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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION PLAN CASE NO.: PAR24-04

APPLICATION NO.: 23-124791-PLN

NOTICE OF DECISION DATE: April 29, 2024

SUMMARY: A partition application to divide ~~0.47~~ 0.46 acres into two parcels.

REQUEST: A consolidated Tentative Partition Plan to divide a ~~20,520~~ 20,047 square foot lot into two parcels, with Parcel 1 consisting of approximately 4,600 square feet, and Parcel 2 consisting of approximately 13,300 square feet, for property ~~0.47~~ 0.46 acres in total size, zoned RS (Single Family Residential), and located at 995 Fairview Avenue SE (Marion County Assessors Map and Tax Lot Number: 073W34DD / 5200).

APPLICANT: Karl Goertzen

LOCATION: 995 Fairview Avenue SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan

FINDINGS: The findings are in the attached Decision dated April 29, 2024.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan Case No. PAR24-04 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, obtain a demolition permit to remove the existing carport and portions of the house on the west side of existing residence on Parcel 1 that will provide at least a three-foot setback along the proposed flag lot accessway.
- Condition 2:** Prior to final plat approval, obtain a demolition permit to remove the existing shop building, or obtain a building permit to remodel the shop to a residential use.
- Condition 3:** The proposed property served by the flag lot accessway, Parcel 2, shall be limited to a maximum of two dwelling units.
- Condition 4:** At the time of building permit review, the applicant shall pave the required minimum 15 feet within the 20-foot-wide flag lot accessway with a hard surface material.
- Condition 5:** At the time of building permit review, the applicant shall install “NO PARKING” signs on both sides of the flag lot accessway.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

- Condition 6:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
- Condition 7:** Prior to final plat, 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 Parcel 2.
- Condition 8:** Obtain permits for installation of water services to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 9:** Construct sewer services in the public right-of-way to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 10:** Construct stormwater facilities that are proposed in the public right-of-way prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 11:** Prior to final plat approval, all necessary (existing and proposed) access, utility, and storm drainage easements must be shown and recorded on the final plat.
- Condition 12:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Fairview Avenue SE.
- Condition 13:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Avenue SE on the final plat.
- Condition 14:** Prior to final plat approval, new trees meeting the minimum tree planting requirements identified in Table 808-1 shall be planted on Parcel 1.

The rights granted by the attached decision must be exercised, or an extension granted, by May 15, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>March 11, 2024</u>
Notice of Decision Mailing Date:	<u>April 29, 2024</u>
Decision Effective Date:	<u>May 15, 2024</u>
State Mandate Date:	<u>July 9, 2024</u>

Case Manager: Jamie Donaldson, jdonaldson@cityofsalem.net, 503-540-2328

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. Tuesday, May 14, 2024. 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. 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)	
CASE NO. PAR24-04)	
995 FAIRVIEW AVE SE)	APRIL 29, 2024

In the matter of the application for a Tentative Partition application submitted by Karl Goertzen, on behalf of the applicant and property owner, Christopher Ream, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A partition application to divide ~~0.47~~ 0.46 acres into two parcels.

Request: A consolidated Tentative Partition Plan to divide a ~~20,520~~ 20,047 square foot lot into two parcels, with Parcel 1 consisting of approximately 4,600 square feet, and Parcel 2 consisting of approximately 13,300 square feet, for property ~~0.47~~ 0.46 acres in total size, zoned RS (Single Family Residential), and located at 995 Fairview Avenue SE (Marion County Assessors Map and Tax Lot Number: 073W34DD / 5200).

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

PROCEDURAL FINDINGS

1. Background

On December 30, 2023, an application for a Tentative Partition Plan filed proposing to divide an approximately 20,000 square foot property at 995 Fairview Avenue SE into two parcels. The proposed partition plan is included as **Attachment B**.

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 March 12, 2024. The state-mandated local decision deadline for the application is July 23, 2024.

SUBSTANTIVE FINDINGS

2. Proposal

The tentative partition plan proposes to divide the 20,047 square foot property into two parcels; the existing single-family dwelling would remain on Parcel 1, and Parcel 2 would be a flag lot consisting of a shop building which the applicant indicates will be remodeled to a residential dwelling. The existing access for Parcel 1 and proposed flag lot to Parcel 2 would take access off of Fairview Avenue SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,712 square feet (4,575 square feet exclusive of the accessway)
Parcel Dimensions: 66 feet in width and approximately 101 feet in depth

PROPOSED PARCEL 2

Parcel Size: 13,335 square feet
Parcel Dimensions: 66 feet in width and approximately 202 feet in depth

3. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City’s online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 124791.

4. Existing Conditions

Site and Vicinity

The subject property has approximately 66 feet of frontage on Fairview Avenue SE. The property is currently 66 feet in width and 303.7 feet in depth. The applicant proposes to retain the existing single-family dwelling on Parcel 1.

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:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
East	Single Family Residential
South	Across Fairview Ave SE, Single Family Residential
West	Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently developed with a single-family dwelling and accessory shop building. The surrounding properties are zoned and used as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
East	RS (Single Family Residential)
South	Across Fairview Ave SE, RS (Single Family Residential)
West	RS (Single Family Residential)

Relationship to Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Infrastructure

Streets: Fairview Avenue SE:

- a. Standard – This street is designated as a Collector Street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 27-foot improvement within a 53-foot-wide right-of-way abutting the subject property.

Storm

Drainage: A 12-inch storm main is located in Fairview Avenue SE.

Water: The subject property is located in the S-1 water service level. An 8-inch public water main is located in Fairview Avenue SE.

Sewer: An 8-inch sewer main is located in Fairview Avenue SE.

5. City Department Comments

Development Services Division – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

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

Fire Department – Reviewed the proposal and indicated Fire Department access and water supply will be required per the Oregon Fire Code at the time of development.

6. Public Agency and Private Service Provider Comments

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

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the South Central Association of Neighbors (SCAN).

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 December 13, 2023, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. As of the date of completion of this staff report, two comments were received during the commenting period from the surrounding property owners and tenants indicating no objections; and an additional two comments were received from the surrounding property owners and tenants after the commenting period ended, also indicating no objections to the proposal.

DECISION CRITERIA

8. Analysis of Tentative Partition Plan Approval Criteria

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 italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the 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.

Finding: 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 subject property is zoned RS (Single Family Residential). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. 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.

Finding: The Public Works Department indicates 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* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 511 – RS (Single Family Residential) Zone

▪ **Lot Standards:**

Lot size and dimension standards within the RS zone are established in SRC 511.010(b), Table 511-2. A summary of the standards applicable to residential uses within the RS zone is provided in the following table:

Requirement	Minimum Standard
Lot Area (Single Family and Two Family, non-townhomes)	4,000 square feet
Lot Width (All uses other than townhomes)	40 feet
Lot Depth (Single family and two family)	70 feet minimum
Street Frontage (Single family, non-townhomes and non-cul-de-sac streets)	40 feet

Finding: As shown on the tentative partition plan (**Attachment B**), proposed Parcel 1 is 6,712 square feet in size, or 4,575 square feet exclusive of the flag lot accessway, and will provide 46 feet of frontage on Fairview Avenue SE. Exclusive of the flag lot accessway, the proposed parcel is 46 feet in width and approximately 100 feet in depth after right-of-way dedication. Therefore, Parcel 1 meets the area, width, depth, and frontage lot standards. Proposed Parcel 2 is 13,335 square feet in size, and will provide 20 feet of frontage on Fairview Avenue SE via the flag lot accessway, which is the minimum required for a flag lot serving one-to-two dwelling units, per SRC 800.025. The proposed parcel is 66 feet in width and approximately 202 feet in depth. Therefore, Parcel 2 meets the area, width, depth, and frontage lot standards.

The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks within the RS zone are established in 511.010(d), Table 511-3. A summary of the standards applicable to residential uses within the RS zone is provided in the following table:

Requirement	Minimum Standard	Limitations & Qualifications
Abutting Street – Single to Four Family	12 feet minimum	20 feet applicable along collector or arterial streets
Interior Front – Single to Four Family	12 feet minimum	
Interior Side – Single to Four Family	5 feet minimum	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	3 feet minimum	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
Interior Rear – Single to Four Family	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-family dwelling, which would remain on proposed Parcel 1, currently has a carport and storage area structure along that west side of the house that would encroach into the required flag lot accessway. Pursuant to SRC 112.050(c)(2), setbacks abutting a flag lot accessway shall be measured from the most interior access easement line, if an access easement exists. The applicant proposes to remodel the existing residence to remove the carport and storage portion of the house to comply with the minimum three-foot setback applicable to existing buildings abutting the new flag lot

accessway. To ensure that the house is remodeled to provide the appropriate flag lot accessway to serve the partition, the following condition applies:

- Condition 1:** Prior to final plat approval, obtain a demolition permit to remove the existing carport and portions of the house on the west side of existing residence on Parcel 1 that will provide at least a three-foot setback along the proposed flag lot accessway.

As conditioned, the existing residence meets or exceeds the setback standards in the RS zone, with a setback of at least 24 feet to the south (front) property line abutting Fairview Avenue SE after right-of-way dedication; 3.5 feet to the east (interior side) property line; at least three feet to the west (interior side) flag lot accessway; and at least 43 feet to the north (interior rear) property line.

Proposed Parcel 2 currently has large shop building that is accessory to the single-family residence. As a shop building is not an outright permitted use in the RS zone, it cannot be divided from the single-family residence and remain on a standalone parcel. As such, the following condition applies:

- Condition 2:** Prior to final plat approval, obtain a demolition permit to remove the existing shop building, or obtain a building permit to remodel the shop to a residential use.

Future development of Parcel 2 will be reviewed for adherence to setback requirements at the time building permit application. The proposed parcel exceeds 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(e), Table 511-4. The maximum lot coverage for single to four family uses within the RS zone is 60 percent. The maximum rear yard coverage for accessory structures to single- and two-family uses is 25 percent.

Finding: The existing single-family dwelling on proposed Parcel 1 is proposed to be remodeled. Lot coverage of 60 percent would allow for 2,745 square feet of coverage ($4,575 \times 0.6 = 2,745$). Proposed Parcel 2 will be redeveloped, and allows for approximately 8,000 square feet for 60 percent lot coverage ($13,335 \times 0.6 = 8,000$). Both parcels will be reviewed for conformance with the lot coverage standards at the time of building permit application. The proposal meets the standard.

SRC Chapter 800 – General Development Standards

▪ ***Designation of Lot Lines:***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.

Finding: As defined in SRC 800.020(a)(4), the front lot line for proposed Parcel 2 can be either the west “outside” lot line that is an extension of the flag lot accessway, or the south lot line between proposed Parcels 1 and 2. The proposed new flag lot, Parcel 2, is 66 feet wide (east to west), and approximately 200 feet deep (north to south), and meets lot width and depth dimensions with either the south or west property line designated as the front.

▪ **Flag Lots:**

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: The applicant’s partition plan indicates the proposed flag lot accessway is approximately 100 feet in length after right-of-way dedication, 20 feet in width, which could serve a maximum of two dwelling units. The plan does not indicate the minimum 15-foot-wide required paved accessway, per SRC 800.025, Table 800-1. To ensure conformance with the standards, the following conditions shall apply.

Condition 3: The proposed property served by the flag lot accessway, Parcel 2, shall be limited to a maximum of two dwelling units.

Condition 4: At the time of building permit review, the applicant shall pave the required minimum 15 feet within the 20-foot-wide flag lot accessway with a hard surface material.

SRC 800.025(d) prohibits parking on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. To ensure conformance with the standards, the following condition shall apply.

Condition 5: At the time of building permit review, the applicant shall install “NO PARKING” signs on both sides of the flag lot accessway.

(B) City Infrastructure Standards.

The Development Services division reviewed the proposal for compliance with the City’s public facility plans as the pertain 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

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

▪ ***Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Fairview Avenue SE. There are existing overhead powerlines, power poles, and transformer box along Fairview Avenue SE. Based on the information provided, it is unclear whether or not these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition 6: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: 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. There may be additional impervious surface added to Parcel 1 in order to provide access to Parcel 2 within the access easement area; this may be required to be treated with Green Stormwater Infrastructure, depending on the proposed impervious area.

Condition 7: Prior to final plat, 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 Parcel 2.

There is an existing storm main mapped on the south-east corner of the subject property. The City is currently investigating this infrastructure to determine if it should remain public, or if it was intended for private yard drainage. If the findings of the investigation determine the infrastructure is private, the applicant is able to use the infrastructure as part of the required stormwater facility, if appropriate.

SRC Chapter 802 – Public Improvements

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Development Services Infrastructure memo (**Attachment C**) and included in the following analysis of the partition approval criteria.

Finding: In summary, the comments from the Development Services division indicate that the subject property is located within the Urban Service Area and that adequate water and sewer infrastructure is available along the perimeter of the site and adequate public facilities are available to serve the proposed development; therefore, no Urban Growth 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 8: Obtain permits for installation of water services to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Condition 9: Construct sewer services in the public right-of-way to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Condition 10: Construct stormwater facilities that are proposed in the public right-of-way prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The proposed partition plan shows a 20-foot access and utility easement to serve Parcel 2. The proposed partition plan also shows the stormwater facility located on Parcel 1 for the total new impervious surface for Parcel 2 and the access for Parcel 2 that is located on Parcel 1; a storm drainage easement is required for the proposed shared facility.

Condition 11: Prior to final plat approval, all necessary (existing and proposed) access, utility, and storm drainage easements must be shown and recorded on the final plat.

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

SRC Chapter 803 – Street and Right-of-Way Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

Finding: Fairview Avenue SE abuts the subject property and does not meet the current right-of-way width standard for a Collector Street. The ultimate right-of-way width based on the Salem TSP is 60-feet for a Collector Street. In addition, Fairview Avenue SE does not meet the required pavement width standard for its classification. The ultimate pavement width, based on the Salem TSP, is 34 feet for a Collector Street. The existing pavement width is approximately 27 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 a condition of approval, the applicant is required to dedicate 30 feet from the centerline of Fairview Avenue SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Condition 12: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Fairview Avenue SE.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. There is no room in the existing planter strip along Fairview Avenue SE due to existing street trees; therefore, no additional street trees are required to be planted.

A 10-foot-wide public utility easement is required along the street frontage of Fairview Avenue SE pursuant to SRC 803.035(n).

Condition 13: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Avenue SE on the final plat.

As conditioned, the proposal conforms to applicable street standards.

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

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

Finding: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more diameter at breast height (dbh), and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

Pursuant to SRC 800.050, within development proposals for the creation of lots or parcels to be used for single-to-four-family uses or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1. If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.

Finding: There are no existing trees on the subject property; therefore, a tree conservation plan is not required with this proposal.

After right-of-way dedication, Parcel 1 will be 4,575 square feet, exclusive of the accessway, and Parcel 2 will be 13,335 square feet in size. Per the tree planting requirements of SRC 800.050, Table 808-1, Parcel 1 requires a minimum of two trees to be planted, and Parcel 2 will require a minimum of six trees to be planted. Parcel 2 will be reviewed for tree planting at

building permit review. To ensure the planting requirements are met on Parcel 1, the following condition shall apply:

Condition 14: Prior to final plat approval, new trees meeting the minimum tree planting requirements identified in Table 808-1 shall be planted on Parcel 1.

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.

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

SRC Chapter 810 – Landslide Hazards

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

Finding: 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)(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 15,682 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 dwelling. 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 adjacent properties are developed and have existing access to public or private streets.

The proposed configuration of the parcels allows for the future development of the site consistent with the 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: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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 subject property is located adjacent to Fairview Avenue SE, which is classified as a Collector Street under the City's Transportation System Plan (TSP). The conditions of approval established in this decision will require the applicant to dedicate right-of-way equal to 30 feet from the centerline of Fairview Avenue SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development, pursuant to Public Works Department Policy GM 4-11. This 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: As described in the findings above, Fairview Avenue SE abuts the subject property and does not meet the current standard for a Collector Street. As identified in the conditions of approval, the applicant is required to dedicate 30 feet from the centerline of Fairview Avenue SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development. As conditioned, the street system will provide safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

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.

As described in findings above, the lot configuration established by the proposed partition meets applicable development standards and the configuration of the proposed parcels makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of the parcels without any anticipated variances from the UDC. This criterion is met.

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 addressed in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow residential development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

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.

9. Conclusion

Based upon review of SRC 205.005 and the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Tentative Partition Plan, Case No. PAR24-01, is hereby **APPROVED** subject to SRC Chapter 205, 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:** Prior to final plat approval, obtain a demolition permit to remove the existing carport and portions of the house on the west side of existing residence on Parcel 1 that will provide at least a three-foot setback along the proposed flag lot accessway.
- Condition 2:** Prior to final plat approval, obtain a demolition permit to remove the existing shop building, or obtain a building permit to remodel the shop to a residential use.
- Condition 3:** The proposed property served by the flag lot accessway, Parcel 2, shall be limited to a maximum of two dwelling units.
- Condition 4:** At the time of building permit review, the applicant shall pave the required minimum 15 feet within the 20-foot-wide flag lot accessway with a hard surface material.
- Condition 5:** At the time of building permit review, the applicant shall install “NO PARKING” signs on both sides of the flag lot accessway.
- Condition 6:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
- Condition 7:** Prior to final plat, 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 Parcel 2.

- Condition 8:** Obtain permits for installation of water services to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 9:** Construct sewer services in the public right-of-way to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 10:** Construct stormwater facilities that are proposed in the public right-of-way prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 11:** Prior to final plat approval, all necessary (existing and proposed) access, utility, and storm drainage easements must be shown and recorded on the final plat.
- Condition 12:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Fairview Avenue SE.
- Condition 13:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Avenue SE on the final plat.
- Condition 14:** Prior to final plat approval, new trees meeting the minimum tree planting requirements identified in Table 808-1 shall be planted on Parcel 1.

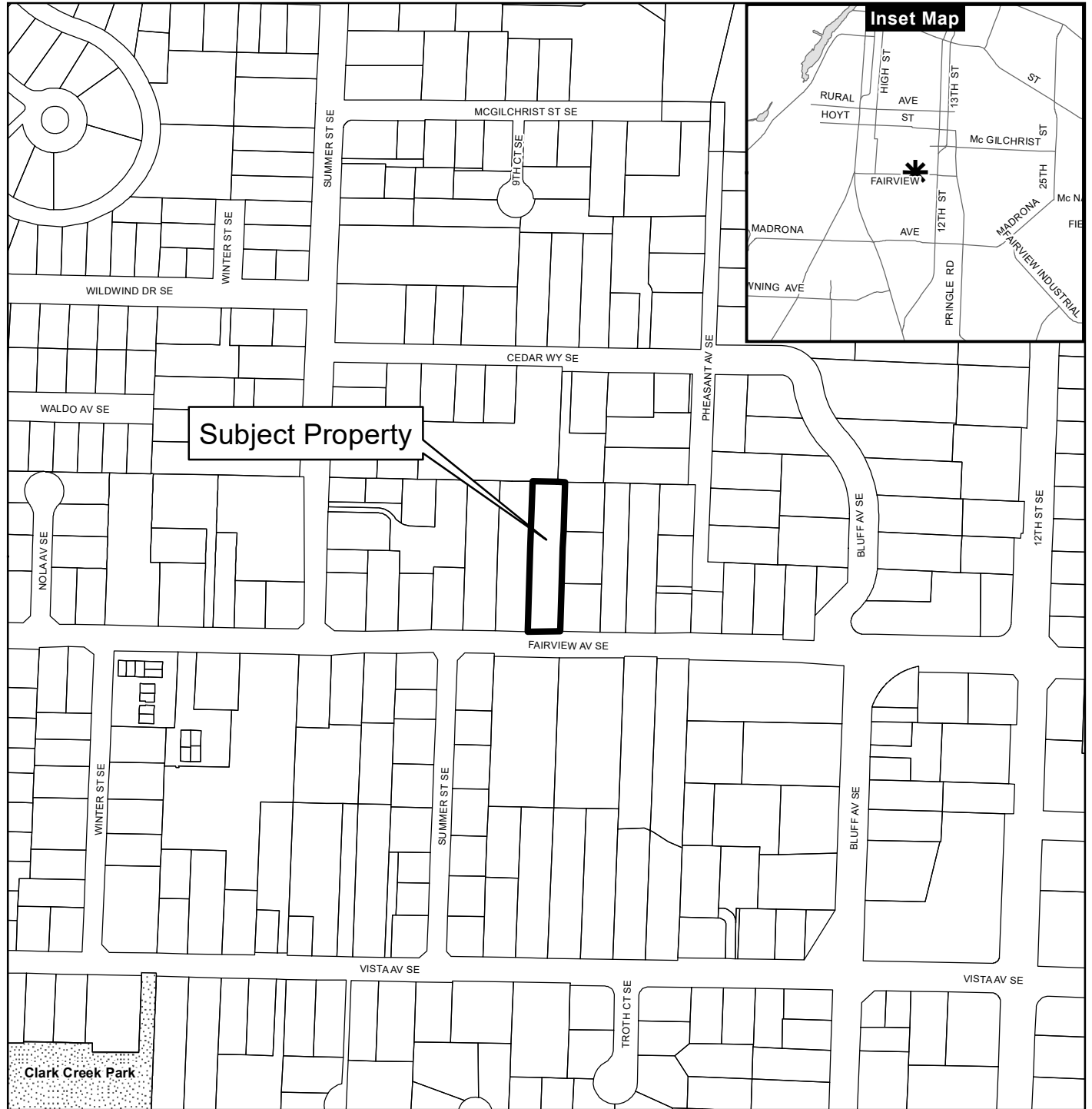


Jamie Donaldson, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Tentative Partition Plan
- C. Development Services Infrastructure Memo
- D. Salem-Keizer School District Comments

Vicinity Map 995 Fairview Avenue SE

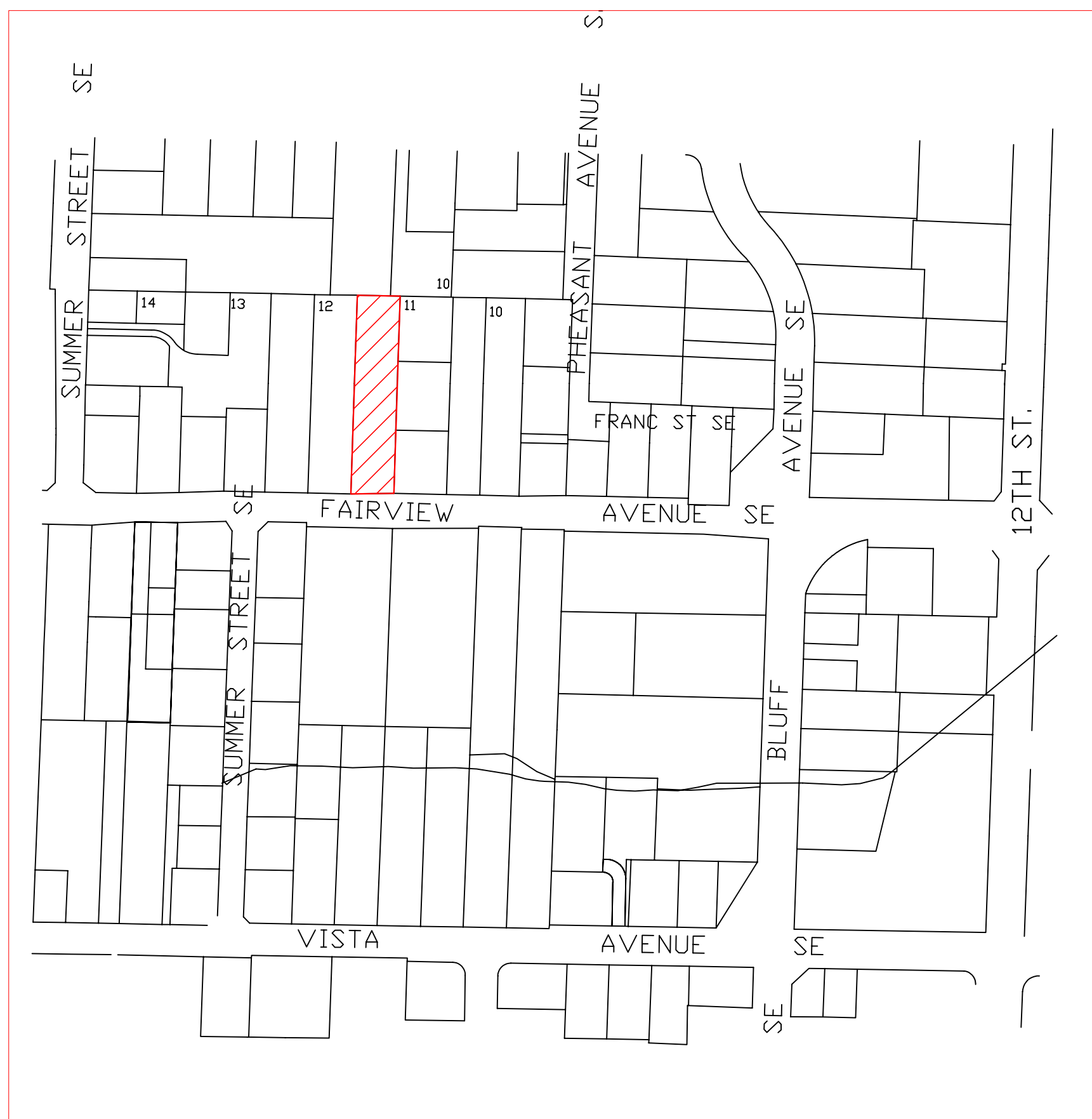
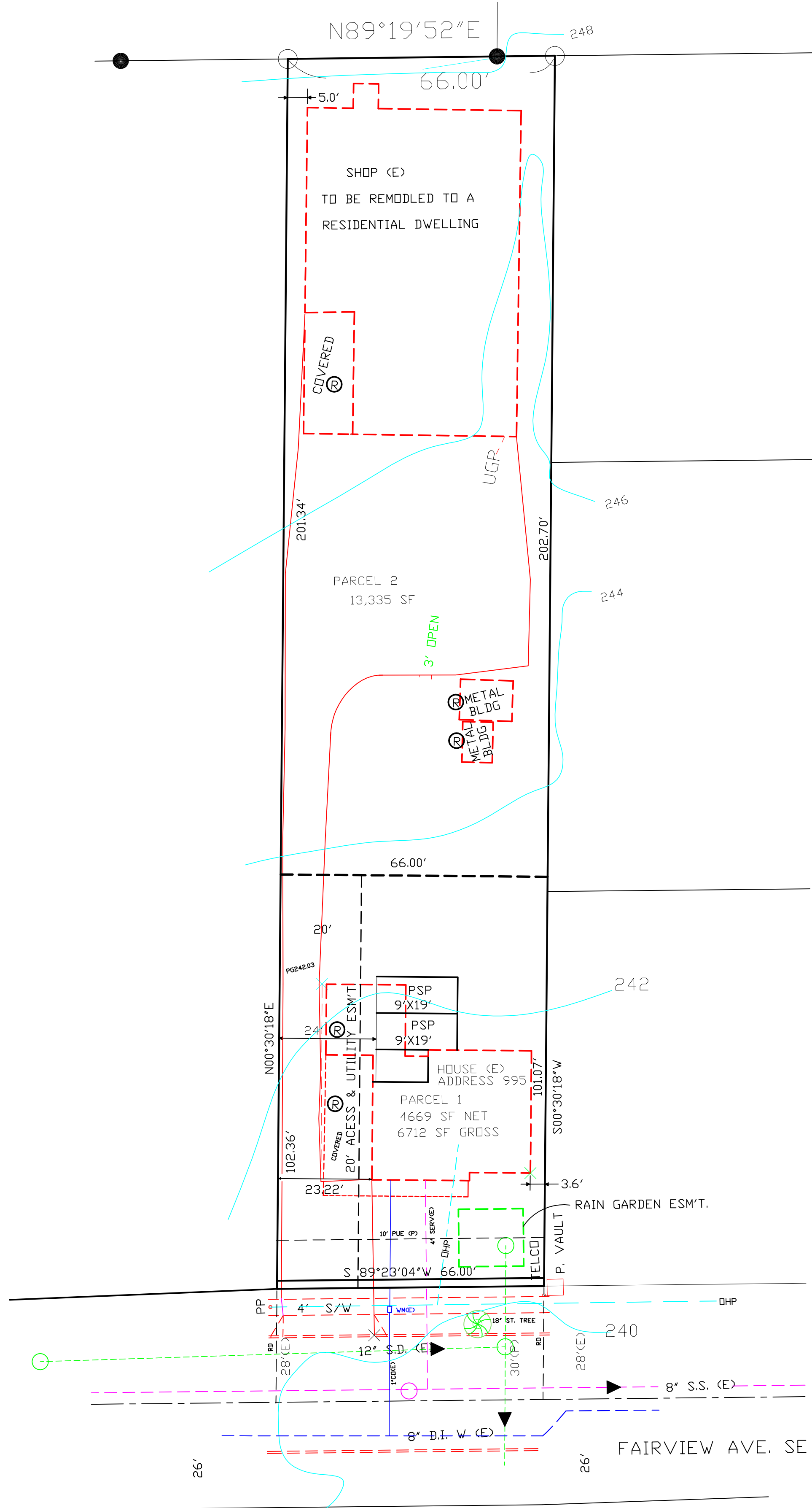
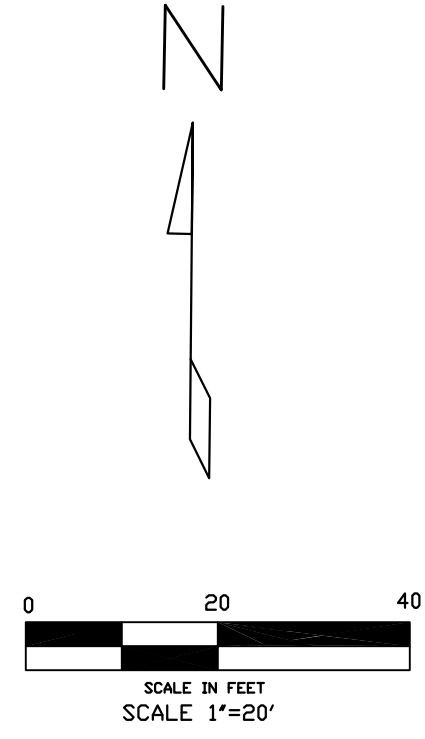
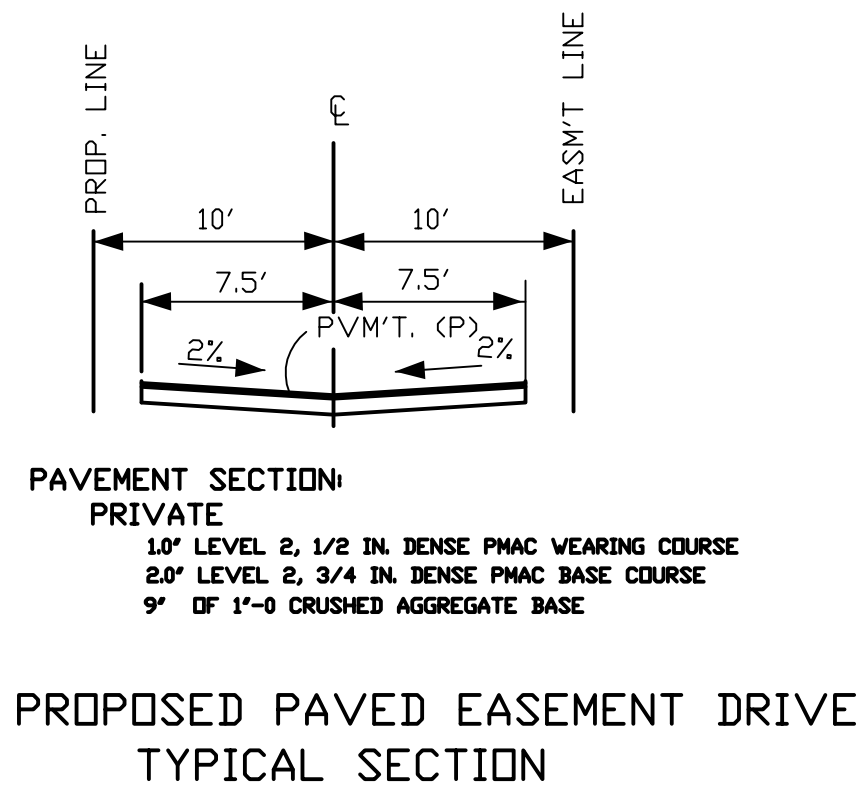


Legend

Taxlots	Outside Salem City Limits	Parks	 Community Planning and Development
Urban Growth Boundary	Historic District		
City Limits	Schools		

0 100 200 400 Feet

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VICINITY MAP
NO SCALE

NOTES & LEGEND:

- (E) = EXISTING FEATURE
- (P) = PROPOSED FEATURE
- - - = EXISTING OBJECT
- PP = POWER POLE
- X = POINT OF ELEV
- C OF S = CITY OF SALEM
- G24514 = GROUND ELEVATION
- TC 24550 = TOP OF CURB ELEVATION
- G24655 = TOP OF GROUND ELEVATION
- P23845 = TOP OF PAVEMENT ELEVATION
- P23245 = TOP OF PAVEMENT ELEVATION AT GUTTER
- ED = RISE DRAIN
- DHP = OVERHEAD POWER USP = UNDERGROUND POWER
- PP = POWER POLE
- PSP = PROPOSED SCREENED PARKING SPACE
- NOTE: ELEVATION BENCH MARK USED - MARION COUNTY NG. 2201
AT NW CORNER FAIRVIEW AND HIGH ST. E.L. 302.90
- ⊗ = (E) 18" STREET TREE TO REMAIN
- 242 = CONTOUR AS SHOWN IN CITY OF SALEM MAPS

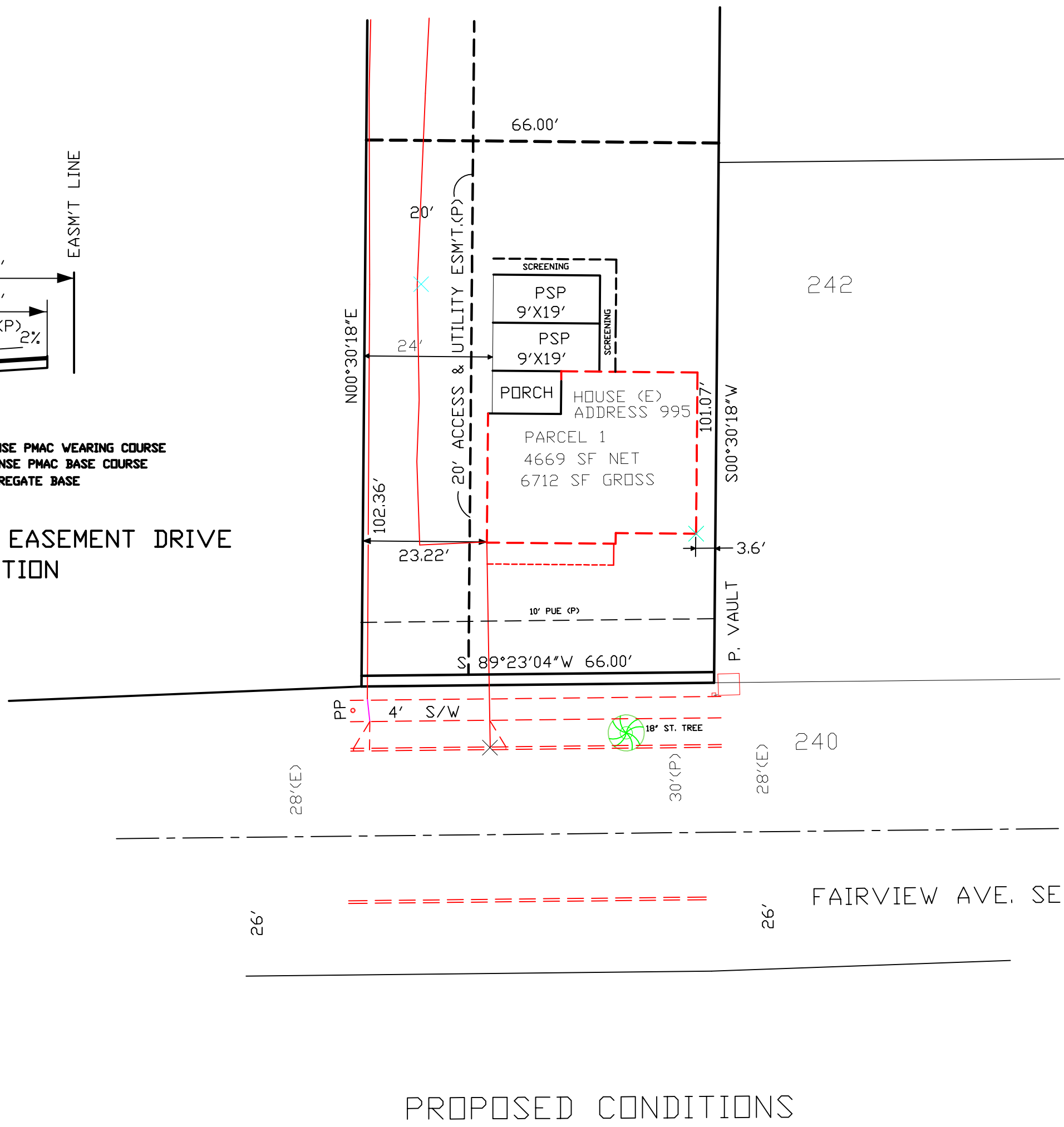
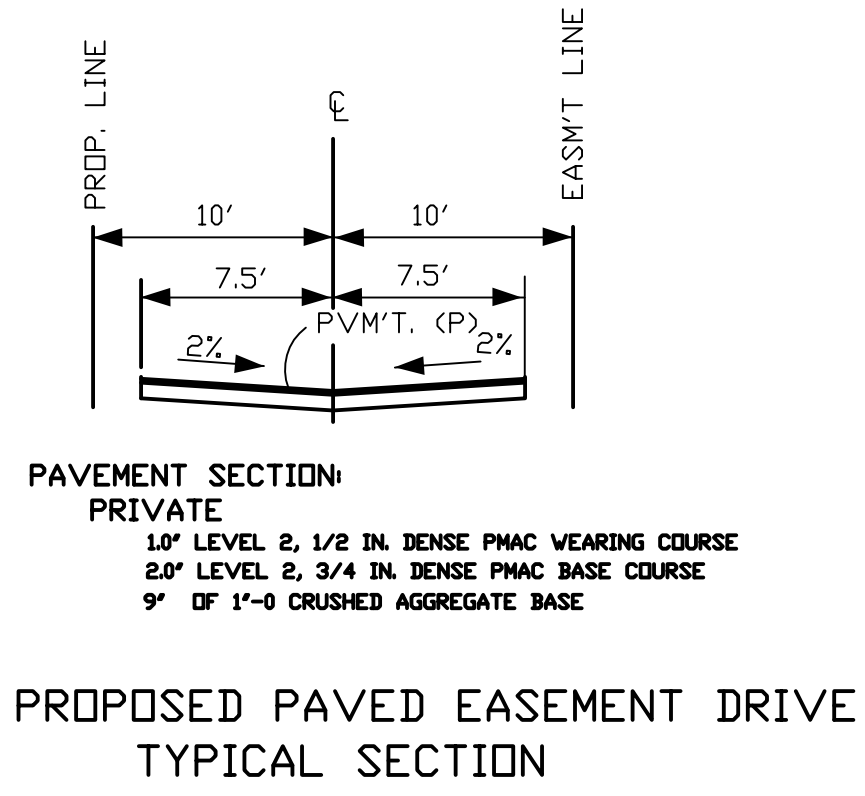
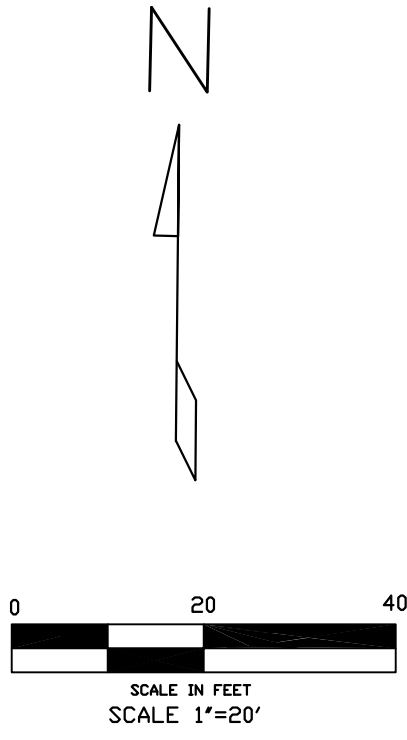
DESIGNED BY: KDG
DRAWN BY:
DATE: DEC. 2023
REV. 1-15-24
SHEET 1 OF 1

PARTITION TENTATIVE PLAN
995 FAIRVIEW AVE. SE
SALEM, OR 97302
TAX LOT - 073W34DD- 5200

LAND OWNER:
CHRISTOPHER REAM
795 FAIRVIEW AVE. SE
SALEM, OR 97302

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Karl D. Goertzen
O R E G O N
SEPTEMBER 23, 1977
KARL D. GOERTZEN
1195
EXPIRES: 6-30-2025

KARL D. GOERTZEN
4753 FIR DELL DRIVE SE
SALEM, OREGON 97302
PH. 503.378.0952
E-mail: KDGoertz@comcast.net



NOTES & LEGEND:

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- (P) = PROPOSED FEATURE
- = EXISTING OBJECT
- PP = POWER POLE
- × = POINT OF ELEV
- C OF S = CITY OF SALEM
- GR4514 = GROUND ELEVATION
- TC 24530 = TOP OF CURB ELEVATION
- GR4635 = TOP OF GROUND ELEVATION
- PR2845 = TOP OF PAVEMENT ELEVATION
- PG23845 = TOP OF PAVEMENT ELEVATION AT GUTTER
- RD = ROOF DRAIN
- DWP = OVERHEAD POWER UGP = UNDERGROUND POWER
- PP = POWER POLE
- PSP = PROPOSED SCREENED PARKING SPACE
- NOTE: ELEVATION BENCH MARK USED = MARSON COUNTY NO. 2201 AT NW CORNER FAIRVIEW AND HIGH ST. (E.L. 302.90)
- ⊗ = (E) 18" STREET TREE TO REMAIN

DESIGNED BY: KDG
DRAWN BY:
DATE: DEC. 2023
REV.
SHEET
1 OF 1

PARCEL 1 - PARKING, ACCESS,
& HOME REMODEL
995 FAIRVIEW AVE. SE
SALEM, OR 97302
TAX LOT - 073W34DD- 5200

LAND OWNER:
CHRISTOPHER REAM
795 FAIRVIEW AVE. SE
SALEM, OR 97302

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Karl D. Goertzen
O R E G O N
SEPTEMBER 23, 1977
KARL D. GOERTZEN
1195
EXPIRES: 6-30-2025

KARL D. GOERTZEN
4753 FIR DELL DRIVE SE
SALEM, OREGON 97302
PH. 503.378.0952
E-mail: KDGoertz@comcast.net



MEMO

TO: Jamie Donaldson, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner II
Community Planning and Development Department

DATE: April 24, 2024

Infrastructure Memo
Partition Plat No. 24-04 (23-124791-PLN)
995 Fairview Avenue SE
2-Parcel Partition

PROPOSAL

A consolidated Tentative Partition Plan to divide a 20,520 square foot lot into two parcels, with Parcel 1 consisting of approximately 4,600 square feet, and Parcel 2 consisting of approximately 13,300 square feet, for property 0.47 acres in total size, zoned RS (Single Family Residential), and located at 995 Fairview Avenue SE (Marion County Assessors Map and Tax Lot Number: 073W34DD / 5200).

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
2. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Avenue SE on the final plat.
3. Prior to final plat, 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 1 and Parcel 2.
4. Prior to final plat approval, all necessary (existing and proposed) access, utility, and storm drainage easements must be shown and recorded on the final plat.
5. Prior to final plat approval, convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Fairview Avenue SE.

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

6. Obtain permits for installation of water services to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
7. Construct sewer services in the public right-of-way to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
8. Construct stormwater facilities that are proposed in the public right-of-way prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

FACTS

Streets

1. Fairview Avenue SE
 - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 27-foot improvement within a 53-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 12-inch storm main is located in Fairview Avenue SE.

Water

1. Existing Conditions
 - a. The subject property is located in the S-1 water service level.
 - b. An 8-inch public water main is located in Fairview Avenue SE.

Sanitary Sewer

1. Existing Sewer
 - a. An 8-inch sewer main is located in Fairview Avenue SE.

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— With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-Way Improvements; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC 200.050 (Acquisition of property, easements, and right-of-way): SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens. As described below, right-of-way dedication is required along Fairview Avenue SE. There are existing overhead powerlines, power poles, and transformer box along Fairview Avenue SE. Based on the information provided, it is unclear whether or not these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 (Landslide Hazards): 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—SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit 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 services to serve Parcel 2 prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

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

prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Condition: Construct stormwater facilities that are proposed in the public right-of-way prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

The proposed development is subject to SRC Chapter 71, and the 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. There may be additional impervious surface added to Parcel 1 in order to provide access to Parcel 2 within the access easement area; this may be required to be treated with Green Stormwater Infrastructure, depending on the proposed impervious area.

Condition: Prior to final plat, 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 Parcel 2.

There is an existing storm main mapped on the south-east corner of the subject property. The City is currently investigating this infrastructure to determine if it should remain public, or if it was intended for private yard drainage. If the findings of the investigation determine the infrastructure is private, the applicant is able to use the infrastructure as part of the required stormwater facility, if appropriate.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The proposed partition plan shows a 20-foot access and utility easement to serve Parcel 2. The proposed partition plan also shows the stormwater facility located on Parcel 1 for the total new impervious surface for Parcel 2 and the access for Parcel 2 that is located on Parcel 1; a storm drainage easement is required for the proposed shared facility.

Condition: Prior to final plat approval, all necessary (existing and proposed) access, utility, and storm drainage 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—Fairview Avenue SE abuts the subject property and does not meet the current right-of-way width standard for a collector street. The ultimate right-of-way width based on the Salem TSP is 60-feet for a collector street. In addition, Fairview Avenue SE does not meet the required pavement width standard for its classification. The ultimate pavement width, based on the Salem TSP, is 34 feet for a collector street. The existing pavement width is approximately 27 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 a conditions of approval, the applicant is required to dedicate 30 feet from the centerline of Fairview Avenue SE 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 30-feet on the development side of Fairview Avenue SE.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. There is no room in the existing planter strip along Fairview Avenue SE due to existing street trees; therefore, no additional street trees are required to be planted.

A 10-foot-wide public utility easement is required along the street frontage of Fairview Avenue SE pursuant to SRC 803.035(n).

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Fairview Avenue SE on the final plat.

Prepared by: Shelby Guizar, Infrastructure Planner I
cc: File



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

Andrea Castañeda, Superintendent

March 21, 2024

Jamie Donaldson, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. PAR24-04, 995 Fairview Av SE

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
McKinley	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
McKinley	Elementary	274	335	82%
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
McKinley	Elem.	274	8	0	8	335	84%
Leslie	Mid.	711	16	0	16	944	77%
South Salem	High	2,275	180	0	180	2,248	109%

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
McKinley	Elementary	Walk Zone
Leslie	Middle	Walk Zone
South Salem	High	Walk Zone

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