

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.:** PAR18-06

**APPLICATION NO. :** 18-113050-LD

**NOTICE OF DECISION DATE:** August 16, 2018

**SUMMARY:** A proposed partition to divide a lot at the corner of Sylvia Street SE and 42nd Avenue SE into two parcels. The existing duplex would remain on the northern parcel at the corner of Sylvia Street SE and 42nd Avenue SE.

**REQUEST:** A tentative partition plan to divide approximately 0.27 acres (11,686 square feet) into two parcels, with Parcel 1 consisting of approximately 7,000 square feet and Parcel 2 consisting of approximately 4,700 square feet. The existing duplex would remain on Parcel 1, and Parcel 2 would consist of vacant land for the future development of a single family home.

The subject property is approximately 0.27 acres (11,686 square feet) in size, zoned RS (Single Family Residential), and located at 4192 Sylvia Street SE (Marion County Assessor's Map and Tax Lot number 082W06AC 02400).

**APPLICANT:** Radiant Homes, LLC (Kiprian Tipikin)

**LOCATION:** 4192 Sylvia Street SE / 97317

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

**FINDINGS:** The findings are in the attached Order dated August 16, 2018.

**DECISION:** The Planning Administrator **APPROVED** Partition Case No. PAR18-06 subject to the following conditions of approval:

**Condition 1:** Construction of facilities in the right-of-way is required except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).

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

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

**Condition 4:** Complete the following street improvements in accordance with SRC 803.040 and Public Works Design Standards (PWDS):

- a. Construct curb-line sidewalks and street trees along all frontages of Sylvia Street SE and 42nd Avenue SE; and
- b. Construct a curb ramp at the intersection of Sylvia Street SE and 42nd Avenue SE.

- Condition 5:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Summer Street SE.
- Condition 6:** At the time of building permit approval for Parcel 2, three trees with 1.5 inch caliper, or more, shall be planted on site.
- Condition 7:** Demonstrate compliance with wetland delineation requirements as specified by Oregon Department of State Lands.
- Condition 8:** 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.

The rights granted by the attached decision must be exercised, or an extension granted, by **September 1, 2020** or this approval shall be null and void.

Application Deemed Complete:	<u>July 25, 2018</u>
Notice of Decision Mailing Date:	<u>August 16, 2018</u>
Decision Effective Date:	<u>September 1, 2018</u>
State Mandate Date:	<u>November 22, 2018</u>

**Case Manager:** Britany Randall, [brandall@cityofsalem.net](mailto: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., Friday, August 31, 2018. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The 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. 18-06)**

*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. 18-06;  
4192 SYLVIA STREET SE**

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**FINDINGS AND ORDER**

**AUGUST 16, 2018**

**REQUEST**

A tentative partition plan to divide approximately 0.27 acres into 2 parcels, with Parcel 1 consisting of approximately 7,000 square feet and Parcel 2 consisting of approximately 4,700 square feet. A newly constructed duplex will remain on Parcel 1 and Parcel 2 would consist of vacant land for the future development of a single family home.

The subject property is approximately 0.27 acres in size, zoned RS (Single Family Residential), and located at 4192 Sylvia Street SE (Marion County Assessor's Map and Tax Lot number 082W06AC 02400).

**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:** Construction of facilities in the right-of-way is required except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Pay water connection fees prior to plat approval pursuant to SRC Chapter 21.
- Condition 4:** Complete the following street improvements in accordance with SRC 803.040 and Public Works Design Standards (PWDS):
- a. Construct curb-line sidewalks and street trees along all frontages of Sylvia Street SE and 42nd Avenue SE; and
  - b. Construct a curb ramp at the intersection of Sylvia Street SE and 42nd Avenue SE.

- Condition 5:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Summer Street SE.
- Condition 6:** At the time of building permit approval for Parcel 2, three trees with 1.5 inch caliper, or more, shall be planted on site.
- Condition 7:** Demonstrate compliance with wetland delineation requirements as specified by Oregon Department of State Lands.
- Condition 8:** 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.

### **PROCEDURAL FINDINGS**

1. On June 21, 2018 an application for a Tentative Partition Plan was filed proposing to divide a 0.27 acre property at 4192 Sylvia Street SE (Attachment B) into two parcels.
2. After additional information was submitted by the applicant, the application was deemed complete for processing on July 25, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on July 25, 2018.
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 a newly constructed duplex and Parcel 2 consisting of vacant land for a new single family dwelling (Attachment B). The proposed Parcel 1 will access to Sylvia Street SE and proposed Parcel 2 would access to 42<sup>nd</sup> Avenue SE. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 7,000 square feet,  
Parcel Dimensions: Approximately 100 feet in width and 70 feet in depth.

#### **PROPOSED PARCEL 2**

Parcel Size: 4,700 square feet,  
Parcel Dimensions: Approximately 47 feet in width and 100 feet in depth.

***Access and Circulation:*** The subject property has frontage along the northerly property line on Sylvia Street SE, which is designated as a local street within the Salem

Transportation System Plan (TSP). The subject property has frontage along the easterly property line on 42<sup>nd</sup> Avenue 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 100 feet of frontage on Sylvia Street SE along its northerly boundary and 117 feet of frontage on 42<sup>nd</sup> Avenue SE. The property is approximately 100 feet in width and approximately 117 feet in depth from north to south. A demolition permit was issued in 2008 to demolish a previously constructed dwelling. In 2017, a dwelling permit was issued to construct a new duplex on the subject property. The applicant proposes to retain the new duplex after the partition on proposed Parcel 1 at the corner of Sylvia Street SE and 42<sup>nd</sup> Avenue SE.

### 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 Sylvia Street SE) Single Family Residential

South: Multi-Family Residential

East: (Across 42<sup>nd</sup> Avenue SE) Single Family Residential

West: Single Family Residential

### Zoning and Surrounding Land Use

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

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

South: RM2 (Multiple Family Residential 2); mobile home park

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

West: 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 G-0 water service level. A 6-inch City of Salem water main is located in Sylvia Street SE. A 6-inch City of Salem water main is located in 42<sup>nd</sup> Avenue SE.

**Sewer:** An 8-inch City of Salem sewer main is located in Sylvia Street SE. An 8-inch City of Salem sewer line is located in 42<sup>nd</sup> Avenue SE.

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

**Streets:** *Sylvia Street SE* abuts the northerly 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 Sylvia Street SE currently has an approximately 34-foot wide improvement within a 60-foot-wide right-of-way.

*42<sup>nd</sup> Avenue SE* abuts the easterly 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 42<sup>nd</sup> Avenue SE currently has an approximately 34-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 indicated minimum setbacks will be reviewed for the future dwelling at the time of building permit review.

**Salem Fire Department** – Salem Fire Department reviewed the proposal and commented that fire has no objections to the proposed partition.

#### **4. Neighborhood Association Comments**

The subject property is within the Southeast Mill Creek Association (SEMCA). 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.” No comments were received from the neighborhood association prior to the close of the comment period.

#### **5. Public Comments**

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. No Comments were received from neighbors prior to the close of the comment period.

#### **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 0.27 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 <sup>1</sup>	5,500 square feet
Two Family	7,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed parcels in the partition range from approximately 4,700 square feet to 7,000 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:

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



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

**Lot Coverage:** Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. The proposed Parcel 1 is approximately 7,000 square feet. The existing duplex 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 duplex 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 duplex currently occupies the subject property, with two off-street parking spaces provided for each dwelling unit. 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 the existing duplex 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 August 9, 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:** Construction of facilities in the right-of-way is required except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Pay water connection fees prior to plat approval pursuant to SRC Chapter 21.

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

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed two parcel partition generates less than 200 average daily vehicle trips to Sylvia Street SE or 42<sup>nd</sup> Avenue SE, which are designated as Local streets. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

*SRC 803.020 (Public and Private Streets):* There are no internal streets proposed within the partition. The subject property has frontages on Sylvia Street SE and 42<sup>nd</sup> Avenue Street SE, which are public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* The property abuts 42<sup>nd</sup> Avenue SE to the east. The property abuts Sylvia Street SE to the north. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Summer Street SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way which does not meet the current standard for a local street. The abutting portion of 42<sup>nd</sup> Avenue SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way which does not meet the current standard for a local street. To ensure the streets will meet the standard for a local street, the following condition shall apply:

**Condition 4:** Complete the following street improvements in accordance with SRC 803.040 and Public Works Design Standards (PWDS):

- a. Construct curb-line sidewalks and street trees along all frontages of Sylvia Street SE and 42<sup>nd</sup> Avenue SE; and
- b. Construct a curb ramp at the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE.

The proposal meets the requirements of SRC Chapter 803, as conditioned.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.27 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 5:** 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 Sylvia Street SE is designated as a Local street in the TSP. The property abuts 42<sup>nd</sup> Avenue SE to the north which is designated as a Local street in the TSP. The abutting portion of Sylvia Street SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way and does not meet the current standard for a Local street. 42<sup>nd</sup> Avenue SE has an approximate 34-foot-wide improvement within a 40-foot-wide right-of-way and does not meet the current street standard for a local street.

As conditioned above, the proposal meets the requirements of 803.040.

**(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 two trees on the subject site will be removed. The applicant's proposal would remove 100% of the trees on site, thus not meeting the 25% percent retention standard in SRC 808.035(d)(4). To mitigate the removal of 100% of the trees on the subject property, the following conditions shall apply:

**Condition 6:** At the time of building permit approval for Parcel 2, three trees with 1.5 inch caliper, or more, shall be planted on site.

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) indicates the presence of wetlands on the subject site. In order to ensure the proposed development meets the standards of SRC Chapter 809, the following condition shall apply:

**Condition 7:** Demonstrate compliance with wetland delineation requirements as specified by Oregon Department of State Lands.

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 0.27 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 a mobile home park 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 Sylvia Street SE and 42<sup>nd</sup> Avenue SE are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

**Finding:** The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each 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 8:** 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.

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 42<sup>nd</sup> Avenue SE to the east. The property abuts Sylvia Street SE to the north. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Sylvia Street SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way which does not meet the current standard for a local street. The abutting portion of 42<sup>nd</sup> Avenue SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way. Currently, 42<sup>nd</sup> Avenue SE does not meet the street standard for a local street. Pursuant to SRC 803.040, the applicant shall construct up to a half-street improvement along both frontages to Local street standards. Based on the existing conditions of Sylvia Street SE and 42<sup>nd</sup> Avenue SE, the extent of the required improvements is limited to construction of curb-line sidewalk improvements and street trees along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE. The sidewalk may be constructed along the curb line in order to match other sidewalks in the vicinity of the subject property pursuant to SRC 803.035(l)(2)(B). A curb ramp shall be constructed at the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE for pedestrian connectivity with adjacent corners. A 10-foot-wide public utility easement is required along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE pursuant to SRC 803.035(n).

As conditioned above, the proposal meets this criterion.

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

**Finding:** The property abuts 42<sup>nd</sup> Avenue SE to the east. The property abuts Sylvia Street SE to the north. Both abutting streets are designated as Local streets in the TSP. The abutting portion of Sylvia Street SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way which does not meet the current standard for a local street. The abutting portion of 42<sup>nd</sup> Avenue SE has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way. Currently, 42<sup>nd</sup> Avenue SE does not meet the street standard for a local street. Pursuant to SRC 803.040, the applicant shall construct up to a half-street improvement along both frontages to Local street standards. Based on the existing conditions of Sylvia Street SE and 42<sup>nd</sup> Avenue SE, the extent of the required improvements is limited to construction of curb-line sidewalk improvements and street trees along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE. The sidewalk may be constructed along the curb line in order to match other sidewalks in the vicinity of the subject property pursuant to SRC 803.035(l)(2)(B). A curb ramp shall be constructed at the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE for pedestrian connectivity with adjacent corners. A 10-foot-wide public utility easement is required along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE pursuant to SRC 803.035(n).

As conditioned, the street system adjacent to the tentative partition plan will provide 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 is relatively flat. The applicant submitted a concurrent Tree Conservation Plan (TCP18-05) which indicates both, or 100%, of the trees on the subject site are planned for removal. The applicant submitted a written statement addressing the trees noting that one of the trees has been topped by the power company as there are power lines running over top of the tree and the health of the tree is questionable. Upon inspection of the second tree on site, a fir tree, it appears half of the tree is dead as it is no longer producing foliate on the easterly most portion of the tree, it is beginning to lean to the west, and falls within the building footprint of the future proposed single family dwelling. Further, to provide spacing from the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE, the applicant proposes to place the driveway for the new single family dwelling on Parcel 2 at the southerly most portion of the parcel which will require removal of the trees. Condition 6, above, addresses mitigation for removal of 100% of the trees on the subject site. As conditioned, 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, the subject site is flat. The proposed layout minimizes the need for substantial grading in any single area. The applicant proposes to retain the existing duplex 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 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. 18-06, to divide a 0.27 acre lot into 2 parcels, with Parcel 1 consisting of 7,000 square feet and Parcel 2 consisting of 4,700 square feet for property zoned RS (Single Family Residential), and located at 4192 Sylvia 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:** Construction of facilities in the right-of-way is required except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Pay water connection fees prior to plat approval pursuant to SRC Chapter 21.
- Condition 4:** Complete the following street improvements in accordance with SRC 803.040 and Public Works Design Standards (PWDS):
  - a. Construct curb-line sidewalks and street trees along all frontages of Sylvia Street SE and 42nd Avenue SE; and
  - b. Construct a curb ramp at the intersection of Sylvia Street SE and 42nd Avenue SE.
- Condition 5:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Summer Street SE.
- Condition 6:** At the time of building permit approval for Parcel 2, three trees with 1.5 inch caliper, or more, shall be planted on site.
- Condition 7:** Demonstrate compliance with wetland delineation requirements as specified by Oregon Department of State Lands.



**Condition 8:** 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.



---

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

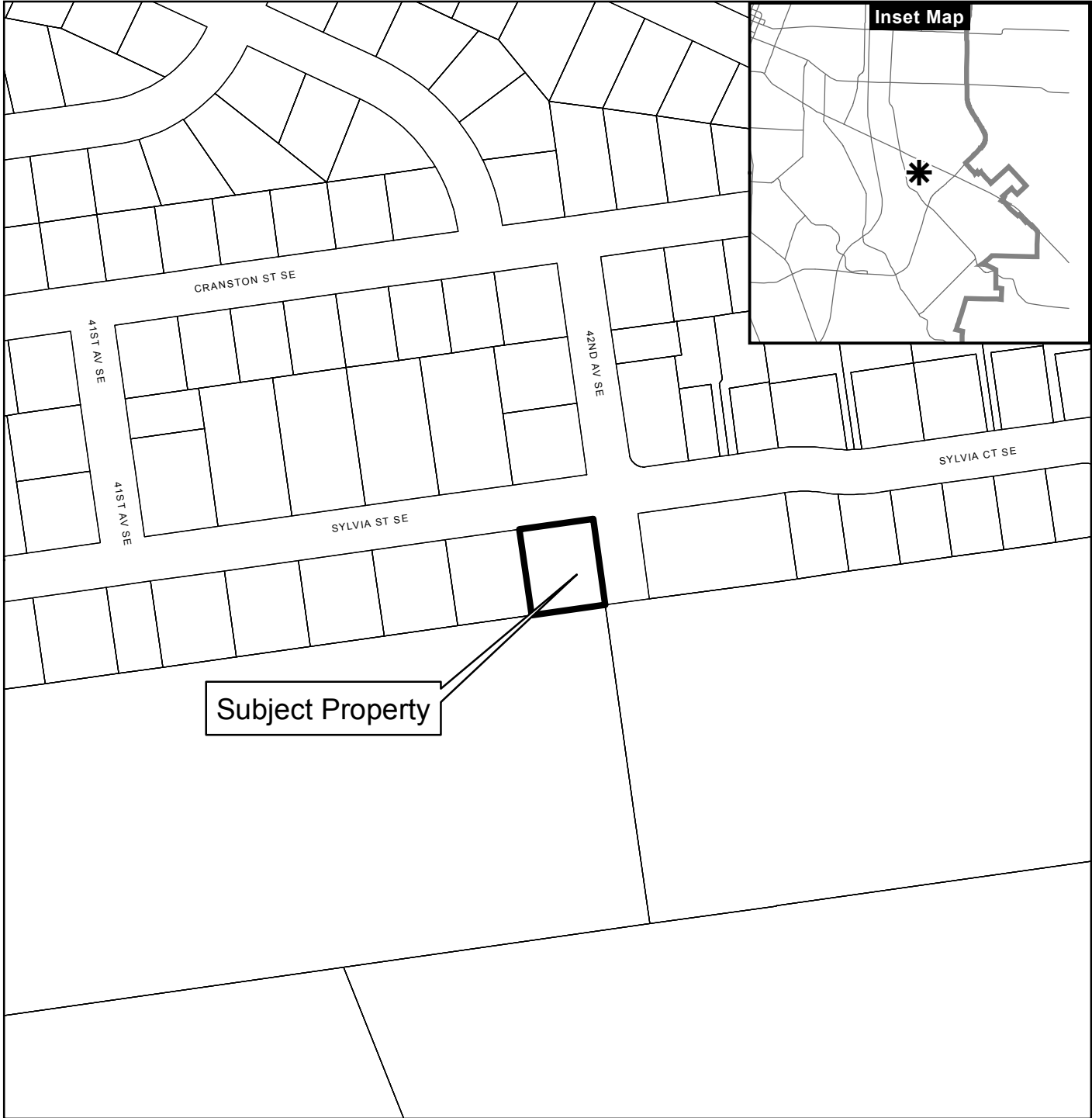
Application Deemed Complete: July 25, 2018  
Notice of Decision Mailing Date: August 16, 2018  
Decision Effective Date: September 1, 2018  
State Mandated Decision Date: November 22, 2018

The rights granted by this decision must be exercised or extension granted by **September 1, 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, August 31, 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 4192 Sylvia Street SE



**Legend**

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

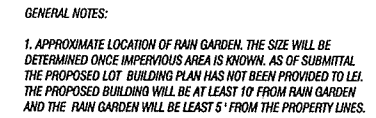
Parks

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0 100 200 400 Feet



[illegible]

**RADIANT HOMES PARTITION**

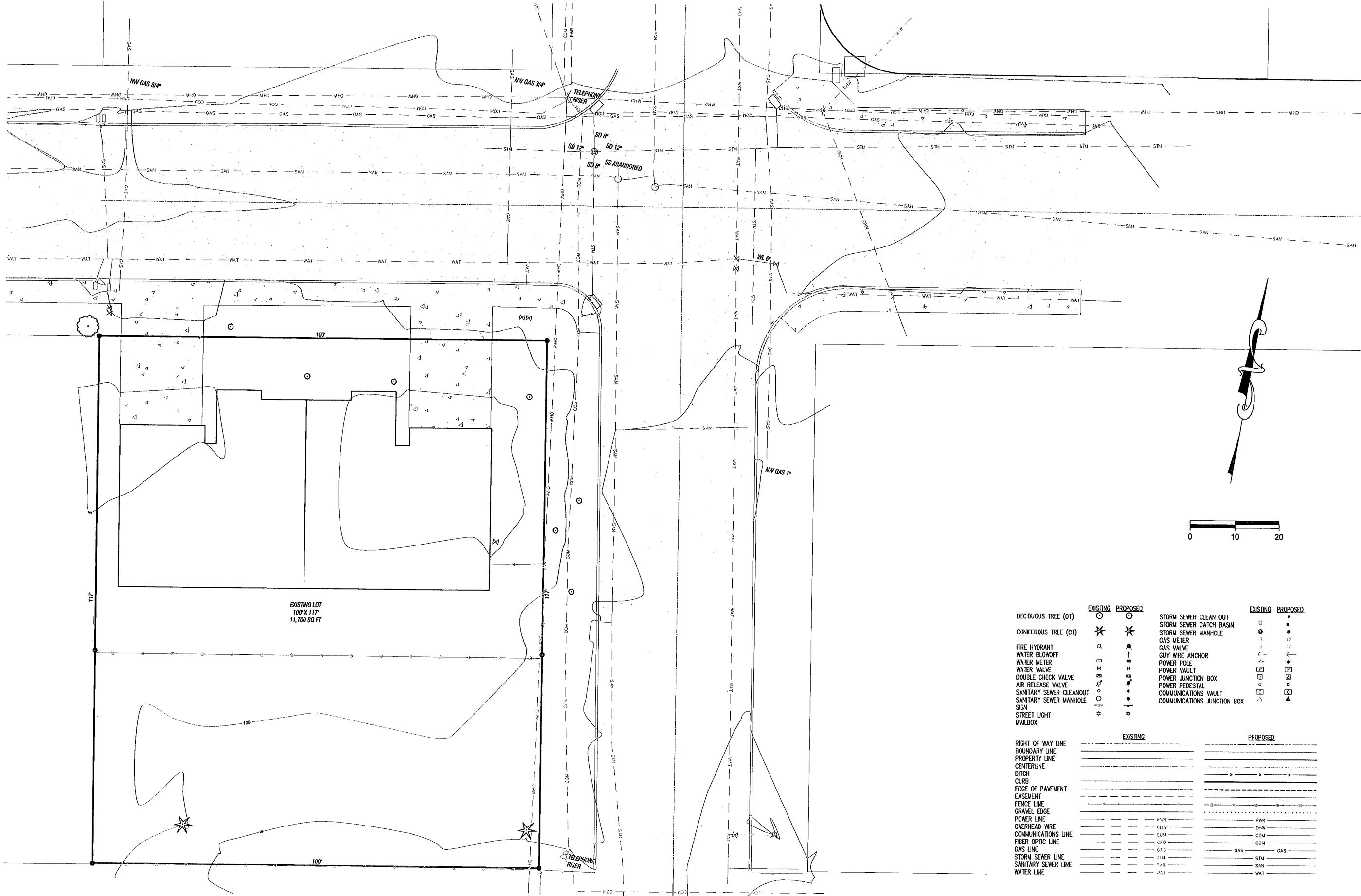
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(503) 399-3828  
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OF OREGON

<p align="center"><b>SITE PLAN</b></p>	
<p>SCALE 1" = 10'</p>	<p align="center"><b>SP-1</b></p>
<p>PROJECT NO. <b>15-136</b></p>	
<p>TOTAL SHEETS <b>XX</b></p>	

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15-136  
XX



	EXISTING		PROPOSED	
	Symbol	Symbol	Symbol	Symbol
DECIDUOUS TREE (DT)	○	○	○	○
CONIFEROUS TREE (CT)	✱	✱	✱	✱
FIRE HYDRANT	⊙	⊙	⊙	⊙
WATER BLOWOFF	⊙	⊙	⊙	⊙
WATER METER	⊙	⊙	⊙	⊙
WATER VALVE	⊙	⊙	⊙	⊙
DOUBLE CHECK VALVE	⊙	⊙	⊙	⊙
AIR RELEASE VALVE	⊙	⊙	⊙	⊙
SANITARY SEWER CLEANOUT	⊙	⊙	⊙	⊙
SANITARY SEWER MANHOLE	⊙	⊙	⊙	⊙
SIGN	⊙	⊙	⊙	⊙
STREET LIGHT	⊙	⊙	⊙	⊙
MAILBOX	⊙	⊙	⊙	⊙
RIGHT OF WAY LINE	---	---	---	---
BOUNDARY LINE	---	---	---	---
PROPERTY LINE	---	---	---	---
CENTERLINE	---	---	---	---
DITCH	---	---	---	---
CURB	---	---	---	---
EDGE OF PAVEMENT	---	---	---	---
EASEMENT	---	---	---	---
FENCE LINE	---	---	---	---
GRAVEL EDGE	---	---	---	---
POWER LINE	---	---	---	---
OVERHEAD WIRE	---	---	---	---
COMMUNICATIONS LINE	---	---	---	---
FIBER OPTIC LINE	---	---	---	---
GAS LINE	---	---	---	---
STORM SEWER LINE	---	---	---	---
SANITARY SEWER LINE	---	---	---	---
WATER LINE	---	---	---	---
STORM SEWER CLEAN OUT	---	---	---	---
STORM SEWER CATCH BASIN	---	---	---	---
STORM SEWER MANHOLE	---	---	---	---
GAS METER	---	---	---	---
GAS VALVE	---	---	---	---
GUY WIRE ANCHOR	---	---	---	---
POWER POLE	---	---	---	---
POWER VAULT	---	---	---	---
POWER JUNCTION BOX	---	---	---	---
POWER PEDESTAL	---	---	---	---
COMMUNICATIONS VAULT	---	---	---	---
COMMUNICATIONS JUNCTION BOX	---	---	---	---

REGISTERED PROFESSIONAL ENGINEER  
EXPIRES  
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EXPIRES

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EXISTING CONDITIONS  
EX-1

SCALE  
1" = 10'  
PROJECT NO.  
15-136  
TOTAL SHEETS  
XX

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# MEMO

**TO:** Britany Randall, Planner II  
Community Development Department

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

**DATE:** August 9, 2018

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. 18-06 (18-113050)  
4192 SYLVIA STREET SE  
2-LOT PARTITION

## PROPOSAL

To divide approximately 0.27 acres into 2 parcels in an RS (Single Family Residential) zone at 4192 Sylvia Street SE.

## RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Complete the following street improvements in accordance with SRC 803.040 and *Public Works Design Standards (PWDS)*:
  - a. Construct curb-line sidewalks and street trees along all frontages of Sylvia Street SE and 42<sup>nd</sup> Avenue SE; and
  - b. Construct a curb ramp at the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE.
2. Obtain permits for installation of water and sewer services to serve Parcel 2.
3. Pay water and sewer connection fees as applicable pursuant to SRC Chapter 21.
4. Construction of facilities in the right-of-way is required except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).
5. Submit a tentative stormwater design pursuant to PWDS..
6. Provide a 10-foot-wide public utility easement along the entire frontages of Sylvia Street SE and 42<sup>nd</sup> Avenue SE.



## **FACTS**

### 1. Sylvia Street SE

- a. Existing Conditions—This street has an approximate 34-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 Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

### 2. 42<sup>nd</sup> Avenue SE

- a. Existing Conditions—This street has an approximate 34-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 Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

## **Storm Drainage**

### 1. Existing Conditions

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

## **Water**

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. 6-inch public water mains are located in Sylvia Street SE and 42<sup>nd</sup> Avenue SE.

## **Sanitary Sewer**

### 1. Existing Sewer

- a. 8-inch sewer mains are located in Sylvia Street SE and 42<sup>nd</sup> Avenue SE.

## **CRITERIA AND FINDINGS**

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

follows:

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

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

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

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

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

The 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—** Sylvia Street SE and 42<sup>nd</sup> Avenue SE abut the subject property and do not meet the current standard for local streets. Pursuant to SRC 803.040, the applicant shall construct up to a half-street improvement along both frontages to Local street standards. Based on the existing conditions of Sylvia Street SE and 42<sup>nd</sup> Avenue SE, the extent of the required improvements is limited to construction of curb-line sidewalk improvements and street trees along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE. The sidewalk may be constructed along the curb line in order to match other sidewalks in the vicinity of the subject property pursuant to SRC 803.035(l)(2)(B). A curb ramp shall be constructed at the intersection of Sylvia Street SE and 42<sup>nd</sup> Avenue SE for pedestrian connectivity with adjacent corners. A 10-foot-wide public utility easement is required along the entire frontage of Sylvia Street SE and 42<sup>nd</sup> Avenue SE pursuant to SRC 803.035(n).

Prepared by: Jennifer Scott, Program Manager  
cc: File