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Community Planning and Development Department

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Infrastructure Memo
Middle Housing Land Division No. MHLD25-01 (25-103089-PLN)
2260 Simpson Street SE
2-Parcel MHL D

PROPOSAL

An application for a Middle Housing Land Division Tentative Plan to divide a 0.12-acre property into two parcels approximately 2,681 and 2,618 square feet in size for two existing dwelling units. The subject property is zoned RM-II (Multiple Family Residential) and located at 2260 Simpson Street SE (Marion County Assessors Map and Tax Lot Number 073W26DC/ 8900).

CONDITIONS OF APPROVAL

According to SRC 205.051(e) Notwithstanding SRC [300.820](#), conditions may not be placed on the approval of a middle housing land division except to:

- (1) Prohibit further division of the resulting lots;***
- (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;***
- (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of SRC [803.025\(a\)](#);***
- (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of SRC [803.025\(b\)](#); and***
- (5) Require a notation on the final plat indicating that the approval of the land division was given under ORS 92.031.***

Therefore, the following conditions of approval apply to the proposed Middle Housing Land Division:

1. On the final plat, convey approximately 10-feet of land for dedication along Simpson Street SE, as shown on the applicant's tentative plan.

DECISION CRITERIA

SRC 205.051(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 205.051(d)(1): The middle housing land division is for an existing or proposed middle housing development.

Finding: Not applicable to Development Services Review.

SRC 205.051(d)(2): The existing or proposed middle housing development complies with the Oregon residential specialty code and all applicable standards of the UDC, including, but not limited to, the following, as those standards apply to the existing lot prior to division:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;***
- (B) City infrastructure standards; and***
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

Lot Standards - City Platting Standards

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).

City Utility Infrastructure Standards

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: G-0
	An 8-inch water main is located in Simpson Street SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Simpson Street SE.
Storm Drainage	A 12-inch storm main is located in Simpson Street SE.

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

Land Divisions are subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The middle housing land division divides an existing lot into two parcels. On the existing lot is a duplex which will be divided into two single-family units, one on each parcel. As the lot is already developed, stormwater standards do not apply to this middle housing land division. If at such time additional impervious area is added to the subject properties, the standards of SRC Chapter 71 relating to stormwater management would apply.

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 shown on the applicant's preliminary utility plan, the existing dwelling units are provided individual utility services, as required by SRC 205.051(d)(6). Additional utility improvements are not required for the proposed middle housing land division.

City Street and Right-of-way Standards

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Simpson Street SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	20-feet	24-feet

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 Middle Housing Land Division Applications.

Finding: Simpson Street SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Simpson Street SE does not meet the current right-of-way width and improvement width standards for a local. The ultimate right-of-way width for a local street is 60-feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a local is 30-feet according to SRC 803.025 Table 803-2 (Pavement Width).

Along the property frontage, Simpson Street SE has a 20-foot-wide right-of-way and 24-foot-wide improvement width. As shown on the applicant's plans, a 30-foot-wide right-of-way along Simpson Street SE is proposed, which is consistent with other adjacent sections of Simpson Street SE. The existing street provides adequate 2-way travel lanes and sidewalks on the development side of the street. Existing development in the area makes compliance with the standards impractical. Pursuant to SRC 803.065(a)(1) an Alternative Street Standard is approved to allow Simpson Street SE to have a reduced right-of-way width and reduced pavement improvement width. Approval of the Alternative Street Standard allows the street to remain in its current configuration, within a wider dedicated right-of-way.

As a condition of approval per SRC 803.040(a)(2) and SRC 205.051(e)(3), the applicant shall dedicate right-of-way along Simpson Street SE, as shown on the applicant's tentative plan to establish a 30-foot-wide right-of-way for Simpson Street SE. Approximately 10-feet of right-of-way dedication along Simpson Street SE is proposed, as shown on the applicant's tentative plan.

Condition: On the final plat, convey approximately 10-feet of land for dedication along Simpson Street SE, as shown on the applicant's tentative plan.

▪ ***Public Utility Easements***

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

Finding: The applicant's tentative plan shows a 10-foot PUE along Simpson Street SE, in compliance with this standard.

Special Development Standards - Natural Resources

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 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 mapped 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 no mapped landslide hazard areas on the subject property.

SRC 205.051(d)(3): The existing or proposed middle housing development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.

Findings: Not applicable to Development Services Review.

SRC 205.051(d)(4): The street(s) abutting the middle housing land division conform to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Simpson Street SE which is classified as a local street under the City's Transportation System Plan (TSP). This decision establishes an Alternative Street Standard along Simpson Street SE, to allow a reduced right-of-way width. The conditions of approval established with the middle-housing land division require right-of-way dedication along this street, meeting the Salem TSP. This criterion is met

SRC 205.051(d)(5): The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.

Finding: Not applicable to Development Services Review.

SRC 205.051(d)(6): Separate utilities are provided for each dwelling unit.

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. As shown on the applicant's preliminary utility plan, individual utility services are provided to each dwelling unit. This approval criterion is met.

SRC 205.051(d)(7): All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:

- (A) Locating, accessing, servicing, and replacing all utilities;***
- (B) Pedestrian access from the primary entrance of each dwelling unit to a public or private street;***
- (C) Any driveways or off-street parking;***
- (D) Any common use areas or shared building elements; and***
- (E) Any common area.***

Finding: As shown on the applicant's preliminary utility plan, utility services do not cross property lines and as such, easements are not required. This criterion is met.

SRC 205.051(d)(8): The type of middle housing on the existing lot is not altered by the proposed middle housing land division.

Finding: Not applicable to Development Services review.

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