

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION / CLASS 1 ADJUSTMENT CASE NO. PAR-ADJ16-05

APPLICATION NOS.: 16-111829-LD & 16-111832-ZO

NOTICE OF DECISION DATE: SEPTEMBER 16, 2016

APPLICATION SUMMARY: A proposed partition to divide a 1.0522 acre property, into three parcels approximately 13,105 square feet, 15,242 square feet and 17,501 square feet in size with an Adjustment request to increase the length of the access easement to 455-feet where 400-feet is required.

REQUEST: A partition to divide a 1.0522 acre property, into three parcels approximately 13,105 square feet, 15,242 square feet and 17,501 square feet in size with an Adjustment request to increase the length of the access easement to 425-feet where 400-feet is required. The subject property is zoned RS (Single-Family Residential) located south of the 2310 Barberry Street NW (Polk County Assessor's Map and Tax Lot numbers: 073W29AB / 03016).

APPLICANT: CP DEVELOPMENT LLC (CRAIG & KATHLEEN EVANS)**LOCATION:** 2300 BLOCK OF BARBERRY ST NW / 97304**CRITERIA:** Salem Revised Code 205.005(d) for Partition and 250.005(d)(1) for Class 1 Adjustment**FINDINGS:** The findings are in the attached Order dated September 16, 2016.

DECISION: The Planning Administrator **GRANTED** Partition / Class 1 Adjustment Case No. PAR-ADJ16-05, subject to the following conditions of approval:

- Condition 1.** Each residential structure shall meet the requirements of the Salem Fire Prevention Code (SRC Chapter 58) as determined by the City of Salem Fire Department at the time of construction.
- Condition 2:** The turnaround shall have a minimum depth of 70-feet.
- Condition 3:** Prior to issuance of building permits for development, "NO PARKING – FIRE LANE" signs shall be posted on any segment of curblin abutting the proposed accessway that is a fire apparatus roadway. "NO PARKING" signs shall be posted on all remain segments of curblin abutting the proposed accessway.
- Condition 4:** Construct sewer and storm services from the point of discharge to the property line of each proposed parcel.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1, 2, and 3.

- Condition 6:** Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all proposed parcels.
- Condition 8:** Acquire and record private utility easements across the two northerly adjacent properties as shown on the applicant's tentative plan.
- Condition 9:** Obtain a Satisfaction of Deferral from the Public Works Director for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) and file the satisfaction with the County Recorder's Office for all properties subject to the agreement; the deferral may be satisfied because the existing configuration of Barberry Street meets the criteria for alternative street standard pursuant to SRC 803.065

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Partition	<u>October 4, 2018</u>
Zoning Adjustment	<u>October 4, 2018</u>

A copy of the decision is attached.

Application Deemed Complete:	<u>August 10, 2016</u>
Notice of Decision Mailing Date:	<u>September 16, 2016</u>
Decision Effective Date:	<u>October 4, 2016</u>
State Mandate Date:	<u>December 8, 2016</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., OCTOBER 3, 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 Chapters 205 and 250. 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/ADJUSTMENT NO. 16-05)**

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. 16-05;
2300 BLOCK BARBERRY STREET NW

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FINDINGS AND ORDER

September 16, 2016

REQUEST

To divide a 1.0522 acre property into 3 parcels, with proposed Parcel 1 consisting of 17,501 square feet, proposed Parcel 2 consisting of 13,143 square feet and proposed Parcel 3 consisting of 15,205 square feet, with a Class 1 Adjustment to increase the length of the access easement to 455-feet where 400-feet is required, for property zoned RS (Single Family Residential) and located at 2300 Block Barberry Street NW (Marion County Assessor's Map and Tax Lot number: 073W29AB03016).

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 prior to final plat approval, unless otherwise indicated:

- Condition 1:** Each residential structure shall meet the requirements of the Salem Fire Prevention Code (SRC Chapter 58) as determined by the City of Salem Fire Department at the time of construction.
- Condition 2:** The turnaround shall have a minimum depth of 70-feet.
- Condition 3:** Prior to issuance of building permits for development, "NO PARKING – FIRE LANE" signs shall be posted on any segment of curblin abutting the proposed accessway that is a fire apparatus roadway. "NO PARKING" signs shall be posted on all remain segments of curblin abutting the proposed accessway.
- Condition 4:** Construct sewer and storm services from the point of discharge to the property line of each proposed parcel.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1, 2, and 3.
- Condition 6:** Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all proposed parcels.
- Condition 8:** Acquire and record private utility easements across the two northerly adjacent properties as shown on the applicant's tentative plan.

Condition 9: Obtain a Satisfaction of Deferral from the Public Works Director for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) and file the satisfaction with the County Recorder's Office for all properties subject to the agreement; the deferral may be satisfied because the existing configuration of Barberry Street meets the criteria for alternative street standard pursuant to SRC 803.065

PROCEDURAL FINDINGS

On June 23, 2016, an application for Tentative Partition Plan and Class 1 Adjustment application was filed proposing to divide property located at 2300 Block Barberry Street NW (**Attachment A**) into three parcels.

After additional requested information was provided by the applicant, the application was deemed complete on August 10, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code (SRC) requirements on August 10, 2016. The state-mandated local decision deadline is December 8, 2016.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map.

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 located within the City's Urban Service Area.

2. Zoning

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

North: RS (Single Family Residential)
South: PA (Public Amusement) College Heights Park
East: RS (Single Family Residential)
West: RS (Single Family Residential)

3. Natural Features

Trees: The City's tree preservation ordinance (SRC Chapter 808) 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. The tree preservation ordinance defines "tree" as, "any

living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP16-05). There are 29 trees on the subject property, 18 of which are proposed for removal. Two of the trees designated for removal are defined as Significant Trees pursuant to SRC 808.005(k).

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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetland areas on the subject property.

Landslide Susceptibility: The 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, the subject property is not mapped with areas of landslide hazard susceptibility points. There are 2 activity points associated with the proposed partition. Pursuant to the requirements of SRC Chapter 810, the cumulative total of 2 points between those associated with the land and those associated with the proposed development activity indicates a moderate landslide risk and therefore a geologic assessment is required.

4. Site Analysis and Parcel Layout

The subject property is approximately 1.05 acres in size (45,834 square feet) and is identified as Parcel 2 of Partition Plat 87-7MV. The subject property is currently vacant.

The tentative partition plan proposes to divide the subject property into three parcels (**Attachment B**). Proposed Parcel 1 is approximately 13,507 square feet in size exclusive of the flag lot accessway. Proposed Parcel 2 is approximately 9,919 square feet in size, exclusive of the flag lot accessway. Parcel 3 is approximately 15,205. All three proposed parcels are infill lots, or flag lots. Vehicle access to proposed parcels is provided by an existing easement accessway off of Barberry Street NW.

Lot Area: Minimum lot area requirements of the RS zone are established under SRC 511.010(a), Table 511-2. The minimum lot area requirement for infill lots within the RS zone

is 5,500 square feet, exclusive of the accessway. Proposed Parcel 1 is approximately 13,507 square feet in size, proposed Parcel 2 is approximately 9,919 square feet in size and proposed Parcel 3 is approximately 15,205. All three proposed parcels exceed minimum lot area requirements.

Lot Dimensions: Minimum lot dimension requirements of the RS zone are established under SRC 511.010(a), Table 511-2. The RS zone requires a minimum lot width of 40 feet and a minimum lot depth of 70 feet. The maximum lot depth shall not exceed 300 percent of the average lot width. Proposed Parcels 1, 2 and 3 are approximately 130 feet in width. Parcel one is approximately 134 feet in depth, Parcel 2 is approximately 100 feet in depth and Parcel 3 is 116 feet in depth, consistent with the lot dimension requirements.

Street Frontage: 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.

The proposed parcels are flag lots without the minimum required frontage on a street. The applicant has requested an adjustment to SRC 800.025 (c) to increase the length of the access easement to 455-feet where 400-feet is required. Findings for the adjustment are contained in Section 11 of this report. The proposed flag lots conform to the flag lot standards of SRC 800.025(a-b).

Setback Requirements: The RS zone, pursuant to SRC 511.010(b), Table 511-3, establishes the following minimum setbacks for development within the RS zone:

Interior Front		
Buildings	Min. 12 ft.	

Interior Side		
Infill Lots	Min. 10 ft.	<i>Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA and RS.</i>

Interior Rear		
All Uses	Min. 14 ft.	<i>Applicable to any portion of a building no more than one-story in height.</i>
	Min. 20 ft.	<i>Applicable to any portion of a building greater than one-story in height.</i>

Any future development of the proposed parcels will be reviewed for conformance with the setback requirements of the RS zone at the time of building permit review.

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 subject property is currently vacant. Future development of the parcels will be reviewed for conformance with the development standards of SRC 511 at the time of building permit review.

Access and Circulation: The subject property is located on Barberry Street SE, which is designated as a local street within the Salem Transportation System Plan (TSP). The proposed parcels will take access from a proposed easement and an access easement created by Partition Plat number 87-7MV. The existing access easement is 25 feet in width with a paved improvement along a portion of the accessway of 140 feet, and as proposed will serve the maximum allowance of four lots.

SRC 800.025 allows lots to 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 3 to 4 residentially zoned lots:

Flag Lot Accessway Standards (1-4 Lots)(Residential Zone)	
Length	400 ft. Max.
Width	25 ft. Min.
Paved Width	20 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 impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>

The flag lot accessway serving one existing parcel and proposed Parcel 1, Parcel 2 and Parcel 3 is approximately 455 feet in length and 25 feet in width. Because the flag lot accessway is greater than 150 feet in length, a turnaround is required. Flag lot accessways serving up to four residentially zoned lots are required to be paved to a minimum width of 20 feet. The applicant has requested an adjustment to SRC 800.025 (c) to increase the length of the access easement to 455-feet where 400-feet is required. Findings for the adjustment are contained in Section 11 of this report. The proposed flag lots conform to the flag lot standards of SRC 800.025(a-b).

5. Neighborhood Association Comments

The subject property is within the West Salem Neighborhood Association (WSNA). Notice of the application was provided to WSNA, 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." WSNA submitted comments expressing concerns regarding the following issues:

- Potential impacts to water runoff of site from slope or excavation on site.
- Lot width and architectural compatibility.
- Excavation and tree removal prior to permitting.

The Association took no position on the adjustment request, but asked that the tentative partition approval include the following conditions:

- The access way will serve no more than 4 dwellings.
- Prior to any site preparation or building permit, applicant will acquire a Clearing and Grading Permit pursuant to SRC 82.
- Conduct a Geologic Hazard Assessment and get a Landslide Hazard Construction permit pursuant to SRC 810.
- Applicant will submit a tree inventory and secure a tree Vegetation and Removal permits pursuant to SRC 808.

Staff Response: The applicant has proposed that the access and utility easement along the western side of the partition serve no more than four dwellings. The applicant has indicated, and Code requires, that permits will be obtained from the City of Salem for Clearing and Grading pursuant to SRC 82. The subject property is not mapped with areas of landslide hazard susceptibility. The applicant has stated a Civil Engineer will assure that the design and construction of all improvements, including easement construction, rainwater onsite detention and grading will be performed with minimal increase in any hazards that are normally associated with the proposed development. The applicant has submitted a Tree Conservation Plan pursuant to SRC 808.

6. Citizen Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. Four comments were received from area property owners objecting to the request. The following is a summary of the concerns and staff response.

- 1) **Loss of Trees and Vegetation:** The development will destroy vegetation and wildlife. Trees may need to be cut down affecting privacy of surrounding properties. Substantial excavation and removal of trees in March were done without permits. There is concerns about the trees located within a utility easement between 2300 Barberry Street NW and 2260 Barberry Street NW. The trees are already leaning and the installation of a storm water pipe will increase the likelihood these trees fall.

Staff Response: The applicant has submitted a Tree Conservation Plan (TCP16-05) pursuant to the City's Tree Preservation Ordinance (SRC Chapter 808). The application proposes to preserve 11 of the 29 trees on the subject property. The 38 percent retention of identified trees is well in excess of the 25 percent required under SRC Chapter 808. Future residential development on the proposed parcels would be required to have at least 6 trees per parcel, and can meet that requirement through any combination of existing trees and planting new trees (SRC 808.050). The applicant owns the abutting property to the north. The applicant has stated trees have been removed from this property and is not part of the proposed application. Staff has seen no evidence of tree removal on the northern lot that is in violation of the Tree Preservation code. Property owners are allowed to remove trees from their property with limitations. Formal complaints about tree removal that are not associated with the 3-lot partition that is being reviewed here may be submitted to the City of Salem Code Compliance Division, 503-588-6421.

The trees between 2300 Barberry Street NW and 2260 Barberry Street NW are not located on the subject property, therefore are not reviewed as part of the proposed partition. The subject property was issued a Grading Permit for erosion control to construct a new single family dwelling (#16-106459) on March 25, 2016. The subject property is designated for single family residential development and zoned Single Family Residential (RS). The proposed development is consistent with the Plan designation and zoning for the property.

- 2) Stormwater drainage and ground instability:** Substantial differences in elevation, consequential slope between the existing contiguous properties and the proposed development. Grading, clearing and excavation will increase the risk of erosion and ground instability.

Staff Response: Applicable development standards and conditions of approval require that the applicant design stormwater facilities in compliance with the Public Works Stormwater Management Design Standards prior to final plat approval, addressing feasibility for onsite drainage disposal and any necessary offsite facilities. The Stormwater Management Design Standards require the applicant's engineer to submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. If the proposed parcel dimensions are not adequate to provide onsite stormwater facilities, in compliance with PWDS, a restricted building envelope or alternate engineering analysis will be required. In addition to required onsite stormwater facilities, the applicant is required to identify an approved overflow disposal point to accommodate large volumes of stormwater during high volume rain events.

The proposed development is subject to the requirements of Salem Revised Code Chapter 75 (Erosion Prevention and Sedimentation Control) and Chapter 82 (Clearing and Grading). Permits are required for grading work that exceeds minimum thresholds, and all grading work shall meet prescribed codes and standards.

SRC Chapter 810 provides the criteria for determining the total landslide hazard risk and required level of site investigation for a proposed development site. An applicant may be required to submit a geological assessment, a geotechnical report, or both, if landslide hazards designated as moderate or high total landslide risk. No areas of landslide susceptibility are mapped on the subject property according to the City's Landslide Hazard Maps. Therefore, no geologic assessment or geotechnical report is required with this partition request.

3) Property values.

Staff Response: Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative partition approval. The single family dwelling parcels proposed within the partition range from approximately 13,143 to 15,205 square feet in size, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the pattern of the surrounding neighborhood, which has predominantly been developed with single family residences.

4) Traffic: The road (easement) is too close to Stoneway Drive. The proposal will increase the traffic near adjacent properties. Opposition to "Gating" the access.

Staff Response: The easement approach is existing, created as part of Partition Plat 87-7MV to serve 2310 Barberry Street NW and the subject property. The easement is proposed to increase in length south to serve the proposed parcels. The application is not proposing a new approach onto Barberry Street NW. The easement is existing, serving one dwelling and is approximately 550-feet east of Stoneway Drive NW. The increase of three additional dwellings on the private easement is not expected to create a traffic hazard, since the private easement is existing. The applicant is not requesting any relief to the amount of users on the flag lot access, only four dwellings will be served by the proposed easement. The assistant City Traffic Engineer has reviewed the proposal and has determined that the existing access to Barberry is adequate to serve the development. The proposal does not contain information concerning gating the access, though gating of private easements or driveways is not prohibited in the zoning code.

There will be a total of three new dwellings using the proposed easement. The subject property is zoned RS, which has a minimum parcel size of 4,000 square feet. The existing parcel is approximately 1.05 acres which could potentially be divided into approximately nine lots. The proposal is to create three parcels 13,000 square feet and larger, the amount of density is reduced by the depth of the lot and the limitation of access to the parcel. The proposed three lots will create less traffic than if the property was developed to the maximum density allowed.

5) Setback Reduction and relocation of utility easement.

Staff Response: The applicant is not requesting a reduction in setbacks. The utilities to serve the proposed parcels are shown to be located within the easement, located on private property.

- 6) **Noise, Pollution and Privacy:** The subject property has provided for privacy and green space for surrounding properties. Removal of trees will create more noise and pollution.

Staff Response: The three lots proposed by the applicant could potentially result in a net increase of two single family homes. At full build-out, the subject property would be developed at approximately three dwelling units per acre. The zoning of the parcel is RS, which has a minimum parcel size of 4,000 square feet. The existing parcel is approximately 1.05 acres which could potentially create approximately nine lots. The proposal is to create three parcels 13,000 square feet and larger is similar density to surrounding residential developments. The proposed three lots will have less of an impact than if the property was developed to the maximum density allowed.

Noise and air pollution impacts from future residences in the proposed partition are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

7. City Department Comments

- A. The Fire Department reviewed the proposal and indicated that each residential structure shall meet the requirements of the Salem Fire Prevention Code (SRC Chapter 58) as determined by the City of Salem Fire Department at the time of construction. The road access is required to be 20-feet wide, roads with less than 26-feet shall have "No Parking Fire Lane" signs posted on both sides. The proposed turnaround shall have a minimum depth of 70-feet as required by Oregon Fire Code, Appendix D103. Fire hydrants are required to be within 600-feet of all structures.

Condition 1: Each residential structure shall meet the requirements of the Salem Fire Prevention Code (SRC Chapter 58) as determined by the City of Salem Fire Department at the time of construction.

Condition 2: The turnaround shall have a minimum depth of 70-feet.

Condition 3: Prior to issuance of building permits for development, "NO PARKING – FIRE LANE" signs shall be posted on any segment of curblane abutting the proposed accessway that is a fire apparatus roadway. "NO PARKING" signs shall be posted on all remain segments of curblane abutting the proposed accessway.

- B. The Public Works Department reviewed the proposal and provided comments that are included as **Attachment D**.

8. Private Service Provider Comments

Comments were not received from any private service providers.

9. Criteria for Granting a Partitioning

Salem Revised Code (SRC) 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the tentative partition plan for conformance with the criteria. Lack of compliance with the following land division criteria is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy the criteria.

A. SRC 205.005(d)(1): The tentative partition complies with all of 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.

Finding: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The proposed partition meets all applicable provisions of the UDC as detailed below.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The partitioning process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed partitioning. The proposed partition conforms to the applicable requirements of SRC Chapter 205.

Lot Standards: The property subject to the proposed partition is approximately 45,834 square feet in size and zoned RS (Single Family Residential). The proposed partition creates three parcels. Proposed Parcel 1 is approximately 13,507 square feet in size, exclusive for flag lot access, proposed Parcel 2 is approximately 9,919 square feet in size, exclusive for flag lot access and proposed Parcel 3 is approximately 15,205, exclusive for flag lot access.

The minimum lot size, dimension, and frontage requirements of the RS zone are established under SRC 511.010(a), Table 511-2. As identified under Section 4 of this decision, each of the proposed parcels satisfies minimum lot size, dimension, and frontage standards. Each of the parcels within the proposed partition are suitable for the general purpose for which they are intended to be used, and each of the parcels are of a size and design that will not be detrimental to the public health, safety, and welfare.

(B) City infrastructure standards.

Finding: The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that the proposed partition conforms to the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements) with regards to provision of City infrastructure.

A summary of existing improvements are as follows:

Barberry Street NW: The existing street has an approximate 26-foot improvement within a 60-foot-wide right-of-way abutting the subject property. The proposed development takes access through an off-site access easement to Barberry Street; the subject property does not have Barberry Street frontage. Barberry Street NW is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way, except as authorized by Salem Revised Code.

The subject property was originally created from Parcel 2 of Partition Plat No. 84-6M. A Deferral Agreement was executed as part of this decision between the property owner and the City, and was recorded at Marion County (B193, P2202).

Water: The Public Works Department indicates the subject property is located in the W-1 water service level and that there is an existing 8-inch public water line located in Barberry Street NW.

Sanitary Sewer: The Public Works Department indicates there is an existing 8-inch sewer line located in Barberry Street NW.

Storm Drainage: The Public Works Department indicates there is a 24-inch storm main located in Barberry Street NW.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. The subject property is located within the Urban Service Area; an Urban Growth Preliminary Declaration is not required.

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

Finding: There are no mapped floodplain areas on the subject property; therefore, the requirements of SRC Chapter 601 (Floodplain Overlay Zone) are not applicable to the proposed development.

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the

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

The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP16-05). There are 29 trees on the subject property, 18 of which are proposed for removal. Two of the trees designated for removal are defined as Significant Trees pursuant to SRC 808.005(k).

SRC Chapter 809 (Wetlands): There are no mapped wetlands on the subject property. 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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands as being present on the subject property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps, the subject property is not mapped with areas of landslide hazard susceptibility. There are 2 activity points associated with the proposed partition. Pursuant to the requirements of SRC Chapter 810, the cumulative total of 2 points between those associated with the land and those associated with the proposed development activity indicates a high landslide risk and therefore a geotechnical report is not required.

B. 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 divides the existing property into three parcels. The proposed partition will not impede the future use or development of any portion of the subject property or any adjacent land. Properties adjoining the subject property are developed and have access to public streets.

The proposed parcels exceed minimum lot size and dimension standards and are of sufficient size to allow development consistent with applicable zoning standards. This criterion is met.

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

Finding: The Public Works Department reviewed the proposal and indicated that development within the tentative partition plan can be adequately served by City infrastructure.

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 findings, private water, sewer, and storm services shall be constructed to serve each lot.

- Condition 4:** Construct sewer and storm services from the point of discharge to the property line of each proposed parcel.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1, 2, and 3.
- Condition 6:** Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards 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 the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

- Condition 7:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all proposed parcels.

Partition Plat 87-7MV provided a 10-foot Storm Drainage Easement along the eastern boundary of Tax Lots 3015 and 3002. The applicant is proposing to increase the easement width across these parcels in order to minimize the effect of the private storm system installation on the existing trees along the eastern boundary of the properties. The applicant's design professional has determined that an additional 10-foot easement across TL 3015, and an additional 5-foot easement on TL 3002 parcel would be adequate to serve the development. In order to ensure that the partition can accommodate the increased width of the proposed easement to support the private storm system, the following condition of plat approval shall apply:

- Condition 8:** Acquire and record private utility easements across the two northerly adjacent properties as shown on the applicant's tentative plan.

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.

- D. 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 applicant is proposing a 20-foot paved accessway constructed within the existing 25-foot access easement on Tax Lots 3015 and 3002, and within a new 25-foot access easement on Parcels 1 and 2 of the proposed development. The new accessway will be a continuation of the existing accessway that currently serves TL 3002, which has existing direct access to Barberry Street NW. The assistant City Traffic Engineer has reviewed the proposal and has determined that the existing access to Barberry is adequate to serve the development.

In conjunction with Minor Partition Plat No. 84-6M, a Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) was executed to defer street improvements along Barberry Street. Parcel 2 of MP 84-6M was later partitioned through Partitioning Plat 87-7MV. A total of three existing parcels are subject to the deferral agreement.

This section of Barberry Street was improved in 2004 in conjunction with Ridgeview East Subdivision, which provided a sidewalk connection along the north side of Barberry from 23rd Avenue to Stoneway Avenue. A retaining wall was constructed along the south side of Barberry west of 23rd Avenue because of topographic constraints.

The section of Barberry Street subject to the deferral agreement meets the criteria for alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Barberry from 23rd Avenue to the west line of the deferral agreement are impractical based on physical and topographic constraints that would require substantial retaining wall construction for a portion of the improvements; and (2) completion of street improvements would result in undesirable driveway slopes for the existing home and accessway along the south side of Barberry Street. Therefore, the existing street along Barberry has been completed pursuant to SRC 803.065, and no further improvements are required. Therefore, pursuant to SRC 205.005(d)(2), the following condition shall apply:

Condition 9: Obtain a Satisfaction of Deferral from the Public Works Director for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) and file the satisfaction with the County Recorder's Office for all properties subject to the agreement; the deferral may be satisfied because the existing configuration of Barberry Street meets the criteria for alternative street standard pursuant to SRC 803.065.

The deferral is not warranted because the existing configuration of Barberry Street meets the criteria for alternative street standard pursuant to SRC 803.065.

- E. 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: This section of Barberry Street was improved in 2004 in conjunction with Ridgeview East Subdivision, which provided a sidewalk connection along the north side of Barberry from 23rd Avenue to Stoneway Avenue. No additional right-of-way dedication is needed.

This criterion is met.

- F. 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: Variances to lot size or lot dimensions are not requested with the proposed partition; however, the applicant has requested an adjustment to increase the length of the flag lot accessway from 400-feet to 455 feet. The Class 1 Adjustment criterion is addressed in section 11 below. This criterion is met.

- G. 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 the site, topography, and vegetation will occur from the reasonable development of the parcels.**

Finding: The layout, size, and dimensions of the proposed parcels are sufficient to allow for reasonable residential development in a manner that minimizes impacts to the site, topography, and vegetation. The applicant has submitted an application for a tree conservation plan approval in conjunction with the partition application (TCP16-05). There are 29 trees on the subject property, 18 of which are proposed for removal. Two of the trees designated for removal are defined as Significant Trees pursuant to SRC 808.005(k). This criterion is met.

- H. SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:**

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

Finding: Comments from the Public Works Department indicate that sewer and water infrastructure is available to serve the property in compliance with the City's public facility plan. Because the subject property can be served by sewer in compliance with the City's public facility plan, and because the partitioned property is not intended to be served by on-site sewage disposal systems, this criterion is not applicable.

10. Criteria for Granting a Class 1 Adjustment

The proposed parcels will be served by a 25-foot-wide private easement which also serves Tax Lots 3202. Parcel 3 would be the fourth lot served by the existing private accessway. The purposed private accessway will be approximately 455-feet in length. Therefore, the applicant has requested a Class 1 Adjustment seeking approval to allow

the flag lot accessway to be 455-feet in length, in excess of the maximum of 400-feet allowed for residential zoned property pursuant to SRC 800.025(c).

Pursuant to SRC 250.005(d)(2), an application for a Class 1 Adjustment shall be granted if the following criteria are met:

A. 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Finding: The intent and purpose of the accessway length standard is to provide for safe, unobstructed access to all proposed lots or parcels created while minimizing the length of travel required on the accessway to the property. The minimum improved width for an accessway is 20 feet, which provides enough width for two way travel, but is less than the 30 foot minimum required for a local street.

The existing accessway will be used to provide access to all three proposed parcels connecting to Barberry Street NW. The width of the proposed access easement is approximately 25 feet wide and 455-feet in length.

The Salem Fire Department and Police Department have reviewed the proposed site plan and indicated no objections to the proposed accessway length or development.

The existing configuration of the parcel makes it difficult to meet the required accessway length. The location of the parcel and the existing development surrounding the parcel make the proposed access the only viable option to serve the proposed parcels. The existing and proposed conditions of the accessway equally or better meet the intent of the code.

The existing access is approximately 208 feet in length ending at the subject property, and was shown on Partition Plat 87-7MV in 1988. Under SRC Table 800-1, a flag lot accessway serving lots in residentially zoned property, serving 3-4 lots, may be a maximum of 400 feet in length, with an approved turnaround, unless geographical features make this minimum impractical and when approved by the Planning Administrator following review and recommendation by the Fire Marshal. The Salem Fire Department has reviewed the proposed partition, and has not indicated any concerns with the flag lot access. The proposed turnaround shall have a minimum depth of 70-feet. Because the access to the proposed parcels is consistent with adopted access management standards, and because the flag lot accessway provides for safe and convenient access to the development, the proposal equally meets the purpose underlying the development standards proposed for adjustment. The proposal meets this criterion.

B. 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development. The flag lot accessway currently serves two parcels, one with a single family dwelling and the vacant subject property. The proposal is to serve a total of four parcels. The 25-foot wide accessway will provide vehicle access to the three proposed parcels and does so without impacts to the use of the site or surrounding properties. The proposed adjustment requests the minimum deviation necessary in order to allow the three proposed parcels to be served and maintain lot size and lot dimensions. This criterion is met.

C. 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: The applicant has not requested more than one adjustment. Therefore, this criterion does not apply to the proposal.

11. Conclusion

Based upon review of SRC 205.010(d), SRC 250.005(d)(2), the findings contained under sections 11 and 12 above, and the comments described, the tentative partition and Class 1 Adjustment comply with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to divide a 1.0522 acre property into 3 parcels, with proposed Parcel 1 consisting of 17,501 square feet, proposed Parcel 2 consisting of 13,143 square feet and proposed Parcel 3 consisting of 15,205 square feet, with a Class 1 Adjustment to increase the length of the access easement to 455-feet where 400-feet is required, for property zoned RS (Single Family Residential) and located at 2300 block Barberry Street NW, is hereby GRANTED subject to SRC Chapters 205, 250, and 511, and the following conditions prior to final plat approval, unless otherwise indicated:

- Condition 1:** Each residential structure shall meet the requirements of the Salem Fire Prevention Code (SRC Chapter 58) as determined by the City of Salem Fire Department at the time of construction.
- Condition 2:** The turnaround shall have a minimum depth of 70-feet.
- Condition 3:** Prior to issuance of building permits for development, "NO PARKING – FIRE LANE" signs shall be posted on any segment of curblin abutting the proposed accessway that is a fire apparatus roadway. "NO PARKING" signs shall be posted on all remain segments of curblin abutting the proposed accessway.
- Condition 4:** Construct sewer and storm services from the point of discharge to the property line of each proposed parcel.
- Condition 5:** Obtain permits for installation of water services to serve Parcels 1, 2, and 3.

- Condition 6:** Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all proposed parcels.
- Condition 8:** Acquire and record private utility easements across the two northerly adjacent properties as shown on the applicant's tentative plan.
- Condition 9:** Obtain a Satisfaction of Deferral from the Public Works Director for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) and file the satisfaction with the County Recorder's Office for all properties subject to the agreement; the deferral may be satisfied because the existing configuration of Barberry Street meets the criteria for alternative street standard pursuant to SRC 803.065.



Olivia Glantz,
Planning Administrator Designee

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

Application Deemed Complete: August 10, 2016
Notice of Decision Mailing Date: September 16, 2016
Decision Effective Date: October 4, 2016
State Mandated Decision Date: December 8, 2016

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Partition Plan: October 4, 2018
Class 1 Adjustment: October 4, 2018

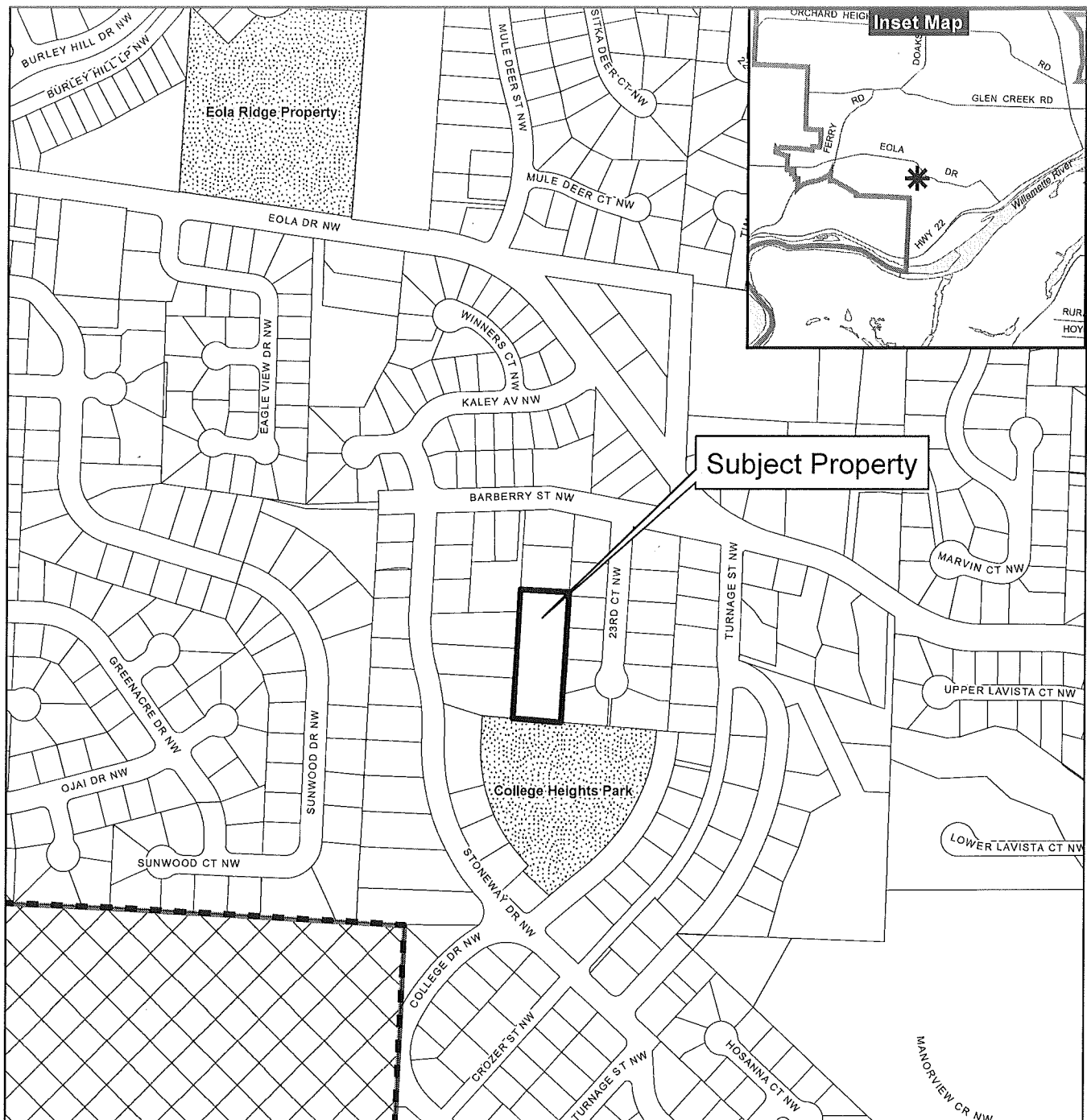
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

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 Monday, OCTOBER 3, 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

2300 Block Barberrry Steet NW



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



SYMBOLS:

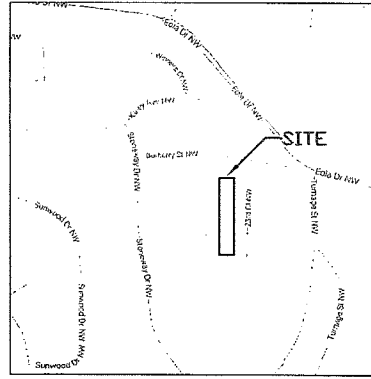
- BLOW OFF ASSY. EXISTING
- BLOW OFF ASSY. PROPOSED
- CATCH BASIN EXISTING
- CATCH BASIN PROPOSED
- CATCH BASIN CLEANSOUT EXISTING
- CATCH BASIN CLEANSOUT PROPOSED
- CLEANSOUT EXISTING
- CLEANSOUT PROPOSED
- FIRE HYDRANT EXISTING
- FIRE HYDRANT PROPOSED
- GATE VALVE EXISTING
- GATE VALVE PROPOSED
- GAS VALVE
- MANHOLE STORM DRAIN EXISTING
- MANHOLE STORM DRAIN PROPOSED
- MANHOLE SAN SEWER EXISTING
- MANHOLE SAN SEWER PROPOSED
- REDUCER/INCREASER
- STREET LIGHT EXISTING
- STREET LIGHT PROPOSED
- 1/4"-1" WATER METER EXISTING
- 1/4"-1" WATER METER PROPOSED
- UTILITY/POWER POLE
- CENTER LINE
- ASCENT LINE
- ELECTRICAL LINE
- GAS MAIN
- SANITARY SEWER
- STORM DRAIN
- TELEPHONE
- WATER MAIN
- TRUNK BLOCK
- GATE VALVE

DRAWING LIST:

- TITLE SHEET, SITE PLAN, ABBREVIATIONS AND GENERAL NOTES
- EXISTING CONDITIONS
- EROSION CONTROL PLAN AND DETAILS
- SANITARY SEWER, DOMESTIC WATER PLAN AND NOTES

PAYEMENT LEGEND

- CONCRETE (C&O)
- CONCRETE (NEW)
- ASPHALT EXISTING
- ASPHALT (PROPOSED)



VICINITY MAP

FOR APPLICATION
NOT FOR CONSTRUCTION

ABBREVIATIONS:

- AC - ASPHALTIC CONCRETE
- AD - ALUMINUM DIFFERENCE
- ALCP - ALUMINUM CORRUGATED
- STEEL PIPE
- ASSY - ASSEMBLY
- BVCE - BENDING V.C. ELEVATION
- BO - BLOW OFF
- BYV - BUTTERFLY VALVE
- CB - CATCH BASIN
- CC - CORRUGATED HIGH DENSITY POLYPROPYLENE
- CL - CENTERLINE
- CLP - CORRUGATED METAL PIPE
- CO - CLEANOUT
- COND - CONCRETE
- COSSD - CITY OF SALEM STANDARD
- COSSD - CITY OF KEIZER STANDARD
- CIA - CULVERT
- DI - DUCTILE IRON
- DS - DOWNSPOUT
- DWO - DRAINAGE
- E - EXISTING
- EX - EXISTING GROUND/GRADE
- EP - EDGE OF PAVEMENT
- ELEC - ELECTRIC
- EL - ELEVATION
- ELR - EXISTING RADIIUS
- EVCE - EXISTING V.C. ELEVATION
- EVCE - EXISTING V.C. STATION
- EX - EXISTING
- FT - FEET
- FF - FRESH FLOOR
- FG - FRESH GRADE
- FM - FIRE HYDRANT
- FM - FIRE HYDRANT
- OR BK - GRADE BREAK
- INT - INTERSECTION
- INV - INVERT
- K - DESIGN CONSTANT
- L - LENGTH
- LI - LIGHT RAIL
- NTS - NOT TO SCALE
- MC - MARION COUNTY
- MANH - MANHOLE
- M - METER
- MD - MECHANICAL JOINT
- MD - MECHANICAL JOINT
- P - PROPOSED
- PD - POLYESTER
- PVC - POLYVINYL CHLORIDE
- PM - POWER POLE
- PL - PROPERTY LINE
- R - RADIUS
- RD - ROAD
- RDW - RIGHT-OF-WAY
- SS - SANITARY SEWER
- S - SLOPE
- SCH - SCHEDULE
- ST - STREET
- STD - STANDARD
- ST - STORM DRAIN
- SV - SERVICE
- TC - TOP OF CURB
- TEL - TELEPHONE
- TYP - TYPICAL
- VM - VERTICAL CURVE
- WM - WATER MAIN
- PC - POINT OF CURVE
- PT - POINT OF TANGENT
- PERF - PERFORATED

PARTITION DATA

SECTION - 29A
TOWNSHIP - 7 SOUTH
RANGE - 3 WEST POLK COUNTY
TOTAL ACREAGE - 1.05 ACRES

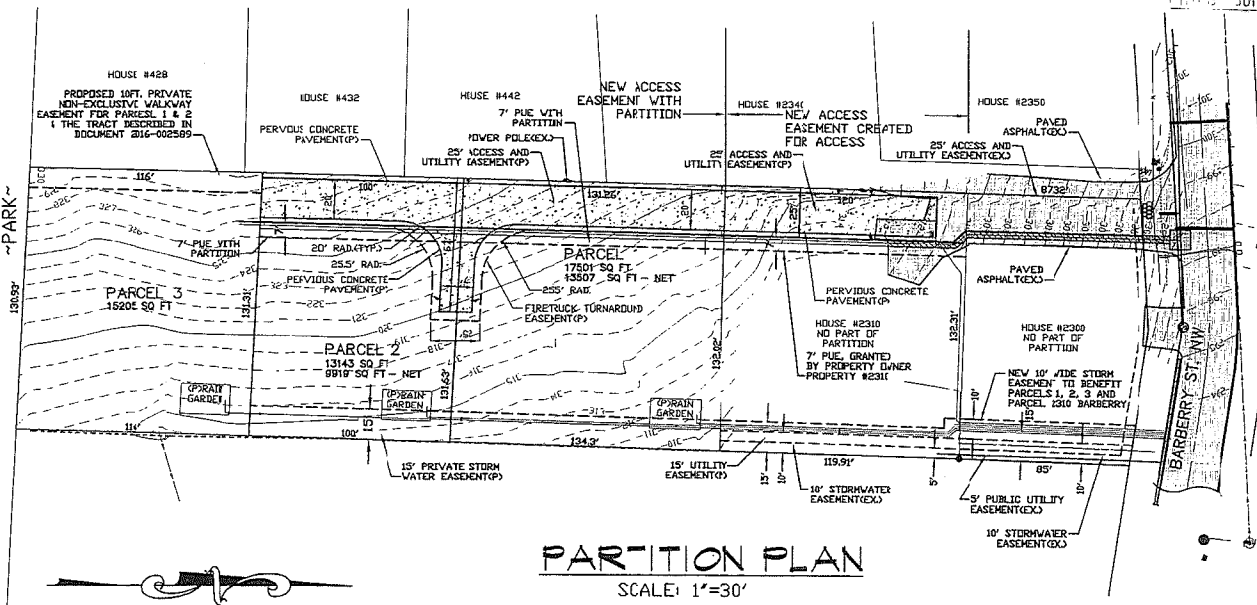
SURVEY DATUM:

CITY OF SALEM BENCHMARK 1414,
ELEV 296.35 FID 29
A BRASS DISK IN A CONCRETE HEADWALL
LOCATED AT THE UNION PACIFIC RAILROAD
AND HOGGIST

LOT DATA:
AREA - 1.05 ACRES
LOTS - 3
AVERAGE SQ. FT. - 15,293 S.F.
LOTS/ACRE - 2.18
DEVELOPER:
CRAIG EVANS

GENERAL NOTES:

1. ALL WORKMANSHIP AND MATERIALS TO BE CITY OF SALEM STANDARDS, COORDINATION WITH UTILITIES.
2. ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 152-001-0010 THROUGH OAR 152-001-0010. YOU MAY OBTAIN OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-255-1187)
3. THE LOCATION AND DESCRIPTION OF EXISTING UTILITIES SHOW ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE CITY OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY FOR THE COMPLETENESS OF SUCH RECORDS.
4. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF ORS 757.641 TO 757.671. THE CONTRACTOR SHALL NOTIFY EACH UNDERGROUND UTILITY AT LEAST 48 BUSINESS HOURS PRIOR TO EXCAVATING, BORING, OR AS NECESSARY PRIOR TO EXCAVATING OR BORING TO ALLOW THE CONTRACTOR TO PREVENT GRADE OR ALIGNMENT CONFLICTS.
5. PROVISIONS SHALL BE MADE BY THE CONTRACTOR TO KEEP ALL EXISTING UTILITIES IN SERVICE AND PROTECT THEM DURING CONSTRUCTION.
6. UTILITIES OR INTERFERING PORTIONS OF UTILITIES, THAT ARE ABANDONED IN PLACE SHALL BE REMOVED BY THE CONTRACTOR TO THE EXTENT NECESSARY TO ACCOMPLISH THE WORK. THE CONTRACTOR SHALL PLUG THE REMAINING EXPOSED ENDS OF ABANDONED UTILITIES.
7. CONTRACTOR TO NOTIFY ENGINEER 24 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.
8. ALL TRENCHES IN STREETS AND UNDER SIDEWALKS AND UNDER PAVEMENTS ARE TO BE COMPACTED BY MECHANICAL MEANS.
9. ALL STREET AND STORM DRAIN CONSTRUCTION TO CONFORM TO CITY OF SALEM STANDARDS.
10. ALL DOMESTIC WATER CONSTRUCTION TO CONFORM TO CITY OF SALEM STANDARDS.
11. ALL SANITARY SEWER CONSTRUCTION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF SALEM PUBLIC WORKS CONSTRUCTION STANDARDS.
12. PRIOR TO FINAL PAYMENT, CONTRACTOR TO SUPPLY ENGINEER WITH A COMPLETE SET OF "AS BUILT" DRAWINGS SHOWING SERVICE LENGTHS AND DEPTHS, LENGTHS BETWEEN STRUCTURE, AND SERVICE LOCATIONS, OR TEES OR CORP. STOPS, AND STORM AND SANITARY SEWER INVERTS.
13. CONSTRUCTION PERMITS:
 - A. STREET AND STORM - CONSTRUCT TO CITY OF SALEM STANDARDS AND SPECIFICATIONS, CONTRACTOR SHALL OBTAIN A CONSTRUCTION PERMIT FROM CITY OF SALEM PUBLIC WORKS ENGINEERING DEPT. (DURING WORKING HOURS) 48 HOURS (EXCLUDING HOLIDAYS AND WEEKENDS) PRIOR TO STARTING WORK.
 - B. ENGINEER TO SUBMIT APPROVED "AS-BUILT" AND RECORDED COPIES OF ALL EASEMENTS AND RIGHT-OF-WAY DEDICATIONS TO CITY OF SALEM JONST. INSPECTION DEPT. AS PART OF FINAL ACCEPTANCE BY MARION COUNTY.
 - C. ENGINEER TO SUBMIT APPROVED "AS-BUILT" AND RECORDED COPIES OF ALL SANITARY SEWER EASEMENTS TO CITY OF SALEM PUBLIC WORKS DEPARTMENT AS PART OF FINAL ACCEPTANCE BY THE CITY OF SALEM.
 - D. STANDARD CONSTRUCTION NOTES:
 - A. THE CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION AND SEDIMENT CONTROL (ESC) MEASURES THROUGHOUT THE DURATION OF THE PROJECT, INCLUDING BUT NOT LIMITED TO, A 50 FT. LONG GRAVEL CONSTRUCTION ENTRANCE (OF MINIMUM DEPTH MAY BE REQUIRED AS ADDITIONAL MEASURES. SEE EROSION CONTROL SHEET FOR ADDITIONAL REQUIREMENTS).
 - B. ALL TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE PAID BY THE DEVELOPER AND INSTALLED BY CITY OF SALEM STAFF.
 - C. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF APPROVED DRAWINGS ON THE CONSTRUCTION SITE AT ALL TIMES WHEREIN HE WILL RECORD ANY APPROVED EASEMENTS IN CONSTRUCTION FROM THE APPROVED DRAWINGS, AS WELL AS THE STATION LOCATIONS AND DEPTHS OF ALL EXISTING UTILITIES ENCOUNTERED. THESE FIELD RECORD DRAWINGS SHALL BE KEPT UP TO DATE AT ALL TIMES AND SHALL BE AVAILABLE FOR INSPECTION BY CITY OF SALEM UPON REQUEST. FAILURE TO CONFORM TO THIS REQUIREMENT MAY RESULT IN DELAY OF FINAL ACCEPTANCE OF THE PROJECT.
 - D. ALL NONMETALLIC WATER, SANITARY, AND STORM SEWER PIPING SHALL HAVE AN ELECTRICALLY CONDUCTIVE INSULATED 12 GAUGE COPPER TRACER WIRE THE FULL LENGTH OF THE INSTALLED PIPE USING BLUE WIRE FOR WATER AND GREEN FOR STORM AND SANITARY PIPING. TRACER WIRE SHALL BE EXTENDED UP INTO ALL VALVE BOXES, MANHOLES, AND CATCH BASINS. TRACER WIRE PENETRATIONS INTO MANHOLES SHALL BE WITHIN 18" OF THE RIM ELEVATION AND ADJACENT TO MANHOLE STEPS. THE TRACER WIRE SHALL BE TIED TO THE TOP MANHOLE STEP, OR OTHERWISE SUPPORTED TO ALLOW RETRIEVAL FROM OUTSIDE OF MANHOLE.
 - E. SITE GRADING SHALL NOT IMPACT SURROUNDING PROPERTIES IN A NEGATIVE MANNER. CONSTRUCTION OF IMPROVEMENTS ON THE PROPERTY SHALL NOT BLOCK HISTORICAL OR NATURALLY OCCURRING RUNOFF FROM ADJACENT PROPERTIES.



PARTITION PLAN
SCALE: 1"=30'

REV.	DATE	BY	DESCRIPTION
0	08-02-16	GPH	FOR CITY OF SALEM PLAN CHECK

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

TITLE SHEET, SITE PLAN,
ABBREVIATIONS, AND
GENERAL NOTES

BARBERRY PARTITION

2010 BARBERRY ST NW
SALEM OREGON 97304

Attachment B



MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: September 13, 2016

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
PARTITION PLAT NO. PAR-ADJ 16-05 (16-111829-LD)
2300 BLOCK OF BARBERRY STREET NW
THREE-PARCEL PARTITION

RECEIVED

SEP 14 2016

COMMUNITY DEVELOPMENT

PROPOSAL

To divide approximately 1.05 acres into 3 parcels in a Single Family Residential zone at the 2300 Block of Barberry Street NW.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct sewer and storm services from the point of discharge to the property line of each proposed parcel.
2. Obtain permits for installation of water services to serve Parcels 1, 2, and 3.
3. Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.
4. 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 all proposed parcels. Construct stormwater facilities that are proposed in the public right-of-way.
5. Acquire and record private utility easements across the two northerly adjacent properties as shown on the applicant's tentative plan.
6. Obtain a Satisfaction of Deferral from the City for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) and file the satisfaction with the County Recorder's Office for all properties subject to the agreement; the deferral may be satisfied because the existing configuration of Barberry Street NW meets the criteria for alternative street standard pursuant to SRC 803.065.

FACTS

1. Barberry Street NW

- a. Existing Conditions—This street has an approximate 26-foot improvement within a 60-foot-wide right-of-way abutting the subject property. The proposed development takes access through an off-site access easement to Barberry Street NW; the subject property does not have Barberry Street NW frontage.
- b. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way, except as authorized by *Salem Revised Code*.
- c. Deferral Agreement—The subject property was originally created from Parcel 2 of Partition Plat No. 84-6M. A Deferral Agreement was executed as part of this decision between the property owner and the City, and was recorded at Marion County (B193, P2202).

Storm Drainage

1. Existing Conditions

- a. A 24-inch storm main is located in Barberry Street NW.

Water

1. Existing Conditions

- a. The subject property is located in the W-1 water service level.
- b. There is an 8-inch public water line in Barberry Street NW.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer line is located in Barberry Street NW.

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 subject property is not located in a mapped wetland, floodplain, or landslide hazard area.

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 appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Partition Plat 87-7MV provided a 10-foot Storm Drainage Easement along the eastern boundary of Tax Lots 3015 and 3002. The applicant is proposing to increase the easement width across these parcels in order to minimize the effect of the private storm system installation on the existing trees along the eastern boundary of the properties. The applicant's design professional has determined that an additional 10-foot easement across TL 3015, and an additional 5-foot easement on TL 3002 parcel would be adequate to serve the development.

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—The applicant is proposing a 20-foot private driveway constructed within the existing 25-foot access easement on Tax Lots 3015 and 3002, and within a new 25-foot access easement on Parcels 1 and 2 of the proposed development. The new private driveway will be a continuation of the existing driveway that currently serves TL 3002, which has existing direct access to Barberry Street NW. The Assistant City Traffic Engineer has reviewed the proposal and has determined that the existing access to Barberry Street NW is adequate to serve the development.

In conjunction with Minor Partition Plat No. 84-6M, a Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) was executed to defer street improvements along Barberry Street NW. Parcel 2 of MP 84-6M was later partitioned through Partitioning Plat 87-7MV. A total of three existing parcels are subject to the deferral agreement.

This section of Barberry Street NW was improved in 2004 in conjunction with Ridgeview East Subdivision, which provided a sidewalk connection along the north side of Barberry Street NW from 23rd Avenue NW to Stoneway Avenue NW. A retaining wall was constructed along the south side of Barberry west of 23rd Avenue because of topographic constraints.

The section of Barberry Street NW subject to the deferral agreement meets the criteria for alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Barberry Street NW from 23rd Avenue NW to the west line of the deferral agreement are impractical based on physical and topographic constraints that would require substantial retaining wall construction for a portion of the

improvements; and (2) completion of street improvements would result in undesirable driveway slopes for the existing home and accessway along the south side of Barberry Street NW. Therefore, the existing street along Barberry has been completed pursuant to SRC 803.065, and no further improvements are required.

Pursuant to SRC 205.005(d)(2), the applicant shall obtain a Satisfaction of Deferral from the Public Works Director for the Minor Partition Street Improvement Deferral Agreement (BOR 193, Page 2202) for all properties subject to the agreement. The deferral is warranted because the existing configuration of Barberry Street NW meets the criteria for alternative street standard pursuant to SRC 803.065.

CITIZEN COMMENTS

1. Grading and erosion—The proposed development is subject to the requirements of *Salem Revised Code* Chapter 75 (Erosion Prevention and Sedimentation Control) and Chapter 82 (Clearing and Grading). Permits are required for grading work that exceeds minimum thresholds, and all grading work shall meet prescribed codes and standards.
2. Landslide hazards—The subject property is located in a low landslide hazard area according to *Salem Revised Code* Chapter 810. No geological assessment or geotechnical report was required as part of a complete partition application.

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cc: File