

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

DECISION OF THE PLANNING ADMINISTRATOR

REPLAT AND PLANNED UNIT DEVELOPMENT FINAL PLAN MODIFICATION CASE NO.: REP-PUD-SUB06-05MOD1

APPLICATION NO.: 20-106401-LD / 20-104868-LD

NOTICE OF DECISION DATE: November 9, 2020

SUMMARY: A modification to the Heritage Court Planned Unit Development (PUD), together with a replat of the associated subdivision, to reconfigure Lots 9, 10, and 14, and the common area in the middle of the development (Tract A), by incorporating the portion of the common area located to the south of Lot 14 into that lot and correspondingly reducing the size of Lots 9 and 10 to accommodate an expansion of the common open area to the south.

REQUEST: A consolidated PUD final plan modification and replat to reconfigure Lots 9, 10, and 14, and common area Tract A, of the Heritage Court Planned Unit Development (PUD) (Case No. PUD-SUB06-05). The proposal removes the portion of the common area located to the south of Lot 14 and incorporates it into that lot and reduces the size of Lots 9 and 10 to accommodate an expansion of the common open area to the south. The subject property totals approximately 2.55 acres in size, is zoned RM-II (Multiple Family Residential), and located in the 2800 Block of Silverton Road NE and the 3200 to 3300 Blocks of Williams Avenue NE (Marion County Assessor Map and Tax Lot Numbers: 073W13BA13100, 13200, 13600, & 15400).

APPLICANT: John Brosy on behalf of Dwight Ferris LLC (Dwight Ferris)

LOCATION: 2800 Block of Silverton Road NE & 3200 to 3300 Blocks of Williams Avenue NE

CRITERIA: Salem Revised Code (SRC) Chapters 210.035(b)(4) - Planned Unit Development Final Plan Modification and 205.025(d) - Replat

FINDINGS: The findings are in the attached Decision dated November 9, 2020.

DECISION: The **Planning Administrator APPROVED** Replat and Planned Unit Development Final Plan Modification REP-PUD-SUB06-05MOD1 based upon the application materials deemed complete on September 17, 2020 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by November 25, 2022, or this approval shall be null and void.

Application Deemed Complete:	<u>September 17, 2020</u>
Notice of Decision Mailing Date:	<u>November 9, 2020</u>
Decision Effective Date:	<u>November 25, 2020</u>
State Mandate Date:	<u>January 15, 2021</u>

NOTICE OF DECISION

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



Case Manager: Bryce Bishop, Planner II, bbishop@cityofsalem.net, 503-540-2399

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., Tuesday, November 24, 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) 210 and 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.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(REPLAT AND PLANNED UNIT DEVELOPMENT FINAL PLAN MODIFICATION NO.
REP-PUD-SUB06-05MOD1)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF REPLAT AND)	
PLANNED UNIT DEVELOPMENT FINAL)	
PLAN MODIFICATION CASE NO.)	NOVEMBER 9, 2020
REP-PUD-SUB06-05MOD1; 2800 BLOCK)	
OF SILVERTON ROAD NE & 3200 TO)	
3300 BLOCKS OF WILLIAMS AVENUE NE)	

REQUEST

A consolidated PUD final plan modification and replat to reconfigure Lots 9, 10, and 14, and common area Tract A, of the Heritage Court Planned Unit Development (PUD) (Case No. PUD-SUB06-05). The proposal removes the portion of the common area located to the south of Lot 14 and incorporates it into that lot and reduces the size of Lots 9 and 10 to accommodate an expansion of the common open area to the south. The subject property totals approximately 2.55 acres in size, is zoned RM-II (Multiple Family Residential), and located in the 2800 Block of Silverton Road NE and the 3200 to 3300 Blocks of Williams Avenue NE (Marion County Assessor Map and Tax Lot Numbers: 073W13BA13100, 13200, 13600, & 15400).

DECISION

The proposed Replat and Planned Unit Development Final Plan Modification are **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

PROCEDURAL FINDINGS

1. An application for a replat and planned unit development final plan modification was filed by John Brosy on behalf of the applicant and property owner, Dwight Ferris, of Dwight Ferris LLC, proposing to reconfigure Lots 9, 10, and 14, and the common area in the middle of the development (Tract A), of the Heritage Court planned unit development (PUD) by incorporating the portion of the common area located to the south of Lot 14 into that lot and correspondingly reducing the size of Lots 9 and 10 to accommodate an expansion of the common open area to the south.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on September 17, 2020, and public notice of the proposal was sent, pursuant to SRC requirements, to surrounding property owners and tenants within 250 feet of the subject property. The state-mandated local decision deadline for the application is January 15, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests approval of a replat and planned unit development final plan modification to reconfigure Lots 9, 10, and 14, and common area Tract A, of the Heritage Court Planned Unit Development (PUD) (Case No. PUD-SUB06-05) located in the 2800 Block of Silverton Road NE and the 3200 to 3300 Blocks of Williams Avenue NE (**Attachment A**). The proposal removes the portion of the common area located to the south of Lot 14 and incorporates it into that lot and reduces the size of Lots 9 and 10 to accommodate an expansion of the common open area to the south.

As indicated in the written statement provided by the applicant, the proposed modifications to the PUD are intended to:

- Facilitate the removal of the existing maintenance shed between the homes on Lots 13 and 14 in order to allow for the incorporation of the associated land area between those lots into Lot 14 so that an accessory dwelling unit (ADU), for use as a residence for a caretaker, can be built on that lot; and
- Allow for an expansion to the central play area within the development.

Vehicular access to the existing PUD is provided from Williams Avenue NE. The proposed replat and PUD final modification does not result in any changes to existing vehicular access, parking, or on-site pedestrian circulation.

2. Applicant's Plans and Statement.

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- PUD Final Plan Modification: **Attachment B**
- Tentative Replat: **Attachment C**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment D**.

3. Summary of Record.

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this decision.

4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated “Multiple Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
South	Across Silverton Road NE, Single Family Residential and Commercial
East	Across Williams Avenue NE, Commercial
West	Commercial

5. Zoning

The subject property is zoned RM-II (Multiple Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
South	Across Silverton Road NE, RS (Single Family Residential) and CR (Retail Commercial)
East	Across Williams Avenue NE, CG (General Commercial)
West	CG (General Commercial)

Relationship to Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property.

Because the subject property is located within the City's Urban Service Area, an Urban Growth Preliminary Declaration is not required in conjunction with the proposed development.

6. Public and Private Agency Review

- A. The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated no objections.
- C. The City of Salem Public Works Department reviewed the proposal and indicated that the development is subject to a special setback equal to 48 feet measured from the centerline of Silverton Road NE. 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.

7. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association. Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One comment was received prior to the comment deadline. The comment received indicated that they have reviewed the proposal and have no objections to it.

8. PLANNED UNIT DEVELOPMENT FINAL PLAN MODIFICATION APPROVAL CRITERIA

Salem Revised Code (SRC) 210.035(b)(4) sets forth the criteria that must be met before approval can be granted to a modification of a planned unit development final plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the PUD final plan modification, or for the issuance of certain conditions to ensure the criteria are met.

(A) The proposed modification does not substantially change the original approval.

The written statement provided by the applicant indicates, in summary, that not having the common area for the existing shed will have little operation impacts on the PUD. The applicant explains that tools can be stored elsewhere and that building an accessory dwelling unit (ADU) in the location of the shed will provide an additional home without any additional impact.

In regard to the expanded open area behind Lots 9 and 10, the applicant indicates that no active use area behind Lot 9 now exists and it can be put to better use at such time the homeowner's association decides to improve this common area.

Finding: Staff concurs with the findings include in the applicant's written statement. The existing development was originally approved in in 2006 with the approval of Planned Unit Development/Subdivision Case No. PUD/SUB06-05. The approval was for the conversion of an existing development to a 31-unit planned unit development.

The proposed modification to the PUD results in the loss of a small amount of common open area located between Lots 13 and 14 that is currently occupied by a shed used for storing tools. Based on the location of this common open area separate from the main common open space/play area on the site, and its use as a place for the storage of tools, it currently provides minimal benefit for the residents of the development as a common open area amenity within the PUD. The proposed removal of the shed and the incorporation of the associated open space area between Lots 13 and 14 into Lot 14 will allow for an additional housing unit, an ADU, to be constructed on Lot 14 which will help to provide for additional housing, which is needed within the City; and the proposed expansion of the main common open space/play area adjacent to Lots 9 and 10 helps to offset the loss of the common open area between Lots 13 and 14 with more usable centrally located common space area abutting the existing main common open space/play area within the development.

As identified above, the proposed incorporation of the common open area between Lots 13 and 14 into Lot 14, the future development of an ADU on Lot 14, and the expansion of the common open space/play area adjacent to Lots 9 and 10 do not result in substantial change to the original approval and the proposed modification will maintain conformance with the applicable PUD development standards included under SRC 210.045 through SRC 210.075.

The proposed modification does not result in the maximum number of dwelling units allowed within the PUD, based on its RM-II zoning, to be exceeded; the proposed adjusted lots maintain conformance with PUD lot size and dimension requirements; existing buildings will maintain conformance with PUD setback requirements; and the common open area within the development will be enhanced by providing additional common open space area abutting the existing main common open space/play area within the development. This criterion is met.

(B) *The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

The written statement provide by the applicant indicates, in summary, that removing the small common parcel and shed will have very little impact on the overall PUD. The existing shed is small and when the new ADU is built in this place, the appearance will improve. The existing building now functions as a tool shed and is built on a concrete slab. The future ADU will be built to modern City code standards.

The applicant also indicates that there will be very little difference in appearance or operation by transferring additional land as shown on the plan to the common play area. There is little or no landscaping or active use currently behind Lot 9. The additional land will allow a future, significant improvement to this common area when the homeowners' association so chooses.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties. The proposed development will still consist of a total of 31 residential lots, together with a common open space tract located in the middle of the development. The modification does not propose any changes to existing vehicular access, parking, or on-site pedestrian access and circulation; only one additional dwelling unit, an ADU, is proposed to be constructed on Lot 14 in the future, which will not result in impact to surrounding properties; and although common open space area between Lots 13 and 14 is proposed to be transferred into Lot 14 to accommodate the development of the future ADU on that lot, additional, more usable, open space is proposed to be added to the central common space/play area adjacent to Lots 9 and 10. This criterion is met.

9. REPLAT APPROVAL CRITERIA

Pursuant to SRC 205.025(a), a replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat.

SRC 205.025(d) establishes the approval criteria which must be met in order for a replat to be approved. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the replat, or for the issuance of certain conditions to ensure the criteria are met.

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

Finding: The purpose of the proposed replat is to reconfigure specific existing platted subdivision lots within the Heritage Court PUD/subdivision to conform to the revised lot configuration proposed with the PUD final plan modification. This includes reconfiguring existing Lot 14 and common open space Tract A to transfer the common open space between Lots 13 and 14 into Lot 14. It also includes reconfiguring Lots 9 and 10 to transfer portions of those lots into abutting common open space Tract A.

None of the proposed changes to the configuration of lots within the PUD/subdivision result in vacating a public street/road or any recorded covenant or restriction. This approval criterion is met.

- (2) *The tentative replat will not create non-conforming units of land or non-conforming development, or increase the degree of non-conformity in existing units of land or development.***

Finding: The property is zoned RM-II and within an existing Planned Unit Development, the Heritage Court PUD/subdivision. Because the subject property is located within a PUD, development is subject to the PUD development standards of SRC Chapter 210 (Planned Unit Development). Within a PUD there are no minimum lot size or dimension requirements and there are no minimum interior side or interior rear setbacks required adjacent to lot lines within the interior of the PUD.

As shown on the replat tentative plan (**Attachment C**), the proposed replat increases the size of Lot 14 by incorporating existing common open space area between Lots 13 and 14 into that lot and reduces the size of Lots 9 and 10 by transferring a portion of the land area within those lots into the abutting common open space Tract A. The resulting adjusted sizes and dimensions of the reconfigured lots, as well as the resulting setbacks between existing buildings and the reconfigured lot lines, maintain conformance with the applicable PUD standards included under SRC 210.045 through SRC 210.075 and therefore do not result in the creation of non-conforming development. This approval criterion is met.

- (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): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. Because the subject property is located within the City's Urban Service Area, and because the proposal is for a replat, an Urban Growth Preliminary Declaration is not required for the development 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. The proposed replat conforms to the applicable requirements of SRC Chapter 205.

SRC Chapter 514 (RM-II Multiple Family Residential Zone) & SRC Chapter 210 (Planned Unit Development): The subject property is zoned RM-II and located within a Planned Unit Development. Because the property is located within a PUD it is subject to the PUD development standards included in SRC Chapter 210.

The proposed replat seeks to reconfigure Lots 9, 10, and 14, and common area Tract A, of the Heritage Court PUD/subdivision to conform to the revised lot configuration proposed with the PUD final plan modification. The resulting adjusted sizes and dimensions of the reconfigured lots, as well as the resulting setbacks between existing buildings and the reconfigured lot lines, maintain conformance with the applicable PUD standards included under SRC 210.045 through SRC 210.075.

City Infrastructure Standards: 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 the development. In regard to streets, the Public Works Department indicates that because the right-of-way width of Silverton Road NE does not currently meet minimum right-of-way width requirements there is a special setback, per SRC 800.040, equal to 48 feet in width measured from the centerline of Silverton Road NE along the Silverton Road frontage of the property.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. In addition, a tree conservation plan is required in conjunction with any development proposal involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

There are existing trees within the PUD, but none of the trees are significant Oregon White Oaks, Heritage trees, or trees or native vegetation within a riparian corridor; and no trees are proposed for removal in connection with the proposed development.

SRC Chapter 809 (Wetlands): Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the proposed development.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps there is a small area within the PUD that is mapped with 2 landslide hazard susceptibility points. There are 3 activity points associated with PUDs and subdivisions. Under the City's Landslide Hazard ordinance, the cumulative total of 5 points between the land and the proposed development activity indicates a moderate landslide risk; therefore, a geologic assessment would be required. However, based upon the location of the mapped landslide susceptibility area, the flat topography of the site, and the fact that the area of the site proposed for replat/modification does not include any mapped landslide hazard susceptible areas, a geologic assessment is not required for the proposed replat and PUD final plan modification.

As identified above, the proposed replat complies with the applicable standards of SRC Chapter 205 and with all applicable provisions of the UDC. This approval criterion is met.

(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. 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 land subject to the proposed replat is located within the recorded Heritage Court PUD/subdivision plat. The proposal complies with this requirement.

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 and infrastructure have been constructed to serve the platted PUD/subdivision lots subject to the proposed replat. The existing PUD/subdivision is therefore defined as a "developed" subdivision 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 findings included in this decision, notice was provided to property owners and tenants within 250 feet of the subject property consistent with the notice provided for tentative subdivision plans. 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: Although no utility easements are proposed to be re-aligned, reduced in size, or eliminated in connection with the proposed replat, notice of the replat was still provided to utility companies 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 decision regarding criterion SRC 205.025(d), the proposed replat complies with all applicable standards, including lot size 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.

(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 property subject to the proposed replat is subject to a prior planned unit development/subdivision approval (Case No. PUD-SUB06-05). Neither the previous PUD/subdivision approval nor any of its associated conditions of approval prohibit the proposed replat. This approval criterion is met.

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

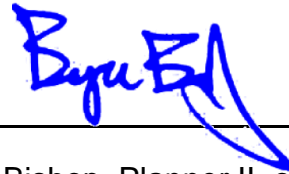
Finding: The Public Works Department reviewed the proposal and determined that water, sewer, and storm drainage facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements). The existing PUD has frontage on both Silverton Road NE and Williams Avenue NE. The proposed replat does not reconfigure vehicular access to the subject property and does not affect access to streets. This approval criterion is met.

10. Conclusion

Based upon review of SRC 205.025 & SRC 210.035(b), the findings contained under Sections 8 and 9 above, and the comments described, the Tentative Replat and Planned Unit Development Final Plan Modification comply with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

That Replat Tentative Plan and Planned Unit Development Final Plan Modification Case No. REP-PUD-SUB06-05MOD1, for property located in the 2800 Block of Silverton Road NE and the 3200 to 3300 Blocks of Williams Avenue NE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

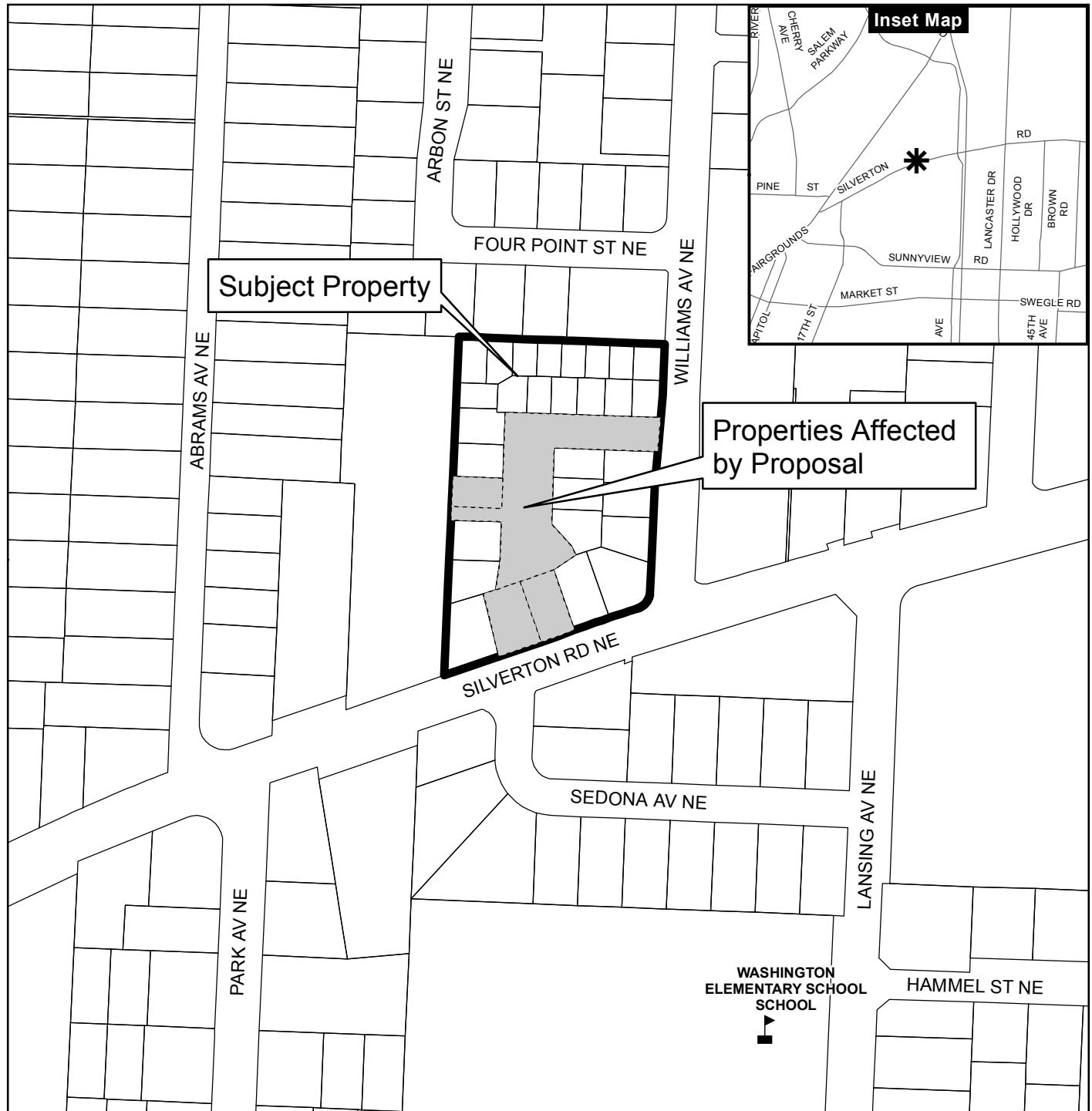


Bryce Bishop, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. PUD Final Plan Modification
C. Replat Tentative Plan
D. Applicant's Written Statement

Vicinity Map

2800 Block of Silverton Road NE & 3200 to 3300 Blocks of Williams Avenue NE



Legend

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

- Parks

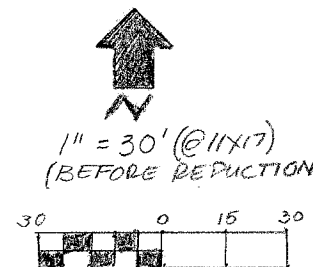
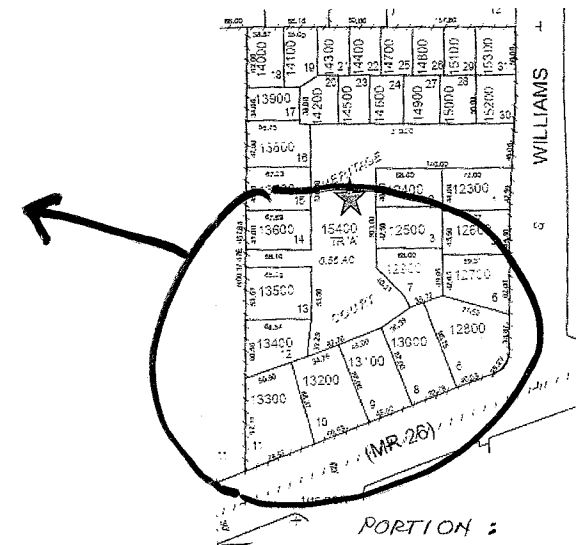
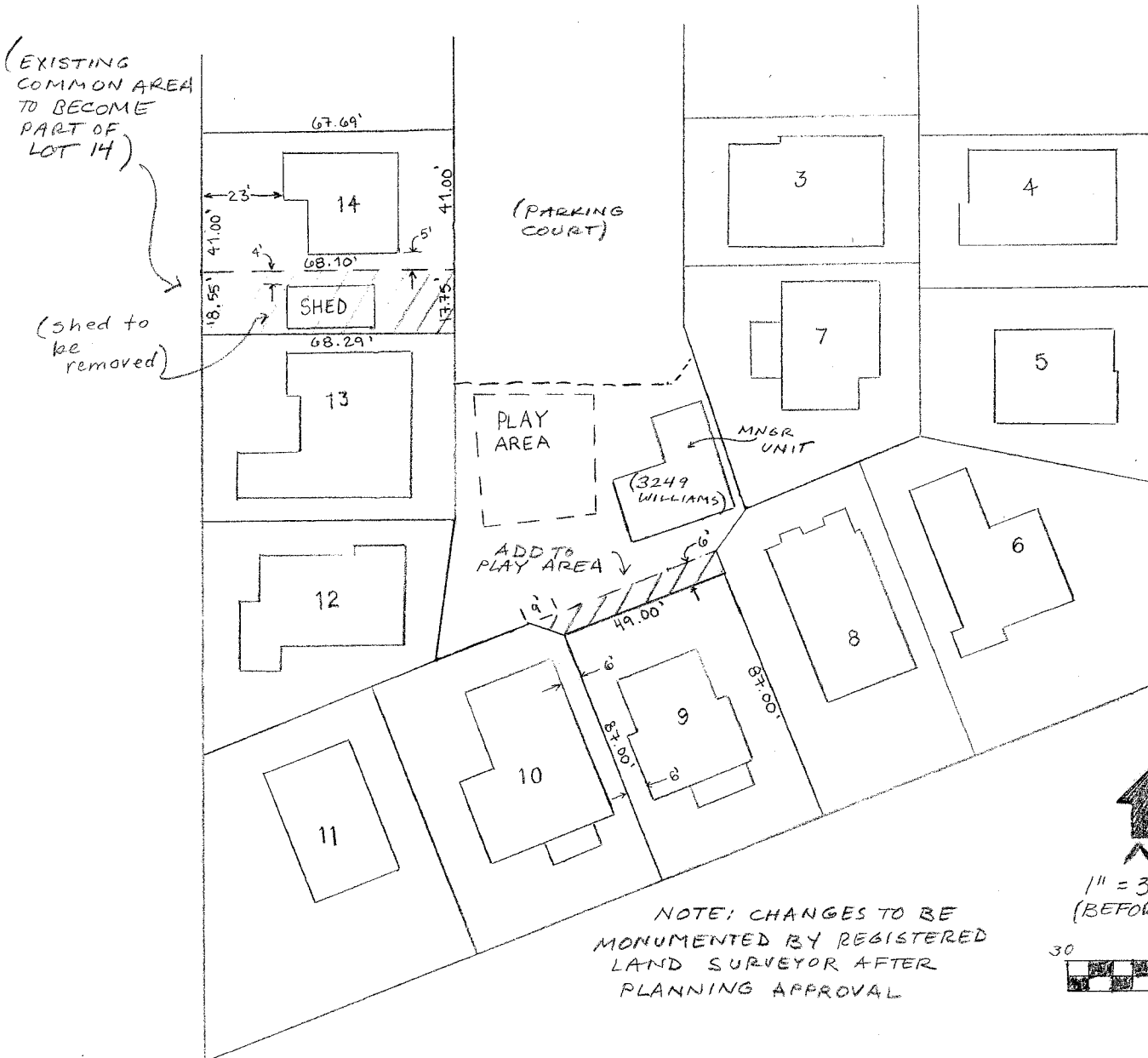
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AT YOUR SERVICE
Community Development Dept.

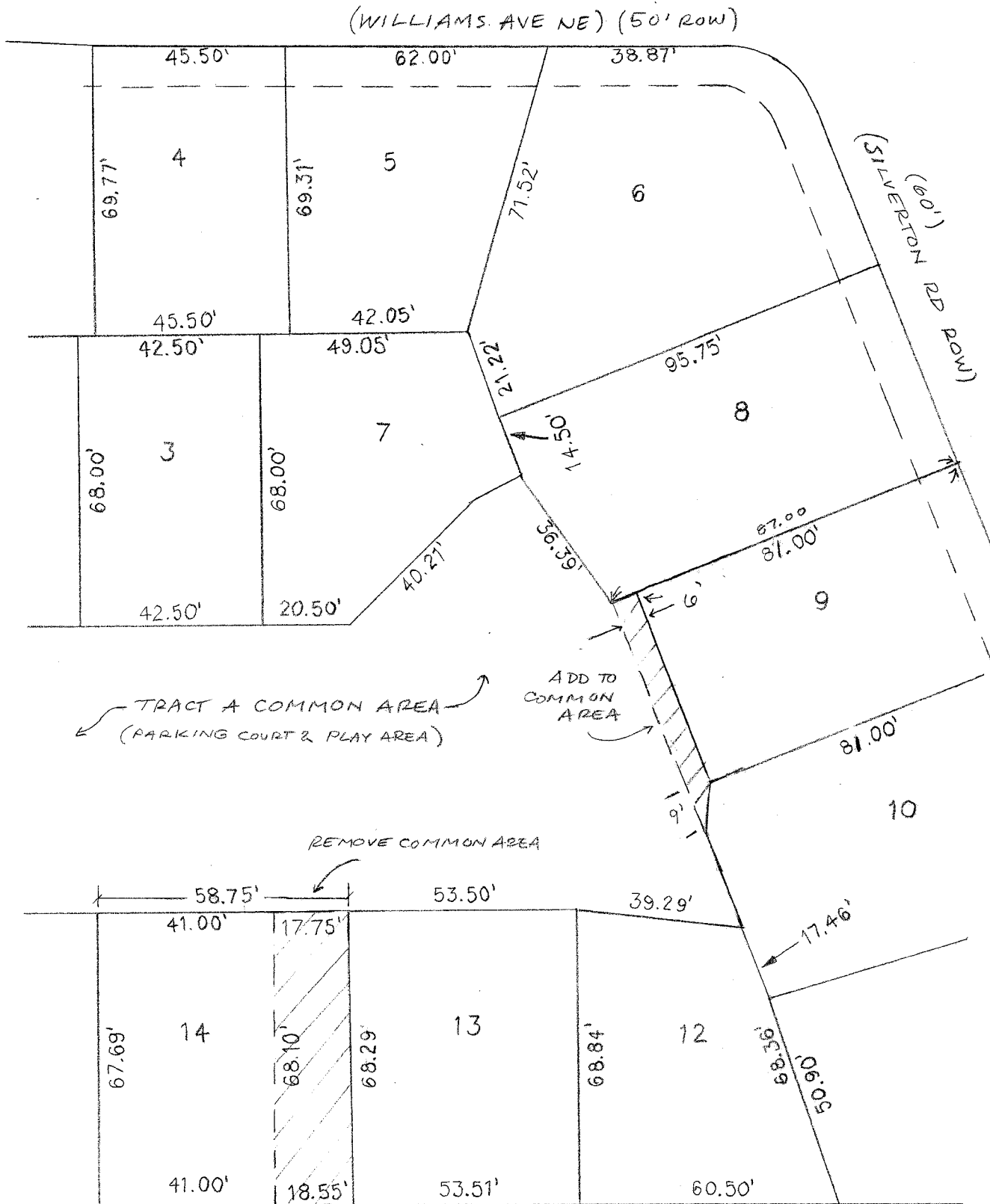
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0 100 200 400 Feet



MINOR REVISION OF HERITAGE COURT SUBDIVISION/ PLANNED UNIT DEVELOPMENT





MINOR REVISION OF HERITAGE COURT SUBDIVISION

NOTE: CHANGES TO BE MONUMENTED
BY REGISTERED LAND SURVEYOR AFTER
PLANNING APPROVAL



8/2020
JLB



1" = 22' APPROX
(REFER TO PLAT)
(BEFORE DEDUCTION)

Feb. 26, 2020

City of Salem Planning Division
555 Liberty Street SE, Room 320
Salem, OR 97301-3513
Attn: Pamela Cole

**Re: Heritage Court Subdivision/PUD
Minor Revision to PUD and Subdivision Plat**

The following application involves a planned unit development and subdivision that was originally approved by the City of Salem in 2007. This was an unusual project, in that all dwellings on the site were moved from other locations several years previously. When the State was preparing land for the State Archives building and grounds, and during the approximate same time the Boys and Girls Club was preparing a site for its new facility, a large number of otherwise salvageable buildings/residences were being readied for demolition. Dwight Ferris and another investor saw an opportunity, assembled land at Williams Avenue and Silverton Road, the saved and carefully relocated and refurbished these numerous buildings, always with the intent of creating a subdivision ownership. The PUD and subdivision were approved in 2007.

Now two minor revisions are proposed. There is a small shed on common area between homes and lots 13 and 14. This will be removed, and the land placed with the adjacent lot 14 and its dwelling. There will then be enough room to build an ADU (accessory dwelling unit) for use as a residence for a caretaker (in separate building permit application, not part of this request).

Also, some land primarily behind lot 9 is proposed to be re-designated as part of the common, central play area (please see enclosed site plan). This will give the homeowners association more land to improve with play structures, etc. That central area will eventually be expanded further when the existing manager's house at 3249 Williams (see site plan) will be removed sometime in the future by the homeowners association.

No other changes are proposed for this PUD/subdivision. The Heritage Court homes have not yet been separately marketed for sale, but may be so in the future.

These two minor changes meeting approval standards of the City in the following manner. Italics are added to differentiate code language from our application/responses.

Planned Unit Development

Sec. 210.035. – Modification of Approval

b. Modification of planned unit development final plan approval

4. Criteria. An application for modification a PUD final plan approval shall be granted if the following criteria are met.

a. The proposed modification does not substantially change the original approval; and

Response:

Not having this common area for the shed will have little operational impacts on the PUD. Tools can be stored elsewhere, and building an ADU here will provide an additional home without any additional impact.

For the expanded central play area property, no active use area behind lot 9 now exists, and it can be put to better use at such time that the homeowners association decides to improve this common area.

b. The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Response:

Removing this small common parcel and shed will have very little impact on the overall PUD. The existing shed is small and when the new ADU is built in this place, the appearance will improve. The existing building now functions as a tool shed and is built on a concrete slab. The future ADU will be built to modern City code standards.

Likewise, there will be very little difference in appearance or operation by transferring additional land as shown to the common play area. There is little or no landscaping or active use behind lot 9 presently. The additional land will allow a future, significant improvement to this common area when the homeowners association so chooses.

Subdivision Revision

Sec. 205.070. – Modification of Approval

d. Criteria. An application for modification pursuant to this section shall be approved if all the following criteria are met:

1. The proposed modification does not substantially change the original approval; and

Response:

The proposed minor changes expand the common area for future play structures, etc. This should be considered a generally good change, since no active backyard activities will be surrendered behind lot 9.

Removing the small common area between lots 13 and 14 will have limited operational impact, given the large common areas that will remain, including the common parking “court” and other common areas and walkways.

2. The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Response:

The same comments about physical appearance in our response to the PUD change standards also pertain to the subdivision standards.

SUMMARY

The two minor changes to the PUD and subdivision are removing the common area between lots 13 and 14, and expanding the play area site by taking land primarily from the back of lot 9 meet City PUD and subdivision minor modification approval standards and should be approved as requested.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'John L. Brosy', with a long horizontal flourish extending to the right.

John L. Brosy, Planning Consultant
Representing Dwight Ferris, owner/application