
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
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355 Laura LaRoque 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 / (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:



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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. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.
3-4 units (residential zoned property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.

Limitations and Qualifications

⁽¹⁾ Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.

- (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



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