

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. PAR17-05

APPLICATION NO. : 17-120122-LD

NOTICE OF DECISION DATE: March 22, 2018

SUMMARY: A proposed partition to divide a lot at the southeast corner of Summer Street SE and Kumler Street SE into two parcels. The existing single family residence would remain.

REQUEST: A tentative partition plan to divide approximately 0.25 acres (10,791 square feet) into two parcels, with Parcel 1 consisting of approximately 6,456 square feet and Parcel 2 consisting of approximately 4,235 square feet. The existing single family residence would remain on Parcel 1, and Parcel 2 would consist of vacant land for future development.

The subject property is approximately 0.25 acres (10,791 square feet) in size, zoned RS (Single Family Residential), and located at 2520 Summer Street SE (Marion County Assessor's Map and Tax Lot number 073W34DA04600).

APPLICANT: Matthew Sain

LOCATION: 2520 Summer Street SE

CRITERIA: Salem Revised Code 205.005(d)

FINDINGS: The findings are in the attached Order dated March 22, 2018.

DECISION: The Planning Administrator **APPROVED** Partition PAR17-05 subject to the following conditions of approval:

- Condition 1:** Construct sewer services that are proposed in the public right-of-way.
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 4:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Summer Street SE.
- Condition 5:** 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 Parcel 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 **April 7, 2020** or this approval shall be null and void.

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|----------------------------------|--------------------------|
| Application Deemed Complete: | <u>December 14, 2017</u> |
| Notice of Decision Mailing Date: | <u>March 22, 2018</u> |
| Decision Effective Date: | <u>April 7, 2018</u> |
| State Mandate Date: | <u>May 13, 2018</u> |

Case Manager: Britany Randall, brandall@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., April 6, 2018. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the 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. 17-05)**

*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. 17-05;
2520 SUMMER ST SE**

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FINDINGS AND ORDER

MARCH 22, 2018

REQUEST

A tentative partition plan to divide approximately 0.25 acres into 2 parcels, with Parcel 1 consisting of approximately 6,314 square feet and Parcel 2 consisting of approximately 4,235 square feet. The existing single family residence would remain on Parcel 1.

The subject property is approximately 0.25 acres in size, zoned RS (Single Family Residential), and located at 2520 Summer Street SE (Marion County Assessor's Map and Tax Lot number 073W34DA 04600).

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

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

Condition 3: Pay water connection fees prior to plat approval per SRC Chapter 21.

Condition 4: Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Summer Street SE.

Condition 5: 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 Parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.

PROCEDURAL FINDINGS

1. On October 10, 2017, an application for a Tentative Partition Plan was filed proposing to divide a 0.25 acre property at 2520 Summer Street SE (Attachment B) into two parcels.

2. The application was deemed complete for processing on December 14, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on December 15, 2017.
3. The applicant submitted a concurrent tree conservation plan on February 20, 2018 and granted a 30 day extension to the state mandated decision date extending the date from April 13, 2018 to May 13, 2018.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into two parcels, with Parcel 1 containing the existing residence and Parcel 2 created for new residential development (Attachment B). The proposed Parcel 1 will access to Summer Street SE and proposed Parcel 2 would access to Kumler Street SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,314 square feet,
Parcel Dimensions: Approximately 79 feet in width and 82 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 4,235 square feet,
Parcel Dimensions: Approximately 55 feet in width and 77 feet in depth.

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

2. Existing Conditions

Site and Vicinity

The subject property is a rectangular lot, with 79 feet of frontage on Summer Street SE along its westerly boundary and 137 feet of frontage on Kumler Street SE. The property is approximately 79 feet in width and approximately 137 feet in depth from west to east. An existing house, constructed in 1954, according to Marion County Assessor Records, is situated on the westerly portion of the subject property. The applicant proposes to retain the existing house after the partition.

Salem Area Comprehensive Plan (SACP) Designation

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

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

North: (Across Kumler Street SE) Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: (Across Summer Street SE) Single Family Residential

Zoning and Surrounding Land Use

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

North: (Across Kumler Street SE) RS (Single Family Residential); single family dwelling

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

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

West: (Across Summer Street SE) RS (Single Family Residential); single family dwelling

Relationship to Urban Service Area

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

Infrastructure

Water: The subject property is located within the S-1 water service level. A 6-inch City of Salem water line is located in Summer Street SE. A 2-inch City of Salem water line is located in Kumler Street SE.

Sewer: A 6-inch City of Salem sewer line is located in Summer Street SE. A 6-inch City of Salem sewer line is located in Kumler Street SE.

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

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

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

Kumler Street SE abuts the northern boundary of the subject property and is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Kumler Street SE currently has an approximately 20-foot wide improvement within a 40-foot-wide right-of-way.

3. Public and Private Agency Review

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

Building and Safety Department - The City of Salem Building and Safety Department reviewed the proposal and has no objections to it.

Salem Fire Department – Salem Fire Department reviewed the proposal and commented that fire has no objections to the proposed partition and note that access and water supply are existing.

Salem-Keizer Public Schools – Salem-Keizer Public Schools reviewed the proposal and has provided their comments. Their memorandum is included as Attachment D.

Portland General Electric – Portland General Electric reviewed the proposal and provided the following comment: Development costs per current tariff and service requirements. Their memorandum is included as Attachment E.

4. Neighborhood Association Comments

The subject property is within the South Central Association of Neighbors (SCAN). 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 SCAN Land Use and Transportation Committee provided the following written comments:

“Based on our understanding per staff that the driveway to the new parcel two will be off of Kumler Street, the Committee supports the requested partition. We support limited partitions such as this one that provide the opportunity for additional housing and meet current code for lot size and dimensions in a single family residential zone.

The applicant did not address any of the approval criteria, but we expect most of them can be met. However, for criteria (4) we note that there are no sidewalks on either side of Kumler, so the street system adjacent to the proposed partition may not conform to the Salem Transportation System Plan.” Their comments are included as Attachment F.

Staff Response: Staff has reviewed the improvements currently existing for Kumler Street SE. As designed, Kumler Street SE meets the alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Kumler Street SE to the east line of Summer Street SE are impractical based on physical and topographic constraints because existing right-of-way is limited, and additional improvement would require substantial retaining wall construction and street tree removal. Therefore, the existing street along Kumler Street SE has been completed pursuant to SRC 803.062 and no further improvements are required.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. Six comments were received from surrounding property owners. However, two of the six comments were received after the close of the comment period, December 29, 2017.

Four comments were received prior to the close of the comment period. The comments and staff responses are provided below.

- 1) Three of the comments received indicated the proposal was reviewed and there were no objections to it.

Staff Response: There is no response needed to these comments.

- 2) The smaller of the proposed newly created lots would be 4,235 square feet. That is extremely small and it is going to be the smallest lot in the neighborhood. It should be deemed a non-standard anomaly on these grounds and not allowed.

Staff Response: The subject property is zoned RS (Single Family Residential) and would be required to meet the development standards described in SRC Chapter 511. The RS zone provides for a minimum lot size of 4,000 square feet. The tentative partition, as proposed, meets the standard for minimum lot size in the RS zone.

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 0.25 acre property into 2 parcels with no remainder. The subject property is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (Single Family) (see SRC Chapter 511, Table 511-2)

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

Proposed parcels in the partition range from approximately 4,235 square feet to 6,314 square feet in size. The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed parcels within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

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

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

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

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. The proposed Parcel 1 is approximately 6,314 square feet. The existing dwelling is less than 60% of the proposed parcel. Future development of Parcel 2 will be reviewed for conformance with the development standards of SRC 511 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing residence is proposed to remain and is shown on the site plan entirely within the boundaries of proposed Parcel 1, in compliance with this standard.

SRC 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 driveway leading to a converted garage. 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 1.

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

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The

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

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated February 16, 2018 (Attachment C).

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

Condition 1: Construct sewer services that are proposed in the public right-of-way.

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

Condition 3: 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 2 parcel partition generates less than 200 average daily vehicle trips to Summer Street SE, designated as a Local street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

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

SRC 803.025 (Right-of-Way and Pavement Widths): The property abuts Kumler Street SE to the north. The property abuts Summer Street SE to the west. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Summer Street SE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way which meets the current standard for a local street. The abutting portion of Kumler Street SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way. Currently, Kumler Street SE meets the alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Kumler Street SE to the east line of Summer Street SE are impractical based on physical and topographic constraints because existing right-of-way is limited, and additional improvement would require substantial retaining wall construction and street tree

removal. Therefore, the existing street along Kumler Street SE has been completed pursuant to SRC 803.065, and no further improvements are required.

The proposal meets the requirements of SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.25 acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal. The requirements of SRC Chapter 803 are not applicable to this proposal.

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

Condition 4: Provide a 10-foot public utility easement (PUE) along the entire frontage of Summer Street SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): The abutting portion of Summer Street SE is designated as a Local street in the TSP. The property abuts Kumler Street SE to the north which is designated as a Local street in the TSP. The abutting portion of Summer Street SE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way and meets the current standard for a Local street. Kumler Street SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way and meets the alternative street standard for a local street pursuant to SRC 803.065. Street trees shall be provided consistent with local 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 a tree conservation plan indicating the one tree on the subject site will remain on Parcel 1 with the existing single family home. The applicant's proposal would retain 1 tree, or approximately 100% of the trees on the subject property, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). The City and the applicant have agreed that the street tree shall be preserved along the

frontage of Kumler Street SE. Condition 2 within the Tree Conservation Plan (TCP18-02) imposes protections measures for the tree during construction. No heritage trees, riparian areas, or significant trees are currently present on the subject property.

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 0.25 acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed 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 Summer Street SE and Kumler Street SE are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

Finding: The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in

the conditions of approval, private water, sewer, and storm services shall be constructed to serve each parcel 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 5: 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 Parcel 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 property abuts Kumler Street SE to the north. The property abuts Summer Street SE to the west. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Summer Street SE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way which meets the current standard for a local street. The abutting portion of Kumler Street SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way. Currently, Kumler Street SE meets the alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Kumler Street SE to the east line of Summer Street SE are impractical based on physical and topographic constraints because existing right-of-way is limited, and additional improvement would require substantial retaining wall construction and street tree removal. Therefore, the existing street along Kumler Street SE has been completed pursuant to SRC 803.065, and no further improvements are required. Street trees shall be provided consistent with Local street standards as specified in the Salem Transportation System Plan.

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

Finding: The property abuts Kumler Street SE to the north. The property abuts Summer Street SE to the west. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Summer Street SE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way which meets the current standard for a local street. The abutting portion of Kumler Street SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way and meets the alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Kumler Street SE to the east line of Summer Street SE are impractical based on physical and topographic constraints because existing right-of-way is limited, and additional improvement would require substantial retaining wall construction and street tree removal. Therefore, the existing street along Kumler Street SE has been completed pursuant to SRC 803.065, and no further improvements are required. Summer Street SE provides continuous pedestrian connections to Hoyt Street SE (to the north) and Fairview Avenue SE (to the south).

As currently designed, the street system adjacent to the tentative partition plan provides for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

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

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site slopes downward from the southeasterly corner to the northwesterly, with the northwesterly corner of the property being approximately 16 feet lower than the highest point on the property. As a condition of the concurrent Tree Conservation Plan (TCP18-02) the applicant must take precautionary measures to protect the existing mature street tree along Kumler Street SE. The future driveway to the newly created Parcel 2 will be located along the easterly portion of the subject parcel in order to protect and retain the existing street tree. 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 southeast to northwest 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 Parcel 1 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 concurrent Tree Conservation Plan (TCP18-02) retains the one tree on the subject site on Parcel 1 with the existing single family home. The applicant's Tree Conservation Plan retains one tree, or approximately 100% of the trees on the subject property, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). No heritage trees, riparian areas, or significant trees 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.

7. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 6 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 17-05, to divide a 0.25 acre lot into 2 parcels, with Parcel 1 consisting of 6,314 square feet and Parcel 2 consisting of 4,235 square feet for property zoned RS (Single Family Residential), and located at 2520 Summer Street 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:** Construct sewer services that are proposed in the public right-of-way.
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 4:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Summer Street SE.
- Condition 5:** 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 Parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.



Britany Randall, Planner II
Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan
 - C. City of Salem Public Works Department Comments
 - D. Salem-Keizer Public Schools Comments
 - E. Portland General Electric (PGE) Comments
 - F. South Central Association of Neighbors (SCAN) Land Use and Transportation Comments

Application Deemed Complete: December 14, 2017

Notice of Decision Mailing Date: March 22, 2018

Decision Effective Date: April 7, 2018

State Mandated Decision Date: May 13, 2018

The rights granted by this decision must be exercised or extension granted by **April 7, 2020**, or this approval shall be null and void.

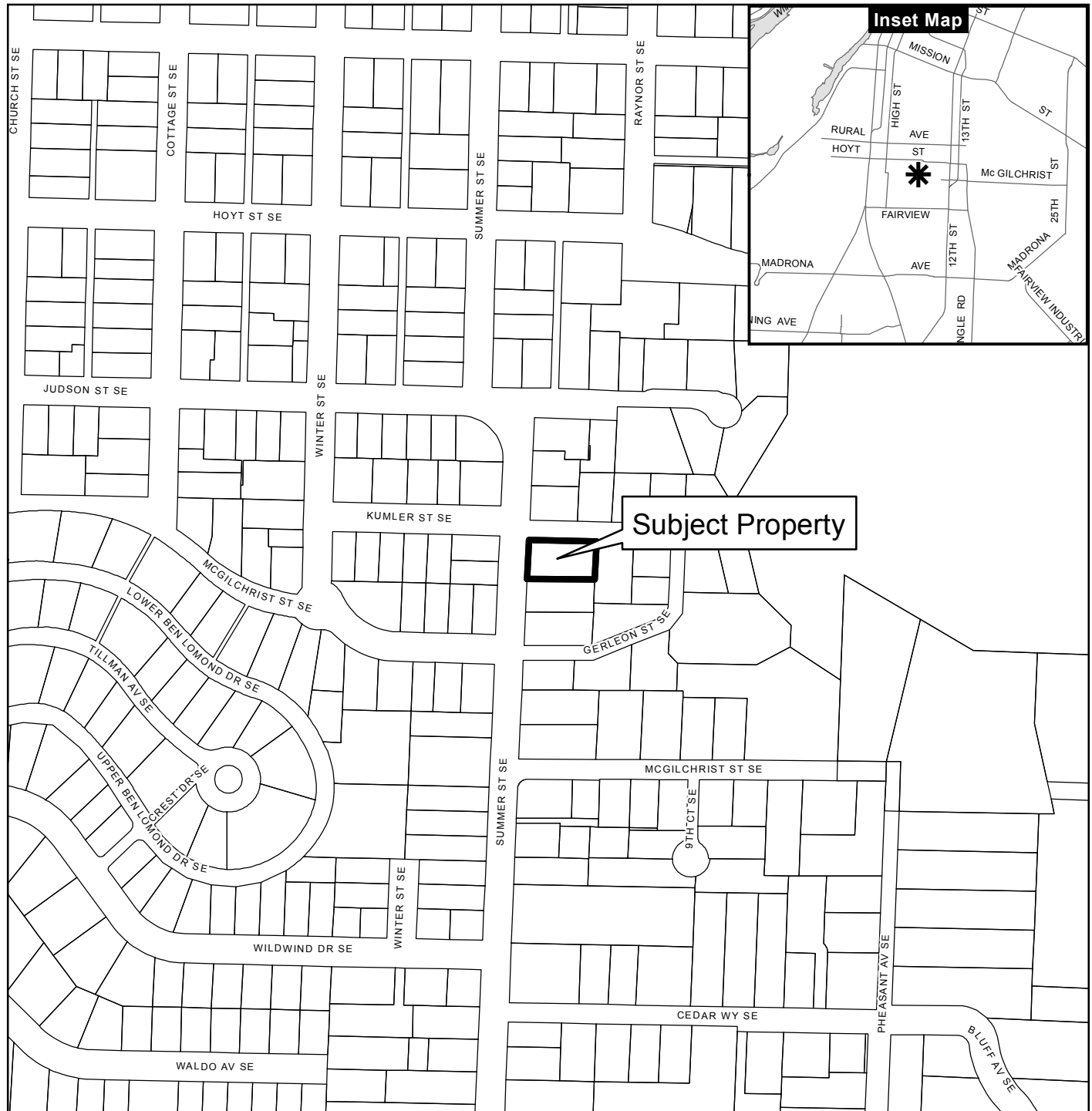
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, **no later than Friday, April 6, 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

2520 Summer Street SE



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.

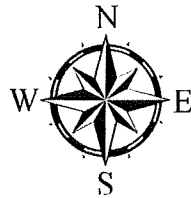
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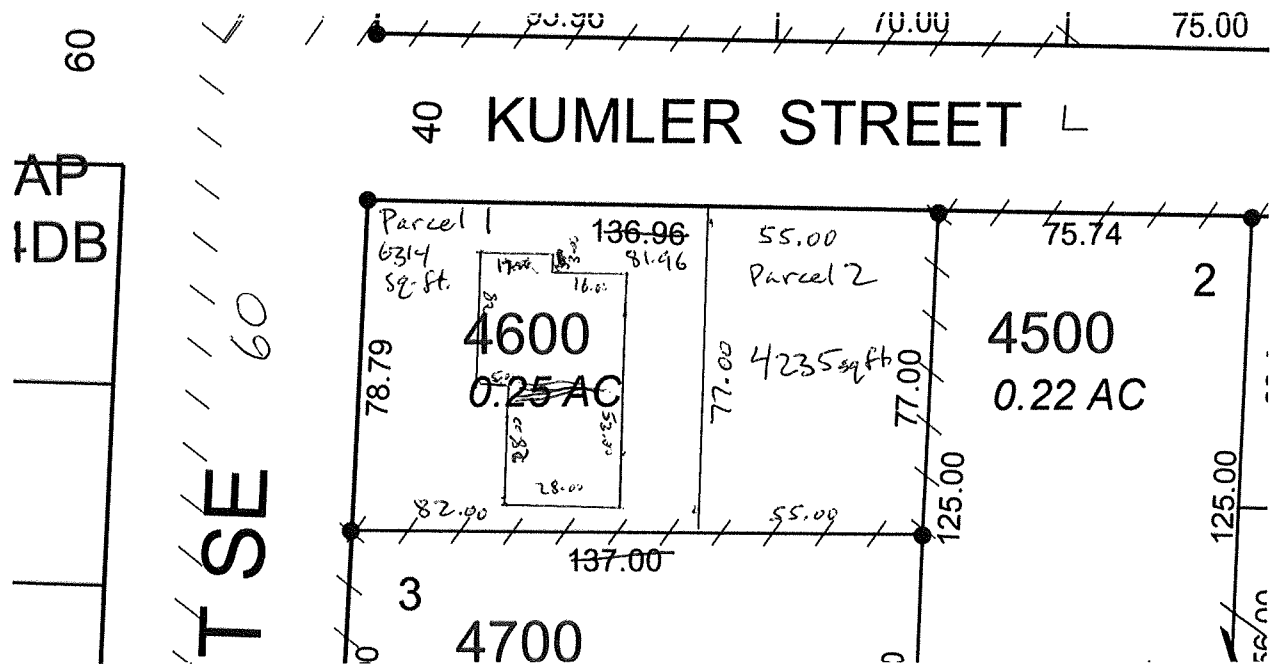
Partition Tentative Plan for

2520 Summer St SE, Salem, OR 97302

Owner: Matthew Sain, 1726 Cinnamon Hill Dr SE, Salem, OR 97306



Scale 1" = 46'



The existing single family home on Parcel 1 will remain. There are no existing or proposed easements on either parcel.



MEMO

TO: Britany Randall, Planner II
Community Development Department

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

DATE: February 16, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 17-05 (17-120122-LD)
2520 SUMMER STREET SE
PROPOSAL**

PROPOSAL

A tentative partition plan to divide approximately 0.25 acres (10,791 square feet) into two parcels, with Parcel 1 consisting of approximately 6,456 square feet and Parcel 2 consisting of approximately 4,235 square feet. The existing single family residence would remain on Parcel 1, and Parcel 2 would consist of vacant land for future development.

The subject property is approximately 0.25 acres (10,791 square feet) in size, zoned RS (Single Family Residential), and located at 2520 Summer Street SE (Marion County Assessor's Map and Tax Lot number 073W34DA04600).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct sewer services that are proposed in the public right-of-way.
2. Obtain a permit for City installation of a water service to serve parcel 2.
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 Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.
5. Provide a 10-foot-wide public utility easement along the entire frontage of Summer Street SE.

FACTS

1. Kumler St SE

- a. Existing Condition—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Local street in the Salem TSP. The existing configuration of this street meets the alternative street standard as described in the findings below.

2. Summer St SE

- a. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- 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.

Storm Drainage

1. Existing Condition

- a. An 8-inch storm main is located in Summer Street SE.

Water

1. Existing Conditions

- a. The subject property is located in the S1 water service level.
- b. There is a 6-inch public water line in Summer Street SE.
- c. There is a 2-inch public water line in Kumler Street SE.

Sanitary Sewer

1. Existing Sewer

- a. A 6-inch sewer line is located in Summer Street SE.
- b. A 6-inch sewer line is located in Kumler Street SE.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

- a. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- b. City infrastructure standards; and
- c. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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— Kumler Street SE meets the alternative street standards pursuant to SRC 803.065 as follows: (1) street improvements along the south side of Kumler Street SE to the east line of Summer Street SE are impractical based on physical and topographic constraints because existing right-of-way is limited, and additional improvement would require substantial retaining wall construction and street tree removal. Therefore, the existing street along Kumler Street SE has been completed pursuant to SRC 803.065, and no further improvements are required.

Prepared by: Sarah Wirfs, Program Coordinator
cc: File

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING: Partition Case No. PAR17-05

PROJECT ADDRESS: 2520 Summer Street SE, Salem, OR 97302

AMANDA Application No. 17-120122-LD

COMMENT PERIOD ENDS: December 29, 2017

SUMMARY: A proposed partition to divide a lot at the southeast corner of Summer Street SE and Kumler Street SE into two parcels. The existing single family residence would remain.

REQUEST: A tentative partition plan to divide approximately 0.25 acres (10,791 square feet) into two parcels, with Parcel 1 consisting of approximately 6,456 square feet and Parcel 2 consisting of approximately 4,235 square feet. The existing single family residence would remain on Parcel 1, and Parcel 2 would consist of vacant land for future development.

The subject property is approximately 0.25 acres (10,791 square feet) in size, zoned RS (Single Family Residential), and located at 2520 Summer Street SE (Marion County Assessor's Map and Tax Lot number 073W34DA04600).

Attached is a copy of the proposal and any related maps. A decision for this proposal will be prepared by the planning staff from information available to the staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by 5:00 P.M., December 29, 2017 will be considered in the decision process. Comments received after this date will be not considered. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the case manager listed below.**

SEND QUESTIONS OR COMMENTS TO: Britany Randall, Planner II; City of Salem, Planning Division; 555 Liberty St SE, Room 305; Salem, OR 97301; Phone: 503 540-2304; Fax: 503-588-6005
E-Mail: brandall@cityofsalem.net; <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See Attached
- _____
- _____
- ☐ 3. Other: _____

Salem-Keizer Public Schools
Planning and Property Services
3630 State Street, Salem OR 97301
David Fridenmaker, Manager
503-399-3335

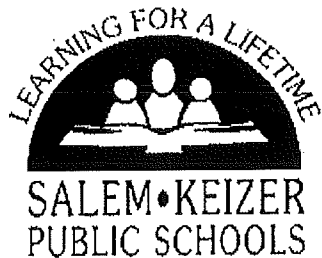
Name: _____

Address: _____

Agency: _____

Phone: _____

Date: 12/29/17



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

December 29, 2017

Britany Randall, Planner II
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. Salem Case No. PAR17-05, 2520 Summer St. SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

| School Name | School Type | Grades Served |
|-------------|-------------|---------------|
| McKinley | Elementary | K thru 5 |
| Leslie | Middle | 6 thru 8 |
| South Salem | High | 9 thru 12 |

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

| School Name | School Type | School Enrollment | School Design Capacity | Enroll./Capacity Ratio |
|-------------|-------------|-------------------|------------------------|------------------------|
| McKinley | Elementary | 324 | 335 | 97% |
| Leslie | Middle | 806 | 969 | 83% |
| South Salem | High | 1,948 | 1,797 | 108% |

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

| School Type | Qty. of New Residences | Housing Type | Average Qty. of Students per Residence | Total New Students |
|-------------|------------------------|--------------|--|--------------------|
| Elementary | 1 | SF | 0 to 1 | 0 |
| Middle | 1 | SF | 0 to 1 | 0 |
| High | 1 | SF | 0 to 1 | 0 |

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

| School Name | School Type | School Enrollment | New Students During Past 2 yrs | New Student from this Case | Total New Students | School Design Cap. | Enroll./Cap. Ratio |
|-------------|-------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------|--------------------|
| McKinley | Elem. | 324 | 0 | 0 | 0 | 335 | 97% |
| Leslie | Mid. | 806 | 48 | 0 | 48 | 969 | 88% |
| South Salem | High | 1,948 | 117 | 0 | 117 | 1,797 | 115% |

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be

provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

| School Name | School Type | Walk Zone or Eligible for School Transportation |
|-------------|-------------|---|
| McKinley | Elementary | Walk Zone |
| Leslie | Middle | School Bus Eligible |
| South Salem | High | Walk Zone |

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Annual School Construction Report by School Planning & Management. The costs to construct school facilities to serve the proposed development are in the following table.

| School Type | Number of Students | Estimate of Facility Cost Per Student* | Total Cost of Facilities for Proposed Development* |
|-------------|--------------------|--|--|
| Elementary | 0 | \$50,831 | \$0 |
| Middle | 0 | \$54,625 | \$0 |
| High | 0 | \$46,389 | \$0 |
| TOTAL | | | \$0 |

Table 6

*Paul Abramson, 20th Annual School Construction Report, *School Planning & Management*, Feb. 2015

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Valerie Saiki, Manager - Risk Management, Michael Shields, Director of Transportation

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

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E-Mail: brandall@cityofsalem.net; <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: DEVELOPMENT COSTS
PER CURRENT TARIFF AND SERVICE REQUIREMENTS.
- ☐ 3. Other: _____

Name: MARK YOUNG

Address: 4245 KALE RD NE, SALEM, OR 97305

Agency: P6E

Phone: 503.463.4365

Date: 12.18.2017



December 29, 2017

Re: Partition Case No. PAR17-05, 2520 Summer St. SE

The SCAN Land Use & Transportation Committee has reviewed the Notice of Filing and the brief Partition Tentative Plan prepared by the applicant.

Based on our understanding per staff that the driveway to the new parcel two will be off of Kumler Street, the Committee supports the requested partition. We support limited partitions such as this one that provide the opportunity for additional housing and meet current code for lot size and dimensions in a single family residential zone.

The applicant did not address any of the approval criteria, but we expect most of them can be met. However, for criteria (4) we note that there are no sidewalks on either side of Kumler, so the street system adjacent to the proposed partition may not conform to the Salem Transportation System Plan.

Thank you for the opportunity to comment.

Roz Shirack, Chair
SCAN Land Use & Transportation Committee