



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Revisions to the Agenda #1

### City Council

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**Monday, July 27, 2020**

**6:00 PM**

**Virtual Meeting**

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**6.d.**     [20-304](#)

Planning Administrator Decision - A tentative partition to divide 0.45 acres into 3 parcels. - Approved.

Partition Case No. PAR-ADJ20-10 - AKS Engineering & Forestry, on behalf of Eric Peterson, GP Equity Holdings, LLC (Michael Paluska, David Gollersrud, Eric Peterson) - 1331 6th St NW

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

*Add - Added New Report.*



## Staff Report

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**File #:** 20-304

**Version:** 1

**Date:** 7/27/2020

**Item #:** 6.d.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

Planning Administrator Decision - A tentative partition to divide 0.45 acres into 3 parcels. - Approved.

Partition Case No. PAR-ADJ20-10 - AKS Engineering & Forestry, on behalf of Eric Peterson, GP Equity Holdings, LLC (Michael Paluska, David Gollersrud, Eric Peterson) - 1331 6<sup>th</sup> St NW

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

**RECOMMENDATION:**

Information Only.

Brandon Pike  
Planner I

**Attachments:**

1. Land Use Decision PAR-ADJ 20-10

*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE PARTICION PLAN / CLASS 2 ADJUSTMENT CASE NO.:**  
**PAR-ADJ20-10**

**APPLICATION NO.:** 20-108204-LD / 20-108205-ZO

**NOTICE OF DECISION DATE:** JULY 24, 2020

**REQUEST:** A tentative partition to create three parcels, with Parcel 1 consisting of approximately 5,428 square feet, Parcel 2 consisting of approximately 3,675 square feet, and Parcel 3 consisting of approximately 6,006 square feet. The existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. The application also includes a Class 2 adjustment request to:

- 1) Reduce the minimum interior side setback for the existing dwelling to the proposed flag lot accessway from 3 feet to 0 feet; and
- 2) Reduce the minimum interior rear setback for the existing dwelling from 14 feet to 7.5 feet.

The subject property is approximately 0.45 acres (19,602 square feet) in size, zoned RS (Single Family Residential), located within the Compact Development Overlay Zone and Walker School Residential Area Overlay Zone, and located at 1331 6th Street NW (Polk County Assessor map and tax lot number(s): 073W21CD / 00800)."

**APPLICANT:** AKS Engineering & Forestry, on behalf of Eric Peterson, GP Equity Holdings, LLC (Michael Paluska, David Gollersrud, Eric Peterson)

**LOCATION:** 1331 6th St NW

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition; 250.005(d)(2) – Class 2 Adjustments

**FINDINGS:** The findings are in the attached Decision dated July 24, 2020

**DECISION:** The **Planning Administrator APPROVED** Tentative Partition Plan / Class 2 Adjustment PAR-ADJ20-10 subject to the following conditions of approval:

### Tentative Partition Plan

**Condition 1:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the dimensional standards set forth in Salem Revised Code 806.030(b).

**Condition 2:** Obtain permits for installation of water services to serve parcels 2 and 3.

**NOTICE OF DECISION**

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

**CITY OF Salem**  
**AT YOUR SERVICE**

**Condition 3:** Construct the stormwater facility proposed on Parcel 1.

**Condition 4:** Construct sewer services that are proposed in the public right-of-way.

**Condition 5:** Install a streetlight on the existing pole along the frontage of 6<sup>th</sup> Street NW as specified in the City Street Design Standards, consistent with the provisions of Salem Revised Code Chapter 803.

**Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of 6<sup>th</sup> Street NW.

**Condition 7:** Obtain a street tree removal permit pursuant to Salem Revised Code Chapter 86.

**Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of 6<sup>th</sup> Street NW pursuant to Salem Revised Code 78.180(a).

**Condition 9:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve parcels 2 and 3.

**Condition 10:** Close the existing driveway and replace with curb and landscaping in accordance with Salem Revised Code Chapter 803 and Public Works Design Standards. Construct the portion of the proposed accessway needed to serve uses on Parcel 1.

## **Class 2 Adjustment**

**Condition 11:** The adjusted development standards, as approved with this zoning adjustment, shall only apply to the existing single-family dwelling. Any future development of Parcel 1 shall adhere to the development standards of the Salem Revised Code unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, August 11, 2022, or this approval shall be null and void.

Application Deemed Complete:	May 29, 2020
Notice of Decision Mailing Date:	July 24, 2020
Decision Effective Date:	August 11, 2020
State Mandate Date:	September 26, 2020

Case Manager: Brandon Pike, [bpike@cityofsalem.net](mailto:bpike@cityofsalem.net), 503-540-2326

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 by 5:00 p.m. August 10, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net). The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 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, Room 305, City Hall, 555 Liberty Street SE, during regular business hours. For access to case related documents during the closure of City Hall to the public because of the Covid-19 pandemic, please contact the Case Manager.

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

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**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 20-10)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.  
<http://www.cityofsalem.net/planning>*

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
PARTITION PLAT & CLASS 2  
ADJUSTMENT CASE NO. 20-10;  
1331 6TH STREET NW**

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**FINDINGS AND ORDER**

**JULY 24, 2020**

**REQUEST**

A tentative partition to create three parcels, with Parcel 1 consisting of approximately 5,428 square feet, Parcel 2 consisting of approximately 3,675 square feet, and Parcel 3 consisting of approximately 6,006 square feet. The existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. The application also includes a Class 2 adjustment request to:

- 1) Reduce the minimum interior side setback for the existing dwelling to the proposed flag lot accessway from 3 feet to 0 feet; and
- 2) Reduce the minimum interior rear setback for the existing dwelling from 14 feet to 7.5 feet.

The subject property is approximately 0.45 acres (19,602 square feet) in size, zoned RS (Single Family Residential), located within the Compact Development Overlay Zone and Walker School Residential Area Overlay Zone, and located at 1331 6th Street NW (Polk County Assessor map and tax lot number(s): 073W21CD / 00800).

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

**DECISION**

The Tentative Partition Plan and Class 2 Adjustment Case No. PAR-ADJ20-10 is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the dimensional standards set forth in Salem Revised Code 806.030(b).
- Condition 2:** Obtain permits for installation of water services to serve parcels 2 and 3.
- Condition 3:** Construct the stormwater facility proposed on Parcel 1.

- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- Condition 5:** Install a streetlight on the existing pole along the frontage of 6<sup>th</sup> Street NW as specified in the City Street Design Standards, consistent with the provisions of Salem Revised Code Chapter 803.
- Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of 6<sup>th</sup> Street NW.
- Condition 7:** Obtain a street tree removal permit pursuant to Salem Revised Code Chapter 86.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of 6<sup>th</sup> Street NW pursuant to Salem Revised Code 78.180(a).
- Condition 9:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve parcels 2 and 3.
- Condition 10:** Close the existing driveway and replace with curb and landscaping in accordance with Salem Revised Code Chapter 803 and Public Works Design Standards. Construct the portion of the proposed accessway needed to serve uses on Parcel 1.
- Condition 11:** The adjusted development standards, as approved with this zoning adjustment, shall only apply to the existing single-family dwelling. Any future development of Parcel 1 shall adhere to the development standards of the Salem Revised Code unless adjusted through a future land use action.

### **PROCEDURAL FINDINGS**

1. On May 29, 2020, a consolidated land use application for a tentative partition plan and Class 2 adjustment was filed proposing to divide a 0.45-acre property at 1331 6<sup>th</sup> Street NW into three parcels (see **Attachment B**).
2. Because the consolidated application was complete at the time it was first submitted, pursuant to SRC 300.220, the application was deemed complete for processing on May 29, 2020.
3. Notice of filing was sent pursuant to Salem Revised Code (SRC) requirements on July 7, 2020.
4. The state-mandated local decision deadline for the application is September 26, 2020.

## SUBSTANTIVE FINDINGS

### 1. Proposal

The tentative partition plan proposes to divide the 0.45-acre property into three parcels; the existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. Each of the proposed parcels would take access through the proposed flag lot accessway from 6<sup>th</sup> Street NW. The three parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 5,428 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 52.5 feet in width and 103 feet in depth, exclusive of the flag lot accessway

#### **PROPOSED PARCEL 2**

Parcel Size: 3,675 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 52.5 feet in width and 70 feet in depth, exclusive of the flag lot accessway

#### **PROPOSED PARCEL 3**

Parcel Size: 6,006 square feet  
Parcel Dimensions: Approximately 77.5 feet in width and 77.5 feet in depth

***Access and Circulation:*** The subject property has frontage on 6<sup>th</sup> Street NW. Within the Salem Transportation System Plan (TSP), 6<sup>th</sup> Street NW is classified as a Local street.

### 2. Existing Conditions

#### **Site and Vicinity**

The subject property is rectangular in shape and has approximately 77.5 feet of frontage on one public street, 6<sup>th</sup> Street NW. The property is currently approximately 77.5 feet in width and 250.8 feet in depth. The applicant proposes to retain the existing single-family dwelling and attached garage, which are located in the southern portion of the property.

#### **Salem Area Comprehensive Plan (SACP) Designation**

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

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



North: Single Family Residential (SF)  
South: Across 6<sup>th</sup> Street NW – Single Family Residential (SF)  
East: Multi-Family Residential (MF)  
West: Single Family Residential (SF) and Multi-Family Residential (MF)

#### Zoning and Surrounding Land Use

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

North: RS (Single Family Residential); off-street parking area  
South: Across 6<sup>th</sup> Street NW – RS (Single Family Residential); single-family dwellings  
East: RM-II (Multiple Family Residential-II); apartment complex  
West: RS (Single Family Residential) and RM-II (Multiple Family Residential-II); single-family dwelling and apartment complex

#### Relationship to Urban Service Area

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

#### Infrastructure

*Water:* The subject property is located within the G-0 water service level. A 6-inch public water main is located in 6<sup>th</sup> Street NW.

*Sewer:* An 8-inch sewer main is located in 6<sup>th</sup> Street NW.

*Storm Drainage:* The nearest storm mains are located near the intersections of Rosemont Avenue NW and 6<sup>th</sup> Street NW, and Kingwood Avenue NW and Ruge Street NW.

*Streets:* 6<sup>th</sup> Street NW abuts the subject property to the south. It is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

### **3. City Department Comments**

**Public Works Department** - The City of Salem Public Works Department reviewed the proposal and has provided their comments and recommendations for plat approval. Their memorandum is included as **Attachment C**.

**Building and Safety Division** – The City of Salem Building and Safety Division reviewed the proposal and indicated that the existing building can be no closer than 3 feet from building edge to property line, per ORSC R302.1. As proposed, the existing building would be no closer than 7.5 feet from any new (proposed) property line.

**Fire Department** – The City of Salem Fire Department reviewed the proposal and indicated that water supply is provided from an existing fire hydrant within 600 feet. It appears the proposed Fire Department access may require an approved turnaround depending on where the last structure is located. If all new structures on the proposed Fire Department access are provided with an approved fire sprinkler system, the turnaround requirements may be modified per the Oregon Fire Code.

#### **4. Public Agency and Private Service Provider Comments**

**Salem Electric** – Salem Electric reviewed the proposal and indicated that they will provide electric service according to the rates and policies at the time of construction.

#### **5. Neighborhood Association Comments**

The subject property is within the West Salem Neighborhood Association (WSNA). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” Prior to the close of the comment period, Steven A. Anderson, Land Use Chair of the WSNA, submitted a comment on behalf of the neighborhood association. Their concerns and comments can be summarized as follows, along with Staff responses:

- A. *The WSNA expressed concern over an apparent lack of evidence to support the proposed Class 2 adjustments, along with concern that the applicant did not come before the neighborhood association prior to application submittal to present their proposed development.*

**Staff Response:** Staff reached out the Land Use Chair of the WSNA and provided a copy of the applicant’s written statement, which provides justification for the proposed adjustments. Some of the concerns expressed by the WSNA are rooted in how the proposed adjustments would affect future development on proposed Parcel 1. As conditioned and as addressed under *Section 8* below, the proposed adjustments apply only to the existing single-family dwelling. Any future development at the subject property shall adhere to the development standards of the SRC, including setback requirements, unless adjusted through a future land use action.

The SRC does not require applicants to visit the applicable neighborhood association(s) prior to application submittal for partition or adjustment applications, though applicants are welcome and encouraged to do so by Staff and the neighborhood associations. The applicant did contact the WSNA prior to application submittal to share a preliminary development proposal, in accordance with SRC requirements.

*B. The WSNA asked that the partition be approved without the proposed adjustments.*

**Staff Response:** Due to the proximity of the existing single-family dwelling to the west property line (approximately 25 feet), as well as the minimum width standards for flag lot accessways set forth under SRC 800.025(c), the proposed development could not occur without the requested adjustment to the minimum interior side setback. Similarly, due to the irregular shape of the existing single-family dwelling and attached garage, with the garage extending outward into the rear of proposed Parcel 1, in order to meet minimum lot standards such as size and dimensions, the applicant has requested an adjustment to the minimum interior rear setback.

Without the requested adjustments, the existing single-family dwelling, or, at a minimum, the attached garage would need to be demolished to provide adequate space for the flag lot accessway and required setbacks. In order to maintain existing housing stock and avoid unnecessary demolition, as well as to maintain adequate off-street parking for the existing dwelling, the applicant has requested the Class 2 adjustment to preserve the existing single-family dwelling and attached garage.

*C. The WSNA stated that the proposed Class 2 adjustments will not add to the livability and general community welfare of the neighborhood.*

**Staff Response:** Criterion B of the Class 2 adjustment approval criteria requires that, *if located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.* As discussed under Section 8 below, the proposed adjustments are for an existing single-family dwelling. The proposal does not alter the existing dwelling, and its impact on surrounding development would, likewise, not change. At the time of development, proposed parcels 2 and 3 will be required to adhere to the standards of the SRC, ensuring the impact on surrounding properties and residents will be adequately mitigated.

## **6. Public Comments**

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period, one comment was received from members of the public, which indicated no objections to the proposal.

## **7. Criteria for Granting a Tentative Partition Plan**

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

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

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

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

The subject property is within the Compact Development Overlay Zone. Pursuant to SRC 631.015, where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards of SRC 631.015 shall be the applicable development standard.

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.45-acre property into three parcels, with proposed Parcel 1 to retain the existing single-family dwelling, and proposed parcels 2 and 3 to consist of vacant land for future development. The subject property is currently zoned RS (Single Family Residential). The lot standards of the RS zone are established under SRC 511.010(a) as follows:

**Lot Standards for RS zone (Single Family Residential)** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single family)	4,000 square feet
Infill Lot	5,500 square feet, unless a greater minimum lot area is required for the specific use
Two Family	7,000 square feet
All other uses	6,000 square feet
Lot Width (All uses)	40 feet
Lot Depth (Single family and two family)	70 feet
All other uses	80 feet
All uses with double frontage	120 feet
Street Frontage (Single family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	40 feet

SRC Chapter 631 (Compact Development Overlay Zone): The subject property is located within the Compact Development Overlay Zone. The lot standards of the Compact Development Overlay Zone are established under SRC 631.015(a) as follows:

**Lot Standards for Compact Development Overlay Zone** (see SRC Chapter 631, Table 631-2)

Requirement	Standard	Limitations & Qualifications
<b>Lot Area</b>		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 3,000 sq. ft.	Applicable to all other single family.
Two family and three family	Min. 3,000 sq. ft. per dwelling unit	-
<b>Lot Width</b>		
Single family, two family, and three family	Min. 20 ft.	-

Lot Depth		
Single family, two family, and three family	Min. 65 ft.	-
	Min. 120 ft.	Applicable to double frontage lots.
Street Frontage		
Single family, two family, and three family	Min. 20 ft.	-

**Finding:** Measured exclusive of the flag lot accessway, proposed Parcel 1 is approximately 5,428 square feet in size, approximately 52.5 feet in width and 103 feet in depth, and has approximately 52.5 feet of frontage on 6<sup>th</sup> Street NW. Measured exclusive of the flag lot accessway, proposed Parcel 2 is approximately 3,675 square feet in size, and approximately 52.5 feet in width and 70 feet in depth. Proposed Parcel 3 is approximately 6,006 square feet in size, and approximately 77.5 feet in width and 77.5 feet in depth. Proposed parcels 2 and 3 are flag lots with no street frontage.

Each proposed parcel in the partition meet the area, width, depth, and frontage lot standards of the applicable zone. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

**Setback Standards for RS zone (Single Family Residential)** (see SRC Chapter 511, Table 511-3)

Front Yard and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway') (buildings, and accessory structures over 4 feet in height)
- No minimum (applicable to accessory structures not more than 4 feet in height)

Interior Side Yard:

- Minimum 5 feet for new buildings and accessory structures; minimum 3 feet for existing buildings
- Minimum 10 feet (Infill Lot) (buildings)
- No minimum (applicable to accessory structures having at least 1 wall which is an integral part of a fence)

Interior Rear Yard:

- Minimum 14 feet (for any portion of a main building not more than one story in height)

- Minimum 20 feet (for any portion of a main building greater than one story in height)
- No minimum (applicable to accessory structures not more than 9 ft. in height)
- Minimum 1 foot for each 1 foot of height over 9 feet (applicable to accessory structures greater than 9 ft. in height)

**Setback Standards for Compact Development Overlay Zone** (see SRC Chapter 631, Table 631-3)

Front Yard and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway') (buildings, and accessory structures over 4 feet in height)
- No minimum (applicable to accessory structures not more than 4 feet in height)

Interior Side Yard:

- Minimum 5 feet for new buildings and accessory structures; minimum 3 feet for existing buildings
- No minimum (applicable to accessory structures having at least 1 wall which is an integral part of a fence)

Interior Rear Yard:

- Minimum 14 feet (for any portion of a building not more than one story in height)
- Minimum 20 feet (for any portion of a building greater than one story in height)
- No minimum (applicable to accessory structures not more than 9 ft. in height)
- Minimum 1 foot for each 1 foot of height over 9 feet (applicable to accessory structures greater than 9 ft. in height)

**Finding:** The existing one-story single-family dwelling which would remain on proposed Parcel 1 exceeds the setback standards of the applicable zone, except where the applicant has requested adjustments to the minimum setback standards to the north and west property lines. The existing dwelling is proposed to have approximate setbacks of 33.5 feet to the south (front) property line, 3.5 feet to the east (interior side) property line, 0 feet to the west (interior side) property line (as measured from the flag lot accessway, pursuant to SRC 112.050(c)), and 7.5 feet to the north (interior rear) property line.

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

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

**Lot Coverage:** Maximum lot coverage requirements within the Compact Development Overlay Zone are established under SRC 631.015(d), Table 631-4. The Compact Development Overlay Zone limits the total lot coverage for buildings and accessory structures related to single-family, two-family, and three-family uses to 60 percent.

**Finding:** As proposed, parcels 2 and 3 will be undeveloped land; they will be reviewed for conformance with the lot coverage standards of the applicable zone at the time of development. Proposed Parcel 1 contains an existing single-family dwelling and attached garage, with a proposed lot coverage of approximately 1,850 square feet (34 percent). The proposal meets the standard.

#### SRC Chapter 612 (Walker School Residential Area Overlay Zone)

Pursuant to SRC 612.020, design review according to the design review guidelines or the design review standards set forth in SRC 612.025 is not required for development of single family, two family, three family, or four family uses.

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

*SRC 806.015(a) (Minimum Required Off-Street Parking):* SRC 806.015(a) requires all single-family and two-family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces.

**Finding:** Off-street parking requirements for proposed parcels 2 and 3 will be reviewed at the time of future development. The existing single-family dwelling on proposed Parcel 1 contains an attached single-car garage, and, as conditioned, will have adequate space on the driveway to be counted as additional parking spaces pursuant to SRC 806.025(a)(3)(C)(i). The proposal meets the standard.

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



**Finding:** The existing single-family dwelling's garage is served by a gravel driveway. The applicant's site plan (**Attachment B**) shows portions of the gravel driveway will be replaced with pavement to accommodate the proposed flag lot accessway, as well as a new paved driveway which connects the existing garage to the proposed flag lot accessway. As proposed, this driveway does not meet the minimum dimension standards set forth in SRC 806.030(b) for the first 20 feet of depth behind the parking space served. To ensure the proposed development meets the standards set forth in SRC 806.030(b), the following condition of approval shall apply:

**Condition 1:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the dimensional standards set forth in Salem Revised Code 806.030(b).

As conditioned, the proposal meets the requirements of SRC Chapter 806.

### **(B) City Infrastructure Standards.**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

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

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

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated July 20, 2020 (**Attachment C**).

*SRC 802.015 (Development to be Served by City Utilities).* Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). To ensure services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions of approval shall apply:

**Condition 2:** Obtain permits for installation of water services to serve parcels 2 and 3.

**Condition 3:** Construct the stormwater facility proposed on Parcel 1.

**Condition 4:** Construct sewer services that are proposed in the public right-of-way.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed three-parcel partition generates less than 200 average daily vehicle trips to 6<sup>th</sup> Street NW, which is designated as a Local street within the TSP. Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) is not required as part of the proposed partition.

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

*SRC 803.025 (Right-of-Way and Pavement Widths):* 6<sup>th</sup> Street NW abuts the subject property and is designated as a Local street in the TSP. The abutting portion of 6<sup>th</sup> Street NW meets the current right-of-way and pavement width standards for a Local street.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.45-acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

*SRC 803.035 (Street Standards):* The subject property's street frontage on 6<sup>th</sup> Street NW currently lacks adequate streetlights. Pursuant to SRC 803.035(o), all partitions shall include lamps for streetlights that conform to the Public Works Design Standards, with the developer installing such facilities.

To ensure the proposal meets the standards of SRC 803.035(o), the following condition of approval shall apply:

**Condition 5:** Install a streetlight on the existing pole along the frontage of 6<sup>th</sup> Street NW as specified in the City Street Design Standards, consistent with the provisions of Salem Revised Code Chapter 803.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. To ensure adequate access for the provision of electricity and other utilities, the following condition of approval shall apply:

**Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of 6<sup>th</sup> Street NW.

The application proposes to construct a flag lot accessway to serve the proposed development. Construction of the flag lot accessway will likely require the removal of two street trees. To ensure the necessary permits are obtained for street tree removal, the following condition of approval shall apply:

**Condition 7:** Obtain a street tree removal permit pursuant to Salem Revised Code Chapter 86.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Pursuant to SRC 803.040(a) and SRC 78.180, the applicant is required to repair any non-conforming panels of sidewalk along the frontage of 6<sup>th</sup> Street NW. To ensure the previously stated requirements are met and the proposal conforms to the Salem TSP, the following condition of approval shall apply:

**Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of 6<sup>th</sup> Street NW pursuant to Salem Revised Code 78.180(a).

As conditioned, the proposal conforms to SRC 803.040.

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

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 the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. No trees are proposed for removal in conjunction with the proposed development.

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

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

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

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

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

**Finding:** The proposed partition would divide the 0.45-acre property into three parcels, with proposed parcels 2 and 3 to be developed in the future, and proposed Parcel 1 to retain the existing single-family dwelling. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC. The adjoining properties are developed and have existing access to public or private streets.

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

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

**Finding:** The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant is proposing a common stormwater facility to serve multiple parcels.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. To ensure development within the tentative partition plan can be adequately served by City infrastructure, the following condition of approval shall apply:

**Condition 9:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve parcels 2 and 3.

As conditioned, this 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:** 6<sup>th</sup> Street NW meets the right-of-way width and pavement width standards pursuant to the Salem TSP; however, the street improvement is lacking adequate streetlights. At the time of development, the applicant shall install a streetlight on the existing pole along the frontage of 6<sup>th</sup> Street NW as specified in the City Street Design Standards, consistent with the provisions of SRC Chapter 803.

Pursuant to SRC 804.060(a)(3), the existing driveway shall be closed and replaced with curb and landscaping in accordance with SRC Chapter 803 and PWDS. Because closure of the existing driveway construction of the accessway to serve parcels 2 and 3 will require construction work to be performed on parcel 1, the accessway and driveway construction shall be completed prior to final plat approval and is not eligible for delay through an improvement agreement. To ensure the street system in and adjacent to the tentative partition plan conforms to the Salem TSP, the following condition of approval shall apply:

**Condition 10:** Close the existing driveway and replace with curb and landscaping in accordance with Salem Revised Code Chapter 803 and Public Works Design Standards. Construct the portion of the proposed accessway needed to serve uses on Parcel 1.

As conditioned, this criterion is met.

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

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

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

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for

reasonable development of all parcels within the partition without variances from the UDC. The subject property is topographically flat, with an elevation range of approximately 1 foot across the property. The subject property contains no existing trees 10 inches or more in dbh.

The proposal meets this criterion.

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

**Finding:** As described in the findings above, the proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The applicant proposes to retain the existing dwelling on proposed Parcel 1, alleviating the disruption of topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

The proposal meets this criterion.

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

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

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

## **8. Criteria for Granting a Class 2 Adjustment**

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Pursuant to SRC 250.005(a)(1)(B), A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

SRC 250.005(d)(2) establishes the following approval criteria which must be met in order for a Class 2 Adjustment to be approved:

- (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.*
- (B) *If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.*
- (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.*

**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's written statement is included as **Attachment D**. The applicant is requesting multiple Class 2 adjustments to:

- 1) Reduce the minimum interior side setback for the existing dwelling to the proposed flag lot accessway from 3 feet to 0 feet; and
- 2) Reduce the minimum interior rear setback for the existing dwelling from 14 feet to 7.5 feet.

*Adjustment to reduce the minimum interior side setback for the existing dwelling to the proposed flag lot accessway from 3 feet to 0 feet:*

The applicant has indicated that the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development. The purpose underlying setbacks is to allow for increased natural light and air circulation, as well as physical separation between uses and neighboring uses or streets. As proposed, the Class 2 adjustment would allow for the proposed flag lot accessway, which would predominantly remain unobstructed—thereby allowing for increased natural light, air circulation, and a physical separation—to be located immediately adjacent to the existing single-family dwelling on proposed Parcel 1.

Without the requested adjustments, the existing single-family dwelling, or, at a minimum, the attached garage would likely need to be demolished to provide adequate space for the flag lot accessway and required setbacks. To maintain existing housing

stock and avoid unnecessary demolition, as well as to maintain adequate off-street parking for the existing dwelling, the applicant has requested the Class 2 adjustment.

Additionally, the requested adjustment allows for increased density infill development on vacant and underutilized RS-zoned land, which the applicant notes is one of the stated purposes of the Compact Development Overlay Zone.

Staff finds that the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

*Adjustment to reduce the minimum interior rear setback for the existing dwelling from 14 feet to 7.5 feet.*

The applicant has indicated that the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development. The purpose underlying setbacks is to allow for increased natural light and air circulation, as well as physical separation between uses and neighboring uses or streets. As proposed, the Class 2 adjustment would allow for the retention of the existing single-family dwelling and attached garage. Due to the irregular shape of the existing building on proposed Parcel 1, with the garage extending outward into the rear of the parcel, in order to meet minimum lot standards such as size and dimensions while retaining the existing dwelling, it would be difficult to meet the minimum 14-foot setback.

The proposal does not alter the existing dwelling, and its impact on surrounding development would, likewise, not change. Additionally, the proposal maintains a large open area in the norther portion of proposed Parcel 1. This allows for ample open space for residents of Parcel 1 and additional separation between the existing single-family dwelling and the existing apartment complex to the east, as well as any future development to the north on proposed Parcel 2.

Staff finds that the proposal equally or better meets the purpose underlying the minimum setback development standard.

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

**Finding:** The subject property is located within a residential zone. The proposal involves creating three total lots – retaining the existing dwelling on proposed Parcel 1 and allowing for future residential development on proposed parcels 2 and 3. The proposal aligns with the development pattern of the surrounding area, with existing single family and multiple family residences on the surrounding properties. Staff finds that the proposal will not detract from the livability or appearance of the residential area.



**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 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.

The proposed adjustments apply only to the existing single-family dwelling. Any future development at the subject property will need to adhere to the development standards of the SRC, including setback requirements, unless adjusted through a future land use action.

To ensure that any future development on proposed Parcel 1 conforms with the standards of the SRC, the following condition of approval shall apply:

**Condition 11:** The adjusted development standards, as approved with this zoning adjustment, shall only apply to the existing single-family dwelling. Any future development of Parcel 1 shall adhere to the development standards of the Salem Revised Code unless adjusted through a future land use action.

## 9. Conclusion

Based upon review of SRC chapters 205 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and the comments described, the application complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

## IT IS HEREBY ORDERED

That Tentative Partition Plan and Class 2 Adjustment Case No. PAR-ADJ20-10, to divide approximately 0.45 acres into three parcels, with Parcel 1 consisting of approximately 5,428 square feet, Parcel 2 consisting of approximately 3,675 square feet, and Parcel 3 consisting of approximately 6,006 square feet, with a Class 2 adjustment request to reduce the minimum interior side setback for the existing dwelling to the proposed flag lot accessway from 3 feet to 0 feet and reduce the minimum interior rear setback for the existing dwelling from 14 feet to 7.5 feet, for property zoned RS (Single Family Residential), located within the Compact Development Overlay Zone and Walker School Residential Area Overlay Zone, and located at 1331 6<sup>th</sup> Street NW (Polk County Assessor map and tax lot number(s): 073W21CD / 00800) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

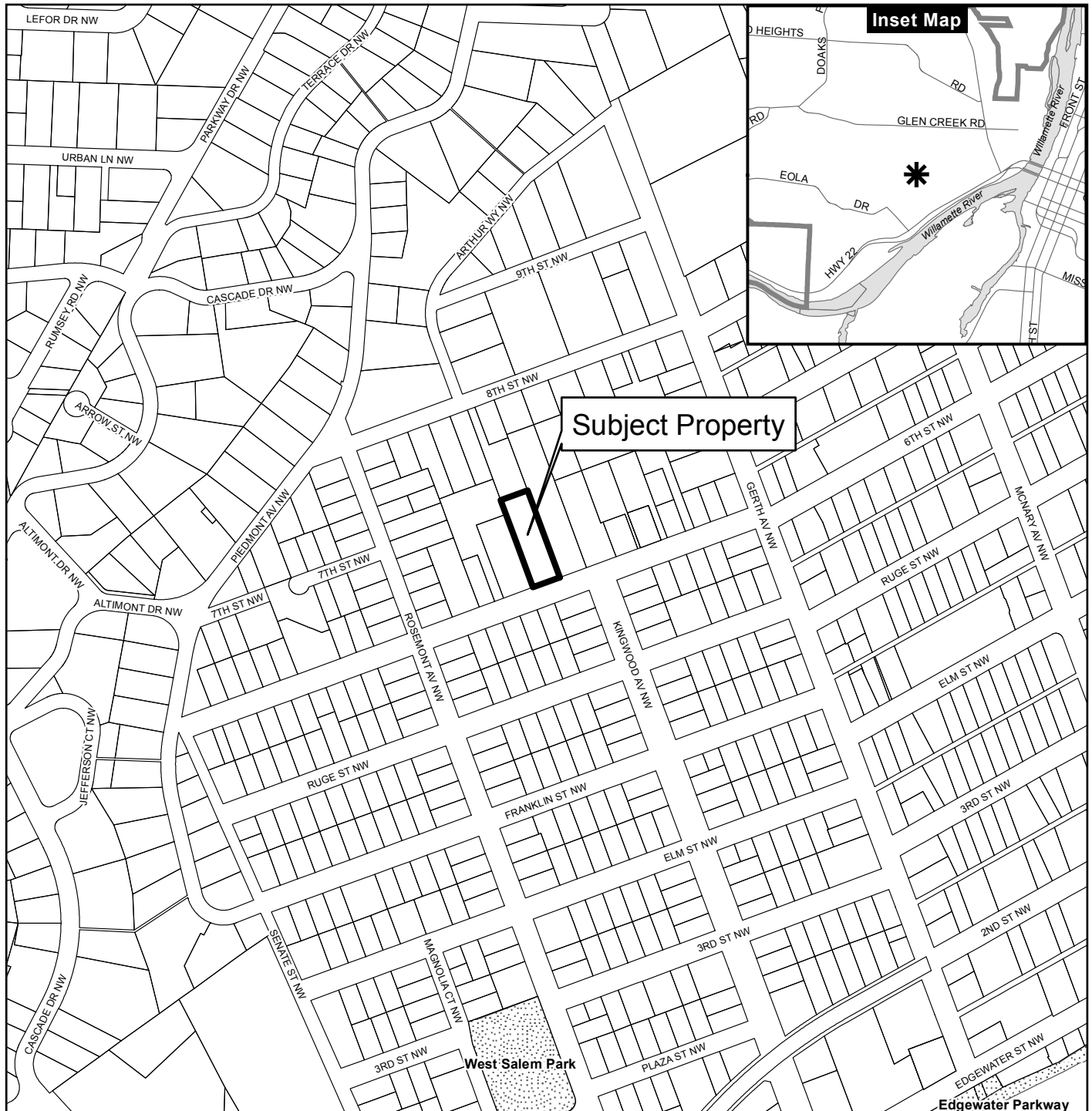
- Condition 1:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the dimensional standards set forth in Salem Revised Code 806.030(b).
- Condition 2:** Obtain permits for installation of water services to serve parcels 2 and 3.
- Condition 3:** Construct the stormwater facility proposed on Parcel 1.
- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- Condition 5:** Install a streetlight on the existing pole along the frontage of 6<sup>th</sup> Street NW as specified in the City Street Design Standards, consistent with the provisions of Salem Revised Code Chapter 803.
- Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of 6<sup>th</sup> Street NW.
- Condition 7:** Obtain a street tree removal permit pursuant to Salem Revised Code Chapter 86.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of 6<sup>th</sup> Street NW pursuant to Salem Revised Code 78.180(a).
- Condition 9:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve parcels 2 and 3.
- Condition 10:** Close the existing driveway and replace with curb and landscaping in accordance with Salem Revised Code Chapter 803 and Public Works Design Standards. Construct the portion of the proposed accessway needed to serve uses on Parcel 1.
- Condition 11:** The adjusted development standards, as approved with this zoning adjustment, shall only apply to the existing single-family dwelling. Any future development of Parcel 1 shall adhere to the development standards of the Salem Revised Code unless adjusted through a future land use action.



Brandon Pike, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Partition Plan
  - C. City of Salem Public Works Department Memorandum
  - D. Applicant's Written Statement Addressing the Class 2 Adjustment Approval Criteria

# Vicinity Map 1331 6th Street NW



## Legend

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

- Parks

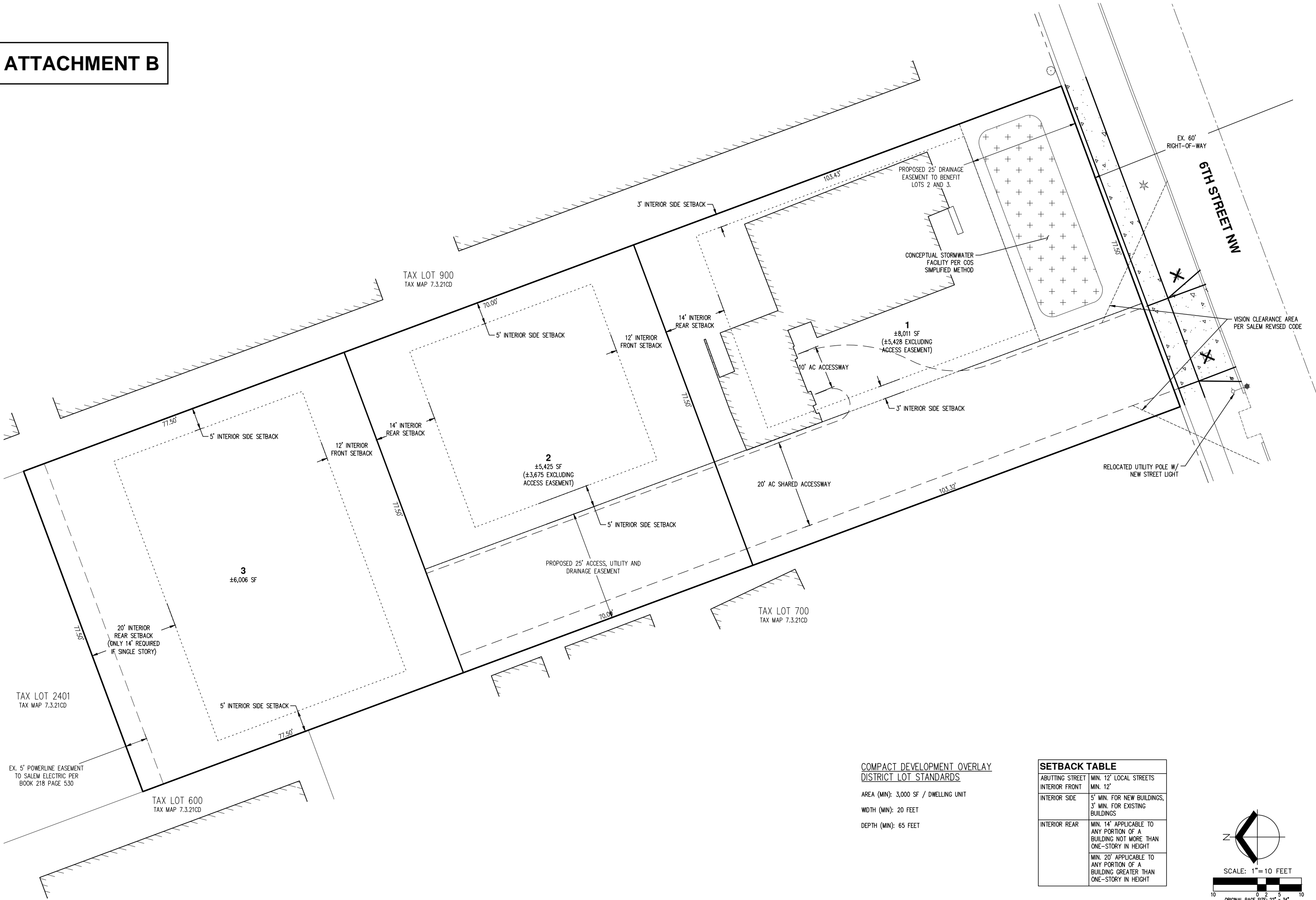
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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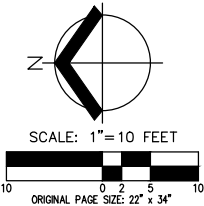
ATTACHMENT B



COMPACT DEVELOPMENT OVERLAY  
DISTRICT LOT STANDARDS

AREA (MIN): 3,000 SF / DWELLING UNIT  
WIDTH (MIN): 20 FEET  
DEPTH (MIN): 65 FEET

SETBACK TABLE	
ABUTTING STREET	MIN. 12' LOCAL STREETS
INTERIOR FRONT	MIN. 12'
INTERIOR SIDE	5' MIN. FOR NEW BUILDINGS, 3' MIN. FOR EXISTING BUILDINGS
INTERIOR REAR	MIN. 14' APPLICABLE TO ANY PORTION OF A BUILDING NOT MORE THAN ONE-STORY IN HEIGHT  MIN. 20' APPLICABLE TO ANY PORTION OF A BUILDING GREATER THAN ONE-STORY IN HEIGHT



TENTATIVE PLAN MAP  
TENTATIVE PARTITION - 1331 6TH STREET NW  
GP EQUITY HOLDINGS, LLC  
SALEM, OREGON

TAX LOT 073W21CD 00800




EXPIRES: DEC. 31, 2020  
JOB NUMBER: 7511  
DATE: 05/07/2020  
DESIGNED BY: LJM  
DRAWN BY: ATH  
CHECKED BY: ZP/RW



# MEMO

**TO:** Brandon Pike, Planner I  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer   
Public Works Department

**DATE:** July 20, 2020

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**PAR-ADJ20-10 (20-108204)**  
**1331 6<sup>TH</sup> STREET NW**  
**THREE-PARCEL PARTITION**

## **PROPOSAL**

To divide approximately 0.45 acres into 3 parcels in an RS (Single Family Residential), within the Compact Development Overlay Zone and Walker School Residential Area Overlay Zone, and located at 1331 6th Street NW (Polk County Assessor map and tax lot number(s): 073W21CD / 00800).

## **RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. The following conditions of approval shall be completed prior to final plat approval:
  - a. Close the existing driveway and replace with curb and landscaping in accordance with SRC Chapter 803 and PWDS. Construct the portion of the proposed accessway needed to serve uses on Parcel 1.
  - b. Obtain a street tree removal permit pursuant to SRC Chapter 86.
  - c. Construct the stormwater facility proposed on Parcel 1.
  - d. Obtain permits for installation of water services to serve Parcels 2 and 3.
  - e. Provide easements on the final plat pursuant to PWDS for water, sewer, and stormwater utilities as needed to serve Parcels 2 and 3.
  - f. Provide a 10-foot-wide public utility easement along the entire frontage of 6<sup>th</sup> Street NW.

2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an Improvement Agreement:
  - a. Install a streetlight on the existing pole along the frontage of 6th Street NW as specified in the City Street Design Standards, consistent with the provisions of SRC Chapter 803.
  - b. Construct sewer services that are proposed in the public right-of-way.
  - c. Replace non-conforming portions of existing sidewalk along the frontage of 6<sup>th</sup> Street NW pursuant to SRC 78.180(a).

## **FACTS**

1. 6<sup>th</sup> Street NW
  - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

## **Storm Drainage**

1. Existing Conditions
  - a. The nearest storm main is located near the intersection of either: Rosemont Avenue NW and 6th Street NW; or Kingwood Avenue NW and Ruge Street NW.

## **Water**

1. Existing Conditions
  - a. The subject property is located in the G-0 water service level.
  - b. A 6-inch public water main is located in 6<sup>th</sup> Street NW.

## **Sanitary Sewer**

1. Existing Sewer
  - a. An 8-inch sewer main is located in 6<sup>th</sup> Street NW.

## **CRITERIA AND FINDINGS**

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

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

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

**(B) City infrastructure standards; and**

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

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

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

A 10-foot-wide public utility easement is required along the entire frontage of 6<sup>th</sup> Street NW pursuant to SRC 803.035(n).

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

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

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



**Findings—**Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant is proposing a common stormwater facility to serve multiple parcels. This facility shall be constructed prior to final plat approval.

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

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

**Finding—**6<sup>th</sup> Street NW meets the right-of-way width and pavement width standards pursuant to the Salem TSP; however, the street improvement is lacking adequate streetlights. At the time of development, the applicant shall install a streetlight on the existing pole along the frontage of 6th Street NW as specified in the City Street Design Standards, consistent with the provisions of SRC Chapter 803.

The application proposes to construct a flag-lot accessway to serve the proposed development. Construction of the flag-lot accessway will require the removal of two street trees. Prior to construction of the flag-lot accessway, the applicant shall obtain street tree removal permits pursuant to SRC Chapter 86.

Pursuant to SRC 804.060(a)(3), the existing driveway shall be closed and replaced with curb and landscaping in accordance with SRC Chapter 803 and PWDS. Because closure of the existing driveway construction of the accessway to serve parcels 2 and 3 will require construction work to be performed on parcel 1, the accessway and driveway construction shall be completed prior to final plat approval and is not eligible for delay through an improvement agreement.

Prepared by: Jennifer Scott, Program Manager  
cc: File

flag lot accessway. The Tentative Partition Plan does not require a variance. This criterion is met.

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

**Response:** The site is basically flat and free of significant vegetation. Therefore, the planned layout, size, and dimensions of the parcels within the Tentative Partition Plan do not require significant grading or removal of significant vegetation. The project requires the removal of two street trees. Neither of these trees are significant vegetation. Please refer to the street tree removal permit application in Exhibit G for more information. This criterion is met.

- (8) When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:
- (A) The property is zoned residential;
  - (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
  - (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.

**Response:** The property included in this application will connect to the City sanitary sewer system as shown on the Preliminary Utility Plan in Exhibit A. These criteria do not apply.

- (e) *Conditions of approval for partitions in areas unserved by City sewer.* In addition to any conditions imposed pursuant to SRC 300.820, 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, the following conditions shall be imposed:
- (1) The parcels shall only be used for residential purposes;
  - (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and
  - (3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

**Response:** The property included in this application will connect to City domestic water and sanitary sewer systems as shown on the Preliminary Utility Plan in Exhibit A. These criteria do not apply.

(\*\*\*)

Chapter 250. Adjustments

Sec. 250.005. Adjustments.

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(a) Applicability.

(1) Classes.

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

**Response:** A Class 2 Adjustment is included in this application to reduce the applicable interior side setback standard, between the existing home on Parcel 1 and the planned flag lot accessway, from 3 feet to zero feet. It is also requested to reduce the rear-yard setback from 14 feet to 7.5 feet. The requested adjustments reduce the applicable standard by more than 20 percent; therefore, a Class 2 Adjustment is applicable.

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

**Response:** The requested Adjustments included in this application do not involve any of the modifications described in (A) through (K) above.

(b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

**Response:** This consolidated land use application includes Class 2 Adjustments that will be processed as a Type II procedure.

(c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

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- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
    - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
    - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
    - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
    - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

**Response:** The Tentative Partition Plans in Exhibit A includes the required information as applicable. These requirements are met.

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (A) The total site area, dimensions, and orientation relative to north;
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
  - (C) The location of the 100-year floodplain, if applicable; and
  - (D) The location of drainage patterns and drainage courses, if applicable.

**Response:** An Existing Conditions Plan containing the required information, as applicable, is included in Exhibit A. This requirement is met.

(d) Criteria.

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- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
  - (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.

**Response:** The Class 2 Adjustments included in this application request a reduction to the setback standard under SRC 631.015(c), Table 631-3, between the existing single family home on the planned Parcel 1 and the planned flag lot accessway and reduction to the setback between the existing home and the planned rear lot line. The purpose of SRC chapter 631 – for the Compact Overlay Zone is stated in SRC 631.001 as follows:

*The purpose of the Compact Development Overlay Zone is to identify allowed uses and to establish development standards to promote increased density infill development on vacant and underutilized Single Family Residential (RS) zoned land, in the form of a variety of housing types and in a manner that is consistent with, and conforms to, the established character of existing neighborhoods.*

This project involves a partition to create new lots to accommodate infill development on underutilized land in the RS Zone. The Compact Development overlay zone has been applied to the property; therefore, the property has been identified as appropriate for infill development. The northern half of the property is currently vacant and underutilized. This partition application will allow this vacant land to be developed with future housing consistent with the expressed purpose of this Chapter.

A 25-foot-wide accessway conforming to the dimensional standards in Table 800-1 in SRC 800.025 is required to provide access to these parcels containing the underutilized land. City staff has informed the applicant that the 25-foot width must be provided along the entire length of the property from the public right-of-way to the planned Parcel 3. Therefore, without the adjustment, approximately 3 feet of the existing garage would need to be removed to provide access to the new lots and allow the underutilized land on the property to be developed.

The existing home is an established single-family home, with an attached garage, that is consistent with the established character of the neighborhood. Garages are required in the RS Zone. Therefore, the Adjustment will allow the garage to remain in its current configuration, consistent with the established character of the neighborhood.

Additionally, the portion of the accessway where the Adjustment is necessary adjacent to the garage will only provide access to two lots. Table 800-1 in SRC 800.025 requires a 20-foot-wide accessway to serve up to two lots. Therefore, the requested adjustment will maintain 20 feet of unobstructed width within the proposed accessway along the portion serving Parcels 2 and 3.

For the reasons enumerated above, the planned development, with the requested Adjustment, equally meets the underlying purpose of the underlying development standard in the following ways:

1. It promotes increased density for infill development on vacant and underutilized RS Zone land;
2. It will allow for that development to occur in a manner that is consistent with, and conforms to, the established character of existing neighborhoods by minimizing demolition of an established home; and
3. It will maintain sufficient useable width within the accessway to serve the new infill lots.

The criterion under SRC 250.005(d)(2)(A)(ii) is met.

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

**Response:** As discussed in the previous response, the Adjustment will allow the existing garage serving the existing home to remain; thereby preserving the appearance of the residential area. This criterion is met.

- (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.

**Response:** Only one Adjustment is requested. This criterion does not apply.

- (e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

**Response:** This provision is understood.

#### Chapter 300. Procedures

##### Sec. 300.210. Application submittal.

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
- (1) A completed application form. The application form shall contain, at a minimum, the following information:
- (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - (B) The address or location of the subject property and its assessor's map and tax lot number;
  - (C) The size of the subject property;
  - (D) The comprehensive plan designation and zoning of the subject property;
  - (E) The type of application(s);
  - (F) A brief description of the proposal; and