

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

REVISED DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE PARTITION PLAN / CLASS 2 ZONING ADJUSTMENT CASE NO.:
PAR-ADJ20-11**

APPLICATION NO.: 20-105439-LD / 20-112092-ZO

NOTICE OF DECISION DATE: October 5-6, 2020

REQUEST: A tentative partition to create two parcels, with Parcel 1 consisting of approximately 6,693 square feet and Parcel 2 consisting of approximately 9,818 square feet. The parcels would consist of vacant land for future development. The application also includes a Class 2 adjustment request to increase the maximum lot depth of Parcel 1 from 126 feet to 160 feet. The subject property is approximately 0.45 acres (19,735 square feet) in size, zoned RS (Single Family Residential) and located at 2469 Evergreen Avenue NE (Marion County Assessor map and tax lot number(s): 073W13CD / 10200).

APPLICANT: Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Tim Groome, Gold Star Construction Inc.

LOCATION: 2469 Evergreen Avenue NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) - Partition tentative plan and 250.005(d)(2) - Adjustments

FINDINGS: The findings are in the attached *REVISED* Decision dated October 5-6, 2020.

DECISION: The **Planning Administrator APPROVED** Partition and Class 2 Adjustment PAR-ADJ20-11 subject to the following conditions of approval:

- Condition 1:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 2:** Obtain a permit for installation of a water service to serve Parcel 1.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed to serve multiple parcels.
- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- ~~**Condition 5:** Provide a 20-foot-wide private access and utility easement to serve Parcel 2.~~

Condition 56: Install street trees to the maximum extent feasible ~~pursuant to Salem Revised Code Chapter 86~~ along the frontage of Evergreen Avenue NE.

Condition 67: Provide a 10-foot-wide public utility easement along the entire frontage of Evergreen Avenue SE.

Condition 78: Close the existing driveway and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE ~~pursuant to Salem Revised Code 78.180(a).~~

The rights granted by the attached decision must be exercised, or an extension granted, by October 24 22, 2022, or this approval shall be null and void.

Application Deemed Complete:	<u>August 11, 2020</u>
Notice of Decision Mailing Date:	<u>October 5 <u>6</u>, 2020</u>
Decision Effective Date:	<u>October 24 <u>22</u>, 2020</u>
State Mandate Date:	<u>December 9, 2020</u>

Case Manager: Brandon Pike, Planner I, 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, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Tuesday, October 20 Wednesday, October 21, 2020. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT AND CLASS 2 ADJUSTMENT CASE NO. 20-11)**

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<http://www.cityofsaalem.net/planning>*

IN THE MATTER OF THE)	REVISED
APPROVAL OF TENTATIVE)	FINDINGS AND ORDER
PARTITION PLAN & CLASS 2)	
ADJUSTMENT CASE NO. 20-11;)	
2469 EVERGREEN AVENUE NE)	OCTOBER 5- 6, 2020

REQUEST

A tentative partition to create two parcels, with Parcel 1 consisting of approximately 6,693 square feet and Parcel 2 consisting of approximately 9,818 square feet. The parcels would consist of vacant land for future development. The application also includes a Class 2 adjustment request to increase the maximum lot depth of Parcel 1 from 126 feet to 160 feet. The subject property is approximately 0.45 acres (19,735 square feet) in size, zoned RS (Single Family Residential) and located at 2469 Evergreen Avenue NE (Marion County Assessor map and tax lot number(s): 073W13CD / 10200).

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-ADJ20-11 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:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 2:** Obtain a permit for installation of a water service to serve Parcel 1.
- Condition 3:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed to serve multiple parcels.
- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- ~~**Condition 5:** Provide a 20-foot wide private access and utility easement to serve Parcel 2.~~

Condition 56: Install street trees to the maximum extent feasible ~~pursuant to Salem Revised Code Chapter 86~~ along the frontage of Evergreen Avenue NE.

Condition 67: Provide a 10-foot-wide public utility easement along the entire frontage of Evergreen Avenue SE.

Condition 78: Close the existing driveway and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE ~~pursuant to Salem Revised Code 78.180(a)~~.

PROCEDURAL FINDINGS

1. On March 16, 2020, a land use application for a tentative partition plan was filed proposing to divide a 0.45-acre property at 2469 Evergreen Avenue NE into three parcels.
2. On July 23, 2020, an application for a Class 2 adjustment was filed to increase the maximum lot depth of Parcel 1 from 126 feet to 160 feet, and the tentative partition plan was revised to divide the subject property into two parcels (see **Attachment B**).
3. After additional information was provided, the consolidated application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on August 11, 2020.
4. The state-mandated local decision deadline for the application is December 9, 2020.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative partition plan proposes to divide the 0.45-acre property into two parcels; the parcels would consist of vacant land for future development. Proposed Parcel 1 would take access from Evergreen Avenue NE, and proposed Parcel 2 would take access through the proposed flag lot accessway from Evergreen Avenue NE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,693 square feet
Parcel Dimensions: Approximately 42 feet in width and 160 feet in depth

PROPOSED PARCEL 2

Parcel Size: 9,818 square feet, exclusive of the flag lot accessway
Parcel Dimensions: Approximately 62 feet in width and 158.5 feet in depth, exclusive of the flag lot accessway

Access and Circulation: The subject property has frontage on Evergreen Avenue NE. Within the Salem Transportation System Plan (TSP), Evergreen Avenue NE is classified as a Collector street.

2. Existing Conditions

Site and Vicinity

The subject property is rectangular in shape and has approximately 62 feet of frontage on one public street, Evergreen Avenue NE. The property is currently approximately 62 feet in width and 318.5 feet in depth. It is currently undeveloped, vacant land.

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: Parks - Open Space - Outdoor Recreation (POS)

South: Single Family Residential (SF)

East: Across Evergreen Avenue NE – Single Family Residential (SF)

West: Parks – Open Space – Outdoor Recreation (POS)

Zoning and Surrounding Land Use

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

North: PA (Public Amusement); Oregon State Fairgrounds

South: RS (Single Family Residential); single-family dwelling

East: Across Evergreen Avenue NE – RS (Single Family Residential); single-family dwellings

West: PA (Public Amusement); Oregon State Fairgrounds

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 4-inch public water main is located in Evergreen Avenue NE. There is also a 24-inch public water main located in Evergreen Avenue NE. This main is not generally accessible for domestic use.

Sewer: A 30-inch sewer main is located in Evergreen Avenue NE.

- Storm Drainage:* A 12-inch storm main is located in Evergreen Avenue NE. A 36-inch storm main is located west of the subject property within an easement on the abutting lot.
- Streets:* Evergreen Avenue NE abuts the subject property to the east. It is designated as a Collector street in the Salem Transportation System Plan (TSP).
- The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - This street has an approximate 34-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. The Public Works Department has provided a revised memo to reflect that an access easement for Parcel 2 is not required. Their revised memorandum is included as **Attachment C.**

Building and Safety Division – The City of Salem Building and Safety Division reviewed the proposal and indicated no concerns.

Fire Department – Items including fire department access and water supply will be required to be provided at time of construction. Requirements will be based on the Oregon Fire Code that is adopted at the time of the project. Current requirements are: fire department access is required to be provided within 150 feet of all portions of the structures, fire department access over 150 feet in length requires an approved turnaround, fire hydrant is required within 600 feet of all portions of the structures, all measurements are made along an approved route.

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

Notice of the proposal was provided to public agencies and to public and private service providers. No comments were received.

5. Neighborhood Association Comments

The subject property is within the Lansing Neighborhood Association. 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, no comments were received from the neighborhood association.

6. Public Comments

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed development. Prior to the close of the comment period, no comments were received from members of the public.

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.

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.45-acre property into two parcels, with each proposed parcel to consist of vacant land for future development. The subject property is 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

Staff Response: Parcel 1 is approximately 6,693 square feet in size, approximately 42 feet in width and 160 feet in depth, and has approximately 42 feet of frontage on Evergreen Avenue NE. Measured exclusive of the flag lot accessway, proposed Parcel 2 is approximately 9,818 square feet in size, and approximately 62 feet in width and 158.5 feet in depth. It is served by a 20-foot-wide flag lot accessway.

Except where a Class 2 adjustment has been requested to increase the maximum lot depth of Parcel 1, both proposed parcels 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)

Staff Response: The subject property is currently vacant land. 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.

Staff Response: There are no existing buildings or accessory structures on the subject property. The proposed parcels will be reviewed for conformance with the lot coverage standards of the applicable zone at the time of development.

SRC Chapter 800 (General Development Standards)

SRC 800.025 (Flag Lots): Lots can be created without the minimum required frontage on a public street when flag lot accessways conforming to the standards of Table 800-1 are provided. Flag lot accessways shall be privately and not publicly maintained.

SRC 800.025 establishes the following development standards for flag lot accessways serving one-to-two residentially zoned lots:

Flag Lot Accessway Standards (1-2 Lots) (Residential Zones)	
Length	150 ft. Max.

Total Width	20 ft. Min.
Paved Width	15 ft. Min.
Parking	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>

Staff Response: The proposed flag lot accessway to serve proposed Parcel 2 is approximately 161 feet in length and 20 feet in width. Because the proposed flag lot accessway is greater than 150 feet in length and no turnaround is proposed, at the time of building permit application for Parcel 2, the applicant will be required to either equip future buildings with an approved automatic fire sprinkler system, or show that geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

Subsection (d) prohibits parking on flag lot accessways. To ensure that resident and emergency access remains unobstructed, the following condition shall apply:

Condition 1: Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

As conditioned, the proposal conforms to the requirements of SRC Chapter 800.

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

SRC 806.005 – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity, or for any intensification, expansion, or enlargement of a use or activity.

Staff Response: The subject property is currently vacant land. The proposed parcels will be reviewed for conformance with the requirements of SRC Chapter 806 at the time of future development.

(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 October 1, 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 a permit for installation of a water service to serve Parcel 1.

Condition 3: Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed to serve multiple parcels.

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

~~**Condition 5:** Provide a 20-foot-wide private access and utility easement to serve Parcel 2.~~

Condition 5 has been deleted. Upon further review the flagpole portion of Parcel 2 is part of Parcel 2, not Parcel 1, and therefore, does not need an easement. Therefore, this condition is not needed.

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

SRC 803.015 (Traffic Impact Analysis): The proposed two-parcel partition generates less than 1,000 average daily vehicle trips to Evergreen Avenue NE, which is designated as a Collector 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 an existing public street or the proposed flag lot accessway.

SRC 803.025 (Right-of-Way and Pavement Widths): Evergreen Avenue NE abuts the subject property and is designated as a Collector street in the TSP. The abutting portion of Evergreen Avenue NE meets the current right-of-way and pavement width standards for a Collector 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. While there are other residentially zoned properties to the south which could likewise be further divided, the subject property is only 62 feet wide. Additionally, properties to the north and west are already developed as part of the Oregon State Fairgrounds. These facts preclude development of further street connections as part of the proposal.

SRC 803.035 (Street Standards): The subject property's street frontage on Evergreen Avenue NE currently lacks adequate street trees. Pursuant to SRC 803.035(k), development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC Chapter 86.

To ensure the proposal meets the standards of SRC 803.035(k) and SRC Chapter 86, the following condition of approval shall apply:

Condition 56: Install street trees to the maximum extent feasible pursuant to ~~Salem Revised Code Chapter 86~~ along the frontage of Evergreen Avenue NE.

This condition is being revised to add clarity about where street trees are required.

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 67: Provide a 10-foot-wide public utility easement along the entire frontage of Evergreen Avenue SE.

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 Evergreen Avenue NE. As addressed within *Section C* below, pursuant to SRC 804.060(a)(4), the applicant will be required to close the existing driveway approach onto Evergreen Avenue NE. The below condition addresses both the requirement to repair or replace any non-conforming panels of sidewalk, as well as the requirement to close the existing driveway approach. To ensure the previously stated requirements are met and the proposal conforms to the Salem TSP, the following condition of approval shall apply:

Condition 78: Close the existing driveway and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE ~~pursuant to Salem Revised Code 78.180(a).~~

This condition is being revised to eliminate an incorrect code reference.

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. The development will be required to adhere to the tree planting requirements of SRC 808.050 at the time of building permit application.

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.

The Salem-Keizer Local Wetland Inventory shows that there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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 undeveloped property into two parcels, with both proposed parcels to be developed in the future. 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/or 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.

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.

The proposal meets this criterion.

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

Finding: Evergreen Avenue NE meets the right-of-way width and pavement width standards pursuant to the Salem TSP. At the time of development, the applicant shall install street trees pursuant to SRC 86.015(e), close the existing driveway pursuant to SRC 804.060(a)(4), and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE pursuant to SRC 78.180(a), as conditioned above.

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 proposal allows for reasonable development of all parcels within the partition without variances from the UDC. The subject property is relatively flat and contains no existing trees 10 inches or more in diameter at breast height (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, size, and dimensions of the parcels allow for reasonable development of all parcels within the partition.

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) sets forth the criteria that must be met before approval can be granted for a Class 2 adjustment. 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.

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 an adjustment to increase the maximum lot depth of Parcel 1 from 126 feet to 160 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 the maximum lot depth standard is to ensure that new parcels have adequate area and dimensions to permit allowed uses within the given zone, and that lots are not too narrow to reasonably develop. In the RS zone, this standard also ensures that new parcels can be further divided at a later date if possible. The proposed parcels are too small for future division; the purpose underlying that intention of the code is inapplicable to the proposed development.

Proposed Parcel 1 meets each of the other lot standards of the RS zone. The subject property is quite narrow, currently measuring approximately 62 feet wide by 318.5 feet deep. The property is already nonconforming in terms of not meeting the maximum lot depth standard for the RS zone. The applicant originally proposed three parcels with the proposed partition; this would have avoided an issue with exceeding maximum lot depth. However, the applicant had to revise the original proposal to meet other development standards. Despite exceeding the maximum lot depth standard, the

proposed dimensions of Parcel 1 allow for reasonable development of the property in conformance with the UDC.

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

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

Finding: The subject property is located within a residential zone. The proposal involves creating two total lots—allowing for future residential development on both proposed parcels. The proposal aligns with the development pattern of the surrounding area, with existing single family residences on properties to the south and east. 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: The applicant has requested one adjustment. This criterion does not apply.

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-ADJ20-11, to divide approximately 0.45 acres into two parcels, with Parcel 1 consisting of approximately 6,693 square feet, and Parcel 2 consisting of approximately 9,818 square feet, with a Class 2 adjustment request to increase the maximum lot depth of Parcel 1 from 126 feet to 160 feet, for property zoned RS (Single Family Residential) and located at 2469 Evergreen Avenue NE (Marion County Assessor map and tax lot number(s): 073W13CD / 10200) 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: Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Condition 2: Obtain a permit for installation of a water service to serve Parcel 1.

Condition 3: Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed to serve multiple parcels.

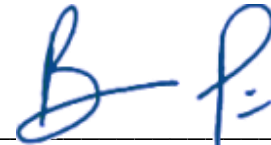
Condition 4: Construct sewer services that are proposed in the public right-of-way.

~~**Condition 5:** Provide a 20-foot-wide private access and utility easement to serve Parcel 2.~~

~~**Condition 56:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86 along the frontage of Evergreen Avenue NE.~~

~~**Condition 67:** Provide a 10-foot-wide public utility easement along the entire frontage of Evergreen Avenue SE.~~

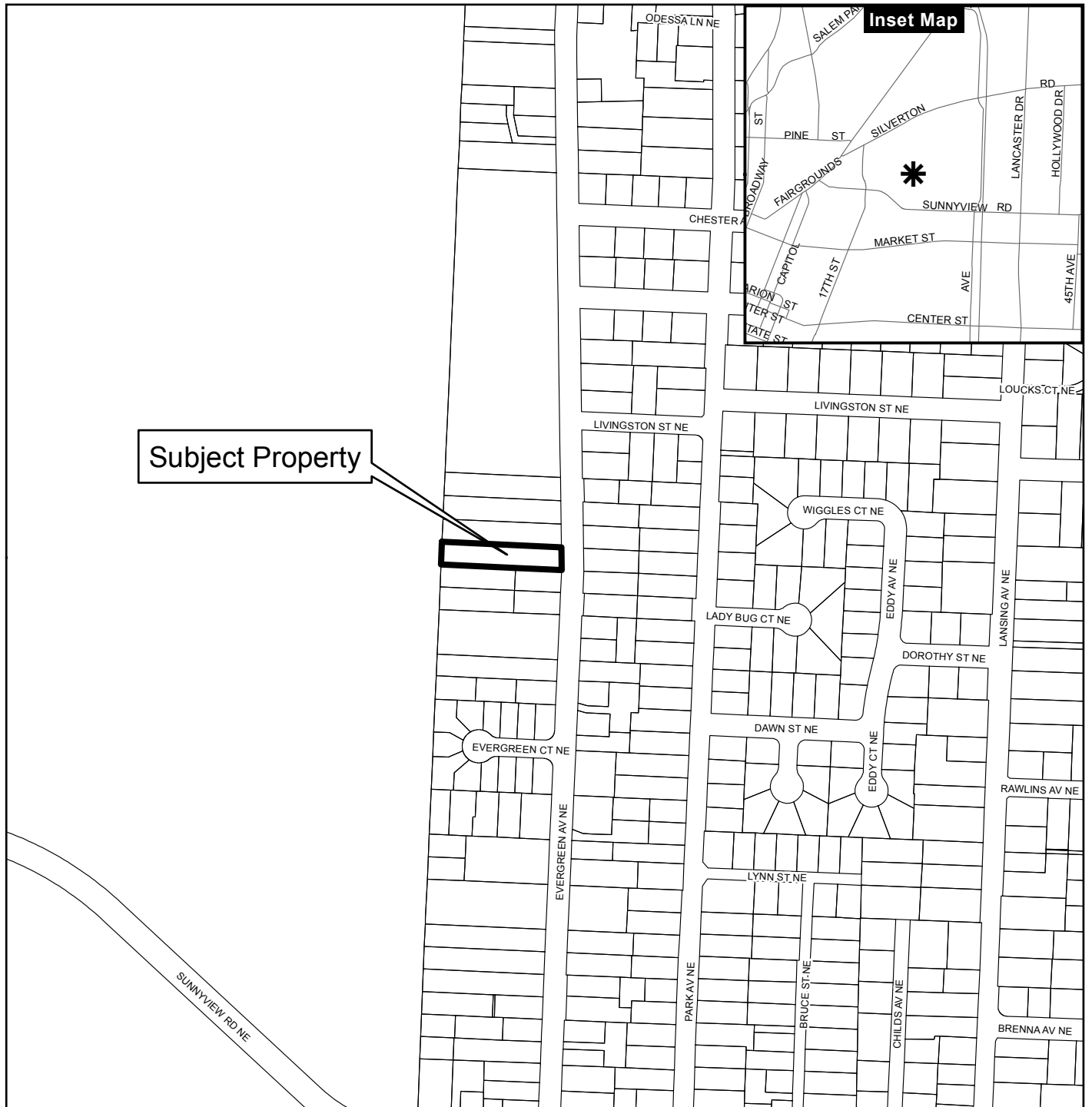
~~**Condition 78:** Close the existing driveway and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE pursuant to Salem Revised Code 78.180(a).~~



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

Attachments: A. Vicinity Map
B. Applicant's Tentative Partition Plan
C. *Revised* City of Salem Public Works Department Memorandum
D. Applicant's Written Statement

Vicinity Map 2469 Evergreen Avenue NE



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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0 100 200 400 Feet

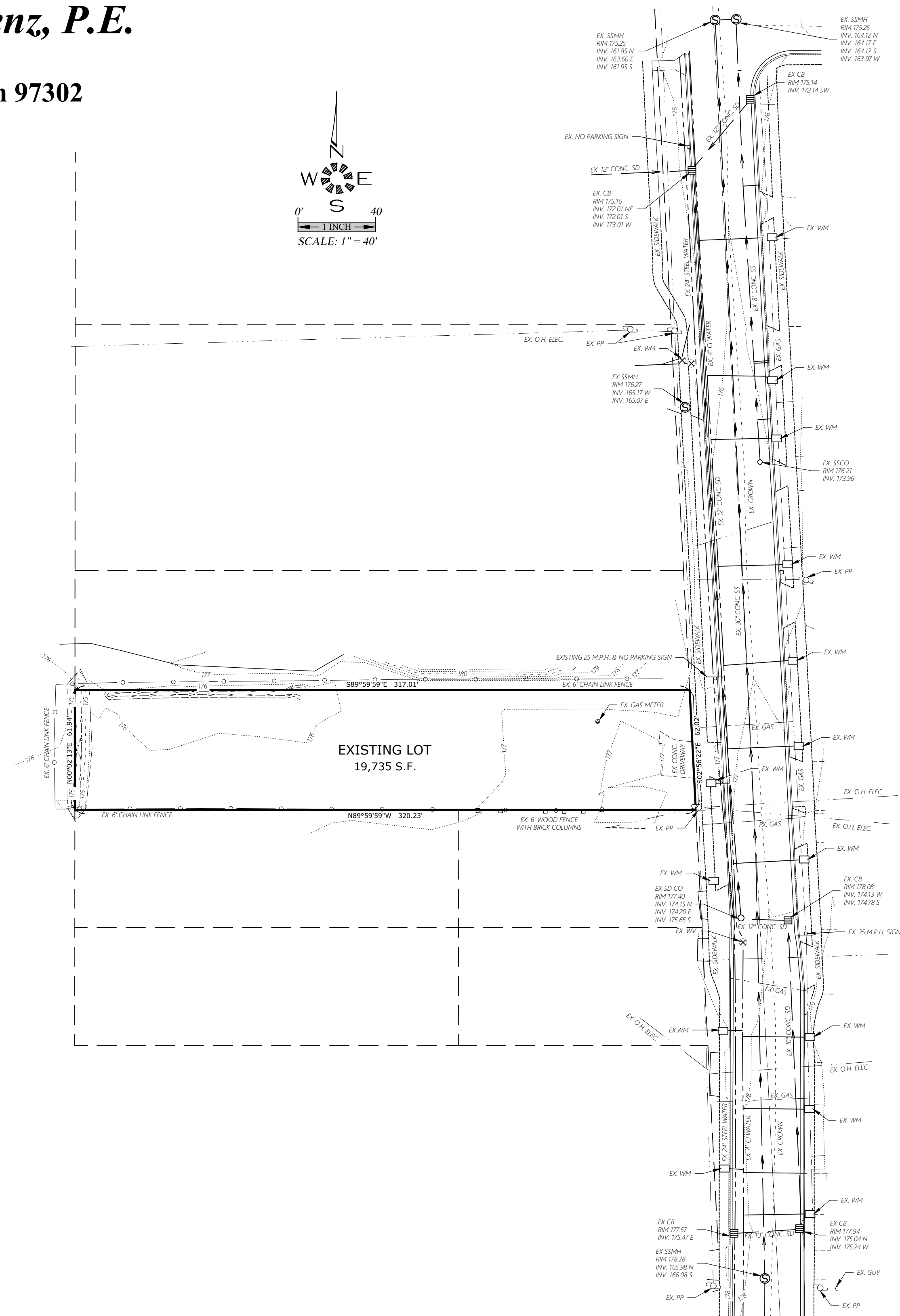


**216 Faith Dr
Jefferson, Oregon 97352**

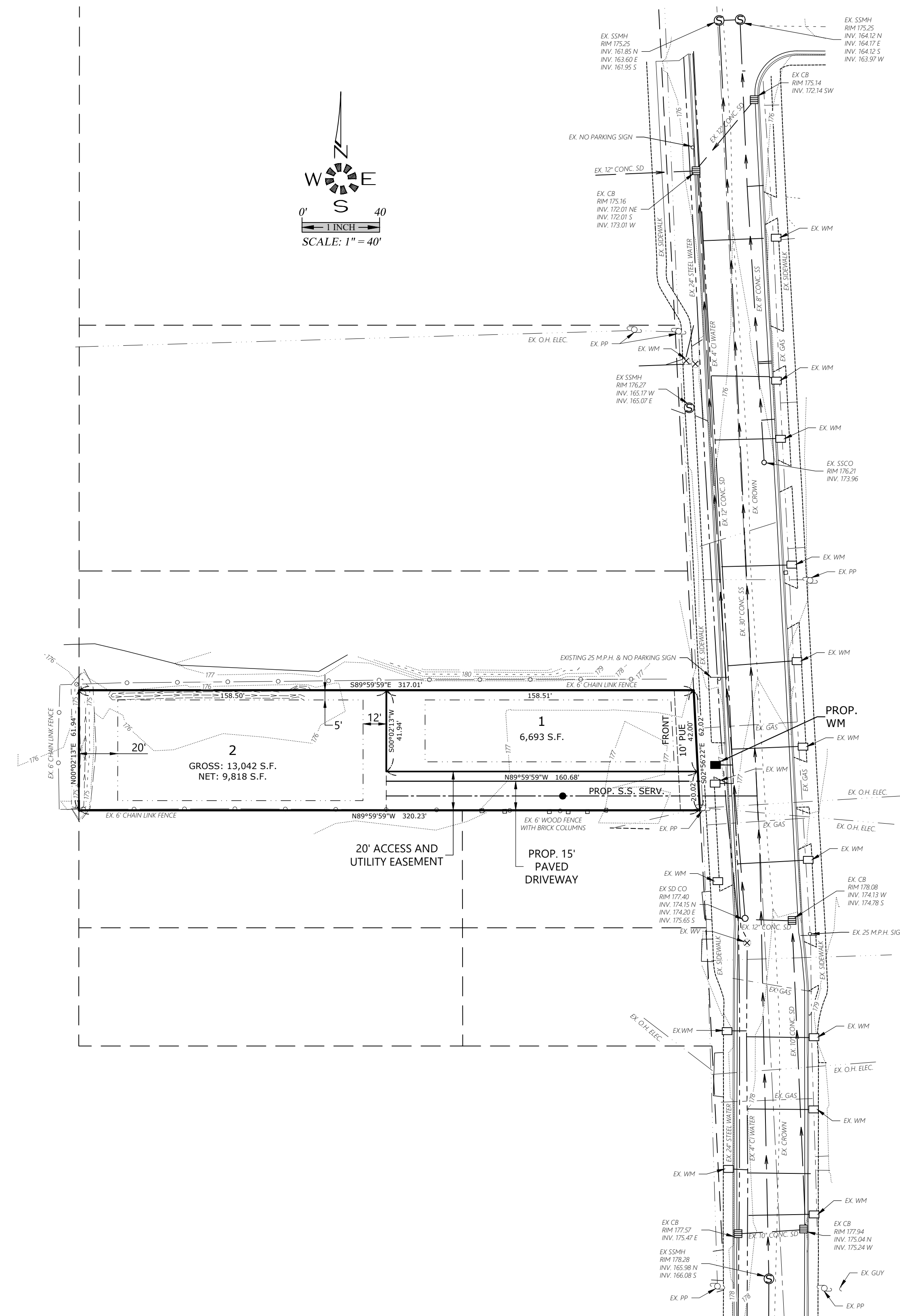
**1155 13th St
Salem, Oregon 97302**

SEC. 13, T. 7 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON

ATTACHMENT B



EXISTING CONDITIONS



PROPOSED CONDITIONS



MULTI/TECH

ENGINEERING SERVICES, INC.

1155 13TH ST. S.E. SALEM, OR. 97302
 PH. (503) 363 - 9227 FAX (503) 364-1260
www.mtecheng.com e-mail: office@mteng.com

TENTATIVE PARTITION PLAN

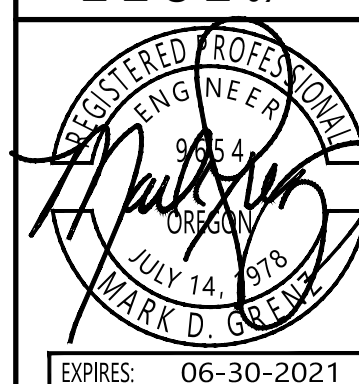
EVERGREEN PARTITION

TWO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE TO THESE DRAWINGS
WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION

7044p P1-9ART

Design:	M.D.G.
Drawn:	T.N.S.
Checked:	B.M.G.
Date:	APRIL 2020
Scale:	AS SHOWN



EXPIRES:	06-30-2021
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JOB # 7044



MEMO

TO: Brandon Pike, Planner I
Community Development Department

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

DATE: October 6, 2020

**SUBJECT: REVISED PUBLIC WORKS RECOMMENDATIONS
PAR-ADJ20-11 (20-105439)
2469 EVERGREEN AVENUE NE
TWO-PARCEL PARTITION**

PROPOSAL

A tentative partition to create two parcels, with Parcel 1 consisting of approximately 6,693 square feet and Parcel 2 consisting of approximately 9,818 square feet. The parcels would consist of vacant land for future development. The application also includes a Class 2 adjustment request to increase the maximum lot depth of Parcel 1 from 126 feet to 160 feet. The subject property is approximately 0.45 acres (19,735 square feet) in size, zoned RS (Single Family Residential), and located at 2469 Evergreen Avenue NE (Marion County Assessor map and tax lot number(s): 073W13CD / 10200).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Obtain a permit for installation of a water service to serve Parcel 1.
 - b. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed to serve multiple parcels.
 - c. Provide a 10-foot-wide public utility easement along the entire frontage of Evergreen Avenue SE.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
 - a. Install street trees to the maximum extent feasible along the frontage of Evergreen Avenue NE.

- b. Construct sewer services that are proposed in the public right-of-way.
- c. Close the existing driveway and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE.

FACTS

1. Evergreen 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 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Evergreen Avenue NE.
- b. A 36-inch storm main is located west of the subject property within an easement on the abutting lot.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch public water main is located in Evergreen Avenue NE.
- c. A 24-inch public water main is located in Evergreen Avenue NE. This main is not generally accessible for domestic use.

Sanitary Sewer

1. Existing Sewer

- a. A 30-inch sewer main is located in Evergreen Avenue NE.

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 Evergreen Avenue NE pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows that there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

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.

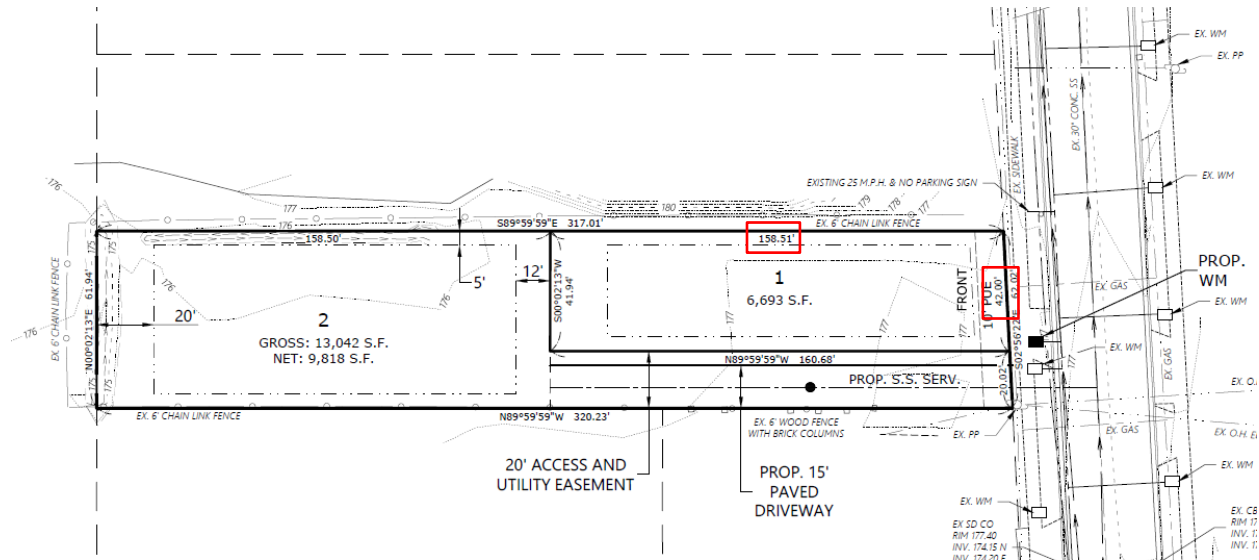
Findings—Evergreen Avenue NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development. At the time of building construction, the applicant shall install street trees pursuant to SRC 86.15(e), close the existing driveway pursuant to SRC 804.060(a)(4), and replace non-conforming portions of existing sidewalk along the frontage of Evergreen Avenue NE pursuant to SRC 78.180(a). No special setback is required along Evergreen Avenue NE because the existing right-of-way meets the standard for a Collector street.

Prepared by: Jennifer Scott, Program Manager
cc: File

Evergreen Partition
Adjustment Class-2 Application
Table 511-2 (Lot Standards)

Proposal:

An adjustment to lot width to depth ratio is being requested for Parcel 1.



The minimum lot width required for lots in the RA zone is 40 feet with a minimum lot depth of 70 feet. Table 514-2 only allows a maximum lot depth of 300% of average lot width.

Parcel 1

Lot Width: 42'

Lot Depth: 158.51' Allowed Lot Depth: 126'

The applicant is requesting an adjustment to the lot width to lot depth maximum for Parcel 1 outlined above.

Adjustment Criteria-SRC 250.005(d)(2) Criteria

(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.

Applicant's Reasons:

- (A) The applicant is requesting a zoning adjustment to Table 514-2. The minimum lot width required for lots/parcels in the RA zone is 40 feet with a minimum lot depth of 70 feet. Table 514-2 only allows a maximum lot depth of 300% of average lot width.

Parcel 1

Lot Width: 42'

Lot Depth: 158.51' Allowed Lot Depth: 126'

An adjustment to lot width to depth ratio is being requested for Parcel 1. The applicant is requesting an adjustment to the lot width to lot depth maximum.

In order to provide all the required access easement and a larger lot, the size of the parcels had to be taken into consideration. In order to meet the access requirements requirements and fully utilize the site, long and narrow lots were created. Therefore, Parcel 1 exceeds the maximum requirement.

The longer lots do not affect the proposed parcels. The longer lots actually provide adequate lot area for proposed development. Therefore, the proposed adjustment equally or better meets the standard.

- (B) The subject property is zoned RA and is located adjacent residential uses to the south and vacant public land to the north.

The proposal will have little to no impact on the surrounding neighborhood. The longer lots do not affect the rest of the proposed parcels. The longer lots actually provide larger lots to help meet setbacks and provide larger open space areas on the lots. Therefore, this proposal will not detract from the livability or appearance of the residential area.

Any conditions placed on the subdivision will require Code compliance, which will help ensure minimal to no impacts on the neighborhood.

- (C) The proposed adjustment will not affect surrounding existing or proposed development. The applicant is not requesting more than one adjustment.