

Si necesita ayuda para comprender esta información, por favor llame

503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE REPLAT PLAN / CLASS 2 ADJUSTMENT CASE NO.: REP-ADJ25-07

APPLICATION NO.: 25-110757-PLN

NOTICE OF DECISION DATE: August 5, 2025

REQUEST: An application for a Tentative Replat to consolidate Lots 2 and 3 within Block 69 of a subdivision recorded March 22, 1850, as well as configuring the lot lines for Lots 2, 3, 4, and 5 within Block 69 of the subdivision recorded March 22, 1850, along with five Class 2 Adjustments to:

- 1) Eliminate the five-foot vehicle use area setback required by SRC 806.035(c)(3) for each modified property line, and;
- 2) Reduce the minimum building frontage standard along Cottage Street NE from 75 percent as required by SRC 524.010(d) to approximately 35 percent.

This results in three lots totaling approximately 44,000 square feet (1.01 acres) in size, zoned CB (Central Business District), and located at 693 Chemeketa Street NE (Marion County Assessor’s Map and Tax Lot Numbers: 073W22DD / 4900, 5000, 5100, and 5200).

APPLICANT: Mark Hoyt

LOCATION: 693 Chemeketa St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.025(d) – Replat Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated August 5, 2025.

DECISION: The **Planning Administrator APPROVED** Replat Tentative Plan Case No. REP-ADJ25-07 subject to the following conditions of approval:

Condition 1: All existing and proposed easements shall be shown and recorded on the Final Plat.

The rights granted by the attached decision must be exercised, or an extension granted, by August 26, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>July 8, 2025</u>
Notice of Decision Mailing Date:	<u>August 5, 2025</u>
Decision Effective Date:	<u>August 26, 2025</u>
State Mandate Date:	<u>November 5, 2025</u>

Case Manager: Quincy Miller, qmillier@cityofsalem.net, 503-584-4676

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



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, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, August 20, 2025. 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 Chapters 205 and 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, 440 Church St SE, Salem, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF THE APPROVAL) FINDINGS AND ORDER
OF TENTATIVE REPLAT PLAN AND)
CLASS 2 ADJUSTMENT)
CASE NO. REP-ADJ25-07)
693 CHEMEKETA STREET NE) AUGUST 5, 2025

In the matter of the application for a Tentative Replat submitted by Mark Hoyt, SSJH Law, on behalf the property owners—CC Phase II LLC, Chemeketa Cottage LLC, and Salem Investments LTD—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 replat to reconfigure four lots into three lots.

Request: An application for a Tentative Replat to consolidate Lots 2 and 3 within Block 69 of a subdivision recorded March 22, 1850, as well as configuring the lot lines for Lots 2, 3, 4, and 5 within Block 69 of the subdivision recorded March 22, 1850, along with five Class 2

Adjustments to:

- 1) Eliminate the five-foot vehicle use area setback required by SRC 806.035(c)(3) for each modified property line, and;
- 2) Reduce the minimum building frontage standard along Cottage Street NE from 75 percent as required by SRC 524.010(d) to approximately 35 percent.

This results in three lots totaling approximately 44,000 square feet (1.01 acres) in size, zoned CB (Central Business District), and located at 693 Chemeketa Street NE (Marion County Assessor’s Map and Tax Lot Numbers: 073W22DD / 4900, 5000, 5100, and 5200).

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

PROCEDURAL FINDINGS

1. Background

On May 22, 2025, an application for a Tentative Replat was filed proposing to consolidate Lots 2 and 3 within Block 69 of a subdivision recorded March 22, 1850, as well as configuring the lot lines for Lots 2, 3, 4, and 5 within Block 69 of the subdivision recorded March 22, 1850, at 693 Chemeketa Street NE. After additional information was provided, the application was deemed complete for processing on July 8, 2025. The 120-day state mandated decision deadline for this consolidated application is November 5, 2025.

The applicant’s proposed site plan is included as **Attachment B**, and the applicant’s written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. 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: 25 110757.

3. Neighborhood Association and Public Comments

The subject property is located within the Central Area Neighborhood Development Organization (CAN-DO).

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), a Replat application does not require neighborhood association contact.

Neighborhood Association Comments

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.

Public Comments

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, one comment was received indicating no objections to the proposal.

4. City Department Comments

City of Salem Building and Safety Division - Reviewed the proposal and indicated no objections.

City of Salem Fire Department - Reviewed the proposal and indicated no objections.

City of Salem Development Services Division - Reviewed the proposal and provided written findings which have been incorporated into this staff report.

5. Public Agency Comments

As of the date of completion of this staff report, no comments from public agencies have been received.

DECISION CRITERIA FINDINGS

6. Analysis of Tentative Replat 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. Pursuant to SRC 205.025(a), a Replat is required to reconfigure lots or parcels and public easements in a recorded Partition or Subdivision plat, to increase or decrease the number of lots in a Subdivision, or where multiple Property Line Adjustments require a Replat.

SRC 205.025(d) establishes the approval criteria which must be met for a Replat to be approved. 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 approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.025(d)(1): The Tentative Replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The Replat does not propose to vacate any of the public streets that abut the property or any other recorded covenants or restrictions. This criterion is met.

SRC 205.025(d)(2): The Tentative Replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

Finding: The properties are located within the CB (Central Business District) zone and are subject to the development standards of SRC 524.010. Per Table 524-2 in SRC 524.010(a), there are no minimum lot area, width, or depth requirements for properties in the CB zone, though a minimum 16 feet of street frontage is required for non-single-family residential uses. As shown on the Replate Tentative Plan (**Attachment B**), the resultant lots meet the required lot standards.

Per Table 524-3 in SRC 524.010(b), nonresidential uses require a minimum Floor Area Ratio (FAR) of 2.0, though the existing building and off-street parking areas are considered legal nonconforming and are permitted to remain. Setbacks and lot coverage requirements applicable to the subject property based on its zoning are included under SRC 524.010(c) and (d). Buildings in the CB zone have a maximum ten-foot setback when abutting a street, otherwise no minimum setbacks are required for buildings of any use. Setbacks for vehicle use areas are subject to the standards of SRC Chapter 806, where per SRC 806.035(c)(3), a minimum five-foot setback with Type A landscaping is required when abutting interior property lines. The applicant has requested a Class 2 Adjustment to address the conformance of this standard with the relocated property lines, the findings of which are discussed further in Section 7.

There are no maximum lot coverage standards for any uses within the CB zone, though new buildings are required to have a minimum height of two stories. Buildings are required to have a minimum street frontage of 90 percent, with corner lots required to have a minimum building frontage of 75 percent on the adjacent street of lower classification. Per the Salem Transportation System Plan (TSP), Chemeketa Street NE is classified as a Collector Street, while Cottage Street NE is classified as a Local Street. Therefore, this property has a minimum building frontage of 90 percent along Chemeketa Street NE and a minimum building frontage of 75 percent along Cottage Street NE. The applicant has requested a Class 2 Adjustment to address the conformance of this standard along Cottage Street NE, the findings of which are discussed further in Section 7.

Therefore, as adjusted, this approval criterion is met.

SRC 205.025(d)(3): The Tentative Replat complies with the standards of this chapter and with all applicable provisions of the UDC.

Finding: As proposed and conditioned in the findings within this memo, the proposed development meets all the applicable standards of the UDC as follows:

❖ **ZONING AND DEVELOPMENT STANDARDS**

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 Replat 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 lots 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 Plat.

Finding: The applicant shall provide the required field survey and 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, approval of the 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).

▪ ***Existing Conditions***

The subject property is located at 693 Chemeketa Street NE (Marion County Assessor's Map and Tax Lot Numbers: 073W22DD / 4900, 5000, 5100, and 5200), approximately 1.01 acres in total size, and abutting Chemeketa Street NE to the south, Cottage Street NE to the east, and a public alley to the west. Per the Salem TSP, Cottage Street NE is designated as a Collector Street and Cottage Street NE is designated as a Local Street.

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 CB (Central Business District) on the Salem Area Comprehensive Plan map.

Comprehensive Plan Map Designations of Surrounding Properties	
North	CB (Central Business District)
South	Across Chemeketa Street NE, CB (Central Business District)
East	Across Cottage Street NE, CB (Central Business District)
West	Across public alley, CB (Central Business District)

Zoning Map Designation

The subject property is zoned CB (Central Business District). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	CB (Central Business District)
South	Across Chemeketa Street NE, CB (Central Business District)
East	Across Cottage Street NE, CB (Central Business District)
West	Across public alley, CB (Central Business District)

❖ **CITY INFRASTRUCTURE STANDARDS**

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 within the Urban Service Area and has adequate facilities available. Therefore, no Urban Growth Area permit is required.

SRC Chapter 802 – Public Improvements

Per SRC 802.015, developments are required 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).

▪ ***Existing Conditions***

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	Ten-inch water mains are located in Chemeketa Street NE, Cottage Street NE, and Center Street NE.
Sanitary Sewer	A ten-inch sanitary sewer main is located in the unnamed alley along the western property boundary.
Storm Drainage	A 15-inch storm main is located in Cottage Street NE and Center Street NE.

Finding: Development Services has reviewed the proposal for compliance with the City’s public facility plans pertaining to the provision of water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802.

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

▪ **Existing Conditions**

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-Way Width	Improvement Width
Chemeketa Street NE (Collector)	Standard:	60 feet	34 feet
	Existing Condition:	98 feet	50 feet
Cottage Street NE (Local)	Standard:	60 feet	30 feet
	Existing Condition:	99 feet	60 feet
Center Street NE (Major Arterial)	Standard:	96 feet	68 feet
	Existing Condition:	99 feet	58 feet

▪ **Boundary Street Improvements**

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-Way Width) and Table 803-2 (Pavement Width).

Finding: Pursuant to SRC 803.040, Replat applications do not require Boundary Street improvements or right-of-way dedications. Development Services has reviewed the proposal for compliance with the City’s public facility plans pertaining to the provision of streets and determined that such facilities are available and appear to be adequate to serve the subject property in conformance with SRC Chapter 803.

❖ **ENVIRONMENTAL FACTORS**

SRC Chapter 601 – Floodplain

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

Finding: The Floodplain Administrator 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

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and U.S. 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. Therefore, a Geologic Assessment is not required in conjunction with the proposed development.

SRC 205.025(d)(4): The Tentative Replat complies with all applicable provisions of ORS Chapter 92.

Finding: The applicant shall provide the required field survey and Subdivision Replat as per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and the SRC (Salem Revised Code). If said documents do not comply with the requirements outlined in the ORS and SRC, pursuant to SRC 205.035 the approval of the Final Plat by the City Surveyor may be delayed or denied based on the non-compliant violation. The City Surveyor will confirm ORS Chapter 92 compliance as part of the Final Plat mylar review.

SRC 205.025(d)(5): The Tentative Replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both units of land.

Finding: There are no past land use decisions or conditions of approval affecting any of the units of land that would prohibit the proposed Replat. This criterion is met.

SRC 205.025(d)(6): The Tentative Replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Finding: Development Services has reviewed the applicant's preliminary plan for this site and determined that water, sewer, and storm infrastructure are existing and appear to be adequate to serve the proposed development. Public streets abutting the subject property are available to provide adequate street access. However, the applicant's tentative plan shows that multiple easements are required to serve the newly reconfigured lots with utilities and access. Therefore, to ensure that each property is adequately served by public access and utilities, the following condition applies:

Condition 1: All existing and proposed easements shall be shown and recorded on the Final Plat.

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 shown in ***bold italic***, 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 is requesting five Class 2 Adjustments to:

Eliminate the five-foot vehicle use area setback required by SRC 806.035(c)(3) for each modified property line.

As part of the proposed Tentative Replat, Lots 2 and 3 are being consolidated into one lot, and the interior lot lines of all lots are also being reconfigured. The existing structure and off-street parking areas are not proposed to be modified in this application; however, as the interior lines related to the off-street parking area are changing, the related off-street parking areas are required to meet the applicable setbacks.

The intent of the minimum five-foot vehicle use area setback is to provide adequate separation between different properties, including to distinguish off-street parking areas from each other. However, as the off-street parking areas are all within the same development site currently serving the same use, and no further development or change of use is proposed for any of the lots, the existing off-street parking area is still adequately serving its intended use. Therefore, as the off-street parking areas are not being modified and are serving the same single use, this meets the underlying purpose of the standard.

Reduce the minimum building frontage standard along Cottage Street NE from 75 percent as required by SRC 524.010(d) to approximately 35 percent.

Within the CB (Central Business District) zone, developments are encouraged to be high-density to reflect the characteristics of a downtown core. Part of meeting these characteristics includes having dense downtown city blocks with maximum building coverage, which is why

per Table 524-5 in SRC 524.010(d), buildings are required to have a minimum frontage of 90 percent, with a minimum of 75 percent frontage permitted on corner lots for one side of the building.

As no modifications to the existing building are proposed, the building meets the minimum 90 percent frontage requirement along Chemeketa Street NE following the Replat; however, the existing building does not meet the minimum 75 percent frontage requirement along Cottage Street NE following the reconfigured property lines. As the Replat is part of a long-term plan to facilitate future development on the property, permitting the existing building to remain in its current configuration will not preclude future development from meeting the applicable building frontage standards. Therefore, as the Replat will allow for more high-density development on the property, the purpose underlying the standard is equally met by the proposed development.

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 proposed development is within the CB (Central Business District) zone, which is not a residential zone. Therefore, this criterion is not applicable.

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: Five Class 2 Adjustments have been requested for the proposed development, four of which pertain to reducing the minimum vehicle use area setback on each side of the new property lines, and one to reduce the minimum building frontage requirement. As the purpose of the CB zone is to facilitate a high-density downtown core, the proposed adjustments do not prevent future development from meeting this purpose. Rather, the reconfigured property lines following the proposed Replat will allow for more development on the property. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

8. Conclusion

Based upon review of SRC Chapters 205 and 250, the applicable standards of the Salem Revised Code, and the findings contained herein, the application complies with the requirements for an affirmative decision.

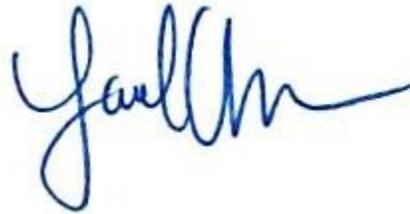
IT IS HEREBY ORDERED

Tentative Replat and Class 2 Adjustment Case No. REP-ADJ25-07 is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of development, and the conditions of approval listed below, which must be completed prior to Final Plat approval, unless otherwise indicated:

Condition 1: All existing and proposed easements shall be shown and recorded on the Final Plat.



Quincy Miller, AICP, Planner I

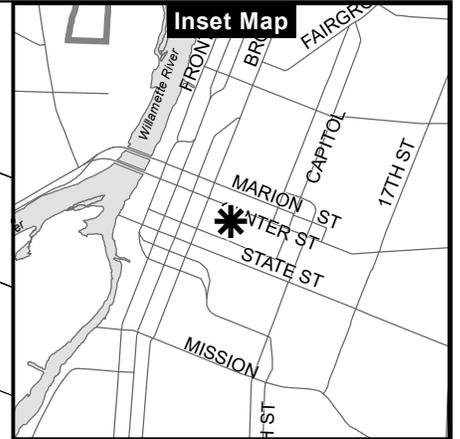
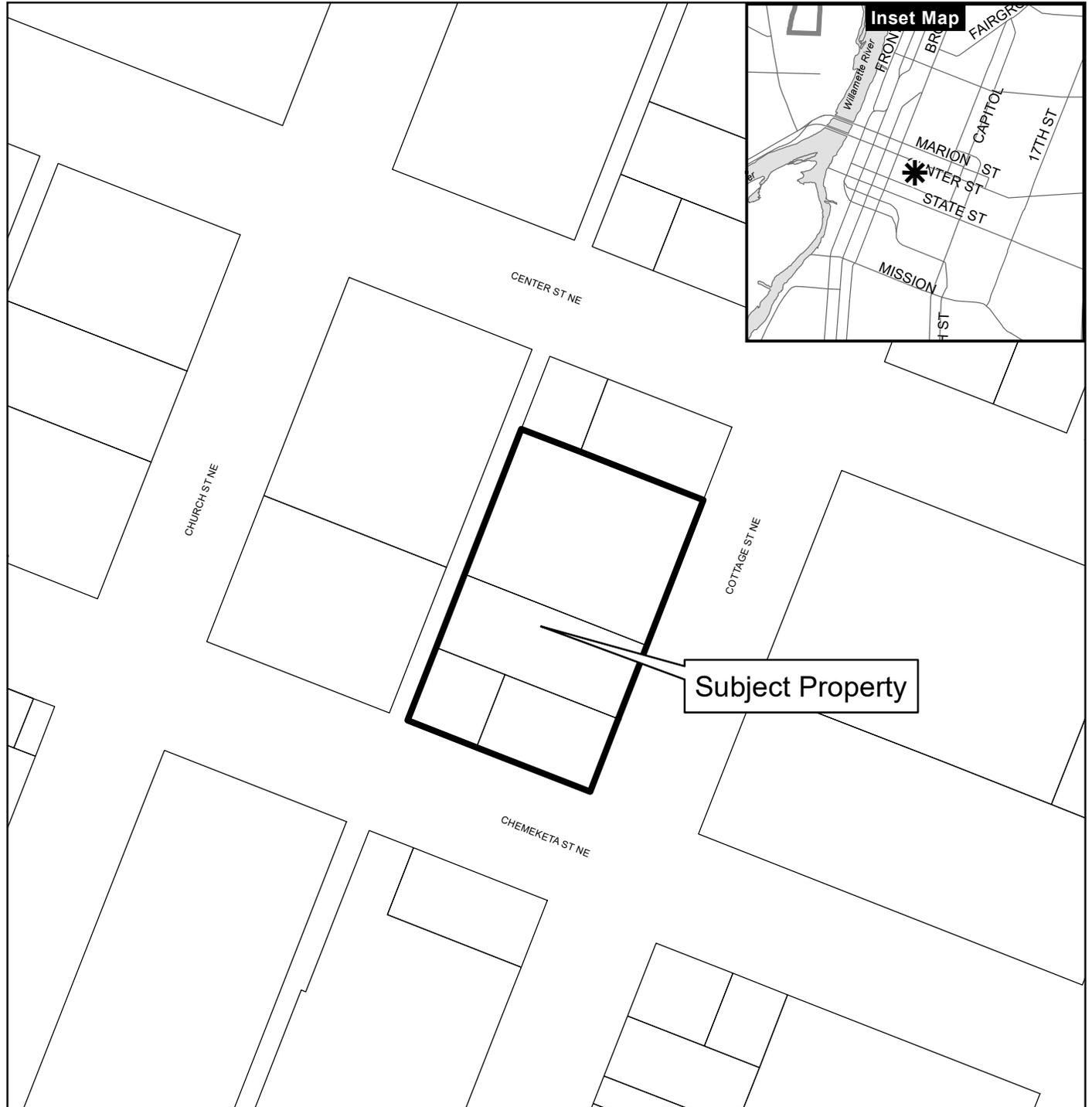


Laurel Christian, Infrastructure Planner III

On behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Tentative Replat Plan

Vicinity Map 693 Chemeketa Street NE

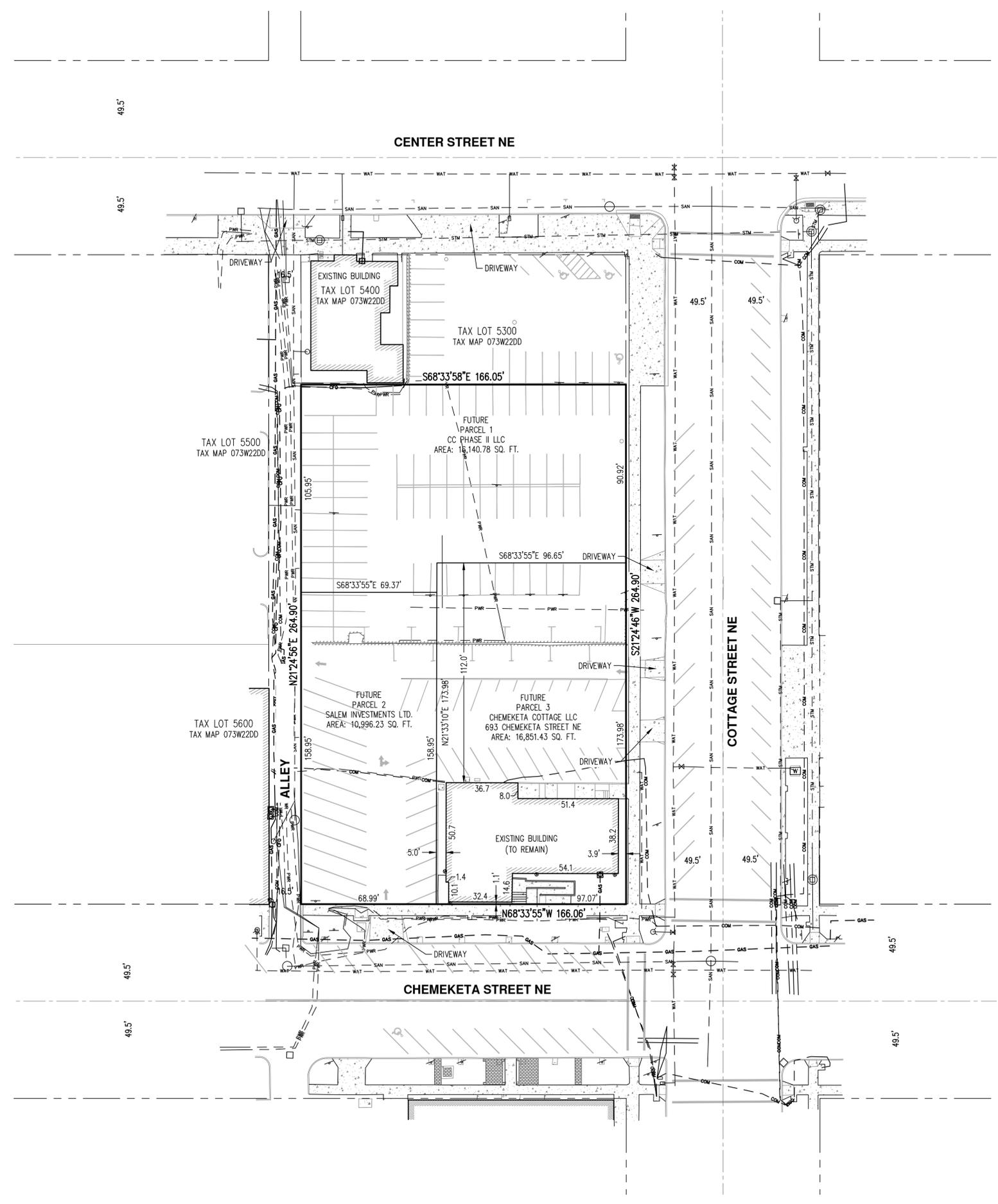
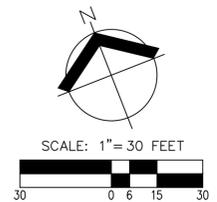


Legend

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



LEGEND	
EXISTING	EXISTING
DECIDUOUS TREE	STORM DRAIN CLEAN OUT
CONIFEROUS TREE	STORM DRAIN CATCH BASIN
FIRE HYDRANT	STORM DRAIN AREA DRAIN
WATER BLOWOFF	STORM DRAIN MANHOLE
WATER METER	GAS METER
WATER VALVE	GAS VALVE
DOUBLE CHECK VALVE	GUY WIRE ANCHOR
AIR RELEASE VALVE	UTILITY POLE
SANITARY SEWER CLEAN OUT	POWER VAULT
SANITARY SEWER MANHOLE	POWER JUNCTION BOX
SIGN	POWER PEDESTAL
STREET LIGHT	COMMUNICATIONS VAULT
MAILBOX	COMMUNICATIONS JUNCTION BOX
	COMMUNICATIONS RISER
	EXISTING
RIGHT-OF-WAY LINE	---
BOUNDARY LINE	---
PROPERTY LINE	---
CENTERLINE	---
DITCH	---
CURB	---
EDGE OF PAVEMENT	---
EASEMENT	---
FENCE LINE	---
GRAVEL EDGE	---
POWER LINE	---
OVERHEAD WIRE	---
COMMUNICATIONS LINE	---
FIBER OPTIC LINE	---
GAS LINE	---
STORM DRAIN LINE	---
SANITARY SEWER LINE	---
WATER LINE	---
RECLAIMED WATER LINE	---

AKS DRAWING FILE: 11513 TENTATIVE REPLATING LAYOUT: LAYOUT