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DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION PLAN / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ23-08

APPLICATION NO.: 23-112708-PLN

NOTICE OF DECISION DATE: November 17, 2023

SUMMARY: A tentative partition plan to create two parcels.

REQUEST: An application for a tentative partition to create two parcels approximately 10,373 and 5,455 square feet in size with a Class 2 Adjustment to SRC 8004.035(c)(4) to allow access onto a minor arterial street. The subject property of the proposed partition is 0.38 acres in size, zoned RS (Single Family Residential) and located at 735 Madrona Avenue South (Marion County Assessor Map and Tax Lot 083W04AC/12200).

APPLICANT: Steve Kay, Cascadia Planning And Development Services

LOCATION: 735 Madrona Ave S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated November 17, 2023.

DECISION: The **Planning Administrator APPROVED** Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ23-08 subject to the following conditions of approval:

- Condition 1:** The properties served by the flag lot accessway shall be limited to a maximum of four units throughout the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.
- Condition 2:** Prior to final Plat, the accessway shall be paved with a 20-foot-width along the length of the accessway and “No Parking Signs” shall be installed to prohibit the parking along the accessway.
- Condition 3:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 5:** Construct sewer services in the public right-of-way to serve Parcel 2.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Madrona Avenue S.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



- Condition 7:** Replace nonconforming driveway approaches with new approaches that meet Public Works Design Standard Plans.
- Condition 8:** Provide a 10-foot-wide public utility easement along the frontage of Madrona Avenue S.
- Condition 9:** At the time of building permit, the applicant shall provide an arborist report pursuant to SRC 808.046(a)(3)(A) for any tree with a critical root zone within an area that is proposed to be graded, surfaced, or have any other form of ground disturbance or compaction.
- Condition 10:** Submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.
- Condition 11:** Provide a turn-around off the flag lot accessway for Parcel 2 to ensure forward in/forward out movement onto Madrona Avenue S.

The rights granted by the attached decision must be exercised, or an extension granted, by December 5, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>October 20, 2023</u>
Notice of Decision Mailing Date:	<u>November 17, 2023</u>
Decision Effective Date:	<u>December 5, 2023</u>
State Mandate Date:	<u>February 17, 2024</u>

Case Manager: Jacob Brown, jrbrown@cityofsalem.net, (503)540-2347

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, no later than 5:00 p.m. Monday, December 4, 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(s) 205, 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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 THE)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE PARTITION)	
AND CLASS 2 ADJUSTMENT)	
CASE NO. PAR-ADJ23-08)	
735 MADRONA AVE S)	NOVEMBER 17, 2023

REQUEST

Summary: A tentative partition plan to create two parcels.

Request: An application for a tentative partition to create two parcels approximately 10,373 and 5,455 square feet in size with a Class 2 Adjustment to SRC 8004.035(c)(4) to allow access onto a minor arterial street. The subject property of the proposed partition is 0.38 acres in size, zoned RS (Single Family Residential) and located at 735 Madrona Avenue South (Marion County Assessor Map and Tax Lot 083W04AC/12200).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

PROCEDURAL FINDINGS

1. On June 22, 2023, an application for a Tentative Partition Plan and Class 2 Zoning Adjustment was filed proposing to divide a 16,552-square-foot property at 735 Madrona Ave NE into two parcels (see **Attachment B**).
2. After additional information was provided the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on October 20, 2023.
3. The state-mandated local decision deadline for the application is February 27, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative partition plan proposes to divide the 16,522-square-foot property into two parcels; the existing building containing a personal services (salon) use and a single-family residence would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single-family or two-family development. The existing access for Parcel 1 is Madrona Avenue S and Parcel 2 would take access from a proposed 25-foot-wide flag lot accessway. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 5,455 square feet

Parcel Dimensions: Approximately 72 feet in width and 75 feet in depth

PROPOSED PARCEL 2

Parcel Size: 8,481 square feet and 10,373 square feet with the flagpole
Parcel Dimensions: Approximately 72 feet in width and 80 feet in depth

Access and Circulation: The subject property has access onto Madrona Avenue S. Within the Salem Transportation System Plan (TSP), Madrona Avenue S is classified as a Minor Arterial. A Class 2 Adjustment is required for a single-family residence to take access onto a minor arterial. The Class 2 Adjustment is discussed under Section 7.

2. Existing Conditions

Site and Vicinity

The subject property has approximately 97 feet of frontage on, Madrona Avenue S. The property is currently approximately 97 feet in width and 166 feet in depth. The applicant proposes to retain the existing building occupied by a *personal services use*, salon.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated “Single Family Residential (SF)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential (SF)
South: Across Madrona Avenue S – Single Family Residential (SF)
East: Single Family Residential (SF)
West: Single Family Residential (SF)

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently developed with a building occupied by a *personal services use*, salon. The surrounding properties are zoned and used as follows:

North: Single Family Residential (RS)
South: Single Family Residential (RS)
East: Single Family Residential (RS)
West: Single Family Residential (RS)

Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

Infrastructure

- Water:* The subject property is located in the S-2 water service level.
A 12-inch public water main is located in Madrona Avenue S
- Sewer:* An 8-inch sewer main is located in Madrona Avenue S.
- Storm Drainage:* A catch basin and 6-inch storm main are located in Madrona Avenue S approximately 120-feet east of the subject property.
- Streets:* Madrona Avenue S:
- a) Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b) Existing Conditions—This street has an approximate 36-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

3. City Department Comments

Public Works Department – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated no comments.

Fire Department – Reviewed the proposal and indicated that fire department access and water supply will be required at the time of development.

4. Public Agency and Private Service Provider Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo which is included as **Attachment C**.

5. Neighborhood Association Comments and Public Comments

The subject property is within the boundaries of the Southwest Neighborhood Association (SWAN).

Applicant 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), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 1, 2023, the applicant contacted SWAN to provide details about the proposal.

Neighborhood Association Comment

Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” Comment was received from Southwest Neighborhood Association concerning whether a large residential development would be buildable on resulting parcel 2 and seeking clarification on the protection measures for the trees indicated for preservation on the property.

Staff Response: As configured, Parcel 2 shall be a flag lot which limits the number of units depending on the width of the flag lot accessway. Per Salem Revised Code (SRC) 800.025(c) Table 800-1, a 25-foot-wide flag lot accessway would only allow four units to be served in total. Counting the lot served to north of the flag lot and the existing unit within the existing building on Parcel 1, the proposed Parcel 2 will be limited to three units.

In terms of tree protection, the applicant has concurrently submitted an application for a Tree Conservation Plan which is required for any land division intended for single-family, two-family, three-family, four-family, and cottage cluster development. As proposed, the applicant intends to preserve 32% of the trees and the sole significant tree on the subject property meeting the criteria for a Tree Conservation Plan. Any tree designated for preservation shall be protected during construction through not allowing any grading, storage of materials, or general construction within the critical root zone of any tree. If disturbance is proposed within 30% of the critical root zone, an arborist report shall be provided demonstrating that the disturbance shall not harm the long-term health of the tree.

Public Comment

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period, two comments were received with one indicating concern with the proposed partition. Specifically, the concern identified issues of parking and the existing driveway width creating traffic issues accessing and leaving the subject property.

Staff Response: Regarding traffic, the proposed partition would create one additional one additional parcel for development along a designated minor arterial. Additional trips attributed to the proposed partition are expected to be minimal in both overall terms and relative to the capacity of the existing and planned street network in the vicinity. According to the City of Salem Assistant Traffic Engineer, developments located along minor arterial are required to mitigate their impacts when they are projected to generate more than 200 average daily trips. The proposed partition did not meet that threshold, so mitigation is not required for this partition.

In terms of the existing driveway, the driveways do not meet current Public Works Design Standard design specification for standard approaches and shall be conditioned as part of this decision to update the approaches to meet current standards.

Homeowners Association

The subject property is not located within a Homeowners Association.

DECISION CRITERIA FINDINGS

6. Criteria for Granting a Tentative Partition

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 511 (Single Family Residential): The tentative partition plan proposes to divide the 16,522-square-foot property into two parcels; the existing building containing an existing personal services use and single-family residence would remain on Parcel 1, and Parcel 2 consist of vacant land for future development. The subject property is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(b) as follows:

Lot Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-2 for the complete table, below is what is applicable to this application.)

RS Zone Residential Use Lot Standards		
Lot Area <small>PAB ADJ23-07 Decision November 17, 2023 Page 6</small>	Min. 4,000 sq. ft.	Applicable to single family and two family uses.
	Min. 6,000 sq. ft.	Applicable to all other non-residential uses
Lot Width	Min. 40 ft.	
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to all other uses
	Min. 120 ft.	Applicable to double frontage lots <i>(lots with front and rear lots lines abutting a street).</i>
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	

Proposed Parcel 2 is identified as a flag lot and is proposed to be 8,481 square feet in size excluding the flagpole with an accessway 25 feet in width and accessed from Madrona Ave S. It would be approximately 72 feet in width and 76 feet in depth. Parcel 2 meets the area, width, and depth and frontage standards.

Setback Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-3 for the complete table, below is what is applicable to this application.)

Requirement	Minimum Standard	Limitations & Qualifications
Abutting Street – All other uses	20 feet minimum	Applicable along collector or arterial streets.
Interior Side – Single family and all other non-residential uses	5 feet minimum	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	3 feet minimum	Applicable to existing dwellings, other than zero side yard dwellings and townhouses.
Interior Rear – All other uses	14 feet minimum	Applicable to any portion of a building not more than 1 story in height.
	20 feet minimum	Applicable to any portion of a building greater than 1 story in height.

Finding: The existing single-story building containing a single-family residence and personal services use which would remain on proposed Parcel 1 exceeds the setback standards in the RS zone, with a setback of approximately 24 feet to the south (front/abutting street) property line, a setback of 16 feet to the north property line (interior rear), a setback of five feet to the east (interior side) property line, and a setback of 11 feet to the west (interior side).

Future development of Parcel 2 will be reviewed for adherence to setback requirements at the time of application for building permit. The proposed parcels exceed the minimum parcel size for the RS zone, which provides sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-5. The RS zones limits the total lot coverage for buildings and accessory structures related to single-family uses to 60 percent. For all other uses, buildings and accessory structures are limited to 35 percent lot coverage.

Finding: Proposed Parcel 1 contains an existing building containing a single-family residence and personal services use, with a proposed lot coverage of 1,580 square feet, or 28 percent. Proposed parcel 2 is undeveloped and will be reviewed for conformance with the lot coverage standards of SRC 511 at the time of development. The proposal meets the standard.

SRC Chapter 800 (General Development Standards)

SRC 800.025(c) (Flag lot accessways): SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. SRC 800.025(c) establishes the following standards for the development of flag lot accessways:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Units Served by Accessway	3 to 4 Units Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
Maximum Number of Lots Served	A maximum of four units may be served by a flag lot accessway.	

Finding: Because the proposed flag lot accessway is serving three lots with two containing existing single-family residences, the accessway is required to be improved to a minimum width of 20 feet within a 25-foot-wide easement and cannot exceed a maximum length of 400 feet.

As shown on the tentative partition plan, the flag lot accessway is proposed to be 25-feet in width, approximately 160 feet in length, and paved to a width of 20 feet in conformance with the requirements of SRC 800.025(c).

Because middle housing developments are allowed in the RS zone, the following condition applies to ensure no more than four units will be served by the flag lot accessway:

Condition 1: The properties served by the flag lot accessway shall be limited to a maximum of four units throughout the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.

Furthermore, to ensure that the flag lot accessway is kept clear of parked vehicles, the following condition is applied:

Condition 2: Prior to final Plat, the accessway shall be paved with a 20-foot-width along the length of the accessway and “No Parking Signs” shall be installed to prohibit the parking along the accessway.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Maximum Required Off-Street Parking): SRC 806.015(a) requires all single-family dwellings to have no more than three parking spaces per unit while personal services are limited to a maximum one space per 250 square feet of floor area.

Finding: The subject property contains a dwelling with an existing garage and proposed screened parking space. Parcel 1 does not exceed the maximum of three parking spaces. The proposal meets this requirement.

SRC 806.030 (Driveway Development Standards for Single Family and Two Family Uses or Activities): SRC 806.030(c) requires that all driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards.

Finding: Parcel 1 has an existing building containing a salon and single-family dwelling with a paved driveway and the proposed driveway access to Parcel 2, is to be paved. Proposed driveway access to Parcel 2 will be reviewed at the time of future development. The proposal meets this requirement.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC

Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is inside the Urban Service Area. Therefore, a UGA permit is not required, and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 205 (Land Division and Reconfiguration): The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. A pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g) & (h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4) & (10), 820-020-0020(2), and 820-020-0045(5) can be requested.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant is proposing a 25-foot-wide access and utility easement to serve Parcel 2, this easement must be shown and recorded on the final plat. The applicants plat also shows an existing 15-foot access and utility easement benefiting property located at 725 Madrona Avenue S, a parcel located north of the development site.

Condition 3: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo (**Attachment D**).

SRC 802.015 (Development to be Served by City Utilities). Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition 4: Obtain permits for installation of water services to serve Parcel 2.

Condition 5: Construct sewer services in the public right-of-way to serve Parcel 2.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed two-parcel partition generates less than 30 average daily vehicle trips to Madrona Avenue S, which is designated as a Minor Arterial Street within the TSP. Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) is not required as part of the proposed partition.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Each proposed parcel would take access from the existing public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Madrona Avenue S abuts the subject property and does not meet the current right-of-way width standard for a minor arterial. The ultimate right-of-way width required, based on the Salem Transportation System Plan (TSP), is 72-feet for a minor arterial street. As a condition of approval, the applicant shall be required to dedicate 36-feet from the centerline of Madrona Avenue S pursuant to SRC 803.040(a)(2).

In addition, Madrona Avenue S does not meet the required pavement width standard for its classification. The ultimate pavement width, based on the Salem TSP, is 46-feet for a minor arterial street. The existing pavement width is approximately 36-feet. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. In lieu of boundary street improvements, as identified in the conditions of approval, the applicant is required to dedicate 36-feet from the centerline of Madrona Avenue S to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Condition 6: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Madrona Avenue S.

The development site contains one existing structure which contains a nonconforming salon and residential unit. The current uses on the development site are served by an existing nonconforming circular driveway approach that provides forward in and forward out movements onto Madrona Avenue S, a minor arterial street. The applicants tentative plan shows repair and replacement of both driveway approaches serving the development site as well as paving of the existing gravel circular driveway. The purpose of the partition is to create a second parcel (Parcel 2) that will encompass the northern portion of the property. This portion of the property will be served by the existing easterly driveway approach, which will be widened to accommodate two-way vehicular traffic. The existing driveway approaches are nearing their useful life and do not meet current Public Works Design Standard design specifications for standard approaches. Pursuant to SRC 804.055(a)(2), as a condition of approval, the applicant shall replace both nonconforming driveway approaches with approaches that meet current Public Works Design Standard Plans. In addition to replacement of nonconforming driveway approaches, the applicant shall be required to replace the sidewalks along the property frontage.

Condition 7: Replace nonconforming driveway approaches with new approaches that meet Public Works Design Standard Plans.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Parcel 1 contains trees along the frontage that will become street trees upon right-of-way dedication. There is no room for additional street trees to be planted; therefore, no additional street tree planting is required.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.38-acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

SRC 803.035 (Street Standards):

(n) Public Utility Easements (PUEs) – May be required for all streets. To ensure adequate access for the provision of electricity and other utilities, the following condition of approval shall apply:

Condition 8: Provide a 10-foot-wide public utility easement along the frontage of Madrona Avenue S.

As conditioned, the proposal conforms to applicable street standards.

Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

SRC Chapter 804 – Driveway Approaches

Salem Revised Code (SRC) 804.035(d) provides standards required for access onto major and minor arterials. As Madrona Avenue S is classified by the Salem Transportation Plan (TSP) as a Minor Arterial Street, the proposed access from the existing approaches are applicable to the standards of SRC 804.035(d).

SRC 804.035 (c) – Permitted access

(1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.

Finding: As currently proposed, the driveway approaches shall lead to the existing parking serving the salon and single-family residence and proposed parking spaces that may be proposed as part of the development of Parcel 2.

- (2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.

Finding: The subject property and resulting parcels shall not be a corner lot.

- (3) No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.
(4) No access shall be provided onto a major or minor arterial from a single family, two family, three family, or four family use constructed as part of a subdivision or partition.

Finding: The subject property does not abut an alley; however, the existing approaches will serve parcels that will be primarily developed with single family and two family uses through this partition. As such, this standard is not met, and the applicant has sought a Class 2 Adjustment which is discussed below.

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan was submitted in conjunction with the partition tentative plan.

The applicant is required to meet the criterion of SRC 808.035(d) for the proposed subdivision. There are no heritage trees, or riparian areas located on the subject property, therefore no riparian trees or vegetation are proposed for removal.

The applicant has submitted a Tree Conservation Plan as part of this application which will be reviewed separately. The tree conservation plan proposes to remove the 13 trees located on the subject property, or 68 percent, of the trees on the lot. There are six trees proposed for preservation including one significant tree, a 23-inch white oak.

SRC 808.035(d)(1)(A): No heritage trees are designated for removal;

Finding: There are no heritage trees located on the subject property; therefore, this criterion is not applicable.

SRC 808.035(d)(1)(B): No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

Finding: There is one significant tree located on the subject property that is proposed for preservation. A 23-inch in diameter oak tree is proposed for preservation located in the southeast corner of the flag lot accessway.

SRC 808.035(d)(1)(D): Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.

Finding: The tree conservation plan identifies a total of 19 trees on the property with 13 trees proposed for removal. As the tree conservation plan has proposed to preserve 32% (six trees), the proposed tree conservation plan is consistent with this standard.

SRC 808.046 - Protection measures during construction

Many of the trees designated for preservation have grading or proposed surfacing within the critical root zone. Pursuant to SRC 808.046, no ground disturbing activities can occur within the Critical Root zone and ground silt fencing shall encompass 100-percent of the zone. The applicant can impact a maximum of 30 percent of the critical root zone of each tree to accommodate development with an arborist submitting documentation that the disturbance will not compromise the long-term health and stability of the tree. The applicant has also indicated that surfacing of the proposed flag lot accessway shall be limited to the extent of the existing impervious compacted gravel. To ensure that the proposed surfacing of the compact gravel and future development to Parcel 2 shall not impact the long-term health of the tree's proposed, the following shall be conditioned:

Condition 9: At the time of building permit, the applicant shall provide an arborist report pursuant to SRC 808.046(a)(3)(A) for any tree with a critical root zone within an area that is proposed to be graded, surfaced, or have any other form of ground disturbance or compaction.

As the applicant is conditioned to provide an arborist report for any impact less than 30% of tree's critical root zone and shall limit surfacing of the accessway to the extent of the existing compacted gravel, this standard is met.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

SRC Chapter 810 – Landslide Hazards

City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According

to the City's adopted landslide hazard susceptibility maps, there are no areas of landslide susceptibility on the subject property.

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed partition would divide the 16,522-square foot property into two parcels, with proposed Parcel 2 to be developed in the future, and proposed Parcel 1 to retain the existing single-family residence and personal services use salon. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC. The adjoining properties are developed and have existing access to public or private streets.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.

Finding: Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. In order to ensure adequate stormwater facilities, the following condition shall apply:

Condition 10: Submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the Salem Transportation System Plan (TSP) identifies Madrona Avenue S as a minor arterial. The ultimate right-of-way width required,

based on the Salem Transportation System Plan (TSP), is 72-feet for a minor arterial street. As identified in the conditions of approval, Madrona Avenue S does not meet the current right-of-way width standard for a minor arterial and such the applicant shall be required to dedicate 36-feet from the centerline of Madrona Avenue S pursuant to SRC 803.040(a)(2). This ensures the proposed partition provides for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development, which conforms to the TSP and the applicable provisions of the Salem Revised Code. This approval criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: The partition, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the partitioned property will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the partition. This criterion is met.

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: As described in the findings above, the proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The applicant proposes to retain the existing dwelling on proposed Parcel 1, alleviating the disruption of topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site. Lastly, the tree removal proposed on proposed Parcel 2 is necessary to accommodate the reasonable development of Parcel 2 as the trees are within the developable footprint and would incur large amounts of damage from any grading or construction work threatening the integrity of the trees and the reasonable development of the site. The proposal meets this criterion.

SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

(A) The property is zoned residential;

- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

Finding: The site is served by available sewer and water. Therefore, this criterion is not applicable.

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, 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 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Equally or better met by the proposed development.**

Finding: The applicant requests an adjustment to SRC Chapter 804 to allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4));

The subject property has frontage on Madrona Avenue S (minor arterial street classification). The proposed partition will create one additional parcel that will take access onto Madrona Avenue S, through an existing driveway approach and access serving the property. Proposed Parcel 1 will retain an existing nonconforming circular driveway. All parcels created through the partition application will share access onto Madrona Avenue S and no additional points of access onto the arterial street are proposed.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. Staff recommends requiring a turnaround as a condition of approval to ensure forward in/forward out movements are provided.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a partition or subdivision. Arterial Streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met no additional access points are proposed, and all proposed parcels will be served with shared access points. Additionally, with recommended conditions for forward in/forward out movements, conflicts with vehicular traffic on the arterial street are minimized.

Condition 11: Provide a turn-around off the flag lot accessway for Parcel 2 to ensure forward in/forward out movement onto Madrona Avenue S.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within a residential zone. The proposal involves creating two total parcels – retaining the existing dwelling on proposed Parcel 1 and allowing for future residential development on proposed Parcel 2. The proposal aligns with the development pattern of the surrounding area, with existing single-family dwellings on the surrounding properties. Staff finds that the proposal meets this criterion.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: No additional adjustments are requested therefore this criterion is not applicable.

8. Conclusion

Based upon review of SRC 205.005, the findings contained above, and the comments described, the Tentative Partition Plan and Class 2 Adjustment comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

The Tentative Partition Plan and Class 2 Adjustment Case No. PAR-ADJ23-08 located at 735 Madrona Ave SE (Marion County Assessor's Map and Tax Lot Number: 083W04AC/12200) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** The properties served by the flag lot accessway shall be limited to a maximum of four units throughout the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.
- Condition 2:** Prior to final Plat, the accessway shall be paved with a 20-foot-width along the length of the accessway and "No Parking Signs" shall be installed to prohibit the parking along the accessway.
- Condition 3:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 5:** Construct sewer services in the public right-of-way to serve Parcel 2.

- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Madrona Avenue S.
- Condition 7:** Replace nonconforming driveway approaches with new approaches that meet Public Works Design Standard Plans.
- Condition 8:** Provide a 10-foot-wide public utility easement along the frontage of Madrona Avenue S.
- Condition 9:** At the time of building permit, the applicant shall provide an arborist report pursuant to SRC 808.046(a)(3)(A) for any tree with a critical root zone within an area that is proposed to be graded, surfaced, or have any other form of ground disturbance or compaction.
- Condition 10:** Submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.
- Condition 11:** Provide a turn-around off the flag lot accessway for Parcel 2 to ensure forward in/forward out movement onto Madrona Avenue S.

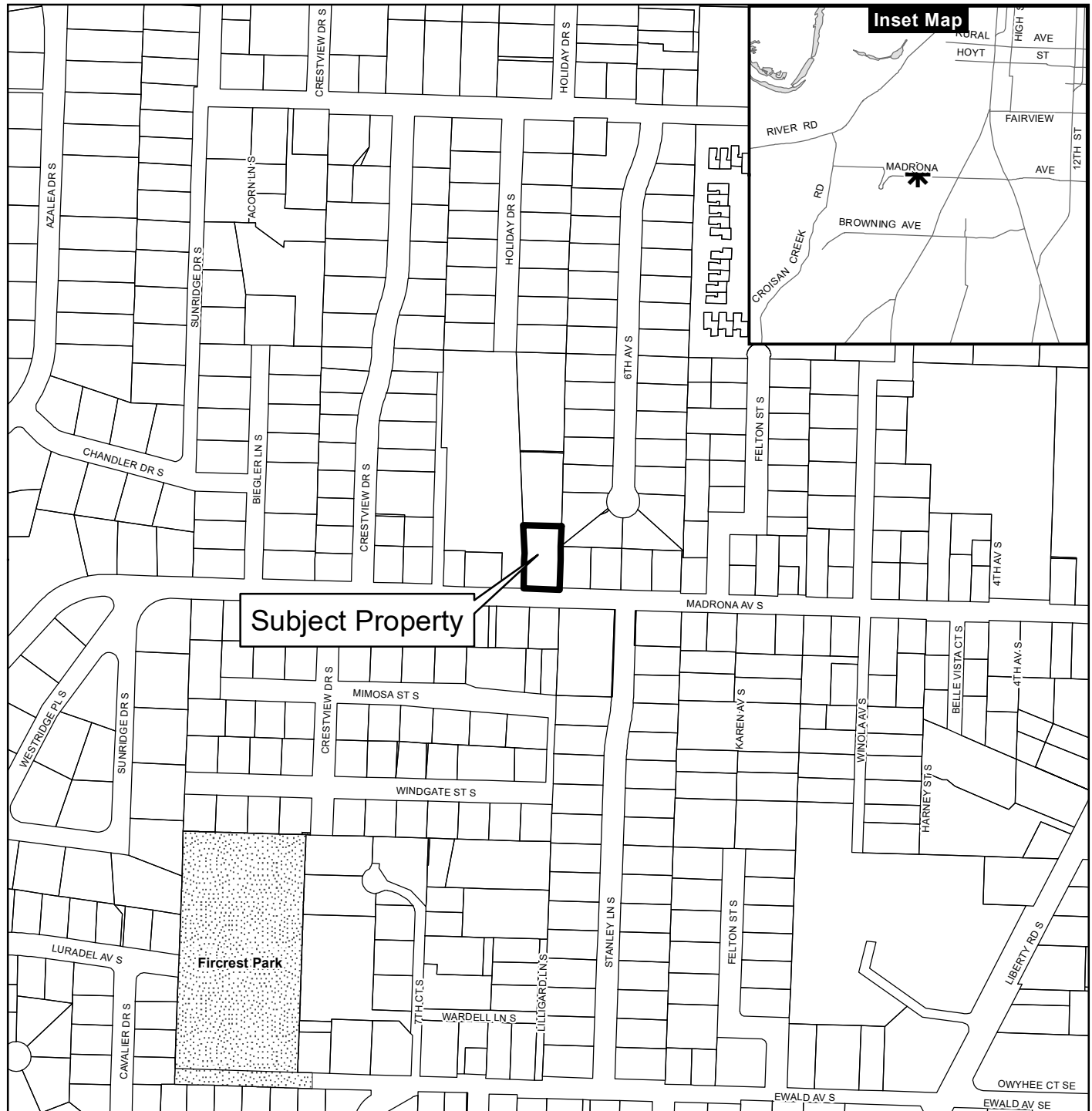


Jacob Brown, Planner I,
on behalf of, Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments: A. Vicinity Map
B. Applicant's Tentative Partition Plan
C. Salem-Keizer School District Comments
D. City of Salem Public Works Department Memorandum

Vicinity Map

735 Madrona Avenue South



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

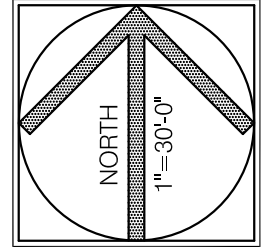
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Planning + Development Services
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503-804-1089
steve@cascadiapd.com
www.cascadiapd.com



CITY OF SALEM LAND USE APPLICATION

MADRONA AVENUE PARTITION

735 MADRONA AVENUE S
SALEM, OR 97302

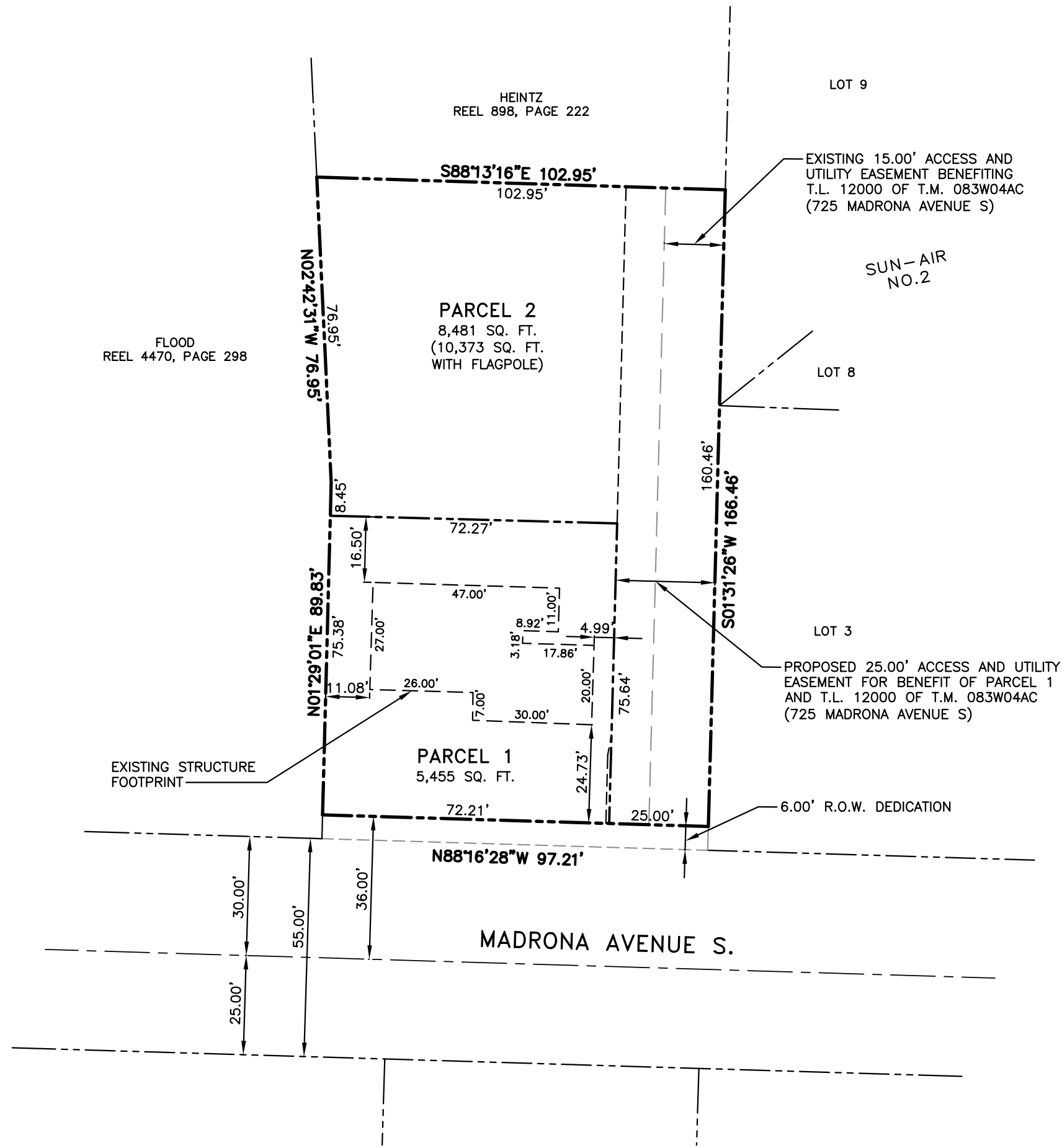
T.L. 12000 OF T.M. 83W04AC
MARION COUNTY

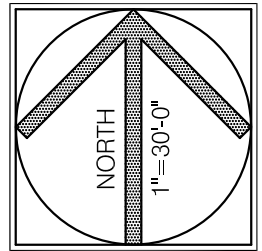
PRELIMINARY
PLAT

AUGUST 10, 2023

REVISIONS

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△
△





CITY OF SALEM LAND USE APPLICATION

MADRONA AVENUE PARTITION

T.L. 12000 OF T.M. 83W04AC
MARION COUNTY

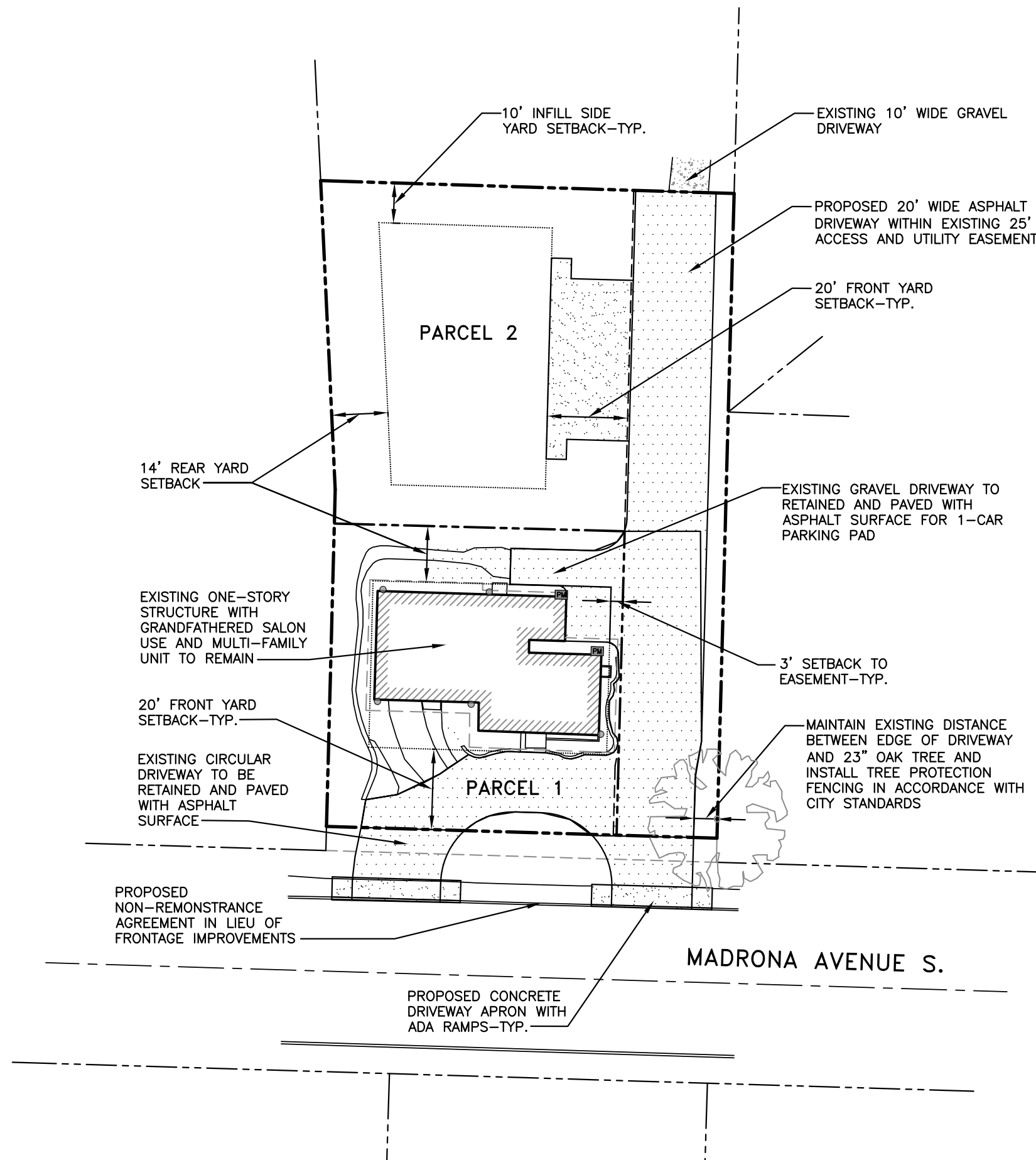
735 MADRONA AVENUE S
SALEM, OR 97302

PRELIMINARY
SITE PLAN

AUGUST 10, 2023

REVISIONS

△
△
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REQUEST FOR COMMENTS***Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*****REGARDING:** Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ23-08**PROJECT ADDRESS:** 735 Madrona Ave S, Salem OR 97302**AMANDA Application No.:** 23-112708-PLN**COMMENT PERIOD ENDS:** Friday, November 3, 2023 at 5:00 p.m.**SUMMARY:** A tentative partition plan to create two parcels.**REQUEST:** An application for a tentative partition to create two parcels approximately 10,373 and 5,455 square feet in size with a Class 2 Adjustment to SRC 8004.035(c)(4) to allow access onto a minor arterial street. The subject property of the proposed partition is 0.38 acres in size, zoned RS (Single Family Residential) and located at 735 Madrona Ave S (Marion County Assessor's Map and Tax Lot 083W04AC/12200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., Friday, November 3, 2023, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are *public record*. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Jacob Brown, Planner I, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2347; E-Mail: jrbrown@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

☐ 1. I have reviewed the proposal and have no objections to it.

☒ 2. I have reviewed the proposal and have the following comments: See Attached

Name/Agency: David Fridenmaker, Salem-Keizer Public Schools

Address: 2450 Lancaster Dr NE, PO Box 12024, Salem, OR 97309

Phone: 503-315-0232

Email: fridenmaker_david@salkeiz.k12.or.us

Date: Nov. 1, 2023

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

November 1, 2023

Jacob Brown, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. PAR-ADJ23-08, 735 Madrona Av S, Salem

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Candalaria	Elementary	K thru 5
Leslie	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Candalaria	Elementary	283	320	88%
Leslie	Middle	711	944	75%
South Salem	High	2,275	2,248	101%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	2	SF	0.168	0
Middle			0.098	0
High			0.144	0

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Candalaria	Elem.	283	7	0	7	320	91%
Leslie	Mid.	711	24	0	24	944	78%
South Salem	High	2,275	153	0	153	2,248	108%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Candalaria	Elementary	Walk Zone
Leslie	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	0	\$83,655	\$0
Middle	0	\$101,069	\$0
High	0	\$118,482	\$0
TOTAL			\$0

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

Sincerely,


David Fridenmaker
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation



MEMO

TO: Jacob Brown, Planner I
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: November 7, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR-ADJ23-08 (23-112708-PLN)
735 MADRONA AVENUE S
2-PARCEL PARTITION**

PROPOSAL

An application for a tentative partition to create two parcels approximately 10,373 and 5,455 square feet in size with a Class 2 Adjustment to SRC 8004.035(c)(4) to allow access onto a minor arterial street. The subject property of the proposed partition is .38 acres in size, zoned RS (Single Family Residential) and located at 735 Madrona Avenue South (Marion County Assessor Map and Tax Lot 083W04AC/12200).

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to final plat approval:

1. Provide a 10-foot-wide public utility easement along the frontage of Madrona Avenue S.
2. Submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
3. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
4. Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Madrona Avenue S.

The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:

5. Obtain permits for installation of water service to serve Parcel 2.
6. Construct sewer service in the public right-of-way to serve Parcel 2.
7. Replace nonconforming driveway approaches with new approaches that meet PWDS Plans.
8. Provide a turn-around off the flag lot accessway for parcel 2 to ensure forward in/forward out movement onto Madrona Avenue S.

FACTS

Streets

1. Madrona Avenue S
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 36-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A catch basin and 6-inch storm main are located in Madrona Avenue S approximately 120 feet east of the subject property.

Water

1. Existing Conditions
 - a. The subject property is located in the S-2 water service level.
 - b. A 12-inch public water main is located in Madrona Avenue S.

Sanitary Sewer

1. Existing Sewer
 - a. An 8-inch sewer main is located in Madrona Avenue S.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1)—The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- (B) City infrastructure standards; and**
- (C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* (OAS) 850-020-0015(4)& (10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Federal Emergency Management Agency (FEMA) Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulated floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Madrona Avenue SE pursuant to SRC 803.035(n). The PUE shall be shown on the final plat.

Condition: Provide a 10-foot-wide public utility easement along the frontage of Madrona Avenue S.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.

Findings—The subject property is located within the Urban Service Area and adequate public facilities are available to serve the proposed development; therefore, no Urban Growth Area Preliminary Declaration is required.

Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition: Obtain permits for installation of water service to serve Parcel 2.

Condition: Construct sewer services in the public right-of-way to serve Parcel 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant is proposing a 25-foot-wide access and utility easement to serve Parcel 2, this easement must be shown and recorded on the final plat. The applicants plat also shows an existing 15-foot access and utility easement benefiting property located at 725 Madrona Avenue S, a parcel located north of the development site.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem TSP*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding— Madrona Avenue S abuts the subject property and does not meet the current right-of-way width standard for a minor arterial. The ultimate right-of-way width required, based on the Salem TSP, is 72 feet for a minor arterial street. As a condition of approval, the applicant shall be required to dedicate 36-feet from the centerline of Madrona Avenue S pursuant to SRC 803.040(a)(2).

In addition, Madrona Avenue S does not meet the required pavement width standard for its classification. The ultimate pavement width, based on the Salem TSP, is 46 feet for a minor arterial street. The existing pavement width is approximately 36 feet. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. In lieu of boundary street improvements, as identified in the conditions of approval, the applicant is required to dedicate 36 feet from the centerline of Madrona Avenue S to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Condition: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Madrona Avenue S.

The development site contains one existing structure which contains a nonconforming salon and residential unit. The current uses on the development site are served by an existing nonconforming circular driveway approach that provides forward in and forward out movements onto Madrona Avenue S, a minor arterial street. The applicant's tentative plan shows repair and replacement of both driveway approaches serving the development site as well as paving of the existing gravel circular driveway. The purpose of the partition is to create a second parcel (Parcel 2) that will encompass the northern portion of the property. This portion of the property will be served by the existing easterly driveway approach, which will be widened to accommodate 2-way vehicular traffic. The existing driveway approaches are nearing their useful life and do not meet current PWDS design specifications for standard approaches. Pursuant to SRC 904.055(a)(2), as a condition of approval, the applicant shall replace both nonconforming driveway approaches with approaches that meet current PWDS Plans. In addition to replacement of nonconforming driveway approaches, the applicant shall be required to replace the sidewalks along the property frontage.

Condition: Replace nonconforming driveway approaches with new approaches that meet PWDS Plans.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Parcel 1 contains trees along the frontage that will become street trees upon right-of-way dedication. There is no room for additional street trees to be planted; therefore, no additional street tree planting is required.

CRITERIA AND FINDINGS - ADJUSTMENT

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

Criteria—The purpose underlying the specific development standard proposed for adjustment is:

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

Finding—The applicant requests an adjustment to SRC Chapter 804 to *Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)).*

The subject property has frontage on Madrona Avenue S (minor arterial street classification). The proposed partition will create one additional parcel that will take access onto Madrona Avenue S, through an existing driveway approach and access serving the property. Proposed parcel 1 will retain an existing nonconforming circular driveway. All parcels created through the partition application will share access onto Madrona Avenue S and no additional points of access onto the arterial street are proposed.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. Staff recommends requiring a turnaround as a condition of approval to ensure forward in/forward out movements are provided.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a partition or subdivision. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met no additional access points are proposed, and all proposed parcels will be served with shared access points. Additionally, with recommended conditions for forward in/forward out movements, conflicts with vehicular traffic on the arterial street are minimized.

Condition: Provide a turn-around off the flag lot accessway for parcel 2 to ensure forward in/forward out movement onto Madrona Avenue S.

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