

## **Revisions to the Agenda**

### **City Council**

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**Monday, October 10, 2016**

**6:30 PM**

**Council Chambers**

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**6.a.**     [16-281](#)

Appeal WITHDRAWN for Planning Administrator's Decision - Partition-Adjustment No. PAR-ADJ16-05 - Approved - CP Development LLC (Craig & Kathleen Evans) - 2310 Barberry Street NW - Partition to divide a 1.05-acre property into 9 parcels approximately 13,000 - 17,500 square feet and an Adjustment increase the length of the access easement.

The appeal has been withdrawn. If not called up by the City Council this decision will be final.

Ward(s): 8  
Councilor(s): Lewis  
Neighborhood(s): West Salem

**Attachments:**     [Land Use Decision PAR-ADJ 16-05](#)

[Appeal Letter](#)

[Appeal Withdrawal Letters](#)

*Revised - The appeal has been withdrawn. If not called up by the City Council this decision will be final.*

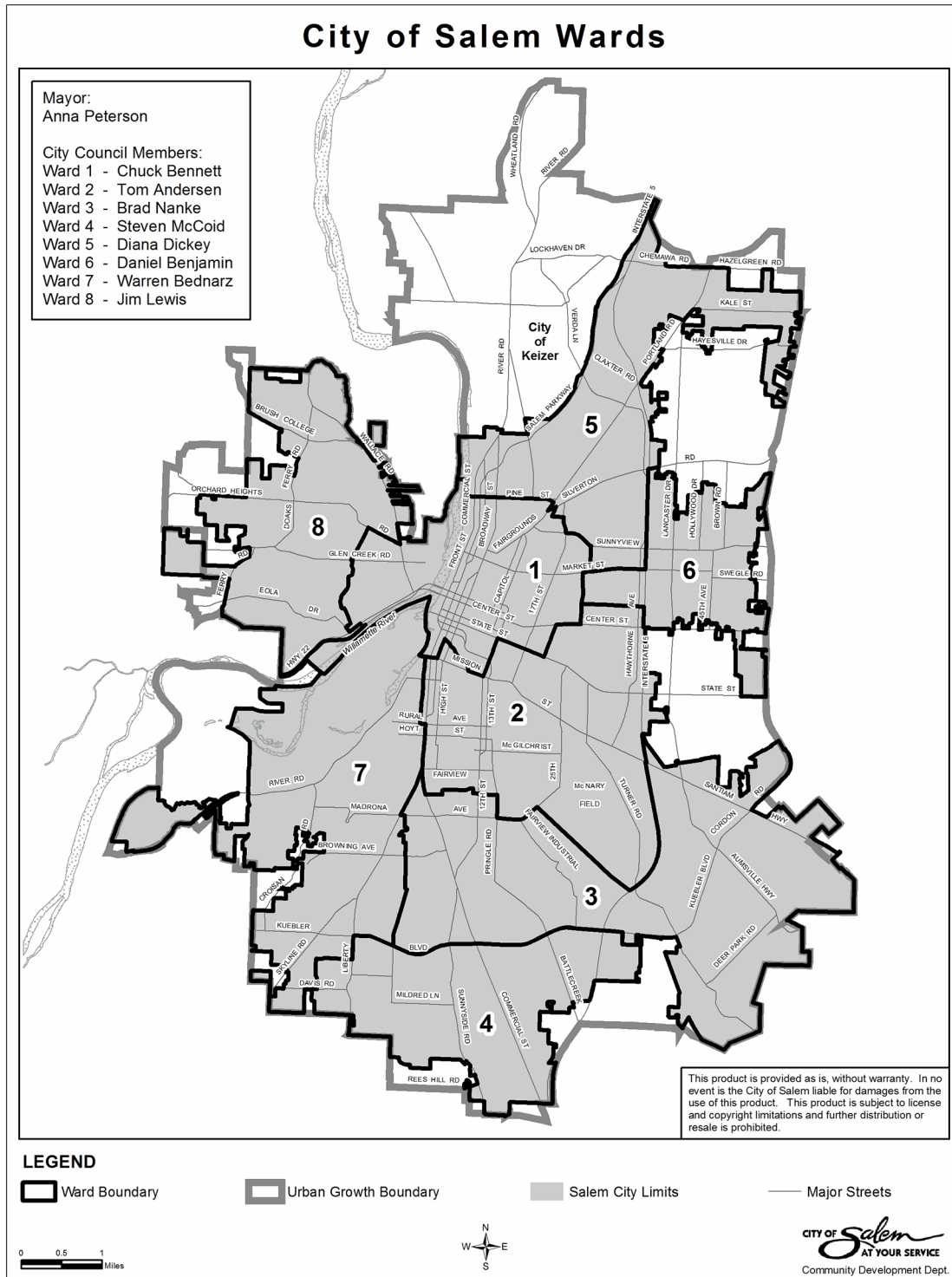
**6.g.**     [16-289](#)

Planning Administrator's Decision - Partition 16-02 - Approved - MRB Enterprises, Inc. - 990 Ratcliff Drive SE - A proposed partition to divide a lot at the southwest corner of Ratcliff Drive SE and Pheasant Avenue SE into three parcels for residential development.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside

**Attachments:**     [PAR16-02 Decision](#)

*Add - Added Report*





## Staff Report

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**File #:** 16-281

**Version:** 3

**Date:** 10/10/2016

**Item #:** 6.a.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Glenn W. Gross, Community Development Director

**SUBJECT:**

**Appeal WITHDRAWN** for Planning Administrator's Decision - Partition-Adjustment No. PAR-ADJ16-05 - Approved - CP Development LLC (Craig & Kathleen Evans) - 2310 Barberry Street NW - Partition to divide a 1.05-acre property into 9 parcels approximately 13,000 - 17,500 square feet and an Adjustment increase the length of the access easement.

**The appeal has been withdrawn. If not called up by the City Council this decision will be final.**

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

**RECOMMENDATION:**

Information only.

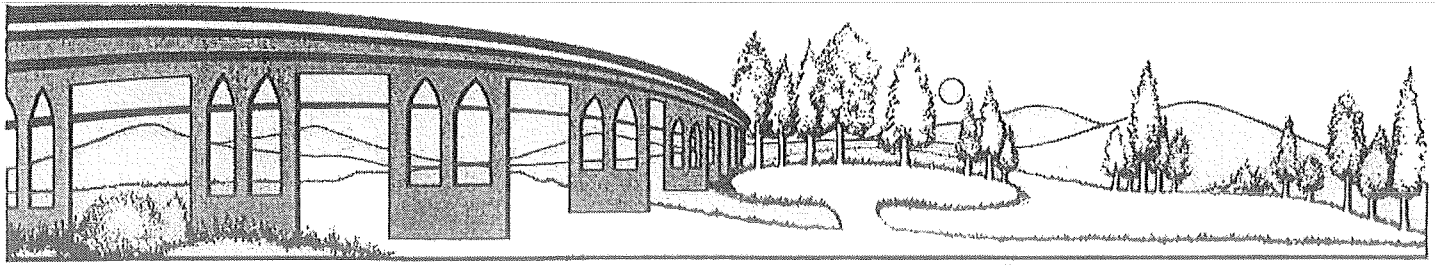
Olivia Glantz  
Planner II

**Attachments:**

1. Land Use Decision PAR-ADJ 16-05
2. Appeal Letter
3. Appeal Withdrawal Letter

09/16/2016





# *West Salem Neighborhood Association*

*555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207*

Olivia Glantz, Case Manager  
City of Salem, Planning Division  
555 Liberty Street SE, Room 305  
Salem, OR 97301

October 7, 2016

Re: Case No. PAR-ADJ 16-05

The West Salem Neighborhood Association withdraws its appeal of this case subject to written withdrawal of the appeal filed by Judy Armstrong.

Respectfully,

Kathleen Dewoina

Land Use Chair  
West Salem Neighborhood Association

October 7, 2016

**To:** Salem City Planning Department  
**From:** Armstrong, Spooner, Hopp, and Weinstein  
**RE:** Case Number PAR-ADJ16-05

The intention of this letter is to notify you of our agreement to withdraw our "appeal", submitted on 10/03/16 and concerning the partition of the 1.0522 acre property at the 2300 block of Barberry ST. NW. into a maximum of three lots for Single Family Residential development.

Given the assurances, from CP Development LLC (Mr. Craig Evans), that all applicable City standards/code/conditions shall be met in this development, we the undersigned, hereby, withdraw our appeal, subject to the reimbursement of the appeal fee paid to the City by Ms. Judy Armstrong.

Judy E. Armstrong 2340 Barberry St. NW  
Raymond E. Spooner " " " " "  
Rebecca S. Weinstein 455 23<sup>rd</sup> St. N.W.  
Alan B. Hopp " " "

10/7/2016

Charisse Hopp  
2300 Barberry St NW  
Salem, OR 97304

City of Salem  
Attn: Case Manager

To: Olivia Glantz,

Regarding Partition Appeal

I, Charisse Hopp, would like to formally withdrawal my appeal regarding the additional easement that was proposed. After my discussion with Craig Evans, he has agreed that he will be utilizing the existing 10' easement along the tree line in which the trees will be removed in order to accommodate the storm water improvements for this project and no other easements will be needed. If any further documented information is needed, please contact me at [chopp@marquiscompanies.com](mailto:chopp@marquiscompanies.com).

Thank you,

A handwritten signature in black ink, appearing to read 'CHopp', with a stylized flourish at the end.

Charisse Hopp



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Staff Report

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**File #:** 16-289

**Version:** 1

**Date:** 10/10/2016

**Item #:** 6.g.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Glenn W. Gross, Community Development Director

**SUBJECT:**

Planning Administrator's Decision - Partition 16-02 - Approved - MRB Enterprises, Inc. - 990 Ratcliff Drive SE - A proposed partition to divide a lot at the southwest corner of Ratcliff Drive SE and Pheasant Avenue SE into three parcels for residential development.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

**RECOMMENDATION:**

Information Only.

Chris Green  
Planner II

**Attachments:**

1. Land Use Decision PAR16-02

09/23/2016



# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO. PAR16-02

APPLICATION NO.: 16-108896-LD

NOTICE OF DECISION DATE: SEPTEMBER 22, 2016

**APPLICATION SUMMARY:** A proposed partition to divide a lot at the southwest corner of Ratcliff Drive SE and Pheasant Avenue SE into three parcels for residential development. The existing single family residence would remain.

**REQUEST:** The partition would create three parcels, with Parcel 1 consisting of 7,334 square feet, Parcel 2 consisting of 7,760 square feet, and Parcel 3 consisting of 6,777 square feet. The existing residence would remain on Parcel 2. A similar tentative partition plan was approved in 2014 (PAR14-08), but is revised in this application to eliminate proposed half-street improvements along the Ratcliff Drive SE frontage.

The subject property is approximately 0.5 acres in size, zoned RS (Single-Family Residential), and located at 990 Ratcliff Drive SE (Marion County Assessor's Map and Tax Lot number 083W03AA08700).

**APPLICANT:** MRB ENTERPRISES INC

**LOCATION:** 990 RATCLIFF DR SE

**CRITERIA:** Salem Revised Code 205.005(d)

**FINDINGS:** The findings are in the attached order dated September 22, 2016.

**DECISION:** The Planning Administrator **GRANTED** Partition Case No. PAR16-02, 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:** Obtain a demolition permit and remove the existing detached garage on proposed Parcel 3.

**Condition 2:** The applicant shall provide at least 2 off-street parking spaces for the existing residence on proposed Parcel 2, in compliance with the applicable development standards established in Salem Revised Code 806.025.

**Condition 3:** Construct sewer services that are proposed in the public right-of-way. A new sewer service is required for Parcel 1 if the existing service is not adequate for reuse.

- Condition 4:** Obtain permits for installation of water services to serve Parcels 2 and 3.
- Condition 5:** Pay water connection fees prior to plat approval per Salem Revised Code Chapter 21.
- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 7:** Along the frontage of Ratcliff Drive SE, construct additional pavement to a width of 15 feet from the centerline. The pavement shall be constructed according to Public Works Design Standards for the grade, slope, and surface standards of a pedestrian access route.
- Condition 8:** 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 2. Construct stormwater facilities that are proposed to be located in the public right-of-way.
- Condition 9:** Widen the pavement along the frontage of Pheasant Avenue SE to provide a minimum of two 11-foot-wide travel lanes.

The rights granted by the attached decision must be exercised, or an extension granted, by **OCTOBER 8, 2018**, or this approval shall be null and void.  
A copy of the decision is attached.

Application Deemed Complete: May 31, 2016  
Notice of Decision Mailing Date: September 22, 2016  
Decision Effective Date: October 8, 2016  
State Mandate Date: November 26, 2016

Case Manager: Chris Green, [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net), 503-540-2326 

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., OCTOBER 7, 2016**. 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 in SRC Chapter 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 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>**

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 16-02)**

*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. 16-02;  
990 RATCLIFF DRIVE SE**

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)  
)

**FINDINGS AND ORDER**

**SEPTEMBER 22, 2016**

**REQUEST**

A tentative partition plan to divide approximately 0.5 acres into 3 parcels, with Parcel 1 consisting of 7,334 square feet, Parcel 2 consisting of 7,760 square feet, and Parcel 3 consisting of 6,777 square feet. The existing single family residence would remain on Parcel 2.

The subject property is approximately 0.5 acres in size, zoned RS (Single-Family Residential), and located at 990 Ratcliff Drive SE (Marion County Assessor's Map and Tax Lot number 083W03AA08700).

**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:** Obtain a demolition permit and remove the existing detached garage on proposed Parcel 3.
- Condition 2:** The applicant shall provide at least 2 off-street parking spaces for the existing residence on proposed Parcel 2, in compliance with the applicable development standards established in Salem Revised Code 806.025.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way. A new sewer service is required for Parcel 1 if the existing service is not adequate for reuse.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 2 and 3.
- Condition 5:** Pay water connection fees prior to plat approval per Salem Revised Code Chapter 21.
- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

- Condition 7:** Along the frontage of Ratcliff Drive SE, construct additional pavement to a width of 15 feet from the centerline. The pavement shall be constructed according to Public Works Design Standards for the grade, slope, and surface standards of a pedestrian access route.
- Condition 8:** 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 2. Construct stormwater facilities that are proposed to be located in the public right-of-way.
- Condition 9:** Widen the pavement along the frontage of Pheasant Avenue SE to provide a minimum of two 11-foot-wide travel lanes.

### **PROCEDURAL FINDINGS**

1. On May 4, 2016, an application for a Tentative Partition Plan was filed proposing to divide a 0.5 acre property at 990 Ratcliff Drive SE (Attachment B) into 3 parcels.
2. The application was deemed complete for processing on May 31, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on July 14, 2016. The applicant has granted two extensions of the of the state-mandated local decision deadline to November 26, 2016.

### **SUBSTANTIVE FINDINGS**

#### **1. Background**

The proposed partition would be the first land partitioning of the subject property, which was platted as Block 3, Lot 5 of the Pioneer Gardens subdivision in 1945 and annexed into the City of Salem in 1964. A 3-parcel tentative partition plan (PAR14-08) and tree conservation plan (TCP14-09) were approved for the subject property in 2014. The configuration of PAR14-08 matched the subject tentative partition plan with the exception of half-street improvements that were proposed along Ratcliff Drive SE in PAR14-08. These improvements have been eliminated in the current application. Staff from the Public Works Department has reviewed the revised proposal and has submitted comments supporting the applicant's statement that street improvements along Ratcliff Drive SE are not warranted in conjunction with the proposed partition.

#### **2. Proposal**

The tentative plan proposes to divide the property into 3 parcels, with Parcel 2 containing the existing residence and Parcels 1 and 3 created for new residential development (Attachment B). The proposed parcels would take access directly from existing street frontages on Ratcliff Drive SE and Pheasant Avenue SE, with no internal

streets or flag lots proposed. The three parcels within the tentative partition plan are proposed as follows:

**PROPOSED PARCEL 1**

Parcel Size: 7,334 square feet  
Parcel Dimensions: Irregularly shaped, approximately 70 feet by approximately 103 feet

**PROPOSED PARCEL 2**

Parcel Size: 7,760 square feet  
Parcel Dimensions: Approximately 75 feet in width and 103 feet in depth

**PROPOSED PARCEL 3**

Parcel Size: 6,777 square feet  
Parcel Dimensions: Approximately 65 feet in width and 103 feet in depth

The proposed tentative partition plan is essentially the same as the configuration approved in PAR14-08, with the exception of the removal of half-street improvements along the Ratcliff Drive SE frontage. As a corner lot greater than 7,000 square feet in size, Parcel 1 meets the use and lot standards for a duplex lot in the RS (Single Family Residential) zone pursuant to SRC Chapter 511.

**3. Existing Conditions**

Site and Vicinity

The subject property is a rectangular corner lot, with approximately 192 feet of frontage along its eastern boundary along Pheasant Avenue SE and approximately 103 feet in depth, with a frontage along a north-easterly curve of Ratcliff Drive SE. An existing house, constructed in 1948, and detached garage are situated on the western portion of the subject property, set back from the frontage along Pheasant Avenue SE. The applicant proposes to retain the existing house, which would take access from Pheasant Avenue SE after the partition. The surrounding residential development was primarily platted and developed in the decades immediately following World War II, when this portion of southeast Salem was still in unincorporated Marion County. Although 60-foot-wide rights-of-way have typically been dedicated for local streets, most local streets have an improved width of less than 30 feet. Some, such as the abutting portion of Pheasant Avenue SE, have paved widths of less than 20 feet. Over time, many adjacent property owners have planted and maintained vegetation within the unimproved portion of rights-of-way as an extension of front yard landscaping.

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.

*Growth Management:* The subject property is within the City's Urban Service Area.

*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 Ratcliff Drive SE) – Single Family Residential  
South: Single Family Residential  
East: (Across Pheasant Avenue SE) – Single Family Residential  
West: 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 residence. The surrounding properties are zoned and used as follows:

North: (Across Ratcliff Drive SE) – RS (Single Family Residential); single family dwellings  
South: RS (Single Family Residential); single family dwellings  
East: (Across Pheasant Avenue SE) – RS (Single Family Residential); single family dwellings  
West: RS (Single Family Residential); single family dwellings

#### Natural Features

The subject property varies from approximately 270 feet above mean sea level along the northern edge to 291 feet above mean sea level at the southeastern corner. A previous tree conservation plan (TCP14-09) identified 7 trees on the subject property. In addition, a row of Douglas fir trees line the western edge of the site, within the unpaved shoulder of the Pheasant Avenue SE right-of-way.

There are no identified wetlands, floodplains, or areas of landslide susceptibility on the subject property.

#### 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-1 water service level. An 8-inch City of Salem water line is located in Ratcliff Drive SE.

Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

*Sewer:* There are 8-inch sanitary sewer mains located in Ratcliff Drive SE and Pheasant Avenue SE.

*Storm Drainage:* There is an existing 24-inch public storm main located in Ratcliff Drive SE.

*Streets:* *Ratcliff Drive SE* abuts the northern 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.
- The abutting portion of Ratcliff Drive SE currently has an approximately 25-foot wide improvement within a 60-foot-wide right-of-way.

*Pheasant Avenue SE* abuts the eastern boundary of the subject property, and is designated as a local street in the TSP.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Pheasant Avenue SE has an approximately 10-to-15-foot-wide improvement within a 60-foot-wide right-of-way.

#### 4. Land Use History

- **Partition Case No. PAR14-08:** Tentative partition approval for a 3-parcel partition on the subject property with a nearly identical configuration to the subject proposal. A final plat has not been recorded for PAR14-08.
- **Tree Conservation Plan No. TCP14-09:** A Tree Conservation Plan submitted in conjunction with PAR14-08, identifying 7 trees on the subject property, with 5 trees to be removed. There is no expiration date for TCP14-09.

#### 5. 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, provided comments requesting verification that no additional easements are required for utilities crossing adjacent lots. Comments from the Public Works Department indicate that water and sewer service is available at the perimeter of the subject property. Each proposed parcel has frontage on one or more public streets and can access utilities within these streets directly from the right-of-way, without crossing over adjacent lots.

**Salem Fire Department** – City of Salem Fire Department submitted comments indicating no concerns with the proposal, and noting that three fire hydrants are available within 600 feet of the subject property.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle, and high school levels to serve future development within the proposed partition. The school district indicated that students residing at the subject property would not be eligible for school transportation services. The area is within the “walk zone” of the assigned elementary, middle, and high schools.

**Portland General Electric (PGE)** reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

## **6. Neighborhood Association Comments**

The subject property is within the Morningside 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 any written comments on the proposal prior to the comment deadline.

## **7. Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the comment deadline, three public comments were submitted expressing the following concerns with the proposal:

**Lack of justification for deletion of half-street improvements along Ratcliff Drive SE:** Comments expressed concern that the application did not provide an adequate justification for removing the half-street improvement along Ratcliff Drive that had been required as a condition of approval in PAR14-08.

**Staff Response:** Requests for tentative partition plans must include a statement addressing each applicable approval criterion and standard. The applicant submitted



such statements and proof, which are included in their entirety as Attachment C to this decision. Public Works Department staff has reviewed the applicant's request to allow an alternative street standard without half-street improvements along the abutting portion of Ratcliff Drive SE, and found that a complete half-street improvement along the Ratcliff Drive frontage is not warranted. In summary, Public Works staff finds that a complete half-street frontage improvement is not warranted due to the following factors:

- Lack of short-term benefit provided by a half-street improvement, as the nearest curb and sidewalk is approximately 1,800 feet to the west
- Little chance that a deferred boundary street improvement would help reduce costs of future improvements to Ratcliff Drive SE through the Capital Improvement Program (CIP). No such project is identified in the current CIP and the City seldom constructs improvements to local streets such as Ratcliff Drive through the CIP.
- The surrounding residential area is largely built out, leaving few opportunities to make incremental improvements coinciding with new development elsewhere along the Ratcliff Drive corridor.
- The impacts of a three-parcel partition do not warrant significant off-site improvements that would be necessary to connect the small segment of frontage abutting the subject property to the existing network of sidewalks.

Instead, an alternative frontage improvement is required to provide pedestrian access along this frontage. Condition 7 implements this requirement. The recommendation of the Public Works Department is included in its entirety as Attachment D to this decision.

**Inadequate maintenance of subject property:** Comments expressed concern with lack of maintenance and unsightly conditions on the subject property in recent years, including storage of heavy equipment, tall grass, and accumulated trash. Comments described a water leak on the subject property in Fall 2015, which had resulted in an accumulation of water and ice in the vicinity.

**Staff Response:** Tall grass, accumulation of garbage, or other examples of inadequate property maintenance are code compliance issues and should be addressed by contacting the Neighborhood Enhancement Division. Adequacy of property maintenance is not an applicable criterion for approving or denying a request for a tentative partition plan. The proposal to partition the subject property would facilitate development of two new parcels for residential development, in addition to the existing residence. Development of new homes within the partition would result in new homeowners or occupants responsible for property maintenance on individual parcels.

## 8. 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 0.5-acre property into 3 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** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately from 6,777 square feet to 7,760 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**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)

Interior Side Yards:

- Minimum 5 feet

The existing dwelling on proposed Parcel 2 meets these standards for setbacks for the front and side yards. The rear yard setback between the existing dwelling and the westerly property line appears to provide less than 5 feet as required under SRC 511. The proposed partition would not affect the rear property line or increase the nonconformance of the existing rear yard setback. Setback requirements for the proposed Parcels 1 and 3 will be reviewed at the time of application for building permits on those individual parcels.

The applicant proposes to remove a detached garage in the approximate area of proposed Parcel 3, which currently provides off-street parking for the existing dwelling on the property. The applicant proposes to retain the residence on Parcel 2 of the partition. In the event that the garage were not removed, the proposed partition would result in the existing residence and detached garage being located on separate parcels. The garage is only permitted in the RS zone as an accessory use, and is not permitted to be located on a parcel (such as proposed Parcel 3) without a primary residential use. In order to ensure that the partition does not result in a non-conforming accessory structure, the following condition shall apply:

**Condition 1:** Obtain a demolition permit and remove the existing detached garage on proposed Parcel 3.

As conditioned, 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 2, in compliance with this standard.

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Proposed Parcel 1 is a corner lot, but only meets lot depth requirements with the Pheasant Avenue SE frontage designated as the front lot line. Therefore, the front lot line for a Parcel 1 shall be the east property line, along Pheasant Avenue SE.

*SRC 800.025 (Flag Lots):* There are no flag lots within the proposed partition. Therefore, the standards established in SRC 800.025 are inapplicable to the proposal.

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 detached garage in the approximate area of proposed Parcel 3. The applicant proposes to remove the garage, while the residence would remain on Parcel 2. SRC 806.015(a) requires all Single Family and Two Family dwellings outside of the Central Salem Development Program (CSDP) Area. The subject property is located outside of the CSDP, and the proposed partition would create two parcels for residential development (proposed Parcel 1 and proposed Parcel 3), with an existing single-family residence remaining on proposed Parcel 2. Minimum off-street parking would be required for proposed Parcels 1 and 3 at the time of development. Because the partition would otherwise diminish required off-street parking for the existing residence, the following condition of plat approval shall apply:

**Condition 2:** The applicant shall provide at least 2 off-street parking spaces for the existing residence on proposed Parcel 2, in compliance with the applicable development standards established in Salem Revised Code 806.025.

Off-street parking requirements for the proposed Parcels 1 and 3 will be reviewed at the time of application for building permits on those individual parcels.

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 July 14, 2016 (Attachment D).

*SRC 802.015 (Development to be Served by City Utilities).* Water and sewer services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). In order to ensure water and sewer service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

- Condition 3:** Construct sewer services that are proposed in the public right-of-way. A new sewer service is required for Parcel 1 if the existing service is not adequate for reuse.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 2 and 3.
- Condition 5:** Pay water connection fees prior to plat approval per Salem Revised Code 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 3 parcel partition generates less than 200 average daily vehicle trips to Ratcliff Drive SE or Pheasant Avenue SE, both designated as local streets. 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 Ratcliff Drive SE and Pheasant Avenue SE, both of which are public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* The abutting portions of Ratcliff Drive SE and Pheasant Drive SE are designated as a local streets in the TSP. The abutting portion of Ratcliff Drive SE has an approximate 25-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Pheasant Drive SE has an approximate 10-to-15-foot-wide improvement within a 60-foot-wide right-of-way.

Condition 7, described below in findings on SRC 205.005(d)(5), requires additional paved width on Pheasant Drive SE, to a total of 22 feet. Due to the limited impact of the proposed partition, Public Works staff does not recommend construction of half-street improvements along the Ratcliff Drive SE or Pheasant Drive SE frontages.

As conditioned, the proposal meets these requirements.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.5-acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

*SRC 803.035 (Street Standards):* Pursuant to subsection (n), public utility easements (PUEs) 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 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Ratcliff Drive SE abuts the subject property on the north boundary and does not meet the current standard for a local street. Conditions of approval for tentative partition plan PAR14-08 specified that a half-street improvement is required along the frontage of Ratcliff Drive SE. The applicant's written statement proposes removal of the requirement to build a half-street improvement on the basis that the existing street system provides safe, orderly, and efficient circulation of traffic.

The Public Works Department has reviewed the proposal and submitted comments recommending that complete half-street improvements not be required along the Ratcliff Drive SE frontage for the following reasons:

- The existing street section of Ratcliff Drive SE in the vicinity of the proposed development lacks curbs and sidewalks; the nearest curb and sidewalk along

Ratcliff Drive SE is located approximately 1,800 feet to the west of the subject property. Therefore, construction of a half-street improvement provides little if any short-term benefit because there are no existing sidewalks in the area to which the improvements would connect.

- Deferral of the boundary street improvement can be beneficial to offset City costs when the City constructs a street improvement through its Capital Improvement Program (CIP). Ratcliff Drive SE is a local street, and the City seldom constructs local street improvements through the CIP. Therefore, deferral of the improvement provides little if any long-term benefit to the transportation system.
- Most local streets in Salem are improved incrementally as a part of development projects. This area of Ratcliff Drive SE is not under-developed, so future development opportunities are limited that may bring additional boundary street improvements. Therefore, construction of the improvement provides little if any long-term benefit because no other improvements in the vicinity are anticipated.
- The impacts of a three-parcel partition upon the transportation system are limited and do not warrant a significant amount of off-site improvements that would be needed to provide connection to an existing network of sidewalks.

In consideration of these factors and the requirements set forth in SRC 803.040, the Public Works Department recommends a requirement that the applicant construct a temporary pedestrian use area along the Ratcliff Drive frontage rather than a complete half-street improvement. In order to ensure that the improvements along this frontage are implemented consistent with SRC 803.040, the following condition shall apply:

**Condition 7:** Along the frontage of Ratcliff Drive SE, construct additional pavement to a width of 15 feet from the centerline. The pavement shall be constructed according to Public Works Design Standards for the grade, slope, and surface standards of a pedestrian access route.

Pheasant Street SE abuts the subject property on the east boundary and does not meet the current standard for a local street. Comments from the Public Works Department indicate that a half-street improvement is not warranted along this frontage because of the limited impacts of the proposed development. As recommended by the Assistant City Traffic Engineer, Condition 9 requires a minimum total pavement width of 22 feet in order to accommodate two 11-foot-wide traffic lanes along the Pheasant Avenue, where new driveways are likely to be constructed with future residential development.

**(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): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP14-09) was submitted in conjunction with the previous tentative partition plan approved on the subject property (PAR14-08). TCP14-09 identifies 7 trees on the subject property, 5 of which are proposed for removal. None of the trees proposed for removal are significant trees, heritage trees, or within riparian corridors. TCP14-09 was approved on September 17, 2014. There is no expiration date for tree conservation plans established in the UDC. Therefore, TCP14-09 remains in effect and a new tree conservation plan is not required with the subject tentative partition plan.

As proposed, the tentative partition plan conforms to all applicable SRC Chapter 808 requirements.

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 0.5 acre property into three 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 frontages on



Ratcliff Drive SE and Pheasant Avenue SE 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 all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed to be located 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:** Ratcliff Drive SE and Pheasant Avenue SE abut the subject property and do not meet the current standards for local streets. As described in findings above, Public Works staff finds that full boundary street improvements are not warranted along either frontage due to the limited impacts of the proposed three-parcel partition. Due to the factors cited in findings above, a complete half-street improvement is not required along the Ratcliff Drive SE frontage. Condition 7 requires that the applicant construct an additional pavement to provide a total width of 15 feet from centerline along the Ratcliff

Drive frontage, and be constructed according to PWDS specifications for a pedestrian access route. The City Traffic Engineer has recommended a minimum 22-foot pavement width along the Pheasant Avenue frontage to accommodate two-way traffic where new driveways are being proposed.

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:** As described in findings above, Public Works staff concurs with the applicant's written statement that the existing street system in the vicinity provides safe, orderly, and efficient circulation of traffic and does not recommend a complete half-street improvement along the Ratcliff Drive SE frontage. Condition 7 requires that the applicant construct an additional pavement to provide a total width of 15 feet from centerline along the Ratcliff Drive frontage, and be constructed according to PWDS specifications for a pedestrian access route.

The portion of Pheasant Avenue SE adjacent to the subject property has an improved width of only approximately 10-15 feet and therefore does not meet the current development standards for a local street. A half-street improvement along Pheasant Avenue SE is not warranted because of the limited impacts of the proposed development. However, the Assistant City Traffic Engineer has determined that a minimum pavement width of 22 feet is required along Pheasant Avenue SE in order to accommodate two-way traffic where the applicant proposes new driveways. In order to ensure that the abutting portion of Pheasant Avenue SE provides adequate width for two-way traffic, the following condition shall apply:

**Condition 9:** Widen the pavement along the frontage of Pheasant Avenue SE to provide a minimum of two 11-foot-wide travel lanes.

The partition, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the partitioned property will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

As conditioned, the proposal meets this criterion.

**SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site slopes downward from the southeast corner to the west and north, with

the Ratcliff Drive SE frontage being approximately 22 feet lower than the highest point on the property. The partition would divide the property with new property lines running east-west, resulting in each parcel containing a roughly equal share of the overall elevation change across the subject property. Accordingly, the proposed layout diminishes the impact of the slope on development within each individual parcel. The proposal meets this criterion.

**SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.**

**Finding:** As described in findings above, there is an approximate 21-foot grade elevation change from north to south across the subject property. The proposed layout distributes this grade change roughly equally across the three 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 subdivision, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

A tree conservation plan (TCP14-09) has been approved in conjunction with a similar tentative partition plan (PAR14-08) previously approved for the subject property. TCP14-09 identifies 7 trees on the subject property, 5 of which are proposed for removal. The applicant's proposal would retain 2 trees, or approximately 28.6% of the trees on the subject properties, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). 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. 16-02, to divide a 0.5 acre lot into 3 parcels, with proposed Parcel 1 consisting of 7,334 square feet, proposed Parcel 2 consisting of 7,760 square feet and proposed Parcel 3 consisting of 6,777 square feet, for property zoned RS (Single Family Residential) and located at 990 Ratcliff Drive 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:** Obtain a demolition permit and remove the existing detached garage on proposed Parcel 3.
- Condition 2:** The applicant shall provide at least 2 off-street parking spaces for the existing residence on proposed Parcel 2, in compliance with the applicable development standards established in Salem Revised Code 806.025.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way. A new sewer service is required for Parcel 1 if the existing service is not adequate for reuse.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 2 and 3.
- Condition 5:** Pay water connection fees prior to plat approval per Salem Revised Code Chapter 21.
- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 7:** Along the frontage of Ratcliff Drive SE, construct additional pavement to a width of 15 feet from the centerline. The pavement shall be constructed according to Public Works Design Standards for the grade, slope, and surface standards of a pedestrian access route.
- Condition 8:** 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 2. Construct stormwater facilities that are proposed to be located in the public right-of-way.

**Condition 9:** Widen the pavement along the frontage of Pheasant Avenue SE to provide a minimum of two 11-foot-wide travel lanes.



Christopher Green, AICP, Planning Administrator Designee

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

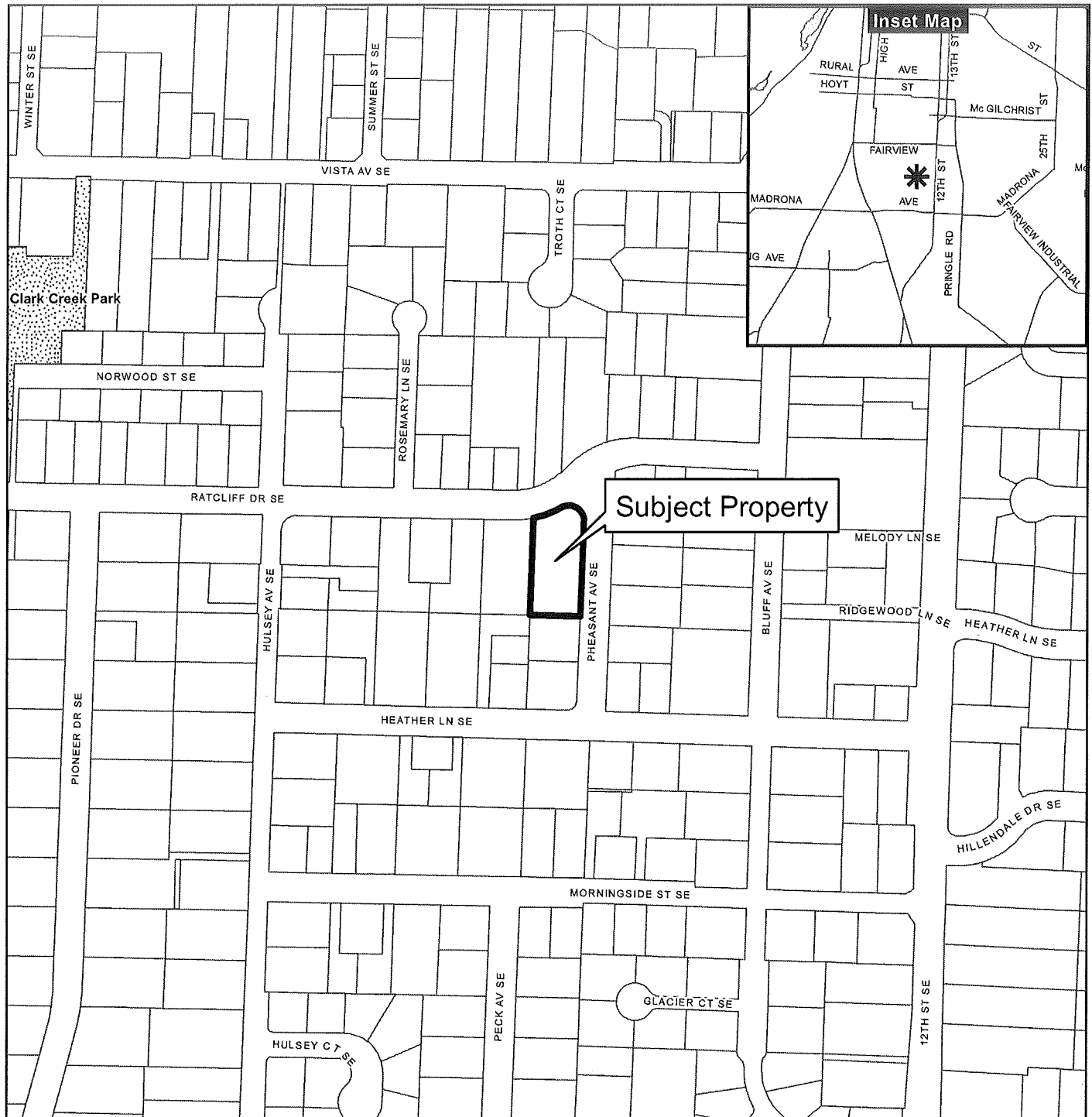
Application Deemed Complete:	<u>May 31, 2016</u>
Notice of Decision Mailing Date:	<u>August 19, 2016</u>
Decision Effective Date:	<u>October 8, 2016</u>
State Mandated Decision Date:	<u>November 26, 2016</u>

The rights granted by this decision must be exercised or extension granted by October 8, 2018 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, October 7, 2016, 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 990 Ratcliff Drive SE



## Legend

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

0 100 200 400 Feet



**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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Project Number  
**5977**  
Sheet Number  
**101**

## **990 Ratcliff Drive SE**

### **Partition**

#### **SITE CHARACTERISTICS:**

The subject property is approximately 0.50 acres in size, is zoned RS (Single Family Residential), and consists of 083W03AA/Tax lot 8700. The site is bounded on the north by Ratcliff Drive and on the east by Pheasant Avenue.

#### **PROPOSAL:**

The proposal is to divide the subject property into three parcels. All three parcels will have access onto Pheasant Avenue. The corner parcel has frontage on both Pheasant Avenue and Ratcliff Drive SE.

\*Parcel 1= 7,334 square feet

\*Parcel 2= 7,760 square feet

\*Parcel 3= 6,777 square feet

Partition Case No. 14-08 (PAR14-08) was approved on September 17, 2014, with seven Conditions of Approval. In order to proceed with the approved partition, the applicant would recommend the elimination of Condition No. 6 which states:

***"The applicant shall construct half-street improvements along the frontage of Ratcliff Drive SE to local street standards"***

After further review and conversations with staff, it has been determined that this condition is not necessary and therefore, should not be required.

#### **SITE VICINITY and CHARACTERISTICS:**

The subject property is located on the south side of Ratcliff Drive SE and on the west side of Pheasant Avenue SE. The vicinity map is attached as shown. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: Across Ratcliff Drive, RS (Single Family Residential); existing single family dwellings

East: Across Pheasant Avenue, RS (Single Family Residential); existing single family dwellings

South: RS (Single Family Residential); single family dwellings

West: RS (Single Family Residential); existing single family dwellings



**CRITERIA AND APPLICANT=S REASONS ADDRESSING UDC 205.005(d):**

The decision criteria for partitions without a concurrent variance under UDC Chapter 205.005(d) must be found to exist before an affirmative decision may be made for a partition application.

***UDC 205.005(d)(1):***

***Lot area-***

\*Parcel 1= 7,334 square feet

\*Parcel 2= 7,760 square feet

\*Parcel 3= 6,777 square feet

***Lot width-*** All three parcels have a minimum lot width of 54 to 75 feet in width. Therefore, exceeding the 40-foot minimum lot width requirement under Table 512-2

***Lot depth and Lot frontage-***All three parcels have a minimum lot depth and street frontage of at least 100 feet. Therefore, exceeding the 70-foot minimum lot depth requirement under Table 512-2.

***City Infrastructure standards-*** Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. Therefore, this criteria has been met.

**Proposed Storm Water Management System:**

An LID (low impact development) Storm water technique will be used to mitigate the increase in pollutants contributed from development. The exact system will be determined at the time of design. Any proposed technique will meet City of Salem Storm water Management standards in means and methods to provide all aspects of Storm water management.

***Special development standards-***The subject property is not located within any overlay, there are no geological hazards, wetlands, floodplain, or vision clearance issues on the site. There are no special development standards that apply to this site.

***UDC 205.005(d)(2): "The tentative partition plan does not impede the future use or development of the property or adjacent land."***

Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The proposal will divide the entire site into three parcels, with no remainder. The subject and adjoining properties have improved access to Pheasant Avenue and Ratcliff Drive. There is sufficient frontage along Pheasant Avenue and Ratcliff Drive (as shown on the site plan) to provide access to the site.

All three Parcels along with surrounding parcels have access or will have access when developed. Therefore, the approval does not impede future use of the remainder. The proposal provides for further development of the site consistent with current zoning standards.

**UDC 205.005(d)(3): "Development within the tentative partition plan can be adequately served by City infrastructure."**

The property is inside the Urban Services Area (USA), therefore, partitioning the property does not require a UGA Preliminary Declaration.

The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development, and provide for future development of any adjoining properties. The City's adopted facility plans and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

The property is within the Urban Services Area (USA) and public facilities are available to serve the property resulting from prior development in the subject area.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

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

General Circulation: The proposed partition will result in the creation of three parcels (Parcels 1, 2, and 3). Vehicular access to the proposed parcels will be taken from Pheasant Avenue running along the east side of the property and Ratcliff Drive to the north. The existing streets will provide safe and efficient access to the Parcels and the existing street system, by providing direct access to the site.

Boundary Streets: There are two streets abutting the subject property, Pheasant Avenue running along the east side of the property and Ratcliff Drive to the north. Both are local streets. Partitioning does not trigger additional street improvements.

Partition Case No. 14-08 (PAR14-08) was approved on September 17, 2014 with seven Conditions of Approval. In order to proceed with the approved partition, the applicant would recommend the elimination of Condition No. 6 which states:

**"The applicant shall construct half-street improvements along the frontage of Ratcliff Drive SE to local street standards"**

After further review and conversations with staff, it has been determined that this condition is not necessary and therefore, should not be required.

Internal Streets: There are no internal public streets proposed or required in conjunction with the proposed partition.

#### Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service available to the site is provided via Route 3 (Capitola), on Summer Street.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Both Ratcliff Drive and Pheasant Avenue are local streets and provide connection to the street system that serves the area. These two streets abut the subject property.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

***UDC 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."***

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Both Ratcliff Drive and Pheasant Avenue are local streets and provide connection to the street system that serves the area. These two streets abut the subject property.

Partition Case No. 14-08 (PAR14-08) was approved on September 17, 2014, with seven Conditions of Approval. In order to proceed with the approved partition, the applicant would recommend the elimination of Condition No. 6 which states:

***"The applicant shall construct half-street improvements along the frontage of Ratcliff Drive SE to local street standards"***

After further review and conversations with staff, it has been determined that this condition is not necessary and therefore, should not be required.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

***UDC 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."***

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The partition plan takes into consideration the topography and vegetation of the site. The 5 trees designated for removal is within building envelop or within an area close to the building envelope, but have

the potential of being damaged during construction. Therefore, the removal of these 5 trees is necessary for development of the site.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, no variances have been requested. Therefore, this criteria has been met.

***UDC 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 the site, topography, and vegetation will occur from the reasonable development of the parcels."***

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposed parcels are of sufficient size and dimensions to permit future development of single family dwellings on the new parcels. The parcel dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision and zone codes regulate minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

#### **Tree Conservation Plan:**

There are seven (7) trees within the boundary of the site, with 5 designated for removal. Therefore, preserving 28 percent of the trees.

The 5 trees designated for removal is within a building envelop or within an area close to the building envelope, but have the potential of being damaged during construction. Therefore, the removal of these 5 trees is necessary for development of the site.

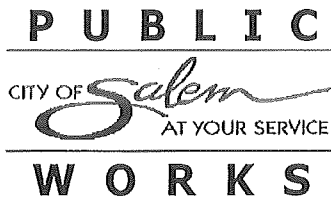
The applicant has tree conservation plan (TCP 14-09) approval that is still valid. Therefore, a new tree conservation plan approval is not needed.

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This concludes the applicant's summary addressing the requirements of the code for partitioning approval to create three parcels. If you have any questions or need additional information, please call Mark Grenz, P.E., at Multi/Tech Engineering, Inc., Salem, OR at (503) 363-9227.

RECEIVED

SEP 14 2016



COMMUNITY DEVELOPMENT

MEMO

**TO:** Chris Green, Planner II  
Community Development Department

**FROM:** Glenn Davis, P.E., C.F.M., Chief Development Engineer  
Public Works Department

**DATE:** September 14, 2016

**SUBJECT:** REVISED PUBLIC WORKS RECOMMENDATIONS  
PAR 16-02 (16-108896)  
990 RATCLIFF DRIVE SE

A handwritten signature in black ink, likely belonging to Glenn Davis, the Chief Development Engineer mentioned in the "FROM" field.

**PROPOSAL**

A proposed partition to divide the southwest corner lot of Ratcliff Drive SE and Pheasant Avenue SE into three parcels for residential development. The existing single family residence would remain. The proposed corner parcel would have potential to be a duplex parcel.

The subject property is approximately 0.5 acres in size, zoned Single-Family Residential, and located at 990 Ratcliff Drive SE (Marion County Assessor's Map and Tax Lot number 083W03AA08700). The lot has frontages on Ratcliff Drive SE and Pheasant Avenue SE.

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Widen the pavement along the frontage of Pheasant Avenue SE to provide a minimum of two 11-foot-wide travel lanes.
2. Along the frontage of Ratcliff Drive SE, construct additional pavement to a width of 15 feet from the centerline. The pavement shall be constructed according to PWDS for the grade, slope, and surface standards of a pedestrian access route.
3. Construct sewer services that are proposed in the public right-of-way. A new sewer service is required for Parcel 1 if the existing service is not adequate for reuse.
4. Obtain permits for installation of water services to serve Parcels 2 and 3.
5. Pay water connection fees prior to plat approval per SRC Chapter 21.

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

## **FACTS**

### **Streets**

1. Ratcliff Drive SE
  - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Condition—There is an approximate 25-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property.
2. Pheasant Avenue SE
  - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Condition—There is an approximate 10- to 15-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property.

### **Storm Drainage**

1. Existing Condition
  - a. A 24-inch storm main is located in Ratcliff Drive SE.

### **Water**

1. Existing Conditions
  - a. An 8-inch S-1 water line is located in Ratcliff Drive SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.
  - b. A 6-inch S-1 water line is located in Pheasant Avenue SE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer line is located in Ratcliff Drive SE.
- b. An 8-inch sewer line is located in Pheasant 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:

1. 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;
2. City infrastructure standards; and
3. 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).

**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 appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

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 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.

**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**—Ratcliff Drive SE abuts the subject property and does not meet the current standard for a local street. The conditions of approval for Partition 14-08 specified that a half-street improvement is required along the frontage of the property. The applicant's statement proposes removal of the requirement to build a half-street improvement on the basis that the existing street system provides safe, orderly, and efficient circulation of traffic without the half-street improvement along Ratcliff Drive SE.

Public Works staff supports the applicant's statement that a complete half-street improvement along Ratcliff Drive SE are not warranted as follows:

1. The existing street section of Ratcliff Drive SE in the vicinity of the proposed development lacks curbs and sidewalks; the nearest curb and sidewalk along Ratcliff Drive SE is located approximately 1,800 feet to the west of the subject property. Therefore, construction of a half-street improvement provides little if any short-term benefit because there are no existing sidewalks in the area to which the improvements would connect.
2. Deferral of the boundary street improvement can be beneficial to offset City costs when the City constructs a street improvement through its Capital Improvement Program (CIP). Ratcliff Drive SE is a local street, and the City seldom constructs local street improvements through the CIP. Therefore, deferral of the improvement provides little if any long-term benefit to the transportation system.
3. Most local streets in Salem are improved incrementally as a part of development projects. This area of Ratcliff Drive SE is not under-developed, so future development opportunities are limited that may bring additional boundary street



improvements. Therefore, construction of the improvement provides little if any long-term benefit because no other improvements in the vicinity are anticipated.

4. The impacts of a three-parcel partition upon the transportation system are limited and do not warrant a significant amount of off-site improvements that would be needed to provide connection to an existing network of sidewalks.

To satisfy the requirements of SRC 803.040, the applicant shall construct a temporary pedestrian use area along the frontage of Ratcliff Drive SE from the existing edge of pavement to 15 feet from centerline. The extent of the improvement may vary as determined by the Public Works Director to maximize pedestrian safety.

Pheasant Avenue SE abuts the subject property and does not meet the current standard for a local street. A half-street improvement along Pheasant Avenue SE is not warranted because of the limited impacts of the proposed development. However, the Assistant City Traffic Engineer has determined that a minimum pavement width of 22 feet is required along Pheasant Avenue SE in order to accommodate two-way traffic where new driveways are being proposed. No additional right-of-way dedication is needed.

Prepared by Curt Pellatz, Project Coordinator  
cc: File