

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 / CLASS 1 ADJUSTMENT CASE NO.: PAR-ADJ18-12

APPLICATION NO. : 18-120658-LD & 18-120660-ZO

NOTICE OF DECISION DATE: February 4, 2019

SUMMARY: A proposed partition to divide a lot along the southerly side of Trade Street SE into two parcels with a Class 1 Adjustment for lot width and depth ratio.

REQUEST: A tentative partition plan to divide property approximately 0.38 acres in size into two parcels, with Parcel 1 consisting of approximately 8,015 square feet and Parcel 2 consisting of approximately 8,015 square feet. Parcel 1 would retain an existing single-family dwelling and detached garage. Parcel two would consist of vacant land for the future development of a single-family home. The Class 1 Adjustment is requested to allow the proposed parcels to be 50 feet wide by 160 feet deep which exceeds the 300 percent average established in SRC Table 511-2 Lot Standards.

The subject property is approximately 0.38 acres in size, zoned RS (Single Family Residential), and located at 2160 Trade Street SE (Marion County Assessor's Map and Tax Lot numbers 073W26DB / 8000).

APPLICANT: John Kirk and Sarah R Kirk

LOCATION: 2160 Trade Street SE / 97301

CRITERIA: Salem Revised Code SRC 205.005(d) and 250.005(d)(1)

FINDINGS: The facts and findings are in the attached Order dated February 4, 2019.

DECISION: The Planning Administrator **APPROVED** Partition Case No.: PAR-ADJ18-12 subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, the applicant shall obtain a demolition permit and remove the existing accessory structure on the site that would straddle the new property line.
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Trade Street SE.

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on 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 February 20, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>November 1, 2018</u>
Notice of Decision Mailing Date:	<u>February 4, 2019</u>
Decision Effective Date:	<u>February 20, 2019</u>
State Mandate Date:	<u>March 1, 2019</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., February 19, 2019.** 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 and 250. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 18-12)**

*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. 18-12;
2160 TRADE STREET SE**

)
)
)
)

FINDINGS AND ORDER

FEBRUARY 4, 2019

REQUEST

A tentative partition plan and adjustment application to divide property approximately 0.38 acres in size into two parcels, with Parcel 1 consisting of approximately 8,015 square feet and Parcel 2 consisting of approximately 8,015 square feet. Parcel 1 would retain an existing single-family dwelling and detached garage. Parcel two would consist of vacant land for the future development of a single-family home.

The Class 1 Adjustment is requested to allow the proposed parcels to be 50 feet wide by 160 feet deep which exceeds the 300 percent average established in SRC Table 511-2 - Lot Standards.

The subject property is approximately 0.38 acres in size, zoned RS (Single Family Residential), and located at 2160 Trade Street SE (Marion County Assessor's Map and Tax Lot numbers 073W26DB / 8000) **Attachment A.**

DECISION

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

- Condition 1:** Prior to final plat approval, the applicant shall obtain a demolition permit and remove the existing accessory structure on the site that would straddle the new property line.
- Condition 2:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Trade Street SE.

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.

PROCEDURAL FINDINGS

1. On October 11, 2018 an application for a Tentative Partition Plan was filed proposing to divide a 0.38 acre property at 2160 Trade Street SE into two parcels with an adjustment to lot width and depth standards.
2. The application was deemed complete for processing on November 1, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on November 1, 2018.

SUBSTANTIVE FINDINGS

3. Proposal

The tentative plan proposes to divide the property into two parcels, with Parcel 1 consisting of approximately 8,015 square feet and Parcel 2 consisting of approximately 8,015 square feet. Parcel 1 would retain an existing single-family dwelling and detached garage. Parcel two would consist of vacant land for the future development of a single-family home. The Class 1 Adjustment is requested to allow the proposed parcels to be 50 feet wide by 160 feet deep which exceeds the 300 percent average established in SRC Table 511-2 - Lot Standards. (**Attachment B**). Proposed Parcels 1 and 2 will access to Trade Street SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 8,015 square feet,
Parcel Dimensions: Approximately 50 feet in width and 160 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 8,015 square feet,
Parcel Dimensions: Approximately 50 feet in width and 160 feet in depth.

Access and Circulation: The subject property has frontage along the northerly property line on Trade Street SE, which is designated as a local street within the Salem Transportation System Plan (TSP). The subject property also has access to the alley along the southerly property line.

4. Existing Conditions

Site and Vicinity

The subject property is a rectangular lot, with 100 feet of frontage on Trade Street SE along its northerly boundary and 100 feet of frontage onto the alley abutting to the south. The property is approximately 100 feet in width and approximately 160 feet in depth from north to south. The applicant proposes to retain the existing home on proposed Parcel 1 after the partition is completed.

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 Trade Street SE - Single Family Residential

South: Across the alley – Duplex Residential

East: Single Family Residential

West: Single Family Residential

Zoning and Surrounding Land Use

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

North: Across Trade Street SE - Single Family Residential (RS) – Single family dwelling

South: Across the alley – Duplex Residential (RD) – Duplex and Single family dwelling

East: Single Family Residential (RS) – Single family dwelling

West: Single Family Residential (RS) – 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. An 8-inch City of Salem water main is located in Trade Street SE.

Sewer: A 10-inch City of Salem sewer main is located in Trade Street SE.

Storm Drainage: There is a 21-inch storm main located in Trade Street SE.

Streets: *Trade 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 Trade Street SE currently has an approximate 30-foot wide improvement within a 66-foot-wide right-of-way.

5. Public and Private Agency Review

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

Salem Fire Department – Salem Fire Department reviewed the proposal and commented that fire has no objections to the proposed partition. Fire department access and water supply will need to be maintained to the existing structure and provided to the new structure at the time of development. Fire will review these items at the time of building permit plan review.

6. Neighborhood Association Comments

The subject property is within the Southeast Salem Neighborhood Association (SESNA). 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.

7. 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.

8. Criteria for Granting a Tentative Partition

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm

Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC.

Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

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

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

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

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.28 acre property into three 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
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 are each approximately 8,015 square feet in size. The proposed parcels exceed minimum lot area, dimension, and frontage requirements. The lots exceed the maximum 300 percent width to depth ratio as the width of the lots is proposed to be 50 feet and the depth is proposed to be 160 feet. The applicant has applied for a Class 1 Adjustment to address the width to depth ratio. Those criteria are

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

addressed in Section 9 of this decision. 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. Each of the 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 3 feet (Existing Structures)
- Minimum 5 feet
- Minimum 10 feet (Infill Lot)

The existing single family home on proposed Parcel 1 exceeds these standards for setbacks for the front, side and rear yards. Setback requirements for 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 8,015 square feet. The existing single family dwelling and detached garage covers less than 60 percent 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 single family dwelling is proposed to remain and is shown on the site plan entirely within the boundaries of proposed Parcel 1, in compliance with this standard.

The subject property includes an accessory structure that, if retained, would straddle the proposed property line, which is also not allowed. To ensure accessory structure is not retained, creating a nonconforming development, the following condition shall apply:

Condition 1: Prior to final plat approval, the applicant shall obtain a demolition permit and remove the existing accessory structure on the site that would straddle the new property line.

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

SRC 806.015(a) (Minimum Required Off-Street Parking): An existing single family home currently occupies the subject property, with two off-street parking spaces provided within the existing garage and on the driveway leading to the 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 one additional parcel for residential development (proposed Parcel 2), with the existing single family home remaining on proposed Parcel 1.

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

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

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

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

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter

of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated November 30, 2018 (Attachment C).

SRC 802.015 (Development to be Served by City Utilities). Water, sewer, and storm infrastructures are available along the perimeter of the site and is 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. In order to ensure water and sewer services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

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

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

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 300 average daily vehicle trips to Trade Street SE, which is 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 Trade Street SE, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): The property abuts Trade Street SE to the north. The abutting portion of Trade Street SE is designated as a Local street in the TSP. The abutting portion of Trade 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 (30-foot-wide-improvement within a 60-foot-wide right-of-way).

The proposal meets the requirements of SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.38 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 Trade Street SE.

As conditioned, the proposal conforms to applicable street standards.

(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 is not proposing the removal of any trees in conjunction with the proposed partition, therefore, a tree conservation plan is not required.

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.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

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 are 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 0.38 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 Trade Street SE and the abutting alley 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: Water, sewer, and storm infrastructures are available along the perimeter of the site and are 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. 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 PWDS. 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.

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: Trade Street SE abuts the subject property and meets the current standard for a Local street pursuant to the Salem TSP. No additional right-of-way dedication or street improvements are required.

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 existing 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 is proposing to retain the existing single family dwelling on proposed Parcel 1, limiting the amount of site disturbance that will be required in the future.

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 single family dwelling 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.

9. Adjustment Approval Criteria

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Pursuant to SRC 250.005(a)(1)(A), a Class 1 Adjustment is an adjustment to any development standard in the UDC that increases or decreases the standard by not more than 20 percent.

SRC 250.005(d)(1) establishes the following approval criteria which must be met in order for a Class 1 Adjustment to be approved:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or*
 - (ii) Clearly satisfied by the proposed development.**
- (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.*

Analysis of Adjustment Approval Criteria

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or**
 - (ii) Clearly satisfied by the proposed development.****

Applicant's Statement: The applicant's written statement is included as **Attachment**

D. In summary, the applicant is requesting a Class 1 Adjustment to allow the two proposed parcels to exceed the maximum 300 percent lot to width ratio. The lots are proposed to be 50 feet in width by 160 feet in length, exceeding the ratio by 10 feet.

Finding: The proposed configuration will allow the newly created parcel to take access from the abutting alley to the south, in the same manner as the existing dwelling which will be retained on newly created Parcel 1. By granting the adjustment, the future dwelling will be able to take access off the alley, thereby reducing the number of curb cuts on Trade Street SE and preserving the pedestrian corridor, keeping with the character of the neighborhood which is mostly alley loaded.

This criterion is met.

- (B) *The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.*

Finding: The proposed adjustment allows the newly created parcel to take access from the alley, rather than Trade Street SE which fits the character of the surrounding development. Additionally, the applicant is proposing lots which are double the minimum lot size within the RS zone, again keeping with the character and likeness of surrounding developments.

This criterion is met.

10. Conclusion

Based upon review of SRC 205.005, the findings contained under Sections 8 and 9 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. PAR-ADJ18-12, to divide a 0.38 acre lot into two parcels, with both parcels consisting of approximately 8,015 square feet. The existing single family residence would remain on Parcel 1, and Parcel 2 would consist of vacant land for the future development of single family homes for property zoned RS (Single Family Residential), and located at 2160 Trade 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: Prior to final plat approval, the applicant shall obtain a demolition permit and remove the existing accessory structure on the site that would straddle the new property line.

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

- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Provide a 10-foot public utility easement (PUE) along the entire frontage of Trade Street SE.
- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on 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. Applicant's Written Statement

Application Deemed Complete: November 1, 2018
Notice of Decision Mailing Date: February 4, 2019
Decision Effective Date: February 20, 2019
State Mandated Decision Date: March 1, 2019

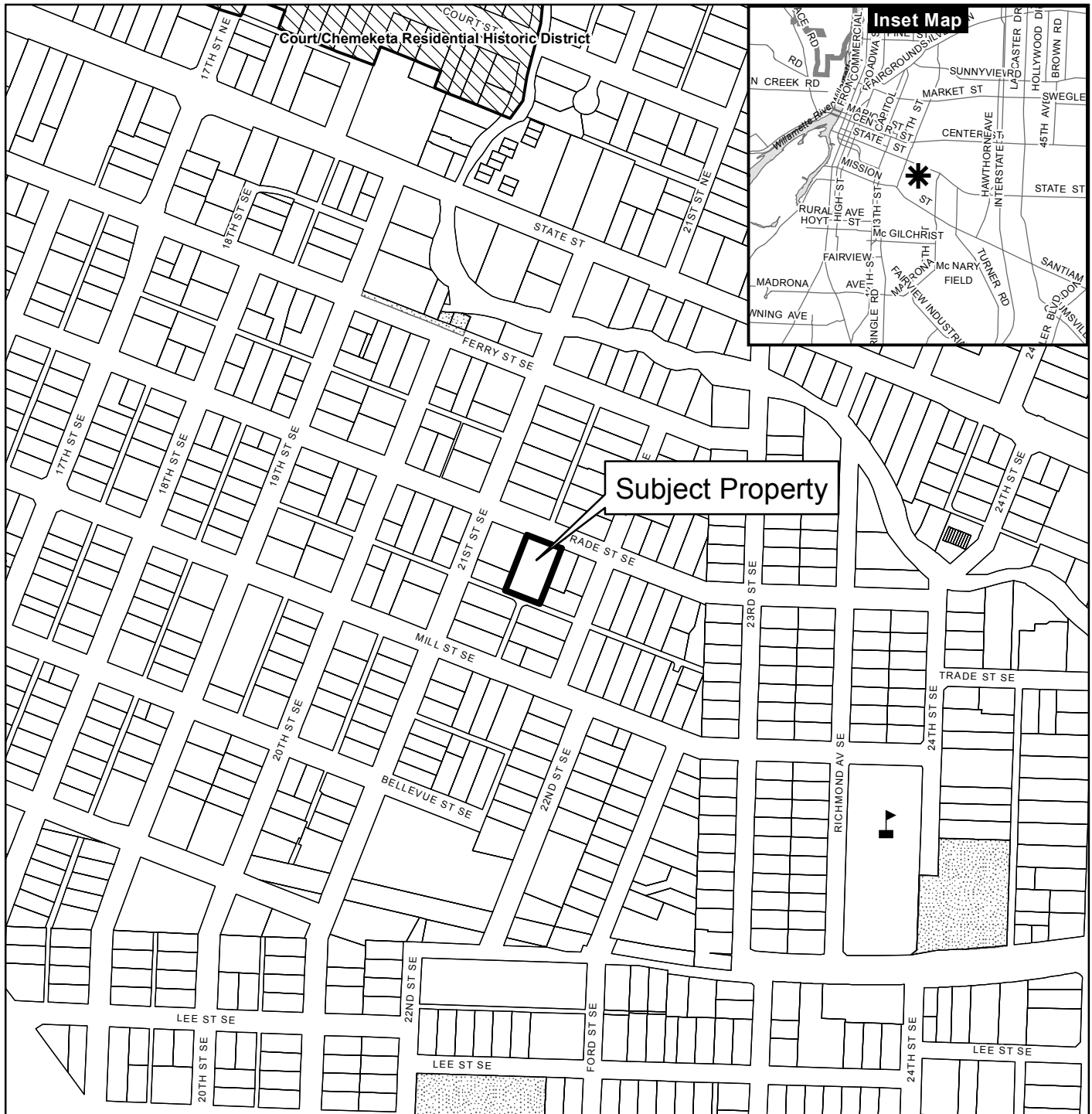
The rights granted by this decision must be exercised or extension granted by **February 20, 2021**, or this approval shall be null and void.

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 Tuesday, February 19, 2019, 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

2160 Trade Street SE



Legend

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

Parks

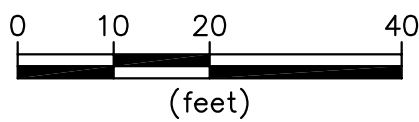
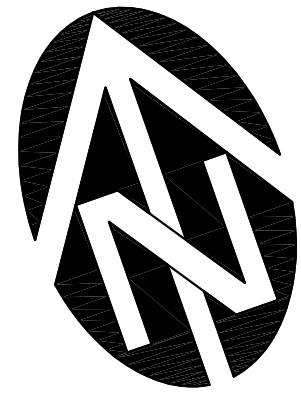
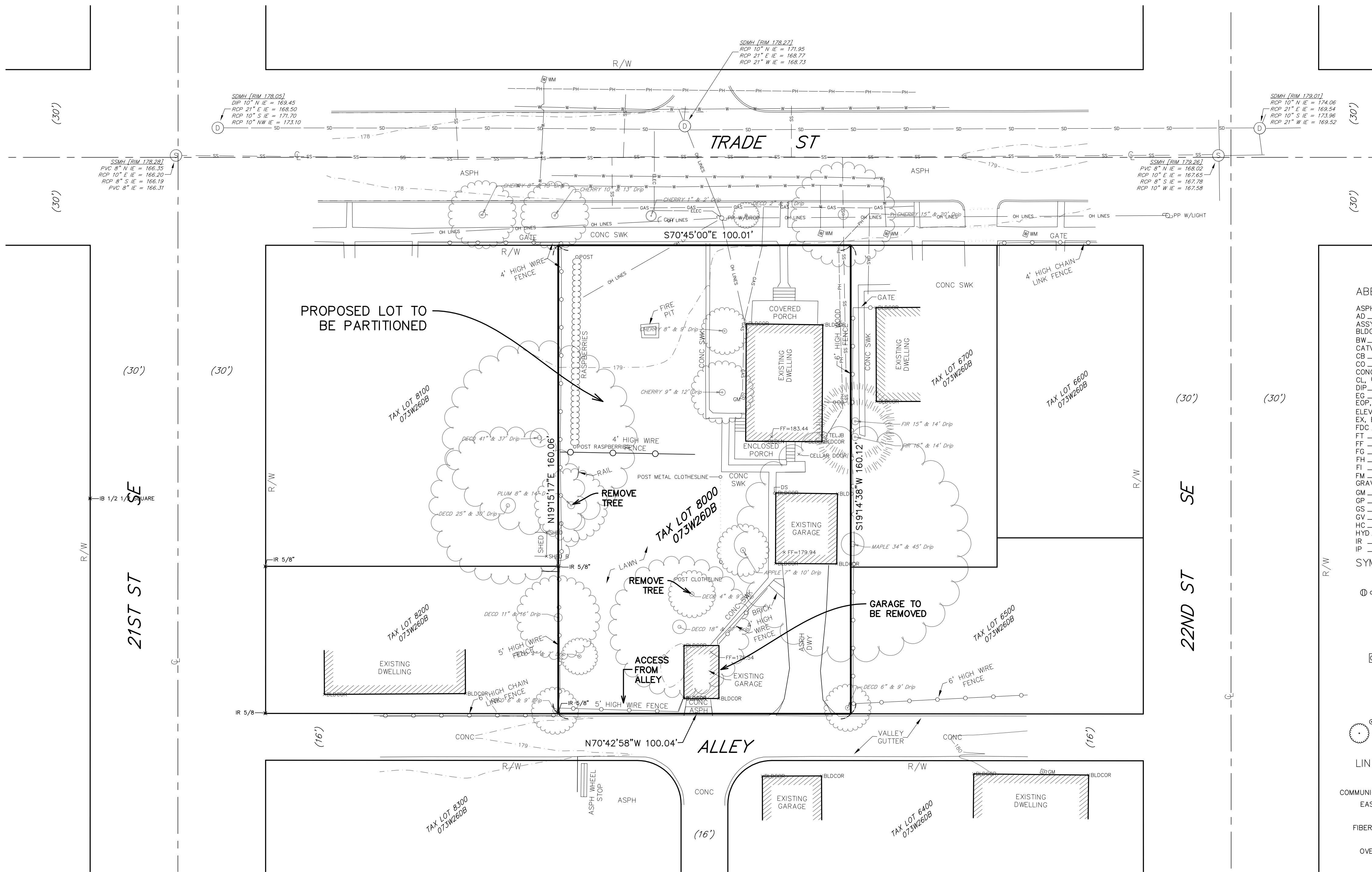
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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.

0 100 200 400 Feet



10/9/2018 10:16:12 AM
R:\Dwg\Yrk\John\2160 Trade St Partition\C1.0 Exg Cond-Demo.dwg (C1.0 tab)



ABBREVIATIONS

ASPH	ASPHALT	IRR	IRRIGATION
AD	AREA DRAIN	INV	INVERT
ASSY	ASSEMBLY	JB	JUNCTION BOX
BLDG, BLD	BUILDING	LP	LIGHT POLE
BW	BOTTOM OF WALL	M	METER, MAIN
CATV	CABLE TELEVISION	MB	MAILBOX
CB	CATCH BASIN	MH	MANHOLE
CO	CLEAN-OUT	OH	OVER-HEAD
CONC	CONCRETE	P/L	PROPERTY LINE
CL	CENTERLINE	PP	POWER POLE
DIP	DUCTILE IRON PIPE	PVC	POLYVINYL CHLORIDE
EG	EDGE OF GRAVEL	PWR	POWER
EOP, EP	EDGE OF PAVEMENT	R, RAD	RADIUS
ELEV	ELEVATION	ROW, R/W	RIGHT-OF-WAY
EX, EXIST	EXISTING	SS	SANITARY SEWER
FOC	FIRE DEPT. CONNECTOR	SD	STORM DRAIN
FT	FEET	SVC	SERVICE
FF	FINISH FLOOR	SWK, S/W	SIDEWALK
FG	FINISH GRADE	TC	TOP OF CURB
FH	FIRE HYDRANT	TEL	TELEPHONE
FI	FIELD INLET	TRANS	TRANSFORMER
FM	FORCE MAIN	TS	TRAFFIC SIGNAL
GRAV	GRAVEL	TW	TOP OF WALL
GM	GAS METER	TYP	TYPICAL
GP	GATE POST	UG, U/G	UNDER GROUND
GS	GROUND SHOT	UTIL	UTILITY
GV	GAS VALVE	W/	WITH
HC	HANDICAP	WM	WATER METER
HYD	HYDRANT	WLM	WETLANDS MARKER
IR	IRON ROD	YPC	YELLOW PLASTIC CAP
IP	IRON PIPE		

SYMBOLS

AD	AREA DRAIN	SP	SIGN POST
CB or	CATCH BASIN	PEO	PEDESTAL
COO	CLEANOUT	MB	MAIL BOX
FD	FIRE HYDRANT	IV	IRRIGATION VALVE
GV	GAS VALVE	LP	LIGHT POLE
WV	WATER VALVE	UP	UTILITY/POWER POLES
GPW	GAS/POWER/WATER METER	TP	TEST PIT
DSO	DOWN SPOUT	MF	MONUMENT FOUND
MT	MANHOLE TELEPHONE		
SD	MANHOLE STORM DRAIN		
MS	MANHOLE SANITARY SEWER		

TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)
NOTE: DIAMETER MEASURED AT BREAST HEIGHT

LINE TYPES

CATV LINE	CATV	CATV	CATV	CATV	CATV	CATV	CATV	CATV	CATV
COMMUNICATION LINE	COM	COM	COM	COM	COM	COM	COM	COM	COM
EASEMENT LINE									
FENCE LINE									
FIBER OPTIC LINE	FOC	FOC	FOC	FOC	FOC	FOC	FOC	FOC	FOC
GAS LINE	GAS	GAS	GAS	GAS	GAS	GAS	GAS	GAS	GAS
OVERHEAD LINE	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES
PHONE LINE	PH	PH	PH	PH	PH	PH	PH	PH	PH
POWER LINE	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC
SANITARY SEWER LINE	SS	SS	SS	SS	SS	SS	SS	SS	SS
STORM DRAIN LINE	SD	SD	SD	SD	SD	SD	SD	SD	SD
WATER LINE	W	W	W	W	W	W	W	W	W

DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY, NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.

SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

BENCHMARK UTILIZED
CITY OF SALEM # 470240
ELEV: 177.99' NAVD 29
3" ALUMINUM CAP LOCATED AT:
SE CORNER OF BRIDGE ON 21ST STREET OVER MILL CREEK,
6' 3" EAST OF EAST FACE OF CURB ON 21ST STREET,
4" NORTH OF SOUTH END OF BRIDGE RAILING.

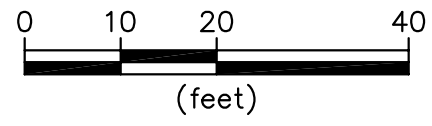
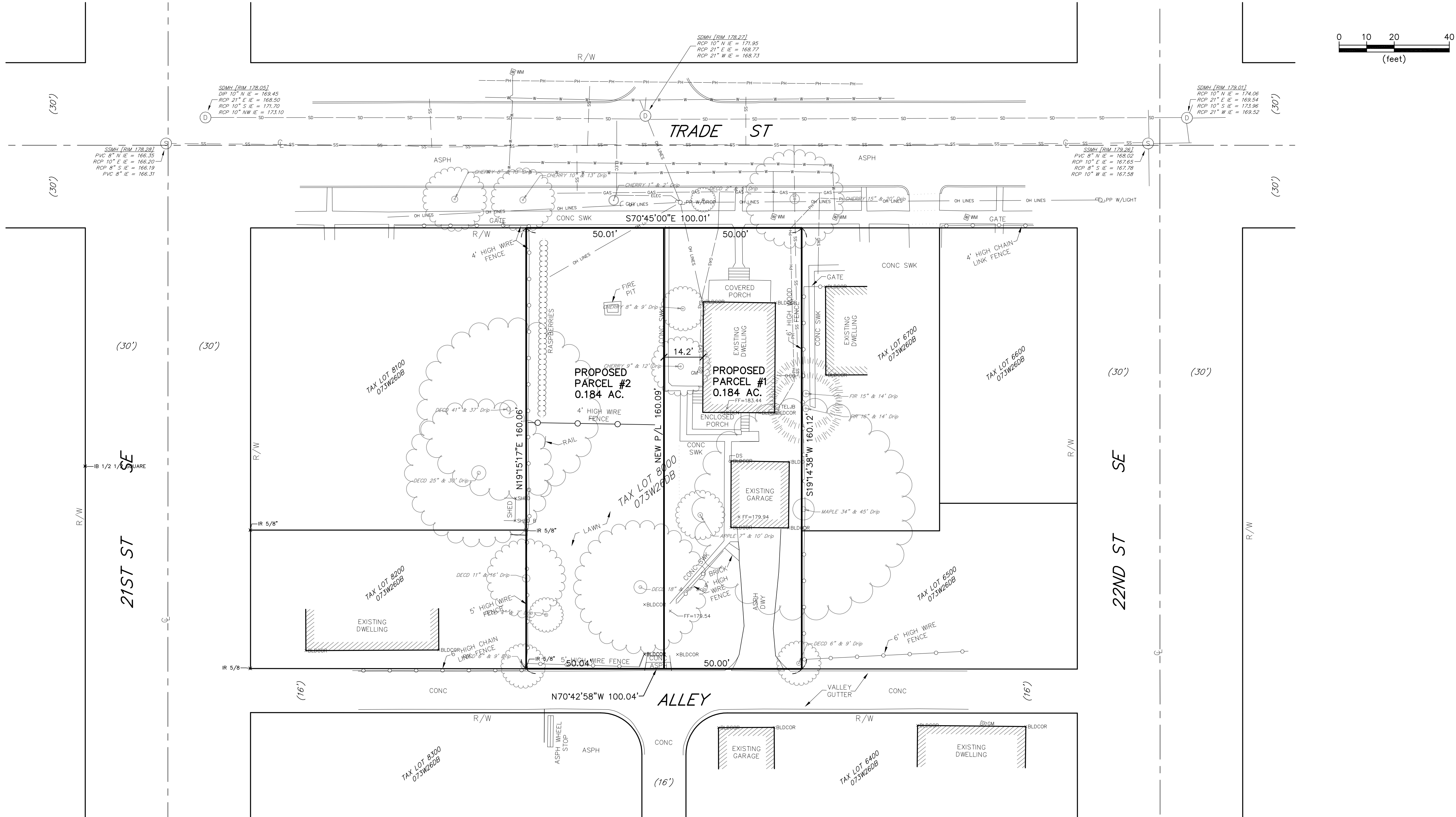
VERIFY SCALE	1"	DATE	NO.	DESCRIPTION	BY
BAR IS ONE INCH ON ORIGINAL DRAWING					
IF NOT ONE INCH ON ORIGINAL DRAWING, SCALES ACCURACIES					
DSN.	JW	1			
DRN.	TN				
CKD.	JW				
DATE: OCT. 2018					



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

2160 TRADE STREET PARTITION
EXISTING CONDITIONS
& DEMOLITION PLAN

DRAWING
C1.0
JOB NUMBER
3100.0000.0



VERIFY SCALE		DATE: OCT. 2018	
1"	0	NO.	1
1"	0	DATE	
1"	0	DESCRIPTION	
1"	0	REVISIONS	
1"	0	BY	

VERIFIED PROFESSIONAL ENGINEER
REVIEW
WILLIAM J. KELLS
REV. 12/2018
REVISIONS: 6/30/2020

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
WE
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com


JOHN KIRK
2160 TRADE STREET PARTITION
TENTATIVE PARTITION PLAN

DRAWING
C2.0

JOB NUMBER
3100.0000.0



VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING

0  1"

IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

DSN.	JW
DRN.	TN
CKD.	JW

DATE: OCT. 2018/

REVIEW

REVIEWS: 6/30/2020

WE

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS


3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97306
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

JOHN KIRK
2160 TRADE STREET PARTITION
OVERALL UTILITY PLAN



MEMO

TO: Britany Randall, Planner II
Community Development Department

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

DATE: November 30, 2018

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PAR-ADJ18-12 (18-120658-LD)
2160 TRADE STREET SE
2-LOT PARTITION

PROPOSAL

To divide approximately 0.38 acres into 2 parcels in an RS (Single Family Residential) zone at 2160 Trade Street SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Obtain permits for installation of a water service to serve Parcel 2.
2. Construct sewer services that are proposed in the public right-of-way.
3. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater system shall be tentatively designed to accommodate future impervious surfaces on parcel 2. Construct stormwater facilities that are proposed in the public right-of-way.
4. Provide a 10-foot-wide public utility easement along the entire frontage of Trade Street SE.

FACTS

1. Trade Street SE
 - a. 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.

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

Storm Drainage

1. Existing Condition

- a. A 21-inch storm main is located in Trade Street SE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch public water main is located in Trade Street SE.

Sanitary Sewer

1. Existing Sewer

- a. A 10-inch sewer main is located in Trade 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).

The subject property is located adjacent to an existing floodway as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. The floodway is contained within the right-of-way along Trade Street SE; therefore, a floodplain development permit is not required.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

Findings—Water, sewer, and storm infrastructures are available along the perimeter of the site and is 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—Trade Street SE abuts the subject property and meets the current standard for a Local street pursuant to the Salem TSP. No additional right-of-way dedication or street improvements are required.

Prepared by: Jennifer Scott, Program Manager
cc: File

JOHN KIRK - PARTITION WRITTEN FINDINGS

WRITTEN STATEMENT. A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Partition Tentative Plan (SRC 205.005(d)):

Criteria: 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:

- 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;
- City infrastructure standards; and
- Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Applicants Statement: The applicants partition is proposing to meet all lot standards except for the length to width ratio which requires an adjustment (please refer to the attached Adjustment Findings). Any city infrastructure required for the partition can be built to City standards and verified with a plan review. The partition does not include and special development standards.

Criteria: The tentative partition plan does not impede the future use or development of the property or adjacent land.

Applicants Statement: The existing lot is 100 ft by 160 ft and is zoned RS, and the applicant is proposing to split the lot into two parcels, and the surrounding property is fully developed. Therefore, the partition does not impede future or development of the property or adjacent land.

Criteria: Development within the tentative partition plan can be adequately served by City infrastructure.

Applicants Statement: There is existing sewer, water and storm available in Trade street that is adequately sized for an additional single family residence.

Criteria: The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Applicants Statement: The additional lot will take access from the existing alley which connects to an existing local street, therefore it conforms to the STSP.

Criteria: 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.

Applicants Statement: The additional lot will take access from the existing alley which connects to an existing local street, therefore the plan is safe and orderly and provides efficient circulation of traffic into, through and out of the partition.

Criteria: The tentative partition plan takes into account the topography and vegetation of the site so the need for variances or adjustments is minimized to the greatest extent practicable.

Applicants Statement: *Per the attached topographic survey the site is relatively flat, does not require and special design provisions relating to grade. The partition does not require tree conservation plan or additional tree removal that would require a variance or adjustment.*

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

Applicants Statement: *The applicant is proposing to protect the existing trees onsite and minimize grading. Therefore, this criteria is met.*

Criteria: 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:

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

Applicants Statement: *The criteria is not applicable.*