking spaces. Testimony was provided that the applicant did not attempt to reconfigure the site to meet the landscaping

requirements and that there was no attempt made to provide landscaping closer to the 15% requirement. The applicant did not demonstrate that they could not provide additional landscaping between the building and 12th Street and provide additional landscaping within the parking lot by creating new planter bays. Therefore, the City Council finds that the applicant's proposal is inadequate to equally or better meet the intent of the site landscaping requirements.

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

Section 1. The Planning Administrator's decision approving the application for Site Plan Review/Adjustment Case No. SPR/ADJ16-06 is hereby reversed and denied.

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 11th day of July, 2016.

ATTEST:

City Recorder

Checked by: Amy J. Dixon