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

DECISION OF THE PLANNING ADMINISTRATOR

REPLAT CASE NO.: REP20-01

APPLICATION NO.: 20-112008-LD

NOTICE OF DECISION DATE: October 15, 2020

SUMMARY: An application to replat three properties into two properties located in the Sabre Ridge Estates Subdivision.

REQUEST: An application to replat three properties, including lots 126, 127, 128 of Watson Butte Avenue-Sabre Ridge Estates Phase 3 Subdivision, into two properties, resulting in a 10,450 square foot parcel and one 10,874 square foot parcel. The existing three properties are approximately 21,324 square feet in size, are zoned RS (Residential Single Family), and include Tax Lot Numbers 083W26BA / 13700, 13800, 13900.

APPLICANT: Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of SR Phase III LLC (Kelley Hamilton and Corporation Service Company)

LOCATION: 1891 Watson Butte Avenue SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 205.025(d) - Replat

FINDINGS: The findings are in the attached Decision dated October 15, 2020.

DECISION: The **Planning Administrator APPROVED** Replat REP20-01 based upon the application materials deemed complete on August 28, 2020 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by October 31, 2022, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

August 28, 2020

October 15, 2020

October 31, 2020

December 26, 2020

Case Manager: Steven McAtee, Planner II, smcatee@cityofsalem.net, 503-540-2363

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00
p.m., Friday, October 30, 2020. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

OF THE CITY OF SALEM (CASE NO. REP20-01)

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

IN THE MATTER OF THE APPROVAL OF)	FINDINGS AND ORDER
REPLAT NO. 20-01 ;)	
LOTS 126, 127, 128 OF)	
SABRE RIDGE PHASE 3 SUBDIVISION)	OCTOBER 15, 2020

REQUEST

An application to replat three properties, including Lots 126, 127, 128 of Watson Butte Avenue-Sabre Ridge Estates Phase 3 Subdivision, into two properties, resulting in a 10,450 square foot parcel (Parcel 1) and one 10,874 square foot parcel (Parcel 2). The existing three properties are approximately 0.16 acres, 0.15 acres, and 0.18 acres in size, respectively, zoned RS (Single Family Residential), and include Tax Lot Numbers 083W26BA / 13700, 13800, 13900. The properties are vacant land.

DECISION

The replat is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein.

PROCEDURAL FINDINGS

- 1. On July 17, 2020, an application for a Replat was filed by Brandie Dalton of Multi-Tech Engineering Services, Inc., on behalf of the applicant, Kelley Hamilton of SR Phase III LLC, for the properties located at Lots 126, 127, 128 of Sabre Ridge Estates Phase 3 Subdivision, including 1891 Watson Butte Avenue SE. A vicinity map of the subject properties is attached to this report (Attachment A).
- 2. The application was deemed complete for processing on August 28, 2020. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on August 28, 2020. The state-mandated local decision deadline for the subject case is December 25, 2020.

SUBSTANTIVE FINDINGS

1. Proposal

An application to replat three properties, including lots 126, 127, 128 of Watson Butte Avenue-Sabre Ridge Estates Phase 3 Subdivision, into two properties, resulting in a 10,450 square foot parcel (Parcel 1) and one 10,874 square foot parcel (Parcel 2). The existing three properties are approximately 0.16 acres, 0.15 acres, and 0.18 acres in size, respectively, zoned RS (Single Family Residential), and include Tax Lot Numbers 083W26BA / 13700, 13800, 13900.

2. Existing Conditions

Site and Vicinity

The subject property consists of three tax lots totaling approximately 0.49 acres in size, which comprises the following units of land; Lot 126, 127, and 128 of Sabre Ridge Estates Phase 3. The development site has frontage on Watson Butte Avenue SE, to the south, which is designated a local street in the Salem Transportation System Plan (TSP).

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:

South: (Across Watson Butte Avenue SE) Developing Residential

North: Single Family Residential

East: Developing Residential (Marion County)

West: Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is vacant land. The surrounding properties are zoned and used as follows:

South: (Across Watson Butte Avenue SE) RS (Residential Single Family); vacant

land.

North: RS (Single Family Residential); existing single-family dwellings

East: Marion County UT-10; existing single-family dwellings

West: RS (Single Family Residential); vacant land

Relationship to Urban Service Area

The subject property is located inside the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is not required when property is located inside the boundaries of the Urban Service Area.

3. Land Use History

- Urban Growth Area Declaration (UGA06-18A): To determine the major public facilities required by the Urban Growth Management Program (UGMP) prior to develop permit. The proposal is to develop 30.9 acres as a single-family residential subdivision located in a RA (Residential Agricultural) zone in the 7002 and 7028 Sunnyside Road SE.
- **Subdivision (SUB13-2):** To divide 30.9 acres into 137 lots within the RA (Residential Agriculture) zone at 7002 and 7028 Sunnyside Road SE.

4. Public and Private Agency Review

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

Building and Safety Department – The City of Salem Building and Safety Division reviewed the proposal and submitted comments indicating that all lots are to have compliant sewer easements if crossing adjacent lots.

Fire Department – The Salem Fire Department submitted comments indicating that Fire Department access shall be maintained.

5. Neighborhood Association and Public Comments

The subject property is within the South Gateway 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." There were no comments received from South Gateway Neighborhood Association.

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. There was one comment received after the end of the comment period.

6. Criteria for Granting a Replat

Salem Revised Code (SRC) 205.025(d) sets forth the following criteria that must be met before approval can be granted to a tentative replat. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings evaluating the tentative replat for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy the criteria.

SRC 205.025(d)(1): The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The replat does not propose to vacate this public street, or any recorded covenants or restrictions.

SRC 205.025(d)(3): The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Finding: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The proposed replat meets all applicable provisions of the UDC as detailed below.

SRC Chapter 200 (Urban Growth Management): The subject property is located outside the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is required prior to subdivision plat approval for residential or commercial subdivisions, or application for building permit for any development where no subdivision is proposed, when the proposed development is located outside the Urban Service Area.

The property previously received Urban Growth Preliminary Declaration approval in 2006, under UGA Permit No. UGA06-18, and an amended in 2013 under UGA06-18A. Because the proposal included with this application is a replat, a new Urban Growth Preliminary Declaration is not required pursuant to SRC 200.020.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The replat process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed replat.

<u>SRC Chapter 511 (Single Family Residential):</u> The proposed replat, would result in two parcels, approximately 0.24 acres and 0.25 acres in size. Compliance with development standards within the RS zone are addressed in the following findings:

SRC 511.010(a) – Lot Standards: The minimum lot area requirement is 4,000 square feet, minimum width of a lot is 40-feet and depth of a lot is 70-feet in the RS zone.

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

The proposed replat would result in two parcels. Parcel 1 is approximately 0.24 acres, with a lot width of approximately 92.64 feet and a lot depth of approximately 110 feet. Parcel 2 is approximately 0.25 acres, with an average lot width of approximately 109 feet and an average lot depth of approximately 102 feet. Proposed Lot 1 has approximately 92.64 feet of frontage abutting Watson Butte Avenue SE. Parcel 2 has approximately 66.67 feet of frontage abutting Watson Butte Avenue SE. Both parcels meet the minimum frontage, lot width and lot depth requirements established in SRC 511.

SRC 511.010(b) – Setbacks: Setbacks within the RS zone shall be provided as set forth in Tables 511-3.

Abutting Street:

 South: The subject property is adjacent to Watson Butte Avenue SE, a local street, to the south. There is a minimum 12-foot setback adjacent to a local street for a single-family dwelling.

Interior Side and Rear:

- North: The rear yard setback standard applicable for a building no greater than one-story in height is 14 feet, and the rear yard setback for a building greater than one-story in height is 20 feet. There is no rear yard setback for accessory structures not more than 9 feet in height, and there is a minimum 1-foot setback for every 1 foot of height over 9 feet.
- East: The side yard setback standard for new buildings in the RS zone is 5 feet.
- West: The side yard setback standard for new buildings in the RS zone is 5 feet.

Future development of the subject property will be reviewed for conformance with the applicable zone district standards at building permit.

The proposal conforms to the requirements of SRC Chapter 511.

<u>City Infrastructure Standards:</u> The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve future development of the lot in conformance with the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements).

A summary of existing improvements are as follows:

Water: The subject property is located within the S-3 water service level.

An 8-inch public water main is located in Watson Butte Avenue SE.

Sewer: An 8-inch sewer main is located in Watson Butte Avenue SE.

REP20-01 – Decision October 15, 2020 Page 6

Storm Drainage: A 15-inch storm main is located within an easement on the subject

property.

Streets: Watson Butte Avenue SE currently abuts the subject property along

the north boundary of the subject property.

Barnes Avenue SE is designated as a Collector street in the Salem

Transportation System Plan (TSP).

 The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.

 The abutting portion of Watson Butte Avenue SE currently has an approximate 30-foot-wide improvement within a 60foot-wide right-of-way after completion under Public Works Construction permit (18-121359-PC).

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. As described in findings above, the replat reconfigures the common boundary between three properties, resulting in two parcels to be used for single family uses. Each lot is vacant land.

The proposal conforms to the requirements of SRC Chapter 800.

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 proposed replat does not involve the creation of a new lot or parcel. Tree Conservation Plan TCP13-05 was approved for the Watson Butte Avenue-Sabre Ridge Estates Phase 3 Subdivision. There are several existing trees on the subject property, and none are proposed for removal under this replat application. Future development of the proposed lot must conform to the requirements of TCP13-05 and SRC Chapter 808.

<u>SRC Chapter 809 (Wetlands):</u> 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 requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map. The Salem-Keizer Local Wetland Inventory (LWI) does identify any mapped wetlands or waterways on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands the property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

SRC Chapter 810 (Landslide Hazards): SRC Chapter 810 (Landslide Hazards) establishes requirements for development within areas mapped for potential landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property does include a small area of mapped landslide hazard susceptibility points. The subject property is currently developed, pursuant to the requirements of SRC 810.025, a geologic assessment or geotechnical report may be required in conjunction with future development on the subject property.

The proposal meets this criterion.

SRC 205.025(d)(4): The tentative replat complies with all applicable provisions of ORS Chapter 92.

ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements. As conditioned, the proposed replat meets all applicable provisions of ORS 92.185 as detailed below:

ORS 92.185(1): A replat, as defined in ORS 92.010, shall only apply to a recorded plat.

Finding: The property consists of Lots 126, 127, 128 of Sabre Ridge Estates Phase 3 Subdivision. Pursuant to subsection (1) of ORS 92.185, the replat may only replat the portions of the subject property within a recorded plat.

The proposal complies with the provisions of ORS 92.185(1).

ORS 92.185(2): Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

Finding: Streets, water, and sewer infrastructure were constructed to serve the existing properties. Each of the properties are developed with a single family dwelling and associated accessory structures. The existing land is therefore defined as a "developed" pursuant to ORS 92.225 and this requirement is not applicable to the proposal.

ORS 92.185(3): Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property contiguous to the proposed replat.

Finding: As described in the procedural and substantive findings included in this report, notice was provided to owners of property, including contiguous property, located within 250 feet of the subject property. The proposal therefore satisfies this requirement.

ORS 92.185(4): When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of the property contiguous to the

proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body within 14 days of the mailing or other service of the notice.

Finding: In addition to providing notice to owners of property located within 250 feet of the subject property, notice of the proposed replat was also provided to public and private utilities serving the subject property. The proposal therefore satisfies this requirement.

ORS 92.185(5): A replat shall not serve to vacate any public street or road.

Finding: The proposed Replat does not vacate any public street or road. The proposal therefore satisfies this requirement.

ORS 92.185(6): A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.

Finding: Staff has reviewed the proposed replat for compliance with the applicable provisions of the ORS Chapter 92 and the Salem Revised Code. As described in the findings in this report regarding criterion SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot configuration and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement.

The proposal complies with the requirements of ORS Chapter 92.

SRC 205.025(d)(5): The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Finding: The subject property was platted as part of Watson Butte Avenue-Sabre Ridge Estates Phase 3 Subdivision. Upon review of previous land use cases in the record, staff finds that the tentative replat is not prohibited by any existing City land use approval or previous condition of approval affecting the subject property. The proposal therefore satisfies this criterion.

SRC 205.010(d)(6): The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Finding: The Public Works Department reviewed the proposal and indicated, as specified in **Attachment C**, that water, sewer, and storm drainage facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements). Watson Butte Avenue SE does meet the minimum requirements for the street classification as specified in the Salem Transportation System Plan. The proposed replat ensures adequate provision of City infrastructure and streets to serve the proposed lots. The proposal meets this criterion.

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8. Conclusion

Based upon review of SRC 205.025(d), the findings contained under section 7 above, and the comments described, and subject to the conditions of approval adopted herein, the tentative replat complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to Replat Lots 126, 127, 128 of Sabre Ridge Estates Phase 3 Subdivision and into two lots approximately 10,450 square foot parcel (Parcel 1) and one 10,874 square foot parcel (Parcel 2), zoned RS (Single Family Residential), and located at 1790 Barnes Avenue SE and 1891 Watson Butte Avenue SE (Marion County Assessor Map and Tax Lot Numbers: 083W26BA / 13700, 13800, 13900), is hereby **APPROVED** subject to SRC Chapters 205 and 511.

Olivia Dias, Current Planning Manager, on behalf of Lisa Anderson-Ogilvie, AICP

Planning Administrator

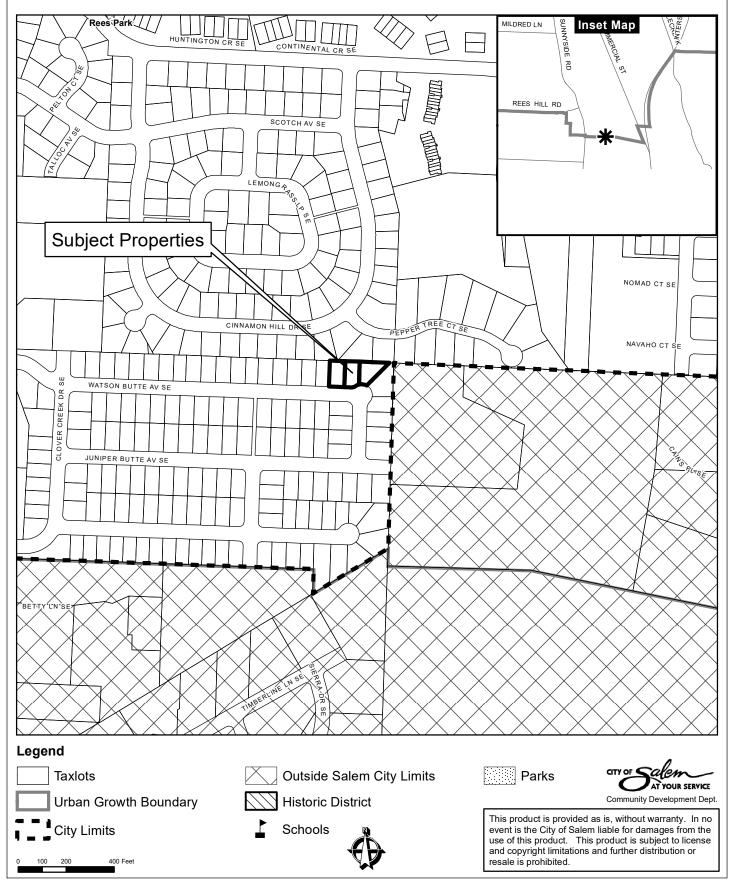
Attachments: A. Vicinity Map

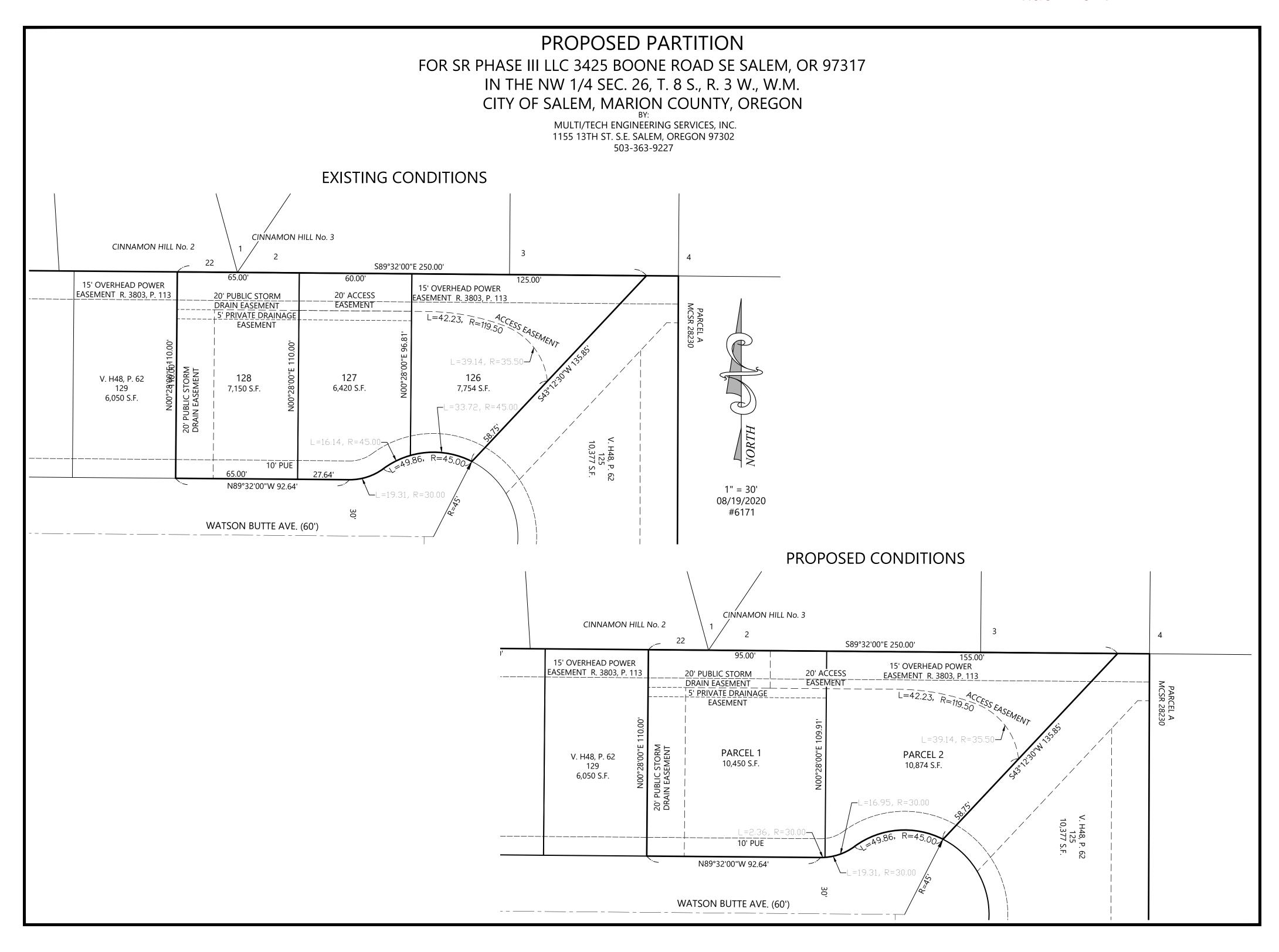
B. Tentative Replat Plan – as submitted

C. City of Salem Public Works Department Comments

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Vicinity Map 1891 Watson Butte Ave SE and Taxlots 083W26BA13900 & 083W26BA13800









TO: Steven McAtee, Planner II

Community Development Department

FROM:

Glenn J. Davis, PE, CFM, Chief Development Engineer

Public Works Department

DATE: October 14, 2020

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

REP20-01 (20-112008-LD)

1891 WATSON BUTTE AVENUE SE

REPLAT OF SABRE RIDGE ESTATES PHASE 3

PROPOSAL

An application to replat three properties, known as Lots 126, 127, and 128 of Sabre Ridge Estates Phase 3 Subdivision, into two properties, resulting in a 10,450-square-foot parcel and one 10,874-square-foot parcel. The existing three properties are approximately 21,324 square feet in size, zoned RS (Residential Single Family), located along Watson Butte Avenue SE, and are also known as Marion County Assessor's Map and Tax Lot Numbers: 083W26BA 13700, 13800, and 13900.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

- Pay fees according to the City's fee resolution for abandonment of the unused sewer service.
- 2. Show all existing and proposed easements on the final plat.
- Relocate utilities that may obstruct future driveways or provide a site plan demonstrating that no such obstructions exist.

FACTS

- 1. Watson Butte Avenue SE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.



b. <u>Existing Conditions</u>—This street is will have a 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property upon completion under permit number 18-121359-PC.

Storm Drainage

1. Existing Conditions

a. A 15-inch storm main is located within an easement on the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. There is an 8-inch public water main in Watson Butte Avenue SE.

Sanitary Sewer

1. Existing Sewer

a. An 8-inch sewer main is located in Watson Butte Avenue SE.

CRITERIA AND FINDINGS

SRC 205.025(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 205.025(d)(1)—The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Findings—The applicant's proposal does not vacate any public rights-of-way.

SRC 205.025(d)(3)—The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Findings—The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC 205.035(a), the approval of the subdivision replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation.

Steven McAtee, Planner II October 14, 2020 Page 3

MEMO

SRC 205.025(d)(4)—The tentative replat complies with all applicable provisions of ORS Chapter 92.

Findings—The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

<u>SRC 205.025(d)(6)</u>—The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Findings—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Based upon the reduction in number of lots, the applicant shall pay fees according to the City's fee resolution for abandonment of the unused sewer service pursuant to PWDS. In addition, the applicant shall ensure relocated property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc. Watson Butte Avenue SE will meet the standards of the Salem TSP upon completion under permit number 18-121359-PC.

Prepared by: Jennifer Scott, Program Manager

cc: File