

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 / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ23-03

APPLICATION NO.: 23-103036-PLN

NOTICE OF DECISION DATE: May 12, 2023

SUMMARY: A partition application to divide a 0.28-acre property into two parcels with an adjustment to lot width.

REQUEST: A partition application to divide a 0.28-acre property into two parcels, Parcel 1 resulting in 6,984 sq. ft. and Parcel 2 resulting in 4,003 sq. ft. in size with a Class 2 Adjustment to reduce the lot width from 40 feet to 30.10 feet for Parcel 2. The existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single-family dwelling. The subject property is zoned RS (Single Family Residential) and located at 4151 Gardner Road SE (Marion County Assessors Map and Tax Lot number 083W10BA / 8100).

APPLICANT: Karl Goertzen

LOCATION: 4151 Gardner Road SE

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

FINDINGS: The findings are in the attached Decision dated May 12, 2023.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan and Class 2 Adjustment Case No. PAR-ADJ23-03 subject to the following conditions of approval:

- Condition 1:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Construct sewer services that are proposed in the public right-of-way.
- Condition 3:** Design stormwater systems 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 parcel 2.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Gardner Road SE.
- Condition 5:** Provide a 10-foot-wide public utility easement along the entire frontage of Gardner Road SE.

The rights granted by the attached decision must be exercised, or an extension granted, by May 31, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>April 7, 2023</u>
Notice of Decision Mailing Date:	<u>May 12, 2023</u>
Decision Effective Date:	<u>May 31, 2023</u>
State Mandate Date:	<u>August 5, 2023</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

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. Tuesday, May 30, 2023. 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 and 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-ADJ23-03)	
4151 GARDNER ROAD SE)	MAY 12, 2023

REQUEST

Summary: A partition application to divide a 0.28-acre property into two parcels with an adjustment to lot width.

Request: A partition application to divide a 0.28-acre property into two parcels, Parcel 1 resulting in 6,984 sq. ft. and Parcel 2 resulting in 4,003 sq. ft. in size with a Class 2 Adjustment to reduce the lot width from 40 feet to 30 feet for Parcel 2. The existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single-family dwelling. The subject property is zoned RS (Single Family Residential) and located at 4151 Gardner Road SE (Marion County Assessor's Map and Tax Lot number 083W10BA / 8100).

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

PROCEDURAL FINDINGS

1. On February 7, 2023, an application for a Tentative Partition Plan was filed proposing to divide a 0.28-acre property at 4151 Gardner Road SE into two parcels (see **Attachment B**).
2. After additional information was provided, including an application for a Class 2 Adjustment to reduce lot width, the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on April 7, 2023.
3. The state-mandated local decision deadline for the application is August 5, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative partition plan proposes to divide the 0.28-acre property into two parcels; the existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single-family or two-family development. Both parcels would take access off Gardner Road SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,984 square feet, exclusive of the flag lot accessway
Parcel Dimensions: Approximately 74 feet in width, and 114 feet in depth

PROPOSED PARCEL 2

Parcel Size: 4,003 square feet, exclusive of the flag lot accessway
Parcel Dimensions: Approximately 30 feet in width and 114 feet in depth

Access and Circulation: The subject properties have frontage on Gardner Road SE. Within the Salem Transportation System Plan (TSP), Gardner Road SE is classified as a Local Street.

2. Existing Conditions

Site and Vicinity

The subject property has approximately 100 feet of frontage on, Gardner Road SE. The property is currently approximately 100 feet in width and 120 feet in depth. The applicant proposes to retain the existing single-family dwelling.

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:

North: Single Family Residential (SF)
South: Single Family Residential (SF)
East: Across Gardner Road SE – Single Family Residential (SF)
West: Single Family Residential (SF)

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:

North: Single Family Residential (RS)
South: Single Family Residential (RS)
East: Across Gilbert St S – Single Family Residential (RS)
West: Single Family Residential (RS)

Relationship to Urban Service Area

The subject property is within the City’s Urban Service Area.

Infrastructure

Water: The subject property is located within the S-2 water service level.

An 8-inch public water main is located in Gardner Road SE.

Sewer: An 8-inch sewer main is located in Gardner Road SE.

Storm Drainage: There are no public storm mains in the vicinity of the property.

Streets: Gardner Road SE:

- a. Standard – This street is designated as a Local Street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 20-foot improvement within a 30-foot-wide right-of-way abutting the subject property.

3. City Department Comments

Public Works Department – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

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

Fire Department – Reviewed the proposal and indicated no comments.

4. Public Agency and Private Service Provider Comments

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

5. Neighborhood Association Comments and Public Comments

The subject property is within the boundaries of the Faye Wright Neighborhood Association (FWNA).

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 20, 2023, the applicant contacted FWNA 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.” No comments were received from the neighborhood association during the comment period.

Public Comment

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period, one comment was received with concerns about street capacity and safety.

Staff Response: The existing house on Parcel 1 will retain their driveway and garage. Off-street parking requirements for proposed Parcel 2 will be reviewed at the time of future development. Gardner is an underdeveloped street without street parking or sidewalks. Dedication of right-of-way is required as a condition of approval to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development. It is not expected that the addition of one dwelling unit will significantly impact the capacity or safety of the street.

Homeowners Association

The subject property is not located within a Homeowners Association.

DECISION CRITERIA FINDINGS

6. Criteria for Granting a Tentative Partition

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, followed by findings of fact upon which the Planning Administrator’s decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal’s conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of 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.

SRC Chapter 511 (Single Family Residential): The tentative partition plan proposes to divide the 0.28-acre property into two parcels; the existing single-family dwelling would remain on Parcel 1, and Parcel 2 consist of vacant land for future development. The subject property is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(b) as follows:

Lot Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-2 for the complete table, below is what is applicable to this application.)

Requirement	Minimum Standard
Lot Area (Single family and Two Family, non-townhomes)	4,000 square feet
Lot Width (All uses other than townhomes)	40 feet
Lot Depth (Single family and two family)	70 feet minimum
Street Frontage (Single family, non-townhomes and non-cul-de-sac streets)	40 feet

Finding: Proposed Parcel 1 is 6,984 square feet in size, and would have 60 feet of frontage on Gardner Road SE. It would be approximately 74 feet in width and 114 feet in depth. Parcel 1 meets the area, width, depth, and frontage lot standards.

Proposed Parcel 2 is 4,003 square feet in size and would have 40 feet of frontage on Gardner Road SE. It would be approximately 30 feet in width and 114 feet in depth. Parcel 2 requires an adjustment to the lot width standard, but meets the area, depth and frontage standards. The Class 2 Adjustment is addressed below.

The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-3 for the complete table, below is what is applicable to this application.)

Requirement	Minimum Standard	Limitations & Qualifications
Abutting Street – All other uses	12 feet minimum	

Interior Side – Single 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 – All other uses	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 one-story single-family dwelling which would remain on proposed Parcel 1 exceeds the setback standards in the RS zone, with a setback of approximately 21 feet to the east (front/abutting street) property line, a setback of 20 feet to the north (interior rear) property line, a setback of 5 feet to the south (interior side) property line, and a setback of 14 feet to the west (interior rear).

Future development of Parcel 2 will be reviewed for adherence to setback requirements at the time of application for building permit. The proposed parcels exceed the minimum parcel size for the RS zone, which provides sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-5. The RS zones limits the total lot coverage for buildings and accessory structures related to single-family uses to 60 percent. For all other uses, buildings and accessory structures are limited to 35 percent lot coverage.

Finding: Proposed Parcel 1 contains an existing single-family dwelling, with a proposed lot coverage of 4,151 square feet, or 59 percent. Proposed parcel 2 is undeveloped and will be reviewed for conformance with the lot coverage standards of SRC 511 at the time of development. The proposal meets the standard.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Minimum Required Off-Street Parking): SRC 806.015(a) requires all single-family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces.

Finding: The subject property is located outside of the CSDP. The existing single-family dwelling on proposed Parcel 1 contains an existing single-car garage and paved driveway

with enough room for the required two cars. Off-street parking requirements for proposed Parcel 2 will be reviewed at the time of future development. The proposal meets this requirement.

SRC 806.030 (Driveway Development Standards for Single Family and Two Family Uses or Activities): SRC 806.030(c) requires that all driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards.

Finding: Parcel 1 has an existing single-family dwelling with a paved driveway and the proposed driveway access to Parcel 2, is to be paved. Proposed driveway access to Parcel 2 will be reviewed at the time of future development. The proposal meets this requirement.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining 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.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is inside the Urban Service Area. Therefore, a UGA permit is not required, and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 205 (Land Division and Reconfiguration): 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. 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) can be requested.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated May 11, 2023 (**Attachment C**).

SRC 802.015 (Development to be Served by City Utilities). Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works

Design Standards (PWDS). To ensure services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions of approval shall apply:

Condition 1: Obtain permits for installation of water services to serve Parcel 2.

Condition 2: Construct sewer services that are proposed in the public right-of-way.

Condition 3: Design stormwater systems 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 parcel 2.

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

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed three-parcel partition generates less than 200 average daily vehicle trips to Gilbert St S, which is designated as a Local Street within the TSP. Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) is not required as part of the proposed partition.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Each proposed parcel would take access from the existing public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Gardner Road SE abuts the subject property and is designated as a Local Street in the TSP. It does not meet the current right-of-way width standard for a Local Street. The ultimate right-of-way width based on the Salem Transportation System Plan is 60-feet. The existing half-width right-of-way is 20-feet, requiring 10-feet of right-of-way dedication to conform with current standards. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. As identified in the conditions of approval, the applicant is required to dedicate 30-feet from the centerline of Gardner Road SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Gardner Road SE does not contain adequate pavement width, curbs, sidewalks, or street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 10 additional vehicle trips per day. Boundary Street improvements along Gardner Road SE are not proportional to the impacts of the development and will require offsite tapers to align with the existing pavement section. In lieu of boundary street improvements, the applicant shall dedicate a half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system.

Condition 4: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Gardner Road SE.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.63-acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

SRC 803.035 (Street Standards):

(k) Street Trees – Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Finding: Street Tree plantings for Parcel 2 to be determined at the time of building permit.

(n) Public Utility Easements (PUEs) – May be required for all streets. To ensure adequate access for the provision of electricity and other utilities, the following condition of approval shall apply:

Condition 5: Provide a 10-foot-wide public utility easement along the entire frontage of Gardner Road SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Gardner Road SE does not meet the current standard for a Local Street. The street is lacking adequate right-of-way, sidewalks, and street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 10 additional vehicle trips per day. Boundary Street improvements along Gardner Road SE are not proportional to the impacts of the development and will require offsite tapers to align with the existing pavement section. In lieu of boundary street improvements, the applicant shall dedicate a half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system.

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

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 the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has submitted a Tree Conservation Plan (TCP23-03) as part of this application which will be reviewed separately. The tree conservation plan proposes to preserve six of nine trees, or 66 percent, of the trees on the lot. There are two significant trees, a 48-inch diameter pine and a 36-inch diameter maple, proposed for removal.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with

diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP23-03) was submitted in conjunction with the partition tentative plan.

The applicant is required to meet the criterion of SRC 808.035(d) for the proposed partition. The applicant's tree inventory indicates nine trees on the subject property.

SRC 808.035(d)(1)(A): No heritage trees are designated for removal;

Finding: There are no heritage trees located on the subject property; therefore, this criterion is not applicable.

SRC 808.035(d)(1)(B): No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

Finding: There are two significant trees located on the subject property that are proposed for removal.

A 48-inches in diameter Pine tree is proposed for removal due to the new driveway access proposed for Parcel 2. There are no reasonable design alternatives as Parcel 1 contains an existing single-family dwelling with an existing driveway and approved parking area on the northern property boundary; therefore, the 48-inch pine needs to be removed for the location of the new driveway access for Parcel 2.

A 36-inches in diameter Maple tree is proposed for removal due to tree health.

SRC 808.035(d)(1)(D): Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.

Finding: The tree conservation plan identifies a total of nine trees on the property, with three trees for designated for removal and 6 trees to be preserved for a preservation rate of 66 percent. Because the tree conservation plan preserves more than 30 percent of the existing trees on the subject property, this criterion is not applicable.

SRC 808.035(e): Mitigation measures. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:

Finding: The tree conservation plan identifies more than 30 percent of the trees will be preserved; therefore, this criterion is not applicable.

SRC 808.046: Protection measures during construction

Pursuant to SRC 808.046 all trees or native vegetation are required to be preserved or protected under the UDC during construction. All trees or native vegetation shall be protected during construction with the installation of an above ground silt fence encompass 100 percent of the critical root zone of the tree or the perimeter of the native vegetation. Protection measures are required to remain until issuance of notice of final completion for dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

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.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

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 0.28-acre property into two parcels, with proposed Parcel 2 to be developed in the future, and proposed Parcel 1 to retain the existing single-family dwelling. 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 adjoining properties are developed and have existing access to public or private streets.

The proposed configuration of parcels allows for the future development of the site consistent with 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: Water and sewer 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 partition 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.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. 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. In order to ensure adequate stormwater facilities, the following condition shall apply:

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

Finding: Gardner Road SE abuts the subject property and does not meet the current right-of-way width standard for a Local Street. The ultimate right-of-way width based on the Salem Transportation System Plan is 60-feet. The existing half-width right-of-way is 20-feet, requiring 10-feet of right-of-way dedication to conform with current standards. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. As identified in the conditions of approval, the applicant is required to dedicate 30-feet from the centerline of Gardner Road SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Gardner Road SE does not contain adequate pavement width, curbs, sidewalks, or street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 10 additional vehicle trips per day. Boundary Street improvements along Gardner Road SE are not proportional to the impacts of the development and will require offsite tapers to align with the existing pavement section. In lieu of boundary street improvements, the applicant shall dedicate a half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system. As conditioned above, 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: The partition, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the partitioned property will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the partition. 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. The layout allows for reasonable development of all parcels within the partition without variances from the UDC.

Additionally, the subject property contains nine existing trees 10 inches or more in diameter at breast height (dbh). A tree conservation plan was provided in conjunction with this tentative partition plan and reviewed separately from this decision (Case No. TCP23-03). The TCP proposes removing three of the nine trees, preserving 66-percent of the trees on site, consistent with the tree conservation plan standards of SRC 808.035. The proposal meets this criterion.

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 described in the findings above, 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. The applicant proposes to retain the existing dwelling on proposed Parcel 1, alleviating the disruption of topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site. Lastly, the tree proposed for removal on proposed Parcel 2 is necessary to accommodate the reasonable development of Parcel 2 as the tree is large and would incur large amounts of damage from any grading or construction work threatening the integrity of the tree and the reasonable development of the site. The proposal meets this criterion.

SRC 200.005(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.

8. Analysis of Class 2 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 is requesting one Class 2 Adjustment to:

Reduce the lot width standard from 40-feet to 30.10-feet for Parcel 2 (SRC 510.010(b));

The applicant is requesting a Class 2 Adjustment to reduce the lot width standard for proposed Parcel 2 from 40-feet to 30.10-feet.

The intent and purpose of the minimum lot width standard is to provide for buildable lots that can maintain property line setbacks and provide separation between structures. The applicant's tentative plan illustrates an existing single-family dwelling on Parcel 1 with required setbacks and indicates that the reduced width for proposed Parcel 2 can still accommodate a small single-family dwelling, meeting all minimum setbacks. The applicant is requesting an Adjustment for Parcel 2 to provide 30-feet of lot width. The proposed parcel greatly exceeds the Lot Depth requirement and meets the minimum parcel size. The configuration of the parcel is similar to a flag lot access way but contains 40-feet of frontage. The parcel opens up in the rear providing for a 15-ft by 90-ft building envelope. The parcel could be developed with a dwelling meeting the setbacks, while taking advantage of the larger area in the back of the property.

The applicant has provided evidence that a dwelling can be located on the property without the need for additional zoning adjustments to setbacks (Attachment B). Since the lot meets minimum parcel size, exceeds lot depth and the applicant has demonstrated that additional zoning adjustments will not be required within the shown building envelopes the proposal equally meets the intent of the development standard.

Any future development on Parcel 2, beyond what is shown on the proposed site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

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 a residential zone. The proposal involves creating two total parcels – retaining the existing dwelling on proposed Parcel 1 and allowing for future residential development on proposed Parcel 2. The proposal aligns with the development pattern of the surrounding area, with existing single-family dwellings on the surrounding properties. Staff finds that the proposal will not detract from the livability or appearance of the residential area. The proposal meets this criterion.

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: One adjustment is being requested; therefore, this criterion is not applicable.

9. Conclusion

Based upon review of SRC 205.005, the findings contained above, and the comments described, the tentative partition plan and class 2 adjustment comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

The Tentative Partition Plan and Class 2 Adjustment Case No. PAR-ADJ23-03, located at 4151 Gardner Road SE (Marion County Assessors Map and Tax Lot Number: 083W10BA / 8100) is hereby **APPROVED** subject to 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:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Construct sewer services that are proposed in the public right-of-way.
- Condition 3:** Design stormwater systems 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 parcel 2.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Gardner Road SE.
- Condition 5:** Provide a 10-foot-wide public utility easement along the entire frontage of Gardner Road SE.



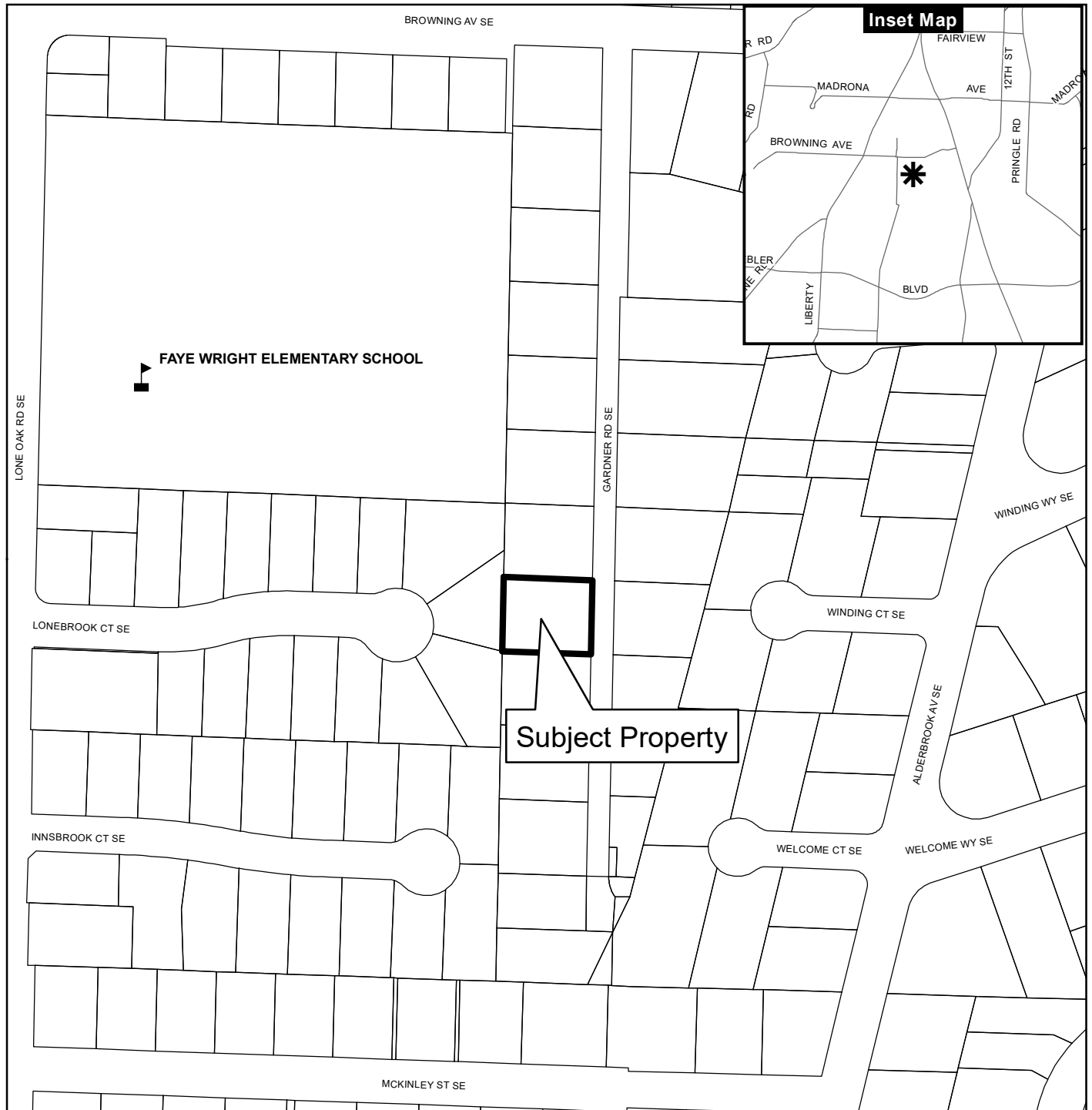
Olivia Dias, Current Planning Manager,
on behalf of, Lisa Anderson-Ogilvie, AICP
Planning Administrator

Prepared by Shelby Guizar, Administrative Analyst

Attachments: A. Vicinity Map
B. Applicant's Tentative Partition Plan
C. City of Salem Public Works Department Memorandum

Vicinity Map

4151 Gardner Road SE



Legend

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

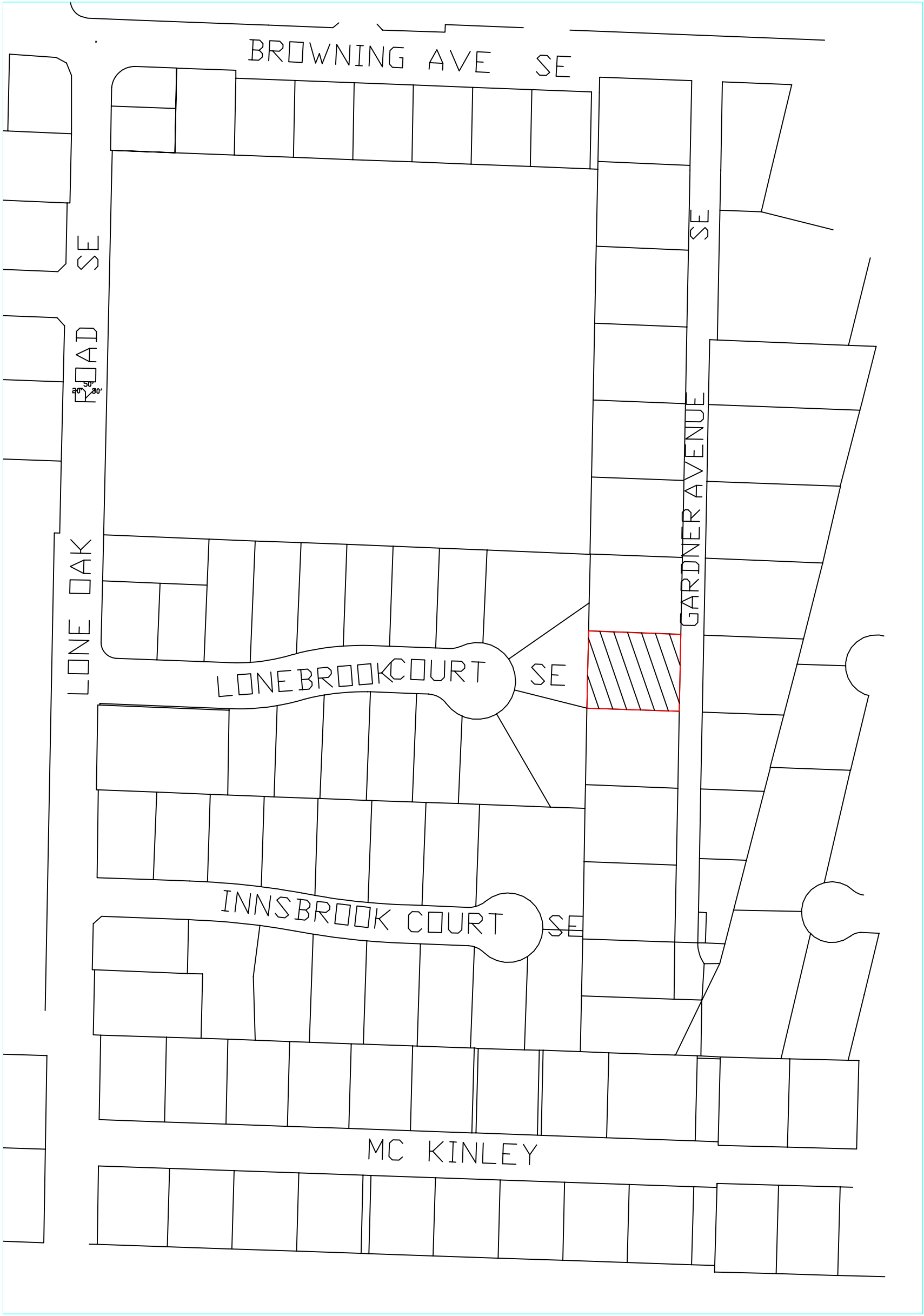
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

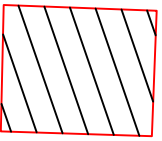
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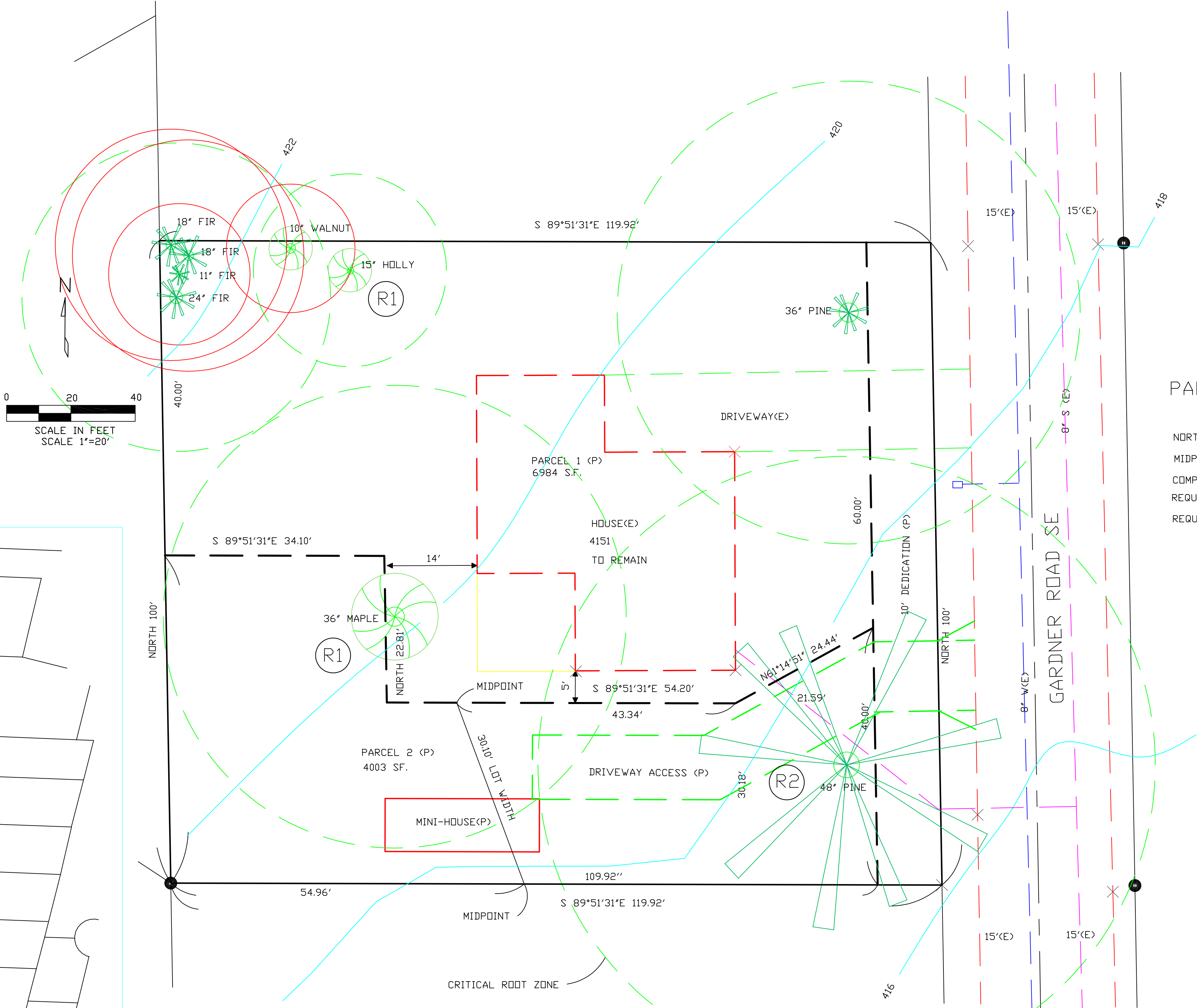




VICINITY MAP



PROJECT LOCATION



TREE INVENTORY:



(R1) TREE ALREADY REMOVED

(R2) TREE PROPOSED TO BE REMOVED

TOTAL TREE GRATER THAN 10" DBH = 9
TOTAL TREE GRATER THAN 10" DBH TO BE REMOVED = 0
TOTAL TREE GRATER THAN 10" DBH TO BE SAVED = 7

PARCEL WIDTH CALCULATION

NORTH LINE LENGTH = 24.44 + 54.20 + 22.81 + 34.10 = 135.55'
MIDPOINT NORT LINE = 135.55 / 2 = 67.78'
COMPUTED LOT WIDTH - PARCEL 2 = 30.10' (SEE DRAWING)
REQUIRED MINIMUM LOT WIDTH = 40'
REQUEST ADJUSTMENT OF 25% (CLASS II ADJUSTMENT)

NOTES & LEGEND:

(E) = EXISTING FEATURE
(P) = PROPOSED FEATURE
----- = EXISTING OBJECT

OWNERS:
BRENDAN MCMULLEN
P.O. BOX 3245
SALEM, OR 97302

TREE PLAN
4151 GARNDER ROAD SE
TAX LOT 083W10BA 08100
SALEM, OR 97302

KARL D. GOERTZEN
4753 FIR DELL DRIVE SE
SALEM, OREGON 97302
PH. 503.378.0952
E-mail:KGoertz@comcast.net


REGISTERED
PROFESSIONAL
LAND SURVEYOR
Karl D. Goertz
SEPTEMBER 23, 1977
KARL D. 1195
EXPIRES: 6-30-2023

DESIGNED BY: KDG
DRAWN BY: KDG
DATE: JAN 2023
REV. NO.
SHEET



MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

FROM: Laurel Christian, Planner II 
Public Works Department

DATE: May 11, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR-ADJ23-03 (23-103036)
4151 GARDNER ROAD SE
2-PARCEL PARTITION**

PROPOSAL

A partition application to divide a 0.28-acre property into two parcels, Parcel 1 resulting in 6,984 square feet and Parcel 2 resulting in 4,003 square feet in size with a Class 2 Adjustment to reduce the lot width from 40 feet to 30.10 feet for Parcel 2. The existing single-family dwelling would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single-family dwelling. The subject property is zoned RS (Single Family Residential) and located at 4151 Gardner Road SE (Marion County Assessors Map and Tax Lot number 083W10BA / 8100).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Gardner Road SE.
 - b. Obtain permits for installation of water services to serve Parcel 2.
 - c. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcel 2.
 - d. Provide a 10-foot-wide public utility easement along the entire frontage of Gardner Road SE.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
 - a. Construct sewer services that are proposed in the public right-of-way.

FACTS

Streets

1. Gardner Road SE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 20-foot improvement within a 30-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. There are no public storm mains in the vicinity of the property.

Water

1. Existing Conditions
 - a. The subject property is located in the S-2 water service level.
 - b. An 8-inch public water main is located in Gardner Road SE.

Sanitary Sewer

1. Existing Sewer
 - a. An 8-inch sewer main is located in Gardner Road SE.

CRITERIA AND FINDINGS

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 Unified Development Code, 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;

(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.

Findings—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).

Public Works staff 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.

A 10-foot-wide public utility easement is required along the entire frontage of Gardner Road SE pursuant to SRC 803.035(n). This shall be dedicated on the partition plat.

Condition: Provide a 10-foot-wide public utility easement along the entire frontage of Gardner Road SE.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

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

Findings—Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition 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. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

L **Condition:** Construct sewer services that are proposed in the public right-of-way.

Condition: Obtain permits for installation of water services to serve Parcel 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. 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.

Condition: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 2.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. 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—Gardner Road SE abuts the subject property and does not meet the current right-of-way width standard for a local street. The ultimate right-of-way width based on the Salem TSP is 60 feet. The existing half-width right-of-way is 20 feet, requiring 10 feet of right-of-way dedication to conform with current standards. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. As identified in the conditions of approval, the applicant is required to dedicate 30 feet from the centerline of Gardner Road SE to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Gardner Road SE does not contain adequate pavement width, curbs, sidewalks, or street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 10 additional vehicle trips per day. Boundary Street improvements along Gardner Road SE are not proportional to the impacts of the development and will require offsite tapers to align with the existing pavement section. In lieu of boundary street improvements, the applicant shall dedicate a half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system.

Condition: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Gardner Road SE.

Prepared by: Laurel Christian, Planner II
cc: File