



Condition 2: A minimum of 192 square feet of landscaping area meeting the Type A landscaping standards shall be provided along the 12th St NE frontage.

Condition 3: Landscaping shall be provided as indicated in the Landscaping Plan.

Condition 4: New trees indicated in the Landscaping Plan shall be deciduous shade trees.

Condition 5: The reduced landscape requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the minimum landscaping requirements for the site, unless reduced through a future land use action.

### **SUMMARY AND BACKGROUND:**

Class 3 Site Plan Review and Class 2 Adjustment applications were submitted on December 31, 2015 requesting to construct a 1,175 square foot addition to an existing office building and reduce the required minimum landscape area (Attachment 1 - 3). The applications were deemed complete on February 24, 2015.

An Administrative Decision was issued by the Planning Administrator on April 21, 2016, granting approval of Class 3 Site Plan Review/ Class 2 Adjustment Case No. SPR-ADJ16-06 subject to conditions of approval.

An appeal of the decision was filed by Northeast Neighbors (NEN) on May 6, 2016.

### **FACTS AND FINDINGS:**

#### Procedural Findings

1. On December 31, 2015, an application for Class 3 Site Plan Review/Class 2 Adjustment was submitted to the Community Development Department. After additional information was provided by the applicant, the application was deemed complete, and required notice provided, on February 24, 2016.
2. On April 21, 2016, the Planning Administrator issued a decision approving the Class 3 Site Plan Review/Class 2 Adjustment request (Attachment 4).
3. On May 6, 2016, the Northeast Neighbors filed a timely appeal of the decision (Attachment 5). A public hearing before the Hearing's Officer was scheduled for June 8, 2016.
4. On May 23, 2016, Council was notified of an appeal pursuant to SRC 300.520(f)(3)(A) and took jurisdiction of the case.
5. Notice of the appeal hearing was sent to the neighborhood associations and surrounding

property owners pursuant to Salem Revised Code requirements. Notice of the appeal hearing was posted on the subject property on June 14, 2016.

### Substantive Findings

1. The applicable criteria and considerations that must be satisfied for the approval of the Class 3 Site Plan Review/Class 2 Adjustment in this case are included within the City's site plan review chapter (SRC Chapter 220) under sections SRC 220.005(f)(3) and adjustment chapter (SRC Chapter 250) under section 250.005(d).

Findings establishing the conformance of the proposed Class 3 Site Plan Review/Class 2 Adjustment with the applicable approval criteria are included in the April 21, 2016 decision, which is included as Attachment 4 to this report and incorporated by reference.

2. During the public comment period on the Class 3 Site Plan Review/Class 2 Adjustment, testimony was received from surrounding property owners and neighborhood associations. The testimony provided is summarized in the April 21, 2016 staff report and incorporated by reference.

The comments submitted expressed concerns, in summary, pertaining to the following issues:

- The removal of the ability to use the property as an alternative route when traffic issues occur;
- Request to not meet the 15% site landscaping requirement.

3. Northeast Neighbors' appeal of the proposed Class 3 Site Plan Review/Class 2 Adjustment is included as Attachment 5. The appeal asserts that the adjustment criteria were not met, specifically Criterion 1:

- a. The 15% landscaping standard is clearly applicable;
- b. The application does not demonstrate that the purpose underlying the landscaping requirement is equally or better met by proposing only 4.3% or the 4.5% as conditioned where 15% landscaping is required; and
- c. The basis of the decision was on an appropriate level of landscaping based on being proportional to the impacts of the development. There is no code provision for proportionality in determining an adjustment.

### **Staff Response:**

An existing building is being renovated and a small addition is being added for the Department of Administrative Services (DAS) Landscape Department. The existing site does not comply with the current landscape coverage standard for the CR zone (SRC 522.010(d)(3)), which requires a minimum of 15% of the development site be landscaped. The subject property was first developed in 1987, prior to adoption of the minimum 15% landscaping requirement; therefore, the applicant is requesting an adjustment to reduce the minimum landscaping lot coverage requirement.

The existing on-site landscaping consists of approximately 5,500 square feet of landscaping distributed across the site. The required 15% site landscaping would be approximately 19,169 square feet (127,789 square feet site x 15% = 19,168.35 square feet). The proposed 1,117 square foot addition is what triggers the 15% site landscaping requirement; without the proposed addition the applicant would not be required to add any additional landscaping. The proposed addition only affects approximately 1% of the site.

The purpose of landscaping is to improve the appearance and visual character of the community. The applicant is proposing to plant trees in 10 existing empty tree wells throughout the parking lot. The Administrative Decision required additional landscaping that is proportional to the proposed building addition (see Condition 2). The applicant submitted a modified site plan addressing Condition 2, which is included as Attachment 6 of this report and incorporated by reference.

Based on the affected site area, 192 square feet (19,169 x 1% = 191.69) of landscaped area would be proportional to the affected area. When reviewing the current location of landscaped area, it would appear that there is no landscaped area along 12th St NE to provide an attractive appearance. Therefore, to meet the intent of landscaping requirements and be proportional to the proposed development, 192 square feet of landscaped area should be added to the property along 12th street.

As stated in the April 21, 2016 Administrative Decision, the purpose of landscaping is to improve the appearance and visual character of the community. The purpose of a zoning adjustment is to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. The approval criterion for the adjustment is to equally or better meet this purpose. By providing additional landscaping to the site that is proportional to the proposed addition, the appearance and visual character of site will be improved.

Alternatively, the proposal satisfies the other approval criterion for an adjustment, that the standard is inapplicable to the proposed development. As previously stated, the amount of landscaping required to meet the 15% landscaping requirement is not proportional to the proposed development and is inapplicable to the small development proposal under review. Therefore, the decision requires landscaping that is proportional to the proposal and satisfies the intent of the landscaping requirements.

4. In conclusion, the proposed Class 3 Site Plan Review/Class 2 Adjustment, with recommended conditions, satisfies the applicable approval criteria of SRC 220.005(f)(3) and SRC 250.005 (d.)

AMY J. DIXON  
PLANNER II

Attachments:

1. Vicinity Map
2. Site Plan
3. Site Plan Review/Adjustment Application

4. April 21, 2016 Administrative Decision
  5. May 6, 2016 Northeast Neighbors Appeal Letter
  6. Modified Site Plan
- 05/27/2016