

Case No. / AMANDA No.	PRE-AP23-98 / 23-123766-PA
Conference Date	January 11, 2024
Applicant	Andre Makarenko for Comfort Homes LLC comforthomespnw@gmail.com
Representative	Brandie Dalton bdalton@mtengineering.net
Case Manager	Jamie Donaldson, Planner III

Mandatory Pre-Application Conference: ☐ Yes ☒ No

Project Description & Property Information	
Project Description	Partition
Property Address	2592 Kuebler Road S
Assessor's Map and Tax Lot Number	Marion County: 083W17B000100
Existing Use	Single Family
Legal Units of Land	The properties appear to have been platted in the County prior to Annexation under Partition Plat 2002-007. Deeds were not available for verification. At the time of land use application, historic deeds and Chain of Title may be required to confirm lot legality.
Neighborhood Association	Sunnyslope Neighborhood Association
Zoning	RA (Residential Agriculture)
Comprehensive Plan Map Designation	SFR - Single Family Residential
Urban Service Area	The subject property is located outside of the City's Urban Service Area.
Urban Renewal Area	None
Past Land Use Actions	ANXC-637

Planning Division Comments

Proposal

A pre-application conference to discuss the partition of a unit of land into three parcels, for property approximately 34 acres in size, zoned RA (Residential Agriculture), and located at 2592 Kuebler Road S (Marion County Assessors Map and Tax Lot Number: 083W17B0 / 100).

Prior Land Use Actions for Property

ANXC-637: An owner-initiated annexation of territory approximately 34.69 acres in size (34.13 petitioned, 0.56 ROW), the rezoning from Marion County UT-10 (Urban Transition 10 acres) to City of Salem RA (Residential Agriculture) and withdrawal from Salem Suburban Rural Fire Protection District for property located south of Kuebler Road S and west of Croisan Creek Road S Area (map tax lot 083W17B/100).

Other Department/Agency Comments

Note: Any comments below only reflect notes provided to the Planner in our permitting system. Please reach out to the contacts listed below for specific department questions.

PGE: For questions, please contact Ken Spencer at Kenneth.Spencer@pgn.com.

Fire: For further questions, please contact Sean Mansfield directly at (503) 589-2130 or by email at SMansfield@cityofsalem.net.

Building and Safety: For further questions, please contact Noelle Hall at (503) 540-2406 or by email at NHall@cityofsalem.net.

Public Works: For further questions, please contact Laurel Christian at (503) 588-6211 ext. 7445 or by email at LChristian@cityofsalem.net.

Required Land Use Applications

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

Required Land Use Applications				
Zoning		Site Plan Review		
☐	Conditional Use (SRC 240.005)	☐	Class 1 Site Plan Review (SRC 220.005)	
☐	Comprehensive Plan Change (SRC 64.020)	☐	Class 2 Site Plan Review (SRC 220.005)	
☐	Zone Change (SRC 265.000)	☐	Class 3 Site Plan Review (SRC 220.005)	
☐	Temporary use Permit – Class 1 (SRC 701.010)	Design Review		
☐	Temporary Use Permit – Class 2 (SRC 701.010)	☐	Class 1 Design Review (SRC 225.005)	
☐	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)	☐	Class 2 Design Review (SRC 225.005)	
☐	Manufactured Dwelling Park Permit (SRC 235.010)	☐	Class 3 Design Review (SRC 225.005)	
Land Divisions		Historic Design Review (SRC 230.020)		
☐	Property Line Adjustment (SRC 205.055)	☐	Major Commercial	☐ Minor Commercial
☐	Replat (SRC 205.025)	☐	Major Public	☐ Minor Public
☒	Partition (SRC 205.005)	☐	Major Residential	☐ Minor Residential
☐	Subdivision (SRC 205.010)	Wireless Communication Facilities		
☐	Phased Subdivision (SRC 205.015)	☐	Class 1 Permit (SRC 703.020)	
☐	Planned Unit Development Tentative Plan (SRC 210.025)	☐	Class 2 Permit (SRC 703.020)	
☐	Manufactured Dwelling Park Subdivision (SRC 205.020)	☐	Class 3 Permit (SRC 703.020)	
☐	Middle Housing Land Division (SRC 205.051)	☐	Temporary (SRC 703.100)	
☐	Validation of Unit of Land (SRC 205.060)	☐	Adjustment (SRC 703.090)	
Relief		Other		

☒	Adjustment – Class 1 (SRC 250.005)	☐	Annexation – Without Comprehensive Plan Change and/or Zone Change (SRC 260.010)
☒	Adjustment – Class 2 (SRC 250.005)	☐	Annexation – With Comprehensive Plan Change and/or Zone Change (SRC 260.010)
☐	Variance (SRC 245.005)	☐	Sign Adjustment (SRC 900.035)
Natural Resources		☐	Sign Conditional Use (SRC 900.045)
☒	Tree Conservation Plan (SRC 808.035)	☐	Sign Variance (SRC 900.040)
☐	Tree Conservation Plan Adjustment (SRC 808.040)	☐	SWMU Zone Development Phasing Plan (SRC 531.015)
☐	Tree Removal Permit (SRC 808.030)	☐	Urban Growth Preliminary Declaration (SRC 200.020)
☐	Tree Variance (SRC 808.045)	☒	Historic Clearance Review- High Probability Archaeological Zone (SRC 230.020)
☐	Willamette Greenway Permit – Class 1 (SRC 600.015)	☒	Class 2 Driveway Approach Permit (SRC 804.025)
☐	Willamette Greenway Permit – Class 2 (SRC 600.015)	☐	

Staff Comments

Some of the applications checked in this list are to anticipate various development scenarios which may or may not occur. Additional details are as follows:

Partition Tentative Plan - \$5,679*

As outlined in SRC 205.005, no land shall be divided into three or fewer parcels within a calendar year without first receiving tentative partition plan approval. Deeds and Chain of Title were not available to determine lot legality and would be required to confirm at the time of application review.

Tree Conservation Plan for Partition or Replat - \$716*

As outlined in 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 family uses, two family uses, three family uses, four family uses, or cottage clusters. A tree inventory for the property is required with a Partition application, and a tree conservation plan would likely be required under [SRC Chapter 808](#).

Class 2 Driveway Approach Permit - \$664*

The purpose of the driveway approach permit is to establish development standards for safe and efficient access to public streets. Any new driveway or modification proposed on Kuebler Road will require a Class 2 Driveway Approach Permit.

Adjustment(s) – starts at \$961* or \$1,920* (varies by Class and number of adjustments requested)

If a request to deviate from a required development standard is included, then a Class 1 or Class 2 Adjustment would be required. An adjustment to take access from a Minor Arterial Street would likely be required.

Urban Growth Preliminary Declaration - \$5,534*

The subject property is located outside of the Urban Service Area. Per SRC Chapter 200, a Partition application would not require a UGA permit, but depending on the type development, an Urban Growth Area Preliminary Declaration may be required to determine the required public facilities needed to serve development of property outside of the urban service area at the time of future development.

Archaeological Review: In addition to the land use applications identified above, the subject property appears to be within the Historic and Cultural Resources Protection Zone, and archeological review for the project may be required. In order to determine what archeological requirements, if any, may be applicable to development of the property it is strongly recommended you contact the City's Historic Preservation Officer, Kimberli Fitzgerald, at 503-540-2397 or KFitzgerald@cityofsalem.net for more information.

*Fees reflect the most recent fee schedule effective July 1, 2023, and are subject to a \$5.00 automation surcharge for processing.

Online Application Submittal Packets

The City has electronic application submittal guides for the applications identified above. The webpages include a summary of the review procedure, submittal requirements, and approval criteria. The submittal guides can be found on the City's [Land Use Applications](#) page. Specific webpages applicable to the proposal are as follows:

- **Partition:**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/partition-your-land-into-three-or-less-lots>
- **Trees:**
<https://www.cityofsalem.net/community/household/home-improvement/can-you-remove-trees-on-your-property>
- **Finalizing Your Land Survey (Plat):**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/finalize-your-land-survey-plat>
- **Zoning Adjustment (if applicable):**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/seek-an-adjustment-to-land-use-standards>

Land Use Application Fees

The applicable land use application fees for these applications can be found in the City's [Fee Schedule](#). Land use application fees and descriptions start on **page 21** of the document.

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review may be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority and processed simultaneously.

Zoning

The zoning of the subject property has been identified in the table below. For specific requirements of the applicable zone(s), click on the zone(s) in the table.

Base Zones			
☐	EFU – Exclusive Farm Use (SRC 500.000)	☐	MU-II – Mixed Use II (SRC 534.000)
☒	RA – Residential Agriculture (SRC 510.000)	☐	MU-III – Mixed Use III (SRC 535.000)
☐	RS – Single Family Residential (SRC 511.000)	☐	MU-R – Mixed Use Riverfront (RSC 536.000)

☐	RD – Duplex Residential (SRC 512.000)	☐	ESMU – Edgewater/Second Street Mixed-Use Corridor (SRC 537.000)
☐	RM-I – Multiple Family Residential (SRC 513.000)	☐	PA – Public Amusement (SRC 540.000)
☐	RM-II – Multiple Family Residential (SRC 514.000)	☐	PC – Public and Private Cemeteries (SRC 541.000)
☐	RM-III – Multiple Family Residential (SRC 515.000)	☐	PE – Public and Private Education (SRC 542.000)
☐	CO – Commercial Office (SRC 521.000)	☐	PH – Public and Private Health Services (SRC 543.000)
☐	CR – Retail Commercial (SRC 522.000)	☐	PS – Public Service (SRC 544.000)
☐	CG – General Commercial (SRC 523.000)	☐	PM – Capitol Mall (SRC 545.000)
☐	CB – Central Business District (SRC 524.000)	☐	EC – Employment Center (SRC 550.000)
☐	WSCB – West Salem Central Business District (SRC 525.000)	☐	IC – Industrial Commercial (SRC 551.000)
☐	FMU – Fairview Mixed-Use (SRC 530.000)	☐	IBC – Industrial Business Campus (SRC 552.000)
☐	SWMU – South Waterfront Mixed-Use (SRC 531.000)	☐	IP – Industrial Park (SRC 553.000)
☐	MU-I – Mixed Use I (SRC 533.000)	☐	IG – General Industrial (SRC 554.000)
Overlay Zones			
☐	Willamette Greenway (SRC 600.000)	☐	Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)
☐	Floodplain (SRC 601.000)	☐	Superior-Rural (SRC 621.000)
☐	Airport (SRC 602.000)	☐	Saginaw Street (SRC 625.000)
☐	Portland Fairgrounds Road (SRC 603.000)	☐	McNary Field (SRC 629.000)
Staff Comments			
RA – Single Family Residential (SRC 510) The underlying zone; Single family and two family are permitted uses in the RA zone. Three family, four family, and cottage cluster and subject to special regulations per SRC 700 .			

Development Standards

The proposed development will be primarily subject to the provisions of the chapters identified in the table below. For specific requirements, click on chapters in the table.

Development Standards			
☐	Special Use Provisions (SRC 700.000)	☐	Off-Street Parking, Loading and Driveways (SRC 806.000)
☒	General Development Standards (SRC 800.000)	☐	Landscaping and Screening (SRC 807.000)
☒	Public Improvements (SRC 802.000)	☒	Preservation of Trees and Vegetation (SRC 808.000)
☒	Streets and Right-Of-Way Improvements (SRC 803.000)	☐	Wetlands (SRC 809.000)
☒	Driveway Approaches (SRC 804.000)	☒	Landslide Hazards (SRC 810.000)
☐	Vision Clearance (SRC 805.000)	☐	

Staff Comments

Development Standards ([SRC 511.010](#))

- Table 511-2, Lot Standards: Lots are required to meet the minimum lot area and dimensions for the proposed use exclusive of the flag lot accessway, if applicable.
 - Pursuant to [SRC 205.005](#)(d)(8), proposed parcels shall be at least five acres in size and have no dimension that is less than 100 feet when the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer.
 - In addition, pursuant to [SRC 205.030](#)(h), for residentially zoned property, where the partition will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.
- Setbacks, Lot coverage, Height, etc., will be reviewed at the time of dwelling/building permit application.

General Development Standards ([SRC 800](#))

Special Setbacks ([SRC 800.040](#)): The proposed development may be subject to a special setback equal to 36 feet from centerline of Kubler Road S, depending on the width available for required street improvements. The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.

Streets and Right-of-Way Improvements ([SRC 803](#))

- Street standards ([SRC 803.035](#)): Local streets shall be oriented or connected to existing or planned streets for connection with the existing street system.
 - A future extension of Croisan Creek Rd S is identified through the property, and should be considered with division of the property and the required shadow plat.

Driveway Approaches ([SRC 804.000](#))

Any new driveway, or changes to the driveway along Kuebler Road S is subject to the standards in SRC 804.025. Additionally, driveway access onto a Minor Arterial is subject to the standards in SRC 804.035. A Class 2 Adjustment to allow access from a Minor Arterial would be required, pursuant to SRC 804.035(c)(4).

Natural Resources

Trees ([SRC Chapter 808](#)): The City's tree preservation ordinance ([SRC Chapter 808](#)) protects Heritage Trees; Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree, with the exception of tree of heaven, empress tree, black cottonwood, and black locust, with a *dbh* of 30 inches or greater); trees and native vegetation in riparian corridors; and trees on lots or parcels 20,000 square feet or greater. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

Pursuant to [SRC 808.025](#), no person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC [808.030](#), undertaken pursuant to a tree conservation plan approved under SRC [808.035](#), or undertaken pursuant to a tree variance granted under SRC [808.045](#).

Due to the presence of Croisan Creek through the property, [SRC 808.020](#) establishes a **50-foot-wide riparian corridor** from the top of bank of each side of the creek. Within the designated riparian corridor all trees and native are protected pursuant to SRC 808.020 and cannot be removed without the approval of a tree and vegetation removal permit issued under [SRC 808.030](#) or a tree variance granted under [SRC 808.045](#).

Tree Protection Measures: [SRC 808.046](#) requires the protection of the critical root zone of all trees required to be preserved or protected under the UDC. Protection measures include the installation of an above ground silt fence, or its equivalent, around 100 percent of the critical root zone of the tree. The critical root zone measures

one-foot in radius for each one-inch of dbh of the tree. In the case of non-significant trees, the critical root zone may alternatively be determined by a certified arborist through submittal of an arborist report.

Within the critical root zone, 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. Up to 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of a property but only in conjunction with the submittal of a report from a certified arborist 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.

Neighborhood Association Contact and Open House

Applicants are required to contact the applicable neighborhood association for certain types of land use applications prior to application submittal. For a limited number of application types, an open house or presentation at a neighborhood association meeting is required. This allows the neighborhood association to be involved early in the process and helps to identify any potential issues that might arise.

The table below indicates if the proposed development must meet either the neighborhood association contact requirement or open house/neighborhood association meeting requirement prior to application submittal.

Pre-Submittal Requirement	
☒ Neighborhood Association Contact (SRC 300.310)	☐ Open House (SRC 300.320)
Staff Comments	
A Partition application requires that the applicant contact the applicable neighborhood association(s) prior to application submittal. Refer to SRC 300.310 for requirements for contacting the neighborhood association(s).	

Neighborhood Association Contact

When a land use application requires neighborhood association contact, the applicant must contact the City-recognized neighborhood association(s) whose boundaries include, and are adjacent to, the subject property via e-mail or letter.

The e-mail or letter must be sent to **both** the Neighborhood Association Chair(s) and Land Use Chair(s) of the applicable neighborhood association and contain the following information:

- 1) The name, telephone number, and e-mail address of the applicant;
- 2) The address of the subject property;
- 3) A summary of the proposal;
- 4) A conceptual site plan, if applicable, that includes the proposed development; and
- 5) The date on which the e-mail or letter is being sent.

Note: Land use applications requiring neighborhood association contact will not be accepted unless they are accompanied by a copy of the e-mail or letter that was sent to the neighborhood association and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Open House

When a land use application requires an open house, the applicant must arrange and attend one open house to share the development proposal with the neighborhood and surrounding property owners and residents prior to application submittal.

The open house must be within the boundaries of the City-recognized neighborhood association in which the subject property is located or within two miles of the subject property. The applicant must provide written notice of the open house to the applicable neighborhood association(s) and the Planning Administrator and must post notice of the open house on the subject property. **Note: Applicants can choose to present their proposals at a neighborhood association meeting in-lieu of arranging and attending an open house.**

Neighborhood Association Information

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changed subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by visiting the [Neighborhood Association page](#) on the City's website or by contacting the City's Neighborhood Program Coordinator at 503-540-2303.

Applicable Neighborhood Association(s):	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
Sunnyslope Neighborhood Association	Check calendar for specific dates/location	Co-Chair: Alan Alexander awa8025@aol.com Co-Chair: Sally Cook sally.cook@gmail.com Land Use Chair: Henry Neugass henry.ssna@gmail.com

Salem Revised Code Available Online

The entire Salem Revised Code can be accessed online through the City's website at:

<https://www.cityofsalem.net/government/laws-rules/salem-revised-code>