

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINSTRATOR

PARTITION CASE NO.: PAR19-05

APPLICATION NO. : 19-104106-LD

NOTICE OF DECISION DATE: June 14, 2019

SUMMARY: A proposed partition to divide a lot at 3146 Beacon Street NE into two parcels.

REQUEST: A tentative partition plan to divide approximately 0.49 acres (21,235 square feet) zoned RS (Single Family Residential) and located at 3146 Beacon Street NE (Marion County Assessor's Map and Tax Lot number 073W13AD / 1100) into two parcels, with Parcel 1 consisting of approximately 9,583 square feet and Parcel 2 consisting of approximately 11,652 square feet.

APPLICANT: Jeffrey Latimer

LOCATION: 3146 Beacon Street NE / 97301

CRITERIA: Salem Revised Code 205.005(d)

FINDINGS: The facts and findings are in the attached Order dated June 14, 2019.

DECISION: The Planning Administrator **APPROVED** Partition PAR19-05 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, the applicant shall obtain a demolition permit and remove the existing accessory structure on proposed Parcel 2.
- Condition 2:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 3:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 5:** Construct sewer services that are proposed in the public right-of-way.
- Condition 6:** Construct 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.

Condition 7: At the time of development, install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS.

Condition 8: Repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, and replace the existing non-conforming driveway on Beacon Street NE with a driveway that meets current PWDS.

Condition 9: Construct a curb ramp along the property frontage to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE

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

Condition 11: The 10' dbh green apple tree located on proposed Parcel 2 shall be preserved unless removal is granted through the approval of a Tree Conservation Plan pursuant to SRC 808.035.

The rights granted by the attached decision must be exercised, or an extension granted, by July 2, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>April 3, 2019</u>
Notice of Decision Mailing Date:	<u>June 14, 2019</u>
Decision Effective Date:	<u>July 2, 2019</u>
State Mandate Date:	<u>August 1, 2019</u>

Case Manager: Hayley Feightner, hfeightner@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., Monday, July 1, 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. 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. 19-05)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.
<http://www.cityofsalem.net/planning>*

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
PARTITION PLAT NO. 19-05;
3146 BEACON STREET NE**

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FINDINGS AND ORDER

JUNE 14, 2019

REQUEST

A tentative partition plan to divide approximately 0.51 acres into 2 parcels, with Parcel 1 consisting of 9,583 square feet and Parcel 2 consisting of 10,012 square feet exclusive of the flag lot accessway.

The subject property is approximately 0.49 acres in size, zoned RS (Single Family Residential), and located at 3146 Beacon Street NE (Marion County Assessor's Map and Tax Lot number 073W13AD / 1100)

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 proposed Parcel 2.
- Condition 2:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 3:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 5:** Construct sewer services that are proposed in the public right-of-way.
- Condition 6:** Construct 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.

- Condition 7:** At the time of development, install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS.
- Condition 8:** Repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, and replace the existing non-conforming driveway on Beacon Street NE with a driveway that meets current PWDS.
- Condition 9:** Construct a curb ramp along the property frontage to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE
- Condition 10:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Beacon Street NE.
- Condition 11:** The 10' dbh green apple tree located on proposed Parcel 2 shall be preserved unless removal is granted through the approval of a Tree Conservation Plan pursuant to SRC 808.035.

PROCEDURAL FINDINGS

1. On January 31, 2019, an application for a Tentative Partition Plan was filed proposing to divide a 0.49 acre property at 3146 Beacon Street NE (Attachment B) into two parcels.
2. The application was deemed complete for processing on April 1, 2019. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on April 3, 2019. The state-mandated local decision deadline is July 30, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

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

PROPOSED PARCEL 1

Parcel Size: 9,583 square feet
Parcel Dimensions: Approximately 100 feet in width and 97 feet in depth excluding the flag lot accessway.

PROPOSED PARCEL 2

Parcel Size: 10,012 square feet, exclusive of the flag lot accessway
Parcel Dimensions: Approximately 120 feet in width and 80 feet in depth excluding the flag lot accessway

Access and Circulation: The subject property has frontage located on Beacon Street NE, 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 120 feet of frontage on Beacon Street NE along its eastern boundary. The property is approximately 120 feet wide and approximately 177 feet in depth from west to east. An existing house, constructed in 1949, is situated on the eastern portion of the subject property. The applicant proposes to retain the existing house after the partition and to remove its associated accessory structure.

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: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: (Across Beacon Street NE) Single Family Residential

Zoning and Surrounding Land Use

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

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

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

East: RS (Single Family Residential); Lansing Park

West: (Across Barnes Avenue SE) RS (Single Family Residential); single family dwelling

Relationship to Urban Service Area

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

Infrastructure

- Water:** The subject property is located within the G-0 water service level. A 6-inch City of Salem water line is located in Beacon Street NE.
- Sewer:** There is an 8-inch sanitary sewer main located in Beacon Street NE.
- Storm Drainage:** There is an existing 6-inch storm main located in Beacon Street NE.
- Streets:** *Beacon Street NE* abuts the western boundary of the subject property, and is designated as a Local street in the Salem Transportation System Plan (TSP).
- This street was approved with an alternative street standard of a 34-foot improvement within a 50-foot-wide right-of-way at the time of original plat.
 - The abutting portion of Beacon Street NE currently has an approximately 34-foot wide improvement within a 60-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 D.

Building and Safety Department - The City of Salem Building and Safety Department reviewed the proposal and commented that the utilities are to be located in the flag lot.

Salem Fire Department – Salem Fire Department reviewed the proposal and have no concerns.

4. Neighborhood Association Comments

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

5. Public Comments

All 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 0.49-acre property into 2 parcels with no remainder. The subject property is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Infill Lot ¹	5,500 square feet

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

Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the partition range from approximately from 9,583 square feet to 10,012 square feet in size, excluding the flag lot accessway. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 511.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

Except for flag lots, the RS zone, pursuant to SRC 511.010(a) Table 511-2, requires lots to have a minimum frontage of 40 feet on a street. SRC Chapter 800 (General Development Standards) allows lots to be created without the minimum required frontage on a street when they are developed in conformance with the flag lot development standards set forth in SRC 800.025. Proposed Parcel 2 is a flag lot without the minimum required frontage on a street. The flag lot accessway meets the standard for flag lot development.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

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

The existing single family residence on proposed Parcel 1 exceeds setback standards for side yards, rear yards, and front yards adjacent to a street. Setback requirements for the proposed Parcel 2 will be reviewed at the time of application for building permits.

The proposed partition plan provided by the applicant did not show future building envelopes, however, the proposed parcels are of sufficient width and depth to accommodate the required setbacks.

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 9,583 square feet. The existing dwelling covers 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.

Within the RS zone, accessory structures are not permitted on a lot or parcel without a main structure (single-family dwelling). The subject property includes an accessory structure that, if retained, would be on proposed Parcel 2 without a main structure. To ensure this standard is met, 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 proposed Parcel 2.

As conditioned, the proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing residence on proposed Parcel 1 is proposed to remain, and the existing shed on proposed Parcel 2 is proposed for removal, in compliance with this standard.

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

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

Flag Lot Accessway Standards (1-2 Lots)(Residential Zone)	
Length	150 ft. Max.
Width	20 ft. Min.
Paved Width	15 ft. Min.
Parking	Not Allowed

Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>
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The proposed flag lot accessway to serve proposed Parcel 2 is approximately 97 feet in length and 20 feet in width. Flag lot accessways serving one to two residentially zoned lots is required to be paved to a minimum width of 15 feet. The proposed flag lot conforms to the flag lot standards of SRC 800.025. In order to ensure that the access meets the requirements of SRC 800.025, the following condition shall apply:

Condition 2: Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.

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

Condition 3: Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

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

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

SRC 806.015(a) (Minimum Required Off-Street Parking): An existing single family residence occupies the subject property within proposed Parcel 1. Off-street parking for this residence is provided by an attached two-car garage, which the applicant indicates will remain on proposed Parcel 1. 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 Parcels 2), with an existing single-family residence remaining on proposed Parcel 1.

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

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

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

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

SRC Chapter 205 (Land Division and Reconfiguration): 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 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 May 22, 2019 (Attachment D).

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

Condition 4: Obtain permits for installation of water services to serve Parcel 2.

Condition 5: Construct sewer services that are proposed in the public right-of-way.

Condition 6: Construct 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 the requirements of SRC Chapter 802.

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

SRC 803.015 (Traffic Impact Analysis): The proposed 2 parcel partition generates less than 1,000 average daily vehicle trips to Beacon Street NE, 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 will take access from Beacon Street NE, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Beacon Street NE abuts the subject property and meets the alternative street standard pursuant to SRC 803.065; therefore, no additional right-of-way dedication is required as a condition of the proposed partition plat.

Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The boundary street is lacking in street trees. At the time of development, the applicant shall be required to install street trees to the maximum extent feasible along the property frontage pursuant to SRC 86.015(e) and PWDS. The existing sidewalks abutting the subject property are also nonconforming and need repaired. Pursuant to SRC 78.180, the applicant is required to repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, including the replacement of the existing non-conforming driveway and installation of a curb ramp to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE.

In order to ensure the previously stated requirements are met, the following conditions of approval shall apply:

- Condition 7:** At the time of development, install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS.
- Condition 8:** Repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, and replace the existing non-conforming driveway on Beacon Street NE with a driveway that meets current PWDS.
- Condition 9:** Construct a curb ramp along the property frontage to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE

As conditioned, the proposal meets this criterion.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.49 acre lot, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

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

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

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): The abutting portion of Beacon Street NE is designated as a Local street in the TSP and was approved with an alternative street standard of an approximate 34-foot-wide improvement within a 50-foot-wide right-of-way. Street trees shall be provided consistent with local street standards as specified in the Salem Transportation System Plan. Boundary street improvements shall include the installation of street trees and the repair of non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, including replacement of the non-conforming driveway and installation of a curb ramp as indicated above in Conditions 7, 8, and 9.

(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.

There is one tree greater than 10 inches in diameter-at-breast-height located near the northern property line at the entrance of the flag lot accessway abutting proposed Parcel 2. During the review process, the applicant revised the original tentative partition plat to ensure adequate access space is provided to Parcel 2 so that the tree can be preserved. In order to ensure compliance SRC 808, the following condition shall apply:

Condition 11: The 10' dbh green apple tree located on proposed Parcel 2 shall be preserved unless removal is granted through the approval of a Tree Conservation Plan pursuant to SRC 808.035.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of

Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

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

Finding: The proposed partition would divide a 0.49 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 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 Beacon Street NE and proposed flag lot accessway are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

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

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

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: Beacon Street NE is designated as a local street in the Salem TSP and was approved with an alternative street standard of a 34-foot improvement within a 50-foot-wide right-of-way at the time of original plat. As a result, Beacon Street NE is not subject to additional right-of-way dedication requirements and meets the criteria for an alternative street standard pursuant to SRC 803.065.

As conditioned above, this criterion is met.

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: Pursuant to SRC 803.040, construction of a half-street improvement is warranted along the frontage of Beacon Street NE. The boundary street is currently lacking in street trees. The applicant is required to install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS, as identified in the conditions of approval.

The sidewalks are also non-conforming and are in need of repair. Pursuant to SRC 78.180, the applicant shall repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, including replacement of the existing non-conforming driveway and installation of a curb ramp to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE.

As conditioned above, this criterion is met.

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

The proposal meets this criterion.

SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

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

Finding: The site is served by available sewer and water. Therefore, this criterion does not apply.

9. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 19-05, to divide approximately 0.51 acres into 2 parcels, with Parcel 1 consisting of 9,583 square feet and Parcel 2 consisting of 10,012 square feet exclusive of the flag lot accessway, for property zoned RS (Single Family Residential), and located at 3146 Beacon Street NE 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 proposed Parcel 2.

- Condition 2:** Prior to final partition plat approval, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 3:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 5:** Construct sewer services that are proposed in the public right-of-way.
- Condition 6:** Construct 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.
- Condition 7:** At the time of development, install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS.
- Condition 8:** Repair the non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, and replace the existing non-conforming driveway on Beacon Street NE with a driveway that meets current PWDS.
- Condition 9:** Construct a curb ramp along the property frontage to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE
- Condition 10:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Beacon Street NE.
- Condition 11:** The 10' dbh green apple tree located on proposed Parcel 2 shall be preserved unless removal is granted through the approval of a Tree Conservation Plan pursuant to SRC 808.035.



Hayley Feightner, Planning Administrator Designee

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

Application Deemed Complete: April 1, 2019
Notice of Decision Mailing Date: June 14, 2019
Decision Effective Date: July 2, 2019
State Mandated Decision Date: August 1, 2019

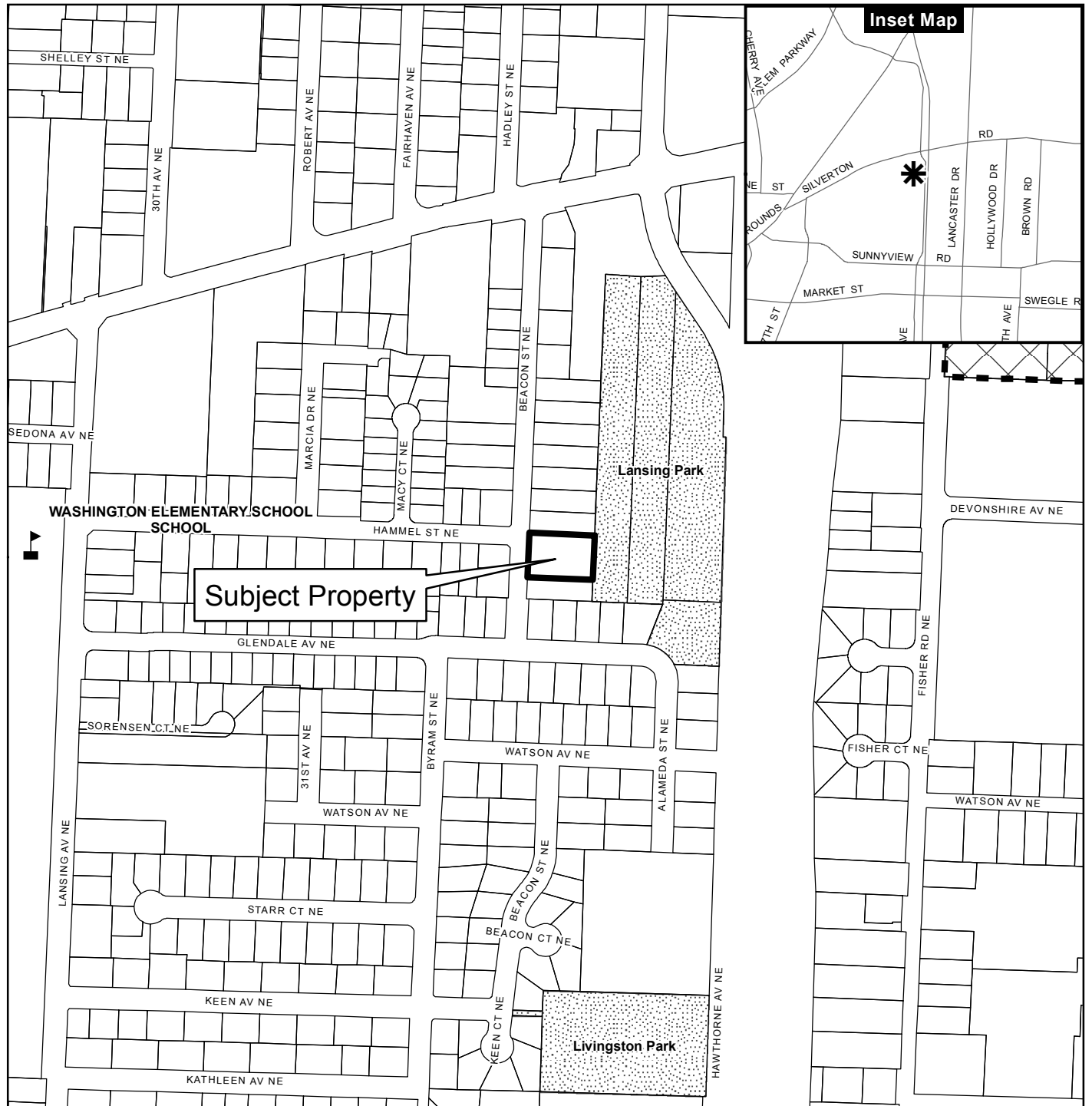
The rights granted by this decision must be exercised or extension granted by **July 2, 2021**, or this approval shall be null and void.

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 Monday, July 1, 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

3146 Beacon Street NE



Legend

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

0 100 200 400 Feet



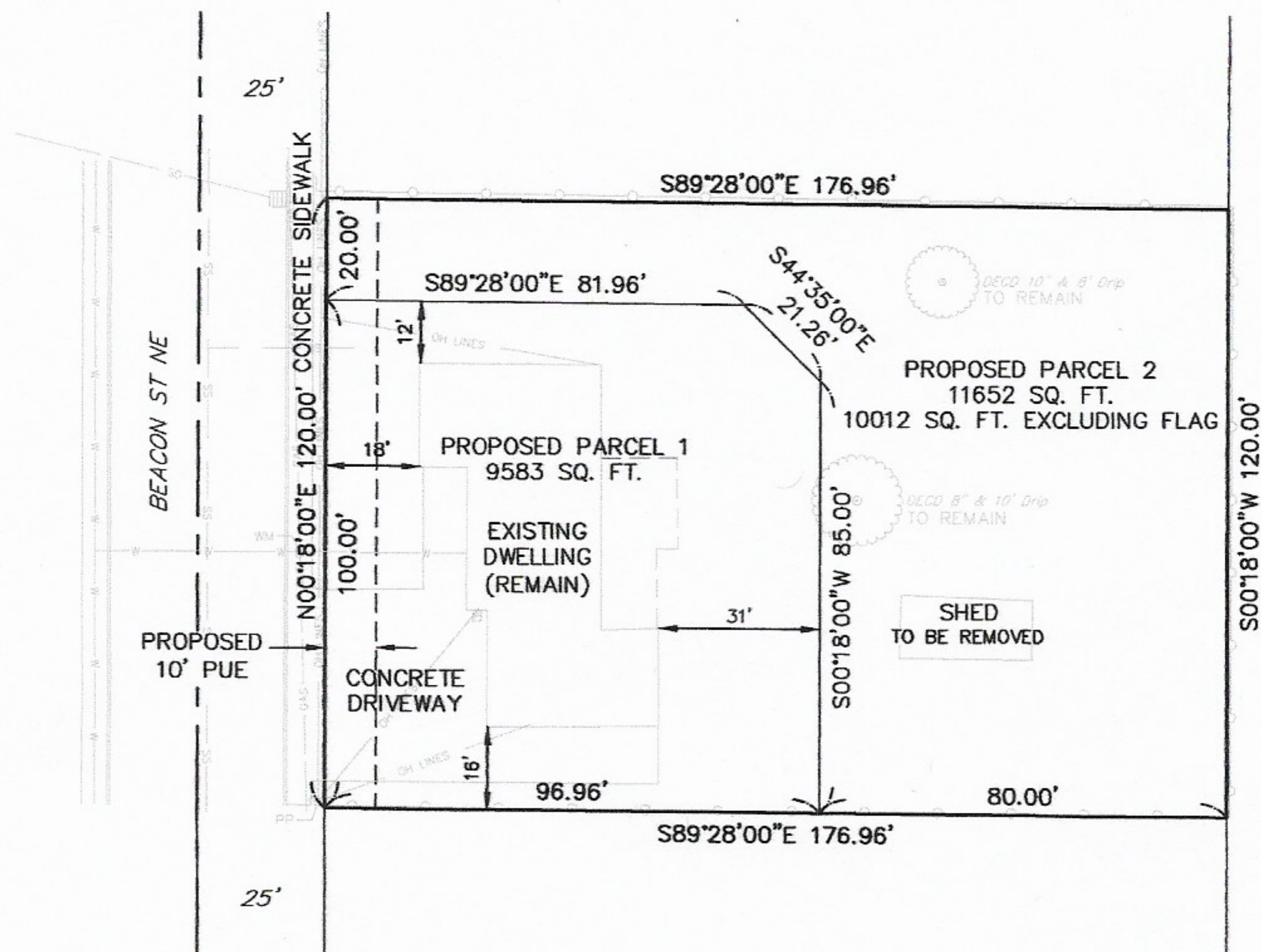
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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PROPOSED PARTITION PLAT



SCALE: 1" = 30'
DATE: 03/05/2019



OWNER:
JEFFERY LATIMER &
ELLY LATIMER
3146 BEACON ST NE
SALEM, OR 97301

ZONE:
RS

TOTAL AREA:
21235 SQ. FT.

TAX LOT:
1100 073W13AD

SURVEYOR:



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469

JAMISON BEST
BARKER SURVEYING
3657 KASHMIR WAY S.E.
SALEM, OR 97317
(503) 588-8800 EXT. 107



Barker Surveying

January 15, 2019

City of Salem Permit Application Center
555 Liberty St SE
Salem, OR 97301

Re: Written narrative for Proposed Partition Plat of 073W13AD01100 Beacon St NE.

To whom it may concern:

The purpose of this application is to create two properties out of the existing tax lot 073W13AD01100. The existing and proposed properties both comply with the applicable provisions of the UDC and Partition Tentative Plan (SRC 205.005(d)). There are no impediments of the future use or development of the property or adjacent land. City utilities are located on Beacon St NE allowing for service connections to the proposed parcel. The property is relatively flat with limited vegetation.

Respectfully Submitted,

Jeffery Latimer

TO: Hayley Feightner, Planner I
Community Development Department

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

DATE: May 22, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 19-05 (19-104106-LD)
3146 BEACON STREET NE
2-PARCEL PARTITION**

PROPOSAL

To divide approximately 0.49 acres into 2 parcels in an RS (Single Family Residential) zone at 3146 Beacon Street NE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. At the time of development, install street trees to the maximum extent feasible in conformance with SRC Chapter 86 and PWDS.
2. Replace the existing non-conforming driveway on Beacon Street NE with a driveway that meets current PWDS.
3. Construct a curb ramp along the property frontage to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE.
4. Obtain permits for installation of water services to serve Parcel 2.
5. Construct sewer services that are proposed in the public right-of-way.
6. 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.
7. Provide a 10-foot-wide public utility easement along the entire frontage of Beacon Street NE.

FACTS

Streets

1. Beacon Street NE
 - a. Standard—This street is designated as a Local street in the Salem TSP. This street was approved with an alternative street standard of a 34-foot improvement within a 50-foot-wide right-of-way at the time of original plat.
 - b. Existing Conditions—This street has an approximate 34-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Condition
 - a. A 6-inch storm main is located in Beacon Street NE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. A 6-inch public water main is located in Beacon Street NE.

Sanitary Sewer

1. Existing Sewer
 - a. An 8-inch sewer main is located in Beacon Street NE.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates the criteria 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).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the entire frontage of Beacon Street NE pursuant to SRC 803.035(n).

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 and sewer infrastructure are available along the perimeter of the site and are adequate to serve the property as shown on the applicant's preliminary utility 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)(7)(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)(7)(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—Beacon Street NE abuts the subject property and meets the criteria of an alternative street standard pursuant to SRC 803.065. No additional right-of-way dedication is needed. At the time of development, the applicant shall be required to install street trees to the maximum extent feasible along the property frontage pursuant to SRC 86.015(e) and PWDS.

Pursuant to SRC 78.180, the applicant shall repair non-conforming sidewalks along the frontage of Beacon Street NE in compliance with PWDS, including replacement of the existing non-conforming driveway and installation of a curb ramp to align with the existing curb ramp at the southwest corner of the intersection of Hammel Street NE and Beacon Street NE.

Prepared by: Jennifer Scott, Program Manager
cc: File