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May 21, 2024

LAND USE APPLICATION – 2nd COMPLETENESS REVIEW

Project Information

Subject Property:	3200 Pheasant Ave SE
Reference Number:	24-102945-PLN
Application Type:	Partition
Date Application Accepted:	February 1, 2024
Applicant:	Barker Surveying carol@barkerwilson.com
Contact:	Montgomery Construction Group Corporation (Chad Montgomery) chad@mcgcorp.net

Staff Contact

Land Use Planner:	Jacob Brown, Planner I JRBrown@cityofsalem.net / 503-540-2347
Infrastructure Planner:	Laurel Christian, Utility Planner II lchristian@cityofsalem.net / 503-584-4632

Land Use Review Comments

Prior to deeming your applications complete, modifications and/or additional information must be provided to address items detailed below.

Applicant should provide a response in the last column for each item or indicate if the item is not being provided. Items not addressed or provided may result in conditions of approval or denial of the land use application.

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.
- (3) Written notice from you (the applicant) that none of the missing information will be provided.

You have 180 days (July 30, 2024) from the date the application was first submitted (February 1, 2024) to respond in one of the three ways listed above, or the application will be deemed void.

The Salem Revised Code may be accessed online at the following location:
<https://www.cityofsalem.net/Pages/salem-revised-code.aspx>

Completeness Review Items

Submittal Requirements – The following items have been identified as required material to be provided by the application(s) prior to deeming the application “complete”:

Submittal Requirement	Description	Applicant Response <i>ie. Written Response, Submitted, Not Providing</i>
Tree Conservation Plan SRC 808.035	<p>As required under Salem Revised Code (SRC) 808.035, a tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single, two, three, and four family uses. The subject property is located within the RS-Single Family Residential zone district which primarily permits the listed uses.</p> <p>A tree inventory and tree conservation plan are required to be submitted and must meet the requirements as stated under SRC 808.035. The Tree Conservation Plan application must be submitted separately from the partition application through the PAC portal as they cannot be consolidated. The Tree Conservation Plan decision will be issued following the completion of the appeal period for the partition. Upon request, Staff can create the Tree Conservation application, or the applicant can submit separately.</p>	I included, there are only 3 trees on site and 2 must be removed.
Lot Legality Submitted	<p>Survey is not able to determine lot legality at this time. The applicant shall submit evidence that the property is lawfully established:</p> <ul style="list-style-type: none"> Chain of Title showing the subject property to be in the same configuration today as it was prior to January 1st, 1968, may be required to determine legality of the subject property. <p>Alternatively, evidence showing the subject property was established in compliance with appropriate city land use laws after January 1st, 1968, may be submitted to determine legality.</p>	
Written Statement (SPR)	Please include all development standards and all criteria in the written statements. The written statement shall also address the approval criteria for a Tree Conservation Plan.	I included tree code
Title Report	Submit a current title report (no older than 30 days) for the subject property pursuant to SRC 205.030(b).	
Stormwater Management Not Addressed. Per SRC 71.080 storm facilities are required to serve divided property.	The application does not provide sufficient details to identify how the site is compliant with SRC 71, specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to PWDS Appendix 4E. A description of the proposed stormwater management system shall be provided pursuant to SRC 205.030(e). The description should include the proposed location of GSI facilities for onsite stormwater treatment and the plan for offsite disposal in accordance with the Public Works Design Standards.	Not required on lots less than 10,000 sf

Utility Plan Submitted	Provide a preliminary utility plan pursuant to SRC 205.030(f). Note: A storm main extension from Ratcliff Drive SE is likely required to provide an approved point of discharge for the GSI facilities.	
Easements Submitted.	The submitted site plan does not include existing easements. The applicant shall include all existing and proposed easements located on the site pursuant to SRC 205.030(a)(7). A 10-foot Public Utility Easement (PUE) along Pheasant Avenue SE is required.	
Landslide Hazards Submitted	City records show the proposed development is located in a moderate landslide hazard risk. The applicant shall submit a geological assessment from a licensed engineering geologist per SRC 205.030(d) and SRC 810.	

Advisory Comments

Items of Concern - The following items are not listed in the SRC as specific requirements for a complete application; however, are advisories that address areas of concern on the application. **Failure to address advisory comments could result in condition of approval or denial of the application(s).**

Item	Description	Applicant Response <i>ie. Written Response, Submitted, Not Providing</i>
Chapter 511– Single Family Residential		
SRC 511.004 Development Standards (Advisory Only)	<p>Please note that the current preliminary layout of the three-family uses does not fully comply with all development standards of the RS Zone. This comment is only advisory and not an item for completeness. Please see the following item has been identified at this time-</p> <ul style="list-style-type: none"> Rear Setback (East Facing Property Line)- Minimum 14-foot for first story and 20 feet for two-story and above. Currently shown to be setback 10 feet from the eastern property line. 	They mis lead at the pre-app, site plan adjusted for now 20'-0"
Chapter 806 – Parking		
Driveway Width Standards (Advisory)	<p>Planning will condition that if a shared driveway approach is proposed that a shared access agreement is provided for the shared parking area and driveway. The shared access easements will need to be recorded before Planning can approve a building permit.</p> <p>In addition, the proposed driveway width does not conform with Table 806-3 which requires a minimum paved width of 22 feet for a parking area containing three or more spaces. The plans currently show a paved width of 20 feet. This comment is only advisory and not an item for completeness.</p>	I can widen to 22'-0" looks like we have room
Parking Area Standards (Advisory)	Please note per SRC 806.025 (g) that a parking area with five or more spaces is required to meet 806.035 . This will require that the proposed development meet perimeter setbacks and landscaping which states that a	

	minimum five-foot setback is provided for parking areas abutting another lot. Following the partition, the proposed parking area will be required to provide a five-foot setback from the shared property line. Staff will support a Class 2 Adjustment to eliminate the setback between the shared parking area; however, an adjustment will be required for each property. A total of two Class 2 Adjustment will be required for the proposed parking area prior to approval of any building permits. This comment is only advisory and not an item for completeness.	more fee generating income for the city, will apply for adjustment
Chapter 808 – Preservation of Trees and Vegetation		
Tree Conservation Plan	Per the preliminary plan, the two existing trees on the property are located within/near the footprint of a proposed building. Please note that the approval criteria of SRC 808.035 (d) if less than 30 percent of the trees are designated for preservation that applicant shall demonstrate that there “are no reasonable design alternatives that would enable preservation of such trees” and that mitigation measures required under SRC 808.035(e) shall be met. Please identify conformance with the approval criteria within a written statement and additional documentation as necessary.	with all your zoning can and cant do's we could never save these trees
Protection Measures during Construction – SRC 808.046 (a)	<p>Please note that the plans indicate that there is proposed grading and potential development within the critical root zone of the indicated trees to be preserved. SRC 808.046 (a) requires that a silt fence shall encompass 100 percent of the critical root zone and that within this protection area no grading, placement of fill, storage of building materials, or parking of vehicles shall occur. Up to a maximum of 30 percent of the critical root zone may be disturbed to accommodate development; however, a report from an arborist must be provided. The arborist report must demonstrate that the 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.</p> <p>If the trees are designated for preservation and there is development within 30 percent of the critical root zone, this section will apply. In that event, the Planning Division is anticipated to condition that an arborist report be provided prior to building permit approval. The arborist report will need to account for the cumulative disturbance across the resulting parcels' boundaries if the critical root zone extends into multiple parcels.</p>	
Development Services		
Street Tree Removal To be completed at time of construction plan review.	The application is proposing the removal of two (2) City-owned trees. The applicant is advised that a street tree removal application is required for the trees proposed for removal, along with a Reasonable Alternatives Analysis in accordance with Salem Administrative Rule 109-500 Section 2.4. The applicant may contact Zach Diehl in Public Works Development Services with any questions regarding the street tree removal process at 503-588-6211 ext.7435, or via email at ZDiehl@cityofsalem.net .	

	If the Street Tree Removal Permit is not approved, modifications to the plans may be required.	
Boundary Street Improvements Not addressed.	<p>The existing street condition along the frontage of Pheasant Avenue SE is under improved. The applicant should be aware that a Condition of development will be the construction of half-street improvements along the entire frontage of Pheasant Avenue SE. The half-street improvements could include pavement, curb, sidewalk, and storm facility improvements constructed to local street standards.</p> <p>Note: Staff recommends a meeting with the applicant's Engineer to discuss options for street improvements. There may be topographic challenges with constructing a typical half street improvement along this frontage and impacting adjacent property. Staff is willing to explore Alternative Street Standards with the applicant (SRC 803.065). The applicant should propose Alternative Street Standards to discuss with staff. Otherwise, staff may recommend a half street improvement with an option to pay a fee-in-lieu of construction for the full half street improvement if SRC 200.405 is met.</p>	<p>will request fee in lue</p>