
PARTITION / CLASS 1 ADJUSTMENT

I. Applicant/Representative Information

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II. Proposal

A tentative partition plat proposes to divide one existing 0.23-acre property into two parcels. Proposed Parcel 1 consisting of 5,084 square feet and Parcel 2 consisting of 4,746 square feet. The existing single-family dwelling would remain on Parcel 1, and Parcel 2 would consist of vacant land for future development. Submitted for concurrent review is a Class 1 Adjustment to allow the lot depth of proposed parcels to be 65.5 feet as opposed to the minimum of 70 feet.

The subject property is zoned RS (Single Family Residential), and located at 2195 Vaughn Avenue NE (Marion County Assessor's Map No. 072W19BB Tax Lot 2600).

III. Substantive Findings

1. Site and Vicinity

The subject property is rectangular in shape, corner property that has approximately 150 feet of frontage along the north property that abuts June Avenue NE and 65.5 feet of frontage along the east property that abuts Vaughn Street NE. June Avenue NE and Vaughn Street NE are both designated local streets within the Salem Transportation System Plan (TSP).

2. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Single Family Residential". The subject property is within the Urban Growth Boundary, inside corporate city limits, and inside of the Salem Urban Service Area.

3. Zoning and Surrounding Land Uses

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:

Surrounding Zoning: North: Single Family Residential (RS)

South: Single Family Residential (RS)

East: Single Family Residential (RS)

West: Single Family Residential (RS)

Surrounding Uses North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

IV. Neighborhood Association and Public Comment

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

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), Tentative Partition Plat requires neighborhood association contact. On June 7, 2023, the applicant contacted the North Lancaster Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

V. Review Criteria

SRC 205.005(d) and SRC 250.005(d)(1) sets forth the criteria that must be met before approval can be granted to a tentative partition plan and Class 1 adjustment. The requirements of SRC 205.005(d) and SRC 250.005(d)(1) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria.

VI. Analysis of Tentative Partition Approval Criteria

SRC Chapter 205.005(d) sets forth the following 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 evaluating the proposal for conformance with 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 proposed partition would divide the 0.23-acre property into two parcels. The existing single-family dwelling would remain on Parcel 1, and Parcel 2 would 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(a) as follows:

Lot Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area	
Townhouse	1,500 square feet
Single family	4,000 square feet
Infill Lot	5,500 square feet, unless a greater minimum lot area is required for the specific use
Two Family	5,000 square feet
Three family	4,000 square feet
Four family and multiple family	
Lot Width	
Townhouse	20 feet
Single Family	40 feet
Lot Depth	
Townhouse	No max; (max. 300% of average lot width)
Single Family	70 feet; 120 feet (double frontage lots)
Two Family	70 feet; 120 feet (double frontage lots)
All other uses	80 feet; 120 feet; (max. 300% of average lot width)
Street Frontage	

Townhouses	20 feet
Single family	40 feet
Two family, three family, four family, and multiple family	40 feet
All other uses	40 feet

Proposed Parcel 1 is approximately 5,084 square feet in size and would have approximately 77.5-feet of frontage on June Avenue NE and 65.5 feet on Vaughn Street NE. Proposed Parcel 2 is approximately 4,746 square feet and would have approximately 72.4 feet of frontage on June Avenue NE and a depth of 65.5 feet. Each proposed parcel in the partition meets the area, width, and frontage lot standards but are less than the minimum depth standards. A Class I Adjustment has been submitted for concurrent review for approval of the 65.5 depth. With approval of the Class I Adjustment, 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)

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')

Interior Side Yards:

- Minimum 5 feet for new buildings; minimum 3 feet for existing buildings
- Minimum 10 feet (Infill Lot)

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

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 (street front, Vaughn Ave.) property line, a setback of 13.5 feet to the north (street front, June Ave.) property line, a setback of 15.7 feet to the south (interior side) property line, and a setback of 20 feet to the west (interior side) property line. Future development of Parcel 2 will be reviewed for adherence to setback requirements at the time of application for building permits. 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(e), Table 511-4. The RS zones limit 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.

Proposed Parcel 1 contains an existing single-family dwelling, with a proposed lot coverage of approximately 1,209 square feet, or 24 percent. Proposed Parcel 2 is currently 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) states that there is no minimum number of parking spaces required for single-family, two-family, and three-family dwelling units.

The existing single-family dwelling on proposed Parcel 1 contains an attached garage with two off-street parking spaces. Off-street parking for Parcel 2 will be reviewed at the time of future development. The proposal meets the standard.

SRC 806.030 (Driveway Development Standards for Single Family and Two Family Uses or Activities): SRC 806.030(c) requires that all driveways for single family, two family, three family, and four family use or activities shall be developed and maintained as provided in Table 806-4, shall be paved with a hard surface material meeting the Public Works Design Standards.

The existing single-family dwelling's garage is served by a paved driveway that is 16-feet-wide by 20-feet-deep. Driveway dimensional standards for Parcel 2 will be reviewed at the time of future development. The proposal meets the standard.

City Infrastructure Standards.

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 will provide the required field survey and partition plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. 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 arranged upon request.

SRC Chapter 802 (Public Improvements): Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition.

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

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

SRC 803.015 (Traffic Impact Analysis): The proposed two-parcel partition generates less than 1,000 average daily vehicle trips to June Avenue and Vaughn Avenue which are both 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 existing public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): June Avenue and Vaughn Avenue abut the subject property and are both designated as a Local Street within the TSP. The abutting portion of June Avenue and Vaughn Avenue have an approximate 23.5 foot and 33-foot-wide improvement within a 40-foot and 30-foot-wide right-of-way, respectively.

The right-of-way and pavement widths along the site's Vaughn Avenue frontage meet the minimum width standards set forth in SRC 803.025 and the TSP. The right-of-way and pavement widths along the site's June Avenue frontage are deficient.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.23-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): Pursuant to subsection (n), public utility easements (PUEs) along June Avenue NE and Vaughn Avenue NE will be recorded on the final plat.

SRC 803.040 (Boundary Streets): Pursuant to SRC 803.040(a) dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for a partition.

SRC 803.060 (conveyance by dedication): Pursuant to all streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

SRC 803.065 (Alternative Street Standards). Allows the director to authorize the use of one or more alternative street standards: (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable; (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or (3) Where topography or other conditions

make the construction that conforms to the standards impossible or undesirable. Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

The existing development pattern precludes the ability to bring the June Street right-of-way width up to the local street standard. Pursuant to SRC 803.070(a)(1)(A)(iii) and SRC 803.070(a)(2)(B), a deferral agreement is requested for boundary street and sidewalk improvements. The deferral of any improvements will be noted on the final plat.

The proposal will meet this criterion with the execution of a deferral agreement and deferred improvements noted on the final plat.

(B) 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 stated that no trees will be removed because of the proposed partition.

Pursuant to SRC 808.050, within development proposals for the creation of lots or parcels to be used for single family or two family uses, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1. To encourage the increase of tree canopy as outlined under SRC 808.001, the applicant will be required to plant trees on the proposed parcels in accordance with SRC 808.050.

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 are no mapped 0-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 2 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

The proposal meets this criterion.

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 one existing 0.23-acre property into two parcels. Proposed Parcel 1 consisting of 5,084 square feet and Parcel 2 consisting of 4,746 square feet. The existing single-family dwelling would remain on Parcel 1, and Parcel 2 would consist of vacant land for future development. 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: The subject property is within the Urban Service Area. According to Salem's utility maps, 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 preliminary partition plan. Private water, sewer, and storm services shall be constructed to serve each lot. 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).

The proposed development is subject to SRC Chapter 71, and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet PWDS, a tentative stormwater design prior has been submitted for review.

Stormwaters generated from the existing impervious areas on proposed Parcel 1 will continue to drain as they do today into the existing City of Salem piped stormwater system within the Vaughn Street right of way. Stormwaters generated from the future impervious areas on proposed Parcel 2 will be routed into a Green Stormwater Infrastructure (GSI) raingarden or planter as required in the SRC Chapter 71 and the City of Salem Design Standards for a Single-Family Residential Development between 1,300 and 10,000 SF of impervious area. The estimated maximum impervious area required to be sized for GSI treatment is 3,000 SF based on the development code limitation for lot coverage and setbacks. Depending on later tested infiltration rates for the onsite native soils the required treatment ratio will be between 0.05 and 0.11 and require between 150 SF and 330 SF of GSI treatment surface area. This is hypothetical and the actual treatment surface area will be based on real numbers. The generated stormwaters will be routed into the GSI rain garden or planter where it will infiltrate

into the native soils and overflow when the GSI is overwhelmed and drain into the City of Salem existing storm pipe in Vaughn Street.

All public and private City infrastructure proposed to be 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.

The proposal meets this criterion.

SRC 205.005(d)(4):

The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: SRC 803.025 (Right-of-Way and Pavement Widths): June Avenue and Vaughn Avenue abut the subject property and are both designated as a Local Street within the TSP. The abutting portion of June Avenue and Vaughn Avenue have an approximate 23.5 foot and 33-foot-wide improvement within a 40-foot and 30-foot-wide right-of-way, respectively.

The right-of-way and pavement widths along the site's Vaughn Avenue frontage meet the minimum width standards set forth in SRC 803.025 and the TSP. The right-of-way and pavement widths along the site's June Avenue frontage are deficient.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.23-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): Pursuant to subsection (n), public utility easements (PUEs) along June Avenue NE and Vaughn Avenue NE will be recorded on the final plat.

SRC 803.040 (Boundary Streets): Pursuant to SRC 803.040(a) dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for a partition.

SRC 803.060 (conveyance by dedication): Pursuant to all streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

SRC 803.065 (Alternative Street Standards). Allows the director to authorize the use of one or more alternative street standards: (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable; (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable. Authorization of an alternative street standard may require additional or alternative right-of-way width,

easements, and improvements to accommodate the design and construction using the alternative standard.

The minimum required right-of-way width for both streets is 60 feet, but Vaugh Avenue NE currently has a right-of-way width of only 40 feet (20 feet short of the required 60-foot width) and June Avenue NE currently has a right-of-way of only 30 feet (30 feet short of the required 60-foot right-of-way width). The existing development pattern and deficient right-of-way width along both June Avenue and Vaughn Avenue impacts lot dimensions and the ultimate buildable envelope of both proposed lots.

Pursuant to SRC 803.070(a)(1)(A)(iii) and SRC 803.070(a)(2)(B), a deferral agreement is requested for boundary street and sidewalk improvements. The deferral of any improvements will be noted on the final plat.

The proposal will meet this criterion with the execution of a deferral agreement and deferred improvements noted on the final plat.

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.

The proposal meets this criterion.

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 the parcels within the partition without variances from the UDC. The subject property has a gradual slope. Proposed parcel 2, which would contain a future dwelling, is especially flat, with approximate elevation ranges of only one to two feet for either parcel.

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 layout allows for reasonable development of the parcels within the partition without variances from the UDC. 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.

The proposal meets this criterion.

SRC 205.005(d)(8):

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

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

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

VII. Class I Adjustments

According to SRC 250.005.a.1, a class 1 adjustment can be utilized to adjust any numeric development standard in the UDC that increases or decreases the standard by not more than 20 percent.

Analysis of the adjustment is based on relevant criteria in SRC 250.005(d)(1) is as follows:

SRC 250.005(d)(1)(A)(i)

(A) The purpose underlying the specific development standard proposed for adjustment is:

- i. Clearly inapplicable to the proposed development; or**

Finding: The purpose of the minimum lot depth standard in combination with minimum lot width and area standards is to ensure that all newly created lots/parcels have an adequate building envelope.

The subject property is located entirely within the RS zoning district and developed with a single-family dwelling. It is rectangle shaped, corner parcel with approximately 150 feet of frontage along the north property that abuts June Avenue NE and 65.5 feet of frontage along the east property that abuts Vaughn Street NE.

A two-parcel partition application has been submitted for concurrent review and as found in section VI above and incorporated herein by reference, the partition conforms with all applicable Development Code standards except for minimum lot depth.

The existing parcel depth of 65.5 feet is pre-existing, non-conforming to the minimum 70-foot depth standard. An adjustment is requested to allow the lot depth of Parcels 1 and 2 to be 65.5 feet or 7 percent less than the minimum 70-foot standard.

ii. Clearly satisfied by the proposed development.

Finding: The purpose of the minimum lot depth standard in combination with minimum lot width and area standards is to ensure that all newly created lots/parcels have an adequate building envelope.

An existing single-family dwelling is proposed to be retained on Parcel 1. The existing single-family dwelling will remain in conformance with all applicable Development Code standards, except for minimum lot depth, upon creation of the proposed parcel.

Any new development or redevelopment of the proposed parcels must be in conformance with all applicable Development Code standards including minimum siting requirements such as setbacks and maximum lot coverage, regardless of the parcel being 65.5 feet or 70 feet in depth.

iii. The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: All adjacent and abutting properties are developed with residential uses. The 7 percent reduction in minimum lot depth will not adversely affect adjoining properties. The only impact will be that both proposed parcels will have a depth of 65.5 feet as opposed to 70 feet. A reduction that will not be discernable based on casual observation.

Any new development or redevelopment of the proposed parcels must be in conformance with all applicable Development Code standards including minimum siting requirements such as setbacks and maximum lot coverage, Therefore, the proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

VIII. Overall Conclusion

Based on the above analysis, the submitted applications meets all the applicable review criteria as outlined above.

IX. Exhibits

A. Civil Plan Set

1. Existing Conditions/Demo Plan, Sheet C1.0
2. Proposed Parcels, Sheet C2.0
3. Preliminary Utility Plan, Sheet C3.0
4. Preliminary Grading Plan, Sheet C4.0