

ISSUE: Partition 08-22

DATE OF DECISION: November 17, 2009

APPLICANT: Mel Stewart

PURPOSE OF REQUEST:

To divide approximately 0.84 acres into three (3) parcels, with Parcel 1 consisting of approximately 6,698 square feet Parcel 2 consisting of approximately 6,720 square feet, and Parcel 3 consisting of approximately 21,350 square feet, for property within a RS (Single Family Residential) zone, and located in the 1100 Block Hansen Avenue S (Marion County Assessor's Map and Tax Lot number: 073W33CD / 3200).

ACTION:

IT IS HEREBY ORDERED

The Partition request to divide approximately 0.84 acres into three (3) parcels, with Parcel 1 consisting of approximately 6,698 square feet, Parcel 2 consisting of approximately 6,720 square feet, and Parcel 3 consisting of approximately 21,350 square feet for property within a RS (Single Family Residential) zone, and located at the 1100 Block Hansen Avenue S is hereby GRANTED subject to SRC Chapters 63 and 146 and the following conditions prior to final plat approval unless otherwise indicated:

- Condition 1:** Submit a tentative plan showing connection of each parcel to public water, public sewer, and public storm drain system to be reviewed and approved by the Director of Public Works.
- Condition 2:** Construct all utilities (sewer, water, and storm drainage) to serve each parcel and show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.
- Condition 3:** Pay all connection fees for water and sewer.
- Condition 4:** Submit an erosion control plan to be approved by the Public Works department pursuant to Chapter 75, and to be effective throughout the course of development and construction.

FINDINGS:

- (a) On November 25, 2008 the Planning Administrator issued an order approving a partition application for property located at the 1100 Block of Hansen Avenue S resulting in the creation of three lots.
- (b) At its December 8, 2008 regular meeting, the City Council approved a motion to hold a hearing and review the Planning Administrator's decision.
- (c) On January 5, 2009 the City Council held a hearing, received evidence and heard testimony and voted to deny the Planning Administrator's decision. On January 12, 2009, the City Council convened and adopted a final written decision denying the partition application because the application was not processed as a subdivision pursuant to SRC Chapter 63.065.
- (d) On January 13, 2009, the applicant filed a Notice of Intent to Appeal the City Council's decision to the Land Use Board of Appeals (LUBA).
- (e) On April 27, 2009, LUBA issued an order reversing the City Council's decision to deny the partition. LUBA's order also required the City to approve the application, including any conditions of approval that the applicant did not object to when originally imposed. Consequently, conditions 1-3 included in the initial decision have been removed from this order.

ADMINISTRATIVE

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

City of Salem
AT YOUR SERVICE

This tentative decision is valid and remains in effect for two years. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.052 and ORS 92.080, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.



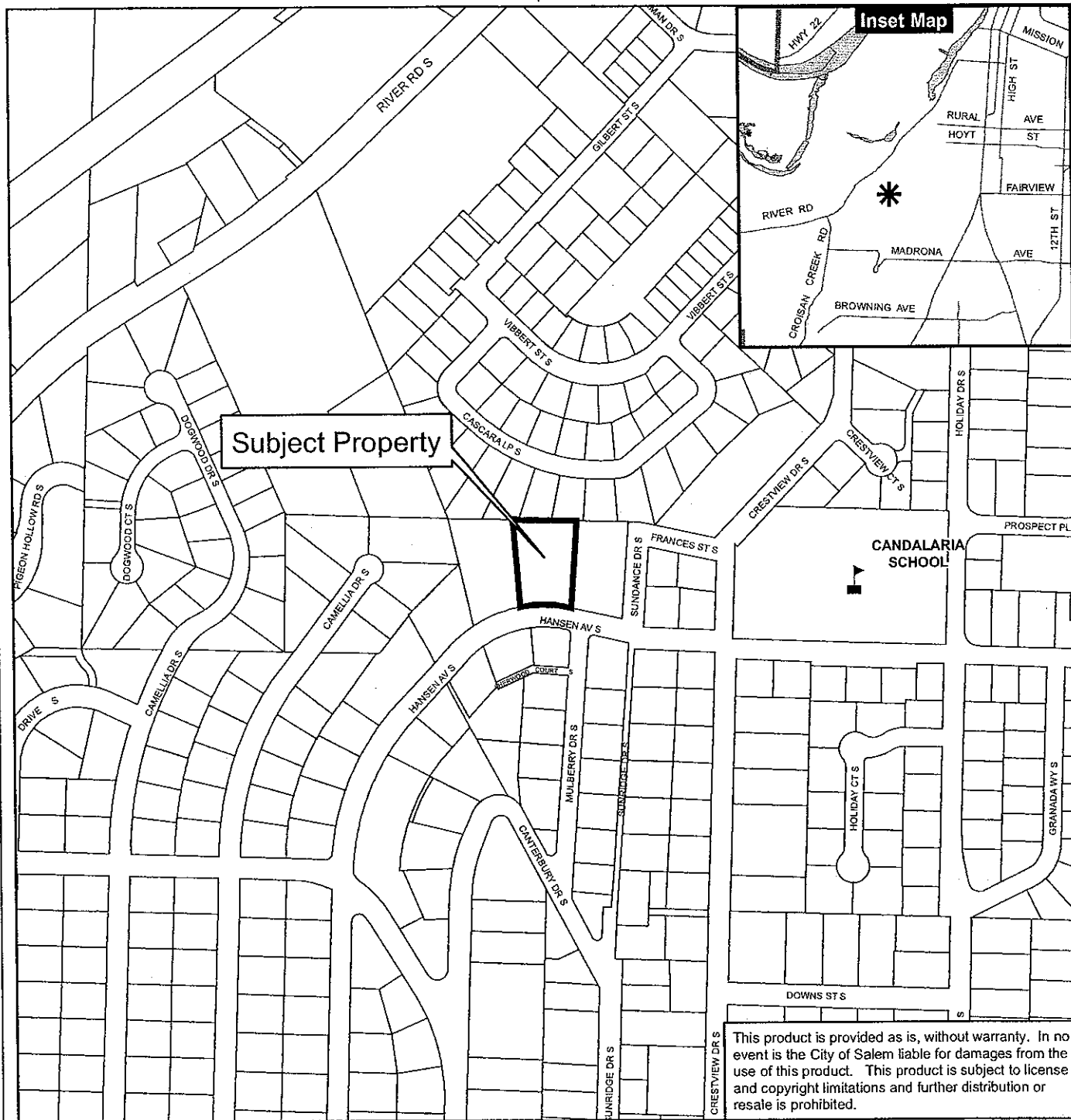
Glenn W. Gross, Urban Planning Administrator

Case Planner: Aaron Panko, Associate Planner, Ext. 7556, apanko@cityofsalem.net AP

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Vicinity Map

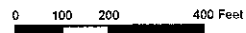
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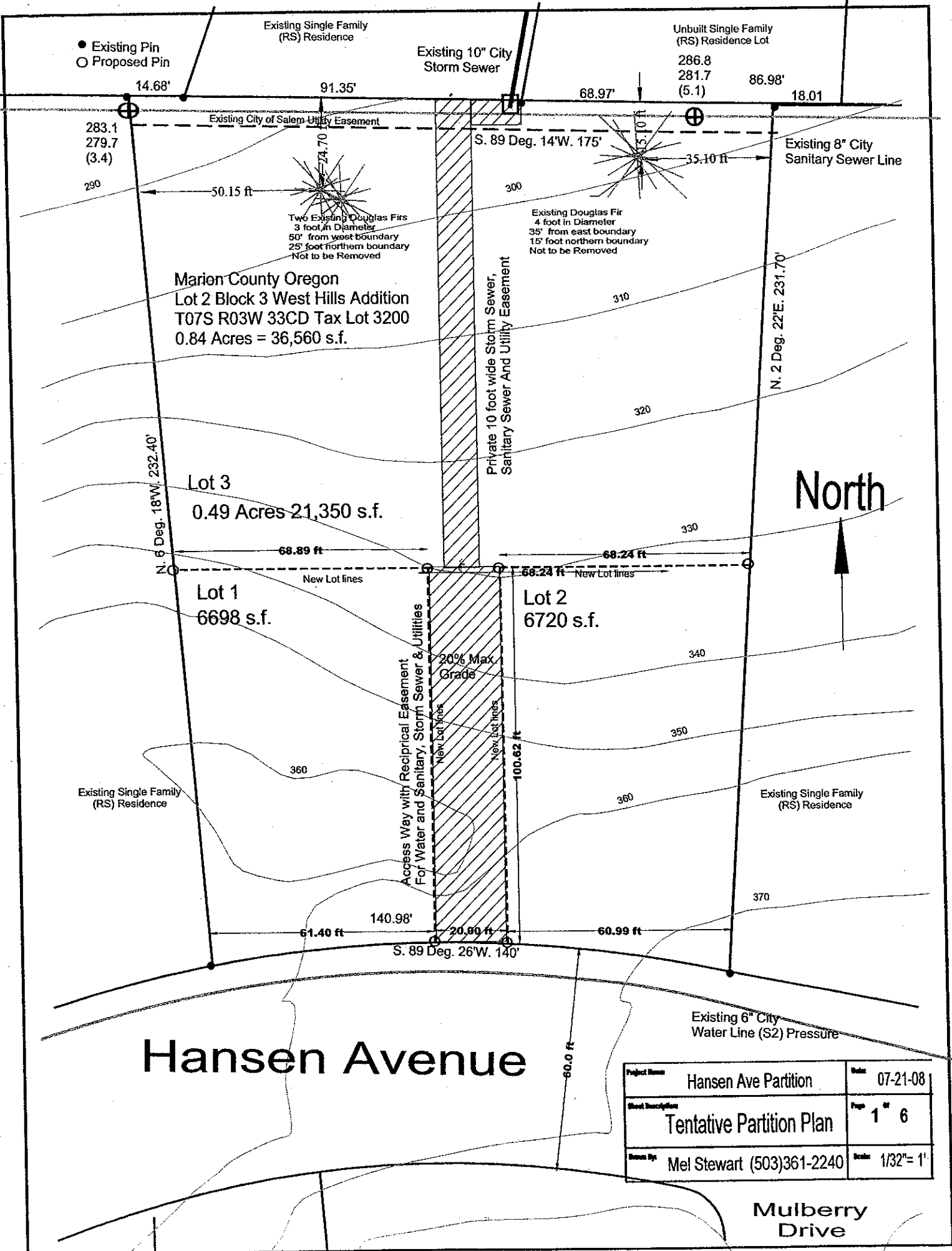
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Legend

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




 CITY OF *Salem*
 AT YOUR SERVICE
 Community Development Dept.



- Existing Pin
- Proposed Pin

Marion County Oregon
 Lot 2 Block 3 West Hills Addition
 T07S R03W 33CD Tax Lot 3200
 0.84 Acres = 36,560 s.f.

Lot 3
 0.49 Acres 21,350 s.f.

Lot 1
 6698 s.f.

Lot 2
 6720 s.f.

Hansen Avenue

Mulberry Drive

Project Name	Hansen Ave Partition	Date	07-21-08
Sheet Description	Tentative Partition Plan	Page	1 of 6
Drawn By	Mel Stewart (503)361-2240	Scale	1/32" = 1'