

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION PLAN / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ24-12

APPLICATION NO.: 24-116270-PLN

NOTICE OF DECISION DATE: December 20, 2024

SUMMARY: A partition of a property into two lots.

REQUEST: A consolidated Tentative Partition Plan to divide a property into two parcels, with one Class 2 Adjustment to exceed the maximum lot depth from 120 feet to 445 146 feet. The subject property is 0.27-acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessors Map and Tax Lot Number 083W03AA/ 3100).

APPLICANT: Barker Surveying

LOCATION: 3200 Pheasant Ave SE, Salem OR 97302

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

FINDINGS: The findings are in the attached Decision dated December 20, 2024.

DECISION: The **Planning Administrator APPROVED** Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ24-12 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
- Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 1 and 2.
- Condition 3:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 1 and 2.
- Condition 4:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve Parcel 1 and 2.
- Condition 5:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a new public storm main in

Pheasant Avenue SE from the intersection of Pheasant Avenue SE and Ratcliff Drive SE to the subject property in order to serve the proposed development. The public storm main shall be designed and constructed in accordance with the Public Works Design Standards.

- Condition 6:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Pheasant Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 unless the criteria for a fee-in-lieu of improvement are met pursuant to SRC 200.405(a).
- Condition 8:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Pheasant Avenue SE on the final plat.
- Condition 9:** Prior to submittal of building permits for any lot within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The rights granted by the attached decision must be exercised, or an extension granted, by January 14, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>October 9, 2024</u>
Notice of Decision Mailing Date:	<u>December 20, 2024</u>
Decision Effective Date:	<u>January 14, 2025</u>
State Mandate Date:	<u>February 6, 2025</u>

Case Manager: Jacob Brown, jrbrown@cityofsalem.net, (503) 540-2347

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, no later than 5:00 p.m. Monday, January 6, 2025. 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)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE PARTITION)	
AND CLASS 2 ADJUSTMENT)	
CASE NO. PAR-ADJ24-12)	
3200 PHEASANT AVE NE)	DECEMBER 20, 2024

In the matter of the application for a Tentative Partition application submitted by Barker Surveying on behalf of the property owner, Jaryn Montgomery, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A partition of a property into two lots.

Request: A consolidated Tentative Partition Plan to divide a property into two parcels, with one Class 2 Adjustment to exceed the maximum lot depth from 120 feet to ~~145~~ 146 feet. The subject property is 0.27-acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessor's Map and Tax Lot Number 083W03AA/3100).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

PROCEDURAL FINDINGS

1. Background

On August 6, 2024, an application for a Tentative Partition Plan was filed proposing to divide a 0.27-acre property located at 3200 Pheasant Avenue SE into two parcels. The proposed partition plan is included as **Attachment B**.

After additional information was provided, including the addition of an application for a Class 2 Adjustment, the consolidated application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on October 22, 2024.

The 120-day State mandated deadline was extended at the request of the applicant by 30 days to February 26, 2025.

SUBSTANTIVE FINDINGS

2. Proposal

The tentative partition plan proposes to divide the 11,745-square-foot property into two parcels consisting of vacant land for the future development of single-family and middle housing uses. Access to resulting lots will be directly from Pheasant Avenue SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 5,898 square feet
Parcel Dimensions: Approximately 40.42 feet in width and 145.8 feet in depth

PROPOSED PARCEL 2

Parcel Size: 5,891 square feet
Parcel Dimensions: Approximately 40.42 feet in width and 145.8 feet in depth

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) 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 116270.

4. Existing Conditions

Site and Vicinity

The subject property has approximately 81 feet of frontage on Pheasant Avenue NE. The property is currently approximately 81 feet in width and 146 feet in depth. The site is currently vacant.

Salem Area Comprehensive Plan (SACP) Designation

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

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

Comprehensive Plan Map Designations of Surrounding Properties	
North	SF – Single Family Residential
East	SF – Single Family Residential
South	SF – Single Family Residential
West	SF – Single Family Residential

Zoning and Surrounding Land Use

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

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

Relationship to Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within 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. However, the proposal is a partition application, which does not meet the definition of “development” under SRC Chapter 200, and therefore, no UGA development permit is required for the proposed development.

Infrastructure

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Pheasant Avenue SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	20-feet

The existing conditions of public utilities available to serve the subject property are described in the following table:

Utilities	
Type	Existing Conditions
Water	Water Service Level:
	A 6-inch water main is located in Pheasant Avenue SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Pheasant Avenue SE.

Storm Drainage	A 10-inch storm main is located at the intersection of Pheasant Avenue SE and Ratcliff Drive SE.
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5. City Department Comments

Development Services Division – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated no concerns.

Fire Department – Reviewed the proposal and indicated Fire Department access and water supply will be required for development.

6. Public Agency and Private Service Provider Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo which is included as **Attachment C**.

7. Neighborhood Association Comments and Public Comments

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On January 31, 2024, the applicant contacted the Morningside Neighborhood Association to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” At the time of completion of this report, no comments were received from Morningside Neighborhood Association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. As of the date of this decision, one comment was received indicating concerns over lot size and parking availability on the subject property.

Staff Response: The subject property is located within the RS (Single Family Residential) zone which requires a minimum lot size of 4,000 square feet for single-family residential uses and a minimum lot size of 5,000 square feet for two-family and three-family uses. As proposed, the tentative partition plan proposes to divide the existing 11,745-square-foot property into two 5,898 and 5,891-square-foot parcels consisting of vacant land for the future development of

single-family and middle housing uses. As such, the minimum parcels size meet size for lots within the RS zone and is in character with other lots within the surrounding neighborhood.

Regarding off-street parking, per Salem Revised Code (SRC) 806.015(a) Table 806-1, there are no minimum required off-street parking for any uses within the City of Salem; however, the applicant has indicated that off-street parking will be provided.

DECISION CRITERIA

8. Analysis of Tentative Partition Plan Approval Criteria

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 partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

The tentative partition plan proposes to divide the 11,545-square-foot vacant property into two parcels. The subject property is currently zoned RS (Single Family Residential). The minimum lot area and dimension requirements of the RS zone are established under SRC 511.010(b) as follows:

SRC Chapter 511 – RS (Single Family Residential) Zone

▪ **Lot Standards:**

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

RS Zone Residential Use Lot Standards		
Lot Area	Min. 4,000 sq. ft.	Applicable to single family and two family uses.
	Min. 5,000 sq. ft.	Applicable to three family
	Min. 6,000 sq. ft.	Applicable to all other non-residential uses
	Min. 7,000 sq. ft.	Applicable to four family and multiple family
Lot Width	Min. 40 ft.	Applicable to single family, two family, three family, four family, and multiple family
	Min. 60 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to all other uses
	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	
Street Frontage	Min. 40 ft.	Applicable to single family, two family, three family, four family, and multiple family
	Min. 60 ft.	Applicable to all other uses

Finding: Proposed Parcel 1 is 5,898 square feet in size, and will have 40.42 feet of frontage on Pheasant Avenue SE. It would be approximately 40 feet in width and 146 feet in depth. As noted above, the maximum depth of a parcel is 300% of the average lot width which allows a parcel with a width of 40 feet a maximum depth of 120 feet. The applicant has sought a Class 2 Adjustment to increase the maximum lot depth from 126 to 145 feet which is addressed in Section 9 of this report. With the adjustment to maximum lot depth, Parcel 1 meets the area, width, and depth requirements.

Proposed Parcel 2 is 5,891 square feet in size, and will have 40.42 feet of frontage on Pheasant Avenue SE. It would be approximately 42 feet in width and 145 feet in depth. As noted above, the maximum depth of a parcel is 300% of the average lot width which allows a parcel with a width of 42 feet a maximum depth of 126. The applicant has sought a Class 2 Adjustment to increase the maximum lot depth from 126 to 145 feet which is addressed in Section 9 of this report. With the adjustment to maximum lot depth, Parcel 1 meets the area, width, and depth requirements.

▪ **Setbacks:**

Setbacks within the RS zone are established in 511.010(d), Table 511-3. A summary of the standards applicable to residential uses within the RS zone is provided in the following table:

Requirement	Minimum Standard	Limitations & Qualifications
Abutting Street – Single to Four Family	12 feet minimum	20 feet applicable along collector or arterial streets
Interior Front – Single to Four Family	12 feet minimum	
Interior Side – Single to Four Family	5 feet minimum	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	3 feet minimum	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
Interior Rear – Single to Four Family	14 feet minimum	Applicable to any portion of a building not more than 1 story in height.
	20 feet minimum	Applicable to any portion of a building greater than 1 story in height.

Finding: The existing site is currently vacant and therefore setbacks are not impacted by the proposed partition. The proposal meets the standard.

▪ **Lot Coverage:**

Maximum lot coverage requirements within the RS zone are established under SRC 511.010(e), Table 511-4. The maximum lot coverage for single to four family uses within the RS zone is 60 percent. The maximum rear yard coverage for accessory structures to single- and two-family uses is 25 percent.

Finding: The existing site is currently vacant and therefore lot coverage is not impacted by the proposed partition. The proposal meets the standard.

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 a flag lot, the front lot 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 of the plat, which shall be recorded on deeds conveying lots.

Finding: Based on the lot width and depth dimensions and as defined in SRC 800.020(a)(4), the front lot line of proposed Parcel 1 and 2 would be the west lot line abutting Pheasant Avenue NE.

(B) City Infrastructure Standards.

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

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.

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

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition.

Condition 1: Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.

SRC Chapter 802 – Public Improvements

▪ ***Development to be served by City utilities***

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 memo (**Attachment C**) and included in the following analyses of the partition approval criteria.

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Public water and sewer mains are available in Pheasant Avenue SE to serve the subject property. There are no public storm mains in Pheasant Avenue SE. The nearest public storm main is located at the intersection of Pheasant Avenue SE and Ratcliff Drive SE. The applicant submitted a preliminary stormwater management design utilizing the Simplified Method. The preliminary stormwater design shows GSI serving each individual lot and discharging into a new public storm main in Pheasant Drive SE, as no storm mains currently exist in the portion of the street fronting the property. Sizing for the new main is not provided. The applicant's engineer shall provide a design and sizing for the new public storm main in Pheasant Avenue SE and the applicant shall construct the public storm main to serve the development, as required by SRC Chapter 802.

In order to ensure the parcels are served by public utilities, the following conditions apply:

- Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 1 and 2.
- Condition 3:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 1 and 2.
- Condition 4:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve Parcel 1 and 2.
- Condition 5:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a new public storm main in Pheasant Avenue SE from the intersection of Pheasant Avenue SE and Ratcliff Drive SE to the subject property in order to serve the proposed development. The public storm main shall be designed and constructed in accordance with the Public Works Design Standards.

▪ **Easements**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's preliminary plans show that access and utility easements will be required to serve eventual development of the property.

Condition 6: Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC Chapter 803 – Street and Right-of-Way Improvements

▪ *Boundary Street Improvements*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: Pheasant Avenue SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Pheasant Avenue SE meets the current right-of-way width requirement for a local street but does not meet the minimum improvement width standards for a local street. The ultimate improvement width for a local street is 30 feet according to SRC 803.025 Table 803-2 (Pavement Width) and the existing pavement width is approximately 20-feet. As a condition of approval per SRC 803.040(a)(2), the applicant shall construct a half-street improvement to local street standards. Due to the limited street frontage and topography of the right-of-way abutting the property, this improvement may be eligible for fee-in-lieu of construction pursuant to SRC 200.405, if the criteria listed in this section are found to be met.

Condition 7: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Pheasant Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 unless the criteria for a fee-in-lieu of improvement are met pursuant to SRC 200.405(a).

▪ *Public Utility Easements*

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Pheasant Avenue SE.

Condition 8: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Pheasant Avenue SE on the final plat.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator 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 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. 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 diameter at breast height (dbh), and possesses an upright arrangement of branches and leaves."

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 of 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 in excess of 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.

Pursuant to SRC 800.050, within development proposals for the creation of lots or parcels to be used for single-to-four-family uses or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1. If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.

Finding: There are existing trees located on the subject property. Pursuant to SRC 808.035, a tree conservation plan was submitted by the applicant. The Tree Conservation Plan identifies a total of two trees on the property and one significant 38-inch cedar that crosses a shared property line to the east. Of the total three trees, the proposed Tree Conservation Plan identifies one tree (33 percent) for preservation and two trees (66 percent) for removal. The one significant tree on the property is proposed for preservation.

The proposed Tree Conservation Plan exceeds the minimum preservation requirements of SRC Chapter 808. The Tree Conservation Plan is being reviewed by staff and, if approved, will be binding on the parcels until final occupancy. Any proposed future changes to the approved Tree Conservation Plan will require approval of a separate Tree Conservation Plan adjustment.

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.

Finding: 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

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.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Report, prepared by Redmond Geotechnical Services and dated April 9, 2024, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by utilizing construction methods established in the report.

Condition 9: Prior to submittal of building permits for any lot within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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

Finding: The proposed partition would divide the 11,745-square-foot property into two parcels, with proposed parcels to be developed in the future. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC. The adjacent properties are developed and have existing access to public or private streets.

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

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

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition subject to the conditions of approval established in this decision. This approval criterion is met.

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

Finding: As described in the findings above, the subject property is located adjacent to Pheasant Avenue SE, which is classified as a local street under the City's Transportation System Plan (TSP). The conditions of approval established with the partition decision will require improvements to this street to ensure conformance with the TSP. This criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Access to the proposed partition will be provided by the network of existing public streets that surround the property. As conditioned, the 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 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described and conditioned in findings above, the lot configuration established by the proposed partition meets applicable development standards and the configuration of the proposed parcels 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 the parcels without any anticipated variances from the UDC. This criterion is met.

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

Finding: As addressed in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow residential development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

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

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

9. 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, 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 has requested a Class 2 Adjustment to exceed the maximum lot depth of 120 feet to 146 feet.

The underlying purpose of the maximum lot depth standard is to ensure efficient use of land and convenient access to lots. If the depth of a lot far exceeds its width, the resulting land area located at the rear of the lot has the potential to be of such size that it can be further divided to accommodate additional lots but based on the narrow width of the lot and the location of any existing structures on it, the rear portion of the lot may be difficult to access. As such, in order for the deep rear portions of lots to be further divided or developed, existing structures may need to be demolished, neighboring lots may need to be combined together in order to provide sufficient access width to reach the rear of the lots, or access to the rear of the lots must be provided through private flat lot accessways rather than public streets.

In the case of the proposed partition, the increased 26-foot depth beyond the maximum 120 feet will not negatively impact the effective use of land as the proposed dimensions for the resulting lots will also allow a range of single family and middle housing development options. The minimum lot size for a two family and three family use is 4,000 and 5,000 square feet respectively and the applicant is proposing to exceed those lot sizes for the resulting parcels.

Furthermore, the existing lot is 80-feet lot in width which will not allow a division of the land without exceeding the maximum lot depth or creating a non-conforming lot width or frontage. Within the RS (Single-Family Residential) zone, the minimum lot width and street frontage standard for any use excluding single-family residential is 40 feet. The minimum lot width is required to be met to provide adequate developable footprint and street frontage for access. As noted, the applicant is proposing to divide the lot into two equal 40-foot-wide parcels. Lastly, street connectivity within the area is met and future division of the subject of the resulting lots will not be feasible due to the minimum lot size and dimensions required in the RS zone.

The allowed uses of the zone will allow adequate usage of land while the adjustment does not impact future access and division of land.

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; therefore, this criterion is applicable. As indicated above, the existing lot depth of 146 feet shall not be modified through the proposed partition. The applicant is proposing to partition the existing 11,745-square-foot lot into two approximately 5,898 square-foot lot. The proposed partition will result in two 40-foot-wide lots which results in a maximum lot depth of 120 feet. The lot depth is an existing condition of the configuration of the site and will not detract from the livability or appearance of the residential area.

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

Finding: Only one Class 2 Adjustment has been requested; therefore, this criterion is not applicable.

10. Conclusion

Based upon review of SRC 205 and SRC 250 and the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Tentative Partition Plan, Case No. PAR-ADJ24-12, is hereby **APPROVED** subject to SRC Chapter 205 and 250, and the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.

- Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 1 and 2.
- Condition 3:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 1 and 2.
- Condition 4:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve Parcel 1 and 2.
- Condition 5:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a new public storm main in Pheasant Avenue SE from the intersection of Pheasant Avenue SE and Ratcliff Drive SE to the subject property in order to serve the proposed development. The public storm main shall be designed and constructed in accordance with the Public Works Design Standards.
- Condition 6:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Pheasant Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 unless the criteria for a fee-in-lieu of improvement are met pursuant to SRC 200.405(a).
- Condition 8:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Pheasant Avenue SE on the final plat.
- Condition 9:** Prior to submittal of building permits for any lot within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.



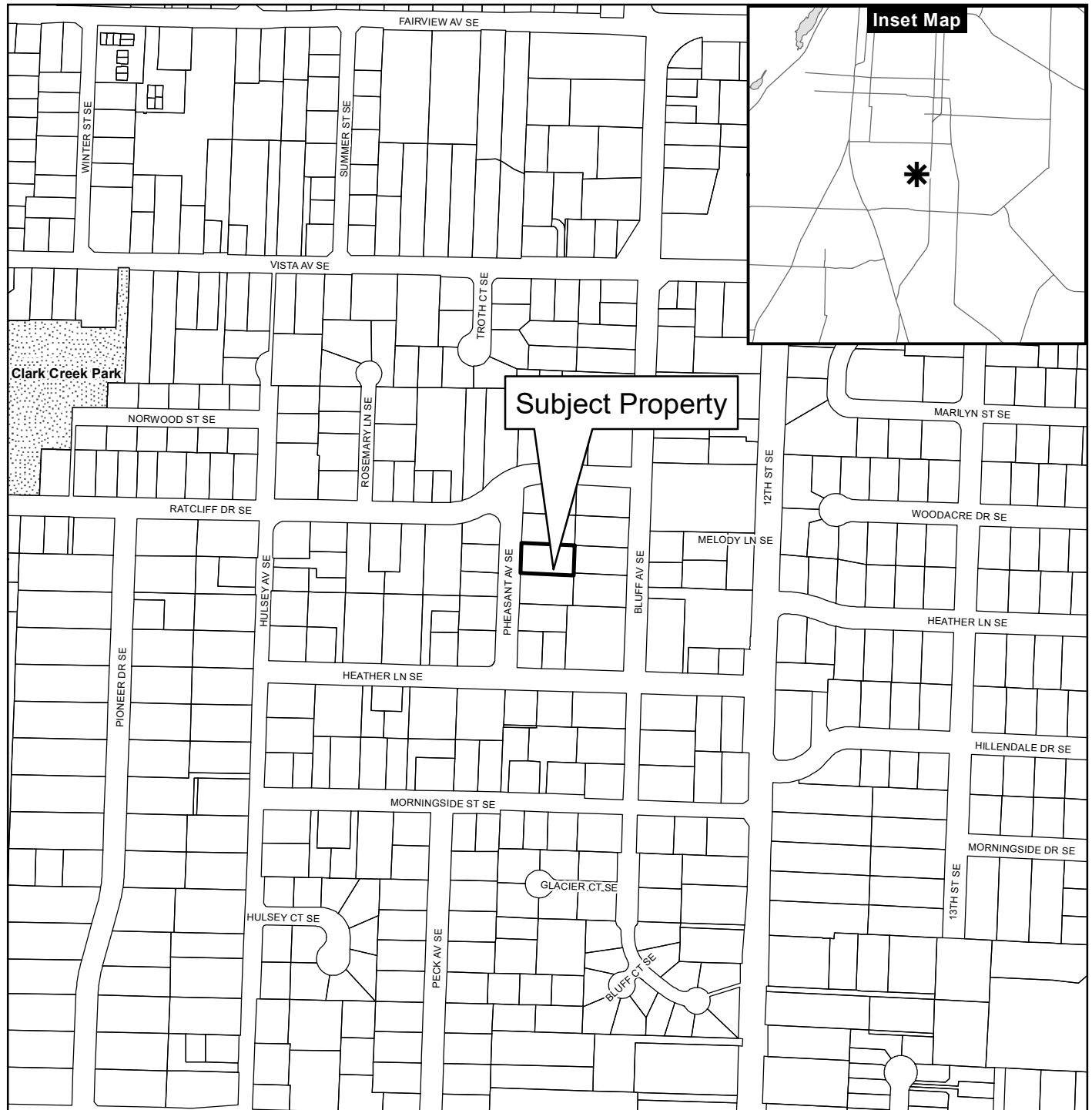
Jacob Brown, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Applicant's Tentative Partition Plan
- C. Salem Keizer School District Memo
- D. City of Salem Development Services Memo

Vicinity Map

3200 Pheasant Avenue SE



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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PARTITION TENTATIVE PLAN

LOCATED IN THE NE 1/4 SEC 3, T8S, R3W, WM,
IN THE CITY OF SALEM, MARION COUNTY, OREGON



SCALE: 1"=20'
DATE:09/11/2024

OWNER:
JARYN MONTGOMERY
PO BOX 12309
SALEM, OR 97309

LOCATION:
3200 PHEASANT AVE SE
SALEM, OR 97302

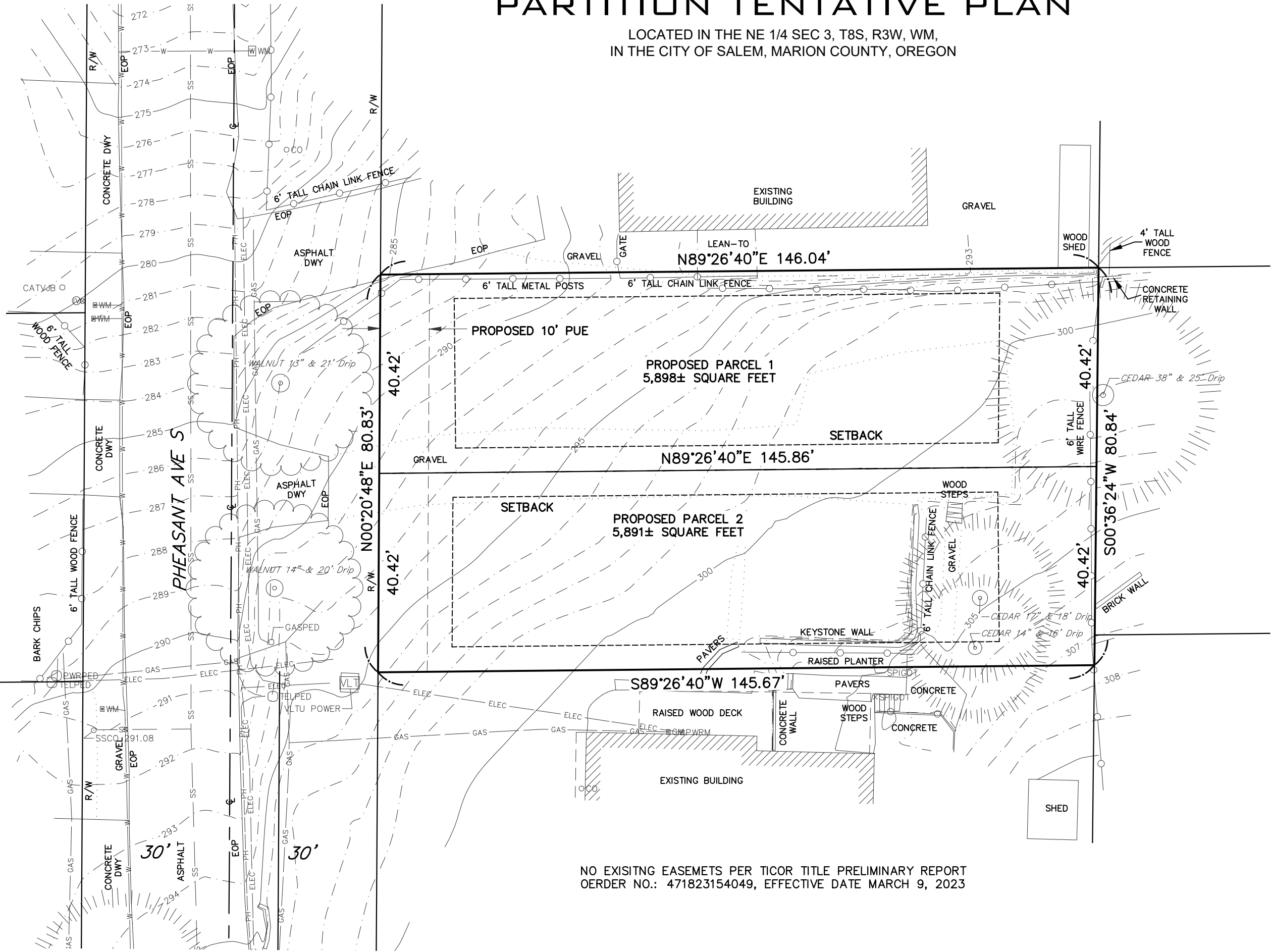
TAX LOT
083W03AA03100

TOTAL AREA:
11,789± SQUARE FEET

SURVEYOR:
BRAD R. HARRIS
BARKER SURVEYING
3657 KASHMIR WAY SE,
SALEM, OR 97317
BRAD@BARKERWILSON.COM
503-588-8800



3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469



NO EXISTING EASEMENTS PER TICOR TITLE PRELIMINARY REPORT
ORDER NO.: 471823154049, EFFECTIVE DATE MARCH 9, 2023

REQUEST FOR COMMENTS***Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*****REGARDING:** Partition Tentative Plan / Class 2 Adjustment Case No. PAR-ADJ24-12**PROJECT ADDRESS:** 3200 Pheasant Ave SE, Salem OR 97302**AMANDA Application No.:** 24-116270-PLN**COMMENT PERIOD ENDS:** Tuesday, November 5, 2024, at 5:00 p.m.**SUMMARY:** A partition of a property into two lots.**REQUEST:** A consolidated Tentative Partition Plan to divide a property into two parcels, with one Class 2 Adjustment to exceed the maximum lot depth from 120 feet to 145 feet. The subject property is 0.27-acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessor's Map and Tax Lot Number 083W03AA/ 3100).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., Tuesday, November 5, 2024 will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below, or submit comments online at <https://egov.cityofsalem.net/PlanningComments>*

CASE MANAGER: Jacob Brown, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2347; E-Mail: jrbrown@cityofsalem.net.For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See attached

Name/Agency: David Fridenmaker, Salem-Keizer Public SchoolsAddress: 2450 Lancaster Dr NE, PO Box 12024, Salem OR 97309Phone: 503-315-0232Email: fridenmaker_david@salkeiz.k12.or.usDate: 10/29/24**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**



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

Andrea Castañeda, Superintendent

October 29, 2024

Jacob Brown, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. PAR-ADJ24-12, 3200 Pheasant Av SE

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:

School Name	School Type	Grades Served
Morningside	Elementary	K thru 5
Leslie	Middle	6 thru 8
South 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
Morningside	Elementary	309	432	72%
Leslie	Middle	716	944	76%
South Salem	High	2,145	2,248	95%

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	2	SF	0.168	0
Middle			0.098	0
High			0.144	0

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
Morningside	Elem.	309	1	0	1	432	72%
Leslie	Mid.	716	17	0	17	944	78%
South Salem	High	2,145	182	0	182	2,248	104%

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
Morningside	Elementary	Walk Zone
Leslie	Middle	Walk Zone
South 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	0	\$87,035	\$0
Middle	0	\$106,854	\$0
High	0	\$126,672	\$0
TOTAL			\$0

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q2 2024”

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



MEMO

TO: Jacob Brown, Planner II
Community Planning and Development Department

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

DATE: December 2, 2024

Infrastructure Memo
Partition Plat No. PAR-ADJ24-12 (24-116270-PLN)
3200 Pheasant Avenue SE
2-Parcel Partition

PROPOSAL

A consolidated Tentative Partition Plan to divide a property into two parcels, with one Class 2 Adjustment to exceed the maximum lot depth from 120 feet to 145 feet. The subject property is 0.27-acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessors Map and Tax Lot Number 083W03AA/ 3100).

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.
2. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 1 and 2.
3. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 1 and 2.
4. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve Parcel 1 and 2.

5. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a new public storm main in Pheasant Avenue SE from the intersection of Pheasant Avenue SE and Ratcliff Drive SE to the subject property in order to serve the proposed development. The public storm main shall be designed and constructed in accordance with the Public Works Design Standards.
6. Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
7. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Pheasant Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 unless the criteria for a fee-in-lieu of improvement are met pursuant to SRC 200.405(a).
8. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Pheasant Avenue SE on the final plat.
9. Prior to submittal of building permits for any lot within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Pheasant Avenue SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	20-feet

The existing conditions of public utilities available to serve the subject property are described in the following table:

Utilities	
Type	Existing Conditions
Water	Water Service Level:
	A 6-inch water main is located in Pheasant Avenue SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Pheasant Avenue SE.

Storm Drainage	A 10-inch storm main is located at the intersection of Pheasant Avenue SE and Ratcliff Drive SE.
-----------------------	--

DECISION CRITERIA

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 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 partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

(B) City infrastructure standards

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure

improvements are as follows:

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.

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

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition.

Condition: Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2.

SRC 802 – Public Improvements

▪ Development to be served by City utilities:

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).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Public water and sewer mains are available in Pheasant Avenue SE to serve the

subject property. There are no public storm mains in Pheasant Avenue SE. The nearest public storm main is located at the intersection of Pheasant Avenue SE and Ratcliff Drive SE. The applicant submitted a preliminary stormwater management design utilizing the Simplified Method. The preliminary stormwater design shows GSI serving each individual lot and discharging into a new public storm main in Pheasant Drive SE, as no storm mains currently exist in the portion of the street fronting the property. Sizing for the new main is not provided. The applicant's engineer shall provide a design and sizing for the new public storm main in Pheasant Avenue SE and the applicant shall construct the public storm main to serve the development, as required by SRC Chapter 802.

In order to ensure the parcels are served by public utilities, the following conditions apply:

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 1 and 2.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 1 and 2.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve Parcel 1 and 2.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a new public storm main in Pheasant Avenue SE from the intersection of Pheasant Avenue SE and Ratcliff Drive SE to the subject property in order to serve the proposed development. The public storm main shall be designed and constructed in accordance with the Public Works Design Standards.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's preliminary plans show that access and utility easements will be required to serve eventual development of the property.

Condition: Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC 803 – Street and Right-of-way Improvements

▪ ***Boundary Street Improvements***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: Pheasant Avenue SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Pheasant Avenue SE meets the current right-of-way width requirement for a local street but does not meet the minimum improvement width standards for a local street. The ultimate improvement width for a local street is 30 feet according to SRC 803.025 Table 803-2 (Pavement Width) and the existing pavement width is approximately 20-feet. As a condition of approval per SRC 803.040(a)(2), the applicant shall construct a half-street improvement to local street standards. Due to the limited street frontage and topography of the right-of-way abutting the property, this improvement may be eligible for fee-in-lieu of construction pursuant to SRC 200.405, if the criteria listed in this section are found to be met.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Pheasant Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 unless the criteria for a fee-in-lieu of improvement are met pursuant to SRC 200.405(a).

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Pheasant Avenue SE.

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Pheasant Avenue SE on the final plat.

(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability

to the floodplain to convey the flow water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator 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 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The proposal includes a 2-parcel partition and does not include the addition of structures on the site. The proposal does not cause a vision clearance obstruction per SRC Chapter 805. Vision clearance will be verified at time of development on each property.

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.

Finding: 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

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.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Report, prepared by Redmond Geotechnical Services and dated April 9, 2024, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by utilizing construction methods established in the report.

Condition: Prior to submittal of building permits for any lot within the proposed

partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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

Findings— The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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

Finding – As described in the findings above, the subject property is located adjacent to Pheasant Avenue SE, which is classified as a local street under the City's Transportation System Plan (TSP). The conditions of approval established with the partition decision will require improvements to this street to ensure conformance with the TSP. This criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Access to the proposed partition will be provided by the network of existing public streets that surround the property. As conditioned, the 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.

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cc: File