

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO. PAR17-04

APPLICATION NO. : 17-116851-LD

NOTICE OF DECISION DATE: November 15, 2017

REQUEST: A tentative partition plan to divide approximately 0.69 acres into 3 parcels, with Parcel 1 consisting of 4390, Parcel 2 consisting of 5679 square feet and Parcel 3 consisting of 18,833 exclusive of the flag lot accessway. The existing single family residence would remain on Parcel 3.

The subject property is approximately 0.69 acres in size, zoned RA (Residential Agriculture), and located at 1515 Barnes Avenue SE (Marion County Assessor's Map and Tax Lot number 083W14BA01500).

APPLICANT: Fernando Chavez

LOCATION: 1515 Barnes Avenue SE

CRITERIA: Salem Revised Code 205.005(d)

FINDINGS: The Findings are in the attached Order dated November 15, 2017.

DECISION: The Planning Administrator **APPROVED** Partition Case No. PAR17-04 subject to the following conditions of approval:

- Condition 1:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 5:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 6:** Along the entire frontage of Barnes Road SE:
 - a. Convey land for dedication of right-of-way along the entire frontage of Barnes Avenue to equal 30 feet from centerline;

- b. Construct additional pavement to a width of 17 feet from the centerline. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route; and
- c. Install street trees in accordance with PWDS and SRC 86.

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

Condition 8: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

The rights granted by the attached decision must be exercised, or an extension granted, by **December 1, 2019** or this approval shall be null and void.

Application Deemed Complete:	<u>October 9, 2017</u>
Notice of Decision Mailing Date:	<u>November 15, 2017</u>
Decision Effective Date:	<u>December 1, 2017</u>
State Mandate Date:	<u>February 6, 2018</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., November 30, 2017. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF)	
PARTITION PLAT NO. 17-04;)	
1515 BARNES AVENUE SE)	NOVEMBER 15, 2017

REQUEST

A tentative partition plan to divide approximately 0.69 acres into 3 parcels, with Parcel 1 consisting of 4390, Parcel 2 consisting of 5,679 square feet and Parcel 3 consisting of 18,833 exclusive of the flag lot accessway. The existing single family residence would remain on Parcel 3.

The subject property is approximately 0.69 acres in size, zoned RA (Residential Agriculture), and located at 1515 Barnes Avenue SE (Marion County Assessor's Map and Tax Lot number 083W14BA01500).

DECISION

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

- Condition 1:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 5:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 6:** Along the entire frontage of Barnes Road SE:
 - a. Convey land for dedication of right-of-way along the entire frontage of Barnes Avenue to equal 30 feet from centerline;

- b. Construct additional pavement to a width of 17 feet from the centerline. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route; and
- c. Install street trees in accordance with PWDS and SRC 86.

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

Condition 8: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

PROCEDURAL FINDINGS

1. On August 23, 2017, an application for a Tentative Partition Plan was filed proposing to divide a 0.69 acre property at 1515 Barnes Avenue SE (Attachment B) into three parcels.
2. The application was deemed complete for processing on October 9, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on October 9, 2017. The state-mandated local decision deadline is February 6, 2018.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into three parcels, with Parcel 3 containing the existing residence and Parcels 1 and 2 created for new residential development (Attachment B). The proposed parcel 1 and 2 will access to Barnes Avenue SE and proposed parcel 3 would take access from a proposed flag lot accessway connecting to Barnes Avenue SE. The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4,390 square feet,
Parcel Dimensions: Approximately 55 feet in width and 80 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 5,679 square feet,
Parcel Dimensions: Approximately 56 feet in width and 108 feet in depth.

PROPOSED PARCEL 3

Parcel Size: 18,833 square feet, exclusive of the flag lot accessway

Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

Infrastructure

Water: The subject property is located within the S-2 water service level. A 10-inch City of Salem water line is located in Barnes Avenue SE.

Sewer: There are 18-inch sanitary sewer main located in Barnes Avenue SE.

Storm Drainage: There is an existing 12-inch public storm main located on the south side of Barnes Avenue SE. There is a 12-inch and 15-inch storm main located in Kuebler Boulevard SE.

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

- The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Barnes Avenue Street SE currently has an approximately 30-foot wide improvement within a 55-foot-wide right-of-way.

Kuebler Boulevard SE abuts the northern boundary of the subject property, and is designated as a Parkway street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- The abutting portion of Kuebler Boulevard SE currently has an approximately 80-foot wide improvement within a 170-foot-wide right-of-way.
- Access to Kuebler Boulevard SE is prohibited

3. Public and Private Agency Review

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

Salem Fire Department – Salem Fire Department reviewed the proposal and commented that an approved Fire Department turn around at time plans are submitted for building permits.

4. Neighborhood Association Comments

The subject property is within the South Gateway Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” The neighborhood association did not submit written comments.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. One comment was received from surrounding property owners. The following is a summary of the concerns and staff response.

- 1) **Type of Construction:** There are concerns about the type of structures being developed other than single family dwellings. Additional concerns about the height of the dwellings proposed.

Staff Response: The subject property is zoned RS (Single Family Residential) and would be required to meet the development standards and uses described in SRC Chapter 511. The RS zone allows for single family dwellings. The height limitation of the RS zone is 35-feet, setbacks to the rear property line would be 14-feet for single story dwellings and 20-feet for two story dwellings. Based on the site plan, the lots have adequate width and depth to meet the setback requirements.

- 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.

6. Criteria for Granting a Tentative Partition

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.69-acre property into 3 parcels with no remainder. The subject property is currently zoned RA (Residential Agriculture). The minimum lot area requirements of the RA zone are established under SRC 510.010(a) as follows:

Lot Standards for RA zone (Single Family) (see SRC Chapter 510, Table 510-2)

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

Proposed lots in the partition range from approximately 4,390 square feet to 18,833 square feet in size, excluding the flag lot accessway. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 510.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

Except for flag lots, the RS zone, pursuant to SRC 510.010(a) Table 510-2, requires lots to have a minimum frontage of 40 feet on a street. SRC Chapter 800 (General Development Standards) allows lots to be created without the minimum required frontage on a street when they are developed in conformance with the flag lot development standards set forth in SRC 800.025. Proposed Parcel 3 is a flag lot without the minimum required frontage on a street. The flag lot accessway meets the standard for flag lot development.

Setback Requirements: SRC Chapter 510 establishes the following setback standards for development within an RA (Residential Agriculture) zone:

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

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

Interior Side Yards:

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

The existing dwelling on proposed Parcel 3 meets these standards for setbacks for the front, sides and rear yards. Setback requirements for the proposed Parcels 1 and 2 will be reviewed at the time of application for building permits.

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. The proposed parcel 3 is approximately 15,833 square feet. The existing dwelling and accessory structure are less than 60% of the proposed parcel. Future development of Parcels 1 and 2 will be reviewed for conformance with the development standards of SRC 511 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing residence and garage are proposed to remain, and is shown on the site plan entirely within the boundaries of proposed Parcel 3, in compliance with this standard.

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

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

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

	<i>impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>
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The proposed flag lot accessway is to serve proposed Parcel 3 is approximately 80 feet in length and 25 feet in width. Flag lot accessways serving one to two residentially zoned lots is required to be paved to a minimum width of 15 feet. The proposed flag lots conform to the flag lot standards of SRC 800.025. In order to ensure that the access meets the requirements of SRC 800.025, the following condition shall apply:

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

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

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

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

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

SRC 806.015(a) (Minimum Required Off-Street Parking): An existing single family residence currently occupies the subject property, with off-street parking provided by a garage. The applicant proposes the dwelling with garage will remain on Parcel 3. SRC 806.015(a) requires all Single Family and Two Family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces. The subject property is located outside of the CSDP, and the proposed partition would create two parcels for residential development (proposed Parcels 1 and 2), with an existing single-family residence remaining on proposed Parcel 3. The existing garage, containing two off street parking spaces.

Off-street parking requirements for the proposed Parcel 1 and 2 will be reviewed at the time of application for building permits.

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the

proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is inside of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated November 13, 2017 (Attachment D).

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

Condition 3: Construct sewer services that are proposed in the public right-of-way.

Condition 4: Obtain permits for installation of water services to serve Parcels 1 and 2.

Condition 5: Pay water connection fees prior to plat approval per SRC Chapter 21.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

SRC 803.015 (Traffic Impact Analysis): The proposed 3 parcel partition generates less than 1,000 average daily vehicle trips to Barnes Avenue SE, designated as a collector street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. The subject property has frontages on Barnes Avenue SE, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): The property abuts Kuebler Boulevard SE to the north, which prohibits direct access. The abutting portions of Barnes Avenue Street SE designated as a collector street in the TSP. The abutting portion of Barnes Avenue SE has an approximate 30-foot-wide improvement within a 55-foot-wide right-of-way and does not meet the current standard for a local street. Currently, Barnes Avenue SE is a turnpike improvement with no curbs or sidewalks for at least 300 feet in either direction from the subject property. Additionally, the portion of

Barnes Avenue SE abutting the subject property was recently paved, and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Barnes Avenue SE to meet collector street standards. For boundary street improvements along the frontage of Barnes Road, Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Street trees shall be provided consistent with collector street standards as specified in the Salem Transportation System Plan.

Condition 6: Along the entire frontage of Barnes Road SE:

- a. Convey land for dedication of right-of-way along the entire frontage of Barnes Avenue to equal 30 feet from centerline;
- b. Construct additional pavement to a width of 17 feet from the centerline. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route; and
- c. Install street trees in accordance with PWDS and SRC 86.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.69 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 7: Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Barnes Avenue SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): The property abuts Kuebler Boulevard SE to the north, which prohibits direct access.

The abutting portions of Barnes Avenue SE designated as a collector street in the TSP. The property abuts Kuebler Blvd SE to the north which is designated as a parkway in

the TSP. The abutting portion of Barnes Avenue SE has an approximate 30-foot-wide improvement within a 55-foot-wide right-of-way and does not meet the current standard for a collector street. Currently, Barnes Street SE is a turnpike improvement with no curbs or sidewalks for at least 300 feet in either direction from the subject property. Additionally, the portion of Barnes Avenue SE abutting the subject property was recently paved, and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Barnes Avenue SE to meet collector street standards. For boundary street improvements along the frontage of Barnes Road, Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Street trees shall be provided consistent with collector street standards as specified in the Salem Transportation System Plan.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP17-09). There are 2 trees on the subject property, none of the existing trees are proposed for removal. None of the designated trees for removal are defined as Significant Trees pursuant to SRC 808.005(k).

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land

within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

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

Finding: The proposed partition would divide a 0.69 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 frontage on Barnes Avenue SE and proposed flag lot accessway are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

Finding: The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

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

Condition 8: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

As conditioned, the proposal meets this criterion.

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

Finding: The abutting portions of Barnes Avenue SE designated as a collector street in the TSP. The property abuts Kuebler Blvd SE to the north which is designated as a parkway in the TSP. The abutting portion of Barnes Avenue SE has an approximate 30-foot-wide improvement within a 55-foot-wide right-of-way and does not meet the current standard for a collector street. Currently, Barnes Street SE is a turnpike improvement with no curbs or sidewalks for at least 300 feet in either direction from the subject property. Additionally, the portion of Barnes Avenue SE abutting the subject property was recently paved, and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving). Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Barnes Avenue SE to meet collector street standards. For boundary street improvements along the frontage of Barnes Road, Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Street trees shall be provided consistent with collector street standards as specified in the Salem Transportation System Plan.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Barnes Avenue SE abuts the subject property and does not meet the current standard for a Collector Street. Currently, Barnes Avenue SE is a turnpike improvement with no curbs or sidewalks for at least 300 feet in either direction from the subject property. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Barnes Avenue SE to meet collector street standards. For boundary street improvements along the frontage of Barnes Road, Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Street trees shall be provided consistent with collector street standards as specified in the Salem Transportation System Plan.

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

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site is essentially flat, sloping downward from the southwest corner to the northeast corner, with the northwest corner of the property being approximately 8 feet lower than the highest point on the property. The proposal meets this criterion.

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

Finding: As described in findings above, there is a slight elevation change from south to north across the subject property. The proposed layout distributes this grade change roughly equally across the two parcels, minimizing the need for substantial grading in any single area. The applicant proposes to retain the existing residence on a future parcel within the partition, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

The applicant has submitted an application for a tree conservation plan approval in conjunction with the partition application (TCP17-09). The applicant's proposal would retain 2 trees, or approximately 100% 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. 17-04, to divide a 0.69 acre lot into 3 parcels, with Parcel 1 consisting of 4390, Parcel 2 consisting of 5,679 square feet and Parcel 3 consisting of 18,833 exclusive of the flag lot accessway, for property zoned RA (Residential Agriculture), and located at 1515 Barnes Avenue SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 5:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 6:** Along the entire frontage of Barnes Road SE:
- a. Convey land for dedication of right-of-way along the entire frontage of Barnes Avenue to equal 30 feet from centerline;
 - b. Construct additional pavement to a width of 17 feet from the centerline. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route; and
 - c. Install street trees in accordance with PWDS and SRC 86.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Morningside Street SE.
- Condition 8:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate

future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.



Olivia Glantz, Planning Administrator Designee

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

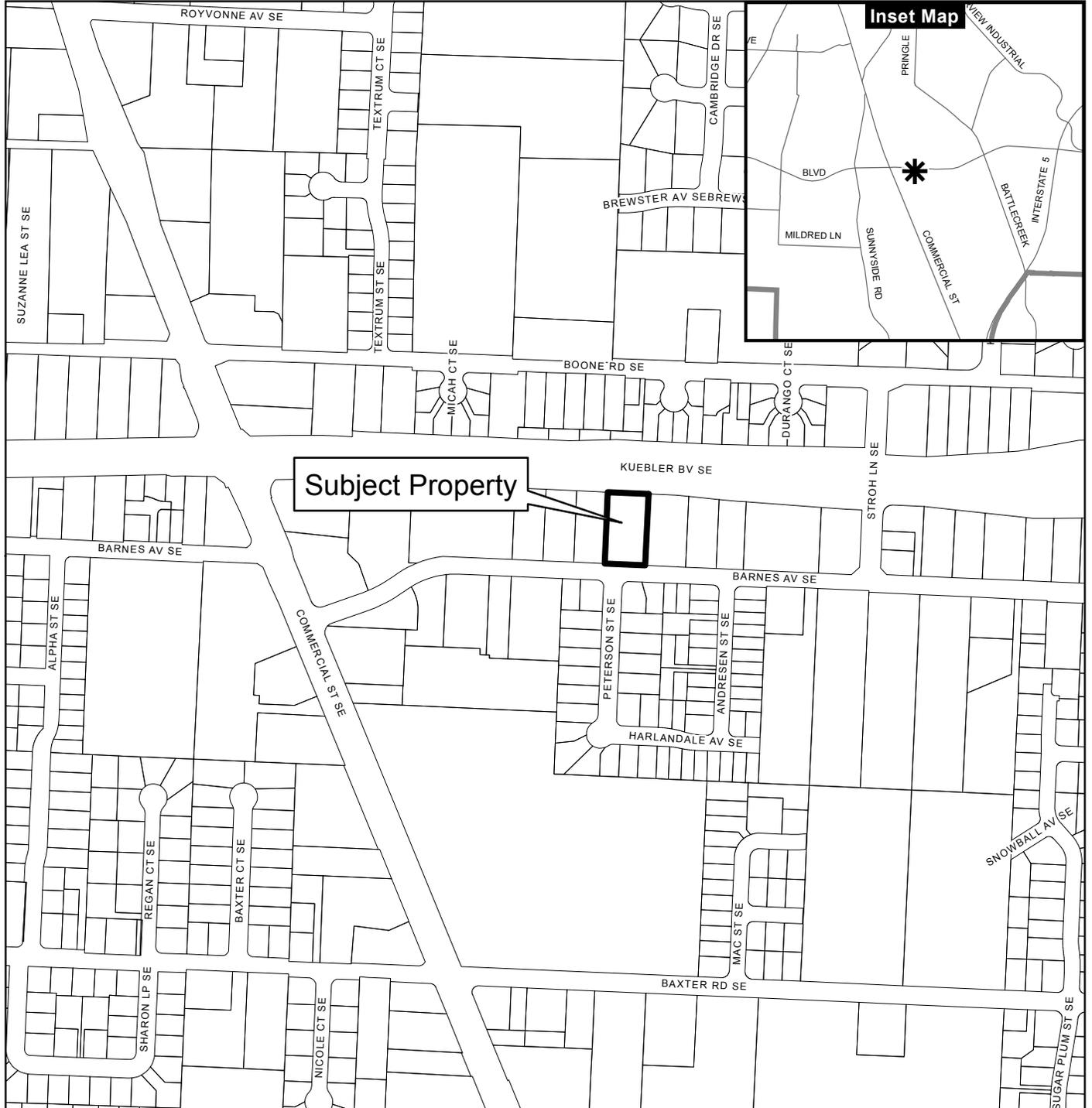
Application Deemed Complete: October 09, 2017
Notice of Decision Mailing Date: November 15, 2017
Decision Effective Date: December 01, 2017
State Mandated Decision Date: February 6, 2018

The rights granted by this decision must be exercised or extension granted by **December 01, 2019**, 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 Thursday, November 30, 2017, by 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 1515 Barnes Avenue SE

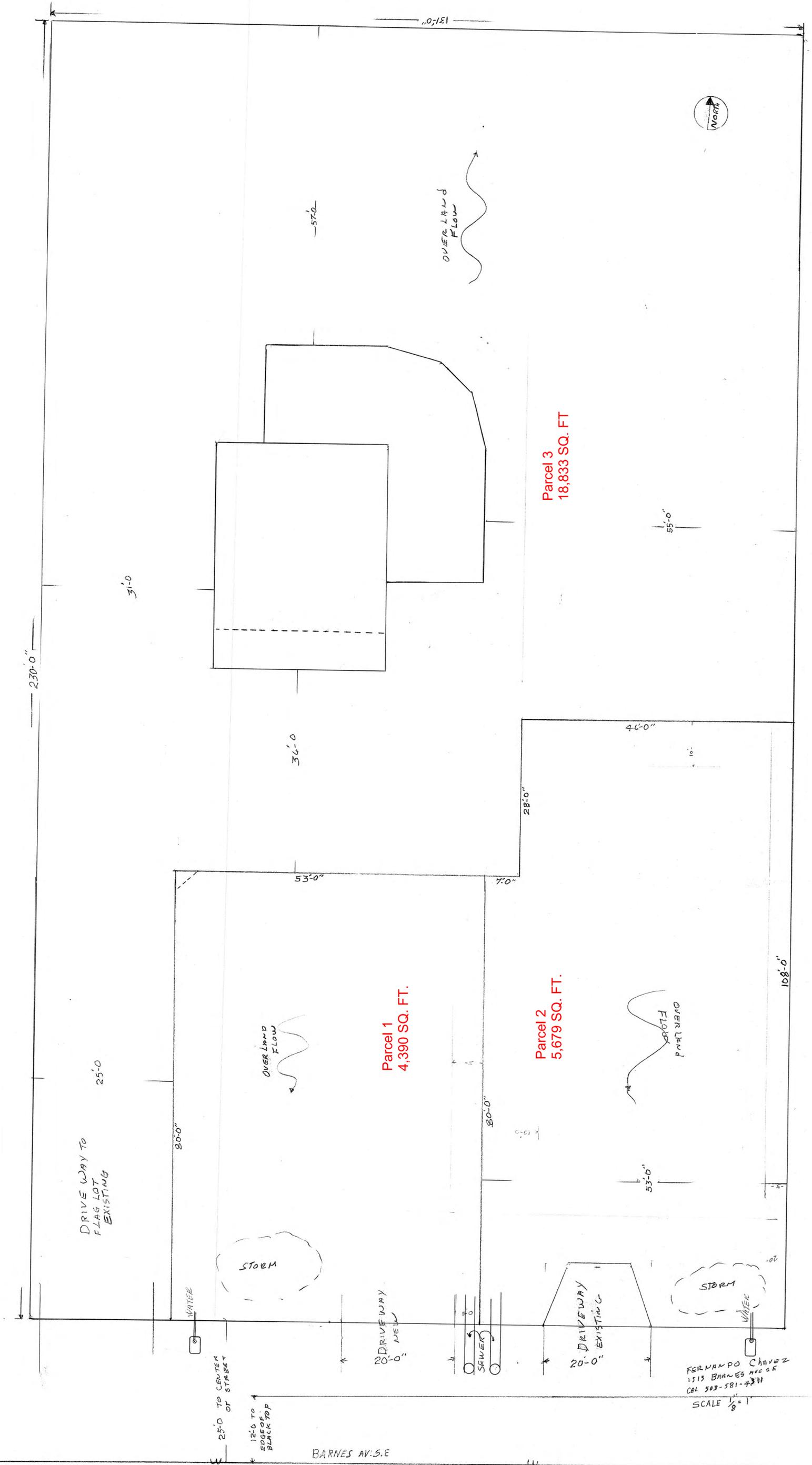


Legend

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



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FERNANDO CHAVEZ
 1515 BARNES AVE SE
 CEL 303-581-4311
 SCALE 1/8" = 1'

To: Olivia Glantz, Planner II
 From: Fernando Chavez
 Date: Oct. 5, 2017

The information in this letter is provided by Fernando Chavez to discuss a 3-parcel partition of a 0.69 acre (30,130 SF) property zoned RA and located at 1515 Barnes Ave SE. 97306 (Marion County Assessor Map and TAX lot 083W14BA01500)

The front of Barnes Ave of 131'-0" will take 25'-0" for driveway to flag lot on southwest corner of lot leaving 106'-0" on to divide in two 53'-0" wide by 80'-0" deep lot (4,240 SF) middle lot. A 53'-0" x 80'-0" + 28'-0" D x 46'-0" W (5,528 SF) lot on the southeast of property. The water in the two lots is connected to property line. The sewer pipe is on our side of Barnes Ave. Planning to add 4'-0" x 131'-0" of blacktop and a curve and sidewalk to complete the street. The trees on property will not be removed. One Big oak and one Big Pine on back seven less than 8' tall on the perimeter of property. As For GSI, NPDES, EPSC, SCS, PWDS, I am still reading on that, but am open for suggestions.

 Attached: Revised Plan 10/3/17
 FERNANDO CHAVEZ

RECEIVED

NOV 13 2017



COMMUNITY DEVELOPMENT

MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: November 13, 2017

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 17-04 (17-116851-LD)
1515 BARNES AVENUE SE
3-LOT PARTITION**

PROPOSAL

To divide approximately 0.69 acres into 3 parcels on property zoned RA (Residential Agriculture), and located at 1515 Barnes Avenue SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Along the entire frontage of Barnes Road SE:
 - a. Convey land for dedication of right-of-way along the entire frontage of Barnes Avenue SE to equal 30 feet from centerline;
 - b. Construct additional pavement to a width of 17 feet from the centerline. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route; and
 - c. Install street trees in accordance with PWDS and SRC 86.
2. Construct sewer services that are proposed in the public right-of-way.
3. Obtain permits for installation of water meters to serve Parcels 1 and 2.
4. Pay water and sewer connection fees prior to plat approval per SRC Chapter 21.
5. 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 in the public right-of-way.
6. Provide a 10-foot-wide public utility easement along the entire frontage of Barnes Avenue SE.

FACTS

1. Barnes Avenue SE

- a. Existing Condition—This street has an approximate 30-foot improvement within a 55-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Barnes Avenue SE.

2. Kuebler Boulevard SE

- a. Existing Condition—This street is fully improved with 170-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- c. Access Control—Access to Kuebler Boulevard SE is prohibited.

Storm Drainage

Existing Conditions

1. A 12-inch storm main is located on the south side of Barnes Avenue SE.
2. Two storm mains, a 12-inch and a 15-inch, are located in Kuebler Boulevard SE.

Water

Existing Conditions

1. The subject property is located in the S-2 water service level.
2. There is a 10-inch public water line in Barnes Avenue SE. Water service lines have already been provided for Parcels 1 and 2.

Sanitary Sewer

Existing Sewer—An 18-inch sewer line is located in Barnes 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 appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).

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

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding—Barnes Avenue SE abuts the subject property and does not meet the current standards for a Collector street. The existing street section of Barnes Avenue SE in the vicinity of the proposed partition lacks curbs and sidewalks; yet has stormwater facilities and street lights. Additionally, the portion of Barnes Avenue SE abutting the subject property was recently paved, and excavation within the newly paved area is restricted pursuant to Public Works Policy 01.2.05 (Cutting New Paving).

Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Barnes Avenue SE to meet Collector street standards. For boundary street improvements along the frontage of Barnes Avenue SE, Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees.

The nearest curb and sidewalk along the north side of Barnes Avenue SE is located approximately 300 feet to the west of the subject property. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Street trees shall be provided consistent with collector street standards as specified in the Salem TSP.

Prepared by: Jennifer Scott, Project Coordinator
cc: File