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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ21-12**

**APPLICATION NO.: 21-112421-LD, 21-112423-ZO**

**NOTICE OF DECISION DATE:** October 6, 2021

**SUMMARY:** A two lot Partition and Class 2 adjustment to the lot depth.

**REQUEST:** A tentative partition plan to create two parcels; Parcel 1 consisting of approximately 4,850 square feet and Parcel 2 consisting of approximately 4,591 square feet. The existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for future development. The application also includes a Class 2 adjustment request to:

- 1) Reduce the minimum lot depth of Parcel 2 from 70 feet to 52.83 feet

The subject property is approximately 0.22 acres (9,441 square feet) in size, zoned RS (Single Family Residential), located at 892 Edina Lane NE (Marion County Assessor map and tax lot number(s): 073W24DC / 06900).

**APPLICANT:** Robert Carter

**LOCATION:** 892 Edina Ln NE, Salem OR 97301

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

**FINDINGS:** The findings are in the attached Decision dated October 6, 2021.

**DECISION:** The **Planning Administrator APPROVED** Partition / Class 2 Adjustment Case No. PAR-ADJ21-12 subject to the following conditions of approval:

- Condition 1:** The applicant shall provide a minimum of two off-street parking spaces consistent with SRC 806.
- Condition 2:** A driveway meeting the development standards of SRC 806.030 shall be provided leading to an off-street parking space meeting the standards of SRC 806.025.
- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** 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 Parcel 2

# NOTICE OF DECISION

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



- Condition 5:** Remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way and provide a four-foot-deep landscaped area between the Knox Avenue NE right-of-way property line and the deck, consistent with SRC 800.035 – Setbacks for uncovered decks abutting a street.
- Condition 6:** Street trees shall be provided to the maximum extent feasible along the frontage of Knox Avenue NE or delayed pursuant to an Improvement Agreement, prior to final plat.
- Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontage of Knox Avenue NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Knox Avenue NE, pursuant to Salem Revised Code 78.180(a), including the replacement of the non-conforming curb ramps abutting the subject property at the intersection of Edina Lane NE and Knox Avenue NE. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 9:** Construct sewer services that are proposed in the public right-of-way. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 10:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 2.

The rights granted by the attached decision must be exercised, or an extension granted, by October 22, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>July 30, 2021</u>
Notice of Decision Mailing Date:	<u>October 6, 2021</u>
Decision Effective Date:	<u>October 22, 2021</u>
State Mandate Date:	<u>January 26, 2022</u>

Case Manager: Kyle Kearns, [kkearns@cityofsalem.net](mailto:kkearns@cityofsalem.net), 503-540-2313

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. Thursday, October 21, 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, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 21-12)**

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

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>TENTATIVE APPROVAL OF</b>	)	
<b>PARTITION PLAT &amp; CLASS 2</b>	)	
<b>ADJUSTMENT CASE NO. PAR-ADJ 21-12;</b>	)	
<b>892 Edina Lane NE</b>	)	<b>October 6, 2021</b>

**REQUEST**

A tentative partition plan to create two parcels; Parcel 1 consisting of approximately 4,850 square feet and Parcel 2 consisting of approximately 4,591 square feet. The existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for future development. The application also includes a Class 2 adjustment request to:

- 1) Reduce the minimum lot depth of Parcel 2 from 70 feet to 52.83 feet

The subject property is approximately 0.22 acres (9,441 square feet) in size, zoned RS (Single Family Residential), located at 892 Edina Lane NE (Marion County Assessor map and tax lot number(s): 073W24DC / 06900).

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-ADJ21-12 is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** The applicant shall provide a minimum of two off-street parking spaces consistent with SRC 806.
- Condition 2:** A driveway meeting the development standards of SRC 806.030 shall be provided leading to an off-street parking space meeting the standards of SRC 806.025.
- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** 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 Parcel 2

- Condition 5:** Remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way and provide a four-foot-deep landscaped area between the Knox Avenue NE right-of-way property line and the deck, consistent with SRC 800.035 – Setbacks for uncovered decks abutting a street.
- Condition 6:** Street trees shall be provided to the maximum extent feasible along the frontage of Knox Avenue NE or delayed pursuant to an Improvement Agreement, prior to final plat.
- Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontage of Knox Avenue NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Knox Avenue NE, pursuant to Salem Revised Code 78.180(a), including the replacement of the non-conforming curb ramps abutting the subject property at the intersection of Edina Lane NE and Knox Avenue NE. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 9:** Construct sewer services that are proposed in the public right-of-way. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 10:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 2.

### **PROCEDURAL FINDINGS**

1. On May 29, 2020, a consolidated land use application for a tentative partition plan, Class 2 adjustment, and tree conservation (Case No. TCP21-09) was filed proposing to divide a 0.22-acre property at 892 Edina Lane NE into two parcels (see **Attachment B**).
2. Staff requested additional information up until July 28, 2021 and the application was deemed complete on July 29, 2021.
3. Notice of filing was sent pursuant to Salem Revised Code (SRC) requirements on July 30, 2020.
4. The state-mandated local decision deadline for the application is November 27, 2021; however, the applicant provided a 60-day extension to the decision deadline, extending the decision deadline to January 26, 2022.

## SUBSTANTIVE FINDINGS

### 1. Proposal

The tentative partition plan proposes to divide the 0.22-acre property into two parcels; the existing single-family dwelling would remain on Parcel 1 and parcel 2 would consist of vacant land for future development. Parcel 1 would take access from 892 Edina Lane NE from an existing driveway; Parcel 2 would take access from Knox Ave NE and would require a Driveway Approach Permit. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 4,580 square feet  
Parcel Dimensions: Approximately 52.5 feet in width and 86.6 feet in depth,

#### **PROPOSED PARCEL 2**

Parcel Size: 4,591 square feet  
Parcel Dimensions: Approximately 87.6 feet in width and 52.6 feet in depth

***Access and Circulation:*** The subject property has frontage on Knox Avenue NE and Edina Lane NE. Within the Salem Transportation System Plan (TSP), Knox Avenue NE and Edina Lane NE are classified as a local streets.

### 2. Existing Conditions

#### Site and Vicinity

The subject property is rectangular in shape and has frontage on two public streets; 174.86 feet of frontage on Knox Avenue NE and 52.34 feet of frontage on Edina Lane NE. The property currently is approximately 52.5 feet in width and 175.5 feet in depth. The applicant proposes to retain the existing single-family dwelling which is located in the western portion of the subject property.

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

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

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

North: Across Knox Avenue NE – Single Family Residential (SF)  
South: Single Family Residential (SF)  
East: Single Family Residential (SF)  
West: Across Edina Lane NE – Single Family Residential (SF)

### Zoning and Surrounding Land Use

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

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

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

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

West: Across Edina Lane NE – RS (Single Family Residential); vacant lot

### Relationship to Urban Service Area

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

### Infrastructure

*Water:* The subject property is located within the G-0 water service level. A 6-inch public water main is located in Edina Lane NE and Knox Avenue NE.

*Sewer:* An 8-inch sewer main is located in Knox Avenue NE.

*Storm Drainage:* A 12-inch storm main is located in Edina Lane NE and Knox Avenue NE.

*Streets:* Edina Lane NE abuts the property to the west and Knox Avenue NE abuts the property to the north. Both streets are designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for the Local street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- Edina Lane NE has an approximate 18-foot-wide improvement within a 20-foot right-of-way.
- Knox Avenue NE has an approximate 34-foot improvement within a 60-foot-wide right-of-way

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

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

**Building and Safety Division** – The City of Salem Building and Safety Division reviewed the proposal and did not provide any comment.

**Fire Department** – The City of Salem Fire Department reviewed the proposal and indicated no concerns with the partition.

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

No outside public agency and/or private service provider provided comment on the proposal.

#### **5. Neighborhood Association Comments and Public Comments**

The subject property is within the North East Salem Community Association (NESCA).

##### Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant submitted documentation of Neighborhood Association Contact provided on April 26, 2021 to the NESCA chair and on April 26, 2021 the chair responded suggesting the client present the proposal at a NESCA monthly meeting.

**Staff Response:** Partition Tentative Plans do not require a presentation before the neighborhood association, in the form of an open house, pursuant to SRC 300.320(b)(1).

##### Neighborhood Association Comment

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.” No comments were received from the neighborhood association during the comment period for the proposal.

##### Public Comment

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period for the original proposal, one comment was received. In summary, the comments pertained to concerns regarding management of the property, past unlawful activity outside of the Unified Development Code (UDC) and the desire that tentative partition plans require development plans be submitted with the partition application.

**Staff Response:** Staff responded to the comment to notify the community member that their concerns are outside of the scope of the UDC and provided them with the contact of the compliance officer assigned to a relevant case on 892 Edina Lane NE. Additionally, staff provided general information regarding code compliance. Lastly, plans for what shall proceed the partitioning of the land are not a submittal requirement of SRC 205.030; a tentative plan is required to be submitted that displays all existing building and structures [SRC 205.030(a)(9)] which was provided as a part of the application submittal. The applicant did indicate on the Tentative Partition Plan (**Attachment B**) the applicable building setbacks showing the potential footprint areas for proposed Parcel 2 consistent with the RS development standards.

### Homeowners Association

The subject property is not located within a Homeowners Association.

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

The Salem Revised Code (SRC), which includes the Unified Development Code, 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 0.22-acre property into two parcels with proposed Parcel 1 to retain the existing single-family dwelling and proposed parcel 2 to consist of vacant land for future development. The subject property is currently zoned RS (Single Family Residential). The lot standards of the RS zone are established under SRC 511.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (Single family)	4,000 square feet
Infill Lot	5,500 square feet, unless a greater minimum lot area is required for the specific use



Two Family	7,000 square feet
Two Family (shared housing)	4,000 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

**Finding:** As proposed Parcel 1 is 4,580 square feet in size, approximately 52 feet in width and 87 feet in depth, and has approximately 87 feet of frontage on Knox Avenue NE and approximately 52 feet of frontage on Edina Lane NE. Parcel 2 is 4,591 square feet in size, and approximately 87 feet in width and 53 feet in depth and has approximately 87 feet of frontage on Knox Avenue NE.

Except for the lot depth of proposed Parcel 2, each proposed parcel in the partition meet the area, width, depth, and frontage lot standards of the applicable zone; the proposed lot depth of Parcel 2 is approximately 52 feet. The lot depth of Parcel 2 is addressed below in the findings for the Class 2 Adjustment. 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 Abutting Streets:

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

Interior Side Yard:

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

Interior Rear Yard:

- Minimum 14 feet for any portion of a 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

**Finding:** The existing one-story single-family dwelling proposed to remain on Parcel 1 exceeds the setback standards of the applicable zone except for the abutting street setback along the northern property line, abutting Knox Avenue NE. The existing dwelling is proposed to have approximate setbacks of 32 feet to the west (front) property line, eight feet to the south (interior side) property line, 22.5 feet to the east (rear) property line. The setback to the north (abutting street setback) is an existing, nonconforming setback as the abutting street setback is 12 feet and the existing setback is approximately six feet.

Additionally, the existing deck is shown to encroach the abutting street (north) setback, abutting Knox Avenue NE, and is shown to be within the existing right-of-way of Knox Avenue NE (see below for applicable conditions). Pursuant to SRC Section 800.035 – Setbacks porches and decks that are uncovered are not limited in encroachment provided they are shorter than three feet in height, no railing or perimeter seating on the porch or deck exceeds 44 inches in height above the floor of the porch or deck at any point, and a four-foot-deep landscaped area between the property line and porch or deck is provided.

Future development of the parcels will be reviewed for adherence to setback requirements at the time of application for building permits.

**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.

**Finding:** As proposed, Parcel 2 will be undeveloped land; this parcel will be reviewed for conformance with the lot coverage standards of the applicable zone at the time of development. Proposed Parcel 1 contains an existing single-family dwelling and attached deck, with a proposed lot coverage of approximately 1,220 square feet (27 percent). The proposal meets the standard.

The proposal meets the requirements of SRC Chapter 511.

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

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

**Finding:** Off-street parking requirements for proposed Parcel 2 will be reviewed at the time of future development. The existing single-family dwelling on proposed Parcel 1 contains an existing driveway that does not conform to the minimum dimensions required and therefore does not comply with the minimum required amount of off-street parking for the single-family dwelling use as identified in SRC 806.015. As conditioned, the minimum number of off-street parking spaces will be provided. The proposal meets the standard subject to the following condition:

**Condition 1:** The applicant shall provide a minimum of two off-street parking spaces consistent with SRC 806.

*SRC 806.025 (Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities):* SRC 806.025 requires that off-street parking and vehicle storage areas meet the development standards of this subsection.

**Finding:** Pursuant to subsection 806.025(a)(1), when off-street parking and vehicles storage areas are within the front yard abutting a street they must either be in a garage or carport or on a driveway leading to a garage or carport, a garage that has been legally converted to another use, a screened off-street parking area, or a screened vehicle storage area. SRC Section 511.010(e) requires garages be constructed with homes constructed after February 8, 2006 and further allows for the conversion of garages to other uses after their construction. The applicant's written statement (**Attachment D**) states that *the existing single-family dwelling previously contained a garage where the current driveway leads, but currently the garage has been converted to a living space prior to February 8, 2006*. No evidence was provided to substantiate that the garage was converted with a permit. As conditioned the comply with the off-street parking standards, the following condition shall apply:

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

**Finding:** The existing single-family dwelling is served by a paved driveway that does not lead to an off-street vehicle storage area consistent with SRC 806.030. Nor, as proposed in the applicant's site plan (**Attachment B**), this driveway does not meet the minimum dimension standards set forth in SRC 806.030(b). To ensure the proposed development meets the standards set forth in SRC 806.030(b), the following condition of approval shall apply:

**Condition 2:** A driveway meeting the development standards of SRC 806.030 shall be provided leading to an off-street parking space meeting the standards of SRC 806.025.

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

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

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provisions 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 September 16, 2021 (**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 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** 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 Parcel 2
- Condition 5:** Remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way and provide a four-foot-deep landscaped area between the Knox Avenue NE right-of-way property line and the deck,

consistent with SRC 800.035 – Setbacks for uncovered decks abutting a street.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed two-parcel partition generates less than 200 average daily vehicle trips to Edina Lane NE or Knox Avenue NE, which are designated as a Local streets within the TSP. Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) is not required as part of the proposed partition.

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

*SRC 803.025 (Right-of-Way and Pavement Widths):* Both Edina Lane NE and Knox Avenue NE abut the subject property and are designated as a Local streets in the TSP. The abutting portion of Edina Lane NE does not meet the current right-of-way and pavement width standards for a Local street. However, the street is considered under the alternative street standards of SRC 803.065 (see below). Knox Avenue NE meets or exceeds the standards of a Local street; therefore, no additional right-of-way or pavement width is required for Knox Avenue NE.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.22-acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

*SRC 803.035 (Street Standards):* The subject property's street frontage on Edina Lane NE is considered an alternative street and is reviewed under SRC 803.065. Knox Avenue NE, pursuant to SRC 803.035(l), is required to have sidewalks located parallel to and one foot from the adjacent right-of-way; however, a 6-inch water main is located under the existing sidewalk. Relocating the sidewalk to meet the street standard will create conflict with future street trees. Therefore, the sidewalk may remain located along the curb line to reduce conflicts between the existing water main and future street trees pursuant to SRC 803.035(l)(2)(B).

Pursuant to subsection (k), development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86. Edina Lane NE does not have enough right-of-way to accommodate street trees and is considered an alternative street pursuant SRC 803.065 as indicated below. The abutting frontage Knox Avenue NE, pursuant to SRC 86.015(e), will require that street trees be planted to the maximum extent feasible. To ensure adequate street trees are provided on the Knox Avenue NE frontage, the following condition of approval shall apply:

**Condition 6:** Street trees shall be provided to the maximum extent feasible along the frontage of Knox Avenue NE or delayed pursuant to an Improvement Agreement, prior to final plat.

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 7:** Provide a 10-foot-wide public utility easement along the entire frontage of Knox Avenue NE.

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 Knox Avenue NE. To ensure the previously stated requirements are met and the proposal conforms to the Salem TSP, the following condition of approval shall apply:

**Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Knox Avenue NE, pursuant to Salem Revised Code 78.180(a), including the replacement of the non-conforming curb ramps abutting the subject property at the intersection of Edina Lane NE and Knox Avenue NE. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.

As conditioned, the proposal conforms to SRC 803.040.

*SRC 803.065 (Alternative Street Standards):* Pursuant to SRC 803.065 the director may authorize the use of alternative street standards so long as it meets one of the applicable criteria. As indicated in the Public Works memo Edina Lane NE has been authorized as an alternative street as it complies with subsection (a)(2) which states that the alternative street standards may be used "Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed." Compliance with the current standard is impracticable due to existing development along its entire length and therefore no additional right-of-way or improvements are required along the Edina Lane NE street frontage.

**(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. One of two trees is proposed for removal with the proposed development. A tree conservation plan was submitted in conjunction with the proposed partition tentative plan.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement

of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

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

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

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

**Finding:** The proposed partition would divide the 0.22-acre property into two parcels, with proposed parcel 1 to retain the existing single-family dwelling and parcel 2 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 or vacant and have existing access to public or private streets.

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

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

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

**Condition 9:** Construct sewer services that are proposed in the public right-of-way. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant is proposing a common stormwater facility to serve multiple parcels. 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. **Conditions 3 and 4** are to ensure conformance with this standard.

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

**Condition 10:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 2.

As conditioned, this criterion is met.

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

**Finding:** Edina Lane NE has an approximate 18-foot improvement within a 20-foot-wide right-of-way abutting the subject property. The street is authorized as an alternative street standard pursuant to SRC 803.065, as defined above. No additional right-of-way or improvements are required along this frontage. Knox Avenue NE meets or exceeds the standards for a Local street; therefore, no additional street improvement is required. Therefore, Edina Lane NE and Knox Avenue NE are consistent with the TSP designation as a Local street. 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 subject property is topographically flat, with an elevation range of approximately 1 foot across the property.



Additionally, the subject property contains two existing trees 10 inches or more in diameter at breast height (dbh). A tree conservation plan was provided in conjunction with this tentative partition plan and reviewed separately from this decision (Case No. TCP21-09). The TCP proposes removing one of the two trees, preserving 50-percent of the trees on site, consistent with the tree conservation plan standards of SRC 808.035.

The proposal meets this criterion.

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

**Finding:** As described in the findings above, the proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The applicant proposes to retain the existing dwelling on proposed Parcel 1, alleviating the disruption of topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site. Lastly, the tree proposed for removal on proposed Parcel 2 is necessary to accommodate the reasonable development of Parcel 2 as the tree is large and would incur large amounts of damage from any grading or construction work threatening the integrity of the tree and the reasonable development of the site.

The proposal meets this criterion.

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

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

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

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

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the

intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

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

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

- (A) *The purpose underlying the specific development standard proposed for adjustment is:*
  - (i) *Clearly inapplicable to the proposed development; or*
  - (ii) *Equally or better met by the proposed development.*
- (B) *If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.*
- (C) *If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

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

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

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

- 1) Reduce the minimum lot depth of Parcel 2 from 70 feet to 52.83 feet

The applicant has indicated that the purpose underlying the specific development standard proposed for adjustment is inapplicable to the proposed development. The applicant further indicated that the proposed lot depth is equal to the original lot depth and can still accommodate a structure, thus the adjustment creates an equally or better met. Proposed Parcel 2 has street frontage onto Knox Avenue NE along the northerly property line which forces the depth of the parcel to be calculated from north to south, a dimension which is approximately 53 feet in length. Because the parcel is restricted by its street frontage, the adjustment to lot depth is necessary to allow the proposed partition.

Staff finds that the purpose underlying the specific development standard proposed for adjustment is not equally or better met by the proposed development but is inapplicable to the proposed development. The existing lot is bordered by a public street on its north and west property lines and it is not possible to change the depth of the proposed Parcel 2. Further, the proposed Parcel 2 has street frontage onto Knox Avenue NE along the northerly property line which forces the depth of the parcel to be calculated from north to south, a dimension which is

approximately 53 feet in length. As noted above, proposed Parcel 2 meets all of the RS zone development standards, including lot area. Because the parcel is restricted by its street frontage and surrounding development, the adjustment to lot depth is necessary to allow the proposed partition.

**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 – retaining the existing dwelling on proposed Parcel 1 and allowing for future residential development on proposed Parcel 2. The proposal aligns with the development pattern of the surrounding area, with existing single-family dwellings on the surrounding properties. Staff finds that the proposal will not detract from the livability or appearance of the residential area.

**SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** Only one adjustment is requested; therefore, this criterion is inapplicable.

## **8. 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-ADJ21-12, to divide approximately 0.22 acres into two parcels; with Parcel 1 consisting of approximately 4,850 square feet and Parcel 2 consisting of approximately 4,591 square feet, with a Class 2 adjustment request to reduce the minimum lot depth of Parcel 2 from 70 feet to 52.83 feet for property zoned RS (Single Family Residential), located at 892 Edina Lane NE (Marion County Assessor map and tax lot number(s): 073W24DC / 06900) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

**Condition 1:** The applicant shall provide a minimum of two off-street parking spaces consistent with SRC 806.

**Condition 2:** A driveway meeting the development standards of SRC 806.030 shall be provided leading to an off-street parking space meeting the standards of SRC 806.025.

- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** 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 Parcel 2
- Condition 5:** Remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way and provide a four-foot-deep landscaped area between the Knox Avenue NE right-of-way property line and the deck, consistent with SRC 800.035 – Setbacks for uncovered decks abutting a street.
- Condition 6:** Street trees shall be provided to the maximum extent feasible along the frontage of Knox Avenue NE or delayed pursuant to an Improvement Agreement, prior to final plat.
- Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontage of Knox Avenue NE.
- Condition 8:** Replace non-conforming portions of existing sidewalk along the frontage of Knox Avenue NE, pursuant to Salem Revised Code 78.180(a), including the replacement of the non-conforming curb ramps abutting the subject property at the intersection of Edina Lane NE and Knox Avenue NE. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 9:** Construct sewer services that are proposed in the public right-of-way. Unless delayed pursuant to an Improvement Agreement, this shall be done prior to final plat.
- Condition 10:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 2.

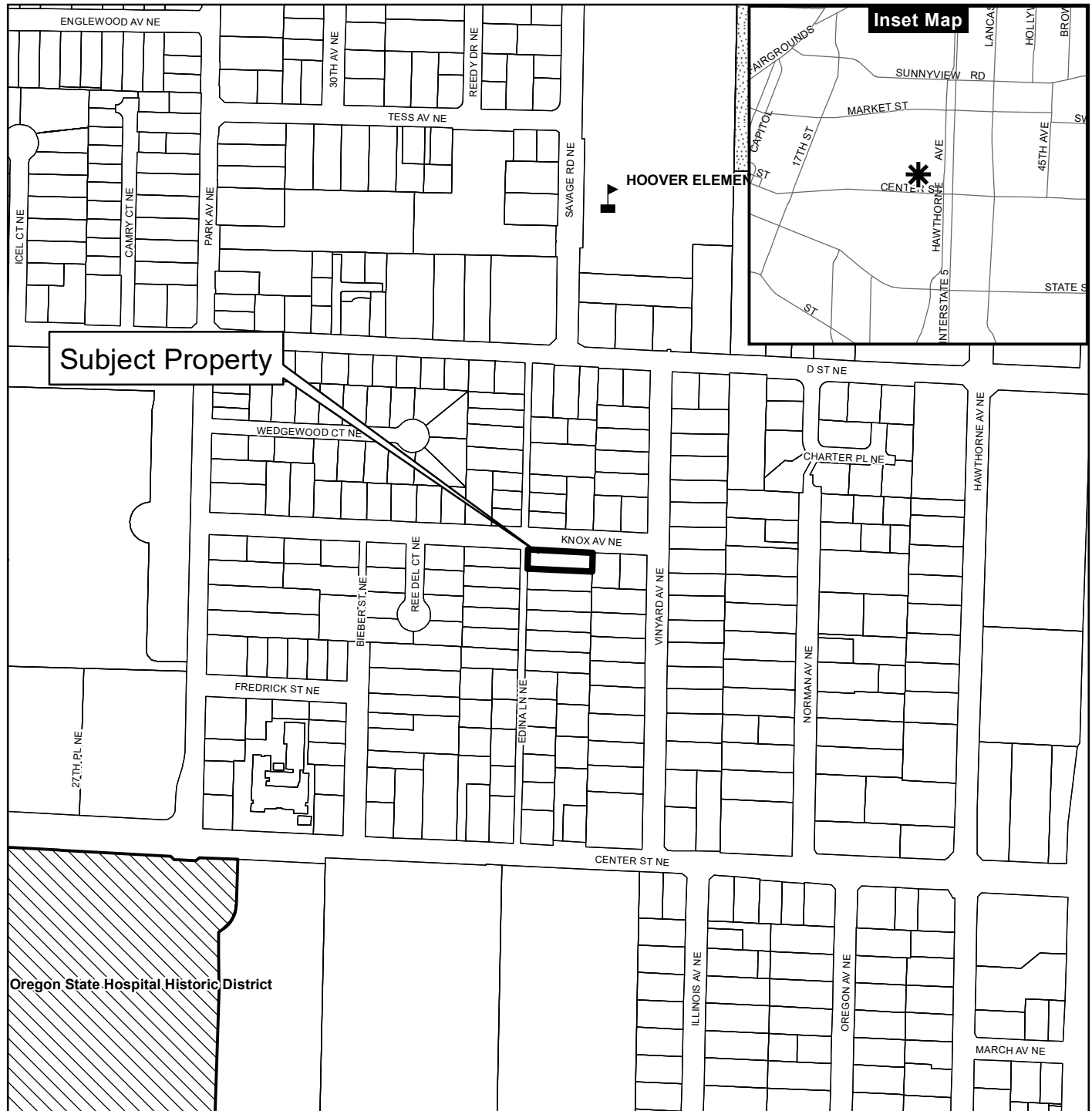


Kyle Kearns, AICP, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

# Vicinity Map

## 892 Edina Lane NE



### Legend

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

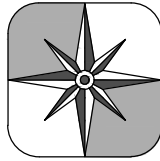
Parks

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

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

0 100 200 400 Feet





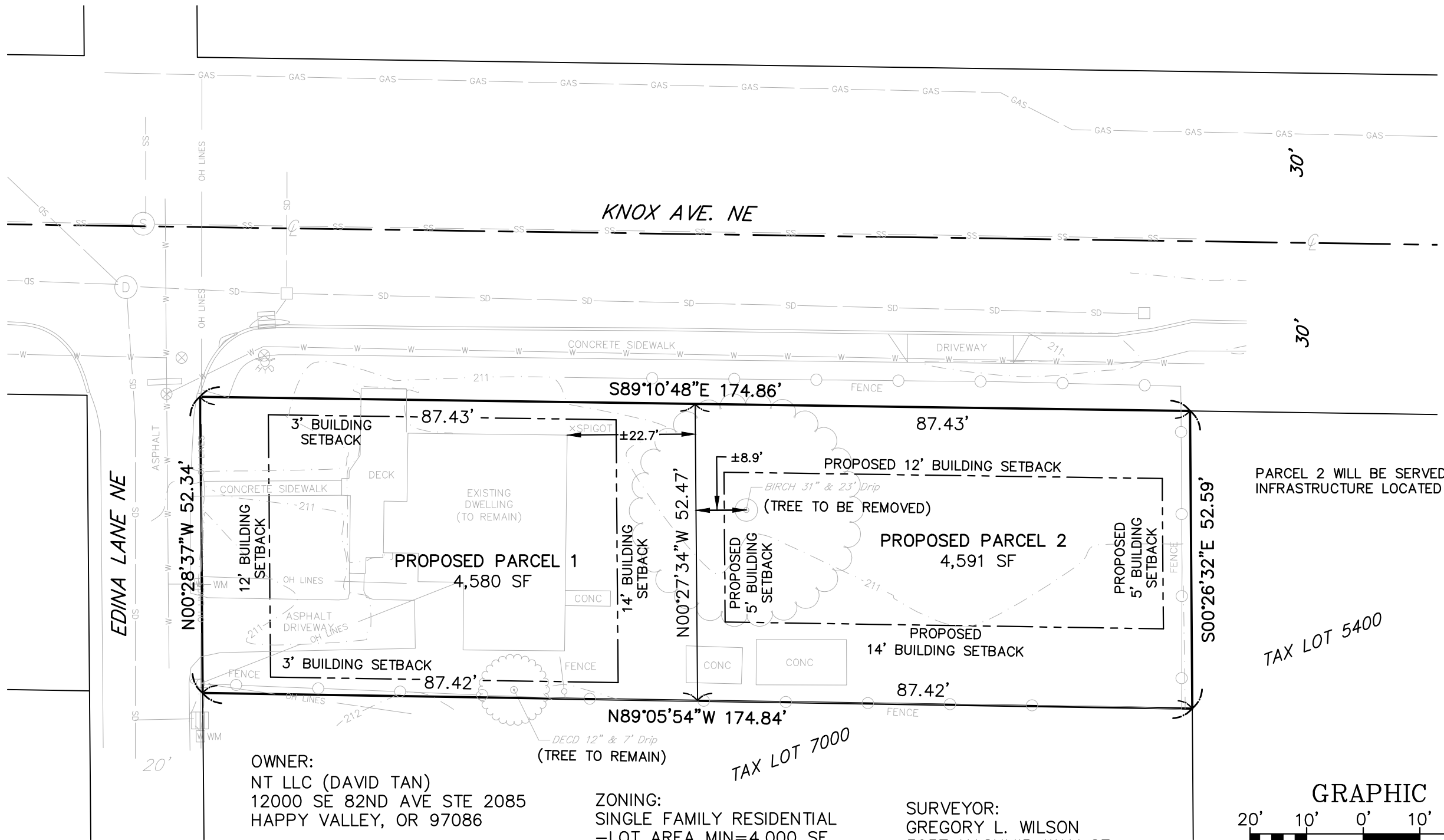
**BARKER  
SURVEYING**

# PARTITION TENTATIVE PLAN

LOCATED IN THE SE 1/4 SEC. 4, T. 7 S., R. 3 W., W.M.,  
CITY OF SALEM, MARION COUNTY, OREGON



DATE: 7/28/2021



PARCEL 2 WILL BE SERVED BY CITY  
INFRASTRUCTURE LOCATED ON KNOX AVE NE.

TAX LOT 5400

TAX LOT 7000

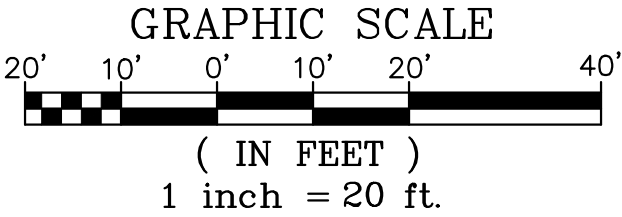
OWNER:  
NT LLC (DAVID TAN)  
12000 SE 82ND AVE STE 2085  
HAPPY VALLEY, OR 97086

SITUS:  
892 EDINA LN NE  
SALEM, OR 97301  
TAX LOT 073W24DC06900

TOTAL AREA=9,171 SF

ZONING:  
SINGLE FAMILY RESIDENTIAL  
-LOT AREA MIN=4,000 SF  
-LOT WIDTH MIN=40'  
-LOT DEPTH MIN=70'  
(REQUESTED ADJUSTMENT)  
-BUILDING HT MAX=35'  
(CODE INFO PER SRC)

SURVEYOR:  
GREGORY L. WILSON  
3657 KASHMIR WAY SE  
SALEM, OR 97317  
GREG@BARKERWILSON.COM  
(503)-588-8800



SUBJECT PROPERTY IS NOT  
LOCATED IN A FLOODPLAIN.

THERE ARE NO DRAINAGE  
PATTERNS OR COURSES.



# MEMO

**TO:** Kyle Kearns, Planner II  
Community Development Department

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

**DATE:** September 16, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PAR-ADJ21-12 (21-112421-LD)  
892 EDINA LANE NE  
TWO-PARCEL PARTITION**

## **PROPOSAL**

A tentative partition plan to create two parcels on approximately 0.22 acres (9,441 square feet), zoned RS (Single Family Residential), and located at 892 Edina Lane NE (Marion County Assessor's Map and Tax Lot 073W24DC06900).

## **RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. The following conditions of approval shall be completed prior to final plat approval:
  - a. Obtain permits for installation of water service to serve Parcel 2.
  - 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 Parcel 2.
  - c. Provide a 10-foot-wide public utility easement along the entire frontage of Knox Avenue NE.
  - d. Remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
  - a. Reconstruct non-conforming portions of existing sidewalk along the frontage of Knox Avenue NE.

- b. Provide street trees to the maximum extent feasible along the frontage of Knox Avenue NE.
- c. Construct sewer services that are proposed in the public right-of-way.

## **FACTS**

### **Streets**

#### 1. Edina Lane NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—Edina Lane NE has an approximate 18-foot improvement within a 20-foot-wide right-of-way abutting the subject property.

#### 2. Knox Avenue NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 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 Edina Lane NE.
- b. A 12-inch storm main is located in Knox Avenue NE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 6-inch public water main is located in Edina Lane NE.



- c. A 6-inch public water main is located in Knox Avenue NE.

## **Sanitary Sewer**

### **1. Existing Sewer**

- a. An 8-inch sewer main is located in Knox 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 Knox Avenue NE pursuant to SRC 803.035(n).

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

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

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

**Findings**—Water, sewer, and stormwater 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**—Edina Lane NE has an approximate 18-foot improvement within a 20-foot-wide right-of-way abutting the subject property. The street is authorized as an alternative street standard pursuant to SRC 803.065(a) because it was developed to standards that were in place at the time of construction, and compliance with the current standard is impracticable due to existing development along its entire length. No additional right-of-way or improvements are required along this frontage.

Knox Avenue NE meets or exceeds the standards for a Local street; therefore, no additional street improvement is required. Pursuant to SRC Chapter 803 and SRC 78.180(a), the applicant shall reconstruct non-conforming portions of existing sidewalk along the frontage of the proposed development. This includes the replacement of the non-conforming curb ramps abutting the subject property at the intersection of Edina Lane NE and Knox Avenue NE. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, a 6-inch water main is located under the existing sidewalk. Relocating the sidewalk to meet the street standard will create conflict with future street trees. Therefore, the sidewalk may remain located along the curb line to reduce conflicts between the existing water main and future street trees pursuant to SRC 803.035(l)(2)(B).

The existing deck and fence along Knox Avenue NE encroach into the public right-of-way. The applicant shall remove the portion of the existing deck and the fence located within the Knox Avenue NE right-of-way. Pursuant to SRC 86.015(e), the applicant shall provide street trees to the maximum extent feasible along the frontage of Knox Avenue NE.

Prepared by: Jennifer Scott, Program Manager  
cc: File

WRITTEN STATEMENT  
Application for Partition Plat  
For: NT LLC  
892 Edina Ln NE  
Salem, Oregon 97301

July 19, 2021 (Updated September 28, 2021)

City of Salem Permit Application Center  
555 Liberty St SE  
Salem, OR 97301

Re: Written narrative for Proposed Partition Plat of 892 Edina Ln - 073W24DC 6900.

To whom it may concern:

The reason for the proposed Partitioning of Tax Lot 073W24DC 6900 is to separate the property into two parcels. Subject property is listed as being in the Single-Family Residential Zone. The existing and proposed properties both comply with the applicable provisions of the UDC and Partition Tentative Plan (SRC 205.005(d)).

- The Proposed Partition Plat does not delay the future use or development of the property or adjacent land.
- Development on proposed Parcel 2 has adequate access to City infrastructure from Knox AVE NE. Parcel 1 is currently serviced by City infrastructure within Edina Ln NE.
- Proposed Parcel 1 has access from Edina Ln NE and Parcel 2 has access from Knox Ave NE.
- The Proposed Partition Plat considers the topography of the land for the requested adjustment.
- The layout, size, and dimensions of the Proposed Parcels consider the topography to reduce the disruption of the site for development.
- The subject property is not located in a floodplain.
- No significant trees or white oaks are being removed. The subject property contains 2 trees, both are not a significant tree or white oak, with only 50% of the trees planned on being removed. Subject property is not within a riparian corridor.
- There is no proposed grading plan.
- There are no existing or proposed easement on subject property.
- There is no proposed construction or structural alteration of a building for the use of the public.
- The Proposed Partition Plat complies with the following lot standards;
  - Area= Min 4,000 SF (Parcel 1= 4,580 SF, Parcel 2= 4,591 SF)
  - Width= Min 40' (Parcel 1/2= 87.43')
  - Depth= Min 70' (Parcel 1/2= 52' +/-)
  - Street Frontage= Min 40' (Parcel 1=87.43' & 52.34', Parcel 2= 87.43')
  - Lot Coverage= Max 60% (expected to be met at time of building permits)
  - Max Building Height= 35' (expected to be met at time of building permits)

A Class 2 adjustment is included in this application to reduce the applicable lot depth standard on Parcel 2. We would like to reduce the lot depth standard of 70' to 49'. The proposed adjustment is more than 20 percent; therefore, a Class 2 adjustment is applicable. It is also possible that the lot standard is also inapplicable to the proposed development because the property was originally created before the lot standard was established. The proposed adjustment is equal to the original lot depth because the property can still accommodate a building with a depth of 26' +/- within the 14' rear setback and the 12' front setback. The proposed adjustment will not impede on the livability or the appearance of the residential area because a building with a garage is proposed conforming to the RS Zone requirements.

The existing single-family dwelling previously contained a garage where the current driveway leads, but currently the garage has been converted to a living space prior to February 8, 2006.

Respectfully Submitted, David Tan on behalf of NT LLC