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**DECISION OF THE PLANNING ADMINISTRATOR**

**PARTITION TENTATIVE PLAN CASE NO.: PAR24-07**

**APPLICATION NO.: 23-120089-PLN**

**NOTICE OF DECISION DATE:** July 1, 2024

**REQUEST:** An application for a Partition Tentative Plan to divide an approximate 1.96-acre property into two parcels approximately 65,810 square feet and 19,464 square feet in size. The subject property is zoned RS (Single Family Residential), approximately 1.96 acres in size, and located at 6450 Lone Oak Road SE (Marion County Assessor’s Map and Tax Lot Number: 083W22BC02200).

**APPLICANT:** Brandie Dalton, on behalf of Multi-Tech Engineering

**LOCATION:** 6450 Lone Oak Rd SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.005(d) – Partition Tentative Plan

**FINDINGS:** The findings are in the attached Decision dated July 1, 2024.

**DECISION:** The **Planning Administrator APPROVED** Partition Tentative Plan Case No. PAR24-07 subject to the following conditions of approval:

- Condition 1:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services to serve Parcel 2.
- Condition 3:** Prior to final plat, submit a tentative stormwater design to serve Parcel 2 in compliance with the Public Works Design Standards (PWDS). The stormwater system shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.
- Condition 4:** Prior to final plat, all necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 5:** Prior to final plat, dedicate an easement for the existing public sanitary sewer main on the site in conformance with the current Public Works Design Standards included under Section 1.8 (Easements).
- Condition 6:** Prior to final plat, dedicate an Open Channel Drainage Easement along Battle Creek on the subject property. In accordance with the Public Works Design Standards (PWDS), the easement width shall be

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

- Condition 7:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install curblin sidewalks along the frontage of Parcel 1 and Parcel 2 where none exist as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 8:** Along the frontage of Parcel 1 and Parcel 2, install street trees to the maximum extent feasible along Lone Oak Road SE prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), relocate the existing barricade in Lone Oak Road SE from the intersection of Lone Oak Road SE and Augusta Street SE to the northern property boundary as shown on the applicant's plans.
- Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct an approved Fire Department turnaround on Lone Oak Road SE utilizing the proposed new driveway to Parcel 2 given the topographic constraints that exist on the site.
- Condition 11:** Prior to final plat, provide a 10-foot-wide public utility easement along the frontage of Lone Oak Road SE on the final plat.
- Condition 12:** Prior to submittal of building permits for any parcel within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The rights granted by the attached decision must be exercised, or an extension granted, by July 23, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>May 2, 2024</u>
Notice of Decision Mailing Date:	<u>July 1, 2024</u>
Decision Effective Date:	<u>July 23, 2024</u>
State Mandate Date:	<u>August 30, 2024</u>

Case Manager: Bryce Bishop, Planner III, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., TUESDAY, July 16, 2024. 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, SRC Chapter 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing.

After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

**IN THE MATTER OF APPROVAL ) FINDINGS AND ORDER**  
**OF PARTITION TENTATIVE PLAN )**  
**CASE NO. PAR24-07 )**  
**6450 LONE OAK RD SE ) JULY 1, 2024**

**REQUEST**

An application for a Partition Tentative Plan to divide an approximate 1.96-acre property into two parcels approximately 65,810 square feet and 19,464 square feet in size. The subject property is zoned RS (Single Family Residential), approximately 1.96 acres in size, and located at 6450 Lone Oak Road SE (Marion County Assessor’s Map and Tax Lot Number: 083W22BC02200).

**PROCEDURAL FINDINGS**

1. On October 6, 2023, an application for a Tentative Partition Plan was filed by Brandie Dalton, of Multi-Tech Engineering, on behalf of the applicant and property owner, Terry Kelly, proposing to divide property located at 6450 Lone Oak Road SE into two parcels.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing and public notice of the proposal was subsequently sent, pursuant to SRC requirements, on May 2, 2024.
3. The state-mandated local decision deadline for the application is August 30, 2024.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The application under review by the Planning Administrator is a Tentative Partition Plan to divide property approximately 1.96 acres in size, and located at 6450 Lone Oak Road SE (**Attachment A**), into two parcels approximately 65,810 square feet and 19,464 square feet in size.

**2. Applicant's Plans and Statement**

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

- Tentative Partition Plan: **Attachment B**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included in the record.

### 3. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 120089.

### 4. Existing Conditions

#### Site and Vicinity

The subject property is located at 6450 Lone Oak Road SE, totals approximately 1.96 acres in size, and abuts Lone Oak Road SE. Proposed Parcel 1 will accommodate the existing single-family dwelling and accessory buildings located on the property; and Parcel 2 will accommodate future development as allowed under the RS (Single Family Residential) zone.

Vehicular access to the existing single-family dwelling on proposed Parcel 1 is taken from Lone Oak Road SE; and vehicular access to proposed Parcel 2 will also be taken from Lone Oak Road.

#### Salem Area Comprehensive Plan (SACP)

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

<b>Comprehensive Plan Map Designations of Surrounding Properties</b>	
<b>North</b>	Developing Residential
<b>South</b>	Single Family Residential
<b>East</b>	Developing Residential
<b>West</b>	Across Lone Oak Road SE, Single Family Residential and Developing Residential

#### Relationship to Urban Service Area

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

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), when properties are located outside the Urban Service Area an Urban Growth Preliminary Declaration is required prior to subdivision plat approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated.

The proposal includes a partitioning of the land to create two parcels. It does not, however, include a subdivision to divide the land into four or more lots. Because the proposal does not involve a subdivision, an Urban Growth Preliminary Declaration is not required in conjunction with the proposed development.

Zoning Map Designation

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

<b>Zoning of Surrounding Properties</b>	
<b>North</b>	RS (Single Family Residential)
<b>South</b>	RS (Single Family Residential)
<b>East</b>	RA (Residential Agriculture)
<b>West</b>	Across Lone Oak Road SE, RS (Single Family Residential) and Marion County UT-10 (Urban Transition 10-Acre Lot Minimum)

Infrastructure

*Streets:* Lone Oak Road SE:

- a. Standard – This street is designated as a collector street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition – This street has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

*Water:* The subject property is located in the S-2 and S-3 water service levels. An 16-inch public water main is located in Lone Oak Road SE.

*Sewer:* An 8-inch sewer main is located in Lone Oak Road SE.

*Storm*

*Drainage:* A 10-inch storm main is located in Lone Oak Road SE.

## 5. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

### Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposal require neighborhood association contact. On September 22, 2023, the applicant contacted the South Gateway Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

### Neighborhood Association Comments

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

### Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. No public comments were received.

### Homeowners Association

Pursuant to SRC 300.520(b)(1)(B)(iv), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type II land use application. The application materials submitted by the applicant indicate that the subject property is located within a Homeowners' Association, the Creekside Homeowner's Association Inc. Notice of the proposal was provided to the HOA pursuant to SRC requirements. No comments were received from the Homeowners' Association.

## 6. City Department Comments

- A. Building and Safety Division: The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
- B. Fire Department: The City of Salem Fire Department reviewed the proposal and provided comments indicating that fire department access and water supply will be required per the Oregon Fire Code and Salem Revised Code Chapter 58 at the time of development.
- C. Development Services Division: The City of Salem Development Services Division reviewed the proposal and provided comments pertaining to required City

infrastructure needed to serve the proposed development. Comments from the Development Services Division are included as **Attachment C**.

## 7. Public and Private Agency Comments

- A. Salem-Keizer School District: The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment D**. The School District indicates, in summary, that the property is served by Sumpter Elementary School, Crossler Middle School, and Sprague High School. The School District identifies sufficient existing school capacity at all three schools to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates the students will be eligible for school provided transportation to Sumpter Elementary School, Crossler Middle School, and Sprague High School.

## **DECISION CRITERIA FINDINGS**

## 8. ANALYSIS OF PARTITION TENTATIVE PLAN APPROVAL CRITERIA

SRC 205.005(d) sets forth the following 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 italic**, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

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

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

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential).

The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

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

### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition.

### ***SRC Chapter 511 – RS Zone***

The subject property is zoned RS (Single Family Residential). Development within the RS zone must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone that are applicable to the proposed partition are as follows:

▪ ***Uses (SRC 511.005(a)):***

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the single-family detached dwelling and accessory buildings which currently exist on the property and proposed Parcel 2 will be utilized for future development. Allowed uses within the RS zone are established under SRC 511.005, Table 511-1.

Within the RS zone detached single family dwellings are allowed as a permitted use; and future development of Parcel 2 will be subject to the allowed uses and development standards of the RS zone.

▪ ***Land Divisions in the RS Zone (SRC 511.010(a)):***

Pursuant to SRC 511.010(a), when land is subdivided in the RS zone that is at least 10 acres in size, includes or abuts an existing or planned collector or minor arterial street, and is located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones, neighborhood hub uses are required to be allowed on at least two of the lots that are created.

The standards of this section are not applicable to the proposed development because they only apply to proposals involving the subdivision of land that is at least 10 acres in size. Because the proposed development is for a partition, rather than a subdivision, and because the subject property is less than 10 acres in size, the provisions of SRC 511.010(a) are not applicable.

- **Lot Standards (SRC 511.010(b)):**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2.

A summary of the lot size and dimension standards applicable to residential uses within the RS zone is provided in the following table:

<b>RS Zone Residential Use Lot Standards</b>		
<b>Lot Area</b>	Min. 1,500 sq. ft	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to single family ( <i>other than townhouses</i> ) and two family
	Min. 5,000 sq. ft.	Applicable to three family
	Min. 7,000 sq. ft.	Applicable to four family and multiple family ( <i>cottage clusters</i> )
	Min. 5,500 sq. ft.	Applicable to infill lots ( <i>flag lots</i> ), unless a greater minimum lot area is required for the specific use
<b>Lot Width</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
<b>Lot Depth</b>	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to all other uses
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	Applicable to all uses other than townhouses
	No Max.	Applicable to townhouses
<b>Street Frontage</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses

As shown on the tentative partition plan (**Attachment B**), the proposed partition divides the subject property into two parcels. Proposed Parcel 1 is approximately 65,810 square feet in size and proposed Parcel 2 is approximately 19,464 square feet in size. Both proposed parcels exceed the minimum required lot size, dimension, and street frontage requirements of the RS zone.

- **Dwelling Unit Density (SRC 511.010(c)):**

Dwelling unit density requirements for residential development within the RS zone are established under SRC 511.010(c). Within the RS zone, land that is subdivided that is at least five acres in size is required to have a minimum dwelling unit density of 5.5 dwelling units per acre and at least 15 percent of the dwelling units constructed on the lots shall be middle housing. Per SRC 511.010(c)(1)(A), accessory dwelling units may count toward the minimum density requirement.

The dwelling unit density standards of this subsection are not applicable to the proposed development because they only apply to proposals involving the subdivision of land that is at least five acres in size. Because the proposed development is for a partition, rather than a subdivision, and because the subject property is less than five acres in size, the provisions of SRC 511.010(c) are not applicable.

- ***Setbacks (SRC 511.010(d)):***

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3.

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the single-family detached dwelling and accessory buildings which currently exist on the property and proposed Parcel 2 will be utilized for future development.

As measured on the tentative partition plan, the existing detached single-family dwelling and accessory buildings on proposed Parcel 1 exceed the minimum required setbacks of the RS zone. Any future development on this parcel, and any future development on proposed Parcel 2, will be reviewed for conformance with applicable setback requirements at the time of future building permit and/or site plan review. The proposed development conforms to the setback requirements of the RS zone.

- ***Lot Coverage (SRC 511.010(e)):***

Maximum lot coverage requirements for buildings and accessory structures within the RS zone are established under SRC 511.010(e), Table 511-4.

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the single-family detached dwelling and accessory buildings which currently exist on the property and proposed Parcel 2 will be utilized for future development.

Within the RS zone, the maximum lot coverage requirement for buildings and accessory structures is 60 percent. As measured on the tentative partition plan, the existing detached single-family dwelling and accessory buildings on proposed Parcel 1 do exceed the maximum allowed lot coverage of the RS zone. Any future development on this parcel, and any future development on proposed Parcel 2, will be reviewed for conformance with maximum lot coverage requirements at the time of future building permit and/or site plan review. The proposed development conforms to the maximum lot coverage requirements of the RS zone.

### ***SRC Chapter 800 – General Development Standards***

- ***Designation of Lot Lines (SRC 800.020):***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met. For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan.

The proposed partition includes the creation of two parcels (Parcel 1 and Parcel 2). Both of these lots are considered interior lots with one property line abutting a street. Pursuant to SRC 800.020(a)(1), the front lot line for an interior lot shall be the property line abutting the street. As such, the front lot line for proposed Parcels 1 and 2 shall be the west property line abutting Lone Oak Road SE.

**(B) City Infrastructure Standards.**

The Development Services Division reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed partition, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

***SRC Chapter 200 - Urban Growth Management***

The subject property is located outside the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration (UGA) prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Pursuant to SRC 200.020 and SRC 200.005, partitions do not meet the definition of "development" under SRC Chapter 200; therefore, no UGA permit is required.

***SRC Chapter 802 – Public Improvements***

▪ ***City Utilities (SRC 802.015):***

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and

Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Development Services Division (**Attachment C**).

In summary, the Development Services Division indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

**Water** – The subject property is located within the S-2 and S-3 water service levels. The developable area of proposed parcel 2 is largely within the S-3 water service level. The partition can be served with the existing S-3 water main in Lone Oak Road SE. If the final building location is within the S-2 water service level, a pressure reducing valve may be required at time of building permit. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). In order to provide water service to the proposed partition as required under SRC 802.015, the following condition of approval shall apply:

**Condition 1:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 2.

**Sewer** – There is a public sanitary sewer main in Lone Oak Road SE. Additionally, a public sanitary sewer main is located in an easement on proposed Parcel 1. Due to topography of the site, proposed Parcel 2 cannot be served by the sanitary sewer main in Lone Oak Road SE and will be served by the existing public main on proposed Parcel 1. The applicant's tentative plan shows an easement in order to provide sanitary sewer service to proposed Parcel 2 through proposed Parcel 1. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). In order to provide sanitary sewer service to the proposed partition as required under SRC 802.015, the following condition of approval shall apply:

**Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services to serve Parcel 2.

**Stormwater** – The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (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. The preliminary stormwater management report submitted by the applicant proposes a full infiltration facility as topography does not allow the facility to be discharged into the public main in Lone Oak Road SE.

In order to provide stormwater service to the proposed partition as required under SRC 802.015 and in conformance with SRC Chapter 71, the following condition of approval shall apply:

**Condition 3:** Prior to final plat, submit a tentative stormwater design to serve Parcel 2 in compliance with the Public Works Design Standards (PWDS). The stormwater system shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.

▪ ***Easements for City Utilities (SRC 802.020):***

SRC 802.020 requires city utilities to be located within easements. Any easements needed to serve the proposed parcels with City infrastructure are required to meet Public Works Design Standards Section 1.8 and shall be shown on the final plat. As described above, a private sanitary sewer service easement is required to serve proposed Parcel 2 through proposed Parcel 1. Additionally, easements are required for Battle Creek on the property and for the existing sanitary sewer main on the property.

There is an existing 8-inch public sanitary sewer main on proposed Parcel 1 within a 15-foot-wide easement. The existing easement does not meet current Public Works Design Standards (PWDS) requirements for easement width (PWDS Section 1.8). Pursuant to SRC 802.020 a new easement is required to be dedicate for the main that meets current Public Works Design Standards for width. The existing main should be field located and the easement should be centered on location of the existing main. In order to ensure that easements are provided for city utilities as required under SRC 802.020, the following conditions of approval shall apply:

**Condition 4:** Prior to final plat, all necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

**Condition 5:** Prior to final plat, dedicate an easement for the existing public sanitary sewer main on the site in conformance with the current Public Works Design Standards included under Section 1.8 (Easements).

▪ ***Easements for Watercourses (SRC 802.030):***

SRC 802.030 requires public improvement and maintenance easements for watercourses. A portion of Battle Creek runs along the southeastern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the proposed development is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. There is an existing 15-foot easement over a portion of the creek; however, it does not extend along the entire length of the creek on the property. The easement width is required to be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest. In order to ensure that required access and maintenance easements are provided for the creek as required under SRC 802.030, the following condition of approval shall apply:

**Condition 6:** Prior to final plat, dedicate an Open Channel Drainage Easement along Battle Creek on the subject property. In accordance with the Public Works Design Standards (PWDS), the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

As conditioned, the proposed partition conforms to the public improvement standards of SRC Chapter 802.

### ***SRC Chapter 803 – Street and Right-of-Way Improvements***

The subject property abuts Lone Oak Road SE to the west. Vehicular access to the proposed partition will be provided from Lone Oak Road SE. Lone Oak Road is classified as a collector street under the Salem Transportation System Plan (TSP). The section of Lone Oak Road SE that abuts the subject property has adequate right-of-way width and improvement width. However, the street lacks sidewalks and street trees along a portion of the property frontage. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the topography of the street abutting the property, the sidewalks may remain located curblin pursuant to SRC 803.035(l)(2)(B). The required street trees will be placed behind the curblin sidewalk. In order to ensure that sidewalks and street trees are provided along Lone Oak Road SE as required under SRC 803.035(l) and SRC 803.035(k), the following conditions of approval shall apply:

**Condition 7:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install curblin sidewalks along the frontage of Parcel 1 and Parcel 2 where none exist as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition 8:** Along the frontage of Parcel 1 and Parcel 2, install street trees to the maximum extent feasible along Lone Oak Road SE prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

The improved portion of Lone Oak Road SE abutting the subject property terminates at the northern boundary of the subject property. There are no properties that currently access Lone Oak Road SE along this section aside from the subject property. As such, there is an existing barricade located 50-feet north of the intersection of Lone Oak Road SE and Augusta Street SE. Because proposed Parcel 2 will require access behind the existing barricade, the applicant will be required to relocate the barricade to the end of the improved portion of Lone Oak Road SE along the northern property boundary. In order to ensure that street access is provided to proposed Parcel 2, the following condition of approval shall apply:

**Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), relocate the existing barricade in Lone Oak Road SE from the intersection of Lone Oak Road SE and Augusta

Street SE to the northern property boundary as shown on the applicant's plans.

The existing barricade prevented vehicles from entering this segment of roadway and in turn eliminated the need for a Fire Department turn around. The improved portion of Lone Oak Road from the intersection of Augusta Street SE and Lone Oak Road SE is approximately 450-feet in length. The boundary of proposed Parcel 2 is located approximately 325-feet from this intersection. A driveway location for proposed Parcel 2 has not been identified. The Fire Department has indicated that an approved Fire Department turnaround is required if the Fire Department needs to travel more than 150-feet up Lone Oak Road SE. Because proposed Parcel 2 is located more than 150-feet from this intersection a temporary fire department turnaround is required. In order to comply with SRC 803.035(d) and ensure that safe access for fire department vehicles is provided to serve the proposed development the following condition of approval shall apply:

**Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct an approved Fire Department turnaround on Lone Oak Road SE utilizing the proposed new driveway to Parcel 2 given the topographic constraints that exist on the site.

Pursuant to SRC 803.035(n), public utility easements, a minimum of 10 feet in width, may be required for all streets. In order to ensure sufficient space for the installation of public utilities to serve the proposed partition along Lone Oak Road SE, the following condition of approval shall apply:

**Condition 11:** Prior to final plat, provide a 10-foot-wide public utility easement along the frontage of Lone Oak Road SE on the final plat.

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

### ***SRC Chapter 601 (Floodplain)***

SRC Chapter 601 establishes requirements for development within mapped floodplain areas in order to preserve and maintain the capability of the floodplain to convey flood water discharges and minimize danger to life and property.

Development Services staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that a portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit at the time of Building Permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

### ***SRC Chapter 808 (Preservation of Trees and Vegetation)***

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more DBH, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees or trees within a riparian corridor are proposed for removal, the applicant must show there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees located on the subject property. Pursuant to SRC 808.035, a tree conservation plan was submitted by the applicant. The tree conservation plan identifies a total of 71 trees on the property, 12 of which are significant trees. Of the total 71 trees, the proposed tree conservation plan identifies 40 trees (*56.3 percent*) for preservation and 31 trees (*43.7 percent*) for removal. Of the 12 significant trees on the property, the tree conservation plan identifies six of the trees for preservation and six for removal. The six significant trees identified for removal is necessary to accommodate the site grading that will be required in order to further develop proposed Parcel 2.

The proposed tree conservation plan meets the minimum preservation requirements of SRC Chapter 808 and limits the removal of significant trees to only those which cannot otherwise reasonably be preserved. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the parcels until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

### ***SRC Chapter 809 (Wetlands)***

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

The Salem-Keizer Local Wetland Inventory (LWI) identifies a mapped wetland channel on the subject property at the southern end of proposed Parcel 1 that's associated with

Battle Creek. Pursuant to SRC 809.025, notice of the proposed partition was sent to the Oregon Department of State Lands (DSL). Due to the location of the mapped wetland in relation to the development of the site associated with the proposed partition, it does not appear that the wetland will be impacted. However, the applicant is advised to contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area, including any work in the public right-of-way.

### ***SRC Chapter 810 (Landslide Hazards)***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), the subject property is mapped with areas of two landslide hazard susceptibility points. The proposed partition adds two activity points to the proposal, which results in a total of four points. However, the subject property contains slopes in excess of 25 percent outside of the mapped landslide hazard areas, which results in a cumulative 5-point hazard and a moderate landslide risk. The applicant submitted a Geologic Assessment from when the property was originally created as part of the Creekside Estates Subdivision, dated October 14, 2002. The original report demonstrates that development of the site is feasible by implementing recommendations within the report. In order to ensure compliance with SRC Chapter 810, the following condition of approval shall apply:

**Condition 12:** Prior to submittal of building permits for any parcel within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The proposed development, as conditioned, conforms to SRC Chapter 810.

***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 parcels within the proposed partition are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone. There is no evidence that the partition and subsequent development of the parcels will adversely affect public services to any surrounding properties. Approval of the partition will also not impede future use of the subject property or access to abutting properties. 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 Development Services Division review the proposal and determined that water, sewer, and stormwater infrastructure are available within surrounding streets/areas and appear to be adequate to serve the parcels within the proposed partition subject to the conditions of approval established in this decision. This approval criterion is met.

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

**Finding:** The subject property is located adjacent to Lone Oak Road SE, which is designated as a collector street under the Salem Transportation System Plan (TSP). Access to the proposed partition will be taken from Lone Oak Road SE. The section of Lone Oak Road that abuts the subject property has adequate right-of-way width and improvement width in conformance with the TSP; however, the street currently lacks sidewalks and street trees along a portion of the property frontage. The identified sidewalk and street tree improvements required as conditions of approval of this decision ensure that Lone Oak Road will conform to the TSP. This approval criterion is met.

***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:** Access to the proposed partition will be provided from Lone Oak Road SE. The required improvements of Lone Oak Road established as conditions of approval of this decision, including the extension of the existing sidewalk along the frontage of the property, will ensure that the section of Lone Oak Road abutting the subject property conforms to the TSP and thereby provides for the safe, orderly, and efficient circulation of traffic to the proposed partition. This approval criterion is met.

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

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings included in this decision, the lot and street configuration established by the proposed partition meet applicable development standards; and the configuration of the proposed parcels makes logical use of the developable land. All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. As conditioned, the layout allows for reasonable development of the parcels to minimize the need for variances to the greatest extent practicable. This approval criterion is met.

***SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the***

***site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.***

**Finding:** As explained in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow residential development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 205.005(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 five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Finding:** As indicated in the comments provided by the Development Services Section, the subject property is served by an existing 8-inch sewer main located in Lone Oak Road SE. Additionally, an existing public sewer main is located within an easement on proposed Parcel 1. Both proposed parcels will be required to connect to City water and sewer. This approval criterion is therefore not applicable to the proposed partition.

## **9. Conclusion**

Based upon review of SRC 205.005(d), the applicable standards of the Salem Revised Code, the findings contained herein, and the comments described, the Partition Tentative Plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### **IT IS HEREBY ORDERED**

That Partition Tentative Plan Case No. PAR24-07, for property located at 6450 Lone Oak Road SE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of development, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 2.
- Condition 2:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services to serve Parcel 2.

- Condition 3:** Prior to final plat, submit a tentative stormwater design to serve Parcel 2 in compliance with the Public Works Design Standards (PWDS). The stormwater system shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.
- Condition 4:** Prior to final plat, all necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 5:** Prior to final plat, dedicate an easement for the existing public sanitary sewer main on the site in conformance with the current Public Works Design Standards included under Section 1.8 (Easements).
- Condition 6:** Prior to final plat, dedicate an Open Channel Drainage Easement along Battle Creek on the subject property. In accordance with the Public Works Design Standards (PWDS), the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 7:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install curblin sidewalks along the frontage of Parcel 1 and Parcel 2 where none exist as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 8:** Along the frontage of Parcel 1 and Parcel 2, install street trees to the maximum extent feasible along Lone Oak Road SE prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
- Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), relocate the existing barricade in Lone Oak Road SE from the intersection of Lone Oak Road SE and Augusta Street SE to the northern property boundary as shown on the applicant's plans.
- Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct an approved Fire Department turnaround on Lone Oak Road SE utilizing the proposed new driveway to Parcel 2 given the topographic constraints that exist on the site.
- Condition 11:** Prior to final plat, provide a 10-foot-wide public utility easement along the frontage of Lone Oak Road SE on the final plat.
- Condition 12:** Prior to submittal of building permits for any parcel within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

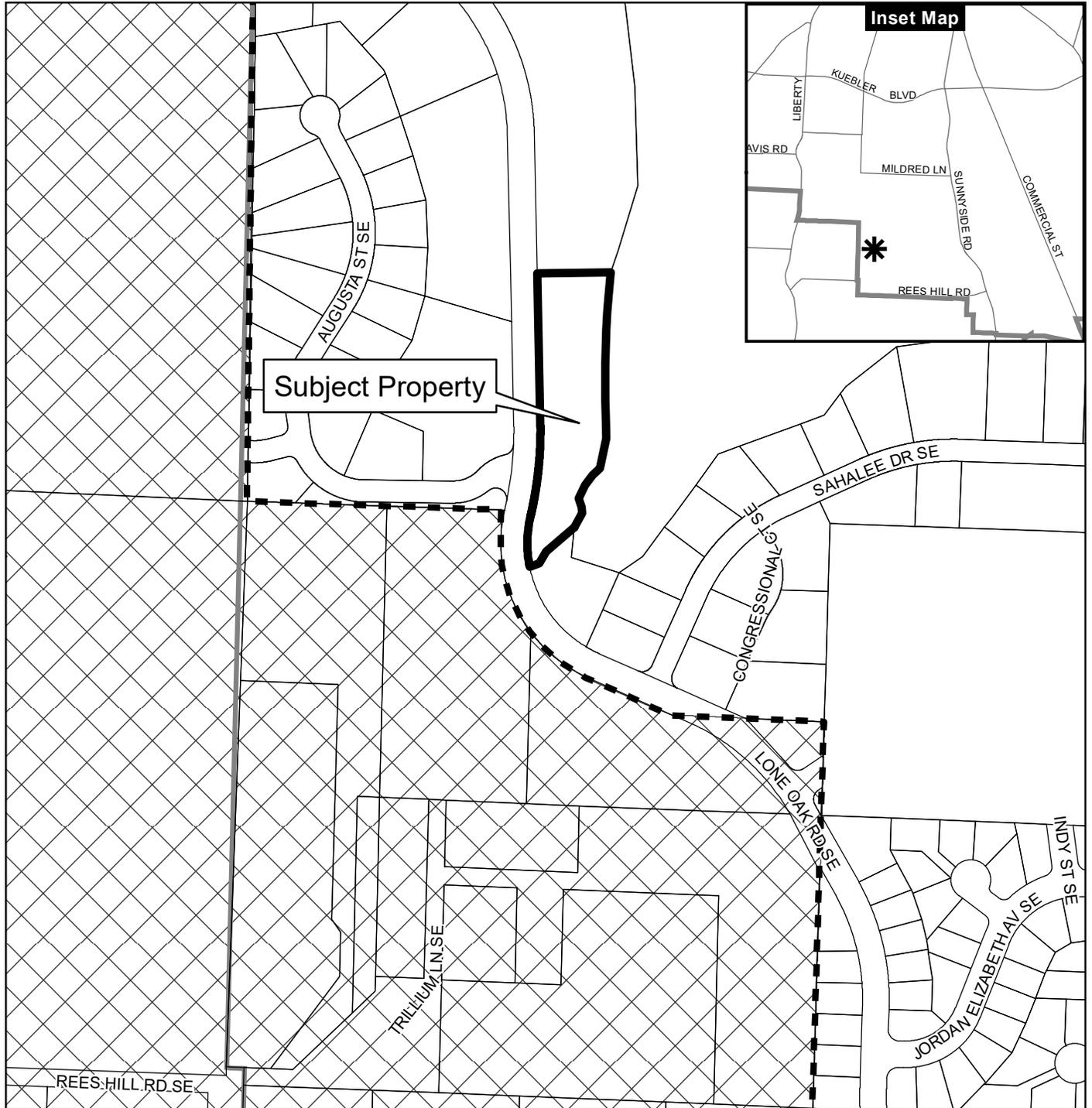


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Bryce Bishop, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Partition Plan
  - C. City of Salem Development Services Division Comments
  - D. Salem-Keizer School District Comments

# Vicinity Map 6450 Lone Oak Road SE



### Legend

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



0 100 200 400 Feet



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# CREEKSIDE LOT 511

SEC. 22, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

Owner/Developer:

**TERRY KELLY**

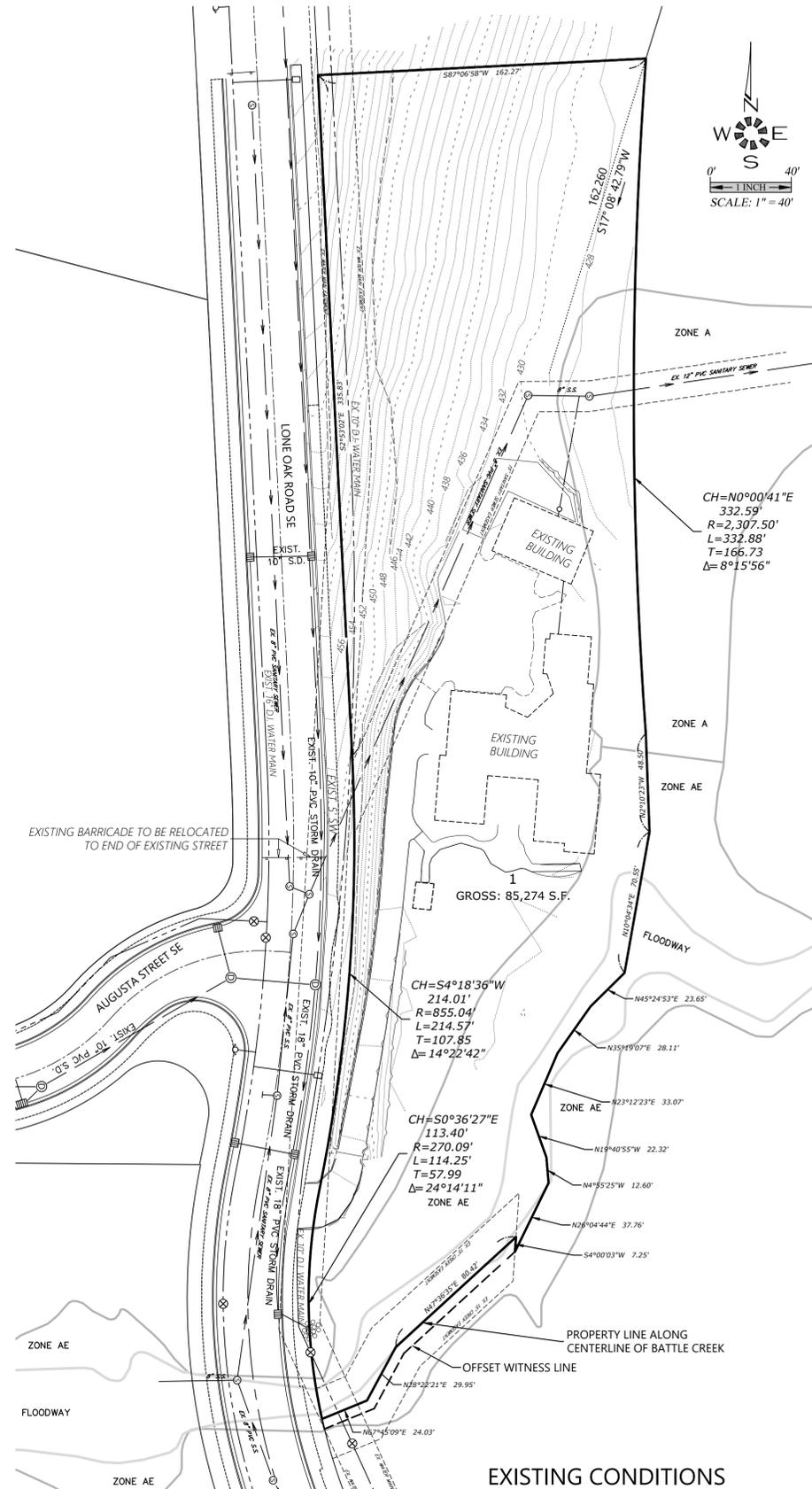
6450 LONE OAK ROAD SE  
SALEM, OREGON 97306

Engineer:

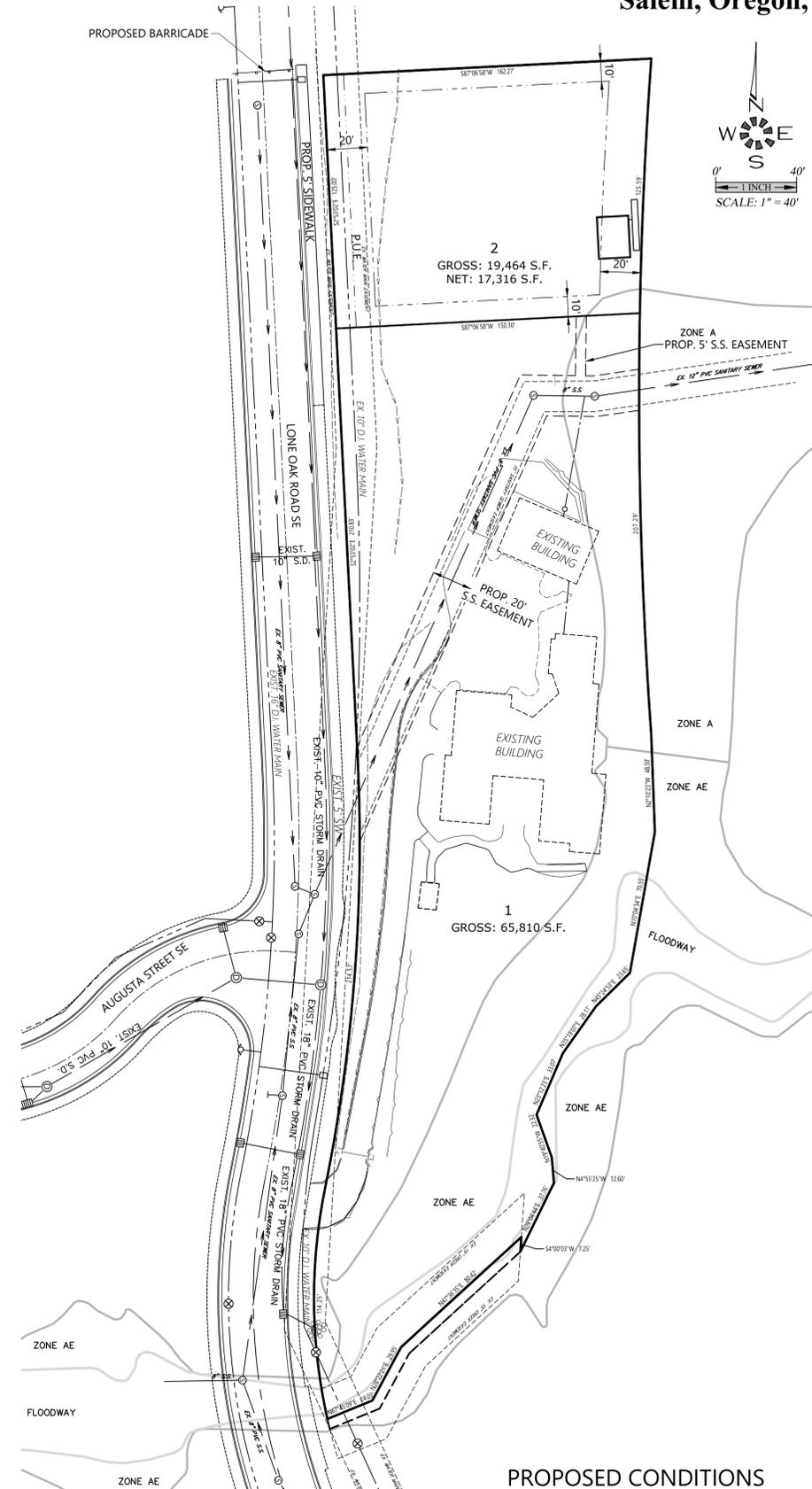
**Mark Grenz, P.E.**

Multi/Tech Engineering Services, Inc.  
1155 13th St SE  
Salem, Oregon, 97302

Attachment B



EXISTING CONDITIONS



PROPOSED CONDITIONS

COVER SHEET

CREEKSIDE LOT 511

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: C.F.G.  
Checked: B.M.G.  
Date: JAN 2024  
Scale: AS SHOWN  
As-Built:



EXPIRES: 06-30-2025

JOB # 7536

1 OF 4



MEMO

TO: Bryce Bishop, Planner III
Community Planning and Development Department
FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department
DATE: June 25, 2024

Infrastructure Memo
Partition Plat No. 24-07 (23-120089-PLN)
6450 Lone Oak Road SE
2-Parcel Partition

PROPOSAL

An application for a partition tentative plan to divide an approximate 1.96-acre property into two parcels approximately 65,810 square feet and 19,464 square feet in size. The subject property is zoned RS (Single Family Residential), approximately 1.96 acres in size, and located at 6450 Lone Oak Road SE (Marion County Assessor Map and Tax Lot Number: 083W22BC02200).

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to final plat approval:

- 1. Prior to final plat, dedicate an easement for the existing public sanitary sewer main on the site in conformance with the current Public Works Design Standards (PWDS) included under Section 1.8 (Easements).
2. Prior to final plat, dedicate an Open Channel Drainage Easement along Battle Creek on the subject property. In accordance with the PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
3. Prior to final plat, submit a tentative stormwater design to serve parcel 2 in compliance with the Public Works Design Standards (PWDS). The stormwater system shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.
4. Prior to final plat, all necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); Salem Transportation System Plan (Salem TSP); and Stormwater Management Plan (SMP).

5. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Lone Oak Road SE on the final plat.

**The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:**

6. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 2.
7. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 2.
8. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install curblin sidewalks along the frontage of Parcel 1 and Parcel 2 where none exist as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
9. Along the frontage of Parcel 1 and Parcel 2, install street trees to the maximum extent feasible along Lone Oak Road SE prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
10. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), relocate the existing barricade in Lone Oak Road SE from the intersection of Lone Oak Road SE and Augusta Street SE to the northern property boundary as shown on the applicant's plans.
11. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct an approved Fire Department turnaround on Lone Oak Road SE utilizing the proposed new driveway to Parcel 2 given the topographic constraints that exist on the site.

**The following conditions of approval shall be completed as a condition of future lot development:**

12. Prior to submittal of building permits for any parcel within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

**FACTS**

## Streets

1. Lone Oak Road SE
  - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

## Storm Drainage

1. Existing Conditions
  - a. A 10-inch storm main is located in Lone Oak Road SE.

## Water

1. Existing Conditions
  - a. The subject property is located in the S-2 and S-3 water service levels.
  - b. A 16-inch public water main is located in Lone Oak Road SE.

## Sanitary Sewer

1. Existing Sewer
  - a. An 8-inch sewer main is located in Lone Oak Road SE.

## **CRITERIA AND FINDINGS**

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

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

**(B) City infrastructure standards; and**

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

**Findings**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area. The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of “development” in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property may require an UGA.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and Oregon Administrative Rules 850-020-0015(4) & (10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain and floodway. Development within the floodplain requires a floodplain development permit at the time of Building Permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

SRC 802.020 (Easements): There is an existing 8-inch public sanitary sewer main on proposed parcel 1 within a 15-foot-wide easement. The existing easement does not meet current PWDS requirements for easement width (PWDS Section 1.8). Pursuant to SRC 802.020 a new easement is required to be dedicate for the main that meets current PWDS for width. The existing main should be field located and the easement should be centered on location of the existing main.

**Condition:** Prior to final plat, dedicate an easement for the existing public sanitary sewer main on the site in conformance with the current PWDS included under Section 1.8 (Easements).

SRC 802.030 (Watercourses): A portion of Battle Creek runs along the southeastern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. There is an existing 15-foot easement over a portion of the creek; however, it does not extend along the entire length of the creek on the property. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

**Condition:** Prior to final plat, dedicate an Open Channel Drainage Easement along Battle Creek on the subject property. In accordance with the PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC 805 (Vision Clearance): The proposal of partition does not cause a vision clearance obstruction per SRC Chapter 805. At time of building permit review, any proposed structures will be required to meet the vision clearance standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a partitioning adds 2 activity points to the proposal, which results in a total of 4 points. However, the subject property contains slopes in excess of 25-percent outside of the mapped landslide hazard areas, which results in a cumulative 5-point hazard and a moderate landslide risk. The applicant submitted a Geologic Assessment from when the property was originally created as part of the Creekside Estates Subdivision, dated October 14, 2002. The original report demonstrates that development of the site is feasible by implementing recommendations within the report. It is recommended that as a condition of approval, the applicant submit a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

**Condition:** Prior to submittal of building permits for any parcel within the proposed partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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

**Findings—** The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of “development” in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property may require an UGA.

*Water* – The subject property is located within the S-2 and S-3 water service levels. The developable area of proposed parcel 2 is largely within the S-3 water service level. The partition can be served with the existing S-3 water main in Lone Oak Road SE. If the final building location is within the S-2 water service level, a pressure reducing valve may be required at time of building permit. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). As a condition of approval, the applicant shall obtain permits for the installation of water services to proposed parcel 2. Proposed parcel 1 is served by an existing service line.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve Parcel 2.

*Sanitary Sewer* – There is a public sanitary sewer main in Lone Oak Road SE. Additionally, a public sanitary sewer main is located in an easement on proposed parcel 1. Due to topography of the site, proposed parcel 2 cannot be served by the sanitary sewer main in Lone Oak Road SE and will be served by the existing public main on proposed parcel 1. The applicant’s tentative plan shows an easement in order to provide sanitary sewer service to proposed parcel 2 through proposed parcel 1. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). As a condition of approval, the applicant shall construct sewer services to serve proposed parcel 2. Proposed parcel 1 is served by an existing service line.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve Parcel 2.

*Stormwater* – The proposed development is subject to SRC Chapter 71, and the 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. The applicant's preliminary stormwater management report proposes a full infiltration facility as topography does not allow the facility to be discharged into the public main in Lone Oak Road SE.

**Condition:** Prior to final plat, submit a tentative stormwater design to serve parcel 2 in compliance with the Public Works Design Standards (PWDS). The stormwater system shall be tentatively designed to accommodate future impervious surfaces on Parcel 2.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As described above, a private sanitary sewer service easement is required to serve proposed parcel 2 through proposed parcel 1. Additionally, easements are required for Battle Creek on the property and for the existing sanitary sewer main on the property.

**Condition:** Prior to final plat, all necessary (existing and proposed) access and utility easements shall be shown and recorded 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 TSP. 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—**Lone Oak Road SE abutting the subject property is classified as a collector street according to the Salem TSP. The section of Lone Oak Road SE that abuts the subject property has adequate right-of-way width and improvement width. However, the street lacks sidewalks and street trees along a portion of the property frontage. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the topography of the street abutting the property, the sidewalks may remain located curblines pursuant to SRC 803.035(l)(2)(B). The required street trees will be placed behind the curblines sidewalk.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install curblines sidewalks along the frontage of Parcel 1 and Parcel 2 where none exist as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** Along the frontage of Parcel 1 and Parcel 2, install street trees to the maximum extent feasible along Lone Oak Road SE prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

The improved portion of Lone Oak Road SE abutting the subject property terminates at the northern boundary of the subject property. There are no properties that currently access Lone Oak Road SE along this section aside from the subject property. As such, there is an existing barricade located 50-feet north of the intersection of Lone Oak Road SE and Augusta Street SE. Because proposed parcel 2 will require access behind the existing barricade, the applicant will be required to relocate the barricade to the end of the improved portion of Lone Oak Road SE along the northern property boundary.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), relocate the existing barricade in Lone Oak Road SE from the intersection of Lone Oak Road SE and Augusta Street SE to the northern property boundary as shown on the applicant's plans.

The existing barricade prevented vehicles from entering this segment of roadway and in turn eliminated the need for a Fire Department turn around. The improved portion of Lone Oak Road from the intersection of Augusta Street SE and Lone Oak Road SE is approximately 450-feet in length. The boundary of proposed parcel 2 is located approximately 325-feet from this intersection. A driveway location for proposed parcel 2 has not been identified. The Fire Department has indicated that an approved Fire Department turnaround is required if the Fire Department needs to travel more than 150-feet up Lone Oak Road SE. Because proposed parcel 2 is located more than 150-feet from this intersection, as a condition of approval, the applicant will be required to provide a temporary fire department turn around. This will ensure that safe access for fire department vehicles is provided to serve the proposal.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct an approved Fire Department turnaround on Lone Oak Road SE utilizing the proposed new driveway to Parcel 2 given the topographic constraints that exist on the site.

A 10-foot-wide public utility easement is required along the street frontage of Lone Oak Road SE pursuant to SRC 803.035(n).

**Condition:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Lone Oak Road SE on the final plat.

Prepared by: Laurel Christian, Infrastructure Planner III  
cc: File



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Andrea Castañeda, Superintendent

May 13, 2024

Bryce Bishop, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. PAR24-07, 6450 Lone Oak Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Sumpter	Elementary	K thru 5
Crossler	Middle	6 thru 8
Sprague	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Sumpter	Elementary	477	579	82%
Crossler	Middle	805	944	85%
Sprague	High	1,731	2,248	77%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	2	SF	0.168	0
Middle			0.098	0
High			0.144	0

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Sumpter	Elem.	477	11	0	11	579	84%
Crossler	Mid.	805	8	0	8	944	86%
Sprague	High	1,731	52	0	52	2,248	79%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Sumpter	Elementary	Eligible for School Transportation
Crossler	Middle	Eligible for School Transportation
Sprague	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	0	\$83,655	\$0
Middle	0	\$101,069	\$0
High	0	\$118,482	\$0
<b>TOTAL</b>			<b>\$0</b>

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2023”

Note: Assumed density of 5 dwelling units per acre on Parcel 2 or 2 dwelling units.

Sincerely,

David Fridenmaker  
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation