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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR20-12

APPLICATION NO.: 20-110620-LD

NOTICE OF DECISION DATE: October 30, 2020

SUMMARY: A tentative partition to create two parcels, with Parcel 1 consisting of approximately 10,181 square feet and Parcel 2 consisting of approximately 8,710 square feet.

REQUEST: A tentative partition to create two parcels, with Parcel 1 consisting of approximately 10,181 square feet and Parcel 2 consisting of approximately 8,710 square feet. The parcels will consist of an existing single family residence on Parcel #1, and vacant land for future development on Parcel #2. There is a proposed flag lot accessway to serve Parcel #2. The subject property is approximately 0.48 acres (21,047 square feet) in size, zoned RS (Single Family Residential) and located at 2880 Doughton Street S (Marion County Assessor map and tax lot number(s): 073W33DD / 05700).

APPLICANT: Lyle Misbach

LOCATION: 2880 Doughton Street S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) - Partition

FINDINGS: The findings are in the attached Decision dated October 30, 2020

DECISION: The **Planning Administrator APPROVED** Partition PAR20-12 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat approval, provide a 15-foot sanitary sewer easement for the existing sewer main pursuant to PWDS on the final plat.
- Condition 3:** Prior to final plat approval, construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the entire frontage of Doughton Street S.
- Condition 5:** Prior to final plat approval, design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2.

NOTICE OF DECISION

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



Condition 6: Prior to final plat approval, provide a streetlight along the frontage of the subject property.

The rights granted by the attached decision must be exercised, or an extension granted, by November 17, 2022, or this approval shall be null and void.

Application Deemed Complete:	<u>August 27, 2020</u>
Notice of Decision Mailing Date:	<u>October 30, 2020</u>
Decision Effective Date:	<u>November 17, 2020</u>
State Mandate Date:	<u>December 25, 2020</u>

Case Manager: Steven McAtee, 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., Monday, November 16, 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(s) 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 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 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.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 20-12)**

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

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
PARTITION PLAT NO. 20-12;
2880 DOUGHTON STREET S**

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FINDINGS AND ORDER

October 30, 2020

REQUEST

A tentative partition plan to divide approximately 0.48 acres into two parcels, with Parcel 1 consisting of approximately 10,181 square feet, and Parcel 2 consisting of 8,710 square feet or 0.2 acres with a 2,293 square foot flag lot accessway for a total of 11,003 square feet or 0.25 acres.

The subject property is approximately 0.48 acres in size, zoned RS (Residential Single Family), and located at 2880 Doughton Street S (Marion County Assessor Map and Tax Lot Number 073W33DD / 5700). A vicinity map is included as **Attachment A**.

DECISION

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

- Condition 1:** Prior to final plat approval, obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat approval, provide a 15-foot sanitary sewer easement for the existing sewer main pursuant to PWDS on the final plat.
- Condition 3:** Prior to final plat approval, construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the entire frontage of Doughton Street S.
- Condition 5:** Prior to final plat approval, design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2.

Condition 6: Prior to final plat approval, provide a streetlight along the frontage of the subject property.

PROCEDURAL FINDINGS

1. On June 25th, 2020, an application for a Tentative Partition Plan was filed proposing to divide a 0.48 acres property at 2880 Doughton Street S (**Attachment B**) into two parcels.
2. The application was deemed complete for processing on August 27, 2020. Notice to surrounding property owners and tenants was mailed pursuant to Salem Revised Code on August 27, 2020. The state-mandated local decision deadline is December 25, 2020.

SUBSTANTIVE FINDINGS

1. Proposal

A tentative partition to create two parcels, with Parcel 1 consisting of approximately 10,181 square feet and Parcel 2 consisting of approximately 8,710 square feet, exclusive of the flag lot accessway. Proposed Parcel 1 contains an existing single-family dwelling and Proposed Parcel 2 is vacant. Parcel 1 has frontage along Doughton Street S via an existing driveway. There is a proposed flag lot accessway to serve Parcel 2. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 0.23 Acres; (10,181 square feet);
Parcel Dimensions: Eastern property line is approximately 101-feet.
Western property line is approximately 95-feet
Southern property line is approximately 105-feet
Northern property line is approximately 115-feet

PROPOSED PARCEL 2

Parcel Size: 0.2 acres (8,710 square feet), excluding accessway
Parcel Dimensions: Eastern property line is approximately 115-feet
Western property line is approximately 101-feet
Southern property line is approximately 81-feet
Northern property line is approximately 78-feet excluding accessway, 183-feet including accessway

Access and Circulation: The subject property has approximately 115-feet of frontage along Doughton Street S, which is designated as a local street within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property contains approximately 0.48 acres and consists of a one, rectangular unit of land, approximately 115 feet in width and 183 feet in depth. One single family residence is currently located on the site. The applicant proposes to retain the existing single-family residence, as shown on the tentative plan. Based on the deed provided, the subject property was created in its current form on September 12, 1963. The development pattern in the immediate vicinity is a mixture of larger lots with dwellings and is primarily single family residential.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential
South: Single Family Residential
West: Single Family Residential
East: (Across Doughton Street S) Single Family Residential

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Zoning and Surrounding Land Use

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

North: RS (Single Family Residential); single family dwellings
South: RS (Single Family Residential); single family dwellings
East: RS (Single Family Residential); single family dwellings
West: RS (Single Family Residential); single family dwellings

Natural Features

The subject property averages approximately 416 feet above mean sea level and slopes gently from north-west to south-east, with approximately six (6) percent total elevation change. The site is heavily treed.

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

Relationship to Urban Service Area

The subject property is inside of the City's Urban Service Area.

Infrastructure

Water: The subject property is located within the S-2 water service level. A 6-inch City of Salem water line is located in Doughton Street S.

Sewer: There is a 6-inch sanitary sewer main located in Doughton Street S. A 6-inch sewer main is located within an existing 10-foot easement on the subject property.

Storm Drainage: A 10-inch storm main is located in Doughton Street S. Drainage on the property flows to the southeast.

Streets: Doughton Street S.

This street is designated as a Local street in the Salem TSP, and abuts the western property line of the subject property.

Standard – The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way pursuant to Table 3-1 of the Salem TSP.

Existing Conditions – This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

3. Public and Private Agency Review

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

Salem Fire Department – Salem Fire Department reviewed the proposal and commented that access must be maintained by fire department standards for flag lot access.

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the middle school level but that the elementary and high school levels are currently operating above capacity. The school district indicated that students residing at the subject property would not be eligible for school transportation to the elementary and high schools, but

that transportation is available to the middle school. The area is within the “walk zone” of the assigned elementary and high schools.

4. Neighborhood Association Comments

The subject property is within the Southwest Association of Neighbors (SWAN). On June 25, 2020, prior to application submittal, the applicant sent notice to SWAN in accordance with SRC 300.310(c)(2). Additional notice of the application was also 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.” Notice was also sent to the adjacent neighborhood association, South Central Association of Neighbors (SCAN). Both SWAN and SCAN provided written notice that they have no concerns with the proposed partition.

5. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. Two comments were received from surrounding property owners. One surrounding property owner objected to the request, noting that additional fill material on the subject parcel will damage an existing retaining wall on the neighboring property. This neighbor also expressed concern that the proposed partition will create less seclusion and negatively impact property value.

Staff Response: Development of the newly created parcel will be required to meet all building, grading, and site development standards upon future development. All plans will be reviewed at the time of building permit and must meet standards mitigating impact to neighboring properties. Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative partition approval. The single-family dwelling parcels proposed within the partition range from approximately 8,710 square feet to 10,181 square feet, which exceeds the minimum lot size requirement. The size and layout of the proposed parcels is consistent with the pattern of the surrounding neighborhood, which has predominantly been developed with single family residences.

The second response from a neighboring property owner expressed concern that the future development of the newly created parcel will be too close to neighboring properties.

Staff Response: The development of the newly created parcel shall meet all existing development standards in the RS (Residential Single Family) zone. All development standards, including setbacks from property lines, will be evaluated and enforced at the time of building permit review for the subject parcel.

6. Criteria for Granting a Tentative Partition

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

(TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

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

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

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

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.48-acre property into two parcels with no remainder. The subject property is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Infill Lot ¹	5,500 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth	Max 300% of average lot width
Street Frontage	40 feet

Finding: The proposed partition will create two parcels; Parcel 1 is approximately 10,181 square feet (0.23 acres) in size and Parcel 2 is approximately 8,710 square feet (0.20 acres) excluding the flag lot accessway. The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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

Proposed parcel 1 is approximately 101-feet in width and averages approximately 110-feet in depth. Parcel 2 averages approximately 79-feet in width and averages approximately 108-feet in depth. The proposed parcels meet the minimum width and depth standards listed in Table 511-2.

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

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 12 feet when adjacent to a street designated 'Local').
- Minimum 20 feet for garages

Rear Yards:

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

Interior Side Yards:

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

Finding: According to the applicant's tentative plan, the existing dwelling located on proposed Parcel 1, is greater than 5 feet from the new northern property line and greater than 20-feet from the new eastern property line, meeting all required setbacks under SRC 511.010(b) Table 511-3. Parcel 2 will be reviewed at the time of application for building permits.

Lot Coverage: Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent.

Finding: The existing single-family residence located on proposed Parcel 1 occupies approximately 1,900 square feet, or 19 percent of the proposed area of the parcel. Because the parcel is covered by less than 60 percent, this standard is met.

The proposed Parcel 2 is approximately 0.20 acres and vacant. Future development of Parcel 2 will be reviewed for conformance of applicable development standards at the time of building permit review.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

Finding: The existing single-family residence, proposed to remain, is shown on the site plan entirely within the boundaries of proposed Parcel 1, in compliance with this standard.

Future development of Parcel 2 will be reviewed for conformance of SRC 800.015(a) at the time of building permit review.

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.

Finding: The subject property is located outside of the CSDP, and the proposed partition would create two parcels for residential use. Parcel 1 has an existing single-family residence with a two-car garage. The garage is accessed by an existing driveway abutting Doughton Street S.

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

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

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

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

SRC Chapter 205 (Land Division and Reconfiguration): The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS

672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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.

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 appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated October 27, 2020 (**Attachment C**).

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

- Condition 1:** Prior to final plat approval, obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat approval, provide a 15-foot sanitary sewer easement for the existing sewer main pursuant to PWDS on the final plat.
- Condition 3:** Prior to final plat approval, construct sewer services that are proposed in the public right-of-way.

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

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

SRC 803.015 (Traffic Impact Analysis): The proposed two parcel partition generates less than 1,000 average daily vehicle trips to Doughton Street S, designated as a local street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. The subject property has frontage on, and will take access from Doughton Street S, which is a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portion of Doughton Street S is designated as a local street in the TSP. Doughton Street S has an approximate 30-foot-wide improvement within a 50-foot-wide right-of-way and does not meet the current standard for a local street. Doughton Street S is curbed with no sidewalks for over 200-feet in either direction from the subject property, including the entirety of the block on which the subject property is located. The existing right-of-way width is adequate pursuant to Table 3-1 of the Salem TSP and is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because the street was fully developed to standards that were in place at the time of original construction.

No special setback or right-of-way dedication is required. A streetlight, as conditioned below, is required to be provided along the frontage of the subject property pursuant to SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 0.48-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 4: Provide a 10-foot-wide public utility easement along the entire frontage of Doughton Street S.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Doughton Street S is designated as a local street in the Salem TSP and abuts the subject property on the west boundary and does not meet the current standard for a local street. It is improved with a 30-foot paved roadway within a 50-foot right-of-way. However, the existing right-of-way width is adequate pursuant to Table 3-1 of the Salem TSP and is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because the street was fully developed to standards that were in place at the time of original construction. No special setback or right-of-way dedication is required. A streetlight, as conditioned below, is required to be provided along the frontage of the subject property pursuant to SRC Chapter 803.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP20-07). There are 13 trees on the subject property above 10-inches in diameter-at-breast height (DBH). There are five trees located on proposed Parcel 1, of which all are proposed to be preserved, and eight trees located on proposed Parcel 2. The applicant proposes the removal of six trees on Parcel 2, including one significant tree. The tree conservation plan approval (TCP20-07), in conjunction with the partition application, will authorize the removal of six trees on Parcel 2, which, when partitioned, will have 2 trees remaining. The two remaining trees are located within the rear yard setback of Parcel 2 and will therefore have minimal impact on potential development.

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

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

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

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

Finding: The proposed partition would divide a 0.48-acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed with single family dwellings and have access to public streets.

The proposed configuration of the parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Doughton Street S and the proposed flag lot accessway are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

Finding: The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that Water infrastructure is available in Doughton Street S and is adequate to serve the property as shown on the applicant's preliminary partition plan. Sewer infrastructure is available on the subject property. 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).

Pursuant to PWDS Section 1.8, a 15-foot easement is required for the 6-inch sanitary sewer main located on the subject property. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

As conditioned, the proposal meets this criterion.

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

Finding: Doughton Street S meets the pavement width pursuant to the Salem TSP. The existing right-of-way width is adequate pursuant to Table 3-1 of the Salem TSP and is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because the street was fully developed to standards that were in place at the time of original construction. No special setback or right-of-way dedication is required.

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

Finding: The existing configuration of Doughton Street S is a curbed street with no sidewalks. Due to the existing street trees along the frontage of the property, and the lack of sidewalks in the vicinity, the street is authorized as an alternative street standard pursuant to SRC 803.065(a)(1), and no sidewalks are required along this street frontage as part of this development proposal.

With the addition of a streetlight along the frontage of the property, as conditioned below, the street system in and adjacent to the tentative partition plan conforms to the Salem TSP, and is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition. To ensure the installation of a streetlight, the following condition shall apply:

Condition 6: Prior to final plat approval, provide a streetlight along the frontage of the subject property.

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site slopes downward from north-west to south-east on site. 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: The subject property slopes gently from north-west to south-east. The proposed layout will minimize the need for substantial grading in any single area. The applicant proposes to retain the existing residence on future Parcel 1 within the partition, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

The applicant has submitted an application for a tree conservation plan approval in conjunction with the partition application (TCP20-07). The applicant's proposal would retain seven trees, or approximately 54 percent of the trees on the subject properties, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). Five significant trees are located on the subject property, including one proposed for removal from Parcel 2. No heritage trees or riparian areas are identified on the tree conservation plan, and none are currently present on the subject property.

The proposal meets this criterion.

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

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

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

9. Conclusion

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

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 20-12, to divide a 0.48 acre lot into 2 parcels, with Parcel 1 consisting of 10,181, and Parcel 2 consisting of 8,710 square feet exclusive of the flag lot accessway, for property zoned RS (Single Family Residential) and located at 2880 Doughton Street S 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, obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat approval, provide a 15-foot sanitary sewer easement to for the existing sewer main pursuant to PWDS on the final plat.
- Condition 3:** Prior to final plat approval, construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the entire frontage of Doughton Street S.
- Condition 5:** Prior to final plat approval, design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcel 2.
- Condition 6:** Prior to final plat approval, provide a streetlight along the frontage of the subject property.

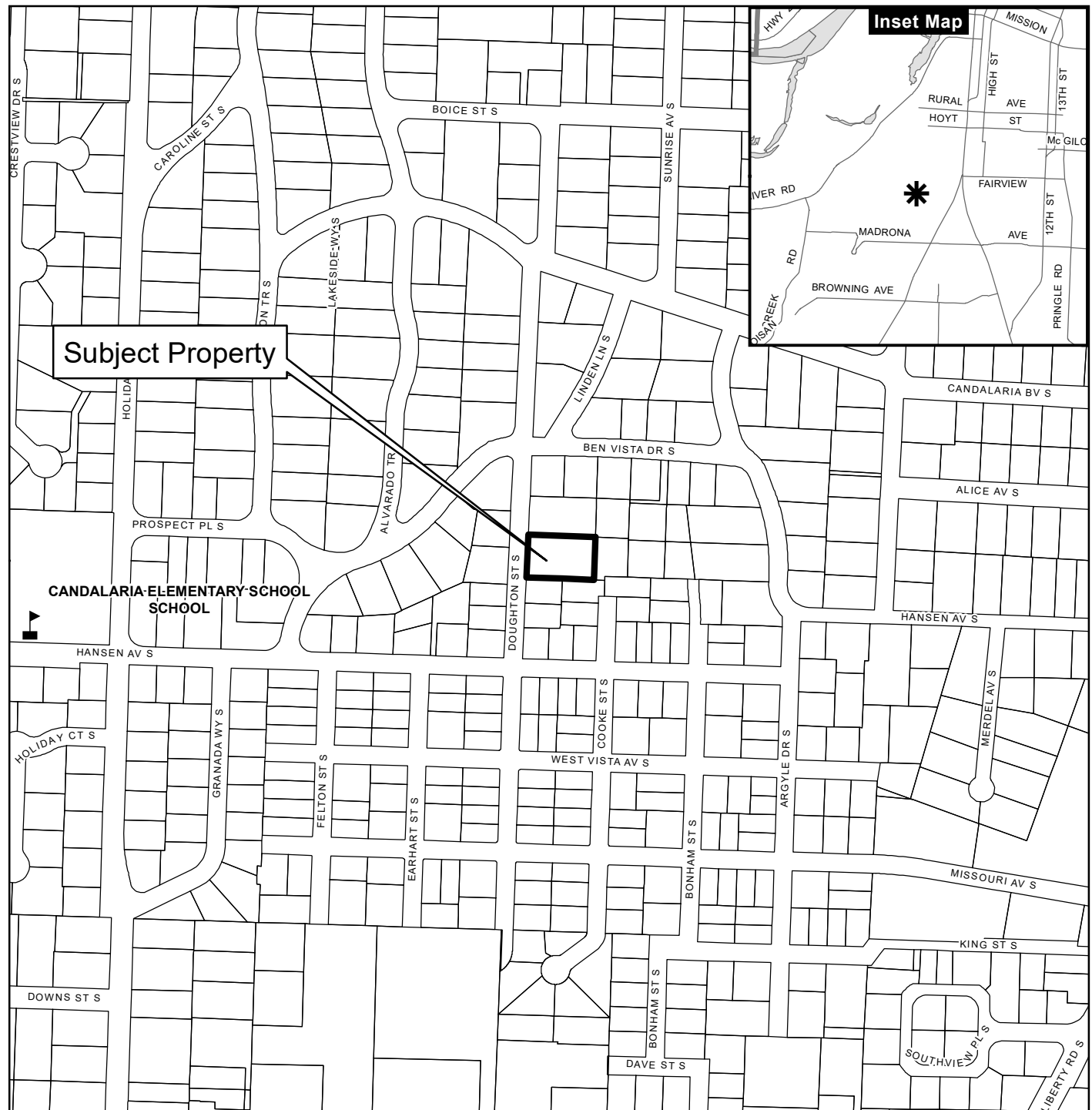


Steven McAtee, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

2880 Doughton Street S



Legend

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

Parks

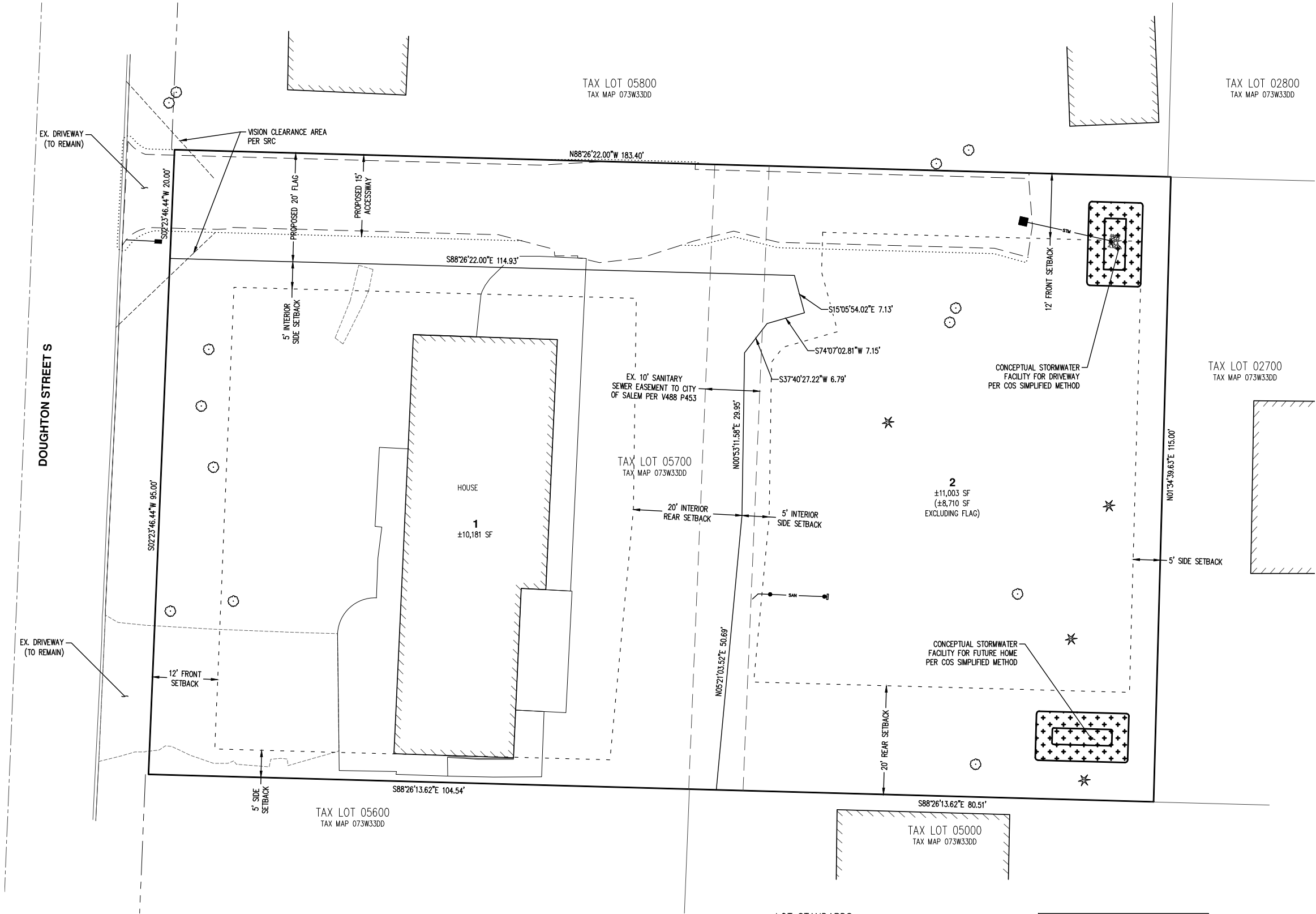
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Community Development Dept.

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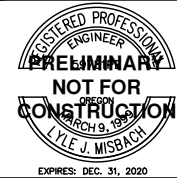
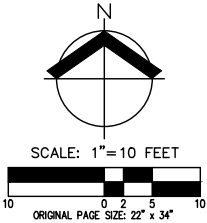
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2020-08-05



LOT STANDARDS

AREA (MIN): 4,000 SF / SINGLE FAMILY
WIDTH (MIN): 40 FEET
DEPTH (MIN): 70 FEET
(MAX): 300% OF AVERAGE LOT WIDTH

SETBACK TABLE	
ABUTTING STREET	MIN. 12' (LOCAL STREET)
INTERIOR FRONT	MIN. 12'
INTERIOR SIDE	5' MIN. FOR NEW BUILDINGS, 3' MIN. FOR EXISTING BUILDINGS
INTERIOR REAR	MIN. 14' APPLICABLE TO ANY PORTION OF A BUILDING NOT MORE THAN ONE-STORY IN HEIGHT MIN. 20' APPLICABLE TO ANY PORTION OF A BUILDING GREATER THAN ONE-STORY IN HEIGHT



TENTATIVE PARTITION PLAN

1	PER COMPLETENESS REVIEW	08/05
No.	Revision/Issue	Date

Firm Name and Address
LYLE J. MISBACH, PE, CFM
2880 DOUGHTON ST S
SALEM, OR 97302
503.779.8648
MISBACHENGINEER@GMAIL.COM


Project Name and Address
TENTATIVE PARTITION
2880 DOUGHTON STREET S
SALEM, OREGON
TAX LOT 073W33DD 05700

Project	7834	Sheet
Date	06/29/2020	C100
OWNER/DEVELOPER	LYLE & ANDREA MISBACH	



MEMO

TO: Steven McAtee, Planner II
Community Development Department

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

DATE: October 27, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PAR20-12 (20-110620)
2880 DOUGHTON STREET S
2-PARCEL PARTITION**

PROPOSAL

To divide approximately 0.48 acres into 2 parcels in an RS (Single Family Residential) zone located at 2880 Doughton Street S (Marion County Assessor Map and Tax Lot: 073W33DD 05700).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Obtain permit for installation of water service to serve Parcel 2.
 - b. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcel 2.
 - c. Provide a 15-foot sanitary sewer easement to for the existing sewer main pursuant to PWDS on the final plat.
 - d. Provide a 10-foot-wide public utility easement along the entire frontage of Doughton Street S.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
 - a. Provide a streetlight along the frontage of the subject property.
 - b. Construct sewer services that are proposed in the public right-of-way.

FACTS

1. Doughton Street S

- 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 50-foot-wide right-of-way pursuant to Table 3-1 of the Salem TSP.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Doughton Street S. Drainage on the property flows to the southeast.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 6-inch public water main is located in Doughton Street S.

Sanitary Sewer

1. Existing Sewer

- a. A 6-inch sewer main is located in Doughton Street S.
- b. A 6-inch sewer main is located within a 10-foot easement on the subject property.

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 frontage of Doughton Street S pursuant to SRC 803.035(n).

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

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

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

Findings—Water infrastructure is available in Doughton Street S and is adequate to serve the property as shown on the applicant's preliminary partition plan. Sewer infrastructure is available on the subject property. 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).

Pursuant to PWDS Section 1.8, a 15-foot easement is required for the 6-inch sanitary sewer main located on the subject property. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

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— Doughton Street S meets the pavement width pursuant to the Salem TSP. The existing right-of-way width is adequate pursuant to Table 3-1 of the Salem TSP and is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because the street was fully developed to standards that were in place at the time of original construction. No special setback or right-of-way dedication is required. A streetlight is required to be provided along the frontage of the subject property pursuant to SRC Chapter 803.

The existing configuration of Doughton Street S is a curbed street with no sidewalks. Due to the existing street trees along the frontage of the property, and the lack of sidewalks in the vicinity, the street is authorized as an alternative street standard pursuant to SRC 803.065(a)(1), and no sidewalks are required along this street frontage.

With the addition of a streetlight along the frontage of the property, as conditioned above, the street system in and adjacent to the tentative partition plan conforms to the Salem TSP, and is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Prepared by: Jennifer Scott, Program Manager
cc: File