

**TO: PLANNING COMMISSION**

**FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY PLANNING AND DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR**

**SUBJECT: APPEAL OF PLANNING ADMINISTRATOR'S DECISION APPROVING SUBDIVISION TENTATIVE PLAN AND CLASS 2 ADJUSTMENT CASE NO. SUB-ADJ24-04 FOR PROPERTY LOCATED AT THE 1800 BLOCK OF PARK AVENUE NE**

### **ISSUE**

Should the Planning Commission affirm, modify, remand, or reverse the Planning Administrator's approval of a Subdivision Tentative Plan and Class 2 Adjustment for Case No. SUB-ADJ24-04 to divide approximately 0.82 acres into a total of six lots ranging from 4,006 square feet to 6,696 square feet in size, and a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%. The applicant is requesting alternative street standards to the street spacing and connectivity requirements along Park Avenue NE to not provide a new mid-block east-west street connection.

The subject property is approximately 0.82 acres in size, zoned RS (Single Family Residential), and located at the 1800 Block of Park Avenue NE – 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24BA / 08000 and 08100).

### **RECOMMENDATION**

AFFIRM the Planning Administrator's decision approving Subdivision Tentative Plan and Class 2 Adjustment Case No. SUB-ADJ24-04.

### **SUMMARY OF RECORD**

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24-108034.

### **BACKGROUND**

The subject property is located at the 1800 Block of Park Avenue NE, a vicinity map showing the subject property is included as **Attachment A**. The proposed subdivision

tentative plan is included as **Attachment B**.

On July 5, 2024, the Planning Administrator issued a decision approving the Subdivision Tentative Plan and Class 2 Adjustment. A timely notice of appeal of the decision was filed by persons with standing to appeal on July 19, 2024. The City Council at their regularly scheduled meeting on July 22, 2024, was notified of the notice of appeal and did not elect to review the Planning Administrator's decision; therefore, the review authority will be the Planning Commission.

## **FACTS AND FINDINGS**

### ***Procedural Findings***

1. On April 12, 2024, an application for a Subdivision Tentative Plan and Class 2 Adjustment was submitted to divide property approximately 0.82-acres in size into six lots at the 1800 Block of Park Avenue NE (**Attachment B**). The application was deemed complete for processing on May 15, 2024. On May 15, 2024, notice to surrounding property owners was mailed pursuant to Salem Revised Code, and signs were posted pursuant to Salem Revised Code.
2. On July 5, 2024, the Planning Administrator issued a decision approving the Subdivision Tentative Plan and Class 2 Adjustment (**Attachment C**).
3. On July 19, 2024, a timely notice of appeal was filed by persons with standing to appeal this decision (**Attachment D**).
4. On July 29, 2024, notice of appeal hearing was sent to the applicant, property owners, the neighborhood association, individuals who submitted testimony for the record, and all others entitled to notice pursuant to Salem Revised Code (SRC) requirements. The subject property is not part of a Homeowner's Association (HOA).
5. Notice of the appeal hearing was posted on the subject property on August 7, 2024. The appeal public hearing before the Planning Commission is scheduled for August 20, 2024. The state-mandated deadline for a final local decision is September 12, 2024. Appeal procedures are specified in SRC 300.1040.
6. The Planning Commission may affirm, modify, or reverse the decision, or may remand the matter to the Planning Administrator for further action.

### ***Appeal***

A timely and jurisdictional notice of appeal of the Planning Administrator's decision was filed by residents in the surrounding area on July 19, 2024 (**Attachment D**). A summary of the issues raised in the appeal followed by staff response is provided below:

1. ***Objections to the Increased Number of Flag Lots; Concerns with Dwelling Unit Density:*** Objections were raised with the adjustment request to increase the number

*of allowed flag lots for this subdivision from a maximum of 15 percent to approximately 66 percent. Concerns were raised that in addition to single family dwellings on the four proposed flag lots, that each lot can have an accessory dwelling unit as well.*

**Staff Response:** Flag lot is defined in SRC Chapter 111 as a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. The proposed tentative subdivision results in the creation of a total of six lots; Lots 2-5 are set back from Park Avenue NE and take vehicle access to the street from a flag lot accessway, and therefore, meet the definition of flag lot. Proposed Lots 1 and 6 have frontage on Park Avenue NE with direct vehicle access to Park Avenue NE provided by driveways, these are not flag lots. The applicant has requested a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%.

The purpose of the standard is primarily intended to promote street connectivity and walkability within large subdivisions by limiting the number of flag lots that can be created that are served by flag lot accessways. In this case, due to the small size of the property and infill nature of the development, the purpose of the flag lot limitation was found to be not applicable. The proposed lot configuration was found to otherwise comply with applicable standards of the zoning code and allows for development of housing at expected density levels for the RS (Single Family Residential) zone. Further, the flag lot accessway decreases the number of individual driveway accesses onto Park Avenue NE.

Regarding the comment about potential for Accessory Dwelling Units to be developed in addition to the primary dwelling for the flag lots, SRC 800.025, Table 800-1 provides that the maximum number of units that can be served by a residential flag lot accessway is four units. The applicant's tentative subdivision plan identifies four single family dwelling units to be served by the flag lot accessway, one dwelling per flag lot. Due to the limit on the number of dwelling units that can be served by a flag lot accessway, it is not possible for accessory dwelling units or two-family housing to be developed on the proposed flag lots.

Finally, the subject property currently contains two separate legal units of land with a total lot size of 0.82 acres. The applicant could elect to construct middle housing on the subject property, which is an allowed use in the RS zone. Each lot is sufficient in size to support two-four family uses or cottage clusters, developed in conformance with the Special Use Standards in SRC 701. Middle housing development would not require a subdivision or require public notice and could result in denser residential development than what is proposed under the applicant's development plans.

- 2. Lack of Adequate On-Site Parking:** *Objections were raised that there will not be enough available parking on-site to accommodate future residents. Similar flag lot developments in the area are found to regularly have parking violations. This may lead to conflicts between residents and the surrounding neighborhood.*

**Staff Response:** SRC Chapter 806 provides the off-street parking requirements for all uses. There is no minimum off-street parking requirement for new single-family dwellings, the maximum parking allowance is three spaces. The tentative subdivision plan shows that each of the proposed lots will have vehicular access either provided by direct driveway access to Park Avenue NE or will have driveway access to the proposed flag lot accessway. Compliance with off-street parking development standards will be verified at the time of building permit review. Pursuant to SRC 800.025(d), vehicle parking is prohibited on the flag lot accessway.

There are no applicable approval criteria related to the potential for future code violations that City staff can apply to approval or denial of a Subdivision Tentative Plan or for approval of residential dwelling permits. Parking violations can be reported to the City of Salem Parking Services for enforcement.

- 3. Adverse Impacts on Livability for the Neighborhood:** *Objections were raised that the proposed subdivision will result in creation of lots that are much smaller than the surrounding area. Development of the property will result in increased lighting and noise, and will negatively impact the appearance of the neighborhood, reducing livability. No room for greenspace other than the stormwater garden.*

**Staff Response:** The proposed lots within the subdivision range from approximately 4,006 square feet to approximately 6,246 square feet in size, which is consistent with the minimum lot size requirement of 4,000 square feet. Their size and layout are consistent with the expected development pattern of properties in the "Single Family Residential" Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standard which requires proposed single family residential lots and future development to resemble the size of existing lots and existing developments in the surrounding area.

SRC Chapter 800 regulates exterior lighting, and the proposed development is subject to these regulations. SRC 800.060 states the following: "Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-away." It also requires that exterior light fixtures be "located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet away outside the boundary of the lot," either be shielded from direct view or no greater than five foot-candles in illumination. The Compliance Services Division of the Community Planning and Development Department enforces these light regulations.

The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

Future residential development is required to comply with minimum setbacks and maximum lot coverage requirements, which are in place to ensure adequate separation and open space is available for each lot. In addition, SRC 808.050 requires that each lot (4,000-6,000 square feet in size) shall contain a minimum of two trees prior to final occupancy of future residential dwellings, this can be achieved by either preserving existing trees or planting new trees. Additional tree plantings may be required as part of the Tree Conservation Plan.

4. **Stormwater.** *Concerns were raised regarding the applicant's plan for providing a stormwater infiltration pond to collect runoff from new impervious surfaces. Residents in the area indicate the water table is higher than the applicant's statement indicates, concerns were raised that there won't be adequate drainage and could be adverse impacts if stormwater overflows the detention pond. Concerns were also raised that the stormwater facility would not be adequately maintained and could be overrun with weeds and provide breeding area for mosquitoes.*

**Staff Response:**

**Stormwater Management (Generally)** – All subdivisions are required to meet stormwater standards established in SRC Chapter 71 – Stormwater and the PWDS Appendix 004 – Stormwater System. The City's requirements for stormwater management are generally prescribed by the City's Municipal Stormwater Discharge Permit, which is a permit issued to the City of Salem by the Oregon Department of Environmental Quality under the authority of the federal Clean Water Act in order to allow discharges into waters of the State. These standards identify construction requirements and performance standards for stormwater treatment and detention. The stormwater code and design standards prioritize onsite retention of stormwater and infiltration, when feasible, to control runoff. Additionally, the stormwater code and design standards require the use of green stormwater infrastructure to the maximum extent feasible to treat drainage and reduce pollutant loads.

As part of the required submittal items, the applicant provided a preliminary stormwater management report that demonstrates the proposal utilizes green stormwater infrastructure to the maximum extent feasible by providing flow control (detention) and treatment (PWDS 4.3(a)) in the form of a rain garden facility. Rain gardens are landscaped reservoirs or depressions in the ground surface used to collect, filter, and/or infiltrate stormwater runoff. In rain gardens, pollutants settle and filter out as the water percolates through the growing medium, then infiltrates into the ground below.

The Public Works Design Standards (PWDS) require that stormwater flow control (detention) be designed to detain a 100-year storm event, which is a rainfall event that has a one-percent chance of occurring at a particular location in a particular year. The applicant's preliminary stormwater management report demonstrates the rain garden is proposed to detain the 100-year design event, meeting the requirements established in the PWDS.

The preliminary stormwater management report also demonstrates that the proposed rain garden will completely infiltrate water and not discharge back into the City's system. This design was selected because there are no public mains available in Park Avenue NE to collect discharge from the site. The applicant's geotechnical investigation, included within the preliminary stormwater management report, generally supports this, although additional testing to confirm the depth of groundwater within the water table is required when the final stormwater report is prepared. According to the preliminary stormwater management report, the infiltration testing included test holes of approximately 8-feet and no ground water was found.

It is the applicant's burden to demonstrate the proposed rain garden will be designed and constructed to meet the PWDS. The preliminary stormwater management provides a starting point for the design of the rain garden and ensures feasibility. As identified in the conditions of approval, the applicant is required to provide a final stormwater report prior to plat approval. The final stormwater management report will include all information necessary to ensure the rain garden will be designed and constructed in accordance with the PWDS. This will include any necessary infiltration tests, depth to ground water confirmation and modifications to the facility if required to comply with PWDS.

**Overflow Location** – As described above, the proposed rain garden will detain up to a 100-year rainfall event, as required by the PWDS. These rainfall events have a one-percent chance of occurring at a particular location in a particular year. The PWDS do not address storms beyond the 100-year event. However, the PWDS do require that an overflow route be identified and approved in case of an event in excess of the 100-year (PWDS 4.2(j)). The applicant's preliminary stormwater management report does not identify an overflow path; however, it does show an emergency overflow structure at the northwestern corner of the rain garden. According to the applicant's preliminary stormwater management report, storm events in excess of the 100-year event *will overtop the rain garden top of bank and sheet flow off the site along its historical route as it did in the pre-developed condition*. The overflow path from the infiltration rain garden for a storm event in excess of a 100-year event (one percent chance in a given year) is proposed to follow the existing flow path in accordance with Oregon Drainage Law.

**Maintenance and Planting Requirements** – The proposed rain garden will be a privately owned and maintained stormwater facility. The PWDS require a Private Stormwater Facility Maintenance Agreement (PSFA) to be recorded against the property, so the collective property owners will be required to ensure continued maintenance of the facility (PWDS 4.2(s)). The appellant is correct in that the City does not enforce private Covenant, Condition, & Restriction (CC&R); however, the PSFA is not a form of a private Covenant, Condition, & Restriction (CC&R), as the appellant references. The PSFA is an agreement between the City and the property owners that ensures the facility is maintained and allows the City to inspect the facilities, as needed, to ensure they are being maintained in accordance with the approved design and construction plans. The PSFA runs with the land and is

enforceable by the City to ensure continued maintenance of the required facility.

The PWDS specify planting requirements for stormwater facilities (PWDS Appendix 4B). There are requirements for minimum plant quantities which could include trees, shrubs, grasses, and other ground cover. Planting requirements also require native plants approved for use in specific types of facilities. These plant units must be maintained over time. Vegetation on the City's Non-Native, Nuisance, and Noxious weed list is strictly prohibited in stormwater facilities.

**Mosquitos** – The PWDS do not specifically address mosquitos. As described above, the PWDS do prioritize infiltration through the growing medium, and as such, ponding will occur in large stormwater events. That being said, PWDS does establish minimum infiltration rates of the soil to allow complete infiltration facilities. This ensures ponding is minimized and the water can infiltrate at an established rate specifically designed to prevent ponding that could encourage breeding grounds for mosquitoes. The applicant's preliminary stormwater management report identifies that infiltration testing was performed and that existing soils infiltrate at rates ranging between 2.0 to 3.0 inches per hour. The PWDS require infiltration when on-site testing demonstrates the infiltration rate is 0.5 inches per hour or greater (PWDS 4.3(a)(2)(A)). The proposed rain garden meets the minimum infiltration rate requirements.

### ***Substantive Findings***

As provided in the July 5, 2024, Planning Administrator decision approving the Subdivision Tentative Plan and Class 2 Adjustment, the proposal satisfies the applicable approval criteria of SRC 205.010(d) and SRC 250.005(d)(2).

### ***Conclusion***

Based on the facts and findings presented above and included with the July 5, 2024 Planning Administrator's decision, staff recommends that the Planning Commission **AFFIRM** the Planning Administrator's decision approving Subdivision Tentative Plan and Class 2 Adjustment Case No. SUB-ADJ24-04.

### **ALTERNATIVES**

The Planning Commission may take one of the following actions:

- I. **AFFIRM** the July 5, 2024 decision approving SUB-ADJ24-04.
- II. **REMAND** the July 5, 2024 decision approving SUB-ADJ24-04 to the Planning Administrator for further action.
- III. **MODIFY** the July 5, 2024 decision approving SUB-ADJ24-04; or
- IV. **REVERSE** the July 5, 2024 decision, and deny SUB-ADJ24-04.

Appeal of SUB-ADJ24-04  
August 20, 2024  
Page 8 of 8

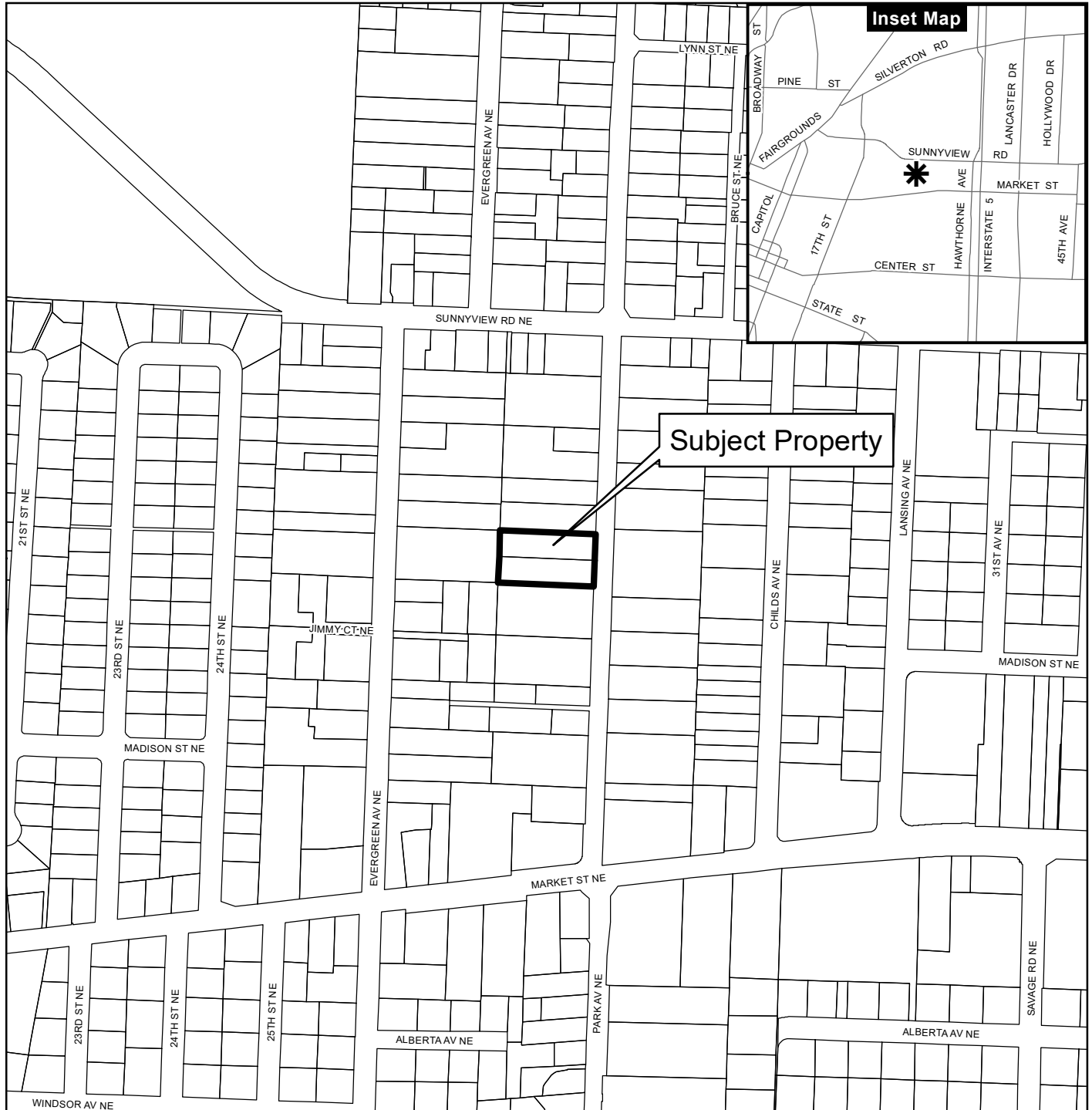
Attachments:   A. Vicinity Map  
                  B. Subdivision Tentative Plan  
                  C. Planning Administrator's Decision on Case No. SUB-ADJ24-04,  
                      dated July 5, 2024  
                  D. Notice of Appeal dated July 19, 2024

Prepared by: Aaron Panko, Planner III

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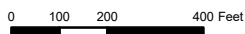
# Vicinity Map 1800 Block of Park Avenue NE



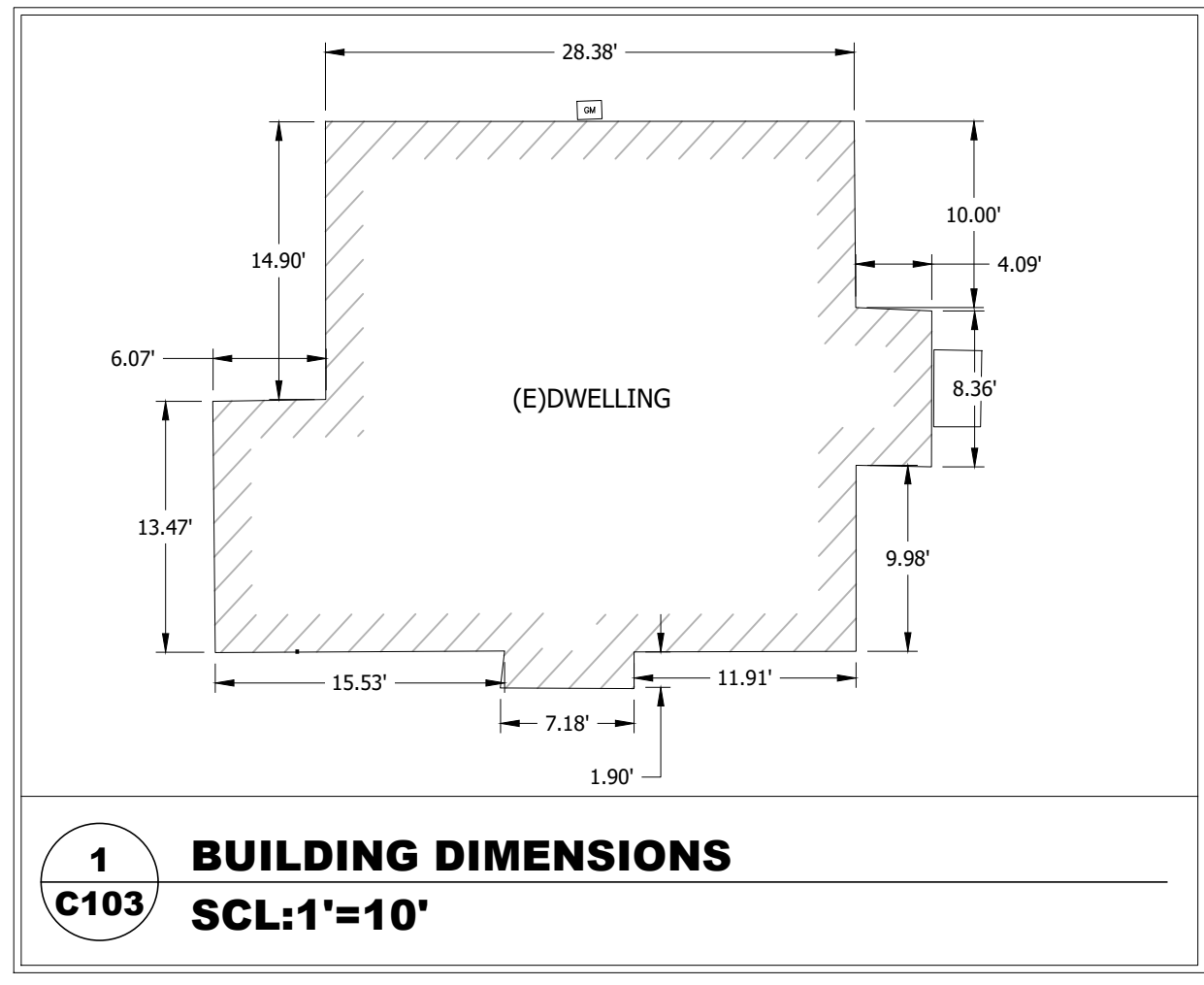
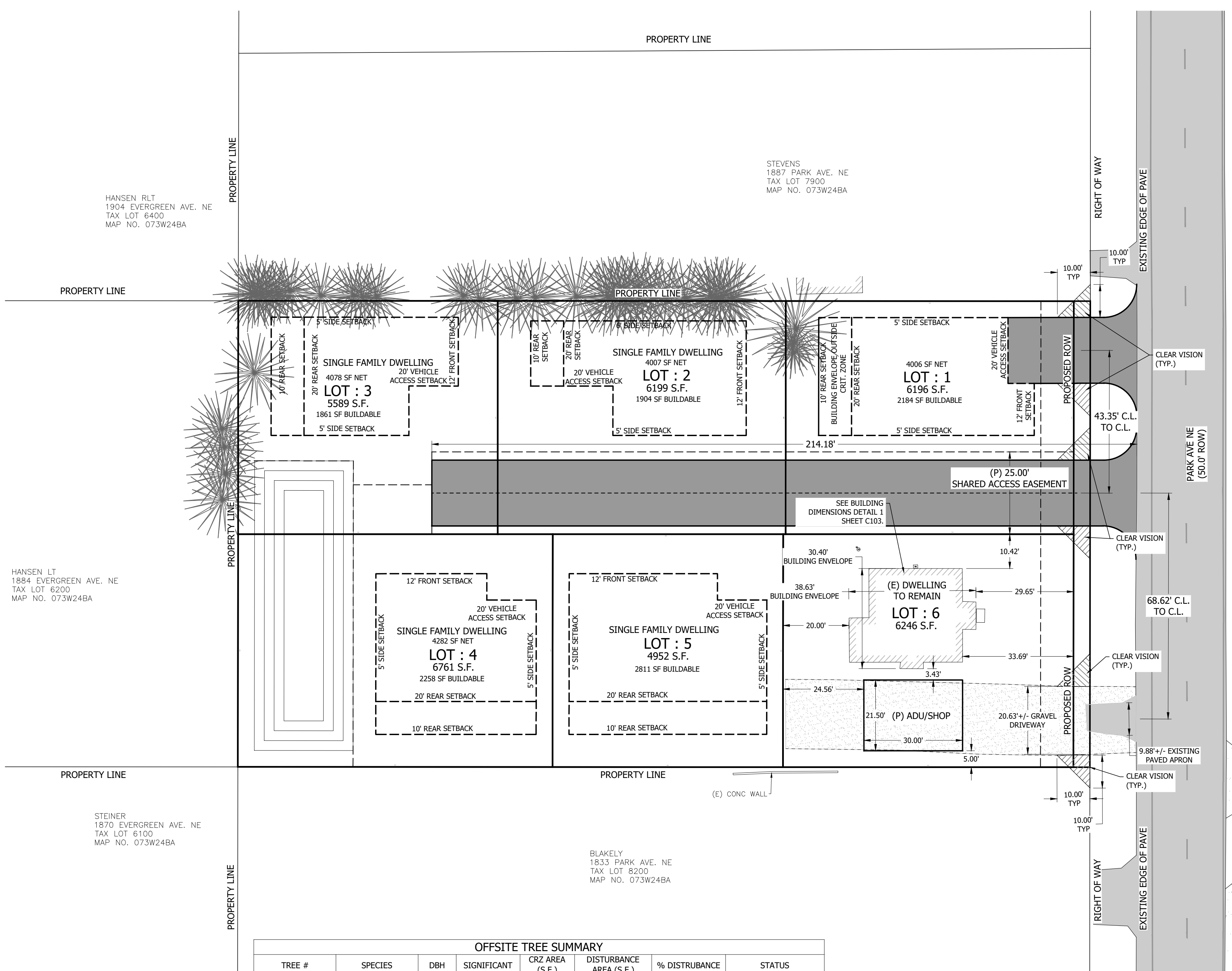
**Legend**

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

Parks



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**1 BUILDING DIMENSIONS**  
SCL:1'=10'

OFFSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5378	CEDAR	24"	NO	1809	356	20	PROPOSED PRESERVED
5379	CEDAR	10"	NO	314	22	7	PROPOSED PRESERVED
5380	CEDAR	15"	NO	707	144	20	PROPOSED PRESERVED
5381	CEDAR	5"	NO	79	0	0	PROPOSED PRESERVED
5382	CEDAR	22"	NO	1520	452	30	PROPOSED PRESERVED
5383	CEDAR	22"	NO	1520	443	29	PROPOSED PRESERVED
5384	CEDAR	10"	NO	314	25	8	PROPOSED PRESERVED
5385	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5386	CEDAR	10"	NO	314	16	5	PROPOSED PRESERVED
5387	CEDAR	21	NO	1385	386	28	PROPOSED PRESERVED
5388	DBL CEDAR	6" & 8"	NO	154	0	0	PROPOSED PRESERVED
5389	CEDAR	8"	NO	201	3	1	PROPOSED PRESERVED
5390	CEDAR	8"	NO	201	2	1	PROPOSED PRESERVED
5391	CEDAR	26"	YES	2123	377	18	PROPOSED PRESERVED
5392	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5393	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5394	DBL CEDAR	8" & 11"	NO	314	58	18	PROPOSED PRESERVED
5394	CEDAR	14"	NO	615	54	9	PROPOSED PRESERVED
5395	CEDAR	12"	NO	452	101	22	PROPOSED PRESERVED
5396	CEDAR	18"	NO	1017	274	27	PROPOSED PRESERVED
5397	CEDAR	22"	NO	1520	440	29	PROPOSED PRESERVED
5398	CEDAR	31"	YES	3018	639	21	PROPOSED PRESERVED
5399	CEDAR	17"	NO	907	128	14	PROPOSED PRESERVED
5400	CEDAR	24"	NO	1809	262	14	PROPOSED PRESERVED
5401	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5402	CEDAR	9"	NO	254	1	0	PROPOSED PRESERVED
5403	CEDAR	13"	NO	531	12	2	PROPOSED PRESERVED
5299	CEDAR	11"	NO	380	0	0	PROPOSED PRESERVED
5300	CEDAR	17"	NO	907	55	6	PROPOSED PRESERVED
5301	CEDAR	19"	NO	1134	161	14	PROPOSED PRESERVED
5302	CEDAR	17"	NO	907	138	15	PROPOSED PRESERVED

ONSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5319	YEW	8"	NO	201	54	27	PROPOSED PRESERVED
5318	YEW	11"	NO	380	53	14	PROPOSED PRESERVED
5317	YEW	10"	NO	314	50	16	PROPOSED PRESERVED
5322	CEDAR (REMOVED)	24"	NO	1809	1809	100	REMOVED
5323	CEDAR (REMOVED)	42"	YES	5539	5539	100	REMOVED
5304	REDWOOD	32"	YES	3215	962	30	PROPOSED PRESERVED
5361	CEDAR (STUMP)	22"	NO	1520	1520	100	REMOVED
5362	CEDAR (STUMP)	13"	NO	531	531	100	REMOVED
5365	YEW	6"	NO	113	113	100	PROPOSED REMOVE

**NARRATIVE**

TREES DESCRIBED IN TABLE ABOVE WITH NUMBERS OF 5322, 5323, 5361, 5362 & 5365 ARE TO BE REMOVED FOR THE PROPOSED DEVELOPMENT PER SRC SEC.808.035(e).

•  $\frac{5 \text{ (TREES DISTURBED)}}{9 \text{ (TOTAL TREES)}} = 0.55 \text{ (55\%)}$ , WHICH IS LESS THAN 70%

**PROPERTY**  
TAX MAP: 7S-2W-24BA  
TAX LOTS: 8000 & 8100  
SITE ADDRESS: 1861 PARK AVENUE NE  
SALEM, OR 97305

**DEVELOPER**  
JENRAE PROPERTIES, LLC  
P.O. BOX 20756  
KEIZER, OREGON 97303  
DON.JENSEN@JENSENCOLLC  
(503) 932-2259

**OWNER**  
JENSEN CONSTRUCTION, LLC  
C/O DON JENSEN  
5190 KALE STREET  
SALEM, OREGON 97305  
(503) 932-2259

**DESIGN TEAM**  
**CIVIL ENGINEER**  
UDELL ENGINEERING AND LAND SURVEYING, LLC  
63 E. ASH STREET  
LEBANON, OREGON 97355  
(541) 451-5125

**SURVEYOR**  
UDELL ENGINEERING AND LAND SURVEYING, LLC  
63 E. ASH STREET  
LEBANON, OREGON 97355  
(541) 451-5125

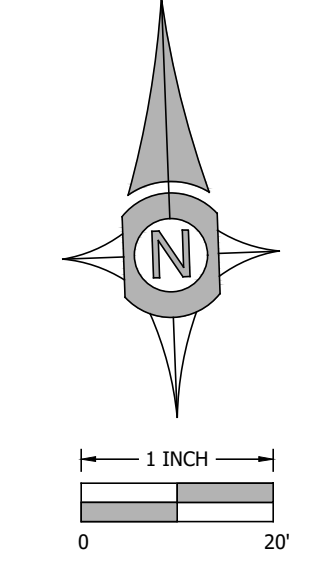
**CLIENT:**  
JENRAE PROPERTIES, LLC  
P.O. BOX 20756  
KEIZER, OR 97303  
DON.JENSEN@JENSENCOLLC  
(503) 932-2259

**PRELIMINARY SITE PLAN AND LAND SURVEYING, LLC**  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1366 FAX

**PRELIMINARY SITE PLAN**  
AVA JENE ESTATES  
073W24BA TAX LOTS 8000 & 8100  
1861 PARK AVENUE NE  
SALEM, OR

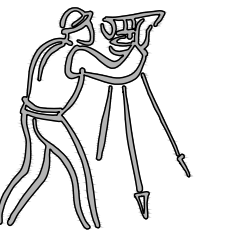
DATE: APRIL 2, 2024  
PROJECT: 22-027 JENSEN PARK AVENUE, NE  
DRAWN BY: LLL, MLM, BP  
CHECKED BY: [Signature]  
BSV

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY



PLAN REVISIONS	DATE

Sheet **C103**  
SCALE: SEE BARSCALE



**CLIENT:**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OR 97303  
 DON.JENSEN@JENSENCOLL.C  
 (503) 932-2259

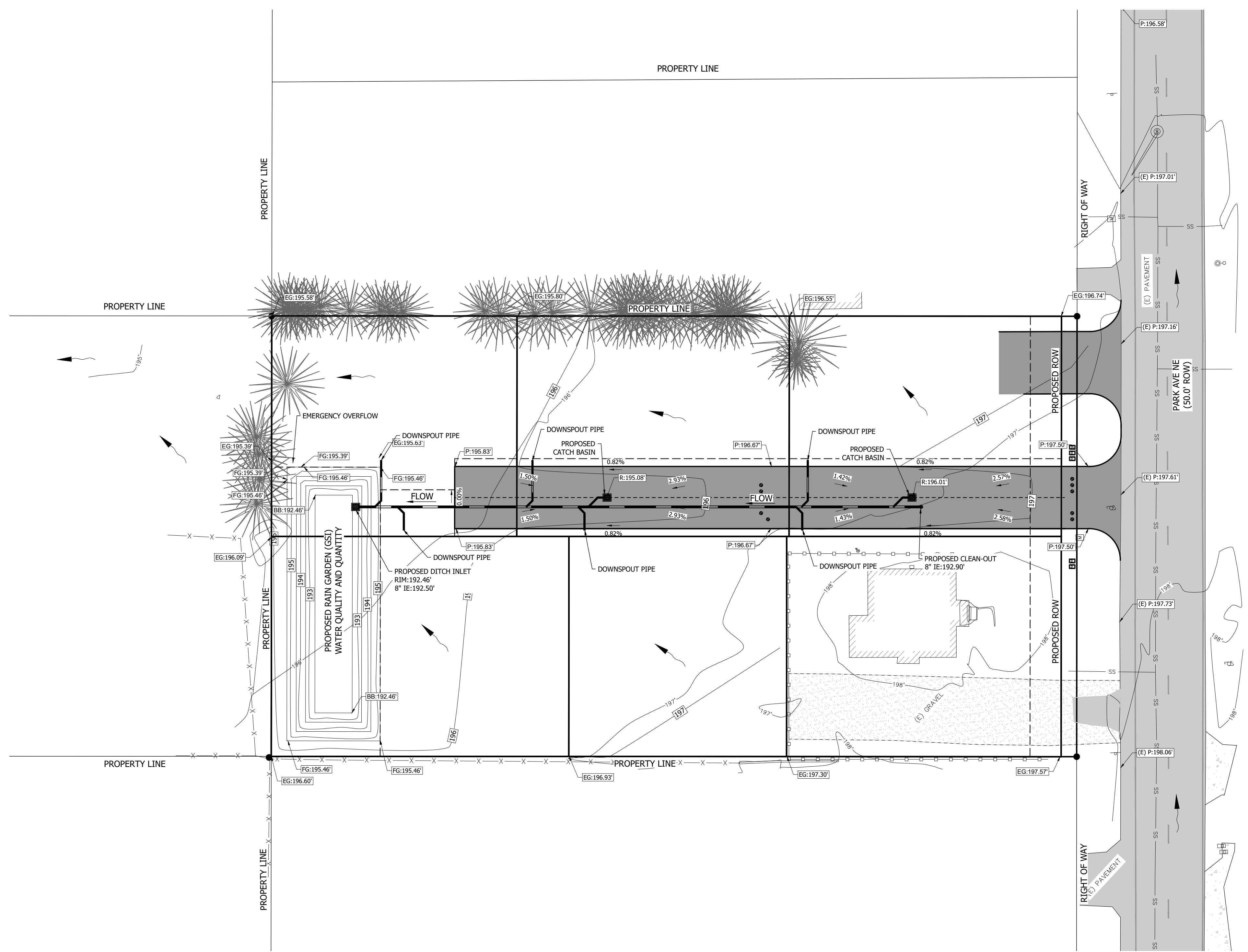
**UELLE ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**PRELIMINARY GRADING & DRAINAGE**  
 AVA JENE ESTATES  
 073W24BA TAX LOTS 8000 & 8100  
 1861 PARK AVE. NE  
 SALEM, OR

DATE: APRIL 2, 2024  
 PROJECT: 22-027 JENSEN PARK AVE. NE  
 DRAWN BY: LLL, MLX, BP  
 CHECKED BY: [Signature]  
 183V

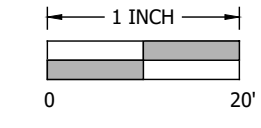
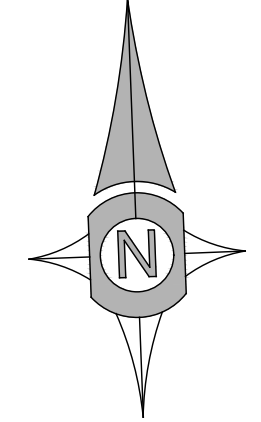
THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C200**  
 SCALE: SEE BARSCALE



**GRADING LEGEND**

- 362 — EXISTING SURFACE CONTOUR ELEVATION
- 362 — DESIGN SURFACE CONTOUR ELEVATION
- — EXISTING SURFACE DRAIN DIRECTION
- — DESIGN SURFACE DRAIN DIRECTION
- (E)P 000.00 - EXISTING TOP OF PAVEMENT ELEVATION
- EG 000.00 - EXISTING GROUND ELEVATION
- P 000.00 - DESIGN TOP OF ASPHALT PAVE ELEVATION
- FG 000.00 - DESIGN FINISHED GROUND ELEVATION



PLAN REVISIONS	DATE

## NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT CASE NO.: SUB-ADJ24-04**

**APPLICATION NO.: 24-108034-PLN**

**NOTICE OF DECISION DATE:** July 5, 2024

**SUMMARY:** An application for a six-lot residential subdivision.

**REQUEST:** A Subdivision Tentative Plan to divide approximately 0.82 acres into a total of six lots ranging in size from 4,006 square feet to 6,696 square feet in size, and a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%. The applicant is requesting alternative street standards to the street spacing and connectivity requirements along Park Avenue NE to not provide a new mid-block east-west street connection.

The subject property is approximately 0.82 acres in size, zoned RS (Single Family Residential), and located at the 1800 Block of Park Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24BA / 08000 and 08100).

**APPLICANT:** Laura Laroque, Udell Engineering

**LOCATION:** 1800 Block of Park Ave NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated July 5, 2024.

**DECISION:** The **Planning Administrator APPROVED** Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-04 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.
- Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 3:** Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

- Condition 4:** Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 5:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 6:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.
- Condition 8:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.
- Condition 9:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.
- Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of Park Avenue NE.
- Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by July 23, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>May 15, 2024</u>
Notice of Decision Mailing Date:	<u>July 5, 2024</u>
Decision Effective Date:	<u>July 23, 2024</u>
State Mandate Date:	<u>September 12, 2024</u>

Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

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. Monday, July 22, 2024. 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**

**DECISION**

**IN THE MATTER OF THE APPROVAL ) FINDINGS AND ORDER**  
**OF TENTATIVE SUBDIVISION AND )**  
**CLASS 2 ADJUSTMENT )**  
**CASE NO. SUB-ADJ24-04; )**  
**1800 BLOCK OF PARK AVENUE NE ) JULY 5, 2024**

**REQUEST**

**Summary:** An application for a six-lot residential subdivision.

**Request:** A Subdivision Tentative Plan to divide approximately 0.82 acres into a total of six lots ranging from 4,006 square feet to 6,696 square feet in size, and a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%. The applicant is requesting alternative street standards to the street spacing and connectivity requirements along Park Avenue NE to not provide a new mid-block east-west street connection.

The subject property is approximately 0.82 acres in size, zoned RS (Single Family Residential), and located at the 1800 Block of Park Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24BA / 08000 and 08100).

**PROCEDURAL FINDINGS**

1. A consolidated application for a Tentative Subdivision and Class 2 Adjustment was filed by Laura LaRoque, of Udell Engineering and Land Surveying, LLC, on behalf of the applicant and property owner, Jack Yarbrough, Jenrae Inc., proposing to divide property located at the 1800 Block of Park Avenue NE.
2. After additional requested information was provided by the applicant, the applications were deemed complete for processing. Public notice of the proposal was subsequently sent, pursuant to SRC requirements, on May 15, 2024. SRC 300.520(b) requires the applicant for a tentative subdivision to provide a posted notice on the subject property no earlier than 14 and no later than ten days prior to the end of the comment period. The required posted notice was provided on May 15, 2024, in compliance with the requirements of Chapter 300.
3. The state-mandated local decision deadline for the application is September 12, 2024.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 0.82 acres in size and located at the 1800 Block of Park Avenue NE (**Attachment A**) into a total of six lots ranging from 4,006 square feet to 6,696 square feet in size. In addition to the proposed tentative subdivision, the application also includes a request for a Class 2 Adjustment.



## 2. Applicant's Plans and Statement.

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**
- Applicant's Written Statement: **Attachment C**

## 3. Summary of Record.

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24-108034.

## 4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
<b>North</b>	Single Family Residential
<b>South</b>	Single Family Residential
<b>East</b>	Across Park Avenue NE, Single Family Residential
<b>West</b>	Single Family Residential

### Relationship to Urban Service Area

The Urban Service Area is that territory within the City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. The subject property lies within the City's Urban Service Area; therefore, an Urban Growth Preliminary Declaration is not required for the proposed development.



## 5. Zoning

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

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

## 6. Public and Private Agency Review

City of Salem Building and Safety Division - Reviewed the proposal and indicated no objections.

City of Salem Fire Department - Reviewed the proposal and indicated that items including Fire Department access and water supply will be required per the Oregon fire code at the time of development.

City of Salem Development Services Division - Reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Development Services Division are included as **Attachment D**.

Salem Keizer Public Schools - Reviewed the proposal and provided a memo dated May 28, 2024, which is included as **Attachment E**.

## 7. Neighborhood Association and Public Comments

The subject property is located 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), the tentative subdivision application included in this proposed land use application request requires neighborhood association contact. The applicant's representative contacted NOLA on April 13, 2024, to provide details about the proposed land use application, in conformance with the requirements of SRC 300.310.

### Neighborhood Association Comments

Notice of the application was provided to NOLA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Comments were received from NOLA during

the comment period, a response to comments received by NOLA are included in the Public Comments section below.

### Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Comments were received from NOLA and eight members of the public during the public comment period indicating the following questions and concerns:

- 1) What will happen to the trees once the homes are constructed and occupied? Will there be requirements for maintenance and upkeep in the community CC&R's? Will the subdivision have CC&R's? How can they be referenced?

**Staff Response:** Tree preservation and removal in conjunction with proposed subdivisions is regulated under the City's tree preservation ordinance (SRC Chapter 808). As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of seven trees on the property, with four trees proposed for removal. All trees identified for preservation are subject to tree protection measures during construction which must remain in place until issuance of final completion for the dwelling unit(s) on the lot. Once the subdivision is complete, and future homes are occupied, the tree conservation plan will no longer be in effect; however, Chapter 808 will still be applicable to any significant trees on the site and property maintenance standards will apply. Except for operation and maintenance of common facilities, including stormwater and private accessways, the City does not regulate or enforce community CC&R's for the subdivision.

- 2) Concerns were raised that adequate parking will be available for each dwelling. How will delivery vehicles or emergency vehicles access lots served by the flag lot accessway? Will parking be prohibited along the flag lot accessway, how is this enforced?

**Staff Response:** SRC Chapter 806 provides the off-street parking requirements for all uses. There is no minimum off-street parking requirement for new single-family dwellings, the maximum parking allowance is three spaces. Tentative subdivision plans show that each of the proposed lots will have vehicular access either provided by direct driveway access to Park Avenue NE or will have driveway access to the proposed flag lot accessway. Compliance with off-street parking requirements will be verified at the time of building permit review. Pursuant to SRC 800.025(d), vehicle parking is prohibited on the flag lot accessway. Parking violations can be reported to the City of Salem Parking Services for enforcement.

- 3) Comments received express concerns for the underimproved condition of Park Avenue NE and the request for Alternative Street Standards for the proposed subdivision.

**Staff Response:** Park Avenue NE abutting the subject property does not currently meet the minimum improvement standards for a local street according to SRC Chapter 803 and the Salem Transportation System Plan (TSP). As identified in the conditions of approval, the applicant is required to construct a half-street improvement along Park Avenue NE which will

include pavement widening, curbs, sidewalks, and streetlights along the property frontage. The proposal is for a 6-lot subdivision; the scope of the proposal does not warrant off-site improvements to Park Avenue NE.

Comments also express concerns for the request for Alternative Street Standards. As described in the written findings, Park Avenue NE has a block length that exceeds the maximum allowed under SRC Chapter 803. An Alternative Street Standard is approved in order to not require a public street to be stubbed through the property to the west. Due to the in-fill nature of the subdivision, there would not be adequate space to provide six lots and a public street through the site. Staff finds that the approval criteria for an Alternative Street Standard for street connectivity have been met. No Alternative Street Standards have been requested for the improvement width of Park Avenue NE.

- 4) Comments received express concerns for how stormwater runoff from the site will be managed. Comments received also express concerns for the construction and continued maintenance of the rain garden which is required to manage stormwater. Comments received also expressed concerns for safety around the rain garden.

**Staff Response:** All subdivisions are required to meet stormwater standards established in SRC Chapter 71 – Stormwater and the PWDS Appendix 004 – Stormwater System. As part of the required submittal items, the applicant has provided a preliminary stormwater management report that demonstrates the proposal utilizes green stormwater infrastructure to the maximum extent feasible. As identified in the conditions of approval, the applicant is required to provide a final stormwater report that demonstrates the proposal for stormwater management is in general compliance with the stormwater management standards.

The applicant's preliminary stormwater management report demonstrates the facility is proposed to detain stormwater and then dispose of all stormwater through infiltration. The proposed rain garden does not discharge back into the City's system as no public mains are available in Park Avenue NE. The stormwater code and design standards prioritize detention of water and infiltration when feasible to control runoff. The applicant's geotechnical investigation, included within the preliminary stormwater management report, generally supports this, although additional testing is required with the final stormwater report to confirm depth of groundwater. The subdivision will be conditioned to comply with SRC Chapter 71 and the PWDS to ensure the final constructed facility meets the City's standards.

The proposed rain garden will be a privately owned and maintained stormwater facility. The PWDS require a Private Stormwater Facility Maintenance Agreement to be recorded against the property, so the collective property owners would be required to ensure continued maintenance of the facility (PWDS - Section 4.2(s)).

In terms of the concerns for safety around the proposed rain garden, the rain garden will be located on private property and will not be accessible to the general public from the public right-of-way. According to the preliminary grading & drainage plan, the top of the rain garden is at the 195-foot elevation and the bottom is at 192.46-feet, the rain garden will be approximately 3-feet in depth and will be vegetated. The slope to the bottom of the pond is a gradual 30-percent slope from the top of the pond to the bottom of the pond. The PWDS do not require fencing around private stormwater facilities. However, there are Building and Safety standards for fall protections in certain circumstances. The Building & Safety Division has indicated that

because there are no structures or walking paths adjacent to the proposed rain garden that no fall protection would be required.

- 5) Comments received express concerns that the proposed subdivision will not improve the livability or appearance of the surrounding area.

**Staff Response:** Proposed lots within the subdivision range from approximately 4,000 square feet to approximately 6,696 square feet in size, which is consistent with the minimum lot size requirement of 4,000 square feet. Their size and layout are consistent with the expected development pattern of properties in the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standards in the zoning code that require the applicant to address livability of the subdivision, or which requires residential lots to resemble adjacent existing developments.

- 6) Comments received express concerns regarding adequate fire protection and emergency vehicle access to the site.

**Staff Response:** Fire Department access and water supply will be required per the Oregon Fire Code at the time of development. The Salem Fire Department has reviewed the subdivision request and commented that it appears the fire hydrant across the street will comply with Oregon Fire Code requirements, however, a final determination will be made at the time of development.

Salem Fire Department has also reviewed the flag lot accessway for compliance with Oregon Fire Code requirements, a turnaround is required if the fire department access road exceeds 150 feet. Fire department access may stop 150 feet from the building. These dimensions may be modified per Oregon Fire Code 503.1 or 503.2. Final fire department comments related to fire department access and fire department water supply will be made at the time of building permit plan review based on the final building design that is submitted.

- 7) Comments received express objections to the Adjustment request to increase the number of flag lots allowed for this subdivision.

**Staff Response:** Staff findings for the Adjustment requested by the applicant to increase the number of flag lots for this subdivision are included in Section 9 of this report.

#### Homeowners Association

The subject property is not located within a Homeowners Association.

### **8. ANALYSIS OF TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA**

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

**SRC 205.010(d)(1): The tentative subdivision 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.**
- (B) City infrastructure standards.**
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential).

The proposed tentative subdivision plan, as conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

**SRC Chapter 205 (Land Division and Reconfiguration)**

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans.

**SRC Chapter 511 RS (Single Family Residential) zone**

The subject property is zoned RS (Single Family Residential). Development within the RS zone must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone that are applicable to the proposed subdivision are as follows:

- **Lot Standards:**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2. A summary of the lot size and dimension standards applicable to residential uses within the RS zone is provided in the following table:

<b>RS Zone Residential Use Lot Standards</b>		
<b>Lot Area</b>	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
<b>Lot Width</b>	Min. 20 ft.	Applicable to townhouses

RS Zone Residential Use Lot Standards		
	Min. 40 ft.	Applicable to all other uses
<b>Lot Depth</b>	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
<b>Street Frontage</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

As shown on the tentative subdivision plan, the lot sizes of the proposed 6 lots for residential development range from approximately 4,006 square feet to 6,761 square feet. Each of the proposed lots has a width of 40 feet or greater and a lot depth that is 70 feet or greater. Proposed lot 1 is approximately 4,006 square feet in size with frontage on Park Avenue NE and is suitable in area and dimensions for development of a one- or two-family use. Proposed lots 2-5 are flag lots, the tentative plan indicates that will each contain one single family dwelling, for a total of four single family dwellings served by the flag lot accessway. Proposed lot 6 contains an existing single-family dwelling. All of the proposed lots within the subdivision are in compliance with the minimum lot area, lot dimension, and street frontage standards of the RS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3. A summary of the required setbacks for residential within the RS zone is provided in the table below.

RS Zone Setbacks		
<b>Abutting Street</b>	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
<b>Interior Front</b>	Min. 12 ft.	
<b>Interior Side</b>	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
<b>Interior Rear</b>	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.

RS Zone Setbacks		
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

The setback requirements of the RS zone apply to future development on each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are not generally reviewed at this time. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of building permit.

**SRC Chapter 800 (General Development Standards)**

▪ ***Designation of Lot Lines.***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a street, other than corner lots and double frontage lots, the front lot line shall be the property line abutting the street. Proposed lots 1 and 6 have frontage on Park Avenue NE, the front lot line for these lots shall be the property line abutting the street.

None of the proposed lots are corner lots or double frontage lots.

For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan. Proposed lots 2-5 are flag lots, the front lot line for each of the proposed flag lots shall be the eastern property line which is the property line separating the flag portion of the lot from the lot between it and the street from which access is provided.

▪ ***Flag Lots.***

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them, and SRC 800.025(c), Table 800-1 limits the maximum length for a flag lot accessway serving 3-4 residential lots, to no more than 400 feet in length. In addition, the minimum easement width is 25 feet, and the minimum paved width is 20 feet.

The site plan indicates that the accessway length is approximately 195 feet, less than the maximum allowance.

The proposed easement width is 25 feet, in compliance with the minimum standard. Paved width for the accessway is not indicated on the plans, but will be verified at the time of development review for conformance with minimum width.

The proposed subdivision includes four flag lots, proposed Lots 2-5, SRC 800.025(c)(1) provides that for residential lots created after November 28, 2022, a maximum of four residential units may be served by a flag lot accessway. The tentative plan indicates that one single family dwelling is proposed for each of the flag lots, for a total of four units served by the flag lot accessway.

SRC 800.025(d) provides that parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. Flag lot is defined as a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. Six lots total are proposed for this subdivision with four of the proposed lots, or 66 percent, proposed to be a flag lots which exceeds the maximum allowance in SRC 800.025(e). The applicant has requested an Adjustment to increase the maximum percentage of flag lots allowed within a subdivision, findings are included in Section 9 of this report.

### **City Infrastructure Standards (SRC Chapters 71, 802, and 803)**

The Development Services Division reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are as follows:

**SRC Chapter 71 (Stormwater):** The subdivision is subject to the requirements in SRC Chapter 71 and the Public Works Design Standards relating to green stormwater infrastructure for treatment and detention of stormwater generated by the proposed subdivision. The applicant submitted a preliminary stormwater management report which demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

**SRC Chapter 601 (Floodplain Overlay Zone):** 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.



SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Development Services Division **(Attachment D)**.

In summary, the Development Services Division indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

The Development Services Division indicates that the subject property is currently served by the following existing water and sewer facilities:

*Water:* The subject property is located within the G-0 water service level. A 6-inch water main is located in Park Avenue NE. A 12-inch water transmission main is located in Park Avenue NE.

*Sewer:* A 30-inch sanitary sewer transmission main is located in Park Avenue NE.

*Storm:* There are no public stormwater mains in the vicinity of the property.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 (Street and Right-of-Way Improvements): The subject property has frontage on Park Avenue NE.

Park Avenue NE is designated as a local street in the Salem Transportation System Plan (TSP). The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. Park Avenue NE currently has an approximate 28-foot-wide improvement within a 50-foot-wide right-of-way abutting the subject property.

SRC 803.030 and SRC 803.035(a) establish street spacing and connectivity requirements for the development of streets throughout the City. Pursuant to these requirements, street connections are generally required to be provided to existing streets and abutting undeveloped property at an interval of no greater than 600 feet unless special conditions, such as existing physical conditions or existing development on adjacent land, preclude streets from meeting spacing requirements or where strict application of the street spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network. Park Avenue NE currently has a block length approximately 1,500 feet in length, exceeding the maximum block length allowance. The street connectivity and block length requirements of SRC Chapter 803 require a local street be constructed mid-block, in the approximate location of the subject property.

Due to the surrounding development and infill nature of the proposal, there is not adequate room for a street through the development site. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted to allow Park Avenue NE to retain its existing block length and the development is not required to dedicate a public street through the subject property.

SRC 804 (Driveway Approach Development Standards): The applicant's preliminary plans show a driveway approach serving proposed lot 6 which does not meet SRC Chapter 804 for width or the PWDS for surfacing material. Specifically, the paved approach is shown to be less than 10-feet with additional gravel shoulders on each side. PWDS Plans for driveway approaches requires a hard surface approach. As a condition of approval, the applicant shall reconstruct the driveway approach serving lot 6 to meet the PWDS and minimum width standards established in SRC Chapter 804.

**Condition 1:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater, or any other tree with a dbh of 30 inches or greater, but excluding Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for any development proposal involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. Tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of the remaining trees on the property. A Tree Conservation Plan (24-108072-PLN) was submitted in conjunction with the subdivision tentative plan identifying a total of seven trees on the subject property, including one significant tree, a cedar that is 42" in diameter. Four of the trees, including the significant tree, are proposed for removal, and three will be retained for a preservation rate of 42 percent.

Significant trees may be removed provided there are no reasonable design alternatives, as listed in SRC 808.035(d)(2). The applicant has provided written findings and conceptual plans indicating no other reasonable design alternatives are available that could preserve the 42" cedar tree, removal of this significant tree is needed in order to adequately serve the proposed lots with access and utilities; therefore, meeting the reasonable alternatives analysis. In addition, removal of the tree is required to achieve a dwelling unit density for the site that exceeds the minimum 5.5 dwellings per acre; therefore, meeting the requirement of SRC 808.035(d)(2)(D).

*SRC 808.035(d)(1)(D): Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.*

There are seven trees on the subject property, a maximum of four trees ( $7 \times 0.7 = 4.9$ ) may be removed in order to comply with the tree preservation requirements of SRC 808.035(d)(1)(D). The proposed development results in the removal of four trees, and preservation of three trees, exceeding the minimum 30-percent preservation standard, mitigation pursuant to SRC 808.035(e) is not required.

*808.046 - Protection measures during construction*

Pursuant to SRC 808.046, any trees or native vegetation required to be preserved or protected under the Unified Development Code (UDC) shall be protected during construction with the installation of an above ground silt fence which shall encompass 100 percent of the critical root zone of the tree or the perimeter of the native vegetation; within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

Notwithstanding SRC 808.046(a)(2), up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed. Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree. Protection measures are required to remain until issuance of notice of final completion for dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Final tree protection requirements for development of the property will be identified in the associated Tree Conservation 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, there are no wetland channels and/or hydric soils mapped on the property.

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

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. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 3 points indicating that the proposed development is classified as a low landslide risk, a geological assessment is not required.

***SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.***

**Finding:** The proposed subdivision divides the entire 0.82-acre property into six lots for residential development. A private rain garden and green stormwater facility is proposed at the

western portion of the property to the rear of the site, the facility is located on Lots 3 and 4. The proposed lots within the subdivision are of sufficient size and dimension to permit future development of uses allowed within the RS (Single Family Residential) zone, as provided in Chapter 511, without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. Abutting property to the north, west, and south is developed with existing single family residential uses. As shown on the tentative plan, the subdivision provides for internal connectivity via a flag lot accessway. Due to the surrounding development and infill nature of the proposal, there is not adequate room for a street through the development site to connect to abutting properties. This approval criterion is met.

***SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.***

**Finding:** Public water and sanitary 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 tentative plan. Private water and sanitary sewer services shall be constructed to serve each lot. 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). 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.

- Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 3:** Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 4:** Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

**Stormwater Management** – The subdivision is subject to the requirements in SRC Chapter 71 and the Public Works Design Standards relating to green stormwater infrastructure for treatment and detention of stormwater generated by the proposed subdivision. The applicant submitted a preliminary stormwater management report which demonstrates the use of green stormwater infrastructure to the maximum extent feasible. There are no public stormwater mains in the vicinity of the subject property. As such, the applicant submitted a preliminary stormwater design that demonstrates the system is proposed to detain and infiltrate stormwater onsite. Prior to final plat approval, the applicant shall submit a tentative stormwater design to demonstrate the proposed parcels can meet the PWDS. 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. In addition, the applicant shall construct the proposed stormwater facilities pursuant to SRC Chapter 71 and the Public Works Design Standards to accommodate the new impervious surfaces on the subject property.

**Condition 5:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

**Condition 6:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

***SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.***

**Finding:** Park Avenue NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Park Avenue NE does not meet the minimum right-of-way width or improvement width standards for a local street according to the Salem TSP or Chapter SRC 803. The TSP identifies Park Avenue NE as part of the “on-street bike network”. Therefore, Park Avenue NE will have an overall improvement width of 34-feet to accommodate the on-street bike lanes and a 17-foot half-street width improvement abutting the subject property. The overall improvement width will include two 11-foot vehicle travel lanes and two 6-foot bike lanes. Pursuant to SRC 803.035(m), the applicant shall provide additional pavement widening for the bicycle facility identified in the Salem TSP as part of the required half-street improvement. Along the property frontage, the applicant shall construct a 17-foot-wide half-street improvement and dedicate a 30-foot half-width right-of-way. The half-street improvement will include a 17-foot travel lane; curbs; a 6-foot planter strip; and 5-foot property line sidewalk.

**Condition 7:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.

**Condition 8:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.

The applicant’s site plan shows no new internal streets to be constructed within the subdivision and requests an Alternative Street Standard for block length along Park Avenue NE. Pursuant to SRC 803.030(a), the maximum block length is 600-feet. Park Avenue NE has a block length of approximately 1,500-feet. Due to the surrounding development and infill nature of the proposal, there is not adequate room for a street through the development site. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted to allow Park Avenue NE to retain its existing block length and the development is not required to dedicate a public street through the subject property.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As part of the required boundary street improvements, a planter strip will be constructed along Park Avenue NE. As such, as a

condition of approval, the applicant shall provide street trees along Park Avenue NE. The street trees will be planted in conjunction with the required boundary street improvement.

**Condition 9:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.

A 10-foot-wide public utility easement is required along the street frontage of Park Avenue NE pursuant to SRC 803.035(n).

**Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of Park Avenue NE.

***SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.***

**Finding:** Access to the proposed subdivision will be provided by Park Avenue NE an existing public street that abuts the property. Park Avenue NE is designated as a local street in the Salem TSP, as indicated in the findings above, dedication of right-of-way and improvements along the property frontage will be required, including construction of a 17-foot-wide half-street improvement and dedicate a 30-foot half-width right-of-way. The half-street improvement will include a 17-foot travel lane; curbs; a 6-foot planter strip; and 5-foot property line sidewalk.

As shown on the tentative subdivision plan, an internal private flag lot accessway is extended through the site to provide safe and convenient access to the proposed lots within the subdivision. These required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

***SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.***

**Finding:** The subject property is served by Engelwood Park, which is a developed park site located southwest of, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system, which is underimproved for pedestrian and bike access in the area; however, provides vehicle transportation to the park. As described in the conditions of approval, pedestrian and bicycle improvements are required along the frontage of the development; however, are not required to be provided off-site based on the clear and objective standards in *SRC Chapter 803- Street and Right-of-way Improvements*. The proposal involves a 6-lot subdivision and does not require a Traffic Impact Analysis or Urban Growth Preliminary Declaration which would evaluate off-site improvements for the development; therefore, no additional off-site improvements are required.

***SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.***

**Finding:** The proposed 6-lot subdivision generates less than 200 average daily vehicle trips to the local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

***SRC 205.010(d)(8): The tentative subdivision 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 subdivision 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.

As described in findings above, the lot configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed internal accessway and residential lots makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. This approval criterion is met.

***SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.***

**Finding:** As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and the shared flag lot accessway to allow residential development of the site while minimizing disruptions to the site. The applicant has demonstrated compliance with the tree preservation requirements of Chapter 808 and will preserve more than 30 percent of the trees on the subject property. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.***

**Finding:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

## **9. ANALYSIS OF CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

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

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

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

**Finding:** The applicant is requesting a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%.

Flag lot is defined in SRC Chapter 111 as a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. The proposed tentative subdivision results in the creation of a total of six lots, Lots 2-5 are set back from Park Avenue NE and take vehicle access to the street from a flag lot accessway, and therefore, meet the definition of flag lot. Proposed Lots 1 and 6 have frontage on Park Avenue NE with direct vehicle access to Park Avenue NE provided by driveways, these are not flag lots.

The purpose of the standard is primarily intended to promote connectivity within large subdivisions by limiting the number of flag lots created that are served by flag lot accessways. In this case, the applicant indicates that the purpose of the limitation is not applicable in this case due to the small size of the property and infill nature of the development. Allowing the proposed lot configuration maximizes the dwelling unit density for the property and decreases the number of individual driveway accesses onto Park Avenue NE, equally or better meeting the intent of the standard.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

**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 the RS (Single Family Residential) zone; the requested adjustment allows for the reasonable division and development of land. No further adjustments or variances to development standards, such as setbacks or lot coverage, are needed to further develop the subject property. The requested adjustment does not unreasonably impact the livability or appearance of existing or potential uses in the surrounding area, and is therefore in compliance with this approval criterion.



**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 has been requested, therefore this approval criterion is not applicable.

## **10. Conclusion**

Based upon review of SRC 205.010(d) and 250.005(d)(2), the findings contained under Sections 8-9 above, and the comments described, the Tentative Subdivision and Class 2 Adjustment comply 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 Subdivision and Class 2 Adjustment Case No. SUB-ADJ24-04, for property located at the 1800 Block of Park Avenue NE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of development, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.
- Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 3:** Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 4:** Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 5:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 6:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.
- Condition 8:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.
- Condition 9:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.
- Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of Park Avenue NE.
- Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

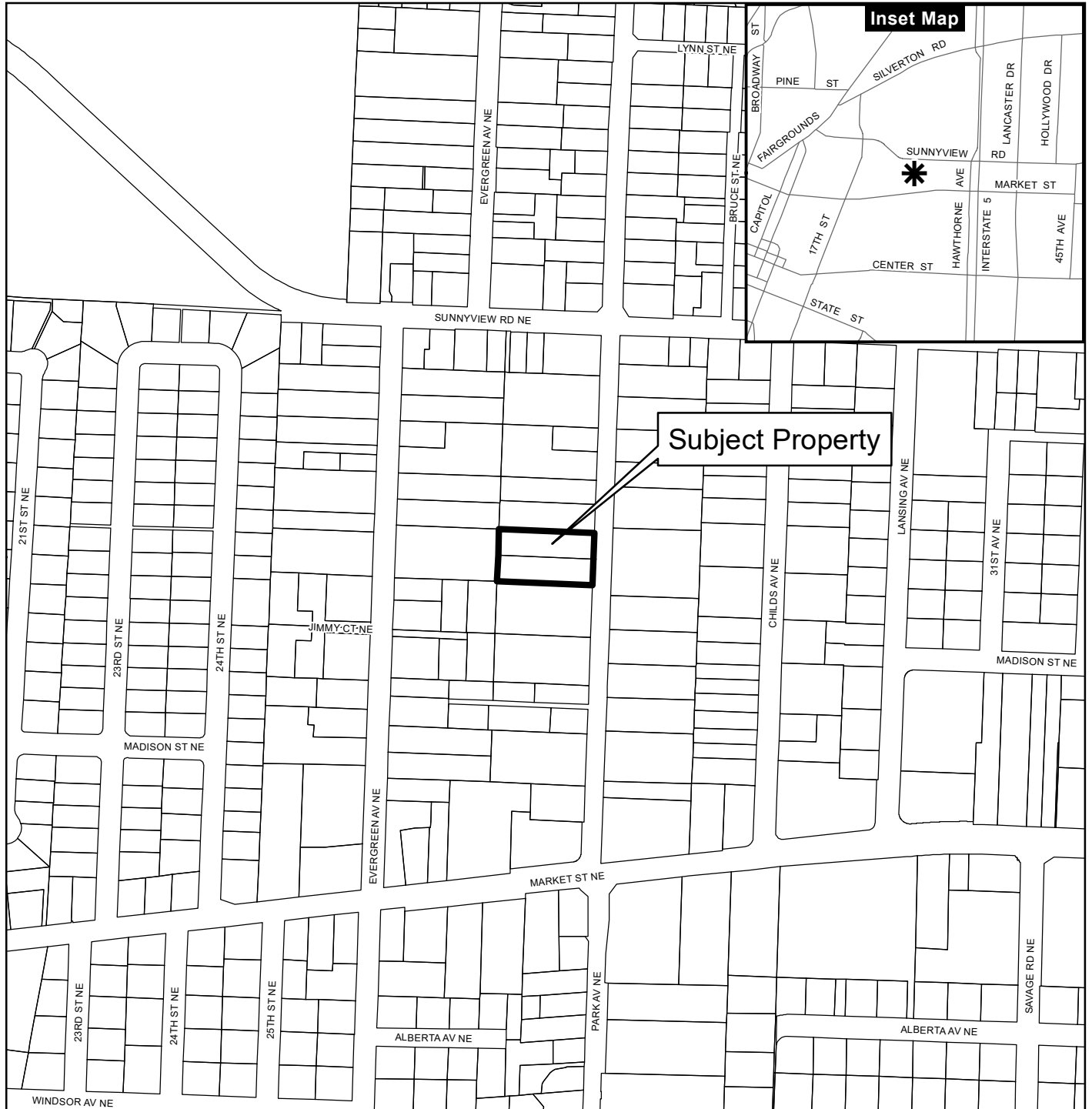


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Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Subdivision and Development Plans
  - C. Applicant's Written Statement
  - D. Development Services Memo dated July 3, 2024
  - E. Salem Keizer Public Schools Memo dated May 28, 2024

# Vicinity Map 1800 Block of Park Avenue NE

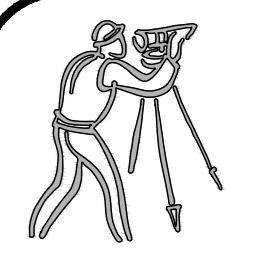


**Legend**

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



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**CLIENT:**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OR 97303  
 DON.JENSEN@JENSENCOLLC  
 (503) 932-2259

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**TENTATIVE PLAT**  
**AVA JENE ESTATES**  
**073W24BA TAX LOTS 8000 & 8100**  
**1861 PARK AVE. NE**  
**SALEM, OR**

DATE: APRIL 2, 2024  
 PROJECT: 22-027 JENSEN PARK AVE. NE  
 DRAWN BY: LLL, MUX, BP  
 CHECKED BY: [Signature]  
 183V

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C100**  
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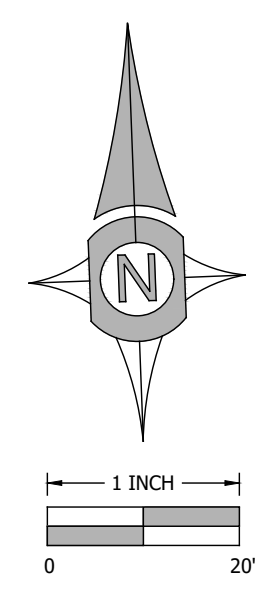
**PROPERTY**  
 TAX MAP: 075-02W-24BA  
 TAX LOTS: 8000 & 8100  
 SITE ADDRESS: 1800 & 1861 PARK AVENUE NE  
 SALEM, OR 97305

**DEVELOPER**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OREGON 97303  
 DON.JENSEN@JENSENCOLLC  
 (503) 932-2259

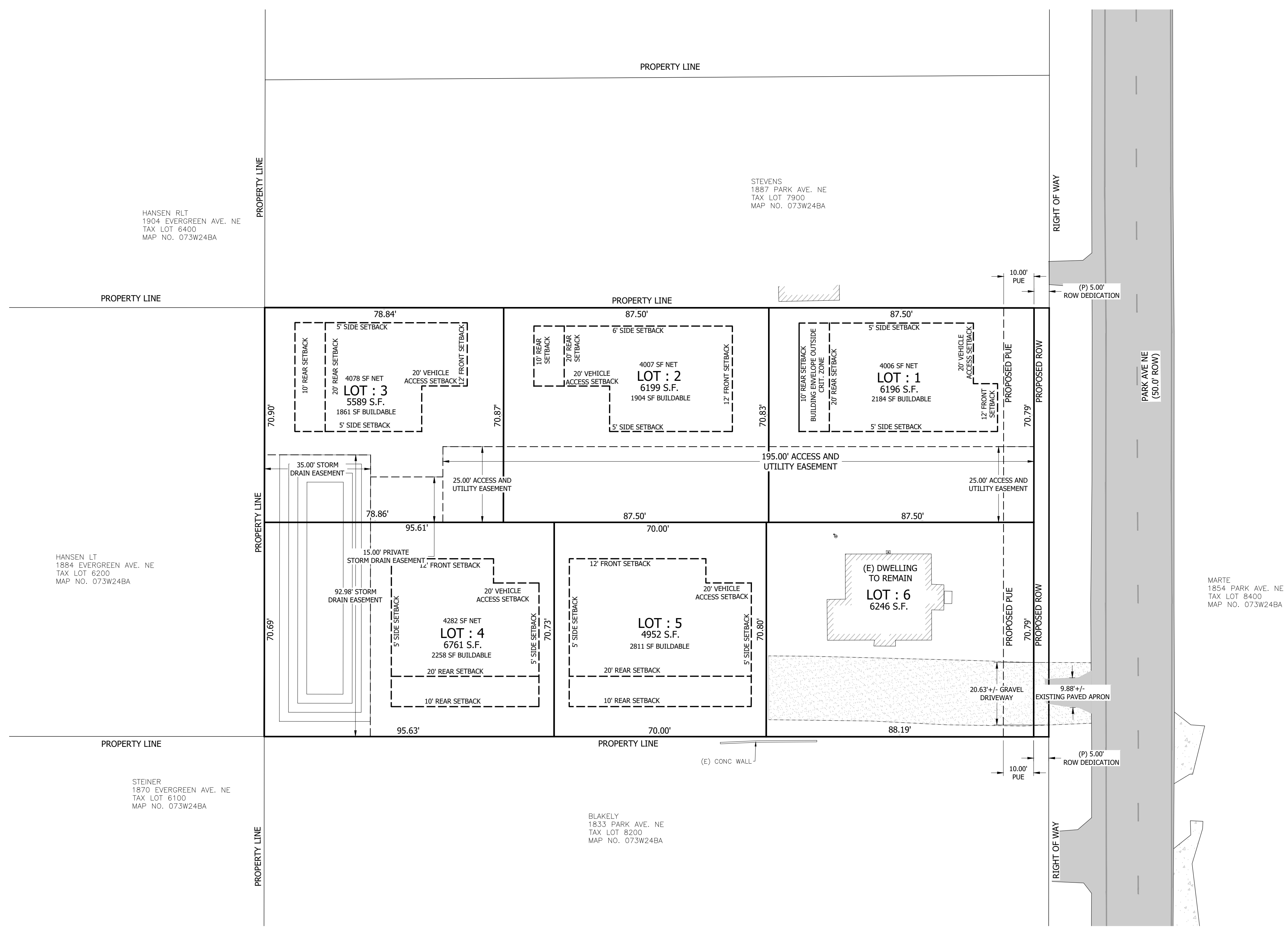
**OWNER**  
 JENSEN CONSTRUCTION, LLC  
 C/O DON JENSEN  
 5190 KALE STREET  
 SALEM, OREGON 97305  
 (503) 932-2259

**DESIGN TEAM**  
**CIVIL ENGINEER**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

**SURVEYOR**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125



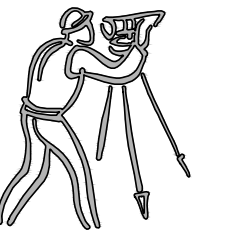
PLAN REVISIONS	DATE



PLAN REVISIONS	DATE







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 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OREGON 97303  
 DON.JENSEN@JENSENCOLLC  
 (503) 932-2259

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 SALEM, OREGON 97305  
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 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

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 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

**PRELIMINARY SITE PLAN**  
 AVA JENE ESTATES  
 073W24BA TAX LOTS 8000 & 8100  
 1861 PARK AVE. NE  
 SALEM, OR

DATE: APRIL 2, 2024  
 PROJECT: 22-027 JENSEN PARK AVE. NE  
 DRAWN BY: LLL, MLM, BP  
 CHECKED BY: [Signature]  
 185V

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C103**  
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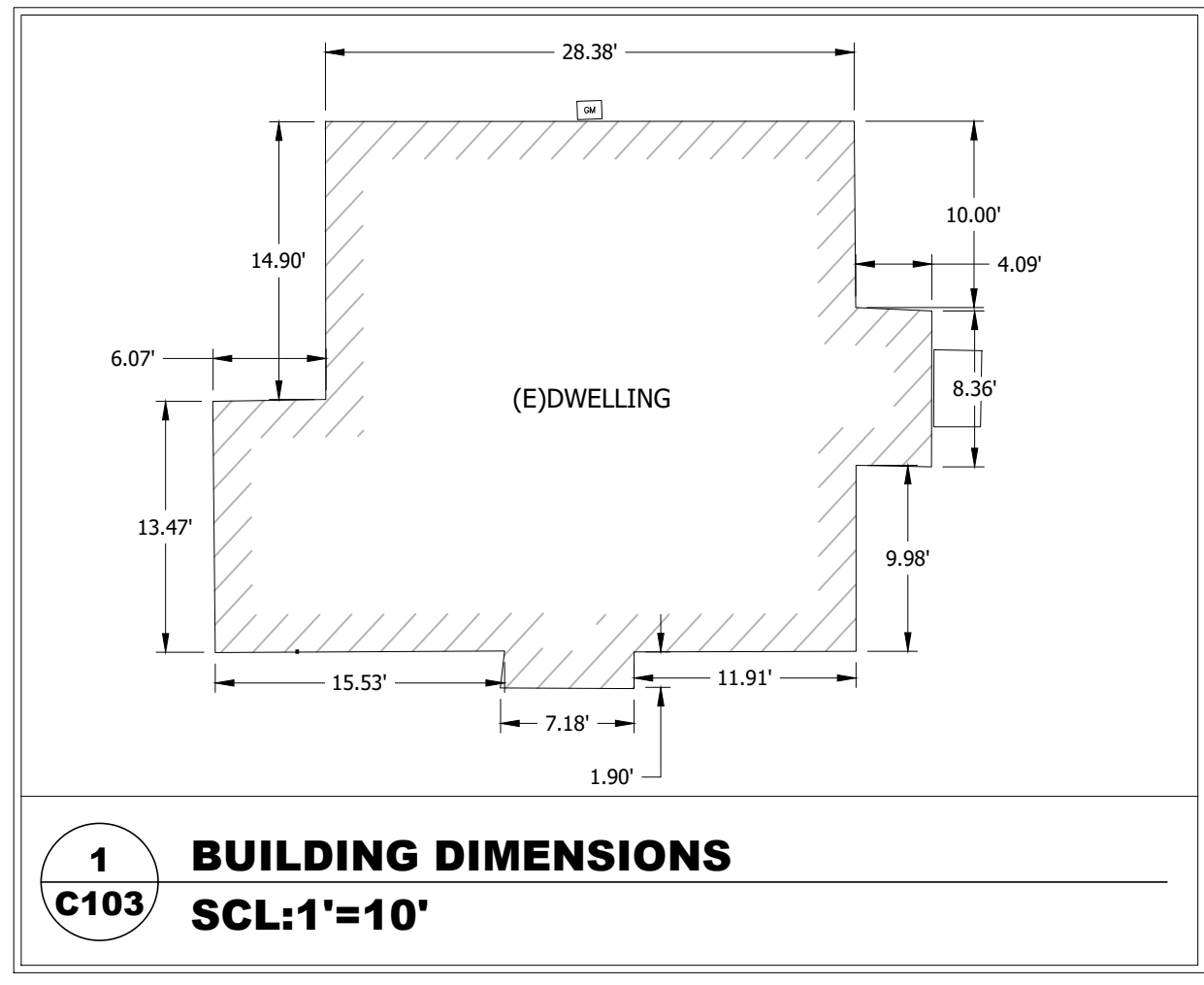
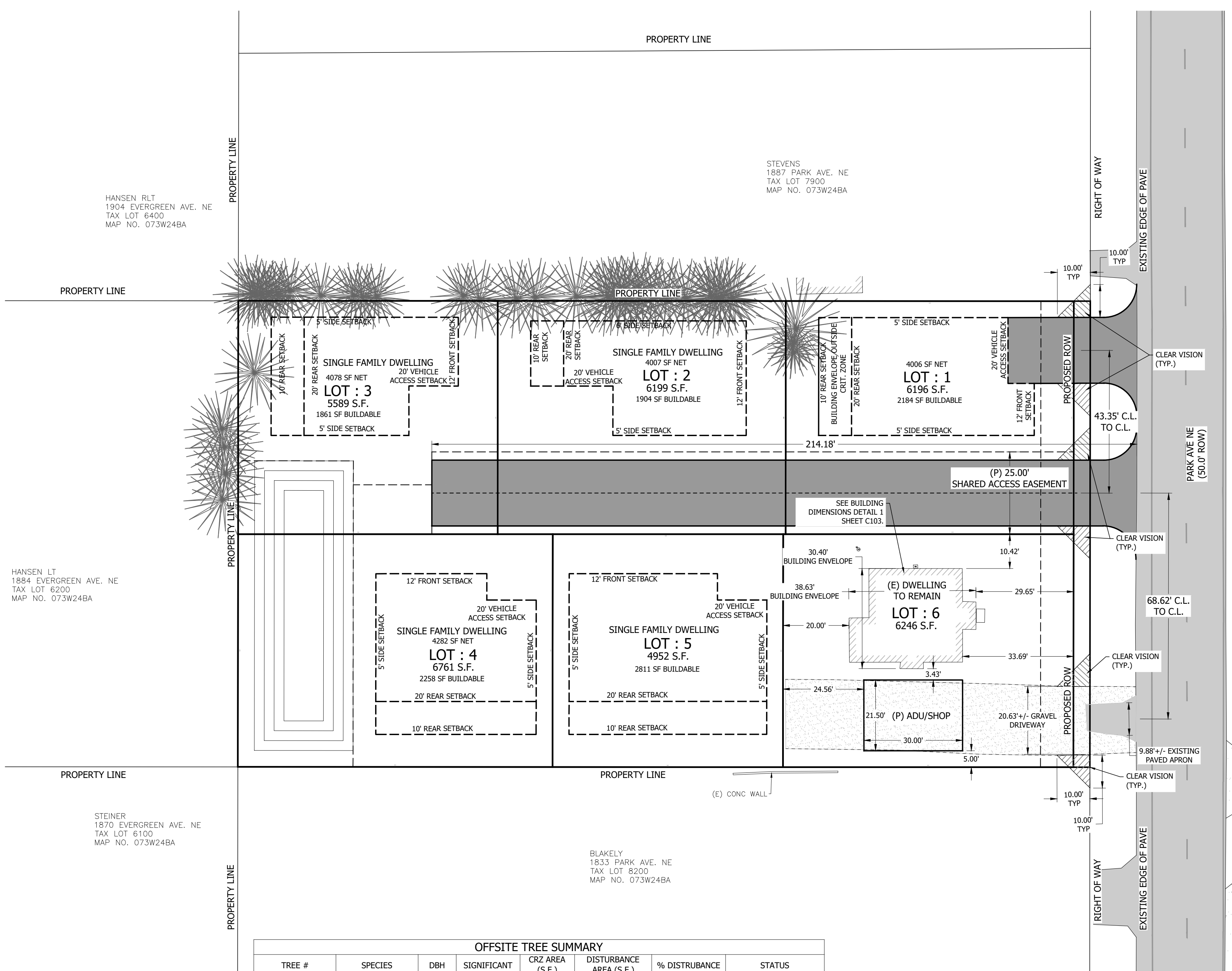
**PROPERTY**  
 TAX MAP: 7S-2W-24BA  
 TAX LOTS: 8000 & 8100  
 SITE ADDRESS: 1861 PARK AVENUE NE  
 SALEM, OR 97305

**DEVELOPER**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OREGON 9303  
 DON.JENSEN@JENSENCOLLC  
 (503) 932-2259

**OWNER**  
 JENSEN CONSTRUCTION, LLC  
 C/O DON JENSEN  
 5190 KALE STREET  
 SALEM, OREGON 97305  
 (503) 932-2259

**DESIGN TEAM**  
**CIVIL ENGINEER**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

**SURVEYOR**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

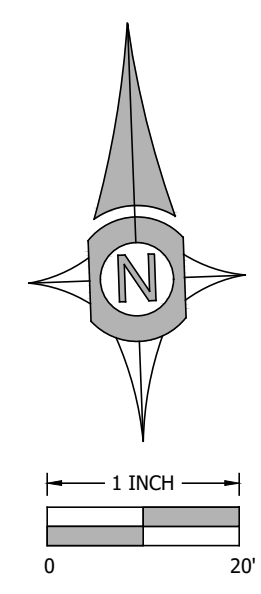


**1 BUILDING DIMENSIONS**  
 SCL: 1"=10'

OFFSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5378	CEDAR	24"	NO	1809	356	20	PROPOSED PRESERVED
5379	CEDAR	10"	NO	314	22	7	PROPOSED PRESERVED
5380	CEDAR	15"	NO	707	144	20	PROPOSED PRESERVED
5381	CEDAR	5"	NO	79	0	0	PROPOSED PRESERVED
5382	CEDAR	22"	NO	1520	452	30	PROPOSED PRESERVED
5383	CEDAR	22"	NO	1520	443	29	PROPOSED PRESERVED
5384	CEDAR	10"	NO	314	25	8	PROPOSED PRESERVED
5385	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5386	CEDAR	10"	NO	314	16	5	PROPOSED PRESERVED
5387	CEDAR	21	NO	1385	386	28	PROPOSED PRESERVED
5388	DBL CEDAR	6" & 8"	NO	154	0	0	PROPOSED PRESERVED
5389	CEDAR	8"	NO	201	3	1	PROPOSED PRESERVED
5390	CEDAR	8"	NO	201	2	1	PROPOSED PRESERVED
5391	CEDAR	26"	YES	2123	377	18	PROPOSED PRESERVED
5392	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5393	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5394	DBL CEDAR	8" & 11"	NO	314	58	18	PROPOSED PRESERVED
5394	CEDAR	14"	NO	615	54	9	PROPOSED PRESERVED
5395	CEDAR	12"	NO	452	101	22	PROPOSED PRESERVED
5396	CEDAR	18"	NO	1017	274	27	PROPOSED PRESERVED
5397	CEDAR	22"	NO	1520	440	29	PROPOSED PRESERVED
5398	CEDAR	31"	YES	3018	639	21	PROPOSED PRESERVED
5399	CEDAR	17"	NO	907	128	14	PROPOSED PRESERVED
5400	CEDAR	24"	NO	1809	262	14	PROPOSED PRESERVED
5401	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5402	CEDAR	9"	NO	254	1	0	PROPOSED PRESERVED
5403	CEDAR	13"	NO	531	12	2	PROPOSED PRESERVED
5299	CEDAR	11"	NO	380	0	0	PROPOSED PRESERVED
5300	CEDAR	17"	NO	907	55	6	PROPOSED PRESERVED
5301	CEDAR	19"	NO	1134	161	14	PROPOSED PRESERVED
5302	CEDAR	17"	NO	907	138	15	PROPOSED PRESERVED

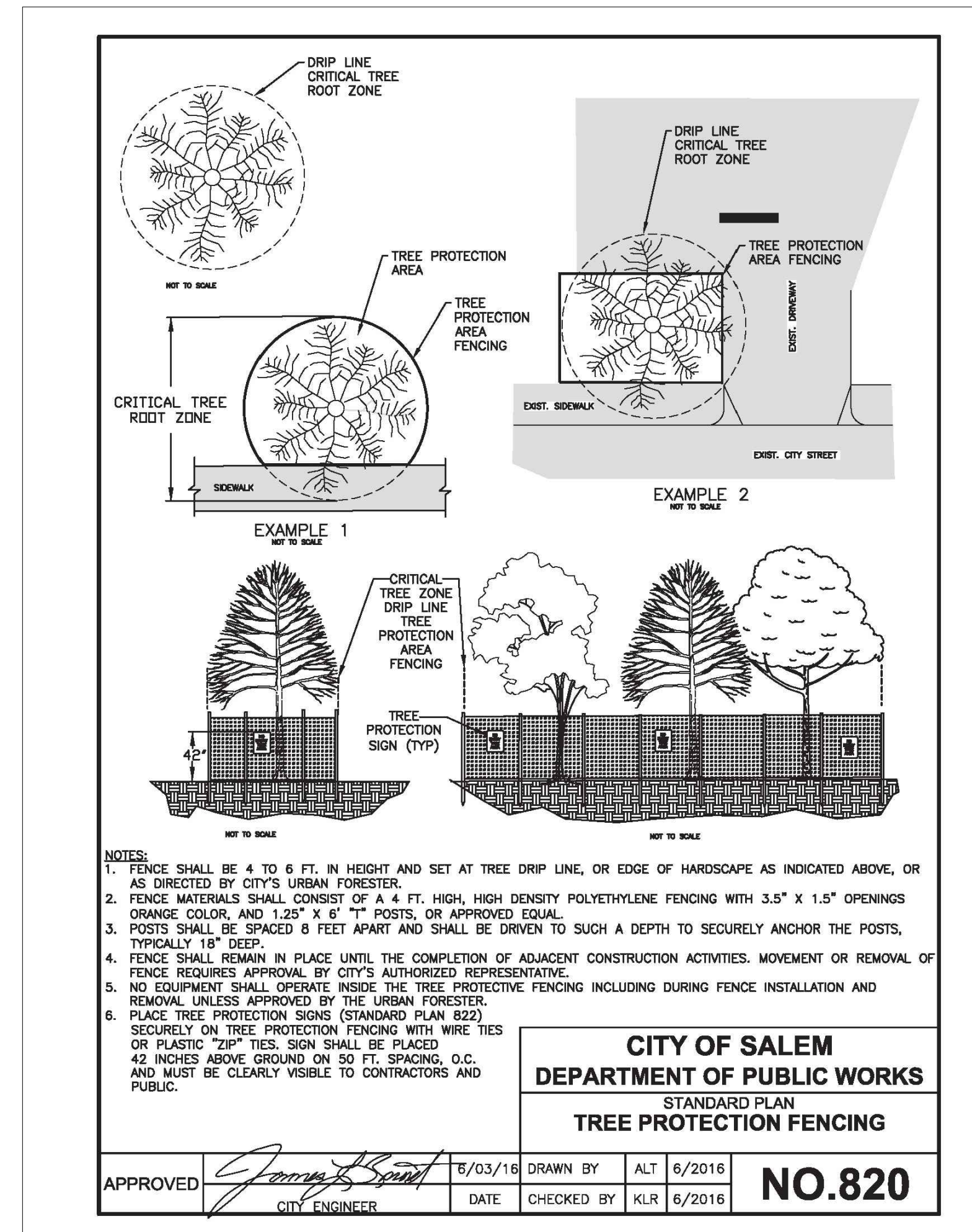
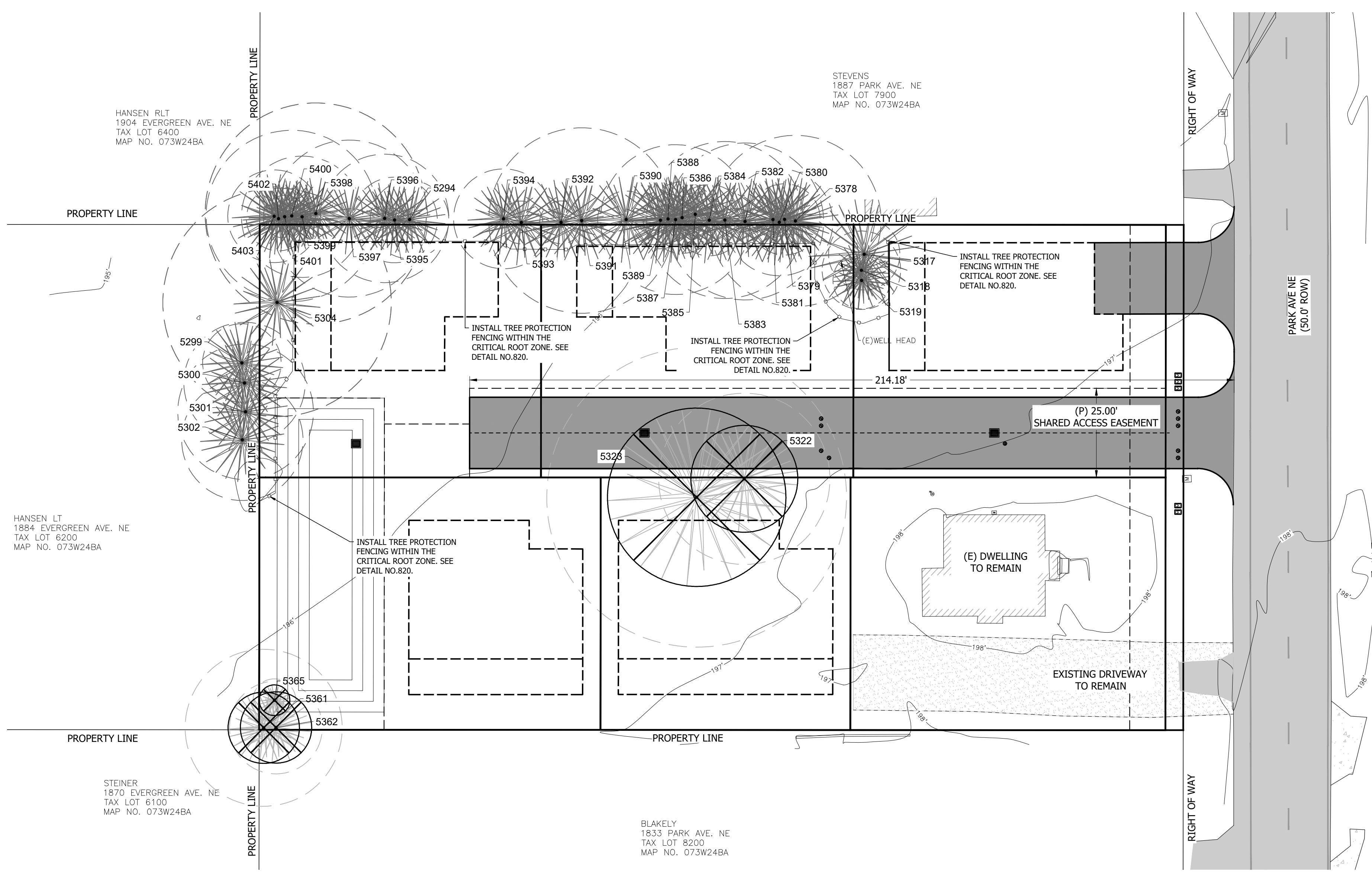
ONSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5319	YEW	8"	NO	201	54	27	PROPOSED PRESERVED
5318	YEW	11"	NO	380	53	14	PROPOSED PRESERVED
5317	YEW	10"	NO	314	50	16	PROPOSED PRESERVED
5322	CEDAR (REMOVED)	24"	NO	1809	1809	100	REMOVED
5323	CEDAR (REMOVED)	42"	YES	5539	5539	100	REMOVED
5304	REDWOOD	32"	YES	3215	962	30	PROPOSED PRESERVED
5361	CEDAR (STUMP)	22"	NO	1520	1520	100	REMOVED
5362	CEDAR (STUMP)	13"	NO	531	531	100	REMOVED
5365	YEW	6"	NO	113	113	100	PROPOSED REMOVE

**NARRATIVE**  
 TREES DESCRIBED IN TABLE ABOVE WITH NUMBERS OF 5322, 5323, 5361, 5362 & 5365 ARE TO BE REMOVED FOR THE PROPOSED DEVELOPMENT PER SRC SEC. 808.035(e).  
 • 5 (TREES DISTURBED) = 0.55 (55%), WHICH IS LESS THAN 70%  
 9 (TOTAL TREES)



PLAN REVISIONS	DATE





ONSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5319	YEW	8"	NO	201	54	27	PROPOSED PRESERVED
5318	YEW	11"	NO	380	53	14	PROPOSED PRESERVED
5317	YEW	10"	NO	314	50	16	PROPOSED PRESERVED
5322	CEDAR (REMOVED)	24"	NO	1809	1809	100	REMOVED
5323	CEDAR (REMOVED)	42"	YES	5539	5539	100	REMOVED
5304	REDWOOD	32"	YES	3215	962	30	PROPOSED PRESERVED
5361	CEDAR (STUMP)	22"	NO	1520	1520	100	REMOVED
5362	CEDAR (STUMP)	13"	NO	531	531	100	REMOVED
5365	YEW	6"	NO	113	113	100	PROPOSED REMOVE

OFFSITE TREE SUMMARY							
TREE #	SPECIES	DBH	SIGNIFICANT	CRZ AREA (S.F.)	DISTURBANCE AREA (S.F.)	% DISTURBANCE	STATUS
5378	CEDAR	24"	NO	1809	356	20	PROPOSED PRESERVED
5379	CEDAR	10"	NO	314	22	7	PROPOSED PRESERVED
5380	CEDAR	15"	NO	707	144	20	PROPOSED PRESERVED
5381	CEDAR	5"	NO	79	0	0	PROPOSED PRESERVED
5382	CEDAR	22"	NO	1520	452	30	PROPOSED PRESERVED
5383	CEDAR	22"	NO	1520	443	29	PROPOSED PRESERVED
5384	CEDAR	10"	NO	314	25	8	PROPOSED PRESERVED
5385	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5386	CEDAR	10"	NO	314	16	5	PROPOSED PRESERVED
5387	CEDAR	21"	NO	1385	386	28	PROPOSED PRESERVED
5388	DBL CEDAR	6" & 8"	NO	154	0	0	PROPOSED PRESERVED
5389	CEDAR	8"	NO	201	3	1	PROPOSED PRESERVED
5390	CEDAR	8"	NO	201	2	1	PROPOSED PRESERVED
5391	CEDAR	26"	YES	2123	377	18	PROPOSED PRESERVED
5392	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5393	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5294	DBL CEDAR	8" & 11"	NO	314	58	18	PROPOSED PRESERVED
5394	CEDAR	14"	NO	615	54	9	PROPOSED PRESERVED
5395	CEDAR	12"	NO	452	101	22	PROPOSED PRESERVED
5396	CEDAR	18"	NO	1017	274	27	PROPOSED PRESERVED
5397	CEDAR	22"	NO	1520	440	29	PROPOSED PRESERVED
5398	CEDAR	31"	YES	3018	639	21	PROPOSED PRESERVED
5399	CEDAR	17"	NO	907	128	14	PROPOSED PRESERVED
5400	CEDAR	24"	NO	1809	262	14	PROPOSED PRESERVED
5401	CEDAR	6"	NO	113	0	0	PROPOSED PRESERVED
5402	CEDAR	9"	NO	254	1	0	PROPOSED PRESERVED
5403	CEDAR	13"	NO	531	12	2	PROPOSED PRESERVED
5299	CEDAR	11"	NO	380	0	0	PROPOSED PRESERVED
5300	CEDAR	17"	NO	907	55	6	PROPOSED PRESERVED
5301	CEDAR	19"	NO	1134	161	14	PROPOSED PRESERVED
5302	CEDAR	17"	NO	907	138	15	PROPOSED PRESERVED

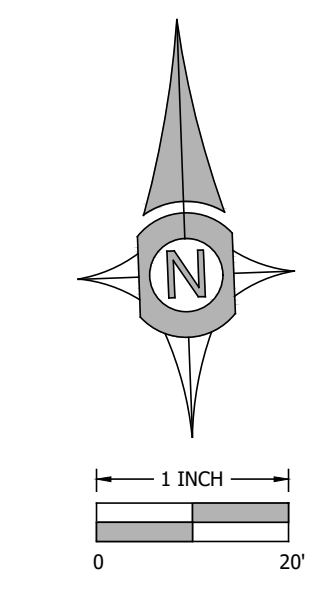
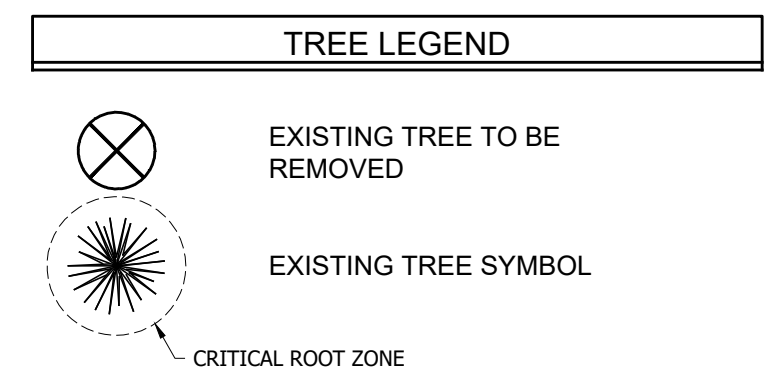
**NARRATIVE**

TREES DESCRIBED IN TABLE ABOVE WITH NUMBERS OF 5322, 5323, 5361, 5362 & 5365 ARE TO BE REMOVED FOR THE PROPOSED DEVELOPMENT PER SRC SEC.808.035(e).

● 5 (TREES DISTURBED) = 0.55 (55%), WHICH IS LESS THAN 70%  
9 (TOTAL TREES)

REVISED PER PLANNING COMMENTS APRIL 12TH 2024

REVISED PER PLANNING COMMENTS APRIL 12TH 2024



PLAN REVISIONS	DATE

**CLIENT:**  
JENRAE PROPERTIES, LLC  
P.O. BOX 20756  
KEIZER, OR 97303  
DON.JENSEN@JENSENCOLLC  
(503) 932-2259

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1366 FAX

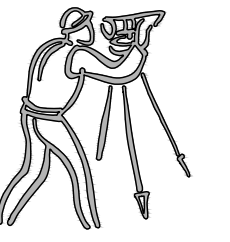
**PRELIMINARY TREE CONSERVATION PLAN**  
AVA JENE ESTATES  
073W24BA TAX LOTS 8000 & 8100  
1861 PARK AVE. NE  
SALEM, OR

DATE: APRIL 2, 2024  
PROJECT: 22-027 JENSEN PARK AVE. NE  
DRAWN BY: LLL, MLM, BP  
CHECKED BY: BSU

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C104**  
SCALE: SEE BARSCALE





**CLIENT:**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 20756  
 KEIZER, OR 97303  
 DON.JENSEN@JENSENCOLL.C  
 (503) 932-2259

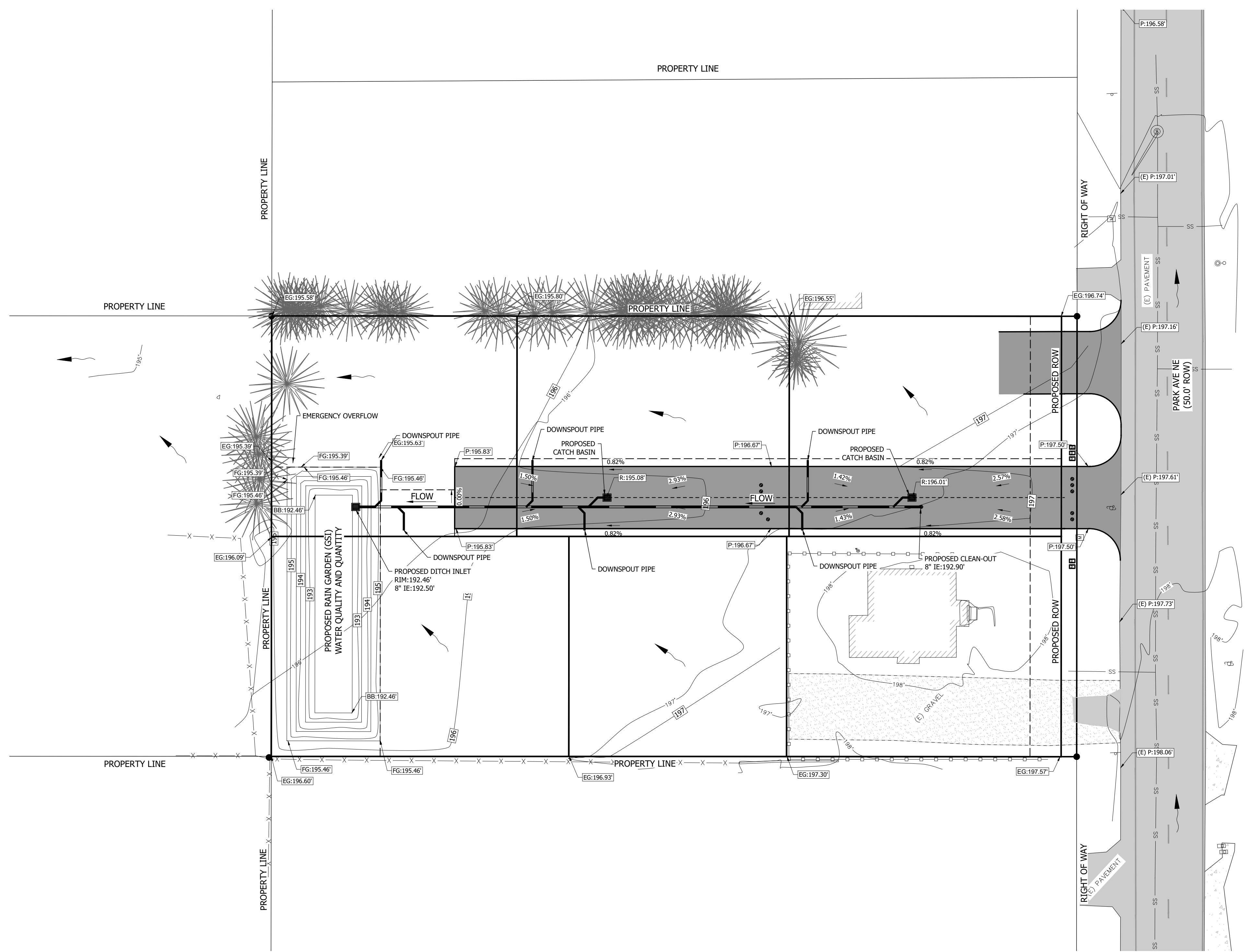
**UELLE ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**PRELIMINARY GRADING & DRAINAGE**  
 AVA JENE ESTATES  
 073W24BA TAX LOTS 8000 & 8100  
 1861 PARK AVE. NE  
 SALEM, OR

DATE: APRIL 2, 2024  
 PROJECT: 22-027 JENSEN PARK AVE. NE  
 DRAWN BY: LLL, MLX, BP  
 CHECKED BY: [Signature]  
 183V

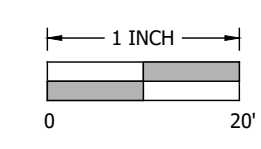
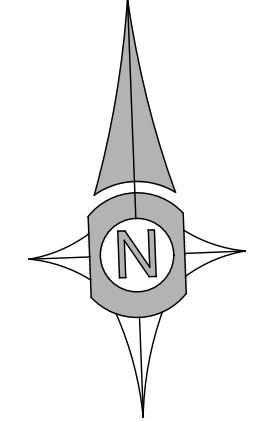
THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C200**  
 SCALE: SEE BARSCALE



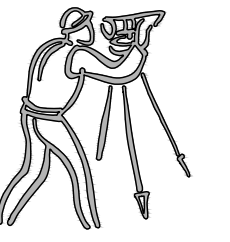
**GRADING LEGEND**

- 362 — EXISTING SURFACE CONTOUR ELEVATION
- 362 — DESIGN SURFACE CONTOUR ELEVATION
- — EXISTING SURFACE DRAIN DIRECTION
- — DESIGN SURFACE DRAIN DIRECTION
- (E)P 000.00 - EXISTING TOP OF PAVEMENT ELEVATION
- EG 000.00 - EXISTING GROUND ELEVATION
- P 000.00 - DESIGN TOP OF ASPHALT PAVE ELEVATION
- FG 000.00 - DESIGN FINISHED GROUND ELEVATION



PLAN REVISIONS	DATE





**CLIENT:**  
 JENRAE PROPERTIES, LLC  
 P.O. BOX 207556  
 KEIZER, OR 97303  
 DON.JENSEN@JENSENCOLLC  
 (503) 932-2259

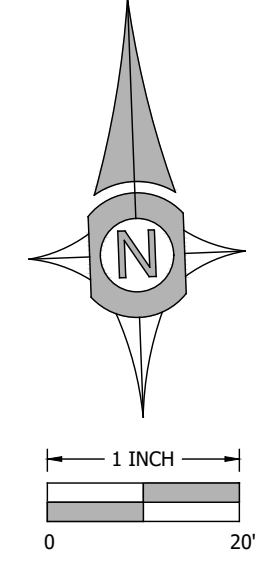
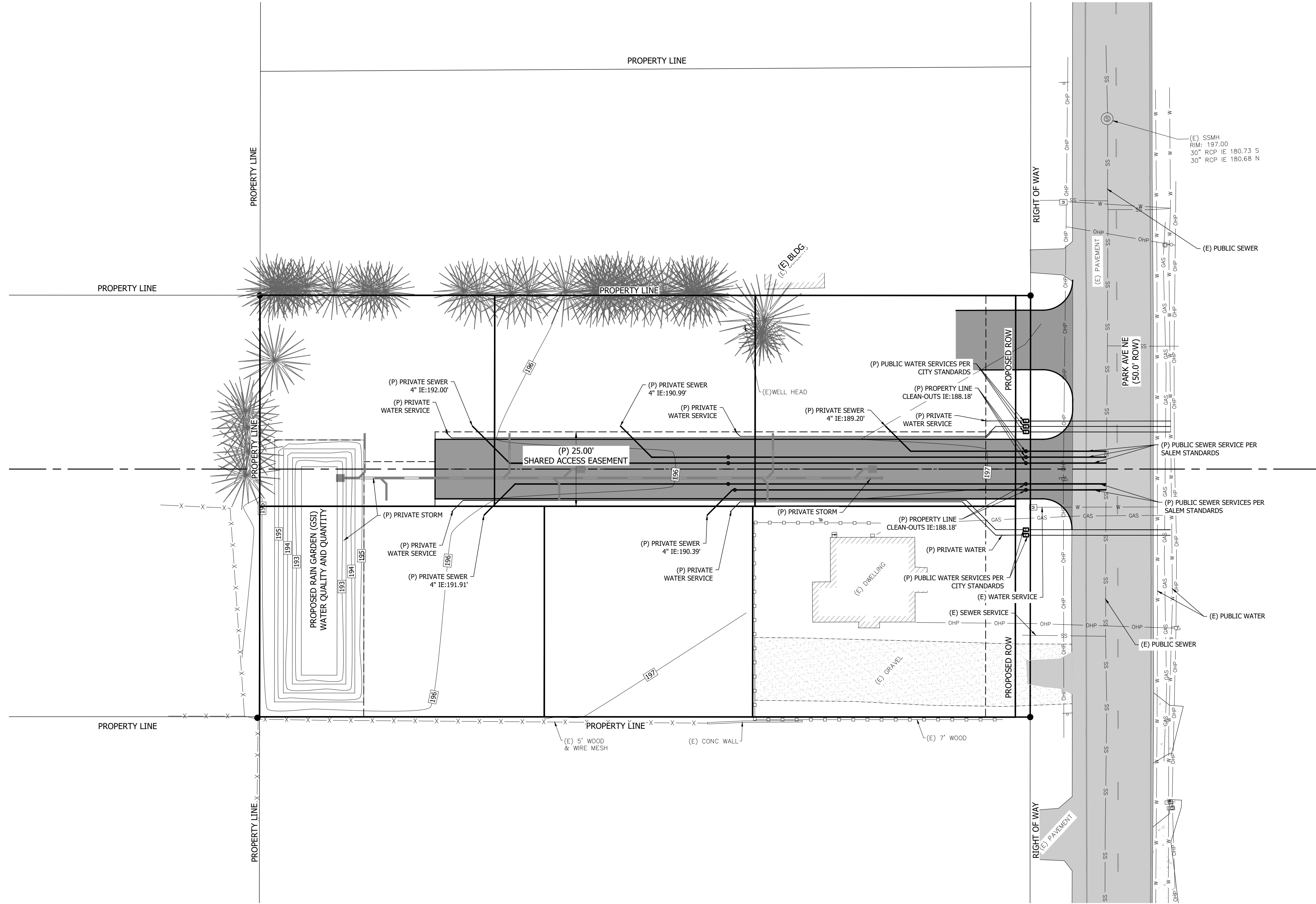
**UELLE ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**PRELIMINARY UTILITY PLAN**  
 AVA JENE ESTATES  
 073W24BA TAX LOTS 8000 & 8100  
 1861 PARK AVE. NE  
 SALEM, OR

DATE: APRIL 2, 2024  
 PROJECT: 22-027 JENSEN PARK AVE. NE  
 DRAWN BY: LLL, MUX, BP  
 CHECKED BY: [Signature]  
 183

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C400**  
 SCALE: SEE BARSCALE



**ATTENTION**  
 CONTRACTOR SHALL POTHOLE EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. REPORT FINDINGS TO ENGINEER.

PLAN REVISIONS	DATE

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**TENTATIVE SUBDIVISION / CLASS 2 ADJUSTMENT / TREE CONSERVATION  
PLAN**

---

**I. Applicant/Representative Information**

Property Owner/Applicant: JENRAE INC  
P.O. Box 20756  
Keizer, OR 97307  
Jack Yarbrough, President  
[jry\\_icu@comcast.net](mailto:jry_icu@comcast.net)

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355  
Laura LaRoque  
[laura@udelleng.com](mailto:laura@udelleng.com) / (541) 990-8661

Civil Engineer: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355  
Brian Vandetta, PE, PLS  
[brian@udelleng.com](mailto:brian@udelleng.com) / (541) 451-5125

**II. Proposal**

A consolidated application including a six-lot tentative subdivision plat with associated site improvements; a Class 2 adjustment to allow the maximum number of flag lots allowed within the subdivision to exceed 15 percent; and a Tree Conservation Plan permit review.

The subject property is approximately 0.82-acres in size, zoned RS (Single Family Residential), and located at 1800 and 1861 Park Avenue NE (Marion County Assessor's Map No. 073W24BA Tax Lots 8000 and 8100).

**III. Substantive Findings**

**1. Salem Area Comprehensive Plan (SACP) Designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Single Family Residential". The subject property is within the Urban Growth Boundary and inside of the Urban Service Area.

**2. Zoning and Surrounding Land Uses**

The subject property is zoned RS (Single Family Residential). Zoning designation and surrounding land uses are as follows:



Surrounding Zoning: North: Single Family Residential (RS)  
South: Single Family Residential (RS)  
East: Single Family Residential (RS)  
West: Single Family Residential (RS)

Surrounding Uses North: Single Family Residential  
South: Single Family Residential  
East: Single Family Residential  
West: Single Family Residential

### 3. Site Analysis

The subject property consists of lot 39 of the Evergreen Acres Subdivision and entirely within the Single Family Residential (RS) zoning district. The subject property is approximately 0.82-acres in size and is identified by 1800 and 1861 Park Avenue NE (Marion County Assessor’s Map No. 073W24BA Tax Lots 8000 and 8100. Park Avenue NE, a designated local street within the Salem Transportation System Plan (TSP), abuts the property along the site’s east property line.

### IV. Neighborhood Association and Public Comment

The subject property is located within the boundaries of the North Lancaster Neighborhood Association.

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), Tentative Replat require neighborhood association contact. On April 13, 2023, the applicant contacted the North Lancaster Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

A response was received on June 6, 2023, from Chairperson, Deanna Garcia, stating concerns over tree removal and availability of off-street parking.

### V. Review Criteria

Salem Revised Code (SRC) Chapters 205.010(d) – subdivision tentative plan; 250.005(d)(2) – Class 2 Adjustment; 808.035(d) – Tree Conservation Plan

### VI. Analysis of Subdivision Tentative Plan Approval Criteria

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact evaluating the proposal for conformance with the criteria.

**Criterion 1**

SRC 205.010(d)(1): The tentative subdivision 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. (B) City infrastructure standards. (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Finding: Finding: Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential).

The proposed tentative subdivision plan complies with the applicable standards of the RS zone, and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

*SRC Chapter 205 (Land Division and Reconfiguration)*

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. All application submittal requirements necessary for adequate review of the proposed subdivision have been submitted.

*SRC Chapter 511 (RS Zone)*

The subject property is zoned RS (Single Family Residential). The standards of the RS zone that are applicable to the proposed subdivision are as follows:

- Uses:

Allowed uses in the RS zone are listed under SRC 511.005(a), Table 551-1. Within the RS zone single-family detached and two-family dwellings are outright permitted. Townhouses, zero side yard, three family, four family, and cottage cluster dwellings are special permitted uses.

- Development Standards:

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2.

A summary of the lot size and dimension standards applicable to single family dwellings within the RS zones is provided in SRC Chapter 511, Table 511-2)

Requirements	Standard
Lot Area (Single Family)	4,000 sf



Lot width	40 ft.
Lot depth (single-family and two family)	Min. 70', max. 300% of av. Lot width
Street frontage	40 feet, or 30 feet applicable to lots fronting a cul-de-sac or curved street. Not applicable to flag lots.

As shown on the tentative subdivision plan (Attachment B), Lots 1 and 6 will have frontage on Park Avenue NE; and Lots 2 – 5 are flag lots with access to/from Park Avenue NE via a proposed shared flag lot accessway.

As identified on the tentative subdivision plan, the lot sizes of the proposed six lots within the subdivision range from approximately 6,761 square feet to 5,589 square feet. However, because Lots 2-5 are served by a flag lot accessway, the minimum lot area and dimension requirements for these lots must be met exclusive of the flag lot accessway. The resulting net lot areas of Lots 1-3, exclusive of the flag lot accessway, range from approximately 4,006 square feet to 4,078 square feet. Each of the proposed lots within the subdivision exceeds the minimum lot size requirements for single-family detached and two-family development in the RS zone.

All the proposed lots within the subdivision similarly exceed the lot dimension and street frontage standards of both the RS zone and are of sufficient size and dimension to permit development of single-family detached and two-family development within the zone.

Lot 1 will be improved with either a single-family detached or two-family dwelling. Lot 1 will have a net area (exclusive of the accessway) of 4,006 square feet; 87.5-foot lot depth; 45.79-foot lot width and frontage (exclusive of the accessway) along Park Avenue.

Lot 2 will be improved with a single-family detached dwelling. Lot 2 will have a net area (exclusive of the accessway) of 4,007 square feet; 87.5-foot lot depth; 45.79-foot lot width (exclusive of the accessway).

Lots 2-5 will be improved with single-family detached dwellings. Lots 3 – 5 will have 4,078 square feet, 4,286 square feet, and 4,952 square feet, respectively of net area. Lot 3 will have a lot depth of 78.84 feet and lot width of 70.8 feet. Lot 4 will have a lot depth of 70.69 feet and lot width of 95.63 feet. Lot 5 will have a lot depth of 70.7 feet and lot width of 70 feet.

Lot 6 is improved with single-family detached dwelling, which will be retained. Lot 6 will have a 6,246 square foot area, 88.19-foot depth, and 70.79-foot lot width and frontage along Park Avenue.

- Setbacks:

for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3.

Table 511-3. Setbacks		
Requirements	Standard	Limitations & Qualifications
Abutting Street		
All other uses	Min. 12 ft	
Accessory Structures		
Accessory to all other uses	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
Interior Front		
Buildings		
All other uses	Min. 12 ft	
Accessory Structures		
All other uses	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
Interior Side		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
Infill Lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA and RS
	Min. 10 ft., plus 1 ft. for each 1 ft. of height over 35 ft. but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.

	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft. but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
Accessory Structures		
Accessory to all uses; infill lot	none	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Interior Rear		
Buildings		
All other uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
Accessory to all other uses	Min. 10 ft.	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley unless a greater setback is required based on the height of the accessory structure.

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

The Preliminary Site Plan shows setbacks and the buildable area of each lot, which can reasonably accommodate single-family detached and two-family development. Future development of proposed Lots 1-5 will be reviewed for conformance with the applicable setback requirements of the RS zone when building permit applications are submitted for development of those lots.

- Lot Coverage; Height:

Maximum lot coverage and height for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-4.

Table 511-4. Lot Coverage; Height		
Requirements	Standard	Limitations & Qualifications
Lot Coverage		
Building and Accessory Structures		
Single family, two family, three family, and four family	Max. 60%	
Rear Yard Coverage		
Buildings		
All uses	n/a	
Accessory Structures		
Accessory to single family and two family	Max 25%	
Height		
Buildings		
Single family, two family, three family, and four family	Max. 35 ft	Applicable to new buildings
	Max. 28 ft or existing buildings height, whichever is greater	Applicable to existing buildings
Accessory Structures		
Accessory to all uses	Max. 15 ft.	





Future development of proposed Lots 1-5 will be reviewed for conformance with the applicable lot coverage and height requirements of the RS zone when building permit applications are submitted for development of those lots.

*SRC Chapter 800 (General Development Standards)*

- Designation of Lot Lines.

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots. Four of the proposed lots within the subdivision are flag lots (Lots 2 - 5). To ensure that these four proposed lots meet the minimum lot dimension requirements of the RS zone, the following condition of approval is recommended:

Condition: The front lot line designation for Lots 2 and 3 shall be the east property line and the front lot line designation for Lots 4 and 5 shall be the north property line abutting the of the proposed flag lot accessway.

Lots 1 and 6 will have frontage on a street. Because Lots 1 and 6 have frontage on a street, they are considered interior lots. Pursuant to SRC 800.020(a)(1), the designated front lot line of an interior lot is required to be the property line abutting the street.

- Flag Lots.

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. As shown on the tentative subdivision plan, four lots are flag lots and proposed to be served by a flag lot accessway.

SRC 800.025(c) establishes the following standards for the development of flag lots accessways: a) *Lot area*. The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway; b) *Lot dimensions*. The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway; c) *Flag lot accessways*. Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

Table 800-1. Flag Lot Accessway Standards			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
1-2 units (residential zoned property )	150 ft. <sup>(1)</sup>	Min. 20 ft.	Min. 15 ft.
3-4 units (residential zoned property )	400 ft. <sup>(1)</sup>	Min. 25 ft.	Min. 20 ft.

**Limitations and Qualifications**

<sup>(1)</sup> 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.

- (1) *Maximum development served by flag lot accessway.* A maximum of four lots may be served by a flag lot accessway. For residential lots created after November 28, 2022, a maximum of four residential units may be served by the flag lot accessway.
- (2) *Flag lot accessway grade.* Flag lot accessway grade shall conform to the Salem Fire Prevention Code.
- (3) *Fire Department access and flag lot accessway turnarounds.*
  - a. Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
  - b. Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standard, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
- (4) *Parking prohibited on flag lot accessways.* Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.

As shown on the tentative subdivision plan, the proposed flag lot accessway serving Lots 2- 5 conforms to the requirements of SRC 800.025(c). The accessway does not serve more than four lots and is proposed to be 25-foot-wide with a pavement width of 20 feet.

800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. Based on the six lots proposed, the maximum number of flag lots allowed within the subdivision is one. However, as shown on the tentative subdivision plan, the proposal includes four flag lots (Lots 2 - 5). Because the number of proposed flag lots within the subdivision exceeds the maximum allowed 15 percent, the applicant has requested a Class 2 Adjustment to this standard to increase the maximum number of flag lots allowed from one to four. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section VII of this report.

*SRC Chapter 601 (Floodplain Overlay Zone)*

According to FEMA FIRM Map no. 41047C0375G and 41047C0334H, the subject property is in Zone X, outside of the Special Flood Hazard area.

*SRC Chapters 71, 802, and 803 (City Infrastructure Standards)*

The proposal conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design, and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are as follows:

*SRC Chapter 71 (Stormwater)*

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004.

A 10-inch storm main is located near the intersection of Park Avenue and Market Street NE. An 8-inch storm main is located at the intersection of Park Avenue NE and Sunnyview Road NE.

To demonstrate the proposed parcels can meet the PWDS, the applicant has submitted a tentative stormwater design. The tentative stormwater design includes an 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.

To ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following condition of approval is recommended:

- Condition: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

*SRC Chapter 802 (Public Improvements)*

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

The subject property is located inside the City's Urban Service Area and adequate facilities are available. 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 tentative plan.

The subject property is currently served by the following existing water and sewer facilities:

- Water: A 24-inch and 6-inch water mains are in Park Avenue NE.

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

To ensure that required City infrastructure is provided to serve the proposed subdivision in conformance with the requirements of SRC Chapter 802, the following conditions of approval shall apply:

- Condition: All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

*SRC Chapter 803 (Street and Right-of-Way Improvements)*

SRC 803.015 (Traffic Impact Analysis): The proposed six-lot subdivision will generate less than 200 average daily vehicle trips onto the local street system. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision.

SRC 803.025 (Right-of-Way and Pavement Widths): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

The subject property has frontage on Park Avenue NE to the east. Park Avenue NE is designated as a local street under the City's TSP. The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. Park Avenue currently has an approximate 30-foot-wide improvement within a 50-foot-wide right-of-way abutting the subject property.

SRC 803.030 and 803.035 require that streets should have a maximum spacing and connectivity provided at intervals no greater than 600-feet.

Street spacing may be increased in some instances including when strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access (SRC 803.030(b)(4)). Additionally, the Director may authorize the use of an alternative street standard including where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed (SRC 803.065(a)(2)).

Park Avenue NE exceeds the maximum allowed 600-foot block length per SRC 803.030(a). However, a mid-block street connection would be no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network as places of commerce and recreation are located to the north and south as opposed directly east and west. The existing street network accommodates emergency access. Additionally, the development site is served by fully developed streets that met the standards in effect at the time the subdivision Evergreen Acres was platted (i.e., 1927).

SRC 803.040 (Boundary Streets): Park Avenue NE is the only boundary street along the east frontage of the subject property. Park Avenue NE does not meet the current right-of-way or improvement standard for a Local Street. In implementing boundary street requirements pursuant to SRC 803.040, a right-of-way dedication of 5-foot and half street improvements to Park Avenue NE along the frontage of the subject property will be required as a condition of approval.

*The proposed subdivision meets the requirements of SRC Chapter 803.*

*SRC Chapter 601 (Floodplain Overlay Zone):* Based on the Flood Insurance Study and Flood Insurance Rate Maps no floodplain or floodway areas exist on the subject property.

*SRC Chapter 808 (Preservation of Trees and Vegetation):* The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for single-family or two-family uses where trees are proposed for removal. A Tree Conservation Plan was submitted in conjunction with the subdivision tentative plan identifying a total of 9 trees on the subject property, with 4 trees proposed for preservation, or 44 percent of the total trees on-site, and is proposing the removal of 5 trees, or 55 percent of the trees on-site.

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed more than 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees located on the subject property. Pursuant to SRC 808.035, the applicant submitted a tree conservation plan for concurrent review with the residential subdivision application.

The tree conservation plan submitted by the applicant identifies a total of 9 trees on the subject property, 4 of which have been removed previously, and 1 of which is proposed to be removed.

Approval criteria. (1) An application for a tree conservation plan shall be granted if the following criteria are met: (A) No heritage trees are designated for removal. (B) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable

preservation of such trees. (C) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation. (D) Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees. (E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

More than 30 percent of all trees located on the property are designated for preservation. As stated above, four trees have been removed: (1) tree no. 5322 cedar with 24" dbh; (2) tree no. 5323 cedar with 42" dbh diameter; (3) tree no. 5361 cedar with 22' dbh; (4) tree no. 5362 cedar with 13" dbh and one additional tree is proposed to be removed: (1) 6" DBH yew.

Of the 5 trees proposed for removal, one significant tree (tree no. 5323) a cedar tree with dbh of 42" has been removed due to its location within the future building envelopes of lots and adjacent to required access improvements. Tree 5322 is removal due to grading for Lot 5 and adjacent access, Trees 5361, 5362, and 5365 are proposed for removal due to grading for stormwater facility. Their removal is necessary because of no reasonable design alternatives that would enable their preservation.

The proposed location of the stormwater facility was chosen due to topography, storage volume requirements and historic stormwater runoff path. The property has approximately two- and one-half feet of elevation drop from east to west. To feasibly provide the stormwater detention volume required for the proposed development we need to utilize the depth available at the location of our facility to minimize our footprint and provide the required volume. In addition, this is consistent with our site's historic stormwater runoff path. To not disturb, change or increase risk of flood damage to structures the proposed location of the stormwater facility minimizes these risks as well as provides a safe emergency overflow route should an extreme storm event take place and system to be inundated. The stormwater facility is designed to provide storage for the 100-year storm event.

The proposal is consistent with the criteria for approval of a tree conservation plan in SRC 808.035(d).

*SRC Chapter 809 (Wetlands)*

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

The Salem-Keizer Local Wetlands Inventory (LWI) does not show any wetlands and/or hydric soils mapped on the property. Regardless, wetland notice will be sent to the Oregon Department of State Lands pursuant to SRC 809.025.

*SRC Chapter 810 (Landslide Hazards)*

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is not located within a landslide hazard area. A geologic assessment is therefore not required for the development of the subject property.

**Criterion 2**

**SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.**

Finding: The lots within the proposed subdivision, as proposed, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

The proposal meets this criterion.

**Criterion 3**

**SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by city infrastructure.**

Finding: 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 preliminary subdivision utility plan. As specified in the civil plan set, private water, sewer, and storm services shall be constructed to serve each lot. 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 lots can meet the PWDS, a tentative stormwater design has been submitted approval. The submitted tentative stormwater design is based on infiltration test results and the 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 will 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 will be shown on the final plat.

The proposal meets this criterion.



#### **Criterion 4**

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

Finding: Park Avenue NE, a designated local street within the Salem Transportation System Plan (TSP), abuts the property along the site's east property line.

According to SRC 803.025, Tables 803-1 and 803-2, the minimum right-of-way and pavement (i.e., Curb-to-curb) width of a local street is 60-foot and 30-foot, respectively. Park Avenue NE has a 50-foot-wide right of way with variable with pavement width and travel lane in either direction.

Per SRC 803.040, a dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following: 1) subdivisions; 2) partitions; 3) planned unit developments; 4) manufactured dwelling parks; and; 4) the construction or enlargement of nay building or structure located on property abutting a boundary street that requires a building permit under SRC Chapter 56.

Park Avenue is not fully improved to city standards. A 5-foot-wide dedication and half-street right-of-way improvements along the frontage of the subject property are required to be constructed or deferred with a deferral agreement. Improvements or deferral agreements can be included as a condition of approval.

As proposed and conditioned, the subdivision conforms to the TSP. The proposal meets this criterion.

#### **Criterion 5**

**SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

Finding: Conditions above implement required improvements to the street system in and adjacent to the subject property. The proposed network of boundary and internal streets serving the subdivision provides direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject 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 subdivision.

The proposal meets this criterion.

#### **Criterion 6**

**SRC 205.010(d)(6):The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**



Finding: The subject property is served by Sunnyview Park, which is a developed park site located northwest of the subject property and Market Street NE commercial corridor located to the southeast of the subject property.

The proposed subdivision lots will have a shared flag and direct access to Park Avenue NE. Park Avenue NE is the only boundary street along the east frontage of the subject property. Park Avenue NE does not meet the current right-of-way or improvement standard for a Local Street. In implementing boundary street requirements pursuant to SRC 803.040, a right-of-way dedication of 5-foot and half street improvements to Park Avenue NE along the frontage of the subject property will be required as a condition of approval.

The proposal meets this criterion.

#### **Criterion 7**

**SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.**

Finding: The proposed six-lot subdivision will generate less than 200 average daily vehicle trips onto the local street system. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision.

The proposal meets this criterion.

#### **Criterion 8**

**SRC 205.010(d)(8): The tentative subdivision 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 subdivision 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 configuration of lots on the subject property makes logical use of developable land. As described in the findings, the proposed lot configuration meets applicable development standards minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

#### **Criterion 9**

**SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

Finding: The tentative subdivision plan configures lots and access to allow for residential development of the site while minimizing disruptions to topography and vegetation.

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all the trees on the property.

No riparian trees or vegetation are proposed for removal on the subject property. More than 30 percent of all trees located on the property are designated for preservation. As stated above, four trees have been removed: (1) tree no. 5322 cedar with 24" dbh; (2) tree no. 5323 cedar with 42" dbh diameter; (3) tree no. 5361 cedar with 22' dbh; (4) tree no. 5362 cedar with 13" dbh and one additional tree is proposed to be removed: (1) 6" DBH yew. Their removal is necessary because of no reasonable design alternatives that would enable their preservation. The proposal meets this criterion.

#### **Criterion 10**

**SRC 205.010(d)(10):** When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located inside of the Urban Service Area. Compliance with the City's growth management plan and availability of infrastructure is addressed in this report, an Urban Growth Preliminary Declaration under SRC Chapter 200 is not required. This criterion has been met.

### **VII. Class II Adjustment Review Criteria**

SRC Chapter 250.005(d)(2) provides that:

A Class II Adjustment shall be approved if all the applicable criteria are met.

#### **Criterion 1**

**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: A Class 2 adjustment is requested to allow the maximum number of flag lots allowed within the subdivision to exceed 15 percent (800.025(e)).

According to Section 800.025(e), within a subdivision, up to 15 percent of the lots may be flag lots. The purpose of this development standard is to limit the number of flag lots in a traditional greenfield subdivision proposal.

The proposal is to divide one existing lot of record into 6 lots. Two of the lot will have frontage along and direct access to Park Avenue. Four lots (i.e., Lots 2 – 5) will be provided access to Parcel Avenue via a shared flag lot accessway. Increasing the number of flag lots with this subdivision

will increase the overall residential density of the site and decrease the overall number of driveway encroachments.

#### **Criterion 2**

**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 proposed adjustment to the maximum number of flag lots allowed within a subdivision will not detract from the livability or appearance of the residential area. Each of the flag lots will be developed with a residential single-family detached dwelling, like development on adjacent properties.

#### **Criterion 3**

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

Finding: Only one adjustment is requested: A Class 2 adjustment to allow the maximum number of flag lots allowed within the subdivision to exceed 15 percent.

According to Section 511.001 the purpose of the RS zoning district is as follows: The purpose of the Single Family Residential (RS) Zone is to implement the single-family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

As shown on the preliminary site plan, single-family detached dwellings can reasonably be constructed in each of the lot's buildable areas and services can be provided to each. Therefore, the proposed development is still consistent with the overall purpose of the RS zoning district.

### **VIII. Overall Conclusion**

Based on the above analysis, the submitted applications meets all the applicable review criteria as outlined above.

### **IX. Exhibits**

#### **A. Civil Plan Set**

1. Tentative Plat, Sheet C100
2. Existing Conditions/Demo Plan, Sheet C102
3. Preliminary Site Plan, C103
4. Preliminary Tree Conservation Plan, Sheet C104
5. Preliminary Grading and Drainage Plan, Sheet C200
6. Preliminary Utility Plan, Sheet C400

#### **B. Preliminary Stormwater Report, dated August 15, 2023**





23-027 Jensen  
1800 & 1861 Park Ave. NE  
Subdivision Application

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# MEMO

**TO:** Aaron Panko, Planner III  
Community Planning and Development Department

**FROM:** Laurel Christian, Infrastructure Planner III  
Community Planning and Development Department

**DATE:** July 3, 2024

**SUBJECT: Infrastructure Memo  
SUB-ADJ24-04 (24-108034-PLN)  
1800 Park Avenue NE  
6-lot Subdivision**

## PROPOSAL

A Subdivision Tentative Plan to divide approximately 0.82 acres into a total of six lots ranging in size from 4,006 square feet to 6,696 square feet in size, and a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%. The applicant is requesting alternative street standards to the street spacing and connectivity requirements along Park Avenue NE to not provide a new mid-block east-west street connection. The subject property is approximately 0.82 acres in size, zoned RS (Single Family Residential), and located at the 1800 Block of Park Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24BA / 08000 and 08100).

## RECOMMENDED CONDITIONS APPROVAL

**The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:**

1. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
2. Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.
3. Dedicate a 10-foot public utility easement along the street frontage of Park Avenue NE.

**The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):**

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

4. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.
5. Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
6. Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
7. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
8. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
9. Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.
10. Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.

## **FACTS AND FINDINGS**

### **Streets**

1. Park 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 Condition—This street has an approximate 28-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

## Water

### 1. Existing Conditions

- a. The subject property is located within the G-0 water service level.
- b. A 6-inch water main is located in Park Avenue NE.
- c. A 12-inch water transmission main is located in Park Avenue NE.

## Sanitary Sewer

### 1. Existing Conditions

- a. A 30-inch sanitary sewer transmission main is located in Park Avenue NE.

## Storm Drainage

### 1. Existing Conditions

- a. There are no public stormwater mains in the vicinity of the property.

## Parks

The proposed development is served by Englewood Park approximately one-half-mile southwest of the subject property.

## **CRITERIA AND FINDINGS – SUBDIVISION TENTATIVE PLAN**

The following Code references indicate 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 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code (UDC), including, but not limited to the following:**

- 1. 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;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

**Findings**— With completion of the conditions above, the subject property meets all

applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and Oregon Administrative Rules 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): 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.

SRC 804 (Driveway Approach Development Standards): The applicants preliminary plans show a driveway approach serving proposed lot 6 which does not meet SRC Chapter 804 for width or the PWDS for surfacing material. Specifically, the paved approach is shown to be less than 10-feet with additional gravel shoulders on each side. PWDS Plans for driveway approaches requires a hard surface approach. As a condition of approval, the applicant shall reconstruct the driveway approach serving lot 6 to meet the PWDS and minimum width standards established in SRC Chapter 804.

**Condition:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805. One existing structure is located on the subject property and the structure meets the vision clearance standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.



SRC Chapter 810 (Landslide Hazards): 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 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Findings**—Public water and sanitary 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 tentative plan. Private water and sanitary sewer services shall be constructed to serve each lot. 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). 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.

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

**Condition:** Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

**Condition:** Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

*Stormwater Management* – The subdivision is subject to the requirements in SRC Chapter 71 and the PWDS relating to green stormwater infrastructure for treatment and detention of stormwater generated by the proposed subdivision. The applicant submitted a preliminary stormwater management report which demonstrates the use of green stormwater infrastructure to the maximum extent feasible. There are no public stormwater mains in the vicinity of the subject property. As such, the applicant submitted a preliminary stormwater design that demonstrates the system is proposed to detain and infiltrate stormwater onsite. Prior to final plat approval, the applicant shall submit a tentative stormwater design to demonstrate the proposed parcels can meet the PWDS. 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. In addition, the applicant shall construct the proposed stormwater facilities pursuant to SRC Chapter 71 and the PWDS to accommodate the new impervious surfaces on the subject property.

**Condition:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

**Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

**SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the Salem TSP. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding-** Park Avenue NE abuts the subject property and is classified as a local street according to the Salem TSP. Park Avenue NE does not meet the minimum right-of-way width or improvement width standards for a local street according to the Salem TSP or Chapter SRC 803. The TSP identifies Park Avenue NE as part of the “on-street bike network”. Therefore, Park Avenue NE will have an overall improvement width of 34-feet to accommodate the on-street bike lanes and a 17-foot half-street width improvement abutting the subject property. The overall improvement width will include two 11-foot vehicle travel lanes and two 6-foot bike lanes. Pursuant to SRC 803.035(m), the applicant shall provide additional pavement widening for the bicycle facility identified in the Salem TSP as part of the required half-street improvement. Along the property frontage, the applicant shall construct a 17-foot-wide half-street improvement and dedicate a 30-foot half-width right-of-way. The half-street improvement will include a 17-foot travel lane; curbs; a 6-foot planter strip; and 5-foot property line sidewalk.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.

**Condition:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.

The applicant’s site plan shows no new internal streets to be constructed within the subdivision and requests an Alternative Street Standard for block length along Park Avenue NE. Pursuant to SRC 803.030(a), the maximum block length is 600-feet. Park Avenue NE has a block length of approximately 1,500-feet. Due to the surrounding development and infill nature of the proposal, there is not adequate room for a street through the development site. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted to allow Park Avenue NE to retain its existing block length and the development is not required to dedicate a public street through the subject property.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As part of the required boundary street improvements, a planter strip will be constructed along Park Avenue NE. As such,

as a condition of approval, the applicant shall provide street trees along Park Avenue NE. The street trees will be planted in conjunction with the required boundary street improvement.

**Condition:** Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.

A 10-foot-wide public utility easement is required along the street frontage of Park Avenue NE pursuant to SRC 803.035(n).

**Condition:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Park Avenue NE.

**SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

**Findings**—The subject property is served by Engelwood Park, which is a developed park site located southwest of, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system, which is underimproved for pedestrian and bike access in the area; however, provides vehicle transportation to the park. As described in the conditions of approval, pedestrian and bicycle improvements are required along the frontage of the development; however, are not required to be provided off-site based on the clear and objective standards in *SRC Chapter 803- Street and Right-of-way Improvements*. The proposal involves a 6-lot subdivision and does not require a Traffic Impact Analysis or Urban Growth Preliminary Declaration which would evaluate off-site improvements for the development; therefore, no additional off-site improvements are required.

**SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.**

**Findings**—The proposed 6-lot subdivision generates less than 200 average daily vehicle trips to the local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

**SRC 205.010(d)(10) - When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Findings** - The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

## **RESPONSE TO PUBLIC COMMENTS**

1. **Park Avenue NE Condition:** Comments received express concerns for the underimproved condition of Park Avenue NE and the request for Alternative Street Standards for the proposed subdivision.

**Staff Response:** Park Avenue NE abutting the subject property does not currently meet the minimum improvement standards for a local street according to SRC Chapter 803 and the Salem TSP. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along Park Avenue NE which will include pavement widening, curbs, sidewalks, and streetlights along the property frontage. The proposal is for a 6-lot subdivision; the scope of the proposal does not warrant off-site improvements to Park Avenue NE.

Comments also express concerns for the request for Alternative Street Standards. As described in the written findings, Park Avenue NE has a block length that exceeds the maximum allowed under SRC Chapter 803. An Alternative Street Standard is approved in order to not require a public street to be stubbed through the property to the west. Due to the in-fill nature of the subdivision, there would not be adequate space to provide 6 lots and a public street through the site. Staff finds that the approval criteria for an Alternative Street Standard to street spacing and connectivity requirements have been met. No Alternative Street Standards have been requested for the improvement width of Park Avenue NE.

2. **Stormwater Management:** Comments received express concerns for how stormwater runoff from the site will be managed. Comments received also express concerns for the construction and continued maintenance of the rain garden which is required to manage stormwater. Comments received also expressed concerns for safety around the rain garden.

**Staff Response:** All subdivisions are required to meet stormwater standards established in SRC Chapter 71 – Stormwater and the PWDS Appendix 004 – Stormwater System. As part of the required submittal items, the applicant has provided a preliminary stormwater management report that demonstrates the proposal utilizes green stormwater infrastructure to the maximum extent feasible. As identified in the conditions of approval, the applicant is required to provide a final stormwater report that demonstrates the proposal for stormwater management is in general compliance with the stormwater management standards.

The applicant's preliminary stormwater management report demonstrates the facility is proposed to detain stormwater and then dispose of all stormwater through infiltration. The proposed rain garden does not discharge back into the City's system as no public mains are available in Park Avenue NE. The stormwater code and design standards prioritize detention of water and infiltration when feasible to control

runoff. The applicant's geotechnical investigation, included within the preliminary stormwater management report, generally supports this, although additional testing is required with the final stormwater report to confirm depth of groundwater. The subdivision will be conditioned to comply with SRC Chapter 71 and the PWDS to ensure the final constructed facility meets the City's standards.

The proposed rain garden will be a privately owned and maintained stormwater facility. The PWDS require a Private Stormwater Facility Maintenance Agreement to be recorded against the property, so the collective property owners would be required to ensure continued maintenance of the facility (PWDS - Section 4.2(s)).

In terms of the concerns for safety around the proposed rain garden, the rain garden will be located on private property and will not be accessible to the general public from the public right-of-way. According to the preliminary grading & drainage plan, the top of the rain garden is at the 195-foot elevation and the bottom is at 192.46-feet, the rain garden will be approximately 3-feet in depth and will be vegetated. The slope to the bottom of the pond is a gradual 30-percent slope from the top of the pond to the bottom of the pond. The PWDS do not require fencing around private stormwater facilities. However, there are Building and Safety standards for fall protections in certain circumstances. The Building & Safety Division has indicated that because there are no structures or walking paths adjacent to the proposed rain garden that no fall protection would be required.

Prepared by: Laurel Christian, Infrastructure Planner III  
cc: File



Business & Support Services  
 2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309  
 503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

May 28, 2024

Aaron Panko, Planner  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. SUB-ADJ24-04, 1800 Block of Park Av NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Englewood	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Englewood	Elementary	291	433	67%
Parrish	Middle	653	829	79%
North Salem	High	2,117	2,248	94%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	6	SF	0.168	1
Middle			0.098	1
High			0.144	1

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Englewood	Elem.	291	0	1	1	433	67%
Parrish	Mid.	653	8	1	9	829	80%
North Salem	High	2,117	93	1	94	2,248	98%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Englewood	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	1	\$83,655	\$83,655
Middle	1	\$101,069	\$101,069
High	1	\$118,482	\$118,482
<b>TOTAL</b>			<b>\$303,206</b>

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2023”

Sincerely,

David Fridenmaker  
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation





## LAND USE APPEAL APPLICATION

1. **GENERAL DATA REQUIRED** [to be completed by the appellant]

SUB-ADJ24-04

July 5, 2024

Case # Being Appealed

Decision Date

1800 Block of Park Ave NE, Salem OR 97301

Address of Subject Property

1884 Evergreen Ave NE, Salem, OR 97301; 1833 Park Ave NE, Salem, OR 97301

Appellants Mailing Address with zip code

hansenlindar@gmail.com; blakelyplumbing@

503.302.6760; 503.510.4462

Appellant's E-mail Address

Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name

Mailing Address with ZIP Code

E-Mail Address

Day-time Phone / Cell Phone

2. **SIGNATURES OF ALL APPELLANTS**

Signature: Bruce Hansen Linda Hansen Date: 7/18/2024

Printed Name: Bruce & Linda Hansen

Signature: [Signature] Shelley Blakely Date: 7-17-24

Printed Name: Brian & Shelley Blakely

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY

Received By: B.B.

Date: 7/19/2024

Receipt No: 24-115399-68

Appeal Deadline: 7/22/2024

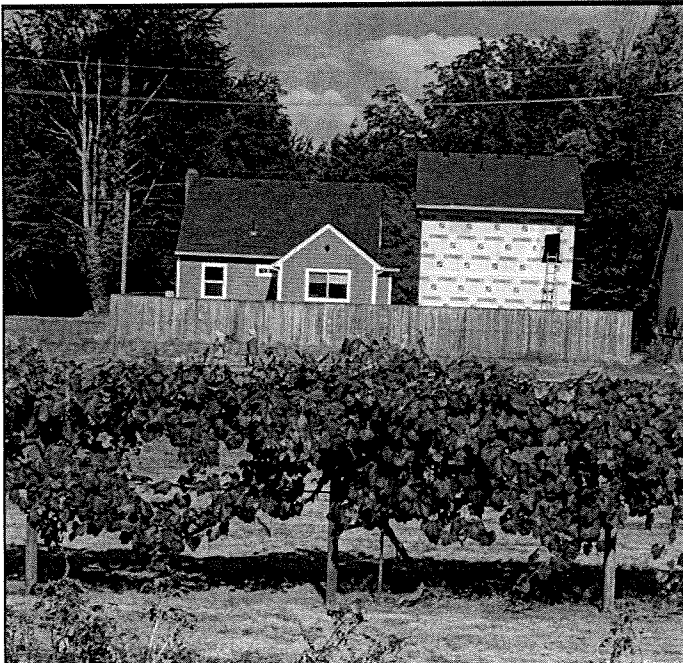
Case Manager: ARON PANKO

**Appeal of Decision on Subdivision Tentative Plan/Class 2 Adjustment  
Case No: SUB-ADJ24-04**

The appellants have standing due to having submitted comments on the original application for the subdivision in the 1800 Block of Park Ave NE as well as owning properties abutting the property under discussion.

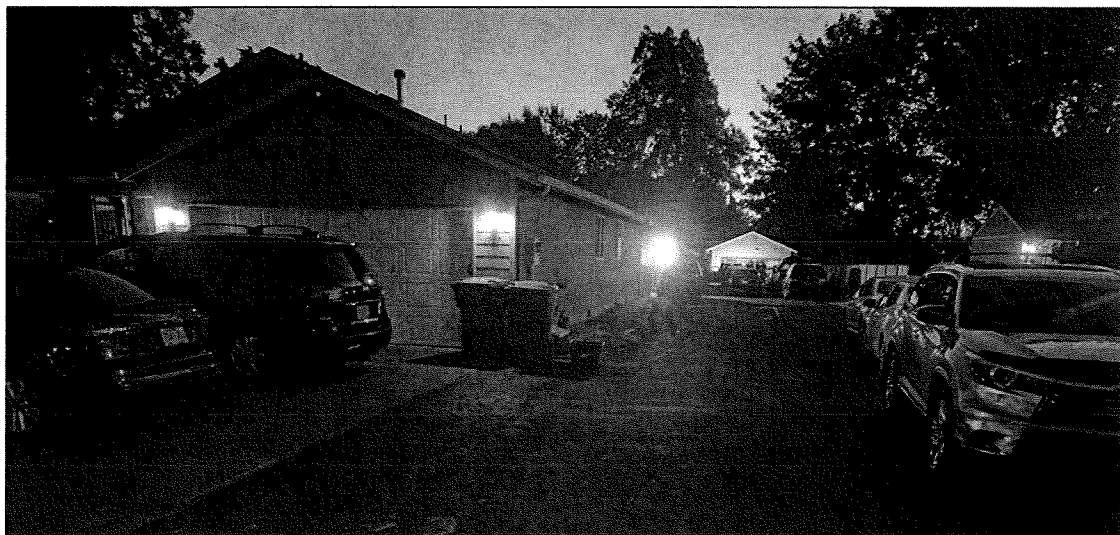
We feel that the proposed development WILL negatively impact both the livability and the appearance of the area, despite the assertion in the finding that it will not, due to the huge adjustment/variance being provided the applicant. There is no reason to jump from the code's 15% allowance for homes on a flag lot all the way to a 66% variance which is unbelievably significant. We are not against the property being developed and understand the need for infill. However, an adjustment of 33%, or even 50%, rather than the code's 15%, with a total of three or four homes total on the property instead of 6 would make much more sense for the following reasons:

1. Dividing this up into multiple lots doesn't mean that just one home will be built on each lot. The existing home already has a large 2 story structure being erected, with an ADU being built on one of the lots. When a large adjustment is given to the developer, the existing neighbors deal with all of the impacts. Six lots can easily mean 12 households will be living on the property. This will have a negative impact on both the appearance and livability for neighboring property owners. We've included a photo of the ADU that is currently being built, taken from our back yard. To give some context, in the space between the existing home and ADU and our property, the applicant wants to build two more homes plus the stormwater garden, then mirror that behind the other portion of our property.



2. Our livability will also be impacted by more noise, nighttime lighting and stormwater impacts that affect the surrounding neighbors. The more houses and impervious surfaces that are added, the more runoff the neighborhood will experience. The rain garden won't catch all of it and no plan was given for when it overflows despite neighbors' voicing concerns about the high water table and lack of stormwater connection for overflow from the rain garden.
3. The appearance of the neighborhood will be greatly altered. Most existing houses on the street have lots that are around 21,000 square feet (5 times the area of any of the 5 new proposed lots. We chose these lots because we liked the appearance of the large lots for gardening and other uses. Giving immense adjustments (formerly called a variance to the code) helps the developer to make more money and the city to get more property taxes, but it ignores the intent of the code and the protection that was intended for existing neighbors and the character of the neighborhood. These five additional small lots, each with the potential to have a duplex or home **and** ADU on it will have a significant and drastic negative impact on the appearance of the neighborhood, as there will be very little room for **green space**, other than in the proposed stormwater garden.
4. The appearance of the large stormwater garden is another concern. While the CCR's will include the requirement that all the homes help to maintain it over the years, there is no reasonable maintenance enforcement mechanism. Homes in the development that do not border the stormwater garden would have no personal interest in maintenance. We raised many concerns in our initial comments, but instead of them being addressed, they are put back on the neighboring property owners to report to code enforcement, whose priority will never be to monitor what is going on in an area not visible from the street, and whose job is not to enforce CCRs. If there isn't going to be an HOA, there won't be anyone for the neighboring homeowners to contact to request maintenance if it isn't completed on a regular basis. There isn't a requirement for the new homeowners to provide contact information to abutting properties or to hire a landscaping company or create an HOA. There seems to be little to prevent thistles and other noxious weeds from growing and going to seed in a stormwater garden, negatively impacting the abutting properties. Also, it appears that it will not be easy to maintain or mowed which will turn it into a swampy weed garden.
5. Another concern with the stormwater garden was that it would be an ideal breeding ground for **mosquitoes**. The neighbors' concerns about this issue was completely ignored in the planning staff response. Having a 2400 square foot mosquito breeding area within 10 feet of neighboring properties will impact our livability and the option to spend time outdoors in our yards.
6. With five additional homes, there will **not be adequate parking** available for residents, especially when considering the statistical likelihood of the residents being 2-car families who will also want parking space for guests and visitors. This

parking inadequacy will only be exacerbated if ADUs or duplexes are built, as is already being done on the existing property. Again, we have been told that the “solution” is to notify code enforcement. There are several problems with this. We would like to be on good terms with our neighbors, not turning them in regularly for violations when they purchased property without adequate parking. Also, code enforcement is not available 24/7 and the main problems with parking tend to happen on the evenings and weekends when people have multiple guests over. These photos were taken last week of a flag lot on Evergreen where parking is not allowed on the “pole” portion of the lots. As you can see, it is a regular occurrence for people to park in violation of the rules.



We live in the real world and are concerned about safety and adequate parking. Responding that code enforcement is the answer to all comments regarding appearance and livability come from a perspective that isn't living in a real neighborhood, where we host National Night Out and try to get to know our neighbors and work together. We don't want an adversarial relationship with neighbors. We want the city to approve a project that is reasonable to both us as the existing property owners and to the developer, which is not currently the case.

7. Lastly, having the 66% flag lot adjustment puts an unconscionable burden on the existing properties owners due to the stormwater situation. The area in question is bog like during the rainy months, with an extremely high-water table. A stormwater detention area is never designed to hold all possible rainfall and runoff and is generally connected into the city's stormwater system in case of an overflow. However, instead of putting this detention pond in the front of the property and connecting it to the city's stormwater system down toward Market Street, they have placed it at the back of the property where the overflow will threaten existing property owners and their livability. It has the potential to also negatively impact further development that could take place on our properties in the future. Despite our concerns raised in the original comments, no one has addressed the question of what will happen to the water that overflows the stormwater garden during the heavy rainfalls and what will keep that out of neighboring properties. Our understanding is that stormwater retention should take place on the existing property with overflow into the city's stormwater system, and not default to letting it overflow into the neighboring properties, which is what the proposal is allowing.

In summary, we're not opposed to development taking place on the property. We're opposed to the unreasonably significant adjustment being given to the developer without our concerns being addressed in a realistic manner. Serious consideration should be given to a substantial, but lesser adjustment to 33% (or 50%) to help preserve a bit of the character of the neighborhood, because even three additional lots would still allow for 8 households on that property.