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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ19-03

APPLICATION NO.: 18-114034-LD & 19-110788-ZO

NOTICE OF DECISION DATE: OCTOBER 10, 2019

SUMMARY: A proposal to divide a parcel along the westerly side of Williams Avenue NE into three parcels. The existing single-family residence would remain on one of the resultant parcels.

REQUEST: A consolidated application containing the following requests:

- 1) A tentative partition plan to divide approximately 0.29 acres (13,244 square feet) into three parcels, with parcel 1 consisting of approximately 4,082 square feet, parcel 2 consisting of approximately 4,392 square feet, and parcel 3 consisting of approximately 4,517 square feet. The existing single-family residence would remain on parcel 2, and parcel 1 and parcel 3 would consist of vacant land for the future development of single-family dwellings; and
- 2) A Class 2 adjustment to reduce the minimum required rear yard setback for the existing single-family dwelling from 14 feet to 6.33 feet, as required under SRC 511.010(b).

The subject property is approximately 0.29 acres in size, zoned RS (Single Family Residential), and located at 3345 Williams Avenue NE (Marion County Assessor Map and Tax Lot Number: 073W13BA / 3700).

APPLICANT: Paul Lascola, The Right Home Solutions, on behalf of Victor Cortes

LOCATION: 3345 Williams Ave NE / 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) and 250.005(d)(2)

FINDINGS: The findings are in the attached Decision dated October 10, 2019

DECISION: The **Planning Administrator APPROVED** Partition / Class 2 Adjustment PAR-ADJ19-03 subject to the following conditions of approval:

Condition 1: Prior to final plat approval, the applicant shall obtain certificate of occupancy for the existing dwelling on proposed Parcel 2.

Condition 2: Prior to final plat approval, the applicant shall obtain and receive final approval for any necessary demolition permits to remove any remaining portions of the existing dwelling which extend over the proposed property lines.

Condition 3: Prior to final plat approval, any portion of the existing fence along the subject property's north property line which does not meet the standards of SRC 800.050(a)(1)(A) shall be removed and/or brought into conformance with these standards. This includes removing any portion of the fence that may be located

NOTICE OF DECISION

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



within existing or proposed right-of-way.

Condition 4: Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 2 which meet the standards of SRC 806.025 and 806.030.

Condition 5: Prior to final plat approval, obtain permits to close the existing driveway approach from Williams Avenue NE.

Condition 6: Construct proposed sewer services in the public right-of-way.

Condition 7: Obtain permits for installation of water services to serve all proposed parcels.

Condition 8: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 3. Construct proposed stormwater facilities in the public right-of-way.

Condition 9: As part of final plat review, the reserve strip along the frontage of Four Point Street NE shall be removed.

Condition 10: Obtain a tree removal permit for the street tree located nearest to the property line that separates proposed Parcels 1 and 2.

Condition 11: At the time of public construction, install street trees to the maximum extent feasible along the property frontages of Four Point Street NE and Williams Avenue NE.

Condition 12: Repair non-conforming panels of curb-line sidewalk in compliance with PWDS along the frontages of Williams Avenue NE and Four Point Street NE.

Condition 13: Construct a curb ramp in compliance with PWDS at the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE.

Condition 14: Convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE along the property frontage, and a property-line radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE.

Condition 15: Provide a 10-foot-wide public utility easement along the entire frontages of Williams Avenue NE and Four Point Street NE.

The rights granted by the attached decision must be exercised, or an extension granted, by October 26, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>February 21, 2019</u>
Notice of Decision Mailing Date:	<u>October 10, 2019</u>
Decision Effective Date:	<u>October 26, 2019</u>
State Mandate Date:	<u>December 18, 2019</u>

Case Manager: Brandon Pike, bpike@cityofsalem.net, 503-540-2326

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Friday, October 25, 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 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. 19-03)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF ADJUSTMENT)	
AND PARTITION PLAT CASE NO. 19-03;)	
3345 WILLIAMS AVENUE NE)	OCTOBER 10, 2019

REQUEST

A tentative partition plan to divide approximately 0.29 acres into three parcels, with Parcel 1 consisting of approximately 4,082 square feet, Parcel 2 consisting of approximately 4,392 square feet, and Parcel 3 consisting of approximately 4,517 square feet. A Class 2 Adjustment to reduce the minimum required rear yard setback for the existing single-family dwelling from 14 feet to 6.33 feet.

The subject property is zoned RS (Single Family Residential) and located at 3345 Williams Avenue NE (Marion County Assessor map and tax lot number: 073W13BA / 03700) (see **Attachment A**).

DECISION

The tentative partition plan case no. PAR19-03 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 certificate of occupancy for the existing dwelling on proposed Parcel 2.
- Condition 2:** Prior to final plat approval, the applicant shall obtain and receive final approval for any necessary demolition permits to remove any remaining portions of the existing dwelling which extend over the proposed property lines.
- Condition 3:** Prior to final plat approval, any portion of the existing fence along the subject property's north property line which does not meet the standards of SRC 800.050(a)(1)(A) shall be removed and/or brought into conformance with these standards. This includes removing any portion of the fence that may be located within existing or proposed right-of-way.
- Condition 4:** Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 2 which meet the standards of SRC 806.025 and 806.030.

- Condition 5:** Prior to final plat approval, obtain permits to close the existing driveway approach from Williams Avenue NE.
- Condition 6:** Construct proposed sewer services in the public right-of-way.
- Condition 7:** Obtain permits for installation of water services to serve all proposed parcels.
- Condition 8:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 3. Construct proposed stormwater facilities in the public right-of-way.
- Condition 9:** As part of final plat review, the reserve strip along the frontage of Four Point Street NE shall be removed.
- Condition 10:** Obtain a tree removal permit for the street tree located nearest to the property line that separates proposed Parcels 1 and 2.
- Condition 11:** At the time of public construction, install street trees to the maximum extent feasible along the property frontages of Four Point Street NE and Williams Avenue NE.
- Condition 12:** Repair non-conforming panels of curb-line sidewalk in compliance with PWDS along the frontages of Williams Avenue NE and Four Point Street NE.
- Condition 13:** Construct a curb ramp in compliance with PWDS at the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE.
- Condition 14:** Convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE along the property frontage, and a property-line radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE.
- Condition 15:** Provide a 10-foot-wide public utility easement along the entire frontages of Williams Avenue NE and Four Point Street NE.

PROCEDURAL FINDINGS

1. On July 31, 2018, an application for a Tentative Partition Plan was filed proposing to divide a 0.29-acre property at 3345 Williams Avenue NE into three parcels (see **Attachment B**).
2. After additional information was provided, the application was deemed complete for processing on February 21, 2019. Notice of filing was sent pursuant to Salem Revised Code requirements on February 21, 2019.

3. In February of 2019, the applicant provided a 60-day time extension to the state-mandated local decision deadline, pushing the deadline out to August 20, 2019. On April 9, 2019, the applicant provided an additional time-extension of 120 days in order to provide additional materials.
4. On May 3, 2019, the applicant submitted an application for a Class 2 adjustment to the minimum rear yard building setback. A revised notice to surrounding property owners, which included the request for a Class 2 Adjustment, was mailed pursuant to Salem Revised Code on July 25, 2019.
5. The state-mandated local decision deadline for both applications is December 18, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative partition plan proposes to divide the 0.29-acre property into three parcels, with proposed Parcels 1 and 3 to be developed in the future with single-family dwellings, and proposed Parcel 2 to retain the existing single-family dwelling. All three of the proposed parcels would take access from Four Point Street NE. The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4,082 square feet
Parcel Dimensions: Approximately 40 feet in width and 102 feet in depth

PROPOSED PARCEL 2

Parcel Size: 4,392 square feet
Parcel Dimensions: Approximately 43 feet in width and 102 feet in depth

PROPOSED PARCEL 3

Parcel Size: 4,517 square feet
Parcel Dimensions: Approximately 45.25 feet in width and 102 feet in depth

Access and Circulation: The subject property has frontage onto both Williams Avenue NE and Four Points Street NE. Both Williams Avenue NE and Four Point Street NE are classified as a Local streets within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property is rectangular in shape and located on the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE. The property has approximately 100 feet of frontage on Williams Avenue NE and 132 feet of frontage on

Four Point Street NE. It is approximately 100 feet in width and 132 feet in depth. The applicant proposes to retain the existing single-family dwelling, originally constructed in 1937, which is located near the middle of the subject property. In May of 2018, building permits were issued for the property that included a building addition which connects the dwelling to the existing detached garage, demolition of two portions of the dwelling, as well as conversion of the detached garage into living area for the dwelling.

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 (SF)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Across Four Point Street NE – Single Family Residential (SF)

South: Multi-Family Residential (MF)

East: Across Williams Avenue NE – Commercial (COM)

West: Single Family Residential (SF)

Zoning and Surrounding Land Use

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

North: Across Four Point Street NE – RS (Single Family Residential) – Single-family residential subdivision

South: RM-II (Multiple Family Residential-II) – Heritage Court Planned Unit Development (PUD)

East: Across Williams Avenue NE – CG (General Commercial) – truck rental agency (Ryder)

West: RS (Single Family Residential) – Single-family residential subdivision

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. Six-inch public water mains are in both Williams Avenue NE and Four Point Street NE.
- Sewer:* Eight-inch sewer mains are located in both Williams Avenue NE and Four Point Street NE.
- Storm Drainage:* Ten-inch storm mains are in both Williams Avenue NE and Four Point Street NE.
- Streets:* Four Point Street NE abuts the subject property to the north. All three proposed parcels would take access from Four Point Street NE, which 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. This street was approved for an alternative standard of a 30-foot-wide improvement within a 50-foot-wide right-of-way on the plat for Elk Park subdivision.
 - This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property. A 1-foot-wide reserve strip is located along the property frontage of Four Point Street NE.
- Williams Avenue NE abuts the subject property to the east 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.
 - This street has an approximate 35-foot improvement within a 50-foot-wide right-of-way abutting the subject property.
 - The frontage of the subject property currently has a special setback equal to 30 feet from centerline of Williams Avenue NE.

3. City Department Comments

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

Building and Safety Division – The City of Salem Building and Safety Division reviewed the proposal and indicated no concerns.

Fire Department – The City of Salem Fire Department reviewed the proposal and provided the following comments: *Fire has no concerns with the partition. Fire will comment on items such as Fire Department access and water supply at the time of building permit plan review. It appears fire department access and water supply are existing, pending the final structures proposed.*

4. Public Agency and Private Service Provider Comments

- A. **Portland General Electric (PGE).** PGE reviewed the proposal and indicated that development costs will be determined by current tariff and service requirements and that a 10-foot-wide public utility easement (PUE) is required on all front street lots. As conditioned, a 10-foot-wide PUE will be provided.

5. Neighborhood Association Comments

The subject property is within the Northgate 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 Northgate Neighborhood Association, as well as Frank Pack, land-use chair of the neighborhood association, submitted comments in opposition to the proposal. Their concerns can be summarized into the following categories:

- A. *Concern over the number of homes that would end up being built at the subject property as a result of the proposal, as well as the potential impact on traffic.*

Staff Response: The proposed parcels meet all minimum lot standards for the RS zone, including size, width, and depth. Any future development of the proposed parcels will be reviewed against the applicable development standards of the Unified Development Code (UDC).

- B. *Concern about the potential impact on traffic.*

Staff Response: The proposed partition would create three total parcels out of one existing parcel, creating a net increase of two parcels for development of single-family dwellings along a Local street. Additional trips attributed to the proposed partition are expected to be minimal in both overall terms and relative to the capacity of the existing and planned street network in the vicinity. Developments located along local streets are required to mitigate their impacts when they are projected to generate more than 200 average daily trips. The

proposed development did not meet that threshold, so mitigation is not required for this partition.

6. Public Comments

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. No comments were received from property owners or residents prior to the close of the comment period.

7. 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 0.29-acre property into three parcels, with proposed Parcels 1 and 3 to be developed in the future with single-family dwellings, and proposed Parcel 2 to retain the existing single-family dwelling, existing detached garage, and previously-approved building addition. 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 Residential) (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single family)	4,000 square feet
Two Family	7,000 square feet
All other uses	6,000 square feet
Lot Width (All uses)	40 feet
Lot Depth (Single family and two family)	70 feet
All other uses	80 feet
Street Frontage (Single family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	40 feet

Staff Response: Proposed Parcel 1 is approximately 4,082 square feet in size, and would have approximately 40 feet of frontage on Four Point Street NE. It would be approximately 40 feet in width and 102 feet in depth. Proposed Parcel 2 is approximately 4,392 square feet in size, and would have approximately 43 feet of frontage on Four Point Street NE. It would be approximately 43 feet in width and 102 feet in depth. Proposed Parcel 3 is approximately 4,517 square feet in size, and would have approximately 44 feet of frontage on Four Point Street NE and 102 feet of frontage on Williams Avenue NE. It would be approximately 44.8 feet in width and 102 feet in depth.

Each of the three proposed parcels in the partition meet the area, width, depth, and frontage lot standards. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Standards for RS zone (Single Family Residential) (see SRC Chapter 511, Table 511-3)

Front Yards and Yards Adjacent to Streets:

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

Interior Side Yards:

- Minimum 5 feet for new buildings; minimum 3 feet for existing buildings

- Minimum 10 feet (Infill Lot)

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)

Staff Response: Subsequent to approval of building permit 17-124518-BP, the existing dwelling and detached garage on proposed Parcel 2 are to be connected with a new building addition. The plans for this permit also include the conversion of the detached garage to living space for the single-family dwelling, as well as demolition of two portions of the existing dwelling that extended over the proposed property lines. The result of this building permit is a single structure on the subject property, located entirely on proposed Parcel 2. The structure is to be used as a single-family dwelling and is set back from the proposed property lines as follows: 24.5-foot front setback to the north, 6.3-foot rear setback to the south, 5-foot side setback to the east, and 4.5-foot setback to the west. Subsequent to the proposed partition, the existing structure meets the minimum setback standards for the front and side yards. The applicant has requested an adjustment for the rear-yard setback from 14 feet to 6.3 feet. The findings for this adjustment can be found in Section 8 of this decision.

Future development of the parcels will be reviewed for adherence to setback requirements at the time of application for building permits. The proposed parcels exceed the minimum parcel size for the RS zone, which provide sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the RS zone is established under SRC 511.010(c), Table 511-5. The RS zones limits the total lot coverage for buildings and accessory structures related to single-family uses to 60 percent. For all other uses, buildings and accessory structures are limited to 35 percent lot coverage.

Staff Response: Proposed Parcels 1 and 3 are currently undeveloped and will be reviewed for conformance with the lot coverage standards of SRC 511 at the time of development. Subsequent to the approved building addition and partial demolition at the subject property (17- 124518-BP), proposed Parcel 2 contains an existing single-family dwelling, with a proposed lot coverage of approximately 1,950 square feet, or 44.4 percent. The proposal meets the standard.

With exception of the rear yard setback, 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.

Staff Response: There are no existing buildings on proposed Parcels 1 and 3. Future development on the parcels will be reviewed against this standard at the time of building permit. Portions of the existing dwelling extend over the proposed property lines. The applicant has received permits to build an addition to connect the existing dwelling with the existing detached garage, which is to be converted into living space. The plans also show the removal of the portions of the dwelling which extend over the proposed property lines. Since this building permit (17-124518-BP) has not received certificate of occupancy and to ensure the proposal meets the standards mentioned above, the following conditions of approval shall apply:

Condition 1: Prior to final plat approval, the applicant shall obtain certificate of occupancy for the existing dwelling on proposed Parcel 2.

Condition 2: Prior to final plat approval, the applicant shall obtain and receive final approval for any necessary demolition permits to remove any remaining portions of the existing dwelling which extend over the proposed property lines.

SRC 800.050 (Fences, Walls, Hedges, Gates, and Retaining Walls): Pursuant to SRC 800.050(a)(1)(A), fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Staff Response: Due to the re-designation of lot lines as a result of the proposal, the existing fence along the north property line will no longer conform to the height and opacity standards of SRC 800.050(a)(1)(A).

In order to ensure the proposal meets the requirements of SRC Chapter 800, the following condition of approval shall apply:

Condition 3: Prior to final plat approval, any portion of the existing fence along the subject property's north property line which does not meet the standards of SRC 800.050(a)(1)(A) shall be removed and/or brought into conformance with these standards. This includes removing any portion of the fence that may be located within existing or proposed right-of-way.

As conditioned, 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): 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. Parks and open space do not have an off-street parking requirement.

Staff Response: The proposal includes relocating the off-street parking for the existing dwelling from a driveway off Williams Avenue NE to a carport and driveway off Four Point Street NE. Off-street parking requirements for the proposed Parcels 1 and 3 will be reviewed at the time of development.

As a result of the proposed partition, the existing driveway approach from Williams Avenue NE will no longer lead directly to an approved off-street parking area. The applicant proposes to take access for proposed Parcel 3 from Four Point Street NE and not use the existing driveway approach on Williams Avenue NE. Pursuant to SRC 804.030(b)(1), the existing driveway approach from Williams Avenue NE will no longer be permitted and shall be closed.

In order to ensure the proposal meets the requirements of SRC Chapter 806, the following condition of approval shall apply:

Condition 4: Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 2 which meet the standards of SRC 806.025 and 806.030.

Condition 5: Prior to final plat approval, obtain permits to close the existing driveway approach from Williams Avenue NE.

As conditioned, 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 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. 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) can be requested.

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 June 20, 2019 (**Attachment C**).

SRC 802.015 (Development to be Served by City Utilities). Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). The existing water connection at the subject property will serve proposed Parcel 1, while plumbing for the existing dwelling on proposed Parcel 2 and future development on proposed Parcel 3 will be able to connect to new connections as conditioned below. To ensure services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions of approval shall apply:

Condition 6: Construct proposed sewer services in the public right-of-way.

Condition 7: Obtain permits for installation of water services to serve all proposed parcels.

Condition 8: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 3. Construct proposed stormwater facilities in the public right-of-way.

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

SRC 803.015 (Traffic Impact Analysis): The proposed three-parcel partition generates less than 200 average daily vehicle trips to Four Point Street NE and Williams Avenue NE, both designated as Local streets. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. All three of the proposed parcels would take access from Four Point Street NE, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Four Point Street NE abuts the subject property and is approved for an alternative street standard pursuant to SRC 803.065(a)(2), because the street right-of-way meets the width shown on the plat for the Elk Park subdivision. There is an existing reserve strip belonging to the City of Salem along the property frontage of Four Point Street NE, extending into the right-of-way. To ensure the proposal complies with SRC 803.025, the following condition of approval shall apply:

Condition 9: As part of final plat review, the reserve strip along the frontage of Four Point Street NE shall be removed.

The applicant is proposing to take access for all three lots off Four Point Street NE. There are three existing street trees to the north of the subject property along Four Point Street NE. The proposal includes the preservation of three existing street trees abutting the subject property. The proposed driveway approaches for proposed Parcels 1 and 2 are located within the critical tree zone of one of the existing street trees. Due to the location of the driveways for proposed Parcels 1 and 2, and the likelihood that one of the three street trees will be damaged during development, the following condition of approval shall apply:

Condition 10: Obtain a tree removal permit for the street tree located nearest to the property line that separates proposed Parcels 1 and 2.

Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The boundary streets are lacking adequate street trees. At the time of public construction, the applicant shall be required to install street trees to the maximum extent feasible along the property frontages pursuant to SRC 86.015(e) and PWDS. Pursuant to SRC 78.180, the applicant is required to repair any non-conforming panels of curb-line sidewalk along the frontages of Williams Avenue NE and Four Point Street NE. The existing curb ramp at the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE is nonconforming and shall be replaced pursuant to SRC 78.180. Williams Avenue NE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way, with an approximately 35-foot improvement within a 50-foot-wide right-of-way.

In order to ensure the previously stated requirements are met and that the proposal conforms to the Salem TSP, the following conditions of approval shall apply:

Condition 11: At the time of public construction, install street trees to the maximum extent feasible along the property frontages of Four Point Street NE and Williams Avenue NE.

Condition 12: Repair non-conforming panels of curb-line sidewalk in compliance with PWDS along the frontages of Williams Avenue NE and Four Point Street NE.

Condition 13: Construct a curb ramp in compliance with PWDS at the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE.

Condition 14: Convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE along the property frontage, and a property-line radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE.

As conditioned, proposal meets the requirements of SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.29-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 15: Provide a 10-foot-wide public utility easement along the entire frontages of Williams Avenue NE and Four Point Street NE.

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 has applied for tree conservation plan approval in conjunction with the partition application (TCP19-02). There is one tree greater than 10 inches in diameter-at-breast-height located on the subject property. The proposed tree conservation plan identifies zero trees (0 percent) for preservation and one tree (100 percent) for removal,

which lies within the building envelope of proposed Parcel 1. None of the designated trees for removal are defined as Significant Trees pursuant to SRC 808.005(k).

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

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 the 0.29-acre property into three parcels, with proposed Parcels 1 and 3 to be developed in the future with single-family dwellings, and proposed Parcel 2 to retain the existing single-family dwelling. 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 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. 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). Plumbing for the existing dwelling on proposed Parcel 2 shall be connected to the new service for that Parcel.

The applicant submitted a statement indicating that the development will comply with City of Salem Public Works Design Standards. 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 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.

As conditioned above, this criterion is met.

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

Finding: Williams Avenue NE abuts the subject property to the east and Four Point Street NE abuts the property to the north. Both streets do not meet the current standards for a Local street. Four Point Street NE is approved for an alternative street standard pursuant to SRC 803.065(a)(2), as the street right-of-way meets the width shown on the plat for the Elk Park subdivision. Williams Avenue NE lacks adequate right-of-way, and both streets lack adequate street trees. To conform to the Salem TSP, the applicant shall convey land for dedication of right-of-way to equal 30 feet from centerline of Williams Avenue NE, and a radius at the intersection of Williams Avenue NE and Four Point Street NE to equal 20 feet measured from the future property lines.

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, a half-street improvement along Williams Avenue NE and Four Point Street NE is not warranted because the existing condition is a fully urbanized area. However, the frontage of both streets lack adequate street trees. Additionally, the proposed development may result in the removal of one of the existing street trees along Four Point Street NE. To provide safe, orderly, and efficient circulation of traffic, street trees shall be installed along the property frontage at the time of plat pursuant to PWDS.

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 subject property is relatively flat and contains just one existing tree.

The proposal meets this criterion.

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

Finding: As described in the 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 subject property is relatively flat. The applicant proposes to retain the existing residence on proposed Parcel 2, alleviating the disruption of 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 is not applicable.

8. Criteria for Granting Class 2 Adjustment

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)(B), A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

SRC 250.005(d)(2) establishes the following approval criteria which must be met in order for a Class 2 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) *Equally or better met by the proposed development.*
- (B) *If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.*
- (C) *If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) ***Clearly inapplicable to the proposed development; or***
- (ii) ***Equally or better met by the proposed development.***

Finding: The applicant's written statement is included as **Attachment D**. The applicant is requesting a Class 2 adjustment to reduce the rear yard building setback for proposed Parcel 2 from 14 feet to 6.33 feet. The applicant has indicated that the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

The underlying purpose of minimum setback requirements for rear yards is, first, that single-family dwellings retain a rear yard for open space and recreation area for the residents, and second, that dwellings maintain a reasonable sense of privacy among the surrounding dwellings. As stated above, building permit 17-124518-BP included a building addition to connect the existing dwelling with the detached garage, and conversion of what was the detached garage into living space for the dwelling. The

proposal maintains the existing setbacks of the portion of the dwelling which was once classified as a detached garage. Prior to the proposed development, the south property line was designated the interior side property line of the subject property, requiring a minimum setback of 5 feet for new buildings and 3 feet for existing buildings. The existing building exceeds the minimum setback required for interior side property lines. The proposed partition would re-designate the property lines, establishing the southern property line as the interior rear property line. The existing development itself is not changing as a result of the proposed partition, and its impact on privacy in relation to the surrounding development would not change.

Additionally, the proposal maintains a large open area in the southwest portion of proposed Parcel 2. The proposed lot coverage for Parcel 2 is approximately 45.2 percent, which is well under the 60 percent maximum lot coverage as required under SRC 511.010(c). This allows for ample recreation area for residents of proposed Parcel 2. The proposal equally or better meets the purpose underlying the minimum setback development standard.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within a residential zone. The proposal involves creating three total lots – retaining the existing dwelling on proposed Parcel 2 and allowing for future residential development on proposed Parcels 1 and 3. The proposal aligns with the development pattern of the surrounding area, with existing single family and multiple family residences to the north, south, and west. The proposal will not detract from the livability or appearance of the residential area.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: The applicant has applied for one adjustment. This criterion is not applicable.

9. Conclusion

Based upon review of SRC 205.005, SRC 250.050, the findings contained under sections 7 and 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 and Adjustment Case No. 19-03, to divide approximately 0.29 acres into three parcels, with Parcel 1 consisting of approximately 4,082 square feet, Parcel 2

consisting of approximately 4,392 square feet, and Parcel 3 consisting of approximately 4,517 square feet, with a Class 2 adjustment to reduce the minimum required rear yard setback for the existing single-family dwelling from 14 feet to 6.33 feet, for property zoned RS (Single Family Residential), and located at 3345 Williams Avenue NE (Marion County Assessor map and tax lot number: 073W13BA / 03700) 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 certificate of occupancy for the existing dwelling on proposed Parcel 2.
- Condition 2:** Prior to final plat approval, the applicant shall obtain and receive final approval for any necessary demolition permits to remove any remaining portions of the existing dwelling which extend over the proposed property lines.
- Condition 3:** Prior to final plat approval, any portion of the existing fence along the subject property's north property line which does not meet the standards of SRC 800.050(a)(1)(A) shall be removed and/or brought into conformance with these standards. This includes removing any portion of the fence that may be located within existing or proposed right-of-way.
- Condition 4:** Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 2 which meet the standards of SRC 806.025 and 806.030.
- Condition 5:** Prior to final plat approval, obtain permits to close the existing driveway approach from Williams Avenue NE.
- Condition 6:** Construct proposed sewer services in the public right-of-way.
- Condition 7:** Obtain permits for installation of water services to serve all proposed parcels.
- Condition 8:** Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 3. Construct proposed stormwater facilities in the public right-of-way.
- Condition 9:** As part of final plat review, the reserve strip along the frontage of Four Point Street NE shall be removed.
- Condition 10:** Obtain a tree removal permit for the street tree located nearest to the property line that separates proposed Parcels 1 and 2.

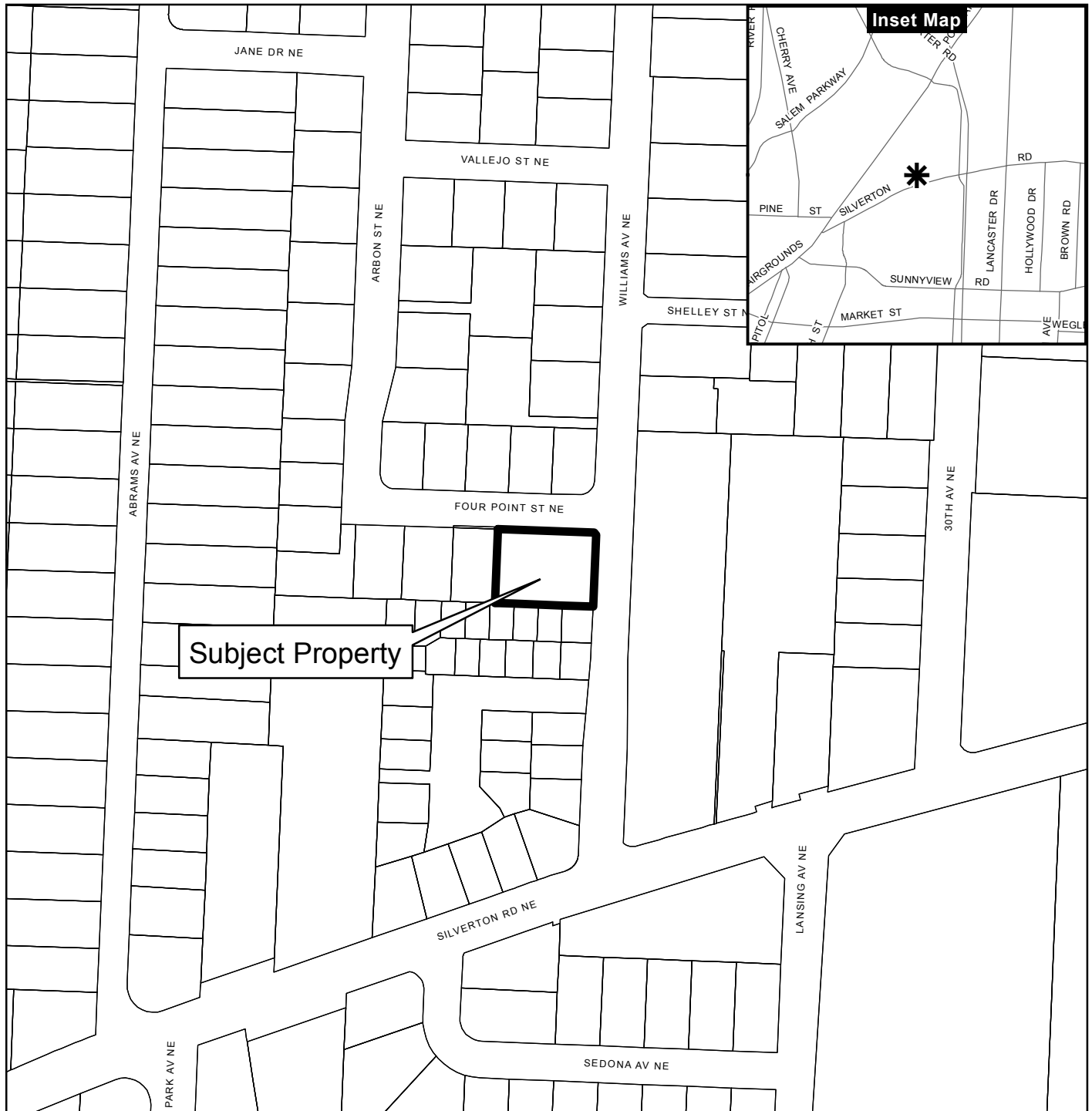
- Condition 11:** At the time of public construction, install street trees to the maximum extent feasible along the property frontages of Four Point Street NE and Williams Avenue NE.
- Condition 12:** Repair non-conforming panels of curb-line sidewalk in compliance with PWDS along the frontages of Williams Avenue NE and Four Point Street NE.
- Condition 13:** Construct a curb ramp in compliance with PWDS at the southwest corner of the intersection of Williams Avenue NE and Four Point Street NE.
- Condition 14:** Convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE along the property frontage, and a property-line radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE.
- Condition 15:** Provide a 10-foot-wide public utility easement along the entire frontages of Williams Avenue NE and Four Point Street NE.



Brandon Pike, Planner I
Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan
 - C. City of Salem Public Works Department Memorandum
 - D. Applicant's Written Statement
 - E. Comments Received from Northgate Neighborhood Association

Vicinity Map 3345 Williams Avenue NE



Legend

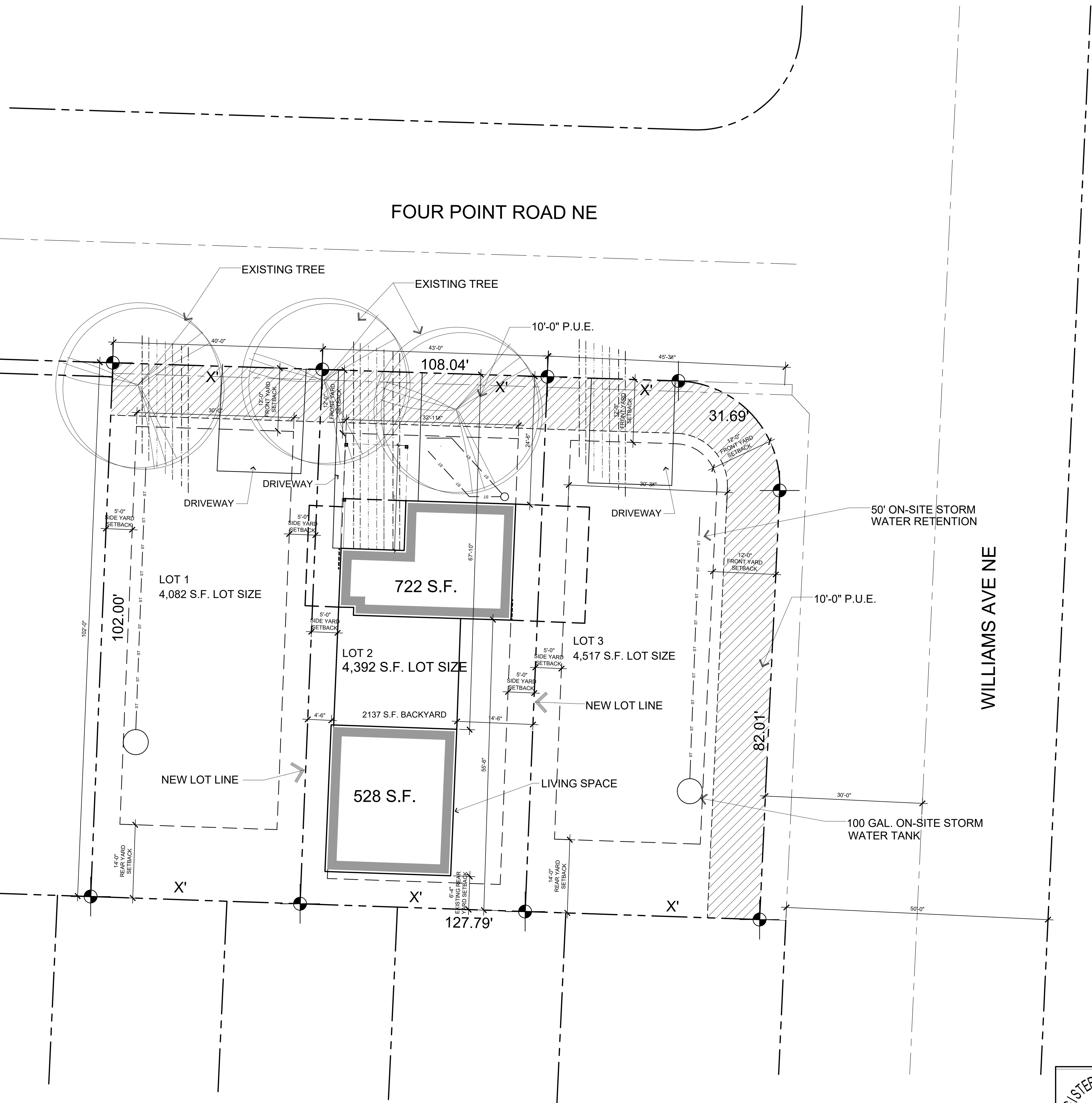
- | | | |
|-----------------------|---------------------------|-------|
| Taxlots | Outside Salem City Limits | Parks |
| Urban Growth Boundary | Historic District | |
| City Limits | Schools | |

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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- LEGEND:
- T — T — T — T — TELEPHONE LINE
 - TV — TV — TV — TELEVISION LINE
 - OH — OH — OH — OVERHEAD POWER LINE
 - P — P — P — UNDERGROUND POWER LINE
 - GAS — GAS — GAS — GAS LINE
 - IRRIGATION LINE
 - ST — ST — ST — STORM LINE
 - F — F — F — FIRE LINE
 - W — W — W — WATER LINE
 - SS — SS — SS — SANITARY SEWER LINE
 - OH — OH — OH — OVERHEAD POWER LINE

NARRATIVE ON CITY'S COMPLETENESS REVIEW:

Tentative Partition Plan Please revise the tentative partition plan to show the area, in square feet, of each of the three proposed parcels. This square feet is shown on the site plan.

Driveway Locations Please show proposed driveway locations for each parcel. The proposed driveway locations are now shown.

It appears, as proposed, the partition will cause the existing garage and driveway to be nonconforming. A separate building permit application was previously approved to convert the garage into living space and convert a portion of the existing residence into a carport at the front of the house toward Fourth Court St.

Setbacks Please revise the tentative partition plan to clearly depict how existing and future structures will meet the minimum setbacks as follows:
All buildings abutting a street must have a minimum 12-foot setback Front Yard setbacks are shown graphically.

Existing single-family dwellings must have a minimum 3-foot side yard setback. Side Yard setbacks are shown graphically.

Proposed single-family dwellings must have a minimum 5-foot side yard setback (unless the side yard abuts a street, then the minimum setback is 12 feet) Side Yard setbacks are shown graphically (for both side abutting other residential lots and side abutting streets)

All accessory structures must have a minimum 5-foot side yard setback No Accessory structures are existing or proposed, but all side yard setbacks are shown graphically.

Existing and proposed single-family dwellings, that are one-story in height, must have a minimum 14-foot rear yard setback. All rear yard setbacks are shown graphically.

PROPOSED SITE PLAN
SCALE: 1" = 10'-0"



A NEW LOT PARTITION FOR VICTOR CORTES

PROJECT ADDRESS:
3345 WILLIAMS AVE NE
SALEM, OR 97301

PURE architecture, AIA
Peter Lyle Strauhal, AIA, LEED AP
685 Church St. NE, Salem, OR 97301
ph: 503.763.9641, fax: 267.392.7157



A1.1

PROPOSED SITE PLAN
PROJ#: 17076
DATE: 01-14-19



MEMO

TO: Brandon Pike, Planner I
Community Development Department

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

DATE: June 20, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PAR19-03 (18-114034-LD)
3345 WILLIAMS AVENUE NE
3-PARCEL PARTITION**

PROPOSAL

To divide approximately 0.29 acres into 3 parcels in an RS (Single Family Residential) zone at 3345 Williams Avenue NE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE along the property frontage, and a property-line radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE.
2. Obtain a tree removal permit for the street tree located between parcels 1 and 2.
3. At the time of building permit, install street trees to the maximum extent feasible along the property frontages of Williams Avenue NE and Four Point Street NE.
4. Construct proposed sewer services in the public right-of-way.
5. Obtain permits for installation of water services to serve Parcels 2 and 3. Plumbing for the existing house on parcel 2 shall be connected to new service for that parcel.
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 parcels 1 and 3. Construct proposed stormwater facilities in the public right-of-way.
7. Provide a legal description for the removal of the reserve strip along the frontage of Four Point Street NE.

8. Provide a 10-foot-wide public utility easement along the entire frontages of Williams Avenue NE and Four Point Street NE.

FACTS

1. Williams Avenue NE

- 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 35-foot improvement within a 50-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Williams Avenue NE.

2. Four Point Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. This street was approved for an alternative standard of a 30-foot-wide improvement within a 50-foot-wide right-of-way on the plat for Elk Park subdivision.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property. A 1-foot-wide reserve strip is located along the property frontage of Four Point Street NE.

Storm Drainage

1. Existing Condition

- a. 10-inch storm mains are located in both Williams Avenue NE and Four Point Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. 6-inch public water mains are located in both Williams Avenue NE and Four Point Street NE.

Sanitary Sewer

1. Existing Sewer

- a. 8-inch sewer mains are located in both Williams Avenue NE and Four Point Street NE.

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).

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 frontages of Williams Avenue NE and Four Point Street NE pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows there are hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. DSL provided the following comments: "There is a small area of mapped hydric soils in the southeast corner of the property on Lot 3. The proposed partitioning configuration will not create a lot largely filled with the potential for wetlands and leading to future development problems." The applicant should contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

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 appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). Plumbing for the existing house on parcel 2 shall be connected to the new service for that parcel.

The applicant submitted a statement indicating that the development will comply with City of Salem Public Works Design Standards. 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 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—Williams Avenue NE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way and street trees. The applicant's proposed site plan shows right-of-way dedication equal to 30 feet from centerline of Williams Avenue NE, and a radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE. At the time of final plat, the applicant shall convey for dedication right-of-way equal to 30 feet from centerline of Williams Avenue NE, radius of 20 feet at the intersection of Williams Avenue NE and Four Point Street NE. The proposed development is subject to a special setback equal to 30 feet from centerline on the development side of Williams Avenue NE.

Four Point Street NE abuts the subject property and is approved for an alternative street standard pursuant to SRC 803.065(a)(2) because the street right-of-way meets the width on the plat for Elk Park subdivision. There is an existing reserve strip along the property frontage of Four Point Street NE. The applicant shall provide a legal description for the removal of the reserve strip along the frontage of Four Point Street NE. No special setback is required along Four Point Street NE.

The applicant submitted a statement indicating the existing street trees along the property frontage of Four Point Street NE will not be impacted by the proposed development. However, the proposed driveway approaches for parcels 1 and 2 are located within the critical tree zone of an existing street tree. The applicant shall obtain a tree removal permit for the street tree between parcels 1 and 2 because of the proposed location of driveways for parcels 1 and 2. The removal shall be delayed until the time of driveway construction, at which time the Urban Forester will determine whether the tree can safely remain. The remaining existing street trees shall be preserved and protected pursuant to SRC Chapter 86, PWDS, and Salem Administrative Rule 109-500. Prior to building permit issuance, the applicant shall provide a Tree Protection Plan pursuant to Salem Administrative Rule 109-500 for the street trees along the property frontage of Four Point Street NE. At the time of building permit, the applicant shall install street trees along the frontages of Williams Avenue NE and Four Point Street NE to the maximum extent feasible pursuant to SRC 86.015(e) and PWDS.

Prepared by: Jennifer Scott, Program Manager
cc: File

Brandon Pike

From: Paul LaScola <therighthomesolution@gmail.com>
Sent: Saturday, June 01, 2019 10:09 AM
To: Brandon Pike
Subject: 3345, Williams

6/1/2019

Brandon Pike

Planner I

City of Salem | Community Development Department

555 Liberty Street SE, Suite 305, Salem, OR 97301

Dear Brandon,

In support of the Class II Adjustment application for the 3345, Williams Lot division, the following portions of Sec. 250.005-Adjustments appear to be the most applicable.

"The purpose underlying the specific development standard proposed for adjustment is: Clearly inapplicable to the proposed development; or equally or better met by the proposed development. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area."

The reason why these stanzas seem to apply is that this a previously approved existing condition. The Adjustment is being requested as a result of property participation. We are not proposing to build closer to the property line, but only just submitting to re-designate the property lines with this partition. The Adjustment itself will not affect the neighboring property owners as we are not building any closer to the property that is already there, existing.

The total site area, dimensions, and orientation relative to the north; the location of existing structures and other improvements on the site, including accessory structures, fences, walls, trees, driveways, and their distance from property lines are noted on the submitted site plan.

Please advise whether this narrative meets the requirements for this condition.

Best,

Paul



NORTHGATE NEIGHBORHOOD ASSOCIATION

ATTENTION: CITY OF SALEM PLANNING COMMISSION

August 5, 2019

Class 2 Adjustment Case No.PAR-ADJ19-03

PROJECT ADDRESS:3345 Williams Ave. NE, Salem, OR 97301

Application No.18-114034-LD & 19-110788-ZO

Northgate Neighborhood Association has voted to not support building three homes on this above-mentioned lot. They are remodeling and enlarging the current home that is in the center of the property and it is not possible to have three homes on that size lot allowing reasonable living space for all occupants of three homes.

We have as a neighborhood association determined that compacting homes together would degrade the community.

Our goal is to improve the livability of this community.

Sincerely,

Chair Frank Pack and Northgate Neighborhood Association Board Members