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503-588-6173*

DECISION OF THE PLANNING ADMINITRATOR

PARTITION CASE NO.: PAR18-15

APPLICATION NO. : 18-122543-LD

NOTICE OF DECISION DATE: February 7, 2019

SUMMARY: A proposed partition to divide a lot along the easterly side of Summer Street NE into two parcels. The existing single family residence would remain on Parcel 1.

REQUEST: A tentative partition plan to divide approximately 0.27 acres (11,971 square feet) into two parcels, with Parcel 1 consisting of approximately 7,364 square feet and retaining the existing single-family dwelling and Parcel 2 consisting of approximately 4,526 square feet consisting of vacant land for the future development of a single family home.

The subject property is approximately 0.27 acres (11,971 square feet) in size, zoned RS (Single Family Residential), and located at 1290 Summer Street NE (Marion County Assessor's Map and Tax Lot number 073W23BD / 15500).

APPLICANT(S) / OWNER(S): Irvin Widmer

LOCATION: 1290 Summer Street NE / 97301

CRITERIA: Salem Revised Code SRC 205.005(d)

FINDINGS: The facts and findings are in the attached Order dated February 7, 2019.

DECISION: The Planning Administrator **APPROVED** Partition Case No.: PAR18-15 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: The applicant shall demonstrate two off-street parking spaces are provided for the existing single family dwelling in one of the following ways:

- a. Construct a garage or carport meeting the standards of SRC 806.025; or
- b. Screen a vehicle storage area in the rear yard from the existing driveway leading to Gaines Street NE in accordance with SRC 806.025

Condition 2: Obtain permits for installation of water services to serve the proposed new parcel.

NOTICE OF DECISION

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



- Condition 3:** Construct the sewer service that is proposed in the public right-of-way to serve the proposed new parcel.
- Condition 4:** Pay water connection fees as applicable pursuant to SRC Chapter 21.
- Condition 5:** Provide a 10-foot-wide public utility easement along the entire frontage of the subject property, except that the easement shall encroach no closer than 3 feet from an existing building.
- Condition 6:** 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.
- Condition 7:** Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 8:** The applicant shall construct driveway access to serve the proposed new parcel by one of the following ways:
- a. Construct a single driveway approach with direct access to Gaines Street or,
 - b. Construct a 20-foot hard surface driveway within the adjacent alley. “NO PARKING” signs shall be posted on both sides of the alley access.
- Condition 9:** Construct public sidewalks along the frontages of Summer Street and Gaines Street to Public Works Design Standards, or demonstrate that the current existing sidewalks meet standards.

The rights granted by the attached decision must be exercised, or an extension granted, by **February 21, 2021** or this approval shall be null and void.

Application Deemed Complete:	<u>December 3, 2018</u>
Notice of Decision Mailing Date:	<u>February 7, 2019</u>
Decision Effective Date:	<u>February 23, 2019</u>
State Mandate Date:	<u>April 2, 2019</u>

Case Manager: Britany Randall, brandall@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., February 22, 2019**. 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 must be filed in duplicate with the City of Salem Planning Division. 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 Salem 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

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**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 18-15)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.
<http://www.cityofsalem.net/planning>*

IN THE MATTER OF THE TENTATIVE APPROVAL OF PARTITION PLAT NO. 18-15; 1290 SUMMER STREET NE))))	FINDINGS AND ORDER February 7, 2019
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REQUEST

A tentative partition plan to divide approximately 0.27 acres (11,971 square feet) into two parcels, with Parcel 1 consisting of approximately 7,364 square feet, and retaining the existing single-family dwelling, and Parcel 2 consisting of approximately 4,526 square feet consisting of vacant land for the future development of a single family home.

The subject property is approximately 0.27 acres (11,971 square feet) in size, zoned RS (Single Family Residential), and located at 1290 Summer Street NE (Marion County Assessor's Map and Tax Lot number 073W23BD / 15500). **Attachment A.**

DECISION

The tentative partition plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** The applicant shall demonstrate two off-street parking spaces are provided for the existing single family dwelling in one of the following ways:
- a. Construct a garage or carport meeting the standards of SRC 806.025; or
 - b. Screen a vehicle storage area in the rear yard from the existing driveway leading to Gaines Street NE in accordance with SRC 806.025
- Condition 2:** Obtain permits for installation of water services to serve the proposed new parcel.
- Condition 3:** Construct the sewer service that is proposed in the public right-of-way to serve the proposed new parcel.
- Condition 4:** Pay water connection fees as applicable pursuant to SRC Chapter 21.

- Condition 5:** Provide a 10-foot-wide public utility easement along the entire frontage of the subject property, except that the easement shall encroach no closer than 3 feet from an existing building.
- Condition 6:** 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.
- Condition 7:** Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 8:** The applicant shall construct driveway access to serve the proposed new parcel by one of the following ways:
- a. Construct a single driveway approach with direct access to Gaines Street or,
 - b. Construct a 20-foot hard surface driveway within the adjacent alley. "NO PARKING" signs shall be posted on both sides of the alley access.
- Condition 9:** Construct public sidewalks along the frontages of Summer Street and Gaines Street to Public Works Design Standards, or demonstrate that the current existing sidewalks meet standards.

PROCEDURAL FINDINGS

1. On November 9, 2018 an application for a Tentative Partition Plan was filed proposing to divide a 0.27 acre property at 1290 Summer Street NE into two parcels.
2. The application was deemed complete for processing on December 3, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on October 23, 2018.
3. On February 6, 2019, the applicant granted a 30-day extension to the 120-day rule. The state mandated deadline is May 2, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the subject property into two parcels, with Parcel 1 consisting of approximately 7,364 square feet and Parcel 2 consisting of approximately 4,526 square feet. The existing single family residence would remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single family home (**Attachment B**). Parcel 1 will continue to access to Gaines Street NE. Parcel 2 will also access to Gaines Street NE. However, proposed Parcel 2 may take access from the

abutting alley. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 7,364 square feet,
Parcel Dimensions: Approximately 103 feet in width and 72 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 4,526 square feet,
Parcel Dimensions: Approximately 62 feet in width and 73 feet in depth.

Access and Circulation: The subject property has frontage along the westerly property line on Summer Street NE, which is designated as a major arterial street within the Salem Transportation System Plan (TSP). The subject property has frontage along the northerly property line on Gaines Street NE, which is designated as a local street within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property is a rectangular lot, with 165 feet of frontage on Gaines Street NE along its northerly boundary and 72 feet of frontage on Summer Street NE along its westerly boundary. The property is approximately 72 feet in width and approximately 165 feet in depth from east to west. The applicant proposes to retain the existing home on proposed Parcel 1 after the partition is completed.

The subject property is very flat with no apparent topographical changes. Currently, the easterly portion of the subject property is paved and used as a parking lot, which is not a permitted use within the RS zone. Along the northerly property line there are property line sidewalks and street trees present. There are also trees present on the westerly and southerly portions of the subject property which the applicant has proposed to preserve.

Salem Area Comprehensive Plan (SACP) Designation

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

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

North: Across Gaines Street NE - Single Family Residential

South: Single Family Residential

East: Across the alley - Single Family Residential

West: Across Summer Street NE - Single Family Residential

Zoning and Surrounding Land Use

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

North: Across Gaines Street NE - Single Family Residential (RS) – Salem Central Seventh Day Adventist Church

South: Single Family Residential (RS) – Single family dwelling

East: Across the Alley - Single Family Residential (RS) – Apartment Building

West: Across Summer Street NE - Single Family Residential (RS) – Single family dwelling

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 G-0 water service level. A 6-inch public water main is located in Summer Street NE. A 2-inch public water main is located in Gaines Street NE.

Sewer: An 8-inch sewer main is located in Gaines Street NE.

Storm Drainage: There is a 30-inch storm main located in Gaines Street NE.

Streets: *Summer Street NE* abuts the westerly boundary of the subject property and is designated as a Major Arterial street in the Salem Transportation System Plan (TSP).

- Based upon the "Special Street Right-of-Way and Improvements Requirements (Table G-1)" of the TSP, the standard for Summer Street NE in this area is a 40-foot-wide improvement within a 75-foot-wide right-of-way.
- This street has an approximate 40-foot improvement within a 75-foot-wide right-of-way abutting the subject property.

Gaines Street NE abuts the northerly boundary of the subject property and is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

3. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

Building and Safety Department - The City of Salem Building and Safety Department reviewed the proposal and indicated there were no site issues of note.

Salem Fire Department – Salem Fire Department reviewed the proposal and commented that fire has no objections to the proposed partition. Fire department access and water supply will be required to be provided for any new structures. Fire will review for items including access and water supply at the time of building permit plan review for the future single family dwelling.

Portland General Electric (PGE) – PGE submitted comments stating: Development costs per current tariff and service requirements. 10' PUE required on all street front lots.

4. Neighborhood Association Comments

The subject property is within the Grant Neighborhood Association. 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.” The neighborhood association submitted a letter which is included in its entirety as **Attachment D**. In summary, the concern from the neighborhood association was the amount of sidewalk along Gaines Street NE which would be interrupted by a 16-foot-wide curb cut for the future driveway for the new single family dwelling for proposed Parcel 2. The association noted that the character of the Grant Neighborhood includes a noticeably reduced number of driveways onto streets which results in lengthy pedestrian safe corridors. The letter points out that if the applicant were to take access off the abutting alley, or share with the existing access for proposed Parcel 2, these are options that would preserve the pedestrian corridor along Gaines Street NE.

Staff Response: Both recommendations proposed by the Grant Neighborhood Association (shared access or alley access) are viable options to the applicant and would be allowed. However, in order for the applicant to take access of the abutting 15-foot-wide alley, improvements such widening the pavement improvement to 20-feet and

installing “No Parking” signs along both sides of the alley access would be necessary for safe access, as included in the conditions of approval. On the east side of the abutting alley, there is an existing four unit apartment complex that, according to Marion County Assessor’s records was constructed in the 1950’s. It appears residents for this apartment complex are using the alley as a parking area. In images dating back as far as 1992, it appears the alley has been used in this way by residents of the apartments. Because of the how the alley is currently used, the no parking signs that would be required to be posted along both sides of the alley could be problematic to the existing surrounding development. Because Gaines Street NE is designated as a local street within the City of Salem TSP, the applicant is allowed to take access from Gaines Street NE to proposed Parcel 2 and staff cannot condition the applicant to share access or to take access from the abutting alley.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. One comment was received from a neighboring property owner before the close of the comment period. The comment is summarized below:

There is concern with the use of the existing single family dwelling as it appears to be used as a boarding house with many tenants. The commenter was concerned that the future single-family dwelling on proposed Parcel 2 would be used as a multi-tenant dwelling, rather than a single family occupying it. The commenter added that they are opposed to the project if the future planned dwelling will have multiple tenants living in it.

Staff Response: City records do not indicate the existing single family dwelling located at 1290 Summer Street NE has ever been permitted to be anything other than a single family use. In accordance with Salem Revised Code (SRC) Chapter 111 – Definitions, family means (a) an individual; (b) two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship; (c) two or more persons with disabilities, as defined in the Fair Housing Amendments Act of 1988, who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit; or (d) a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. By definition, the existing single family dwelling and the future proposed single family dwelling may have up to five unrelated individuals living in the home and they would not be in violation of the zoning code. The subject property will continue to be zoned Single Family Residential (RS) after the completion of the proposed partition and only those uses as listed in SRC Chapter 511, Table 511-1 will be allowed.

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 more fully 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 proposed partition would divide the 0.27 acre property into two parcels with no remainder. 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) (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Infill Lot ¹	5,500 square feet
Two Family	7,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed parcels in the partition are approximately 7,364 square feet and 4,526 square feet in size. The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed parcels

¹ Infill lot: A residential flag lot created by the partition of land after February 8, 2006.

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

Except for flag lots, the RS zone, pursuant to SRC 511.010(a) Table 511-2, requires lots to have a minimum frontage of 40 feet on a street. Each of the proposed parcels exceed the minimum frontage requirement.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family) zone:

Front Yards and Yards Adjacent to Streets:

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

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)

Interior Side Yards:

- Minimum 5 feet
- Minimum 10 feet (Infill Lot)

The existing single family home on proposed Parcel 1 was built in 1902 and does not meet the current standards for setbacks abutting a local or major arterial street. However, the existing home will meet the setback to the newly created property line. Setback requirements for the proposed Parcel 2 will be reviewed at the time of application for building permits.

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. Proposed Parcel 1 is approximately 7,364 square feet. The existing single family dwelling is less than 60% of the proposed parcel. Future development of Parcel 2 will be reviewed for conformance with the development standards of SRC 511 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing single family dwelling is proposed to remain and is shown on the site plan entirely within the boundaries of

proposed Parcel 1, in compliance with this standard. This standard will be applicable to Parcel 2 at the time of building permit review for the future single family dwelling.

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

SRC 806.015(a) (Minimum Required Off-Street Parking): An existing single family home currently occupies the subject property. The home was built in 1902 without off-street parking meeting today's standards. SRC 806.015(a) requires all Single Family and Two Family dwellings, outside of the Central Salem Development Program (CSDP) Area, to provide a minimum of two off-street parking spaces. The subject property is located outside of the CSDP, and the proposed partition would create two parcels for residential development. Off-street parking for proposed Parcel 2 will be reviewed at the time of application for the future dwelling permit. However, to ensure the existing single family home proposed to remain on Parcel 1 meets the standards for off-street parking, the following condition shall apply:

- Condition 1:** The applicant shall demonstrate two off-street parking spaces are provided for the existing single family dwelling in one of the following ways:
- a. Construct a garage or carport meeting the standards of SRC 806.025; or
 - b. Screen a vehicle storage area in the rear yard from the existing driveway leading to Gaines Street NE in accordance with SRC 806.025

As conditioned, the proposal meets the requirements of SRC Chapter 806.

(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 of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter

of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated February 7, 2019 (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). In order to ensure water, sewer and stormwater service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

Condition 2: Obtain permits for installation of water services to serve the proposed new parcel.

Condition 3: Construct the sewer service that is proposed in the public right-of-way to serve the proposed new parcel.

Condition 4: Pay water connection fees as applicable pursuant to SRC Chapter 21.

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 300 average daily vehicle trips to Gaines Street NE, which is designated as a Local street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. The subject property has frontages on Summer Street NE and Gaines Street NE, which are public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): The property abuts Gaines Street NE to the north which is designated as a Local street in the TSP. The abutting portion of Gaines Street NE has a 30-foot-wide improvement within a 66-foot-right-of-way which exceeds the current standard for a local street (30-foot-wide-improvement within a 60-foot-wide right-of-way). Summer Street NE is designated as a Major Arterial street in the TSP. Based upon the "Special Street Right-of-Way and Improvements Requirements (Table G-1)" of the TSP, the standard for Summer Street NE in this area is a 40-foot-wide improvement within a 75-foot-wide right-of-way. The street meets the standard.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.27 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. The requirements of SRC Chapter 803.030 are not applicable to this proposal.

SRC 803.035 (Street Standards): Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 5: Provide a 10-foot-wide public utility easement along the entire frontage of the subject property, except that the easement shall encroach no closer than 3 feet from an existing building.

As conditioned, the proposal conforms to applicable street standards.

(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 is not proposing the removal of any trees in conjunction with the proposed partition, therefore, a tree conservation plan is not required.

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 a 0.27 acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or

development of any portion of the property. The adjoining properties are developed and have access to public streets.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Gaines Street NE, Summer Street NE, and the abutting alley are sufficient to provide access to each of the proposed parcels. 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. 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)(6)(B).

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.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. In order to ensure that stormwater systems within the proposed partition meet the requirements of SRC Chapter 71, the following condition shall apply:

Condition 6: 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 1 and 3.

Condition 7: Construct stormwater facilities that are proposed in the public right-of-way.

As conditioned, 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: Summer Street NE and Gaines Street NE meet the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

The existing residence currently utilizes a driveway access onto Gaines Street. The applicant has two options for vehicular access for the newly created lot. A single driveway approach to Gaines Street NE, designated as a Local Street in the Salem Transportation System plan, is permitted by SRC 804.020. The applicant may also access the adjacent 15-foot alley along the eastern boundary of the subject property. The alley appears to also provide vehicular access to the neighboring apartment complex at 952 Gaines St NE. With potentially multiple properties using the alley for access, Public Works Traffic Engineering Division is recommending that the alley access to be a minimum 20-foot wide hard surface improvement to provide a safe two-way traffic pattern. The improvement shall also include signage to prohibit parking within the alley access.

The applicant is required to demonstrate that the existing public sidewalks along all frontages of the subject property meet the current City of Salem Design Standards. To ensure this standard is met, the following conditions shall apply:

- Condition 8:** The applicant shall construct driveway access to serve the proposed new parcel by one of the following ways:
- a. Construct a single driveway approach with direct access to Gaines Street or,
 - b. Construct a 20-foot hard surface driveway within the adjacent alley. "NO PARKING" signs shall be posted on both sides of the alley access.
- Condition 9:** Construct public sidewalks along the frontages of Summer Street and Gaines Street to Public Works Design Standards, or demonstrate that the current existing sidewalks meet standards.

As conditioned, the proposal meets this criterion.

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: Summer Street NE and Gaines Street NE meet the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

The existing residence currently utilizes a driveway access onto Gaines Street. The applicant has two options for vehicular access for the newly created lot. A single

driveway approach to Gaines Street NE, designated as a Local Street in the Salem Transportation System plan, is permitted by SRC 804.020. The applicant may also access the adjacent 15-foot alley along the eastern boundary of the subject property. The alley appears to also provide vehicular access to the neighboring apartment complex at 952 Gaines St NE. With potentially multiple properties using the alley for access, Public Works Traffic Engineering Division is recommending that the alley access to be a minimum 20-foot wide hard surface improvement to provide a safe two-way traffic pattern. The improvement shall also include signage to prohibit parking within the alley access.

The applicant is required to demonstrate that the existing public sidewalks along all frontages of the subject property meet the current City of Salem Design Standards.

As conditioned above, the street system adjacent to the tentative partition plan will provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

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. The site is relatively flat. The applicant is proposing to retain the existing single family dwelling on proposed Parcel 1, further limiting the amount of site disturbance that will be required in the future.

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 findings above, the subject site is flat. The proposed layout minimizes the need for substantial grading in any single area. The applicant proposes to retain the existing single family dwelling on Parcel12 within the partition, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site. Additionally, the applicant is proposing to retain 100 percent of the trees on the subject property.

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 does not apply.

7. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 6 above, and the comments described, the tentative partition plan complies 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

That Tentative Partition Plan Case No. 18-15, to divide a 0.27 acre lot into two parcels, with Parcel 1 consisting of approximately 7,364 square feet and Parcel 2 consisting of approximately 4,526 square feet. The existing single family residence would remain on Parcel 1, and Parcel 2 would consist of vacant land for the future development of a single family home. The proposed partition for property zoned RS (Single Family Residential), and located at 1290 Summer Street NE 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: The applicant shall demonstrate two off-street parking spaces are provided for the existing single family dwelling in one of the following ways:

- a. Construct a garage or carport meeting the standards of SRC 806.025; or
- b. Screen a vehicle storage area in the rear yard from the existing driveway leading to Gaines Street NE in accordance with SRC 806.025

Condition 2: Obtain permits for installation of water services to serve the proposed new parcel.

Condition 3: Construct the sewer service that is proposed in the public right-of-way to serve the proposed new parcel.

- Condition 4:** Pay water connection fees as applicable pursuant to SRC Chapter 21.
- Condition 5:** Provide a 10-foot-wide public utility easement along the entire frontage of the subject property, except that the easement shall encroach no closer than 3 feet from an existing building.
- Condition 6:** 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.
- Condition 7:** Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 8:** The applicant shall construct driveway access to serve the proposed new parcel by one of the following ways:
- a. Construct a single driveway approach with direct access to Gaines Street or,
 - b. Construct a 20-foot hard surface driveway within the adjacent alley. "NO PARKING" signs shall be posted on both sides of the alley access.
- Condition 9:** Construct public sidewalks along the frontages of Summer Street and Gaines Street to Public Works Design Standards, or demonstrate that the current existing sidewalks meet standards.



Britany Randall, Planner II
Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan
 - C. City of Salem Public Works Department Comments
 - D. Neighborhood Association Comments

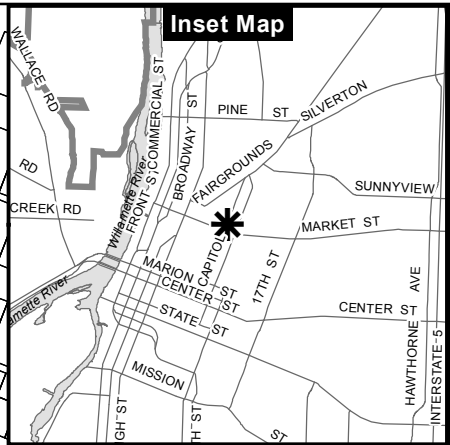
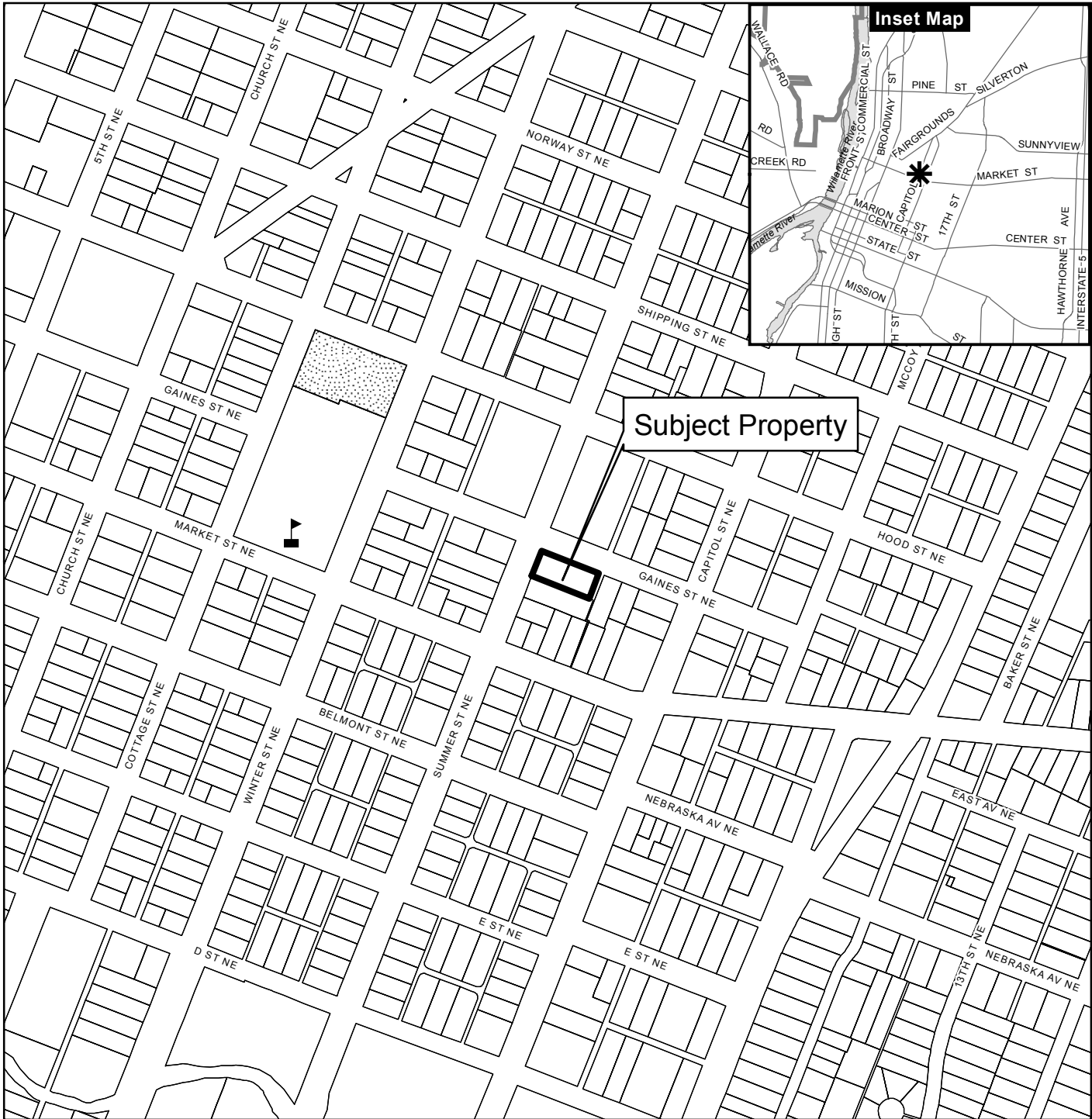
Application Deemed Complete: December 3, 2019
Notice of Decision Mailing Date: February 7, 2019
Decision Effective Date: February 23, 2019
State Mandated Decision Date: May 2, 2019

The rights granted by this decision must be exercised or extension granted by **February 23, 2021**, or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.








This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, **no later than Friday, February 22, by 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

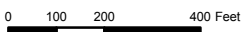
Vicinity Map 1290 Summer Street NE



Subject Property

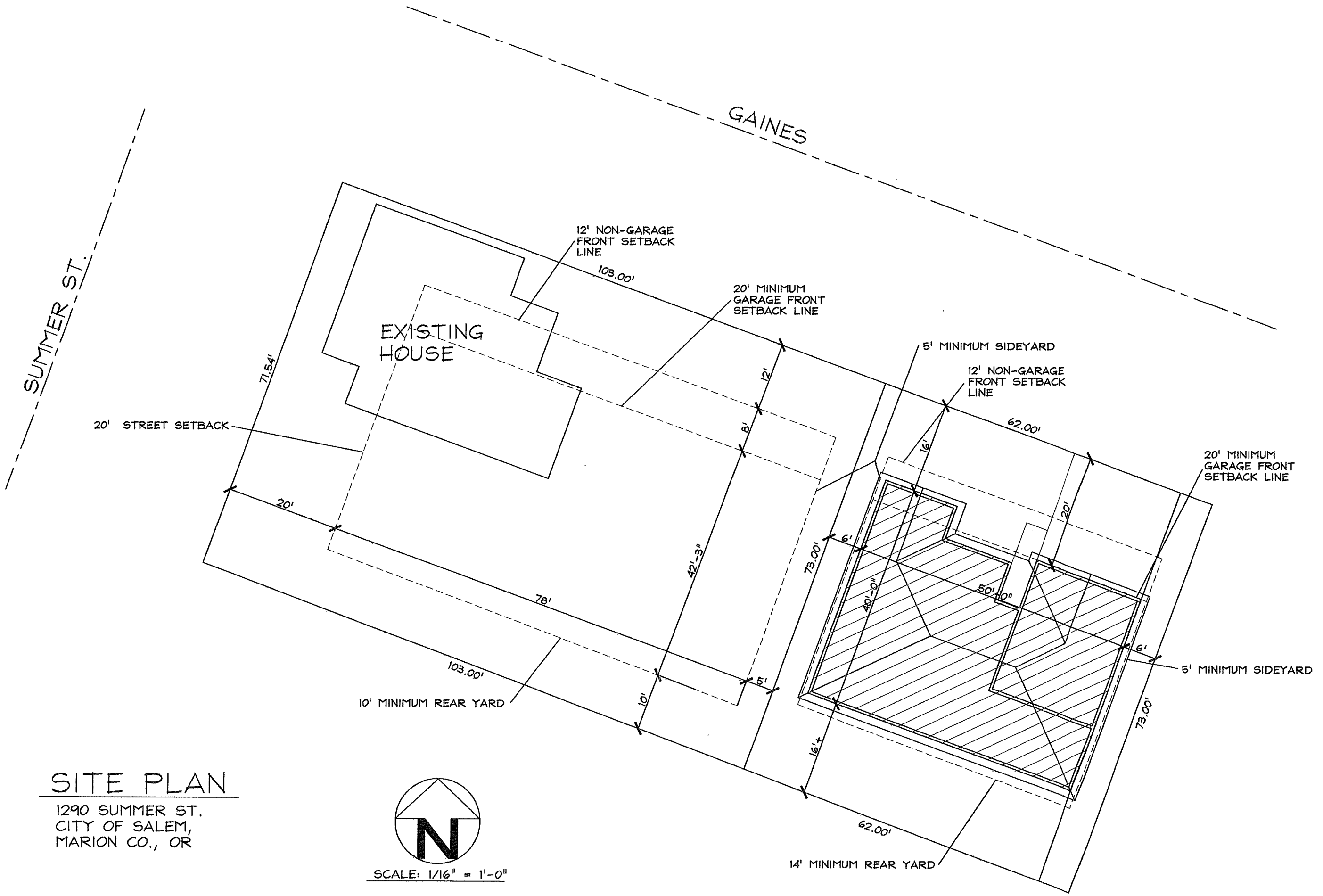
Legend

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



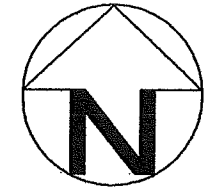
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ohb 5/20/14
mk



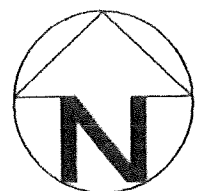
SITE PLAN

1290 SUMMER ST.
CITY OF SALEM,
MARION CO., OR



SCALE: 1/16" = 1'-0"

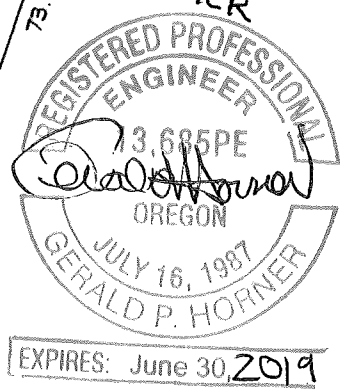
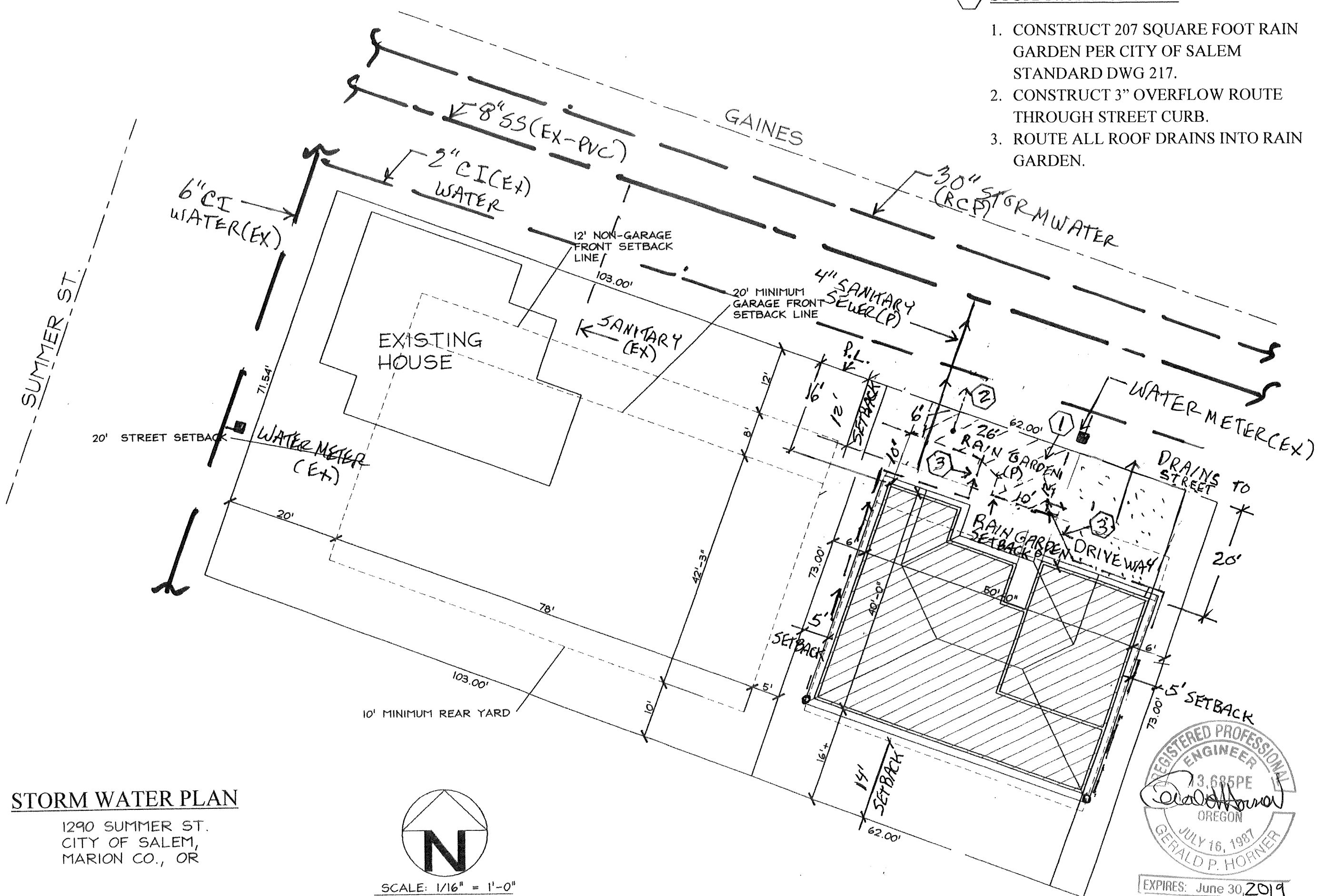
STORM WATER PLAN
 1290 SUMMER ST.
 CITY OF SALEM,
 MARION CO., OR



SCALE: 1/16" = 1'-0"

STORMWATER NOTES:

1. CONSTRUCT 207 SQUARE FOOT RAIN GARDEN PER CITY OF SALEM STANDARD DWG 217.
2. CONSTRUCT 3" OVERFLOW ROUTE THROUGH STREET CURB.
3. ROUTE ALL ROOF DRAINS INTO RAIN GARDEN.



ENGINEER:
 WILLAMETTE ENGINEERING INC.
 P.O. BOX 9032
 SALEM, OREGON 97305
 PH: 503-304-0905
 FAX: 503-304-9512

**STORMWATER
 DESIGN PLAN**

**SUMMER PARTITION
 APPLICATION**
 1290 SUMMER STREET NE
 SALEM, OREGON 97301

DESIGNED BY:	GPH
DRAWN BY:	RJW
DATE:	11-08-18
JOB NO.	2018-142
CLIENT NO.	
DRAWING NO.	CI
REV.	0

RECEIVED

FEB - 7 2019



COMMUNITY DEVELOPMENT

MEMO

TO: Britany Randall, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: February 7, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 18-15 (18-122543-LD)
1290 SUMMER STREET NE
2-PARCEL PARTITION**

PROPOSAL

To divide approximately 0.27 acres into 2 parcels in an RS (Single Family Residential) zone at 1290 Summer Street NE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct a sewer service that is proposed in the public right-of-way to serve the proposed new parcel.
2. Obtain permits for installation of a water service to serve the proposed new parcel.
3. 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 the new parcel. Construct stormwater facilities that are proposed in the public right-of-way.
4. Provide a 10-foot-wide public utility easement along the entire frontage of the subject property, except that the easement shall encroach no closer than 3 feet from an existing building.
5. Construct public sidewalks along the frontages of Summer Street NE and Gaines Street NE to Public Works Design Standards, or demonstrate that the current existing sidewalks meet standards.

6. The applicant shall construct driveway access to serve the proposed new parcel by either:
 - a. Construct a single driveway approach with direct access to Gaines Street NE or,
 - b. Construct a 20-foot hard surface driveway within the adjacent alley. "NO PARKING" signs shall be posted on both sides of the alley access.

FACTS

1. Summer Street NE

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. Based upon the "Special Street Right-of-Way and Improvements Requirements (Table G-1)" of the Salem TSP, the standard for Summer Street NE in this area is a 40-foot-wide improvement within a 75-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 40-foot improvement within a 75-foot-wide right-of-way abutting the subject property.

2. Gaines Street NE

- 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 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Condition

- a. A 30-inch storm main is located in Gaines Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 6-inch public water main is located in Summer Street NE.

- c. A 2-inch public water main is located in Gaines Street NE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Gaines Street NE.

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.

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 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. 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)(6)(B).

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.

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)(6)(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—Summer Street NE and Gaines Street NE meet the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

The existing residence currently utilizes a driveway access onto Gaines Street NE. The applicant has two options for vehicular access for the newly created lot. A single driveway approach to Gaines Street NE, designated as a

Local Street in the Salem TSP, is permitted by SRC 804.020. The applicant may also access the adjacent 15-foot alley along the eastern boundary of the subject property. The alley appears to also provide vehicular access to the neighboring apartment complex at 952 Gaines Street NE. With potentially multiple properties using the alley for access, Public Works Traffic Engineering Division is recommending the alley access be a minimum 20-foot-wide hard surface improvement to provide a safe two-way traffic pattern. The improvement shall also include signage to prohibit parking within the alley access.

The applicant is required to demonstrate that the existing public sidewalks along all frontages of the subject property meet the current City of Salem Public Works Design Standards.

Prepared by: Curt Pellatz, Program Manager
cc: File

GRANT NEIGHBORHOOD ASSOCIATION

SALEM OREGON

December 16, 2018

City of Salem
Planning Department
555 Commercial Street SE
Salem, Oregon 97302
December 10, 2018

via email 12-17-2018

RE: PAR 18-15
1290 Summer Street NE
Tax Lot 073W23BD 15500

Dear City of Salem Planning Department,

I'm writing on behalf of the Grant Neighborhood Association. At our 12/6/2018 neighborhood association meeting we reviewed Irv D. Widmer's recent land use application for a partition of the lot at 1290 Summer Street, in the Grant Neighborhood, where he has plans to construct a new single family dwelling with a garage. We were joined by Ms. Britany Randall, from the City of Salem Planning Department, who was very helpful in making sure we understood the nature and details of his application.

First, I would say that our Neighborhood Association is thankful that Mr. Widmer is choosing to invest in and improve his Grant property. We are encouraged by his current practice of preserving historic homes, creating comfortable and attractive living situations in our neighborhood, and generally stewarding his properties with care. Our board and members are committed to making Grant a safe, livable, and vibrant community for all who live here. Responsible, responsive, and caring landowners are vital to realizing that goal.

Reviewing the plans for partition and development at 1290 Summer Street, there was one overarching concern for neighbors: that the amount of sidewalk impacted by a curb cut for a two car garage was undesirable and not in character with the existing development in our neighborhood. The Grant neighborhood is comprised of many historic homes, most of which have either a single car garage with a minimal curb cut, or an alley entrance to a garage. Many homes have no curb cut at all in front of them, which is one of the things that makes our neighborhood walkable and safe for pedestrians.

We would like to maintain the visual character and safe walkable sidewalks in our neighborhood to the extent we are able, and are asking the City to make it a condition of approval that Mr. Widmer's proposed development reorient the garage entrance to the existing 15-foot wide public alley that lies to the east of the proposed house and garage location; essentially rotating the garage 90 degrees clockwise. If this alternative is not feasible, the neighborhood association would like Mr. Widmer to consider the option of creating a shared parking space in the remaining parking lot area that will continue to exist behind the current dwelling at 1290 Summer Street. These recommendations passed by unanimous decision of our Grant Neighborhood board members.

We appreciate both the City and Mr. Widmer's support in helping us make the Grant Neighborhood a great place to live today, tomorrow, and many years from now.

Sincerely,

/S/

Sam Skillern
Co-Chair