

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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

DECISION OF THE PLANNING ADMINISTRATOR

MIDDLE HOUSING LAND DIVISION TENTATIVE PLAN CASE NO.: MLD25-01

APPLICATION NO.: 25-103089-PLN

NOTICE OF DECISION DATE: May 2, 2025

SUMMARY: A middle housing land division tentative plan to create two parcels for two existing dwelling units.

REQUEST: 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).

APPLICANT: Jedediah Bennett

LOCATION: 2260 Simpson St SE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.051 (d) – Middle Housing Land Division

FINDINGS: The findings are in the attached Decision dated May 2, 2025.

DECISION: The **Planning Administrator APPROVED** Middle Housing Land Division Tentative Plan Case No. MLD25-01 subject to the following conditions of approval:

- Condition 1:** The final plat shall include a notation that the approval of the land division was given under ORS 92.031.
- Condition 2:** On the final plat, convey approximately 10-feet of land for dedication along Simpson Street SE, as shown on the applicant's tentative plan.
- Condition 3:** The resulting parcels are prohibited from being further divided into new units of land.

The rights granted by the attached decision must be exercised, or an extension granted, by May 20, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>March 31, 2025</u>
Notice of Decision Mailing Date:	<u>May 2, 2025</u>
Decision Effective Date:	<u>May 20, 2025</u>
State Mandate Date:	<u>July 29, 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, May 19, 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. 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 MIDDLE HOUSING LAND)	
DIVISION TENTATIVE PLAN)	
CASE NO. MLD25-01)	
2260 SIMPSON STREET SE)	MAY 2, 2025

In the matter of the application for a Middle Housing Land Division Tentative Plan application submitted by Jedediah Bennett, of SBC Homes, on behalf of the applicant and property owner, Steve Bennett Construction LLC, 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 middle housing land division tentative plan to create two parcels for two existing dwelling units.

Request: 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 Assessor's Map and Tax Lot Number 073W26DC/ 8900).

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

PROCEDURAL FINDINGS

1. Background

On January 31, 2025, an application for a Middle Housing Land Division Tentative Plan was filed proposing to divide a .27-acre property with an existing two-family use structure located at 2260 Simpson Street SE into two parcels. The existing middle housing development plan and proposed middle housing land division tentative plan is included as **Attachment B**.

After additional information was provided the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on January 22, 2025. The state-mandated local decision deadline for the application is July 29, 2025

SUBSTANTIVE FINDINGS

2. Proposal

The tentative plan map proposes to divide the .27-acre property into two parcels with each parcel containing one residential unit. The two parcels within the tentative plan map are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 2,691 square feet
Parcel Dimensions: Approximately 25 feet in width and 105 feet in depth

PROPOSED PARCEL 2

Parcel Size: Approximately 2,618 square feet
Parcel Dimensions: Approximately 25 feet in width and 105 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: 25-103089

4. Existing Conditions

Site and Vicinity

The subject property is a corner lot and has approximately 50 feet of frontage on Simpson Street SE.

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 "Multi-Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Simpson Street SE, MF (Multi-Family Residential) and SF (Single Family Residential)
East	MF (Multi-Family Residential)
South	MF (Multi-Family Residential)
West	MF (Multi-Family Residential)

Zoning and Surrounding Land Use

The subject property is zoned RM-II (Multiple Family Residential) and is currently developed with an attached two-family use building permitted under 24- 112056-DW. The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
North	Across Simpson Street SE, RM-II (Multiple Family Residential) and RS (Single Family Residential)
East	RM-II (Multiple Family Residential)
South	RM-II (Multiple Family Residential)
West	RM-II (Multiple Family Residential)

Relationship to Urban Service Area

The subject property is outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, stormwater, and parks) necessary to serve development are already in place or fully committed to be extended.

Infrastructure

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

The existing conditions of public utilities available to serve the subject property re 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.

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 no concerns.

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 Southeast Salem Neighborhood Association (SESNA).

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), the proposed land use application request requires neighborhood association contact. On January 24, 2025, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the 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 application. As of the date of completion of this staff report, no comments were received.

DECISION CRITERIA

8. Analysis of Middle Housing Land Division Tentative 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 middle housing land division tentative plan 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 plat.

SRC Chapter 205.051(d) sets forth the criteria that must be met before approval can be granted to a middle housing land division tentative 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 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 middle housing land division 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 Development Services Division indicates 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 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).

In addition, middle housing land division final plats are required to provide a notation of on the final plat indicating that the approval of the land division was given under ORS 92.031. The applicant is conditioned the following:

Condition 1: The final plat shall include a notation that the approval of the land division was given under ORS 92.031.

SRC 205.051(d): The tentative plan of a middle housing land division shall be approved if all of the following criteria are met:

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

Finding: The existing property contains an existing two family use contained within a duplex building originally permitted under 24-112056-DW. Per SRC 111.001, middle housing development includes townhouses, two family uses, three family uses, four family uses, and cottage clusters. As the existing site contains an existing two family use, the criteria is met.

(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.***

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RM-II (Multiple Family Residential). The existing two family use middle housing development complies with the applicable standards of the RM-II zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 514 – RM-II (Multiple Family Residential) Zone

▪ ***Lot Standards:***

Lot size and dimension standards within the RM-II zone are established in SRC 514.010(b), Table 514-2. A summary of the standards applicable to residential uses within the RS zone is provided in the following table:

RM-II Zone Residential Use Lot Standards		
Lot Area	4,000 sq. ft.	Applicable to two family
Lot Width	Min. 40 ft.	Applicable to all uses other than townhouses
Lot Depth	Min. 80 ft.	Applicable to all uses other than single family
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	Applicable to single family, two family, three family, four family, and multiple family

Finding: The existing parcel is 5,300 square feet in size, and has approximately 50 feet of frontage on Simpson Street SE. The existing parcel has approximately 50 feet in width and 103 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 50 feet a maximum depth of 150 feet. The existing parcel meets the lot standards for two family use.

Setbacks:

Setbacks within the RM-II zone are established in 514.010(d), Table 514-3. 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 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 two family building is setback a minimum of 20 feet from the street abutting property line along Simpson Street. Along the interior side property lines, the structure is setback five feet with the setback along the rear constructed at 28 feet. The existing structure meets the setback standards applicable to a two family use.

▪ ***Lot Coverage; Height:***

Maximum lot coverage and height requirements within the RM-II zone are established under SRC 514.010(e), Table 514-6. The maximum lot coverage for single to four family uses within the RM-II zone is 60 percent. The maximum rear yard coverage for accessory structures to single- and two-family uses is 25 percent. The maximum height allowed for a two family use is 35 feet.

Finding: The existing lot measures 5,300 square feet in area and the existing structure covers approximately 1,978 square feet resulting in a lot coverage of 37 percent. The existing middle housing development does not contain any detached accessory structures within the rear yard. The existing structures measures less than 35 feet in height. The existing development meets lot coverage and height standards applicable to a two family use.

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 so one residential unit is 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.

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 2: 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 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 no existing trees on the subject property; therefore, tree protection standards and tree conservation plan is not applicable.

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.

Finding: Building and Safety Division has indicated that each unit of the duplex complies with the Oregon residential specialty code as the structure was built to follow townhome fire separations provisions in relation to the proposed lot line

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: The proposal will result in the division of an existing parcel containing a duplex, two family use, into parcels each containing one residential unit. As such, the proposal meets the criteria. To ensure that the resulting parcels will contain one residential unit and no further division will be sought, the following is conditioned:

Condition 3: The resulting parcels are prohibited from being further divided into new units of land.

As conditioned, this criterion is met.

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: Each resulting parcel will have direct and independent access to the Simpson Street SE with no proposed common driveways, off-street parking, or other common area.

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: The proposed land division shall not alter the type of middle housing which is two family. This criterion is met.

SRC 200.0505(e) Conditions of approval. Notwithstanding SRC 300.820, conditions may not be placed on the approval of a middle housing land division except to:

- (A) Prohibit further division of the resulting lots;***
- (B) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;***
- (C) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of SRC 803.025(a)***
- (D) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of SRC 803.025(b); and***

(E) Require a notation on the final plat indicating that the approval of the land division was given under ORS 92.031.

Finding: As conditioned above, the conditions that have been placed are limited to the above-described conditions.

9. Conclusion

Based upon review of SRC 205.051 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 Middle Housing Land Division Tentative Plan, Case No. MLD25-01, is hereby **APPROVED** subject to SRC Chapter 205, 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:** The final plat shall include a notation that the approval of the land division was given under ORS 92.031.
- Condition 2:** On the final plat, convey approximately 10-feet of land for dedication along Simpson Street SE, as shown on the applicant's tentative plan.
- Condition 3:** The resulting parcels are prohibited from being further divided into new units of land.



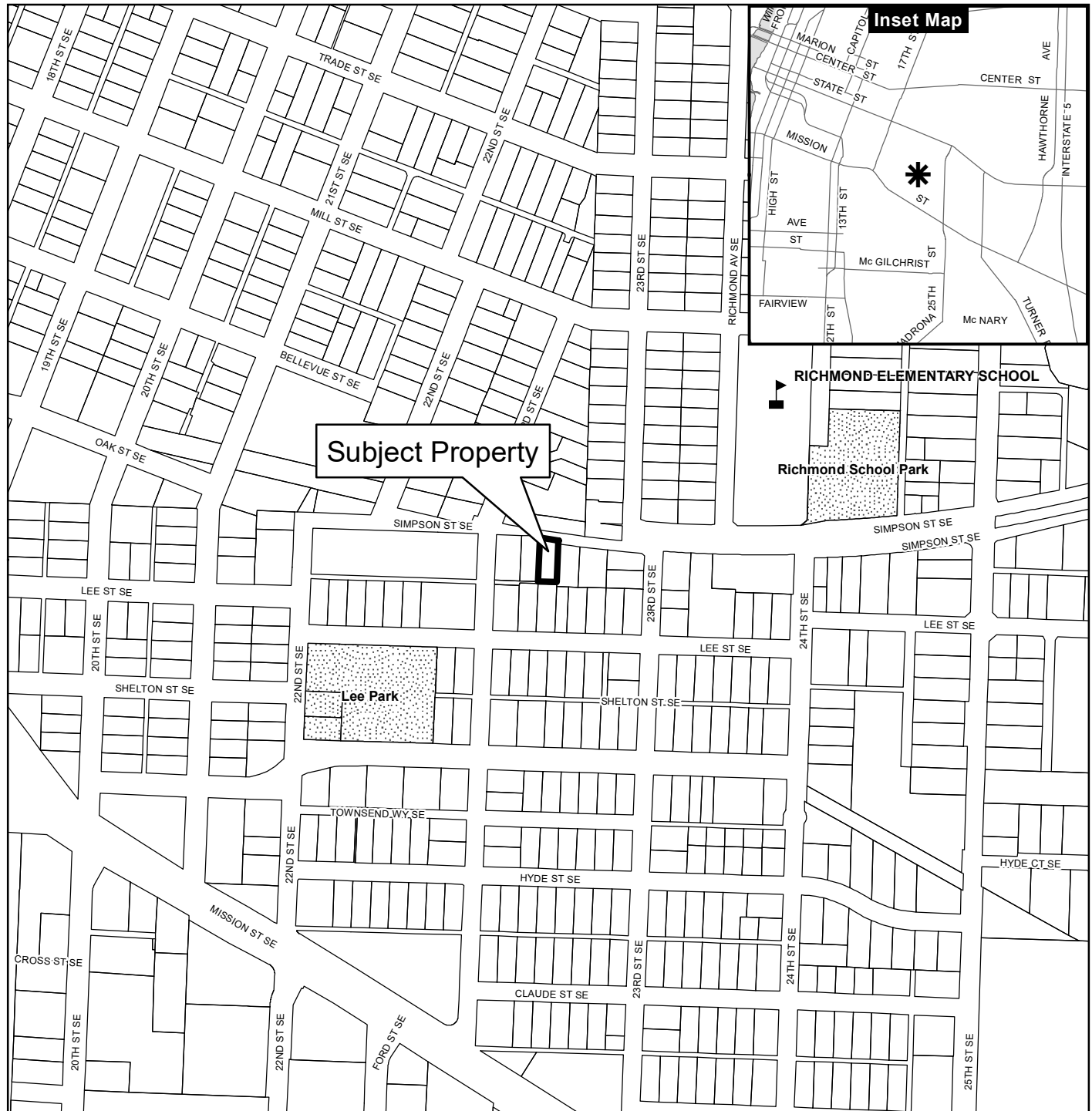
Jacob Brown, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Middle Housing Development Plan and Tentative Plan Map
- C. Salem-Keizer School District Memo
- D. Development Services Infrastructure Memo

Vicinity Map

2260 Simpson Street SE



Legend

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

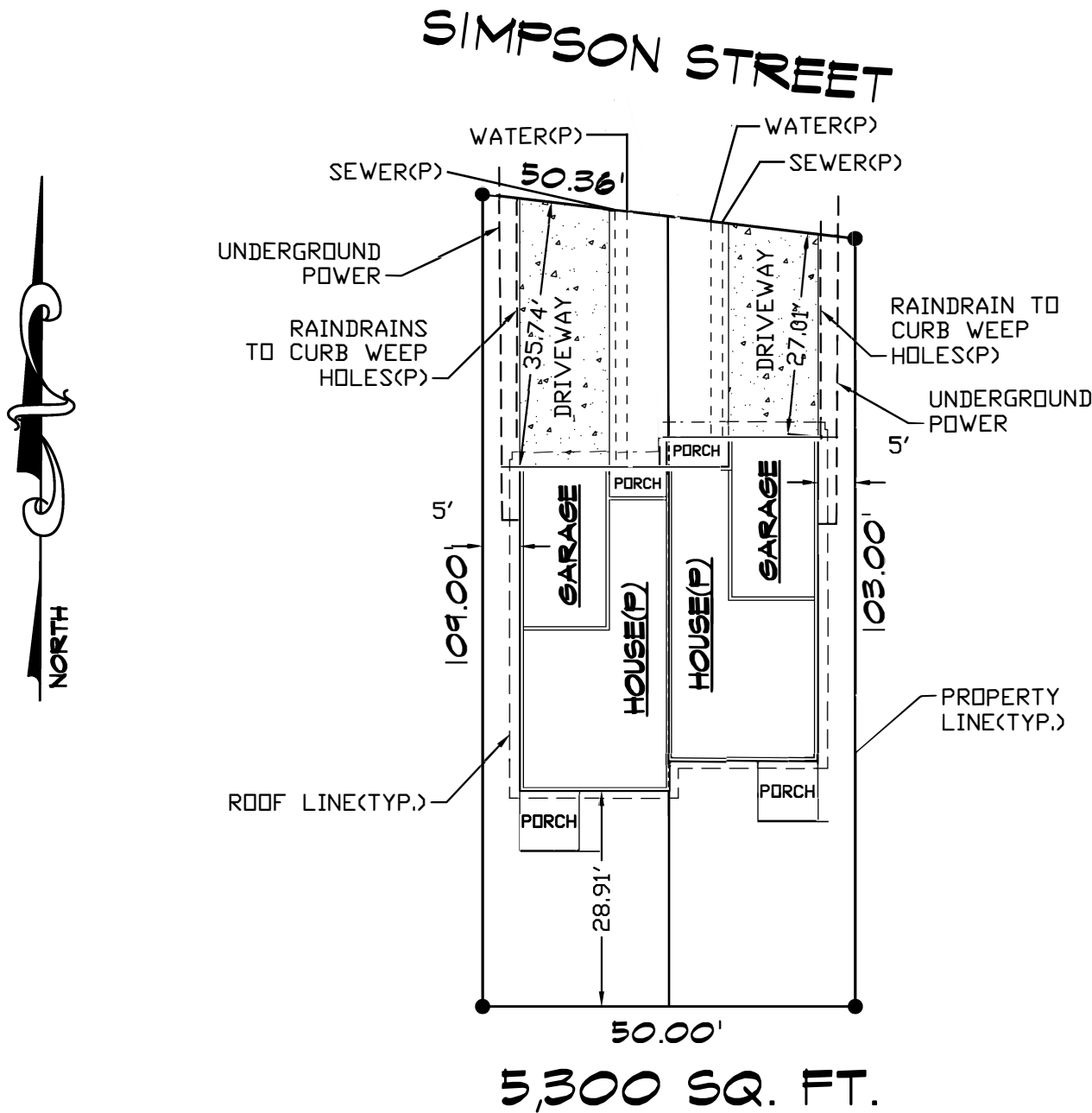
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CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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OWNER - STEVE BENNETT CONSTRUCTION, LLC
2260 SIMPSON STREET



SITE PLAN
1" = 20'

REV.	DATE	BY	DESCRIPTION
1	02-21-25	MCF	REVISED POWER TO UNDERGROUND, CLARIFIED RAIN DRAINS THROUGH WEEP HOLES IN CURB AND ADDED INDIVIDUAL WATER/SEWER SERVICE
2	03-06-25	MCF	REVISED WATER/SEWER SERVICE PER INSTALLATION IN FIELD

PRECISION DESIGN
MATT FAWCETT
7 PARKVIEW CIRCLE
BELLINGHAM, WA 98229
503-569-2338

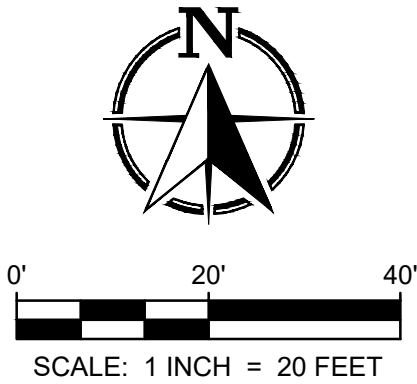
SITE PLAN

STEVE BENNETT
CONSTRUCTION, LLC
CCB#175467
2260 SIMPSON STREET
SALEM, OR

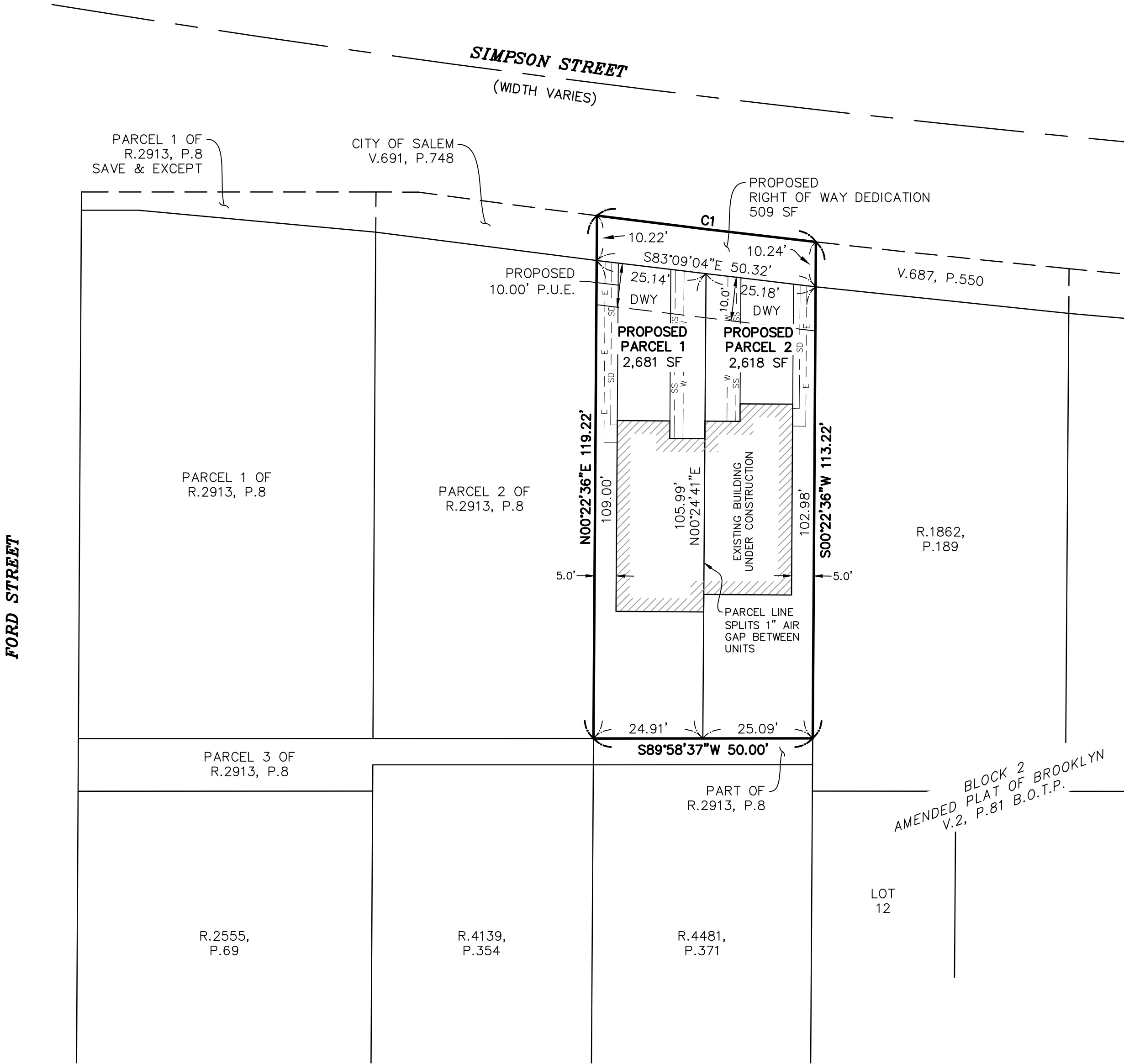
DESIGNED BY:	MCF
DRAWN BY:	MCF
DATE:	05-06-24
JOB NO.	
CLIENT NO.	
DRAWING NO.	01
REV.	2

TENTATIVE PLAN

IN THE SE 1/4 OF SECTION 26, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON
DATE: JANUARY 15, 2025



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	50.32'	3867.16'	00°44'44"	S83°10'03"E	50.32'



- NOTE:
- 1) ALL PUBLIC UTILITIES SERVICING EACH UNIT WILL BE LOCATED WITHIN SIMPSON STREET.
 - 2) THERE WILL BE SEPARATE VEHICULAR AND PEDESTRIAN ACCESS TO EACH UNIT FROM SIMPSON STREET.
 - 3) THERE ARE NO COMMON AREAS FOR THIS PLAT.
 - 4) EACH PARCEL WILL BE SERVED BY IT'S OWN DRIVEWAY FROM SIMPSON STREET.

PROPOSED DEVELOPMENT LEGEND

- SS — SEWER LINE UNDERGROUND
- SD — STORM LINE UNDERGROUND
- W — WATERLINE UNDERGROUND
- E — ELECTRICAL LINE UNDERGROUND
- DWY DRIVEWAY


REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

SURVEYED FOR: STEVE BENNETT CONSTRUCTION

 **FFN SURVEYING**

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-542

SHEET 1/1

REQUEST FOR COMMENTS

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

REGARDING: Middle Housing Land Division Tentative Plan Case No. MLD25-01

PROJECT ADDRESS: 2260 Simpson St SE, Salem OR 97301

AMANDA Application No.: 25-103089-PLN

COMMENT PERIOD ENDS: April 14, 2025, at 5:00 p.m.

SUMMARY: A middle housing land division tentative plan to create two parcels for two existing dwelling units.

REQUEST: 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 Assessor's Map and Tax Lot Number 073W26DC/ 8900).

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., Monday, April 14, 2025, 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://eqov.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 Schools

Address: 2450 Lancaster Drive NE, PO Box 12024, Salem OR 97309

Phone: 503-315-0232

Email: fridenmaker_david@salkeiz.k12.or.us

Date: April 9, 2025

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

April 9, 2025

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

RE: Land Use Activity Case No. MLD25-01, 2260 Simpson St 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
Richmond	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
Richmond	Elementary	242	439	55%
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
Richmond	Elem.	242	2	0	2	439	56%
Leslie	Mid.	716	65	0	65	944	83%
South Salem	High	2,145	119	0	119	2,248	101%

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
Richmond	Elementary	Walk Zone
Leslie	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

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	\$92,105	\$0
Middle	0	\$113,211	\$0
High	0	\$134,316	\$0
TOTAL			\$0

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2024”

Sincerely,

David Fridenmaker
Business and Support Services

c: T.J. Crockett, Acting Chief Operations Officer, David Hughes, Director of Operations & Logistics, Mitch Hamilton, Acting 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: May 2, 2025

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