



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 18, 2016

Jurisdiction: City of Salem

Local file no.: CPC-PAR 16-02

DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/17/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-16 {24274}

Received: 3/17/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: **CPC-PAR16-02**

Date of adoption: 03-15-2016 Date sent: 3/17/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 02/09/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Chris Green, Planner II

Phone: 503-540-2326 E-mail: cgreen@cityofsalem.net

Street address: 555 Liberty St SE, Room 305 City: Salem Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from MultiFamily Residential to Single Family Residential. 0.24 acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): 073W13AB00200 - 3376 Fairhaven Ave NE

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Notice of Decision for CPC-ZC16-02
Staff Report dated March 15, 2016

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP CHANGE/ PARTITION CASE NO. CPC-PAR16-02

APPLICATION NOS.: 16-101720-ZO & 15-119805-LD

NOTICE OF DECISION DATE: MARCH 16, 2016

APPLICATION SUMMARY: A consolidated 2-parcel partition and Comprehensive Plan Change to change the designation of the subject property from Multifamily Residential to Single Family Residential to match the existing RS (Single Family Residential) zoning.

REQUEST: A consolidated application containing the following requests:

- (1) To change the Comprehensive Plan Map designation of the subject property from "Multifamily Residential" to "Single Family Residential"; and
- (2) A partition to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet.

The subject property is approximately 0.24 acres in size, zoned RS (Single Family Residential), and located at 3376 Fairhaven Avenue NE (Marion County Assessor's Map and Tax Lot Number: 073W13AB00200).

APPLICANT: JENSEN CONSULTING & DEVELOPMENT LLC (DON JENSEN & ASHLEY KOSTER)

LOCATION: 3376 FAIRHAVEN AVE NE / 97301

CRITERIA: Salem Revised Code 64.025(e)(2) for Comprehensive Plan Map Change and 205.005(d) for Partition

FINDINGS: The findings are in the attached staff report.

DECISION: The Planning Commission **GRANTED** Comprehensive Plan Map Change / Partition Case No. CPC-PAR16-02, as follows:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Multifamily Residential to Single Family Residential be **GRANTED**.
- B. That the tentative partition plan to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet be **GRANTED**, subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, the applicant shall obtain demolition permits and remove the existing single-family residence and driveway on the subject property.
- Condition 2:** Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of a water service to serve Parcel 1.
- Condition 5:** Design stormwater systems to serve both proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of Fairhaven Avenue NE.

VOTE:

Yes 6 No 0 Absent 3 (Fox, Griggs, McKinley)



Rich Fry, President, Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Partition: April 1, 2018

Application Deemed Complete: February 9, 2016
Public Hearing Date: March 15, 2016
Notice of Decision Mailing Date: March 16, 2016
Decision Effective Date: April 1, 2016
State Mandate Date: June 8, 2016

Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., THURSDAY, MARCH 31, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 in SRC Chapters 64 and 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Christopher Green, AICP, Planner II

HEARING DATE: March 15, 2016

APPLICATION: Comprehensive Plan Change / Partition 16-02

LOCATION: 3376 Fairhaven Avenue NE

SIZE: Approximately 0.24 acres – see Attachment A

REQUEST: A consolidated application containing the following requests:

- (1) To change the Comprehensive Plan Map designation of the subject property from 'Multifamily Residential' to 'Single Family Residential'; and
- (2) A partition to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet.

The subject property is approximately 0.24 acres in size, zoned RS (Single Family Residential), and located at 3376 Fairhaven Avenue NE (Marion County Assessor Map and Tax Lot Number: 073W13AB00200).

APPLICANT: Jensen Consulting & Development, LLC

REPRESENTATIVE: Britany Randall, Project Delivery Group, LLC

APPROVAL CRITERIA: Comprehensive Plan Amendment: Salem Revised Code, Ch. 64
Tentative Partition Plan: Salem Revised Code, Ch. 205

RECOMMENDATION: **APPROVE** Comprehensive Plan Map Change & Partition, Case No. 16-02 subject to the following conditions:

Condition 1: Prior to final plat approval, the applicant shall obtain demolition permits and remove the existing single family residence and driveway on the subject property.

Condition 2: Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards.

- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of a water service to serve Parcel 1.
- Condition 5:** Design stormwater systems to serve both proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of Fairhaven Avenue NE.

APPLICATION PROCESSING

Subject Application

On November 2, 2015, Britany Randall of Project Delivery Group, LLC, on behalf of Jensen Consulting & Development, LLC, filed an application for a partition to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet.

On November 25, 2015, the City notified the applicant that the application was incomplete. Amongst the incomplete items, the City specified that a conflict existed between the Comprehensive Plan Map designation of the subject property ("Multiple Family Residential") and the zoning designation (RS – Single Family Residential). On January 11, 2016, the applicant submitted a Comprehensive Plan Map amendment application for the subject property, and requested that the application be consolidated with the existing tentative partition plan application, pursuant to SRC 300.120(c).

The consolidated application was deemed complete for processing on February 8, 2016. The public hearing on the application is scheduled for March 15, 2016.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The tentative partition plan included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is June 7, 2016.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on February 17, 2016 (Attachment A).
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on February 24, 2016 (Attachment A).

3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on February 9, 2016.

BACKGROUND INFORMATION

The subject site consists of a single lot approximately 0.24 acres in size (Marion County Assessor's Map and Tax Lot Number 073W13AB00200). The subject property is designated "Multiple Family Residential" on the Salem Area Comprehensive Plan Map and is zoned RS (Single Family Residential). Because there is a conflict between the property's zoning and Comprehensive Plan Map designation, a zone change or Comprehensive Plan Map amendment is needed to allow further development or redevelopment of the site.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from Multifamily Residential to Single Family Residential, and to partition the property into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet. The applicant's written statement indicates that the applicant intends to remove the existing house on proposed Parcel 2 and construct new single family dwellings on each of the proposed parcels. However, no specific redevelopment proposal has been made at this time. The applicant's statement summarizing the request and addressing compliance with the required Comprehensive Plan Map amendment and tentative partition plan approval criteria is included as Attachment C.

Neighborhood Association Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association. Notification was sent to the Northgate Neighborhood Associations on March 2, 2016. At the time of writing this staff report, no comments have been received from the Northgate Neighborhood Association.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed Plan Map change and partition. Notice of the proposed application was also posted on the subject property. Prior to the comment deadline, two nearby property owners submitted comments indicating general support for the proposal.

City Department Comments

Salem Public Works Department - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment D).

Salem Fire Department – reviewed the proposal and indicated that they have no specific comments on this case.

Salem Building and Safety Division – reviewed the proposal and submitted comments indicating that no utilities should cross other lots without recorded easements.

Public and Private Service Provider Comments

- Salem-Keizer Public Schools reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle, and high school levels to serve the 2 proposed parcels. The school district indicated that middle school students residing at the subject property would not be eligible for school transportation services; the subject property is within the “walk zone” for Hallman Elementary School, Waldo Middle School, and McKay High School.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multifamily Residential."

The Comprehensive Plan designations of surrounding properties include:

North: "Multifamily Residential"

South: "Multifamily Residential"

East: "Multifamily Residential"

West: (Across Fairhaven Avenue NE) "Single Family Residential"

Relationship to the Urban Service Area

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

Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to

determine the functional classification of each street within the City's street system. The subject property has frontage along the east property boundary on Fairhaven Avenue NE, designated as a local street. Fairhaven Avenue provides a connection to Silverton Road NE, a major arterial, approximately 450 feet south of the subject property.

Neighborhood Plan: The proposed project is located within the boundaries of the Northgate Neighborhood Association. The Neighborhood Association does not have an adopted neighborhood plan.

Zoning

The subject property is zoned RS (Single Family Residential). Surrounding properties are zoned as follows:

North: RM2 (Multiple Family Residential)

South: RM2 (Multiple Family Residential)

East: RM2 (Multiple Family Residential)

West: (Across Fairhaven Avenue NE) RS (Single Family Residential)

Existing Site Conditions

The subject property is a rectangular lot originally platted in 1939 as Lot 27 of the Fairhaven subdivision. A single family residence was constructed on the lot in 1940, and similar residences were generally constructed on lots within the subdivision in the 1940s and 1950s. The subject property and vicinity was annexed into the City of Salem in 1965. The abutting lot to the south divided into two lots in 1968, in a similar configuration as proposed by the applicant on the subject property.

The subject property is approximately 95 feet in width and 111.3 feet in depth. A frontage on Fairhaven Avenue NE forms the west property line. The subject property is essentially flat at a consistent elevation of approximately 172 feet above mean sea level. A single family dwelling with an attached garage is located on the northern portion of the property. There are five trees on the subject property, three of which are greater than 10 inches diameter at breast height (dbh). The southern portion of the subject property is vacant and primarily vegetated with grass.

Applicant Submittal Information:

Requests for Minor Comprehensive Plan Changes and zone changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment C to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) **Whether there was a mistake in the application of a land use designation to the property;**
 - (bb) **Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
 - (cc) **Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
 - (dd) **Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.**

Applicant Statement: The subject property consists of a single tax lot (073W13AB00200) which is approximately 0.24 acres in size. The Applicant is proposing a partition to create an additional parcel and construct single family homes on each parcel.

The subject property is designated "Multiple Family Residential" on the Salem Area Comprehensive Plan Map. However, the property is zoned RS (Single Family Residential).

The current use, current zone, and proposed use of the property are not compatible with the Comprehensive Plan Map designation. The applicant is requesting an amendment to the Salem Area Comprehensive Plan Map to change the Comprehensive Plan Map designation of the property from MFR (Multiple Family Residential) to SFR (Single Family Residential). The change will allow infill and redevelopment of single-family residences along the easterly side of Fairhaven Avenue NE, it is consistent with the current and proposed development of the site, the Comprehensive Plan designation, and development on the westerly side of Fairhaven Avenue NE.

The current use of the subject property is consistent with its zoning designation of RS as there is a single-family home with a detached garage on the site. The current zoning designation of the property is a more appropriate designation than the one set forth in the Comprehensive Plan because it is consistent with the current use, proposed use and current surrounding uses. The five properties to the south of the subject site are all developed with single-family homes (addresses: 3358, 3350, 3346, 3336, and 3320). The five properties directly across the street from the subject site, on the western side of Fairhaven Avenue NE, are also consistent with single-family uses as they are each developed with single-family homes (addresses: 3365, 3355, 3345, 3325, and 3315). A Single Family Residential Plan Map designation will be consistent with the surrounding land uses that have been developed in the area.

Finding: Staff concurs with the applicant's statement, and finds that the proposal is justified based on factor (iv). Although surrounding properties to the north, south, and east are designated Multifamily Residential, the majority of properties in the vicinity are developed with single family residences. Due to the long-established platting of the adjacent lands into lots of less than one-quarter-acre in size, the surrounding development pattern is unlikely to redevelop into a predominantly multifamily residential pattern. The subject property itself is only 0.24 acres in size, and not well-suited to accommodate land uses intended within the existing Multifamily Residential designation.

The proposal meets this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Applicant Statement: Utility infrastructure and streets currently serve the property. The public facilities and services which are currently existing are capable of supporting the proposed partition and additional single family home.

Finding: Staff concurs with the findings included within the applicant's written statement. As indicated in the comments from the Public Works Department (Attachment D), water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval for the proposed partition, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. The proposal meets this criterion.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;

Applicant Statement: The subject property's use is single-family residential. Abutting properties to the west, south, east and northeast are already developed with single-family uses only the property to the north is developed in a manner consistent with the Comprehensive Plan Designation. The proposed plan map designation provides for the logical urbanization of land in that an additional single-family home would be constructed on the site which can be served by urban services and facilities that are already in place.

Finding: Staff concurs with the applicant's written statement. The existing pattern of single family residential development was established when the subject property and vicinity were platted and developed in the mid-20th Century. The Single Family Residential designation requested by the applicant is consistent with development of surrounding properties, and would allow redevelopment or infill development of the subject property consistent with the surrounding land use pattern. Staff finds that the proposal meets this criterion.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, Growth Management Goal (Page 28, Salem Comprehensive Policies Plan):

To manage the growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development to preserve adjacent farm land.

Response: The necessary public facilities, services and utilities are already in place and providing service to the subject property. Expansions of the services and systems may be needed as a result of the planned development of the remainder of the site that will be made possible by the proposed Comprehensive Plan Map amendment with concurrent tentative partition plan. The existence and availability of public services, facilities and utilities to the property fulfills this goal.

Policy D.6. New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Response: The Comprehensive Plan Map Amendment would provide consistent land use and zoning designations for the subject property, a portion of which is undeveloped. The consistent Plan Map designation and zoning would facilitate development of an infill site without the need to clear and grade other more environmentally sensitive land within the

urban area.

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

In meeting this goal, residential development shall:

- a. Encourage the efficient use of developable residential land;*
- b. Provide housing opportunities for Salem's diverse population; and*
- c. Encourage residential development that maximizes investment in public services.*

Response: The Comprehensive Plan Map amendment to a "Single Family Residential" designation would facilitate infill development of a property within the existing urbanized area of the City. In conjunction with the applicant's proposed partition, the redevelopment of the site would create two new single family detached residential units in place of one existing residence, therefore using land within the Urban Service Area more intensely and efficiently. The subject property would provide new housing opportunities on a site where development under the existing "Multifamily Residential" development would be unlikely to occur. Staff finds that the proposal is consistent with this policy.

Policy E.1. The location and density of residential uses shall be determined after consideration of the following factors;

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distances, access, and ability to provide*

services to the site.

- e. The character of existing neighborhoods based on height, bulk, and scale of existing and proposed development in the neighborhood.*
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*
- g. The density goal of General Development Policy 7.*

Response: In 2015, the City completed a Housing Needs Analysis (HNA) for areas within the Salem Urban Growth Boundary for the years 2015 to 2035. The study indicated a shortage of land designated for multifamily housing within the Salem UGB. However, the subject property is already platted as a 0.24 acre lot, rendering redevelopment with multifamily housing unlikely. Although currently designated as "Multifamily Residential" on the Plan Map, the property is unlikely to contribute additional housing units under this designation.

The development pattern of the existing neighborhood, and the predominant height, bulk, and scale of the developments on nearby properties strongly reflects mid-20th century single family residential characteristics. Similarly, Fairhaven Avenue and other nearby streets are not improved to current City standards, but are consistent with a low-density single family neighborhood of the mid-20th century, which was located outside the City limits at the time of its initial development. Although some of the existing public facilities, particularly the lack of sidewalks along street frontages, do not meet current standards, these facilities are nevertheless in place and adequate to support the small scale, single family residential infill proposed by the applicant.

Finding: The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the Northgate Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Response: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Response: There are no known scenic, historic, or cultural resources on the subject property. The application will be reviewed for compliance with the City's tree preservation ordinance and at the time of development. Staff finds that the proposal is consistent with Goal 5.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of citizens of the state.*

Response: The proposal will remove approximately 0.24 acres from the existing inventory of land that is designated for multifamily housing. As described above, the City's Housing Needs Analysis (HNA) indicates a shortage of available land for multifamily housing for the 2015 to 2035 time period. However, the subject property is only approximately 0.24 acres in size and is unlikely to provide additional housing opportunities based on size and configuration. The southern portion of the property is undeveloped and does not currently provide housing units. Minimum regulatory and practical requirements for multifamily housing, including site design and parking requirements, combined with the size, shape, and configuration of the property make multifamily development or redevelopment of the property unlikely. Even if the property were well-suited to multifamily residential development, its small size represents a minimal impact to the overall inventory of multifamily residential land.

Accordingly, the subject property cannot implement the Residential Development goal as intended by the Multifamily Residential designation and an amendment to designate the property as Single Family Residential would not diminish the variety of housing opportunities or supply of developable land to support housing. Therefore, the proposal to change the designation of the subject property to Single Family Residential would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Response: All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently available. The provision of public facilities and services are adequate for existing and future single family residential uses on the subject property. Therefore, the proposal meets the requirements of Goal 11.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and

development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

Staff has reviewed the proposal and finds that the residential uses consistent with the proposed Single Family Residential designation are less intensive than those intended under the existing Multifamily Residential designation. The proposed Comprehensive Plan Change will not have a “significant affect” on the transportation system as defined by OAR 660-012-0060. The proposal meets the requirements of Goal 12.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Finding: The subject property was annexed into the City of Salem in 1965 and is located within the Urban Growth Boundary (UGB). The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan Map change is consistent with existing development patterns and available infrastructure in the vicinity. The proposal complies with Goal 14.

SRC 64.025(e)(2)(E): **The amendment is in the public interest and would be of general benefit.**

Applicant Statement: The approval of the proposed amendment is in the public’s interest and would be of general benefit because it will allow for development of the site in a manner consistent with the existing surrounding land uses. Additionally, redevelopment of this area to meet the multi-family comprehensive plan designation will be much more appropriate if it were accomplished as part of a larger area. The redevelopment of a single lot at a time will not successfully meet the intent of the multi-family comprehensive plan designation.

Finding: The proposed Comprehensive Plan Map amendment from Multifamily Residential to Single Family Residential is in the public interest and would be of general benefit because it would alleviate the split land use designation and zoning, a situation that currently discourages redevelopment of the site, which due to its limited size (approximately 0.24 acres) cannot reasonably be developed for multifamily residential purposes for which it is currently designated. Investment in the development of underutilized properties within existing developed areas is in the public interest and of general benefit. The proposal satisfies this criterion.

The proposed change in land use designation is consistent with the location and character of the property, with Comprehensive Plan policies for determining the appropriate intensity of residential development, and with the existing development and zoning designation of the subject property. The proposal satisfies this criterion.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A TENTATIVE PARTITION PLAN

The following analysis addresses the proposed tentative partition plan to divide the 0.24 acre subject property into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet.

Salem Revised Code (SRC) 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 bases her decision. Lack of compliance with the following land division standards is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy such standards. The applicant's proposed partition, for the purpose of dividing the subject property as described above, was reviewed for compliance with the following standards and, as detailed in the facts and findings of this staff report, the following approval criteria have been sufficiently addressed for staff to recommend approval of the tentative partition plan, subject to conditions.

Compliance with conditions of approval to satisfy the Unified Development Code is checked prior to City staff signing the final plat, unless otherwise noted.

SRC 205.005(d)(1): The tentative partition complies with all of 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.**
- (B) **City infrastructure standards.**
- (C) **Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Finding: The Salem Revised Code (SRC), which includes 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 partitioning process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. Compliance with conditions of tentative partition plat approval is checked prior to City staff signing the final partition plat.

Staff recommends that the Planning Commission find that, as conditioned, the proposed partition meets all applicable provisions of the Salem Revised Code as detailed below:

SRC Chapter 205 (Land Division and Reconfiguration): The intent of the Land Division and Reconfiguration code is to provide for orderly development through the application of appropriate standards and regulations. The applicant met all application submittal requirements necessary for adequate review of the proposed partitioning. As proposed, and with conditions of approval, the proposed partition conforms to all applicable SRC Chapter 205 requirements.

The applicant's tentative partition plan divides the subject property into two parcels (see Attachment B).

PROPOSED PARCEL 1

Parcel Size: 5,285 square feet

Parcel Dimensions: Approximately 47.5 feet in width and 111.25 feet in depth

PROPOSED PARCEL 2

Parcel Size: 5,286 square feet

Parcel Dimensions: Approximately 47.5 feet in width and 111.3 feet in depth

Minimum Lot Area, Dimensions, and Frontage: The subject property is zoned RS (Single Family Residential). The minimum lot size for single family uses in the RS zone is 4,000 square feet. Minimum required lot dimensions are 70 feet lot depth and 40 feet lot width. Proposed Parcels 1 and 2 meet these standards.

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

Additionally, SRC 511.010(a) establishes a minimum frontage of 40 feet for single family uses in the RS zone for lots and parcels adjacent to streets. Both proposed parcels in the partition have greater than 40 feet of street frontage and therefore meet this standard.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

or

- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The subject property is developed with a single family residence and attached garage with paved driveway on the northern portion of the property. The applicant plans to remove the existing house and driveway prior to development. Relative to the tentative partition plan, the existing house would cross the proposed parcel line dividing Parcels 1 and 2. Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. In order to ensure that the partition complies with this provision upon recording of the plat, the following condition shall apply:

Condition 1: Prior to final plat approval, the applicant shall obtain demolition permits and remove the existing single family residence and driveway on the subject property.

Setback requirements for future development on proposed Parcels 1 and 2 will be reviewed at the time of application for building permits on those parcels.

Parcel Configuration: SRC 511.010(a) specifies minimum lot size, dimensional and frontage requirements in the RS zone, based on use proposed. Both of the proposed parcels within the partition satisfy such standards.

Both of the parcels will be suitable for the general purpose for which they are intended to be used, such as future development of one single-family dwelling each or development of other SRC Chapter 511 (RS Zone) "permitted," "special" or "conditional" uses. The lots are of a size and design that will not be detrimental to the health, safety, or sanitary needs of the existing and/or future residents.

Adequate Utilities and Streets: The Salem Public Works Department reviewed the proposal and determined that the water and sewer infrastructure is available and appears to be adequate to serve future development. Conditions of approval established as part of this decision ensure that such utilities are provided in conformance with the City's public facility plans.

Fairhaven Avenue NE abuts the subject property and does not meet the current standard for a local street. A half-street improvement along the street is not warranted because of the limited impacts of the proposed development. The Assistant City Traffic Engineer has determined that a minimum pavement width of 22 feet is required along the street in order to accommodate two-way traffic where new driveways are being proposed. The existing street appears to meet that requirement; therefore, no additional right-of-way dedication or street improvements are needed. A special setback equal to 30 feet from the centerline of Fairhaven Avenue runs along the frontage of the subject property in order to minimize future land use conflicts in the event that the street is widened to its standard width.

With the exception of non-contiguous multifamily properties to the north of the subject property, Fairhaven Avenue NE has been developed without sidewalks. Most of the frontages on either side of the street are partially occupied by storm ditches. City staff has determined that, pursuant to SRC 803.065(a), constraints imposed by the existing development pattern, combined with the lack of an existing sidewalk network to connect to make installation of a sidewalk along the frontage of the subject property impracticable.

As conditioned, the proposal meets this criterion.

SRC Chapter 64 (Comprehensive Planning): The partition, as proposed and with conditions of approval, conforms to the Salem Area Wastewater Management Master Plan, the Stormwater Master Plan, the Water System Master Plan, and the Salem Transportation System Plan.

SRC Chapter 65 (Excavation and Fills): SRC Chapter 65 (Excavations and Fills) establishes standards to ensure that any excavation or fill adjacent to public right-of-way or within a public easement, designated waterway, or floodplain overlay zone creates no imminent danger to public safety or public facilities and does not create a public nuisance. SRC Chapter 65 also prohibits excavation or fill that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred. There is no evidence that the subject property cannot be developed consistent with the provisions of SRC Chapter 65.

Pursuant to SRC 65.040, and prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way, or adjoining or within an easement (or future right-of-way or easement), or within or adjoining a designated waterway, or within a floodplain overlay zone.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, 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 within 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 intent of the Land Division and Reconfiguration code is to provide for orderly development through the application of appropriate standards and regulations. The applicant met all application submittal requirements necessary for adequate review of the proposed partition. As proposed, and with conditions of approval, the proposed partition conforms to all applicable SRC Chapter 205 requirements.

SRC Chapter 511 (Single Family Residential): The subject property is zoned Single Family Residential (RS). SRC Chapter 511, RS Zone, specifies minimum lot size and dimension requirements, building setbacks, and lot coverage standards. The proposed parcels are of such size and configuration to provide reasonable development consistent with SRC Chapter 511 provisions, as detailed in the findings regarding criterion SRC 205.005(d)(1).

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways): SRC 806.015(a) requires all Single Family and Two Family dwellings outside of the Central Salem Development Program (CSDP) Area to maintain a minimum of two off-street parking spaces per dwelling. The subject property is located outside of the CSDP, and the proposed partition would create two parcels for new residential development after this existing single-family residence is removed. Minimum off-street parking would be required for new development or redevelopment on each of the parcels.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance 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, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. SRC 808.035(d)(4) requires in relevant part that an application for a Tree Conservation Plan shall be granted if not less than 25 percent of all trees located on the property are designated for preservation. The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP16-01). There are 3 trees on the subject property, 2 of which are proposed for removal. The applicant's proposal would retain 1 tree, or 33.3% of the trees on the subject properties, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4).

There are no significant trees or heritage trees on the subject property. The proposed partition conforms to the requirements of SRC Chapter 808.

SRC Chapter 809 (Wetlands): According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps, there are no areas of landslide hazard susceptibility on the subject property. Pursuant to the requirements of SRC Chapter 810, the cumulative total of points between those associated with the land and those associated with the proposed development activity indicates a low landslide risk and no geologic assessment is required.

The proposal meets this criterion.

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 will not impede the future use of the remainder of the property, as this partitioning involves the entire property. The adjoining properties are developed with existing single and multifamily dwellings and have improved access to public streets. The proposed configuration of parcels allows for the future development of the site consistent with current zoning standards.

A storm ditch is located in Fairhaven Avenue NE, which flows into a 12-inch storm drain approximately 14 feet north of the property. A culvert is currently installed under the existing driveway to the property. In order to ensure that both proposed parcels retain access to Fairhaven Avenue NE without impeding existing storm infrastructure in the vicinity, the following condition of plat approval shall apply:

Condition 2: Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards.

The property's existing frontage on Fairhaven Avenue NE is sufficient to provide access to each of the proposed parcels. As conditioned, the proposal meets this criterion.

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

Finding: The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate for future development on the proposed parcels shown in the applicant's preliminary partition plan. Private water, sewer, and storm services shall be constructed to serve each lot. 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)(6)(B). In order to ensure the adequate provision of water and sewer services to the subject properties, the following conditions of plat approval shall apply:

Condition 3: Construct sewer services that are proposed in the public right-of-way.

Condition 4: Obtain permits for installation of a water service to serve Parcel 1.

The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design including 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 the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

Condition 5: Design stormwater systems to serve both proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

All public and private City infrastructure 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. In order to ensure that necessary easements are provided for public utilities, the following condition of plat approval shall apply:

Condition 6: Provide a 10-foot-wide public utility easement along the entire frontage of Fairhaven Avenue NE.

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: Both proposed parcels have frontage on Fairhaven Avenue NE, designated as a local street in the Salem Transportation System Plan (TSP). The standard for a local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Fairhaven Avenue NE has an approximate 22-foot improvement within a 60-foot-wide right-of-way. As described in findings related to SRC 205.005(d)(1) above, the existing improved width of this portion of Fairhaven Avenue NE does not meet the current local street standard for right-of-way width established in SRC 803.025. The Assistant City Traffic Engineer has determined that a minimum pavement width of 22 feet is required along the street in order to accommodate two-way traffic where new driveways are being proposed. The existing street appears to meet that requirement; therefore, no additional right-of-way dedication or street improvements are needed.

The proposal meets this criterion.

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 subject property has frontage on Fairhaven Avenue NE, identified as a local street in the Salem Transportation System Plan (TSP). Fairhaven Avenue NE intersects with Silverton Road NE, a major arterial, approximately 430 feet south of the subject property. This connection provides for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition. The proposal meets this criterion.

SRC 200.005(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 site is essentially flat, with less than two feet of elevation change across the entire subject property. The existing topography, and the location of the proposed property boundaries, allows proposed Parcels 1 and 2 flat, rectangular sites for future dwelling units. The proposal meets this criterion.

SRC 200.005(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 the site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: Both of the proposed parcels are rectangular, flat, and in excess of minimum lot sizes and dimensional standards, allowing flexibility in the future siting of new dwelling units. The existing residence and driveway on the north portion of the subject property is proposed to be removed, allowing further flexibility in the siting of residential units. The southern portion of the subject property is currently vacant, and could accommodate future single family residential development with minimal disruption to the existing topography and vegetation.

The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP16-01). There are 3 trees on the subject property. The Tree Conservation Plan retains one tree, which would be located in the rear yard of proposed Parcel 2, where construction is unlikely to occur. 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 dimensions less than 100 feet.

Finding: The site is served by available sewer and water. This criterion is not applicable.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for Comprehensive Plan Change / Partition 16-02, on property approximately 0.24 acres in size, designated Multifamily Residential on the Plan Map, zoned RS (Single Family Residential), and located at 3376 Fairhaven Avenue NE (Marion County Assessor map and tax lot number: 073W13AB00200).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Multifamily Residential to Single Family Residential be GRANTED.
- B. That the tentative partition plan to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet be GRANTED, subject to the following conditions of approval:

Condition 1: Prior to final plat approval, the applicant shall obtain demolition permits

and remove the existing single family residence and driveway on the subject property.

- Condition 2:** Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards.
- Condition 3:** Construct sewer services that are proposed in the public right-of-way.
- Condition 4:** Obtain permits for installation of a water service to serve Parcel 1.
- Condition 5:** Design stormwater systems to serve both proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 6:** Provide a 10-foot-wide public utility easement along the entire frontage of Fairhaven Avenue NE.

- Attachments: A. Public Hearing Notice & Vicinity Map
B. Tentative Partition Plan
C. Applicant's Statement Addressing Approval Criteria
D. Public Works Department Comments

Prepared by Christopher Green, AICP, Planner II *CSG*



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	COMPREHENSIVE PLAN MAP CHANGE / PARTITION CASE NO. CPC-PAR16-02
AMANDA APPLICATION NO:	16-101720-ZO & 15-119805-LD
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, MARCH 15, 2016 AT 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	3376 FAIRHAVEN AVE NE, SALEM OR 97301
OWNER:	FUTURE VISTAS LLC
APPLICANT / AGENT:	JENSEN CONSULTING & DEVELOPMENT LLC / PROJECT DELIVERY GROUP LLC
DESCRIPTION OF REQUEST:	<p>APPLICATION SUMMARY: A consolidated 2-parcel partition and Comprehensive Plan Change to change the designation of the subject property from "Multifamily Residential" to "Single Family Residential" to match the existing RS (Single Family Residential) zoning.</p> <p>REQUEST: A consolidated application containing the following requests:</p> <ol style="list-style-type: none">(1) To change the Comprehensive Plan Map designation of the subject property from "Multifamily Residential" to "Single Family Residential"; and(2) A partition to divide approximately 0.24 acres into two parcels, with proposed Parcel 1 consisting of approximately 5,285 square feet, and proposed Parcel 2 consisting of 5,286 square feet. <p>The subject property is approximately 0.24 acres in size, zoned RS (Single Family Residential), and located at 3376 Fairhaven Avenue NE (Marion County Assessor's Map and Tax Lot Number: 073W13AB00200).</p>
CRITERIA TO BE CONSIDERED:	<p><u>COMPREHENSIVE PLAN CHANGE</u></p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <ol style="list-style-type: none">(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:<ol style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation

CRITERIA, CONTINUED

there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;
 - (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.
- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
 - (C) The proposed plan map designation provides for the logical urbanization of land;
 - (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
 - (E) The amendment is in the public interest and would be of general benefit.

PARTITION

Pursuant SRC 205.005(d), a tentative partition plan shall be approved if all of the following criteria are met:

- (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;
 - (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.
- (2) The tentative partition plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative partition plan can be adequately served by City infrastructure.
- (4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.
- (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.
- (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.
- (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 the site, topography, and vegetation will occur from the reasonable development of the parcels.
- (8) When the tentative partition plan is for property located more than 300 feet

CRITERIA, CONTINUED

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.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.


HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Chris Green, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2326; E-mail: cgreen@cityofsalem.net 

NEIGHBORHOOD ORGANIZATION:

Northgate Neighborhood Association, Dwan Muller, Land Use Chair; Phone: 503-602-9926; Email: dwan64@outlook.com

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

February 24, 2016

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

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



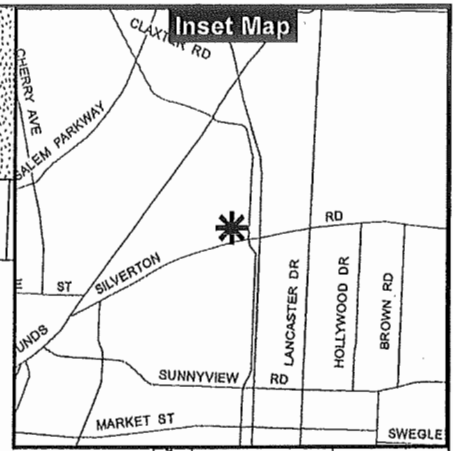
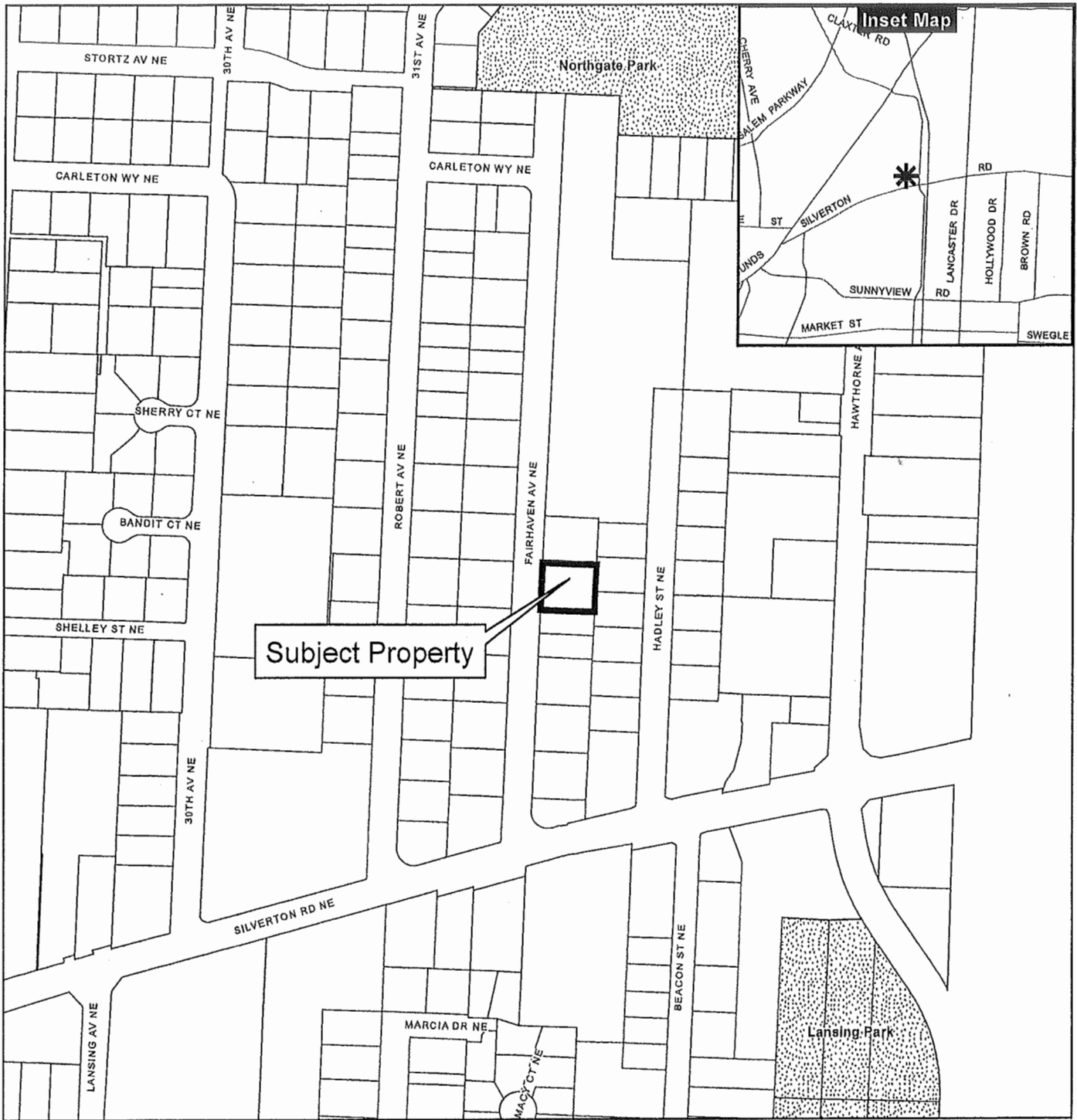
@Salem Planning

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least








two business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

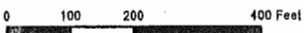
Vicinity Map 3376 Fairhaven Avenue NE



Legend

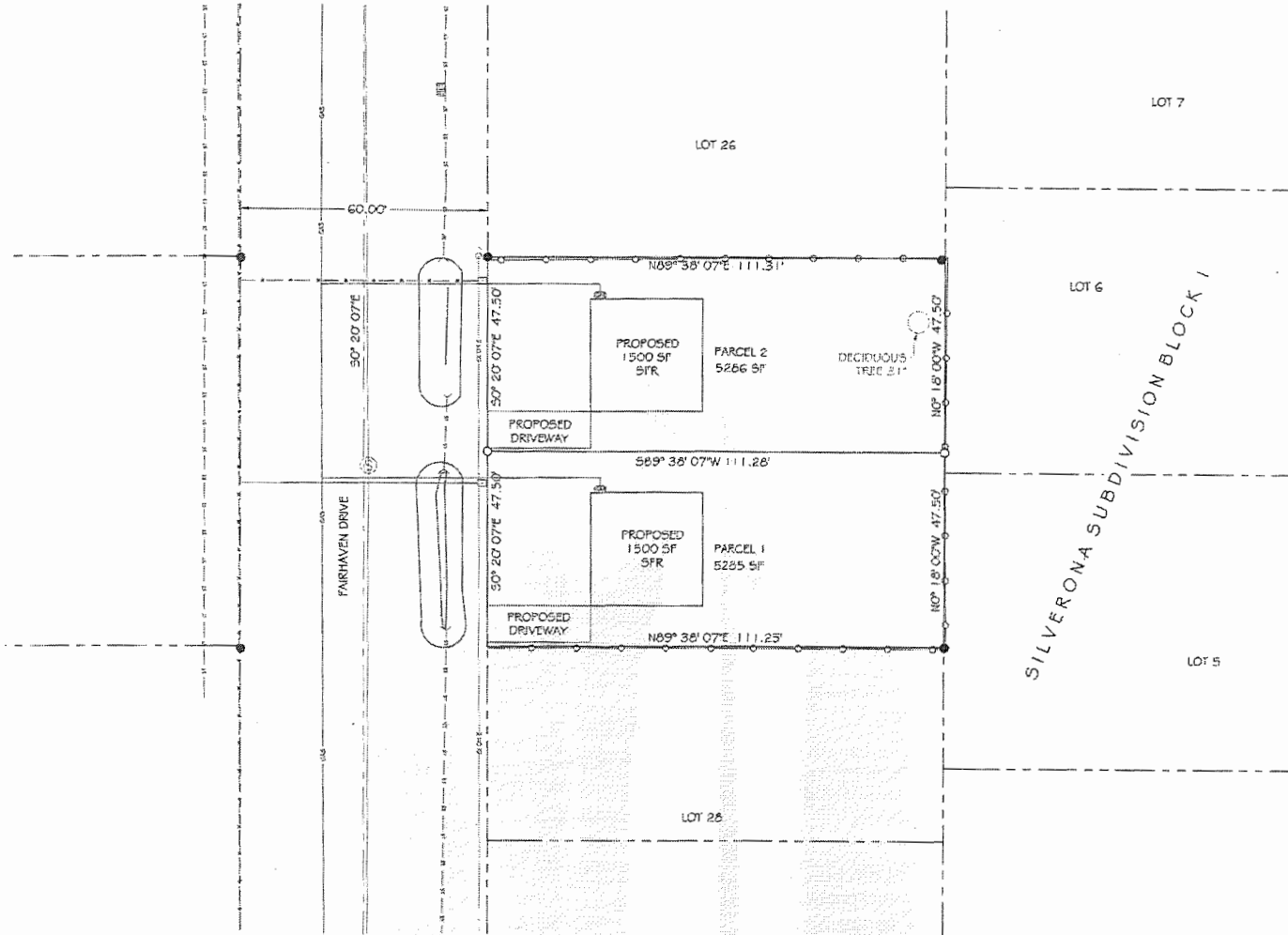
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks


CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.



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LOT 27 OF THE PLAT OF FAIRHAVEN
PROPOSED LAYOUT
LOCATED IN THE NE 1/4, NE 1/4, SECTION 13
TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN
MARION COUNTY, OREGON
OCTOBER 20, 2015



SILVERONA SUBDIVISION BLOCK 1



SCALE: 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
EXPIRES 03, 2014
PAUL M. KOWALCZYK
79315

RENEWAL DATE:

PROJECT DELIVERY GROUP

PROJECT DELIVERY GROUP, LLC
3150 22ND STREET SE
SALEM, OR 97302
503-364-4004
PROJECT NO. 15165

WRITTEN STATEMENT. A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Minor Comprehensive Plan Map Amendment (SRC 64.025(e) (2)):

- The proposed Minor Plan Map Amendment is justified based on the existence of one of the following:

- i. Alteration in Circumstances. The social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

Applicant Response: *Applicant is not using alteration in circumstances as a justification for a Minor Comprehensive Plan Map Amendment.*

- ii. Equally or Better Suited Designation. The proposed designation is equally or better suited for the property than the existing designation.

Applicant Response: *Applicant is not using equally or better suited designation as a justification for a Minor Comprehensive Plan Map Amendment.*

- iii. Conflict between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- Whether there was a mistake in the application of a land use designation to the property;
- Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
- Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
- Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

Applicant Response: *The subject property consists of a single tax lot (073W13AB00200) which is approximately 0.24 acres in size. The Applicant is proposing a partition to create an additional parcel and construct single family homes on each parcel.*

The subject property is designated "Multiple Family Residential" on the Salem Area Comprehensive Plan Map. However, the property is zoned RS (Single Family Residential). The current use, current zone, and the proposed use of the property are not compatible with the Comprehensive Plan Map designation. The applicant

is requesting an amendment to the Salem Area Comprehensive Plan Map to change the Comprehensive Plan Map designation of the property from MFR (Multiple Family Residential) to SFR (Single Family Residential). The change will allow infill and redevelopment of single-family residences along the easterly side of Fairhaven Avenue NE, it is consistent with the current and proposed development of the site, the Comprehensive Plan Designation, and development on the westerly side of Fairhaven Avenue NE.

The current use of the subject property is consistent with its zoning designation of RS as there is a single-family home with a detached garage on the site. The current zoning designation of the property is a more appropriate designation than the one set forth by the Comprehensive Plan because it is consistent with the current use, proposed use and current surrounding uses. The five properties to the south of the subject site are all developed with single-family homes (addresses: 3358, 3350, 3346, 3336, and 3320). The five properties directly across the street from the subject site, on the western side of Fairhaven Avenue NE, are also consistent with single-family uses as they are each developed with single-family homes (addresses: 3365, 3355, 3345, 3325, and 3315). A Single Family Residential Plan Map designation will be consistent with the surrounding land uses that have been developed in the area.

- The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
Applicant Response: *Utility infrastructure and streets currently serve the property. The public facilities and services which are currently existing are capable of supporting the proposed partition and additional single-family home.*
- The proposed comprehensive plan map designation provides for the logical urbanization of land;
Applicant Response: *The subject property's current use is single-family residential. Abutting properties to the west, south, east and northeast are already developed with single-family uses only the property to the North is developed in a manner consistent with the Comprehensive Plan Designation. The proposed plan map designation provides for the logical urbanization of land in that an additional single-family home would be constructed on the site which can be served by urban services and facilities that are already in place.*
- The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
Applicant Response: *By providing a Comprehensive Plan Map designation which is consistent with the existing land use, existing zoning designation, and development patterns on adjoining and adjacent properties, the proposed*

change is consistent with the goals and objectives of the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules.

- The amendment is in the public interest and would be of general benefit.

Applicant Response: *The approval of the proposed amendment is in the public's interest and would be of general benefit because it will allow for development of the site in a manner consistent with the existing surrounding land uses. Additionally, redevelopment of this area to meet the multi-family comprehensive plan designation will be much more appropriate if it were accomplished as part of a larger area. The redevelopment of a single lot at a time will not successfully meet the intent of the multi-family comprehensive plan designation.*

WRITTEN STATEMENT. A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Partition Tentative Plan (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:

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;
City infrastructure standards; and
Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Response to Item 1: *The tentative partition complies with the applicable provisions of the UDC in regards to the lot area and dimensions within the RS zone. The minimum lot area requirement for a single-family dwelling is 4,000 square feet. As shown on the attached exhibit, the proposed partition will create two (2) lots which meet this requirement.*

The tentative partition complies with City of Salem Public Works infrastructure standards. Additional water and sanitary sewer services will need to be constructed. Sidewalk does not exist adjoining the lot on either side, although there is sidewalk further to the south.

No special development standards are applicable to the site.

2. The tentative partition plan does not impede the future use or development of the property or adjacent land.

Response to Item 2: *The tentative partition plan creates two rectangular parcels with direct street access. These lots will be very similar in size to the two parcels immediately south (Tax Lot Numbers 300 and 400) of the proposed partition. Lot line setback requirements can be met on both newly created parcels. The use as single family residential is consistent with the existing use of this lot and the surrounding properties on the street and through the block. The creation of two smaller parcels also provides additional density within the UGB. Approval of this partition plan will not impede the future use or development of property or adjacent land.*

3. Development within the tentative partition plan can be adequately served by City infrastructure.

Response to Item 3: *The addition of another residence will not create a significant impact on the infrastructure in the area. The use is consistent with surrounding property uses and the infrastructure available to the site. Additional water and sanitary sewer services will need to be constructed. Sidewalk does not exist adjoining the lot on either side, although there is sidewalk further to the south.*

4. The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Response to Item 4: *The adjoining street is a local street and has not been urbanized. However, it is suitable to serve the additional parcel. Sidewalk does not exist adjoining the lot on either side, although there is sidewalk further to the south.*

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.

Response to Item 5: *The tentative partition plan will result in one new parcel. Both will access directly onto the adjoining street. Fairhaven Avenue NE is a local street capable of handling the residential traffic. The additional traffic generated by one additional residence will not exceed the capacity of the existing street. The driveway access to these properties will be designed to maintain safe street access.*

6. The tentative partition plan takes into account the topography and vegetation of the site so the need for variances or adjustments is minimized to the greatest extent practicable.

Response to Item 6: *The existing topography is relatively flat allowing for use of the entire lot. Approval of this partition plan will create two easily buildable, and efficient residential parcels. The existing trees and vegetation primarily surround the existing residence. Adjustments or variances are not anticipated.*

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 the site, topography, and vegetation will occur from the reasonable development of the parcels.

Response to Item 7: *The two proposed parcels to be created by this partition will be generally rectangular and flat. The existing home and vegetation around the home will be removed to allow for the redevelopment of the site.*

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:

The property is zoned residential;

The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and

The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.

Response to Item 8: *The proposed parcels are located within 300 feet of an available sewer main and both will be connected.*

RECEIVED

FEB 24 2016



COMMUNITY DEVELOPMENT

MEMO

TO: Christopher Green, AICP, Planner II
Community Development Department

FROM: *Fol* Lyle J. Misbach, PE, Assistant Chief Development Engineer
Public Works Department

DATE: February 23, 2016

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 16-02 (15-119805-LD)
3376 FAIRHAVEN AVENUE NE
TWO-LOT PARTITION**

PROPOSAL

A consolidated 2-parcel partition and Comprehensive Plan Change to change the designation of the subject property from Multifamily Residential to Single Family Residential to match the existing RS (Single Family Residential) zoning.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with PWDS.
2. Construct sewer services that are proposed in the public right-of-way.
3. Obtain permits for installation of a water service to serve Parcel 1.
4. Design stormwater systems to serve both proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
5. Provide a 10-foot-wide public utility easement along the entire frontage of Fairhaven Avenue NE.

FACTS

1. Fairhaven Avenue NE
 - a. Existing Conditions—This street has an approximate 22-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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

Findings—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).

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

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(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.

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—Fairhaven Avenue NE abuts the subject property and does not meet the current standard for a local street. A half-street improvement along the street is not warranted because of the limited impacts of the proposed development. The Assistant City Traffic Engineer has determined that a minimum pavement width of 22 feet is required along the street in order to accommodate two-way traffic where new driveways are being proposed. The existing street appears to meet that requirement; therefore, no additional right-of-way dedication or street improvements are needed.

cc: File