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503-588-6173

**** REVISED ****

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR18-01

APPLICATION NO. : 17-124223-LD

NOTICE OF DECISION DATE: FEBRUARY 16, 2018

SUMMARY: A tentative partition plan to divide an approximate 0.42 acre unit of land into two parcels, approximately 6,836 square feet and 10,320 square feet in size.

REQUEST: A tentative partition plan to divide an approximate 0.42 acre unit of land into two parcels, with Parcel 1 consisting of approximately 6,836 square feet, and Parcel 2 consisting of approximately 10,320 square feet exclusive of the flag lot accessway. The existing single family residence would remain on Parcel 1.

The subject property consists of two tax lots totaling approximately 0.42 acres in size, zoned RS (Single Family Residential), and located at 447 Browning Avenue S (Marion County Assessor's Map and Tax Lot number 083W03CC / 05200 and 083W03CC / 04900).

APPLICANT: Tony Frazier & Colleen Frazier

LOCATION: 447 Browning Avenue SE / 97302

CRITERIA: SRC Chapter 205.005(d)

FINDINGS: The findings are in the attached Decision dated February 16, 2018.

DECISION: The Planning Administrator **APPROVED** Partition Case No. PAR18-01 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: Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet.

Condition 2: Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Condition 3: Prior to final partition approval, proposed Parcel 1 shall have two off-street parking spaces meeting the standards of SRC Chapter 806 for single family development.

Condition 4: Construct sewer services that are proposed in the public right-of-way.

Condition 5: Obtain permits for installation of water services to serve Parcels 1 and 2.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Condition 6: Pay water connection fees prior to plat approval per SRC Chapter 21.

Condition 7: Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Morningside Street SE.

Condition 8: Design stormwater systems to serve Parcel 2 in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.

The rights granted by this decision must be exercised or extension granted by **March 06, 2020**, or this approval shall be null and void.

Application Deemed Complete:	<u>January 8, 2018</u>
Notice of Decision Mailing Date:	<u>February 16, 2018</u>
Decision Effective Date:	<u>March 6, 2018</u>
State Mandated Decision Date:	<u>May 8, 2018</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net; 503.540.2343

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., March 5, 2018.**

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 205. 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.

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>

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 16-08)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF)	
PARTITION PLAT NO. 18-01;)	
447 BROWNING AVE S)	FEBRUARY 16, 2018

REQUEST

A tentative partition plan to divide approximately 0.42 acres into two parcels, with Parcel 1 consisting of 6,836 square feet, and Parcel 2 consisting of 10,684 square feet exclusive of the flag lot accessway. The existing single family residence would remain on Parcel 1.

The subject property consists of two tax lots totaling approximately 0.42 acres in size, zoned RS (Single Family Residential), and located at 447 Browning Avenue S (Marion County Assessor's Map and Tax Lot number 083W03CC / 05200 and 083W03CC / 04900).

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:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Prior to final partition approval, proposed Parcel 1 shall have two off-street parking spaces meeting the standards of SRC Chapter 806 for single family development.
- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.

Condition 7: Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Morningside Street SE.

Condition 8: Design stormwater systems to serve Parcel 2 in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.

PROCEDURAL FINDINGS

1. On December 22, 2017, an application for a Tentative Partition Plan was filed proposing to divide a 0.42 acres property at 447 Browning Avenue S (Attachment B) into two parcels.
2. After additional information was submitted, the application was deemed complete for processing on January 8, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on January 8, 2018. The state-mandated local decision deadline is May 8, 2018.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide a single unit of land into two parcels, with Parcel 1 containing the existing residence and Parcel 2 created for new residential development (Attachment B). The proposed parcel 1 will access to Browning Avenue S and proposed parcel 2 would take access from a proposed flag lot accessway connecting to Browning Avenue S. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,836 square feet,
Parcel Dimensions: Approximately 78 feet in width and 87 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 10,684 square feet, exclusive of the flag lot accessway
Parcel Dimensions: Approximately 85 feet in width and 122 feet in depth
excluding the flag lot accessway

Access and Circulation: The subject property has frontage along the south property line on Browning Avenue S, which is designated as a collector street within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property consist of two tax lot, which are both described in one meets and bound description prior to 1965. The unit of land is a mostly rectangular lot, with 98 feet of frontage on Browning Avenue S along its southern boundary. The property is approximately 98 feet wide and approximately 208 feet in depth from south to north. An existing house, constructed in 1920, is situated on the southern portion of the subject property. The applicant proposes to retain the existing house after the partition.

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: Single Family Residential

South: (Across Browning Avenue S) Single Family Residential

East: Single Family Residential

West: Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family dwelling

South: (Across Browning Avenue S) RS (Single Family Residential); single family dwelling

East: RA (Residential Agriculture); single family dwelling

West: RA (Residential Agriculture); 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 S-2 water service level. A 18-inch City of Salem water line is located in Browning Avenue SE.

Sewer: There are 8-inch sanitary sewer main located in Browning Avenue SE.

Storm Drainage: There is an existing 8-inch public storm main located in Browning Avenue SE.

Streets: *Browning Avenue SE* abuts the southern boundary of the subject property, and is designated as a Collector street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 36-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Browning Avenue Street SE currently has an approximately 36-foot wide improvement within a variable-width right-of-way.
- Vision Clearance— Requirements shall be observed at all street and driveway intersections as provided for in SRC Chapter 805

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 D.

Building and Safety Division – The Community Development Department, Building and Safety Division, has not objection to the proposal.

Salem Fire Department – Salem Fire Department reviewed the proposal and has no objection to the proposed partition.

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that there is sufficient school capacity at the elementary school level but the middle school and high school levels currently are above capacity. The proposed partition is estimated to not increase the number of new students. The school district indicated that students residing at the subject property would be eligible for school transportation services to the high school. The area is within the “walk zone” of the assigned elementary and middle.

4. Neighborhood Association Comments

The subject property is within the ~~South Gateway~~ **Faye Wright 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 did not submit written comments.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. Two comments were received from surrounding property owners. One comment had no objections on the proposal and the other expressed concerns about the length of the driveways and ability to have off-street parking for both parcels.

Staff Response: The subject property is zoned RS (Single Family Residential) and would be required to meet the development standards and uses described in SRC Chapter 511. The RS zone allows for single family dwellings, with two required parking off-street parking spaces per unit. Based on the site plan, the parcels will have adequate parking.

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 0.42-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
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the partition range from approximately 6,836 square feet to 10,684 square feet in size, excluding the flag lot accessway. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 511.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

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. SRC Chapter 800 (General Development Standards) allows lots to be created without the minimum required frontage on a street when they are developed in conformance with the flag lot development standards set forth in SRC 800.025. Proposed Parcel 2 is a flag lot without the minimum required frontage on a street. The flag lot accessway meets the standard for flag lot development.

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

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

Interior Side Yards:

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

The existing dwelling on proposed Parcel 1 meets these standards for setbacks for the front, sides and rear yards. 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. The proposed parcel 1 is approximately 6,836 square feet. The existing 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 residence is proposed to remain, and is shown on the site plan entirely within the boundaries of proposed Parcel 1, in compliance with this standard.

SRC 800.025 (Flag Lots): Lots can be created without the minimum required frontage on a public street when flag lot accessways conforming to the standards of Table 800-1 are provided. Flag lot accessways shall be privately and not publicly maintained.

SRC 800.025 establishes the following development standards for flag lot accessways serving 1 to 2 residentially zoned lots:

Flag Lot Accessway Standards (1-2 Lots)(Residential Zone)	
Length	150 ft. Max.
Width	20 ft. Min.
Paved Width	15 ft. Min.
Parking	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it</i>

	<i>impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>
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The proposed flag lot accessway is to serve proposed Parcel 2 is approximately 87 feet in length and 20 feet in width. Flag lot accessways serving one to two residentially zoned lots is required to be paved to a minimum width of 15 feet. The proposed flag lots conform to the flag lot standards of SRC 800.025. In order to ensure that the access meets the requirements of SRC 800.025, the following condition shall apply:

Condition 1: Prior final partition plat, the flag lot accessway shall be paved to a minimum width of 15 feet.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

Condition 2: Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

As conditioned above, the proposal conforms to the requirements of SRC Chapter 800.

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

SRC 806.015(a) (Minimum Required Off-Street Parking): An existing single family residence currently occupies the subject property, with off-street parking provided by a garage. The applicant proposes the dwelling with garage will remain on Parcel 3. 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 one parcel for residential development (proposed Parcel 2), with an existing single-family residence remaining on proposed Parcel 1. The applicant has proposed a screed off-street parking area, containing two off street parking spaces.

Condition 3: Prior to final partition approval, proposed Parcel 1 shall have two off-street parking spaces meeting the standards of SRC Chapter 806 for single family development.

Off-street parking requirements for the proposed Parcel 2 will be reviewed at the time of application for building permits.

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 13, 2018 (Attachment D).

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

Condition 5: Obtain permits for installation of water services to serve Parcel 2.

Condition 6: Pay water connection fees prior to plat approval per 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 two parcel partition generates less than 1,000 average daily vehicle trips to Browning Avenue S, designated as a collector 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 Browning Avenue S, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portions of Browning Avenue S designated as a collector street in the TSP and has an approximate 36-foot-

wide improvement within a 60 to 70-foot-wide right-of-way, which meets current standard for a collector street. The applicant is advised that this section of Browning Avenue SE is scheduled for Spring/Summer 2018 overlay paving. For the five years subsequent to the overlay, work done in Browning Avenue SE will require specific approval by the City Engineer pursuant to Department Policy 01.2.05 (Cutting new paving). The existing portion of Browning Avenue SE consists of curb and sidewalks which contribute to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians and meets the collector street standards as specified in the Salem Transportation System Plan.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.42 acre unit of land, 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) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 7: Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Browning Avenue SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): The abutting portions of Browning Avenue SE designated as a collector street in the TSP. The abutting portion of Browning Avenue SE has an approximate 36-foot-wide improvement within a 60 to 70-foot-wide right-of-way and meets the current standard for a collector street. The portion of Browning Avenue SE abutting the subject property is scheduled for spring/summer 2018 overlay paving. Paving and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). The existing portion of Browning Avenue SE currently meets collector street standards as specified in the Salem Transportation System Plan.

(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 not proposed the removal of any trees. There are 2 trees on the subject property, none of the existing trees are proposed for removal. None of the designated trees for removal are defined as Significant Trees pursuant to SRC 808.005(k).

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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative partition plan conforms to all applicable SRC Chapter 809 requirements.

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 0.42 acre unit of land 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 with single family dwellings 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 Browning Avenue S and proposed flag lot accessway 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: The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that 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 that stormwater systems within the proposed partition meet the requirements of SRC Chapter 71, the following condition shall apply:

Condition 8: Design stormwater systems to serve parcel 2 in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 2. Construct stormwater facilities that are proposed in the public right-of-way.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(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.

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: The abutting portions of Browning Avenue S designated as a collector street in the TSP. The abutting portion of Browning Avenue SE has an approximate 36-foot-wide improvement within a 60 to 70-foot-wide right-of-way and meets current standard for a collector street. Additionally, the portion of Browning Avenue SE abutting the subject property is proposed for paving, and excavation. When completed the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). 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 applicant is advised that this section of Browning Avenue SE is scheduled for Spring/Summer 2018 overlay paving. For the five years subsequent to the overlay, work done in Browning Avenue SE will require specific approval by the City Engineer pursuant to Department Policy 01.2.05 (Cutting new paving). The existing portion of Browning Avenue SE consists of curb and sidewalks which contribute to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians and meets the collector street standards as specified in the Salem Transportation System Plan.

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 abutting portions of Browning Avenue SE designated as a collector street in the TSP. The abutting portion of Browning Avenue SE has an approximate 36-foot-wide improvement within a 60 to 70-foot-wide right-of-way and meets the current standard for a collector street. The portion of Browning Avenue SE abutting the subject property is scheduled for spring/summer 2018 overlay paving. Paving and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). The existing portion of Browning Avenue SE currently meets collector street standards as specified in the Salem Transportation System Plan.

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 essentially flat, sloping downward from the southwest corner to the northeast corner, with the northwest corner of the property being approximately 8 feet lower than the highest point on the property. 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, there is a slight elevation change from south to north across the subject property. The proposed layout distributes this grade change roughly equally across the two parcels, minimizing the need for substantial grading in any single area. The applicant proposes to retain the existing residence on a future parcel 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.

The applicant has indicated two existing trees on proposed parcel one, which will both be preserved. The applicant's proposal would retain 2 trees, or approximately 100% of the trees on the subject properties, thus since no trees are proposed for removal a Tree Conservation Plan is not required under SRC 808.035(a). No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present 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.

9. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 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.18-01, to divide a 0.42 acre lot into 2 parcels, with Parcel 1 consisting of 6,836 square feet, and Parcel 2 consisting of 10,684 square feet exclusive of the flag lot accessway, for property zoned RS (Single Family Residential), and located at 447 Browning Avenue SE 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:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Prior to final partition approval, proposed Parcel 1 shall have two off-street parking spaces meeting the standards of SRC Chapter 806 for single family development.
- Condition 4:** Construct sewer services that are proposed in the public right-of-way.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Morningside Street SE.

Condition 8: Design stormwater systems to serve Parcel 2 in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.



Olivia Glantz, Planning Administrator Designee

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

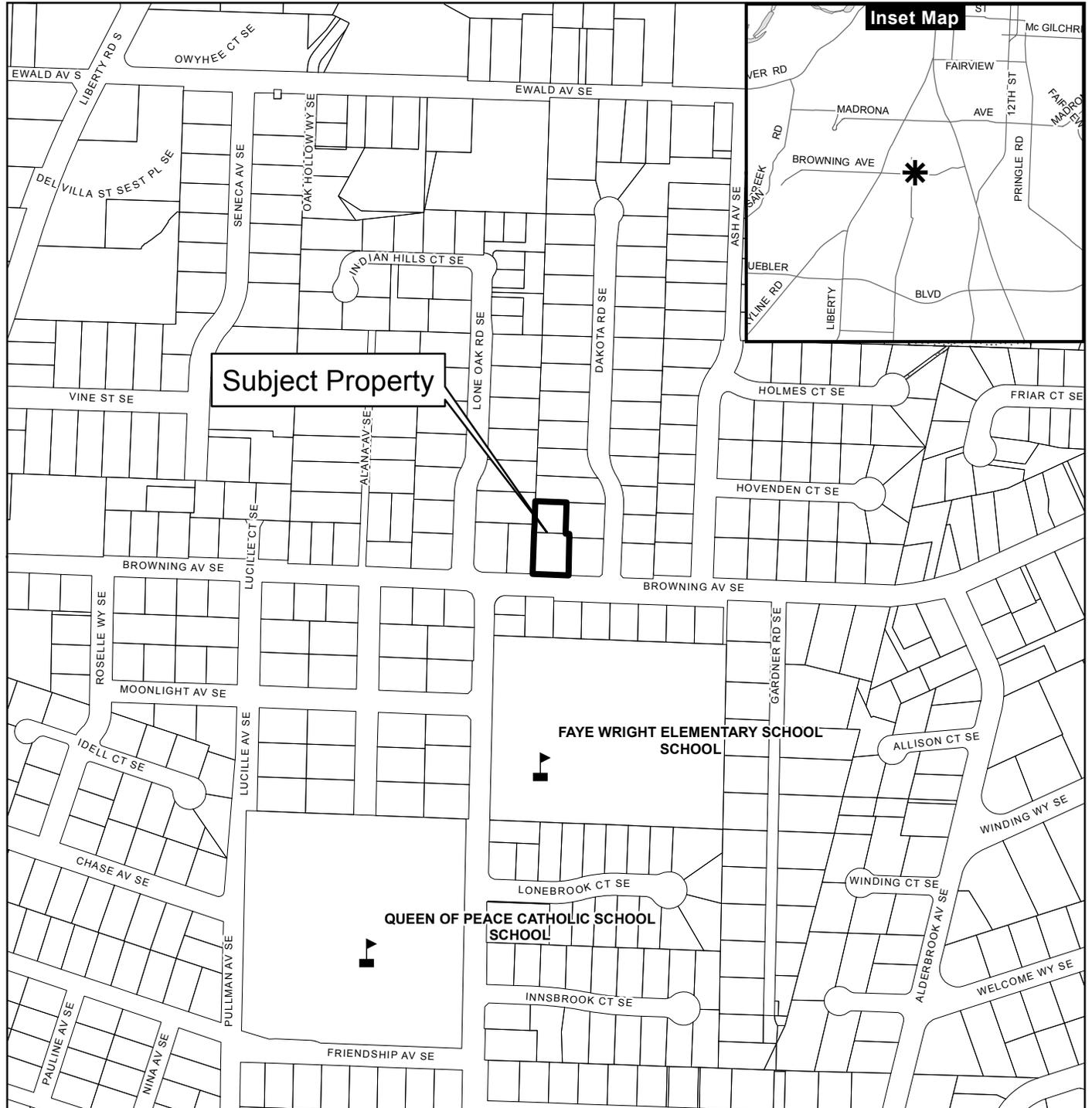
Application Deemed Complete: January 8, 2018
Notice of Decision Mailing Date: February 16, 2018
Decision Effective Date: March 3, 2018
State Mandated Decision Date: May 8, 2018

The rights granted by this decision must be exercised or extension granted by **March 03, 2020**, 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, March 2, 2018, 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 447 Browning S



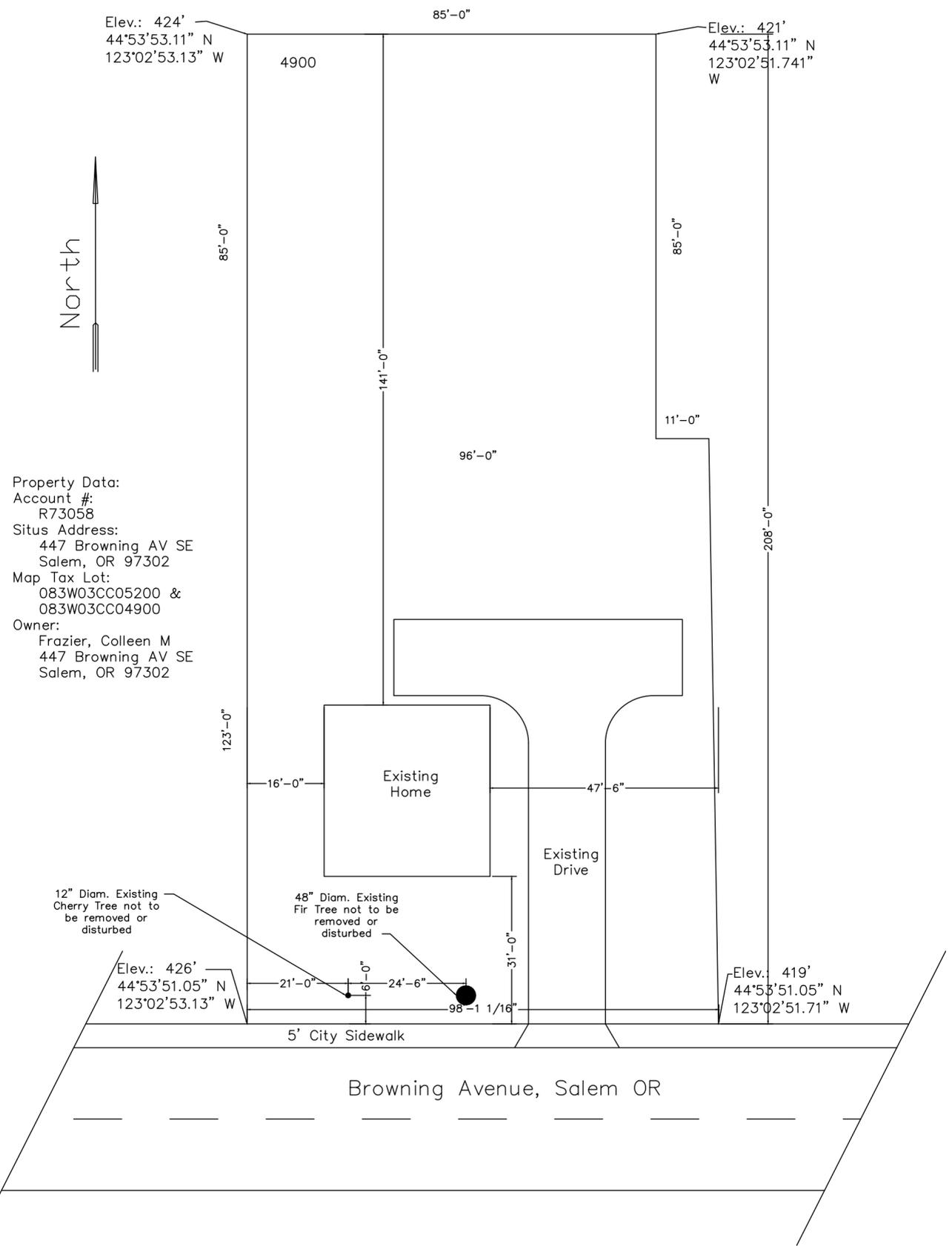
Legend

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

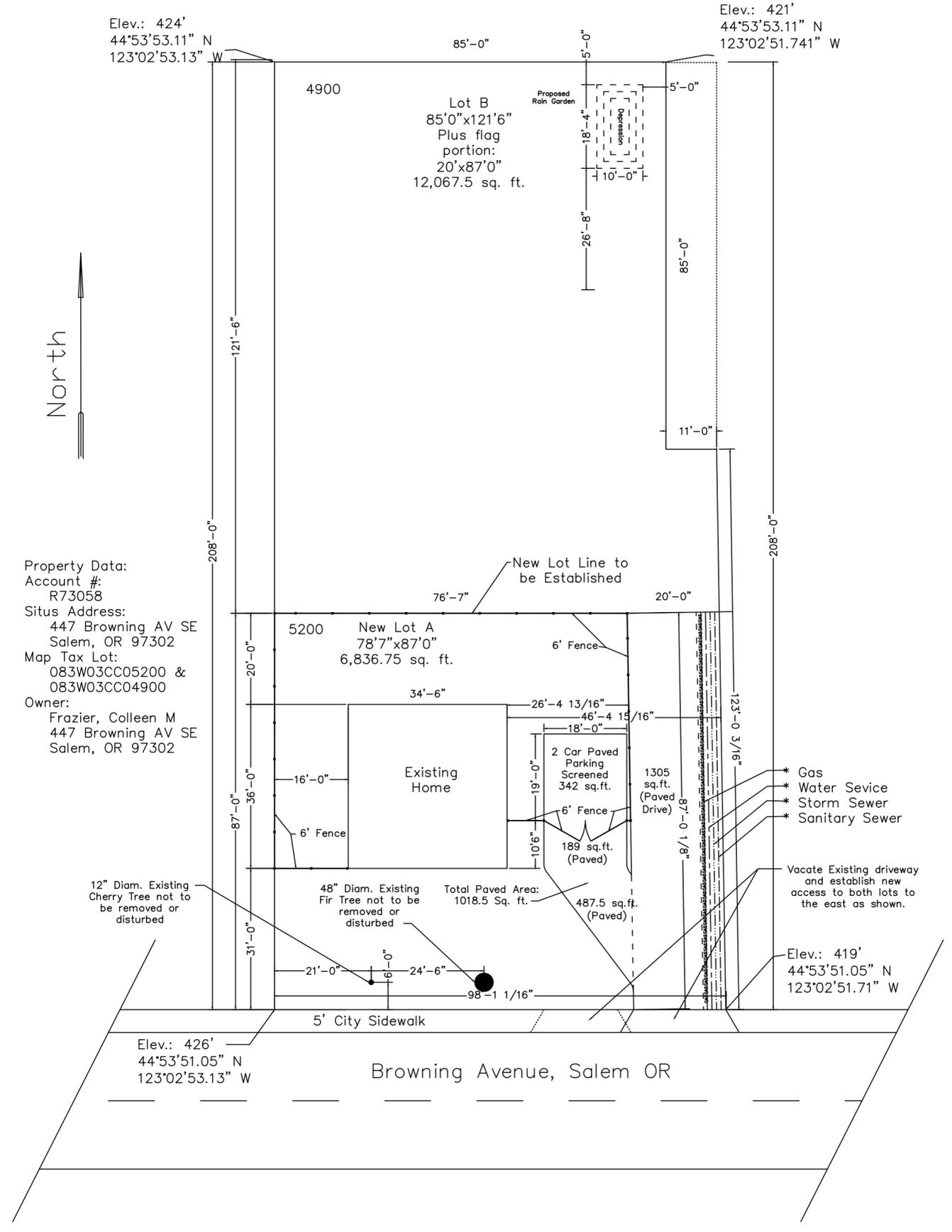


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Existing Site Plan
Scale: 1"=20' (1:240)



Revised Partition Site Plan
Scale: 1"=20' (1:240)



Frazier, Tony & Colleen 447 Browning AV SE, Salem	Dec 8, 2017	Partition Lot Line Revision
Contractor: Self Cell: 503-949-0058	Scale: 1"=20'	Existing & New Site Plans Pg 1 of 1

Proposal Statement

RE: Partition Tentative Plan
447 Browning Ave SE
Salem, OR 97302

This project aims to create one additional residential lot at 447 Browning Ave SE. It establishes a flag lot that will eliminate the existing access to Browning Ave and create a new single access point for both residences along the East property line. Plot map of tentative plan shows that proposed project complies with the standards set forth in the SRC Chapter 205 and applicable provisions of the Unified Development code. (See Plot Plan)

Plot map shows proposal addresses the following:

City Lot standards

City infrastructure standards

No special development standards

Does not impede future use or development

Can be served by city infrastructure

Conforms to city transportation plan

Safe access to and out of the partition

Topography/Site – no need for variance beyond city requirements

Property will connect to city services



MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: February 14, 2018

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PAR 18-01 (17-124223-LD)
447 BROWNING AVENUE SE
TWO-LOT PARTITION

PROPOSAL

To divide approximately 0.42 acres into 2 parcels in an RS (Single Family Residential) zone at 447 Browning Avenue SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct sewer services that are proposed in the public right-of-way.
2. Obtain permits for installation of a water service to serve Parcel 2.
3. Pay water connection fees prior to plat approval per SRC Chapter 21.
4. Design stormwater systems to serve parcel 2 in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.
5. Provide a 10-foot-wide public utility easement along the entire frontage of Browning Avenue SE.

FACTS

1. Browning Avenue SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Condition—This street meets or exceeds the Collector street standard with an approximately 36-foot-wide improvement within a 60-to-70-foot-wide right-of-way abutting the subject property.
- c. Vision Clearance— Requirements shall be observed at all street and driveway intersections as provided for in SRC Chapter 805.

Storm Drainage

1. Existing Conditions

- a. An 8-inch storm main is located in Browning Avenue SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. There is an 18-inch public water line in Browning Avenue SE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer line is located in Browning Avenue 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).

The applicant shall maintain vision clearance with the placement of the proposed driveway pursuant to SRC 805.005.

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

Findings—Water, sewer, and storm infrastructures are 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 applicant is advised that this section of Browning Avenue SE is scheduled for spring/summer 2018 overlay paving. For the five years subsequent to the overlay, work done in Browning Avenue SE will require specific approval by the City Engineer pursuant to Department Policy 01.2.05 (Cutting New Paving).

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—Browning Avenue SE abuts the subject property and has an approximate improvement width of 36-feet within a 60-to-70-foot-wide right-of-way that meets or exceeds the current standard for a Collector street. The existing improvement includes curb and sidewalks which contribute to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. The placement of the driveway takes into consideration and complies with vision clearance standards for residential properties along Collector streets, further contributing to the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Prepared by: Jennifer Scott, Project Coordinator
cc: File