

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



Si necesita ayuda para comprender esta información, por favor llame

503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION TENTATIVE PLAN / MIDDLE HOUSING LAND DIVISION
TENTATIVE PLAN, FOUR OR MORE / CLASS 2 ADJUSTMENT CASE NO.:
PAR-MLD-ADJ25-12**

APPLICATION NO.: 25-102753-PLN

NOTICE OF DECISION DATE: September 22, 2025

REQUEST: An application for a Tentative Partition Plan to divide a 0.46-acre property into two parcels approximately 6,372 and 14,053-square feet in size. The proposal includes a Middle Housing Land Division to then further divide the larger parcel into four lots ranging from 2,644 to 5,512-square feet in size. The consolidated application includes two Class 2 Adjustments to:

- 1) To reduce the minimum flag lot access way serving four units from 25 feet to 20 feet, per SRC 800.025(c); and
- 2) Exceed the maximum number of residential units served by the flag lot access way from four to five units, per SRC 800.025(c)(1)

The subject property is zoned RS (Single Family Residential) and located at 860 Park Avenue NE (Marion County Assessor's Map and Tax Lot Number 073W24DC14100).

APPLICANT: AKS Engineering And Forestry LLC, on behalf of Habitat For Humanity Of The Mid Willamette Valley (Jerry Ambris)

LOCATION: 860 Park Ave NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 205.051(d) – Middle Housing Land Division Tentative Plan; 250.005(d) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated September 22, 2025.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan, Middle Housing Land Division Tentative Plan - Four or More and Class 2 Adjustment Case No. PAR-MLD-ADJ25-12 subject to the following conditions of approval:

- Condition 1:** At the time of building permit submittal, plans shall include fire sprinklers for the dwelling units on Parcel 2
- Condition 2:** At the time of building permit submittal for future homes on Parcel 2, "No Parking" signs shall be posted and maintained on both sides of the accessway.
- Condition 3:** Prior to final plat approval for the partition, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 1 of the Partition.

- Condition 4:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new proposed impervious surfaces on Parcel 1 of the partition.
- Condition 5:** At time of development on Parcel 2, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on Parcel 2 of the partition.
- Condition 6:** At time of development on Parcel 2 of the Partition, construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 2 of the partition.
- Condition 7:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve each resulting lot.
- Condition 8:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve each resulting lot.
- Condition 9:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve each resulting lot.
- Condition 10:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat for the partition.
- Condition 11:** On the final partition plat, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Park Avenue NE.
- Condition 12:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. A fee-in-lieu of construction for this improvement may be authorized pursuant to SRC 200.405(a).
- Condition 13:** On the final partition plat, provide a 10-foot-wide public utility easement along the frontage of Park Avenue NE.
- Condition 14:** The final plat for the middle housing land division shall include a notation that the approval of the land division was given under ORS 92.031.
- Condition 15:** The lots resulting from the middle housing land division are prohibited from being further divided into new units of land. Additionally, no accessory dwelling units (ADUs) shall be developed on the lots.

The rights granted by the attached decision must be exercised, or an extension granted, by the expiration dates below, or this approval shall be null and void.

Partition Tentative Plan:	<u>October 14, 2027</u>
Middle Housing Land Division Tentative Plan:	<u>October 14, 2028</u>
Class 2 Adjustment:	<u>October 14, 2027</u>

Application Deemed Complete:	<u>July 30, 2025</u>
Notice of Decision Mailing Date:	<u>September 22, 2025</u>
Decision Effective Date:	<u>October 14, 2025</u>
State Mandate Date:	<u>November 27, 2025</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

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., Tuesday, October 7, 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	)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE PARTITION	)	
MIDDLE HOUSING LAND DIVISION	)	
CLASS 2 ADJUSTMENT	)	
CASE NO. PAR-MLD-ADJ25-12	)	
860 PARK AVENUE NE	)	SEPTEMBER 22, 2025

In the matter of the consolidated application for a Tentative Partition Plan, Middle Housing Land Division and Class 2 Adjustments submitted by AKS Engineering, on behalf of the applicant and property owner, Habitat for Humanity of the Mid-Willamette Valley, 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 to divide a property into two parcels and subsequent middle housing land division to divide proposed Parcel 2 into four lots, resulting in a total of five lots.

Request: An application for a Tentative Partition Plan to divide a 0.46-acre property into two parcels 6,372 and 14,053-square feet in size. The proposal includes a Middle Housing Land Division to then further divide the larger parcel into four lots ranging from 2,644 to 5,512-square feet in size. The consolidated application includes two Class 2 Adjustments to:

- 1) To reduce the minimum flag lot accessway serving four units from 25 feet to 20 feet, per SRC 800.025(c); and
- 2) Exceed the maximum number of residential units served by the flag lot accessway from four to five units, per SRC 800.025(c)(1)

The subject property is zoned RS (Single Family Residential) and located at 860 Park Avenue NE (Marion County Assessors Map and Tax Lot Number 073W24DC14100).

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

PROCEDURAL FINDINGS

1. Background

On February 3, 2025, an application for a Tentative Partition Plan and Middle Housing Land Division was filed proposing to divide a 0.46-acre property into two parcels and to then further divide the larger parcel into four lots for middle housing dwelling units. The proposed partition plan and middle housing land division plan is included as **Attachment B**.

After additional information was requested and provided, including the addition of two Class 2 Adjustments, the applicant requested the application be deemed complete, pursuant to ORS 227.178(2)(b) on July 25, 2025. The application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on July 30, 2025. The state-mandated local decision deadline for the application is November 27, 2025.

SUBSTANTIVE FINDINGS

2. Proposal

The tentative partition plan proposes to divide a 0.46-acre property into two parcels 6,372 and 14,053-square feet in size. A new single-family dwelling will be developed on Parcel 1, and Parcel 2 would be a flag lot consisting of two duplex-style dwelling units, which are proposed to be further divide through a Middle Housing Land Division. The existing driveway off Park Avenue NE serving Parcel 1 will be reconfigured to serve as a flag lot accessway to Parcel 2. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size:	6,7372 square feet (4,000 square feet exclusive of the accessway)
Parcel Dimensions:	67 feet in width and 93 feet in depth (47 feet wide exclusive of the accessway)

PROPOSED PARCEL 2

Parcel Size:	14,053 square feet
Parcel Dimensions:	67 feet in width and approximately 207 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: 25 102753.

4. Existing Conditions

Site and Vicinity

The subject property has approximately 67 feet of frontage on Park Avenue NE. The property is approximately 67 feet in width and 302 feet in depth and is currently vacant.

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	Single Family Residential
West	Across Park Ave NE, Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently vacant. The surrounding properties are zoned and used as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
East	RS (Single Family Residential)
South	RS (Single Family Residential)
West	Across Park Ave NE, 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: Park Avenue NE:

- 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 10-inch storm main is located in Park Avenue NE.

Water: The subject property is located in the G-0 water service level.
A 10-inch public water main is located in Park Avenue NE.

Sewer: A 10-inch sewer main is located in Park Avenue NE.

5. City Department Comments

Development Services Division – Reviewed the proposal and has provided findings which are incorporated into this decision.

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

Fire Department – Reviewed the proposal and indicated Fire Department access is required to be within 150 feet of the structures as measured along an approved route. If Fire Department Access exceeds 150 feet, an approved turnaround or fire sprinklers will be required.

6. Public Agency and Private Service Provider Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo, which can be found in the record. In summary, the comments indicate the local school has adequate capacity to serve additional students from the proposed residential development.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Northeast Salem Community Association (NESCA).

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 9, 2024, 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 members of the public. The comments are summarized below.

General concerns regarding the number of dwelling units proposed on the new lots and vehicle parking.

Staff Response: Comments were received indicating concerns about the number of dwelling units and potential vehicle traffic utilizing the proposed flag lot accessway. As addressed in the findings of this decision, the proposal aligns with the allowed uses and development standards of the zone, except for the request to exceed the maximum number of dwellings served by a flag lot accessway from four to five and to reduce the size of the accessway from 25 feet to 20 feet, which are addressed in the adjustment findings in Section 10 of this decision. The Unified Development Code does not require minimum parking but does limit parking through allowed maximums. While minimum parking is not required for any use within the city, the applicant is

proposing a single parking space within a garage and driveway space for each dwelling. Parking is not permitted on the flag lot accessway, and residents of the future dwellings are limited to parking within the garages or on the driveways leading to the garages. Any potential parking violations would be a matter addressed by Compliance Services. Comments also indicated concerns with the location of the flag lot accessway being located adjacent to the residence on the abutting property, and more generally, with the number of vehicles utilizing the accessway. As 'No Parking' signs are required on the accessway, parking adjacent to neighboring dwellings would be minimized.

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.

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:

❖ City Platting 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 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 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).

❖ Zoning and Development Standards

SRC Chapter 511 – RS (Single Family Residential) Zone

▪ ***Uses***

Allowed uses within the RS zone are established under SRC 511.005, Table 511-1.

Finding: The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will be developed with a single-family dwelling and Parcel 2 will be developed with two duplex-style units, which is classified as a four-family use. Per Table 511-1, the proposed uses are permitted uses within the RS zone.

▪ ***Land Division in the RS Zone***

SRC 511.010(a) provides that when land is subdivided in the RS zone that is at least ten acres in size, includes or abuts an existing or planned Collector or Minor Arterial street, and is located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones; neighborhood hub uses shall be allowed on at least two of the lots that are created, provided all of the following standards are met:

- 1) The lots shall be contiguous.
- 2) At least one of the lots shall be located on an existing or planned collector or minor arterial street.

Finding: The subject property is not ten acres in size; therefore, this standard is not applicable.

▪ ***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
Three family	5,000 square feet
Four family and multiple family	7,000 square feet

All other uses	6,000 square feet
Lot Width (All uses other than townhomes)	40 feet
Lot Depth (Single family and two family)	70 feet minimum, 300% average lot width
Lot Depth all other uses	80 feet or 120 feet for double frontage lots, maximum 300% average lot width
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 an interior lot 6,372 square feet in size, or 4,000 square feet exclusive of the flag lot accessway, and will provide 67 feet of frontage on Park Avenue NE. Exclusive of the flag lot accessway, the proposed parcel is approximately 47 feet in width and 93 feet in depth, meeting the lot standards. Proposed Parcel 2 is a flag lot 14,053 square feet in size and will provide 20 feet of frontage on Park Avenue NE via the flag lot accessway. The proposed parcel is 67 feet in width and approximately 208 feet in depth, meeting the lot standards for a single-to-four-family use. 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 3 feet minimum	Applicable to new buildings, other than zero side yard dwellings and townhouses. Applicable to existing buildings, other than zero side yard dwellings and townhouses.
Fill lot interior side	10 feet minimum applicable to buildings not more than 35 feet in height or 10 feet minimum plus 1 foot in height for each foot of height over 35 feet, but need not exceed 20 feet in depth, where the interior side setback abuts lots zoned RA and RS.	
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.
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Finding: The tentative partition plan indicates proposed Parcels 1 and 2 can accommodate development to meet the minimum setback standards of SRC 511.010(d), Table 511-3. Minimum setbacks will be reviewed for conformance at time of building permit review of the vacant parcels.

▪ **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 subject property is currently vacant and there are no structures counted toward the maximum lot coverage requirements. Lot coverage will be reviewed for conformance at time of building permit review of the vacant parcels.

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 north “outside” lot line that is an extension of the flag lot accessway, or the west lot line between proposed Parcels 1 and 2. The proposed new flag lot, Parcel 2, is 67 feet wide (north to south), and approximately 207 feet deep (east to west); therefore, the front lot line is the west property line separating Parcels 1 and 2.

▪ **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 for residential zoned properties:

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.
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 residential units may be served by a flag lot accessway.	

Finding: The applicant's partition plan indicates the proposed flag lot accessway is approximately 94.5 feet in length and 20 feet in width, which, per Table 800-1, could serve a maximum of two dwelling units. The applicant's proposal includes the development of four dwelling units on Parcel 2, which, combined with the new single-family dwelling on Parcel 1, will result in five dwellings served by the flag lot accessway. The applicant has requested two Class 2 Adjustments to exceed the maximum number of dwelling units to be served by the accessway and to reduce the minimum accessway width from 25 feet to 20 feet. Findings for the adjustments are addressed in Section 10 below.

SRC 800.025(c)(3) requires unobstructed fire apparatus access to be within 150 of any building, unless the building is equipped with an approved automatic fire sprinkler system. The applicant's written statement indicates the four dwelling units on Parcel 2 will be sprinkled in-lieu of a turnaround. To ensure conformance with the standards, the following condition shall apply.

Condition 1: At the time of building permit submittal, plans shall include fire sprinklers for the dwelling units on Parcel 2

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

Condition 2: At the time of building permit submittal for future homes on Parcel 2, "No Parking" signs shall be posted and maintained on both sides of the accessway.

❖ 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.

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: Pursuant to SRC 71.080, land divisions are required to provide stormwater flow control facilities and treatment facilities that are sized to serve the entire land division under fully developed conditions. To demonstrate the proposed lots can meet the requirement of SRC Chapter 71 and the Public Works Design Standards (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. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the subdivision. Parcel 2 of the partition will be further divided as a Middle Housing Land Division and as such, stormwater management will be provided at time of development on Parcel 2.

- Condition 3:** Prior to final plat approval for the partition, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 1 of the Partition.
- Condition 4:** Prior to final plat approval for the partition or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate proposed impervious surfaces on Parcel 1 of the Partition.
- Condition 5:** At time of development on Parcel 2, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on Parcel 2 of the Partition.
- Condition 6:** At time of development on Parcel 2 of the partition, construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 2 of the partition.

SRC Chapter 802 – Public Improvements

▪ Development to be Served by City Utilities

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).

Finding: Public water, sanitary sewer, and stormwater 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 utility 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). In order to ensure the parcels are served by public utilities, the following conditions shall apply.

Condition 7: Prior to final plat approval for the partition or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve each resulting lot.

Condition 8: Prior to final plat approval for the partition or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve each resulting lot.

Condition 9: Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve each resulting lot.

▪ **Easements**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's tentative partition plan shows a proposed access and utility easement to serve future development on Parcel 2.

Condition 10: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat for the partition.

❖ **CITY STREET AND RIGHT-OF-WAY STANDARDS**

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Park Avenue NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	53-feet	27-feet

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

▪ **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). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: Park Avenue NE abuts the subject property and is classified as a Collector Street according to the Salem Transportation System Plan (TSP). Park Avenue NE does not meet the current right-of-way width and improvement width standards for a Collector Street. The ultimate right-of-way width for a Collector Street is 60-feet, or a 30-foot half width right-of-way, according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a Collector is 34 feet according to SRC 803.025, Table 803-2 (Pavement Width). As a condition of approval, per SRC 803.040(a)(2), the applicant shall dedicate 30 feet from the centerline of Park Avenue NE and shall construct a half-street improvement to Collector Street standards. The applicant requests to pay a fee-in-lieu of construction for the half-street improvement along Park Avenue NE. There are no adjacent segments of Park Avenue NE on the development side (east side) of Park Avenue NE which are improved. In lieu of constructing the required improvements along Park Avenue NE, a fee-in-lieu of construction may be paid if the criteria of SRC 200.405(a) are met.

Condition 11: On the final partition plat, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Park Avenue NE.

Condition 12: Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. A fee-in-lieu of construction for this improvement may be authorized pursuant to SRC 200.405(a).

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Park Avenue NE.

Condition 13: On the final partition plat, provide a 10-foot-wide public utility easement along the frontage of Park Avenue NE.

❖ **Natural Resources**

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: 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 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 existing trees on the subject property. Pursuant to SRC 808.035, a tree conservation plan is required in conjunction with any development for the creation of lots or parcels to be used for single-to-four-family uses and cottage clusters. The applicant has submitted a tree conservation plan in conjunction with this application, which has been approved under land use Case TCP25-07.

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 future access to adjacent land.

Finding: The proposed partition will divide the 0.46-acre property into two parcels, with both parcels to be developed for new residential dwellings. The proposed partition will not impede the future use or development of any portion of the property, and with approval of the requested adjustments addressed in Section 10 below, will allow 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. As proposed and conditioned, the parcels allow for the future development of the site consistent with the applicable zoning and development standards. The proposal meets this criterion.

SRC 205.005(d)(3): Development within the tentative partition plan can be 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 Park Avenue NE, which is classified as a Collector Street under the City's Transportation System Plan (TSP). The conditions of approval established with the partition decision will require a right-of-way dedication and a boundary street improvement to provide for improvements along Park Avenue NE which are consistent with the Salem TSP. The development may pay a fee-in-lieu of construction for these improvements pursuant to SRC 200.405(a) which would provide funds to the City for future construction of Park Avenue NE, if not constructed with the partition. This criterion is met.

SRC 200.005(d)(5): 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. Analysis of Middle Housing Land Division 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 middle housing land division tentative plan 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 plat.

SRC Chapter 205.051(d) sets forth the criteria that must be met before approval can be granted to a middle housing land division tentative 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 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 middle housing land division 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 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 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).

In addition, middle housing land division final plats are required to provide a notation on the final plat indicating that the approval of the land division was given under ORS 92.031. The applicant is conditioned the following.

Condition 14: The final plat for the middle housing land division shall include a notation that the approval of the land division was given under ORS 92.031.

SRC Chapter 205.051(d) sets forth the criteria that must be met before approval can be granted to a middle housing land division. 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 205.051(d)(1): The middle housing land division is for an existing or proposed middle housing development.

Finding: As described in the findings for the tentative partition plan in Section 8 of this decision, the proposal includes the division of a 0.46-acre property into two parcels, with proposed Parcel 2 to be developed with two duplex-style buildings, which is defined as a four-family use, and is classified as middle housing. The proposed middle housing land division is to divide the four dwellings within the two duplex-style buildings into four dwellings on separate lots. This criterion is met.

SRC 205.051(d)(2): The existing or proposed middle housing development complies with the Oregon residential specialty code and all applicable standards of the UDC, including, but not limited to, the following, as those standards apply to the existing lot prior to division.

- (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.***

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). As previously addressed in the findings for the tentative partition plan in Section 8 of this decision, the proposed parcel will meet the development standards for a four-family use with the applicable standards of the RS zone and all other applicable provisions of the UDC. This criterion is met.

SRC 205.051(d)(3): The existing or proposed middle housing development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.

Finding: The Building and Safety Division has indicated that each dwelling unit within the two duplex-style buildings complies with the Oregon residential specialty code and that the structure will be built to follow townhome fire separation provisions in relation to the proposed lot lines. The buildings will be reviewed at building permit submittal. This criterion is met.

SRC 205.051(d)(4): The street(s) abutting the middle housing land division conform to the Salem Transportation System Plan.

Finding: As described in the tentative partition plan findings above, the subject property is located adjacent to Park Avenue NE which is classified as a Collector Street under the City's Transportation System Plan (TSP). The conditions of approval established with the partition criteria will require right-of-way dedication and improvements along Park Avenue NE in

conformance with the Salem TSP. Upon completion of these improvements, the street abutting the Middle Housing Land Division will conform to the Salem TSP. This criterion is met.

SRC 205.051(d)(5): The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.

Finding: The proposal will result in the division of an existing parcel containing two duplexes which will be divided such that each lot of the middle housing land division results in one dwelling unit per lot. As such, the proposal meets this criterion. To ensure that the resulting lots will contain one residential unit, and no further division will be sought, the following condition shall apply.

Condition 15: The lots resulting from the middle housing land division are prohibited from being further divided into new units of land. Additionally, no accessory dwelling units (ADUs) shall be developed on the middle housing land division lots.

As conditioned, this criterion is met.

SRC 205.051(d)(6): Separate utilities are provided for each dwelling unit.

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 lots within the proposed subdivision, subject to the conditions of approval established in this decision. As shown on the applicant's preliminary utility plan, individual utility services are provided to each dwelling unit. This approval criterion is met.

SRC 205.051(d)(7): All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:

- (A) Locating, accessing, servicing, and replacing all utilities;***
- (B) Pedestrian access from the primary entrance of each dwelling unit to a public or private street;***
- (C) Any driveways or off-street parking;***
- (D) Any common use areas or shared building elements; and***
- (E) Any common area.***

Finding: The applicant's tentative Middle Housing Land Division plan shows proposed access and utility easements to serve the proposed division with public utilities and infrastructure. Additionally, easements are shown for shared open space and parking. All necessary easements will be provided on the final plat. This criterion is met.

SRC 205.051(d)(8): The type of middle housing on the existing lot is not altered by the proposed middle housing land division.

Finding: The proposed land division is for the division of two proposed duplex-style buildings on the resultant Parcel 2 of the tentative partition plan. The two buildings are classified as a four-family use and with the middle housing land division, will become four single-family dwellings. This criterion is met.

SRC 200.0505(e) Conditions of approval. Notwithstanding SRC 300.820, conditions may not be placed on the approval of a middle housing land division except to:

- 1. Prohibit further division of the resulting lots;***
- 2. Prohibit the construction of an accessory dwelling unit on any of the resulting lots;***
- 3. Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of SRC 803.025(a)***
- 4. Require boundary street improvements when an existing street abutting the property does not conform to the requirements of SRC 803.025(b); and***
- 5. Require a notation on the final plat indicating that the approval of the land division was given under ORS 92.031.***

Finding: The conditions that have been placed are limited to the above-described conditions. This criterion is met.

10. Analysis Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A) The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant is requesting two separate Class 2 Adjustments, findings for which are summarized below.

- 1) To reduce the minimum flag lot access way serving four units from 25 feet to 20 feet, per SRC 800.025(c).***
- 2) Exceed the maximum number of residential units served by the flag lot accessway from four to five units, per SRC 800.025(c)(1).***

As described in the findings of the tentative partition plan in Section 8 of this decision, the applicant is proposing to divide a 0.46-acre property into two parcels with Parcel 1 as an interior lot fronting Park Avenue NE and Parcel 2 as a flag lot with access to the street via a shared flag lot accessway across Parcel 1. Proposed Parcel 1 will be developed with one single-family dwelling and proposed Parcel 2 will be developed with two duplex-style buildings, or a four-family use, which will then be divided onto their own lots via a middle housing land division. Per SRC 800.025(c), Table 800-1, the minimum flag lot accessway width for four dwelling units on residential zoned property is 25 feet with 20 feet of paved width. The applicant is requesting one Class 2 Adjustment to reduce the accessway width to 20 feet with 16 feet of paved width, and because the single-family dwelling on Parcel 1 will also utilize the accessway, the flag lot accessway will serve five dwellings, exceeding the maximum number of dwellings allowed to be served by a flag lot accessway, for which the applicant has requested a second Class 2 Adjustment.

The applicant's written statement explains that the proposed dwelling units for the middle housing land division on Parcel 2 are exempt from the review standards of SRC 800.025; however, the tentative partition plan approval criteria require the plan show the proposed number of dwelling units to be served by a flag lot accessway. The intent is to ensure the parcel can provide adequate space for utilities and emergency access, and that future buildings can meet the development standards of the zone.

The development plans indicate each of the parcels can accommodate future buildings meeting the development standards for lot coverage and setbacks in the RS zone. The plans indicate the dwellings will each include single car garages and driveway space off the proposed 16-foot paved accessway. With the individual driveways leading from the accessway to the garages, the accessway will provide adequate maneuvering room for two cars passing through the accessway. The intent of the accessway width is to provide adequate access for two-way traffic and for Fire and other emergency services to access the dwelling units. As previously addressed, the buildings on Parcel 2 will each contain a sprinkling system to elevate the need for multiple Fire trucks and has been approved by the Salem Fire Department to be at a 20-foot width. Additionally, the accessway is only 94 feet long, which would not require a turnaround, per SRC 800.025(c)(3).

The applicant's written statement explains that the proposed dwelling on Parcel 1 could take separate access off Park Avenue NE – thereby only four units would be served by the accessway – but by providing all vehicle access off the flag lot accessway, this reduces an additional driveway approach onto the street and keeps vehicle maneuvering within the development site and reduces further vehicle conflicts along the right-of-way. As such, the proposal equally meets the intent of the standards, and this criterion is met.

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

Finding: The subject property is located in an RS zone, which permits a variety of residential uses, ranging from single-family to middle housing dwellings. All properties in the surrounding area are developed with existing dwellings ranging from single to multiple-family uses, and the proposal to develop a flag lot with new middle housing units will be similar in nature to the existing neighborhood, and neither the future residential development nor the adjustments requested by the applicant will detract from the livability or appearance of the residential area. This criterion is met.

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: Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. This criterion is met.

11. Conclusion

Based upon review of SRC 205.005, SRC 205.051, SRC 250.050, 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, Middle Housing Land Division, Class 2 Adjustment Case No. PAR-MLD-ADJ25-12, is hereby **APPROVED** subject to SRC Chapter 205, 250, and 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:** At the time of building permit submittal, plans shall include fire sprinklers for the dwelling units on Parcel 2
- Condition 2:** At the time of building permit submittal for future homes on Parcel 2, “No Parking” signs shall be posted and maintained on both sides of the accessway.
- Condition 3:** Prior to final plat approval for the partition, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 1 of the Partition.
- Condition 4:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new proposed impervious surfaces on Parcel 1 of the partition.
- Condition 5:** At time of development on Parcel 2, provide a stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on Parcel 2 of the partition.
- Condition 6:** At time of development on Parcel 2 of the Partition, construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces on Parcel 2 of the partition.
- Condition 7:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve each resulting lot.
- Condition 8:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve each resulting lot.
- Condition 9:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve each resulting lot.
- Condition 10:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat for the partition.
- Condition 11:** On the final partition plat, convey land for dedication to equal a half-width

right-of-way of 30 feet on the development side of Park Avenue NE.

- Condition 12:** Prior to final plat approval for the partition or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. A fee-in-lieu of construction for this improvement may be authorized pursuant to SRC 200.405(a).
- Condition 13:** On the final partition plat, provide a 10-foot-wide public utility easement along the frontage of Park Avenue NE.
- Condition 14:** The final plat for the middle housing land division shall include a notation that the approval of the land division was given under ORS 92.031.
- Condition 15:** The lots resulting from the middle housing land division are prohibited from being further divided into new units of land. Additionally, no accessory dwelling units (ADUs) shall be developed on the lots.



Peter Domine, Planner II



Laurel Christian, Infrastructure Planner III

on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Tentative Partition Plan
- C. Tentative Middle Housing Land Division Plan

Vicinity Map

860 Park Avenue NE



Legend

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

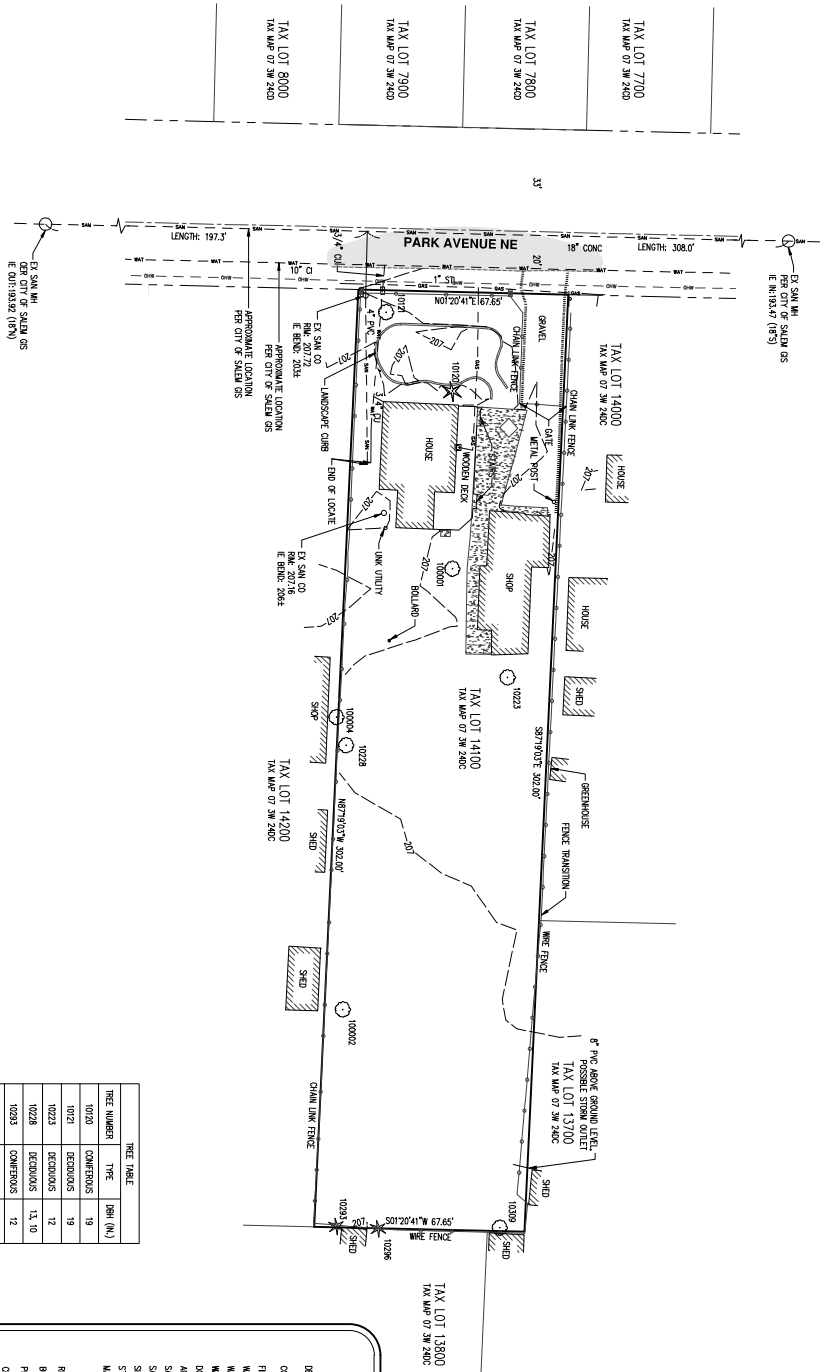
Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

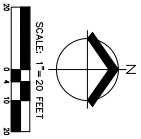
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





TREE NUMBER	TREE TYPE	DBH (IN.)
10201	DECIDUOUS	19
10202	DECIDUOUS	19
10203	DECIDUOUS	12
10204	DECIDUOUS	13.10
10205	DECIDUOUS	12
10206	DECIDUOUS	28
10207	DECIDUOUS	10
10208	DECIDUOUS	41
10209	DECIDUOUS	10.10
10210	DECIDUOUS	10



- NOTES:**
- EXISTING CONDITIONS SHOWN ARE BASED ON INTERFERING UTILITY LOCATIONS FOR PUBLIC UTILITY LOCATIONS. THE SURVEYOR MAKES NO GUARANTEE AND BY MAKING IT OUT, THE SURVEYOR TAKES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SHOWN. THE SURVEYOR IS NOT RESPONSIBLE FOR THE FIELD CONDITIONS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED JANUARY 2024.
 - HORIZONTAL DATUM: A LOCAL DATUM PLANE DERIVED FROM STATE PLANE OREGON NORTH 3601 NAD83(2011) EPOCH 2010.00 BY INTERPOLATING A PROJECT MEAN SPHERE CORRECTED STATE PLANE OREGON NORTH 3601 NAD83(2011) EPOCH 2010.00 WITH INTERNATIONAL FEET STATE PLANE GRID COORDINATES. NAD83(2011) EPOCH 2010.00 AND A MEAN SPHERE CORRECTED STATE PLANE OREGON NORTH 3601 NAD83(2011) EPOCH 2010.00. DISTANCES SHOWN ARE INTERNATIONAL FEET GROUND VALUES.
 - VERTICAL DATUM ELEVATIONS ARE BASED ON NGS BENCHMARK 3601, LOCATED AT THE CORNER OF THE SECTION 36, T12N, R12E, S12E, 3601. THE BENCHMARK IS A BRASS NAIL WITH A PLATINUM DISC. THE BENCHMARK IS 5.15 FEET HIGH AND ADJUSTED TO 1000.00 WITH A VERTICAL SHIFT OF -3.50 FEET. SETTING THE BENCHMARK ELEVATION AT 1993.50 FEET.
 - CORNER INTERVAL IS 100 FEET.
 - THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SHERIFF. BOUNDARIES MAY BE PRELIMINARY TO BEING OR FOR FURTHER DESIGN OF CONSTRUCTION.
 - BUILDING CORNERS ARE MARKED TO STONE, UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - TREES WITH DIAMETER OF 1" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT 4.5 FEET HEIGHT. MEASUREMENT IS SUBJECT TO CHANGE FROM AIRBORNE INSPECTION.

LEGEND

EXISTING	EXISTING
- DECIDUOUS TREE - CONIFEROUS TREE - TREE TRUNK - WATER FEATURE - WATER WALK - DOUBLE CHECK VALVE - AR RELIEF VALVE - SANITARY SEWER CLEAN OUT - SANITARY SEWER MANHOLE - STREET LIGHT - WALKWAY	- STORM DRAIN CLEAN OUT - STORM DRAIN TIE-IN BRUSH - STORM DRAIN TIE-IN BRUSH - STORM DRAIN MANHOLE - GAS METER - GAS VALVE - DRY WIRE ANCHOR - UTILITY POLE - POWER JUNCTION BOX - POWER JUNCTION BOX - POWER JUNCTION BOX - COMMUNICATIONS JUNCTION BOX - COMMUNICATIONS JUNCTION BOX

RIGHT-OF-WAY LINE

BOUNDARY LINE

PROPERTY LINE

CONTINUED

DITCH

CLUB

EDGE OF PAVEMENT

EXISTING

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 ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEEZER, OR 97303
 503-405-8000
 WWW.AKS-ENG.COM

Habitat for Humanity
 HABITAT FOR HUMANITY
 1220 12TH ST
 SALEM, OR 97302
 WWW.HABITAT.ORG

EXISTING CONDITIONS PLAN
860 PARK AVENUE NE
HABITAT FOR HUMANITY
SALEM, OREGON

PROFESSIONAL LAND SURVEYOR
 REGISTRATION NO. 10224
 EXPIRATION DATE: 12/31/2024
 DATE: 05/10/2024
 DESIGNED BY: AK
 CHECKED BY: AS

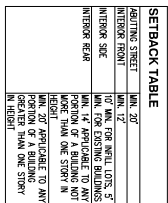
PROPERTY DESCRIPTION
 LANDOWNERS:
 HABITAT FOR HUMANITY, (IL 1400)
 860 PARK AVENUE NE
 SALEM, OR 97302
 TOWN: 12 SOUTH
 RANGE: 3 WEST
 SECTION: 24

AKS ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEEZER, OR 97303
 503-405-8000
 WWW.AKS-ENG.COM

Habitat for Humanity
 HABITAT FOR HUMANITY
 1220 12TH ST
 SALEM, OR 97302
 WWW.HABITAT.ORG

EXISTING CONDITIONS PLAN
860 PARK AVENUE NE
HABITAT FOR HUMANITY
SALEM, OREGON

PROFESSIONAL LAND SURVEYOR
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ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

