

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

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.:** PAR21-08

**APPLICATION NO.:** 21-106621-LD

**NOTICE OF DECISION DATE:** August 2, 2021

**SUMMARY:** A tentative partition plan to create two parcels, with Parcel 1 consisting of approximately 14,965 square feet and Parcel 2 consisting of approximately 7,035 square feet.

**REQUEST:** A tentative partition to create two parcels, with Parcel 1 consisting of approximately 14,965 square feet, or 0.34 acres, with a 9,748 square foot flag lot accessway for a total of 24,713 square feet, and Parcel 2 consisting of approximately 7,035 square feet, or 0.16 acres. The parcels will consist of vacant land for future development on Parcel 1 and an existing single family residence on Parcel 2. The subject property is split-zoned RM-II (Multiple Family Residential 2) and RA (Residential Agriculture) and located at 2410 and 2416 Fisher Road NE 97305 (Marion County Assessors Map and Tax Lot number 072W18CC / 4400 and 4500).

**APPLICANT:** Brandie Dalton, Multi Tech Engineering, on behalf of Fisher Road Properties LLC (Peter Ivanov, Mike Ivanov) and Amber Rogers

**LOCATION:** 2410 & 2416 Fisher Road NE, Salem OR 97305

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) - Partition

**FINDINGS:** The findings are in the attached Decision dated August 2, 2021.

**DECISION:** The **Planning Administrator APPROVED** Partition PAR21-08 subject to the following conditions of approval:

- Condition 1:** Parcel 1 shall contain at least a total of three dwelling units when developed.
- Condition 2:** Prior to final plat approval, the existing carport adjacent to the front property line on Parcel 2 shall be removed.
- Condition 3:** Prior to final plat approval, the applicant shall remove the existing shed on Parcel 1.
- Condition 4:** Prior to final plat approval, the applicant shall remove the 'woodpile overhang' on Parcel 1.
- Condition 5:** Prior to final plat approval, the applicant shall provide a minimum 25-foot wide shared access easement for the common driveway to serve Parcels 1 and 2.

# NOTICE OF DECISION

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



- Condition 6:** Prior to final plat approval, the applicant shall obtain a favorable Class 2 Adjustment to exceed the length of the flag lot accessway.
- Condition 7:** Prior to final partition plat, the flag lot accessway shall be paved to a minimum width of 22 feet in width.
- Condition 8:** 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 9:** Prior to final plat approval, the applicant shall provide a public sewer easement for the existing sewer main pursuant to PWDS.
- Condition 10:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall either; 1) convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Fisher Road NE; or 2) provide a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.
- Condition 11:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement.
- Condition 12:** Dedicate a 10-foot public utility easement (PUE) along the entire length of the flag lot accessway.

The rights granted by the attached decision must be exercised, or an extension granted, by August 18, 2023, or this approval shall be null and void.

|                                  |                        |
|----------------------------------|------------------------|
| Application Deemed Complete:     | <u>June 11, 2021</u>   |
| Notice of Decision Mailing Date: | <u>August 2, 2021</u>  |
| Decision Effective Date:         | <u>August 18, 2021</u> |
| State Mandate Date:              | <u>October 9, 2021</u> |

Case Manager: Sally Long, [sjlong@cityofsalem.net](mailto:sjlong@cityofsalem.net), 503-540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Tuesday, August 17, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 21-01)**

*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 NO. 21-08;  
2410 & 2416 FISHER ROAD NE**

)  
)  
)  
)

**FINDINGS AND ORDER**

**AUGUST 2, 2021**

**REQUEST**

**Summary:** A tentative partition plan to create two parcels, with Parcel 1 consisting of approximately 14,965 square feet and Parcel 2 consisting of approximately 7,035 square feet.

**Request:** A tentative partition to create two parcels, with Parcel 1 consisting of approximately 14,965 square feet, or 0.34 acres, with a 9,748 square foot flag lot accessway for a total of 24,713 square feet, and Parcel 2 consisting of approximately 7,035 square feet, or 0.16 acres. The parcels will consist of vacant land for future development on Parcel 1 and an existing single-family residence on Parcel 2. The subject property is split-zoned RM-II (Multiple Family Residential 2) and RA (Residential Agriculture) and located at 2410 and 2416 Fisher Road NE 97305 (Marion County Assessors Map and Tax Lot number 072W18CC / 4400 and 4500).

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

**DECISION**

The tentative partition plan 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:** Parcel 1 shall contain at least a total of three dwelling units when developed.
- Condition 2:** Prior to final plat approval, the existing carport adjacent to the front property line on Parcel 2 shall be removed.
- Condition 3:** Prior to final plat approval, the applicant shall remove the existing shed on Parcel 1.
- Condition 4:** Prior to final plat approval, the applicant shall remove the 'woodpile overhang' on Parcel 1.
- Condition 5:** Prior to final plat approval, the applicant shall provide a minimum 25-foot wide shared access easement for the common driveway to serve Parcels 1 and 2.
- Condition 6:** Prior to final plat approval, the applicant shall obtain a favorable Class 2 Adjustment to exceed the length of the flag lot accessway.

- Condition 7:** Prior to final partition plat, the flag lot accessway shall be paved to a minimum width of 22 feet in width.
- Condition 8:** 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 9:** Prior to final plat approval, the applicant shall provide a public sewer easement for the existing sewer main pursuant to PWDS.
- Condition 10:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall either; 1) convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Fisher Road NE; or 2) provide a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.
- Condition 11:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement.
- Condition 12:** Dedicate a 10-foot public utility easement (PUE) along the entire length of the flag lot accessway.

### **PROCEDURAL FINDINGS**

1. On April 6, 2021, an application for a Tentative Partition Plan was filed proposing to divide a 0.73-acre property at 2410 and 2416 Fisher Road NE (**Attachment B**) into two parcels.
2. After additional information was provided, the application was deemed complete for processing on June 11, 2021
3. The state-mandated local decision deadline is October 9, 2021

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative partition plan proposes to divide the 0.73- acre property into two parcels; the existing single-family dwelling would remain on Parcel 2, and Parcel 1 would consist of vacant land for future development (**Attachment B**). Access for both parcels is being taken from an existing flag lot accessway connecting to Fisher Road SE. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 14,945 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 80 feet in width and 186 feet in depth, exclusive of the flag lot accessway

## **PROPOSED PARCEL 2**

Parcel Size: 7,035 square feet,  
Parcel Dimensions: Approximately 80 feet in width and 88 feet in depth

**Access and Circulation:** Access for both parcels is being provided via a flag lot accessway connecting to Fisher Road NE, a collector street within the Salem Transportation System Plan (TSP).

## **Existing Conditions**

### Site and Vicinity

The subject property is a flag-shaped property approximately 105 feet in width and 273 feet in depth, with an approximate flag lot accessway length of 213 feet. An existing house, constructed in 1964, is situated on the western portion of the subject property. The applicant proposes to retain the existing house on proposed Parcel 2 after the partition.

### Salem Area Comprehensive Plan (SACP) Designation

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

*Comprehensive Plan Map:* The subject property is split-designated “Single Family Residential” and “Multi-Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential and Multi-Family Residential  
South: Multi-Family Residential  
East: Multi-Family Residential  
West: Single Family Residential

### Zoning and Surrounding Land Use

The subject property is split-zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential 2). The RA portion of the subject property is currently developed with a single-family home and proposed to be entirely within proposed Parcel 2, while the RM-II portion of the lot is undeveloped and is entirely within proposed Parcel 1. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential) and RM-II (Multiple Family Residential 2); multi-family apartments  
South: RM-II (Multiple Family Residential 2; multi-family apartments  
East: RM-II (Multiple Family Residential 2; multi-family apartments  
West: RS (Single Family Residential); single family dwelling

### 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 12-inch public water main is located in Fisher Road NE.
- Sewer:** There is an 8-inch sanitary sewer main located in the flagpole portion of the subject property.
- Storm Drainage:** A 6-inch storm main and ditch are located in Fisher Road NE.
- Streets:** *Fisher Road NE* abuts the western boundary of the subject property and 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 25-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
  - The abutting portion of Fisher Road NE has a special setback equal to 30 feet from centerline of Fisher Road NE.

## **Summary of Record:**

The following items are submitted to the record and are available upon request: all materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **2. City Department Comments**

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

**Building and Safety Department** - The City of Salem Building and Safety Department reviewed the proposal and indicated no concerns.

**Salem Fire Department** – The City of Salem Fire Department reviewed the proposal and commented the following: *“FIRE has no concerns with the Partition. Items including Fire Department access and water supply will be required at the time of development. The proposed site plan includes future development of the RM-II parcel, which shows the Fire Department access to Parcel 1 will exceed 150 feet. Fire Department access, including an approved turnaround, will be required at the time of development. The OFC (Oregon Fire Code) allows modification to this dimension if the structure is protected with an approved fire sprinkler system.”*

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

**Portland General Electric (PGE)** – PGE reviewed the proposal and submitted comments stating that a 10-foot Public Utility Easement (PUE) is required along the flag lot access and provided a map of the approximate location of the needed PUE (**Attachment D**).

### **Neighborhood Association and Public Comments**

The subject property is within the North Lancaster Neighborhood Association (NOLA).

#### Applicant Neighborhood Association Contact.

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed Tentative Partition Plan land use application request require neighborhood association contact. On May 14, 2021, the applicant's representative contacted NOLA to provide details about the proposal.

#### Neighborhood Association Comment

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

#### Public Comment

Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments have been received from any property owners or tenants within 250 feet of the subject property.

#### Homeowners Association

The subject property is not located within a Homeowners Association.

### **4. Criteria for Granting a Tentative Partition**

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 510 (Residential Agriculture), SRC Chapter 515 (Multiple Family Residential 2): The proposed partition would divide the 0.73-acre property into two parcels with no remainder. Proposed Parcel 1 would consist of vacant land for future Multi-Family development and Parcel 2 is developed with an existing house. The applicant proposes to retain the existing house after the partition. The subject property is currently split-zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential 2) with proposed Parcel 1 located within the RA zone and proposed Parcel 2 located within the RM-II zone. The minimum lot area requirements of the RA and RM-II zones are established under SRC 510.010(a), and 514.010(b) as follows:

**Lot Standards for RA zone (Residential Agriculture)** (see SRC Chapter 510, Table 510-2)

| Requirement                     | Minimum Standard                                      |
|---------------------------------|---|
| Lot Area (Single family)        | 4,000 square feet                                     |
| Two Family                      | 7,000 square feet                                     |
| All other uses                  | 6,000 square feet                                     |
| Infill Lot <sup>1</sup>         | 5,500 square feet                                     |
| Lot Width (Single family)       | 40 feet   |
| All other uses                  | 60 feet   |
| Lot Depth (Single family)       | 70 feet   |
| All other uses                  | 80 feet   |
| Maximum                         | 300% of average lot width                             |
| Street Frontage (Single family) | 40 feet / 30 feet (on the turnaround of a cul-de-sac) |
| All other uses                  | 60 feet   |

**Finding:** Proposed Parcel 2 is approximately 0.16 acres, or 7,035 square feet in size, is approximately 80 feet in width and approximately 88 feet in depth. Proposed Parcel 2 is an infill lot that exceeds minimum lot area and dimension requirements, except for street frontage. Because Parcel 2 is an infill lot, the minimum street frontage requirement of 40 feet is not applicable; Parcel 2 will take access from the shared accessway of Parcel 1.

---

<sup>1</sup> Infill lot: A residential flag lot created by the partition of land after February 8, 2006.

**Lot Standards for RM-II zone (Multiple Family Residential 2)** (see SRC Chapter 514, Table 514-2): The proposed partition would divide the 0.73-acre property into two parcels with no remainder. Proposed Parcel 1 would consist of vacant land for future Multi-Family development and Parcel 2, zoned RA and addressed above, is developed with an existing house. The minimum lot area requirements of the RM-II zone are established under SRC 514.010 as follows:

**(a) Land division in the RM-II zone.** Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

**(b) Lot Standards for RM-II zone** (see SRC Chapter 514, Table 514-2)

| RM-II Zone Lot Standards |                                   |   |
|--------------------------|-----------------------------------|---|
| <b>Lot Area</b>          | Min. 6,000 sq. ft.                |   |
| <b>Lot Width</b>         | Min. 40 ft.                       |   |
| <b>Lot Depth</b>         | Min. 80 ft.                       |   |
|                          | Min. 120 ft.                      | Applicable to double frontage lots<br>(lots with front and rear lots lines<br>abutting a street). |
|                          | Max. 300% of<br>average lot width |   |
| <b>Street Frontage</b>   | Min. 40 ft.                       |   |

**Finding:** Proposed Parcel 1 is approximately 0.34 acres, or 14,965 square feet in size, exclusive of the flag lot accessway, approximately 80 feet in width, and approximately 186 feet in depth. Because Parcel 1 is a flag lot, the street frontage requirement does not apply. Multi-Family density development standards for Parcel 1 require a minimum of four dwelling units and a maximum of 10 dwelling units on the RM-II zoned area. Proposed Parcel 1 does not meet the minimum 20,000 square feet in size development standard requirement of SRC 514.010(a), therefore, the following condition of approval shall apply:

**Condition 1:** Parcel 1 shall contain at least a total of three dwelling units when developed.

As conditioned, the proposed parcels within the partition meet these development standards. Dwelling Unit Density (SRC 514.010(c)): Minimum residential dwelling unit density requirements are established in the RM-II zone under RC 514.010(c). Within the RM-II zone the minimum required density for residential development is 12 dwelling units per acre and the maximum residential density is 28 dwelling units per acre. Proposed Parcel 1 would consist of vacant land for future Multi-Family development requiring a minimum of four dwelling units and a maximum of 10 dwelling units on the RM-II zoned area. The proposed partition does not include a development plan to review. Additional applications will be required, and dwelling density and use will be reviewed at the time of development.

**Setback Standards for RA zone (Residential Agriculture)** (see SRC Chapter 510, Table 510-3) and;

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages
- Minimum 12 feet for accessory structures greater than 4 feet in height

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet
- Minimum 10 feet (Infill Lot)

**Finding:** The existing one-story single-family residence exceeds setback standards for rear yards, front yards, and side yards. The existing carport will be nonconforming and not meet the minimum 20-foot setback adjacent to the property line abutting the new flag lot accessway. The carport will be required to be removed prior to final plat approval. To ensure that the proposed partition meets setback development standards, the following condition shall apply:

**Condition 2:** Prior to final plat approval, the existing carport adjacent to the front property line on Parcel 2 shall be removed.

The subject property also includes a shed on proposed Parcel 1 accessory to the existing residence on Proposed Parcel 2 that, if retained, would be on proposed Parcel 1 without a main structure. Within the RM-II zone, accessory structures are not permitted on a lot or parcel without a main structure. In addition, the existing 'Woodpile Overhang' would be nonconforming to the new property line to the east. In order to ensure setbacks are met to the new property line, the 'woodpile overhang' will need to be removed. To ensure the partition does not create a nonconforming situation following conditions are required:

**Condition 3:** Prior to final plat approval, the applicant shall remove the existing shed on Parcel 1.

**Condition 4:** Prior to final plat approval, the applicant shall remove the 'woodpile overhang' on Parcel 1.

As conditioned, the proposal meets the requirements of SRC Chapter 510.

**Setback Standards for RM-II zone (Multiple Family Residential 2)** (see SRC Chapter 514, Tables 514-4 and 514-5)

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

**Finding:** Minimum required setbacks for buildings, accessory structures, and parking and vehicle use areas within the RM-II zone are established under SRC 514.010(d), Tables 514-4 and 514-5. Proposed Parcel 1 is currently undeveloped without any buildings, accessory structures, or parking and vehicle uses areas. Conformance with the setback requirements of the RM-II zone will be reviewed at the time of future development.

**Lot Coverage and Height:** Maximum lot coverage and height requirements within the RA zone are established under SRC 510.010(c), Table 510-4 and SRC 514.010(e), Table 514-6 within the RM-II zone. The RA zone limits the total lot coverage for buildings and accessory structures related to single-family uses to 60 percent. The maximum height for a single-family structure is limited to 35 feet.

The RM-II zone limits the total coverage for buildings and accessory structures related to all uses to 60 percent. The maximum height for single, two, three, and four family is limited to 35 feet, and 50 feet for multiple family uses.

**Finding:** Parcel 2 contains an existing single-family dwelling, with a proposed lot coverage of approximately 1,768 square feet, or 25 percent. The applicant is not proposing any modifications to the existing dwelling. The proposal meets the standard. Proposed Parcel 1 is currently undeveloped and will be reviewed for conformance with the lot coverage and height standards of SRC 514 at the time of development.

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. Within the RM-II zone, accessory structures are not permitted on a lot or parcel without a main structure. The existing residence on proposed Parcel 2 is proposed to remain. The subject property includes a small wood shed on proposed Parcel 1 accessory to the existing residence on Proposed Parcel 2 that, if retained, would be on proposed Parcel 1 without a main structure. The applicant has proposed to remove the shed under Condition 3.

As conditioned above, the proposal meets this standard.

*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 Chapter 800, Table 800-1, establishes the following standards for flag lot accessways:

| Table 800-1: Flag Lot Accessway Standards   |                        |             |             |
|---|------------------------|-------------|-------------|
| Number of Lots Served by Accessway  | Maximum Length         | Total Width | Paved Width |
| <b>1-2 Lots</b><br>(Residential Zoned Property)   | 150 ft. <sup>(1)</sup> | Min. 20 ft. | Min. 15 ft. |
| <b>3-4 Lots</b><br>(Residential Zoned Property)   | 400 ft. <sup>(1)</sup> | Min. 25 ft. | Min. 20 ft. |
| <b><u>Limitations and Qualifications</u></b><br>(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal. |                        |             |             |

**Finding:** The existing flag lot accessway proposed to serve Parcels 1 and 2 is 25 feet in width, approximately 213 feet in length, and unimproved. SRC 800.025 limits flag lot accessways serving 1-2 lots to a maximum of 150 feet, unless a geographic feature makes it impractical and when approved by the Planning Administrator following review and recommendation by the Fire Marshal. There are no geographic features that make the site impractical and the flag lot accessway exceeds the maximum length, therefore, the following conditions of approval shall apply:

- Condition 5:** Prior to final plat approval, the applicant shall provide a minimum 25-foot wide shared access easement for the flag lot accessway to serve Parcels 1 and 2.
- Condition 6:** Prior to final plat approval, the applicant shall obtain a favorable Class 2 Adjustment to exceed the length of the flag lot accessway.

The City of Salem Fire Department reviewed the proposal for conformance with SRC 800.025(c)(3) *Fire Department access and flag lot accessway turnarounds*, and commented that the proposed site plan includes future development of the RM-II parcel, which shows the Fire Department access to Parcel 1 will exceed the maximum length of 150 feet and that Fire Department access, including an approved turnaround, will be required at the time of development. The OFC (Oregon Fire Code) does allow a modification to this dimension if the structure is protected with an approved fire sprinkler system.

These development standards will be reviewed for conformance upon future development of Parcel 1.

The proposed site plan also indicates an accessway is proposed to serve both Parcels 1 and 2, however, no paving has been proposed. The requirements of Table 800-1 above, require the accessway to be paved with a 20-foot minimum. As conditioned above, at least three units

shall be developed on Parcel 1. Based on the requirements of SRC 806.030(b), Table 806-4, driveways serving single family, two family, three family, and four family uses and having three or more parking spaces are required to be paved to a minimum width of 22 feet. In order to ensure that the flag lot accessway meets the required development standards, the following condition of approval shall apply:

**Condition 7:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 22 feet in width.

Additionally, development of the subject property will require improvement of the accessway. Based on the condition of approval from Comprehensive Plan Change/Zone CPC/ZC07-10 for the subject property, a minimum 3-foot-wide sidewalk is also required within the accessway to provide pedestrian connectivity from the proposed development to Fisher Road. Condition 1 of CPC/ZC07-10 final order reads:

*At the time of building permit the applicant shall improve the accessway and provide a sidewalk connection from the development to Fisher Road NE. The sidewalk will be placed within the improved access easement and adjacent to the access easement. The sidewalk shall measure at least 3 feet in width and shall be paved. The sidewalk shall be separated from the vehicle portion of the accessway by curbs, stripes, or raised pavement markers.*

Conformance with this condition will be reviewed at building permit.

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

**Condition 8:** 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 above, the proposal conforms to the requirements of SRC Chapter 800.

#### 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. The subject property is located outside of the CSDP, and the proposed partition would create two parcels, one for Multi Family development on Parcel 1, with an existing single-family residence remaining on Parcel 2. Per Table 806-1, single-family uses require two off-street parking spaces. The existing single-family residence currently provides the required off-street parking by a garage. The applicant proposes the dwelling with the garage will remain on Parcel 2. Off-street parking requirements for the proposed Parcel 2 will be reviewed at the time of application for building permits.

#### **(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 of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition.

*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). In order to ensure water, sewer and stormwater service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

**Condition 9:** Prior to final plat approval, the applicant shall provide a public sewer easement for the existing sewer main pursuant to PWDS.

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

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

*SRC 803.015 (Traffic Impact Analysis)*: The proposed two parcel partition generates fewer than 1000 average daily vehicle trips to Fisher Road NE, designated as a Collector street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

*SRC 803.020 (Public and Private Streets)*: There are no internal streets proposed within the partition. The subject property will take access from an access easement off Fisher Road NE, which is a public street.

*SRC 803.025 (Right-of-Way and Pavement Widths)*: The abutting portion of Fisher Road is designated as a Collector street in the TSP. The abutting portion of Fisher does not meet the current standard for a Collector street and an existing utility easement abuts the right-of-way. Because of the existing utility easement, the applicant has the option to either convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Fisher Road NE or provide a roadway easement as specified by the Public Works Director, if the property is not free and clear of encumbrances.

The applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement. The existing driveway serves proposed Parcels 1 and 2; therefore, the applicant shall provide a shared access easement for the common driveway that serves the parcels included in the Partition.

**Condition 10:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall either; 1) convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Fisher Road NE; or 2) provide a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.

**Condition 11:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement.

As conditioned, the proposal meets this criterion.

*SRC 803.030 (Street Spacing):* The proposed partition involves further development of a 0.34-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):* Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition 12:** Dedicate a 10-foot public utility easement (PUE) along the entire length of the flag lot accessway.

*SRC 803.040 (Boundary Streets):* Fisher Road NE abuts the subject property on the west boundary and does not meet the current standard for a Collector street.

The abutting portion of Fisher does not meet the current standard for a Collector street and an existing utility easement abuts the right-of-way. Because of the existing utility easement, the applicant has the option to either convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Fisher Road NE or provide a roadway easement as specified by the Public Works Director, if the property is not free and clear of encumbrances.

The applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement. The existing driveway serves proposed Parcels 1 and 2; therefore, the applicant shall provide a shared access easement for the common driveway that serves the parcels included in the Partition.

As conditioned above under Conditions 10 and 11, the proposal conforms to applicable street standards.

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

SRC Chapter 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.



**Finding:** The applicant indicates no trees are located within the boundaries of Tax Lot 4400 and 4500, therefore, no tree conservation plan is required.

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.

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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative partition plan conforms to all applicable SRC Chapter 809 requirements.

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, there are no areas of landslide susceptibility on the subject property.

SRC Chapter 205 (Final Plat): City's Final Plat (SRC 205.035) approval is required prior to recording of a partition or subdivision plat.

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 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 a 0.73-acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's proposed flag lot accessway is sufficient to provide access to each of the proposed parcels. 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.

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 for Parcel 1 in conjunction with a future Site Plan Review application. 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 803.035(c)(6)(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:** The abutting portion of Fisher Road NE designated as a Collector street in the Salem TSP. The abutting portion of Fisher does not meet the current standard for a Collector street and an existing utility easement abuts the right-of-way. Because of the existing utility easement, the applicant has the option to either convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Fisher Road NE or provide a roadway easement as specified by the Public Works Director, if the property is not free and clear of encumbrances.

The applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement. The existing driveway serves proposed Parcels 1 and 2; therefore, the applicant shall provide a shared access easement for the common driveway that serves the parcels included in the Partition.

As conditioned above under Conditions 10 and 11, the proposal conforms to applicable street standards.

**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 abutting portion of Fisher Road NE designated as a Collector street in the Salem TSP. The abutting portion of Fisher does not meet the current standard for a Collector street and an existing utility easement abuts the right-of-way. Because of the existing utility easement, the applicant has the option to either convey land for dedication to equal a half-

width right-of-way of 30 feet on the development side of Fisher Road NE or provide a roadway easement as specified by the Public Works Director, if the property is not free and clear of encumbrances.

The applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement. The existing driveway serves proposed Parcels 1 and 2; therefore, the applicant shall provide a shared access easement for the common driveway that serves the parcels included in the Partition.

As conditioned above under Conditions 10 and 11, the proposal conforms to applicable street standards.

**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 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 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 site is relatively flat. The application is proposing to retain the existing single family dwelling on proposed Parcel 2, further limiting the amount of site disturbance that will be required in the future.

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 does not apply.

#### **4. Conclusion**

Based upon review of SRC 205.005, the findings contained under Section 3 above, and the comments described, the tentative partition plan 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 Case No. 21-08, to divide approximately 0.78 acres into 2 parcels, with Parcel 1 consisting of 14,945 square feet, exclusive of the flag lot accessway and Parcel 2 consisting of 7,035 square feet, for property split-zoned RM-II (Multiple Family Residential 2) and RA (Residential Agriculture) and located at 2410 and 2416 Fisher Road NE 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:** Parcel 1 shall contain at least a total of three dwelling units when developed.
- Condition 2:** Prior to final plat approval, the existing carport adjacent to the front property line on Parcel 2 shall be removed.
- Condition 3:** Prior to final plat approval, the applicant shall remove the existing shed on Parcel 1.
- Condition 4:** Prior to final plat approval, the applicant shall remove the 'woodpile overhang' on Parcel 1.
- Condition 5:** Prior to final plat approval, the applicant shall provide a minimum 25-foot wide shared access easement for the common driveway to serve Parcels 1 and 2.
- Condition 6:** Prior to final plat approval, the applicant shall obtain a favorable Class 2 Adjustment to exceed the length of the flag lot accessway.
- Condition 7:** Prior to final partition plat, the flag lot accessway shall be paved to a minimum width of 22 feet in width.
- Condition 8:** 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 9:** Prior to final plat approval, the applicant shall provide a public sewer easement for the existing sewer main pursuant to PWDS.

- Condition 10:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall either; 1) convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Fisher Road NE; or 2) provide a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.
- Condition 11:** Prior to final plat approval or delayed pursuant to an Improvement Agreement, the applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement.
- Condition 12:** Dedicate a 10-foot public utility easement (PUE) along the entire length of the flag lot accessway.



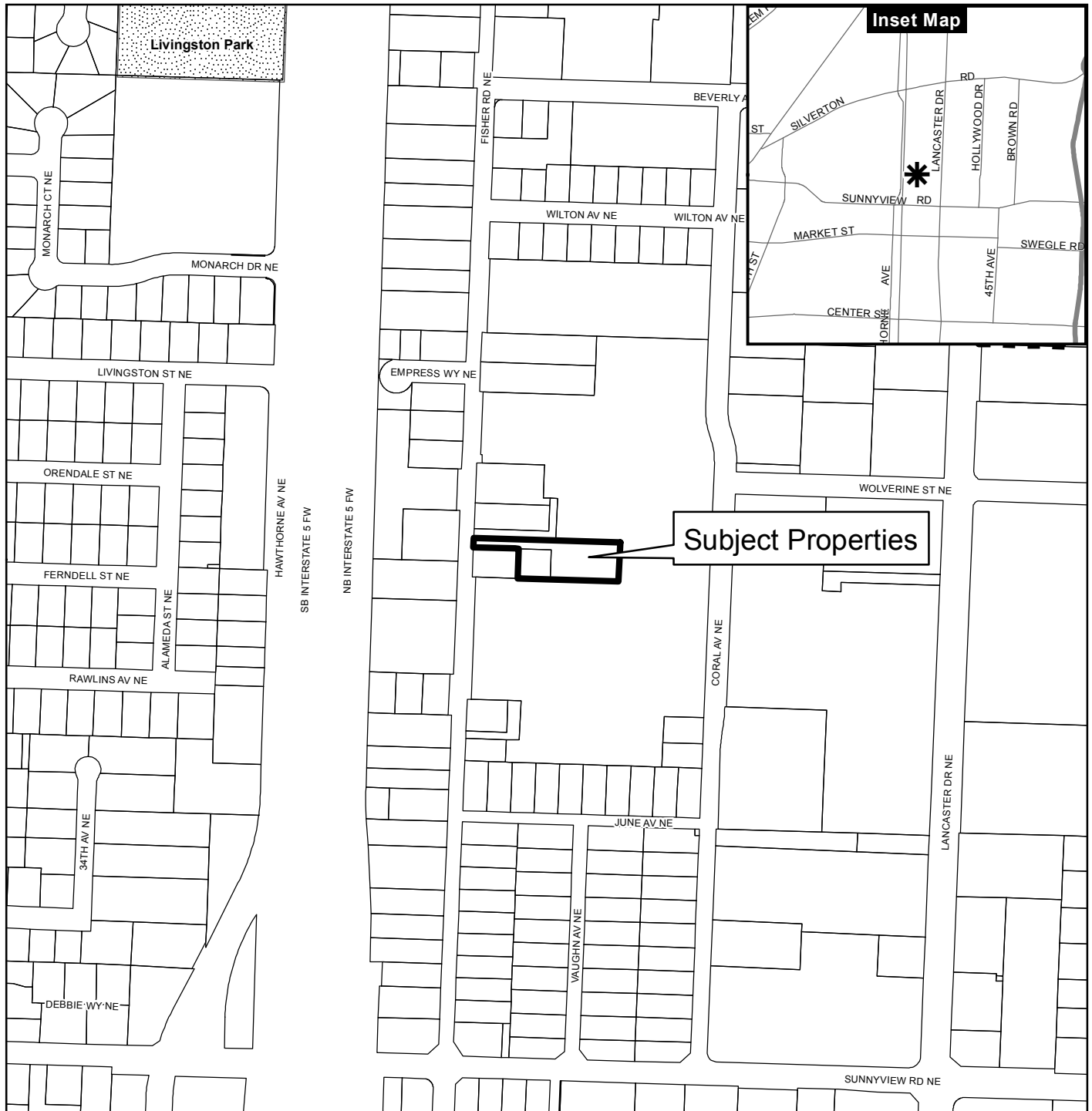
---

Sally Long, Planner 1, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Applicant's Tentative Partition Plan and Findings  
C. City of Salem Public Works Department Memorandum  
D. PGE Comments and Easement Map

# Vicinity Map

## 2410 and 2416 Fisher Road NE (072W18CC0 4400/4500)



### Legend

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

0 100 200 400 Feet

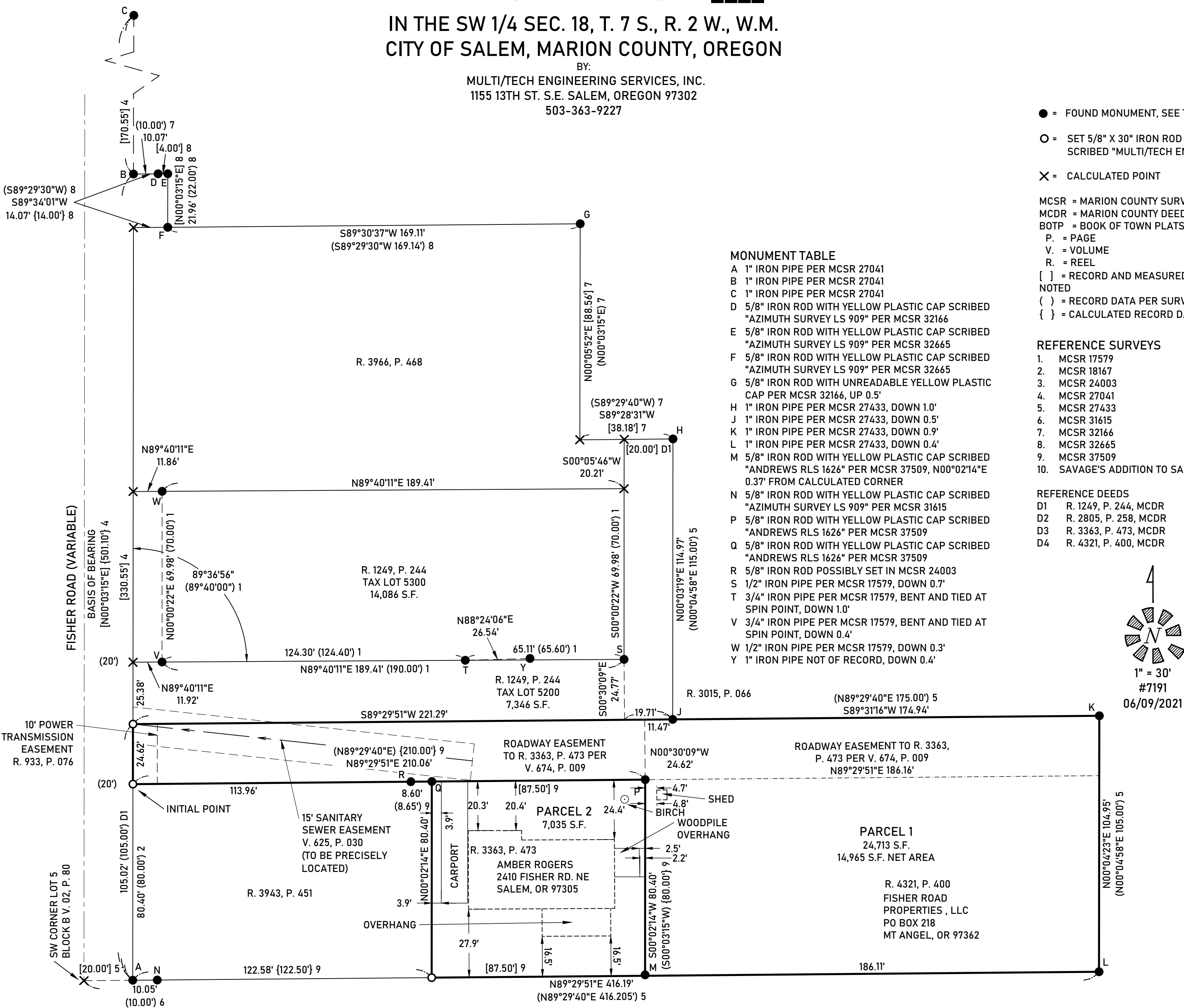


**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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

PARTITION PLAT 2021-\_\_\_\_  
IN THE SW 1/4 SEC. 18, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227



MONUMENT TABLE

- A 1" IRON PIPE PER MCSR 27041
- B 1" IRON PIPE PER MCSR 27041
- C 1" IRON PIPE PER MCSR 27041
- D 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "AZIMUTH SURVEY LS 909" PER MCSR 32166
- E 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "AZIMUTH SURVEY LS 909" PER MCSR 32665
- F 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "AZIMUTH SURVEY LS 909" PER MCSR 32665
- G 5/8" IRON ROD WITH UNREADABLE YELLOW PLASTIC CAP PER MCSR 32166, UP 0.5'
- H 1" IRON PIPE PER MCSR 27433, DOWN 1.0'
- J 1" IRON PIPE PER MCSR 27433, DOWN 0.5'
- K 1" IRON PIPE PER MCSR 27433, DOWN 0.9'
- L 1" IRON PIPE PER MCSR 27433, DOWN 0.4'
- M 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 37509, N00°02'14"E 0.37' FROM CALCULATED CORNER
- N 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "AZIMUTH SURVEY LS 909" PER MCSR 31615
- P 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 37509
- Q 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "ANDREWS RLS 1626" PER MCSR 37509
- R 5/8" IRON ROD POSSIBLY SET IN MCSR 24003
- S 1/2" IRON PIPE PER MCSR 17579, DOWN 0.7'
- T 3/4" IRON PIPE PER MCSR 17579, BENT AND TIED AT SPIN POINT, DOWN 1.0'
- V 3/4" IRON PIPE PER MCSR 17579, BENT AND TIED AT SPIN POINT, DOWN 0.4'
- W 1/2" IRON PIPE PER MCSR 17579, DOWN 0.3'
- Y 1" IRON PIPE NOT OF RECORD, DOWN 0.4'

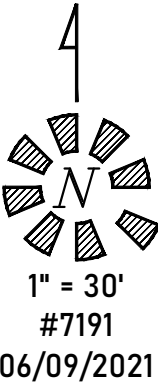
- = FOUND MONUMENT, SEE TABLE
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." AT GROUND LEVEL
- ✕ = CALCULATED POINT
- MCSR = MARION COUNTY SURVEY RECORD
- MCDR = MARION COUNTY DEED RECORD
- BOTP = BOOK OF TOWN PLATS
- P. = PAGE
- V. = VOLUME
- R. = REEL
- [ ] = RECORD AND MEASURED DATA PER SURVEY OR DEED
- NOTED
- ( ) = RECORD DATA PER SURVEY OR DEED NOTED
- { } = CALCULATED RECORD DATA PER SURVEY OR DEED NOTED

REFERENCE SURVEYS

- 1. MCSR 17579
- 2. MCSR 18167
- 3. MCSR 24003
- 4. MCSR 27041
- 5. MCSR 27433
- 6. MCSR 31615
- 7. MCSR 32166
- 8. MCSR 32665
- 9. MCSR 37509
- 10. SAVAGE'S ADDITION TO SALEM V. 02, P. 80, BOTP

REFERENCE DEEDS

- D1 R. 1249, P. 244, MCDR
- D2 R. 2805, P. 258, MCDR
- D3 R. 3363, P. 473, MCDR
- D4 R. 4321, P. 400, MCDR



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

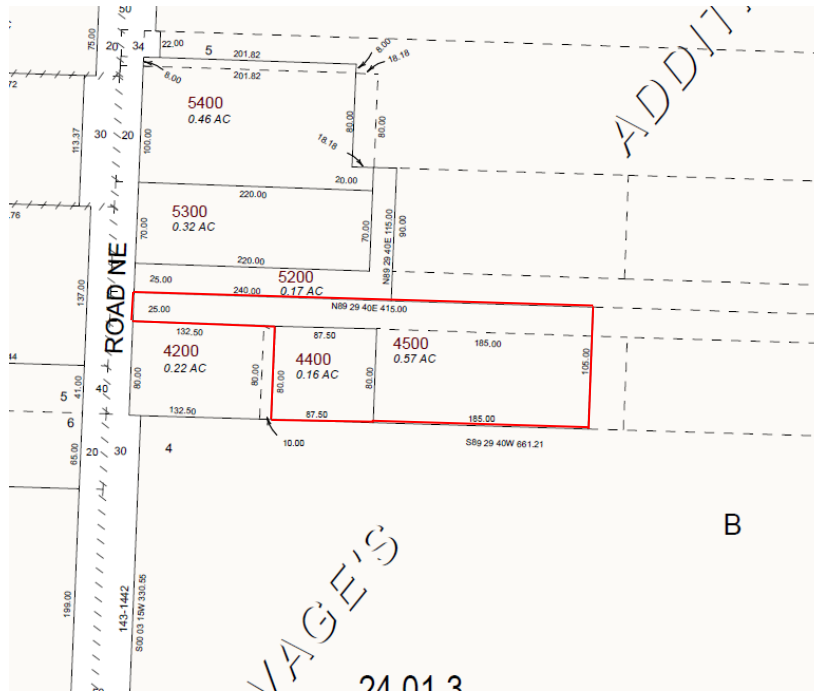
DRAFT

OREGON  
JULY 14, 2020  
LEO LITOWICH  
91070

RENEWS: 12-31-2022

SHEET 1 OF 2

**Partition**  
**Revised-May 14, 2021**



**CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.005(d):**

The decision criteria for partitions without a concurrent variance under UDC Chapter 205.005(d) must be found to exist before an affirmative decision may be made for a partition application.

**UDC 205.005(d)(1):** Parcel 1 is currently vacant and there is an existing single-family dwelling located on Parcel 2 as shown on the site plan.

**Lot area:**

- \*Parcel 1- 24,713 square feet (14,965 Square feet excluding the flag lot access easement)
- \*Parcel 2- 7,035 square feet

**Lot width:**

- \*Parcel 1-80.40' excluding the flag lot access easement
- \*Parcel 2-80.40'

**Lot depth:**

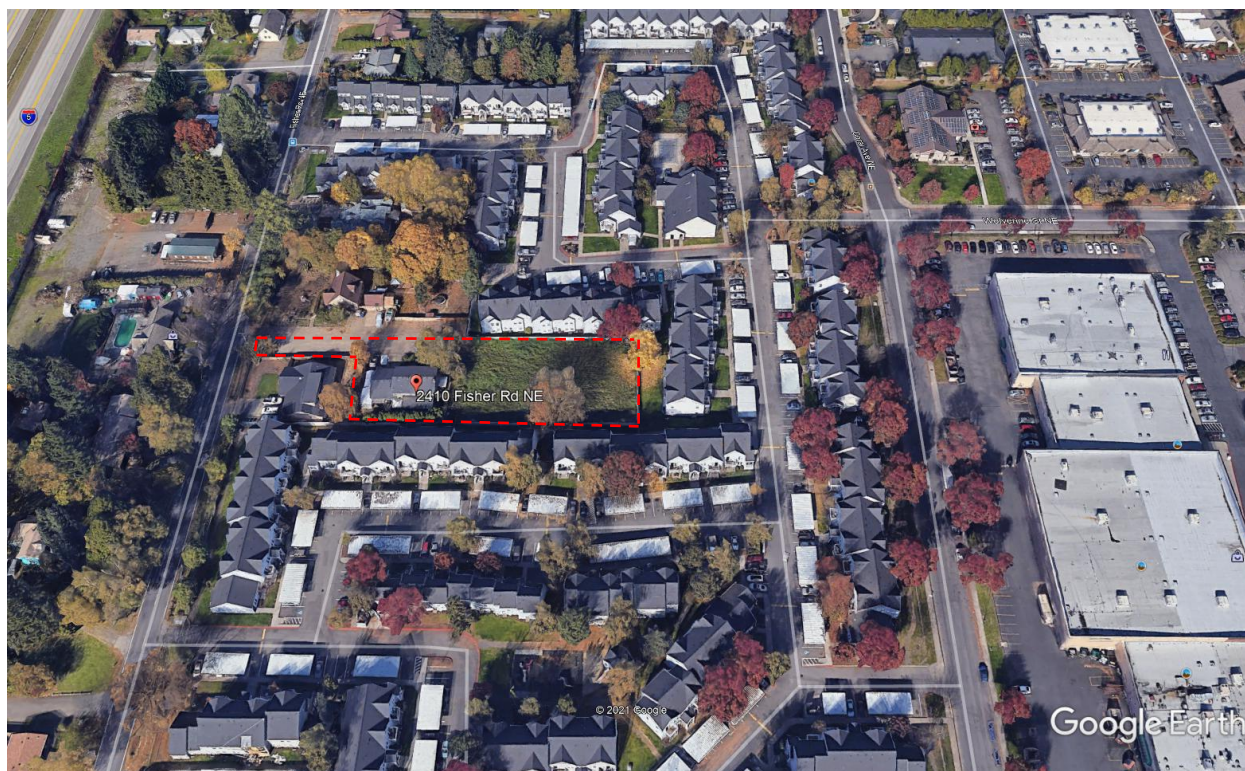
- \*Parcel 1-186.11'
- \*Parcel 2-87.50'

**Lot Frontage:** Parcel 1 has street frontage via a flag lot which is about 24.62 feet in width. Parcel 2 does not have direct lot frontage.



City Infrastructure standards: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable commercial land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

The proposal is to validate Tax Lots 4400 and 4500. There is an existing house located on Tax Lot 4400 and Tax Lot 4500 will be developed at a later time through the Site Plan Review/Design Review process. Which at that time, all existing and proposed utilities will be identified.



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

Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The partition is being proposed in order to legalize Tax Lots 4400 and 4500. The proposal will divide the site into two parcels. Both parcels will continue to have access to off of the access easement that is part of Tax Lot 4500. All adjacent parcels will continue to have access onto Fisher Road. There is sufficient frontage along the street (as shown on the site plan) to provide access to the site.

The access easement provides access to Tax Lot 4400, 4500, and 5200. All three parcels will continue to have access to the access easement. The proposed partition is to legalize Tax Lots 4400 and 4500.

Therefore, the partition will have no impact the use of the access easement. The access easement has been shown on the site plan and will be recorded with on the plat.

Therefore, the approval does not impede future use of the remainder surrounding properties. The proposal provides for further development of the site consistent with current zoning standards.

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

The property is inside the Urban Services Area (USA), therefore, partitioning the property does require a UGA Preliminary Declaration.

The City's adopted facility plans and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

The proposal is to validate Tax Lots 4400 and 4500. There is an existing house located on Tax Lot 4400 and Tax Lot 4500 will be developed at a later time through the Site Plan Review/Design Review process. Which at that time, all existing and proposed utilities will be identified. The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development, and provide for future development of any adjoining properties. All conditions of approval will be met at the time of Site Plan Review Approval for Tax Lot 4500.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

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

General Circulation: The proposed partition will result in the creation of two parcels. Vehicular access to both parcels will be taken from Fisher Road via an existing access easement. The existing streets will provide safe and efficient access to the parcels and the existing street system, by providing direct access to the site.

The access easement provides access to Tax Lot 4400, 4500, and 5200. All three parcels will continue to have access to the access easement. The proposed partition is to legalize Tax Lots 4400 and 4500. Therefore, the partition will have no impact the use of the access easement. The access easement has been shown on the site plan and will be recorded with on the plat.

Boundary Streets: Fisher Road abuts the subject properties to the west. Boundary street improvements will be determined with and met at the time of development and/Site Plan Review Approval.

Internal Streets: There are no additional internal public streets proposed or required in conjunction with the proposed partition.

### **Transportation Planning Rule Review:**

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service near the site is provided via Route 20 (17<sup>th</sup>/CCC), on Sunnyview Road to the south of the site.

As an infill proposal, the transportation network in the area is already established or continuing to be established with new development. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Fisher Road is a 'collector' street and provides connections to the street system that serves the area.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

**UDC 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."**

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan.

The partition is served with other adequate transportation infrastructure, and the existing street system adjacent the property and the access easement will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property physically connected to the public street system.

**UDC 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."**

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The partition plan takes into consideration the topography and vegetation of the site. There are no trees located within the boundary of the property. At this time, there are no trees planned for removal.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision code regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. No variances have been requested. Therefore, this criteria has been met.

UDC 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 the site, topography, and vegetation will occur from the reasonable development of the parcels."

The subdivision code, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposed parcels are of sufficient size and dimensions to permit future development of single family dwellings on the new parcels. The parcel dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision and zone codes regulate minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

**Tree Conservation Plan:**

There are no trees located within the boundary of Tax Lot 4400 and 4500. There are no trees planned for removal.


**Conclusion:**

Tax Lot 4400 is currently developed and in compliance with Code. Tax Lot 4500 will be developed within the requirements of the RMII zone at a later date. Prior to development of Tax Lot 4500, the applicant will be required to go through the Site Plan Review/Design Review process. Therefore, all required improvements should be deferred until the development of Tax Lot 4500.



# MEMO

**TO:** Sally Long, Planner I  
Community Development Department

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

**DATE:** July 22, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PAR21-08 (21-106621)  
2410 FISHER ROAD NE  
2-PARCEL PARTITION**

## **PROPOSAL**

A tentative partition to create two parcels, with Parcel 1 consisting of approximately 14,965 square feet, or 0.34 acres, with a 9,748-square-foot flag lot accessway for a total of 24,713 square feet, and Parcel 2 consisting of approximately 7,035 square feet, or 0.16 acres. The parcels will consist of vacant land for future development on Parcel 1 and an existing single-family residence on Parcel 2. The subject property is split-zoned RM-II (Multiple Family Residential 2) and RA (Residential Agriculture) and located at 2410 and 2416 Fisher Road NE 97305 (Marion County Assessors Map and Tax Lot number 072W18CC 04400 and 04500).

## **RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. The following conditions of approval shall be completed prior to final plat approval:
  - a. Provide a public sewer easement for the existing sewer main pursuant to PWDS.
  - b. Provide a shared access easement for the common driveway that includes all lots benefitted by the accessway.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
  - a. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Fisher Road NE, or provide a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.

- b. Construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement.

## **FACTS**

### 1. Fisher Road 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 25-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Fisher Road NE.

## **Storm Drainage**

### 1. Existing Conditions

- a. A 6-inch storm main and ditch are located in Fisher Road NE.

## **Water**

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch public water main is located in Fisher Road NE.

## **Sanitary Sewer**

### 1. Existing Sewer

- a. An 8-inch sewer main is located in the flagpole portion of the subject property.

## **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.

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. An existing public sewer main is located within the subject property in a substandard easement. The applicant shall provide a public sewer easement for the existing sewer main pursuant to PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Parcel 1 shall submit a tentative stormwater design in conjunction with a future Site Plan Review application. 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**—Fisher Road NE abuts the subject property and does not meet the current standard for a Collector street. The applicant shall convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Fisher Road NE. Because an existing utility easement abuts the right-of-way, the applicant has the option of providing a roadway easement as specified by the Public Works Director if the property is not free and clear of encumbrances.

The applicant shall construct a driveway approach pursuant to PWDS designed for the ultimate 34-foot-wide Collector street improvement. The existing driveway serves multiple neighboring properties; therefore, the applicant shall provide a shared access easement for the common driveway that includes all lots benefitted by the accessway.

Prepared by: Jennifer Scott, Program Manager  
cc: File



Response to:  
Request for Comments  
Case No.: PAR21-08  
From: Ken Spencer, PGE  
503.970.7200

