

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE PARTITION PLAN / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ23-04**

**APPLICATION NO.: 23-105895-PLN**

**NOTICE OF DECISION DATE:** September 12, 2023

**REQUEST:** A consolidated Tentative Partition Plan to divide a 20.5-acre lot into three parcels, with Parcel 1 and Parcel 2 consisting of approximately 5 acres each, and Parcel 3 consisting of approximately 10.5 acres, with two Class 2 Adjustment requests to:

- (1) To allow a flag lot accessway length greater than the maximum 400 feet allowed to serve 3-4 units on residential zoned property (SRC 800.025)(c)); and
- (2) To allow newly created lots to take access through an existing driveway onto Skyline Road S, a Minor Arterial Street (SRC 804.035(c)(4)).

The subject property is approximately 20.5 acres in size, zoned RA (Residential Agriculture), and located at 5791 Skyline Rd S (Marion County Assessor's Map and Tax Lot Number: 083W17C / 100).

**APPLICANT:** Sean Dugger, Axium Construction Inc

**LOCATION:** 5791 Skyline Rd S, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated September 12, 2023.

**DECISION: Planning Administrator APPROVED** Partition Tentative Plan, Class 2 Adjustment Case No. PAR-ADJ23-04 subject to the following conditions of approval:

- Condition 1:** At the time of final plat review, the applicant shall provide plans showing Fire Department access, including turnarounds and turnouts, fire hydrant locations, adequate water supply, and Fire Department Connection, as required.
- Condition 2:** At the time of building permit, a future development plan needs to be provided showing all structures and stormwater facilities will meet setbacks to future internal streets, and are located within 150-ft of the eastern property line(s).
- Condition 3:** The properties served by the flag lot accessway shall be limited to a maximum of four units through the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.

- Condition 4:** The flag lot accessway shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.
- Condition 5:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of the portion of the flag lot accessway that is a fire apparatus roadway and “NO PARKING” signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces.
- Condition 7:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Skyline Road S.
- Condition 9:** Relocate the driveway approach to Skyline Road S into the flag lot portion of the property or demonstrate an access easement exists that allows the existing approach to encroach onto neighboring property.
- Condition 10:** Prior to final plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met from the centerline.
- Condition 11:** Provide a 10-foot-wide public utility easement along the frontage of Skyline Road S.
- Condition 12:** The applicant shall follow all Arborist recommendations and construction methods within the Critical Root Zone of the trees identified for preservation, as described in the Arborist’s Report (**Attachment E**).
- Condition 13:** An arborist shall be present during site development or ground disturbing activity.
- Condition 14:** Along Croisan Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, designated floodway boundary or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 15:** As a condition of building permit issuance, 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.

- Condition 16:** No water or sewer services are available to serve the proposed development; therefore, the applicant shall comply with SRC 200.005(d)(8); and SRC 200.005(e), including the following:
- a. The parcels created through this partition shall only be used for residential purposes.
  - b. All buildings and structures shall meet required setbacks from future streets and rights-of-way.
  - c. Prior to final plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
  - d. Prior to final plat approval, sign a non-remonstrance agreement to be recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.
- Condition 17:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Skyline Road S.

The rights granted by the attached decision must be exercised, or an extension granted, by September 28, 2025 or this approval shall be null and void.

Application Deemed Complete:	<u>July 12, 2023</u>
Notice of Decision Mailing Date:	<u>September 12, 2023</u>
Decision Effective Date:	<u>September 28, 2023</u>
State Mandate Date:	<u>November 9, 2023</u>

Case Manager: Jamie Donaldson, Planner II, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

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., Wednesday, September 27, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. 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 Administrator will review the appeal at a public hearing. After the hearing, the Planning Administrator 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 OF	)	FINDINGS AND ORDER
TENTATIVE PARTITION PLAN,	)	
AND CLASS 2 ADJUSTMENT	)	
CASE NO. PAR-ADJ23-04	)	
5791 SKYLINE ROAD S	)	SEPTEMBER 12, 2023

In the matter of the application for a Tentative Partition application submitted by Gerald Horner with Willamette Engineering Inc., on behalf of the applicant and property owner, Sean Dugger with Axiom Construction Inc., the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

**Summary:** A partition application to create three parcels.

**Request:** A consolidated Tentative Partition Plan to divide a 20.5-acre lot into three parcels, with Parcel 1 and Parcel 2 consisting of approximately 5 acres each, and Parcel 3 consisting of approximately 10.5 acres, with two Class 2 Adjustment requests to:

- (1) To allow a flag lot accessway length greater than the maximum 400 feet allowed to serve 3-4 units on residential zoned property (SRC 800.025)(c)); and;
- (2) To allow newly created lots to take access through an existing driveway onto Skyline Road S, a Minor Arterial Street (SRC 804.035(c)(4)).

The subject property is approximately 20.5 acres in size, zoned RA (Residential Agriculture), and located at 5791 Skyline Rd S (Marion County Assessor's Map and Tax Lot Number: 083W17C / 100).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

## PROCEDURAL FINDINGS

### 1. Background

On March 24, 2023, an application for a Tentative Partition Plan and Class 2 Adjustment was filed proposing to create three parcels at 5791 Skyline Road S. After additional information was provided, the application was deemed complete for processing on July 12, 2023. The 120-day state mandated decision deadline for this consolidated application is November 9, 2023.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below.

## **SUBSTANTIVE FINDINGS**

### **2. Proposal**

The proposal requests tentative partition approval to divide the 20.5-acre property located at 5791 Skyline Road S (Marion County Assessor Map and Tax Lot Number 083W17C / 100), into three parcels, with adjustments to take access from a Minor Arterial Street and the flag lot accessway length.

The three parcels within the tentative partition are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 5.01 acres (218,026 square feet)  
Parcel Dimensions: Approximately 310 feet in width and 600 feet in depth

#### **PROPOSED PARCEL 2**

Parcel Size: 5 acres (217,829 square feet)  
Parcel Dimensions: Approximately 350 feet in width and 620 feet in depth

#### **PROPOSED PARCEL 3**

Parcel Size: 10.79 acres (469,862 square feet)  
Parcel Dimensions: Approximately 670 feet in width and 700 feet in depth

### **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) 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 105895.

### **4. Existing Conditions**

#### **Site and Vicinity**

The subject property consists of one tax lot, 20.51 acres in size. The site is a rectangular flag lot extending north off of Skyline Road S, south of Kuebler Road S, and west of Davis Road S. Skyline Road S is designated as a Minor Arterial Street under the City's Transportation System Plan (TSP). Croisan Creek also passes through the west portion of the subject property, bisecting it in a north to south orientation. The subject property contains an existing single-family residence.

#### **Salem Area Comprehensive Plan (SACP) Designation**

The subject property is designated "Developing Residential" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
<b>North</b>	Developing Residential
<b>East</b>	Developing Residential
<b>South</b>	N/A – Outside of the Urban Growth Boundary
<b>West</b>	N/A – Outside of the Urban Growth Boundary

### Zoning Map Designation

The subject property is zoned RA (Residential Agriculture). The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
<b>North</b>	UT-10 (Marion County Urban Transitional 10)
<b>East</b>	UT-5 (Marion County Urban Transitional 5)
<b>South</b>	SA (Marion County Special Agriculture)
<b>West</b>	SA (Marion County Special Agriculture)

### 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), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. However, the proposal is a partition application, which does not meet the definition of “development” under SRC Chapter 200, and therefore, no UGA development permit is required for the proposed development.

### Infrastructure

**Water:** The subject property is located within the S-2, S-3 and S-4 water service levels.

A 14-inch S-3 public water main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.

An 18-inch S-4 public water main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.

**Sewer:** An 8-inch sewer main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.

### *Storm*

*Drainage:* The development site is served by open ditches in Skyline Road S.

*Streets:* Skyline Road S:

- a. Standard – This street is designated as a Minor Arterial Street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 22-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

## **5. Neighborhood Association and Public Comments**

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

Applicant 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 proposed consolidated land use application request require neighborhood association contact. On September 6, 2021, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: 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. As of the date of completion of this staff report, no comments have been received from the surrounding property owners and tenants.

## **6. City Department Comments**

Public Works Department: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety: Reviewed the proposal and indicated NFPA 13D fire sprinkler systems will be required in dwellings due to unknown water supply for fire. Additionally, The Geo tech report is out of date. Building and Safety will require site specific reports for all structures.

Fire Department: Reviewed the proposal and indicated the following:

1. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5)

2. When a fire apparatus access road exceeds 400 feet in length, turnouts 10 feet wide and 30 feet long shall be provided in addition to the required road width and shall be placed no more than 400 feet apart, unless otherwise approved by the fire code official. These distances may be adjusted based on visibility and sight distances. (OFC 503.2.2)
3. All structures shall be within 600 feet of a hydrant as measured in an approved route to the structure (IFC 507.5.1). Fire hydrants shall be installed along streets at 500 feet intervals, located as much as practical at intersections.
  - a. Exception: A single fire hydrant is allowed at the intersection of a cul-de-sac provided the cul-de-sac does not exceed 600 feet in length. Required hydrant spacing may be increased as approved by the fire code official for buildings equipped throughout with an approved automatic sprinkler system.
4. Areas without adequate and reliable water systems are required to provide an approved water supply per NFPA 1142 and the Oregon Fire Code.

**Staff Response:** The applicant is responsible for addressing these comments during the building permit process. To ensure these standards are met, the following condition applies:

**Condition 1:** At the time of final plat review, the applicant shall provide plans showing Fire Department access, including turnarounds and turnouts, fire hydrant locations, adequate water supply, and Fire Department Connection, as required.

## 7. Public Agency Comments

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 Schirle Elementary School, Crossler Middle School, and Sprague High School, and identifies sufficient existing school capacity at each of these schools to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates the subject property is located where students will be eligible for school provided transportation to Schirle Elementary School, Crossler Middle School, and Sprague High School.

Marion County: Reviewed the proposal and indicated that a County Access Permit is required for access connection improvements to Skyline Road S.

## **DECISION CRITERIA**

### 8. Analysis of Tentative Partition Plan Approval Criteria

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval 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.***

**Finding:** 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 RA (Residential Agriculture). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RA zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

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

▪ ***SRC 205.040 – Partitions which can be further divided:***

For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

**Finding:** As identified in the conditions of approval, right-of-way dedication along Skyline Road S is required to mitigate the proportional impacts of the development. In addition, the applicant is required to reserve area through the property for a future Transportation System Plan alignment that is mapped through the subject property. As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application.

The applicant submitted a shadow plat as part of the application which demonstrates how the property could be further divided. The shadow plat does not appear to take into account existing topography of the site; streets as shown may not meet minimum standards in SRC Chapter 803 for grade. Additionally, the shadow plat does not provide the maximum 600-foot block spacing required, nor does it provide adequate street connectivity to adjacent vacant parcels. The shadow plat could not be approved without accompanying Alternative Street Standard approvals and/or Design Exceptions. As such, the following condition applies:

**Condition 2:** At the time of building permit, a future development plan needs to be provided showing all structures and stormwater facilities will meet setbacks to future internal streets, and are located within 150-ft of the eastern property line(s).

If at such time the property redevelops, through Site Plan Review or land division application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

### ***SRC Chapter 510 – RA (Residential Agriculture) Zone***

The subject property is zoned RA (Single Family Residential). Development within the RA zone must meet the applicable standards included under SRC Chapter 510. The standards of the RA zone that are applicable to the proposed partition are as follows:

▪ ***Lot Standards:***

Lot size and dimension standards within the RA zone are established under SRC 510.010(b), Table 510-2. A summary of the lot size and dimension standards applicable to residential uses within the RA zone is provided in the following table:

<b>RA Zone Residential Use Lot Standards</b>		
<b>Lot Area</b>	Min. 4,000 sq. ft.	Applicable to single family and two family uses.
	Min. 5,000 sq. ft.	Applicable to three family uses.
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters.
<b>Lot Width</b>	Min. 40 ft.	
<b>Lot Depth</b>	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
<b>Street Frontage</b>	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.

RA Zone Residential Use Lot Standards		
		In no case shall the lot width be less than 40 ft. at the front building setback line.

As shown on the tentative partition plan (**Attachment B**), the parcels, as proposed, exceed the minimum lot area and dimension requirements of the RA zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RA zone are established under SRC 510.010(d), Table 510-3. A summary of the required setbacks for residential within the RA zone is provided in the table below.

RA Zone Setbacks		
<b>Abutting Street</b>	Min. 12 ft.	Applicable along local streets.
<b>Interior Front</b>	Min. 12 ft.	
<b>Interior Side</b>	Min. 5 ft.	
<b>Interior Rear</b>	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
<b>Abutting Waterway</b>	Min. 100 ft	Applicable to two family, three family, four family uses, and cottage clusters.

**Garage Setback:** In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

**Finding:** The existing one-story single-family dwelling which would remain on proposed Parcel 1 exceeds the setback standards in the RA zone, with a setback of over 100 feet to all new property lines.

Future development of Parcel 2 and Parcel 3 will be reviewed for adherence to setback requirements at the time of application for building permit. The proposed parcels exceed the minimum parcel size for the RA zone, which provides sufficient width and depth to accommodate the required setbacks. As conditioned above, the applicant is required to submit future development plans at the time of building permit to ensure that the proposed residences will align with any future division and development of the property, including the planned street alignment.

▪ **Lot Coverage**

Maximum lot coverage and height requirements within the RA zone are established under SRC 510.010(c), Table 510-4. The RA zones limits the total lot coverage for buildings and

accessory structures related to single-family uses to 60 percent. Height is limited to a maximum of 35 feet.

**Finding:** The proposed parcels are all over 5 acres each, allowing a maximum of 3 acres to be developed to meet the maximum 60 percent lot coverage. The existing residence and proposed footprints are well under the 60 percent lot coverage allowed. Any future development on the proposed parcels will be reviewed for conformance with the maximum lot coverage requirements of the RA zone at the time of building permit review.

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

#### **▪ *Designation of Lot Lines.***

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 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.

**Finding:** All three proposed parcels are considered flag lots. Based on the front lot line designation requirements of SRC 800.020(a)(4), the front lot line for Parcel 1 shall be the east property line, which is an extension of the flag lot accessway; the front lot line for Parcel 2 shall be the proposed south property line for the parcel, based on the proposed paving for the accessway; and the front lot line for Parcel 3 shall be the proposed east property line for the new parcel.

#### **▪ *Flag Lots.***

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. SRC 800.025(c) establishes the following standards for the development of flag lot accessways:

<b>Flag Lot Accessway Standards (<i>Residential Zones</i>)</b>		
	<b>1 to 2 Units Served by Accessway</b>	<b>3 to 4 Units Served by Accessway</b>
<b>Length</b>	150 ft. Max.	400 ft. Max.
<b>Width</b>	Min. 20 ft.	25 ft. Min.
<b>Paved Width</b>	Min. 15 ft.	20 ft. Min.
<b>Parking</b>	Not Allowed	Not Allowed
<b>Turnaround</b>	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	

<b>Maximum Number of Lots Served</b>	A maximum of four units may be served by a flag lot accessway.
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**Finding:** Because the proposed flag lot accessway is serving three lots, or a minimum of three units, the accessway is required to be improved to a minimum width of 20 feet within a 25-foot-wide easement and cannot exceed a maximum length of 400 feet. As shown on the tentative partition plan, a flag lot accessway will be serving all three lots at a length longer than the maximum allowed 400 feet. The applicant has requested a Class 2 Adjustment to this length due to the unique configuration of the subject property. Findings for the adjustment are included in Section 9 of this report.

As shown on the tentative partition plan, the flag lot accessway is proposed to be 25-feet in paved width, approximately 780 feet in length, and paved to a width of 20 feet in conformance with the requirements of SRC 800.025(c). Because the length of the flag lot accessway is greater than 400 feet, Fire Department Turnaround and Turnouts are required, as indicated above. Due to the location of the property and neighboring properties designated under County jurisdiction, and the need to serve two parcels beyond proposed Parcel 1, there is no other option than to exceed the 400-feet maximum length. Condition 1 above requires the applicant to provide plans indicating conformance with Fire Department standards at the time of final plat review.

Because middle housing developments are allowed in the RA zone, the following condition applies to ensure no more than four units will be served by the flag lot accessway:

**Condition 3:** The properties served by the flag lot accessway shall be limited to a maximum of four units throughout the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.

In order to ensure the proposed flag lot accessway is developed in conformance with the applicable standards of SRC 800.025(c), the following conditions of approval shall apply:

**Condition 4:** The flag lot accessway shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.

**Condition 5:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of the portion of the flag lot accessway that is a fire apparatus roadway and “NO PARKING” signs shall be posted on both sides of any remaining portion of the accessway.

### ***(B) City Infrastructure Standards.***

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

### ***SRC Chapter 71 – Stormwater***

The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

**Finding:** To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following condition of approval shall apply:

**Condition 6:** Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces.

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

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 found in the comments provided by the Public Works Department (**Attachment C**) and included in the following analyses of the partition approval criteria.

**Finding:** In summary, the Public Works Department indicates that the proposed development is unserved by public water and sewer. As described above, the subject property is approximately 500-feet away from public water and sewer. The applicant requests to be served by well and septic, as allowed by SRC 205.005(d)(8) and SRC 200.005(e). Findings for the approval criteria are provided in the analysis for Criteria SRC 200.005(d)(8) below.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's tentative plan shows access easements and stormwater and drainage easements will be required.

**Condition 7:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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

The subject property has frontage on Skyline Road S, a Minor Arterial Street, via the flag lot accessway serving the property.

**Finding:** Skyline Road S abuts the subject property and does not meet the current standard for a Minor Arterial Street. The ultimate right-of-way for Skyline Road S is 72 feet. The existing half-width right-of-way abutting the property is 25 feet, requiring 11 feet of right-of-way

dedication to conform with current standards. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. As identified in the conditions of approval, the applicant is required to dedicate 36-feet from the centerline (approximately 11 feet) of Skyline Road S to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Skyline Road S does not contain adequate pavement width, curbs, sidewalks, or street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 19 additional vehicle trips per day. Boundary Street improvements to Minor Arterial standards along Skyline Road S are not proportional to the impacts of the development. In lieu of boundary street improvements, the applicant shall dedicate the full half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system.

**Condition 8:** Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Skyline Road S.

The existing driveway approach serving the development is not located within the panhandle of the property, where the property meets the Skyline Road S right-of-way. The existing approach appears to encroach onto neighboring property and no information has been provided to demonstrate an easement for access over neighboring property exists. The applicant shall be required to realign the approach solely onto the subject property, within the flag lot portion of the property abutting Skyline Road S or demonstrate an easement for access exists on the neighboring property for the encroachment. This will ensure orderly and efficient circulation of traffic into, through, and out of the partition is provided.

**Condition 9:** Relocate the driveway approach to Skyline Road S into the flag lot portion of the property or demonstrate an access easement exists that allows the existing approach to encroach onto neighboring property.

The Salem Transportation System Plan (TSP) identifies a future alignment of Croisan Creek Road S, a Collector Street, through the property. The alignment runs north to south through the property. The applicant submitted a Shadow Plat as part of the application to demonstrate how the property could be divided in the future. In order to demonstrate the alignment could reasonably be constructed through the property in the future, and ensure building placement is appropriate to the proposed street, the applicant shall be required to provide a conceptual engineered design for the horizontal and vertical alignment of the future Croisan creek Road. This will ensure the development conforms to the Salem TSP and provides for an eventual connection through the property without obstructions of buildings.

**Condition 10:** Prior to final plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met from the centerline.

A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Skyline Road S pursuant to SRC 803.035(n). The PUE shall be shown on the final plat.

**Condition 11:** Provide a 10-foot-wide public utility easement along the frontage of Skyline Road S.

***(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***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

**Finding:** Public Works staff has reviewed 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 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 diameter-at-breast-height (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 and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

**Finding:** A portion of the Croisan Creek runs through the western portion of the subject property, creating a riparian corridor. Pursuant to SRC 808.035, the tree conservation plan submitted in conjunction with the partition tentative plan identifies a total of 487 trees on the subject property, 75 of which are identified as significant trees, and 66 of which are riparian trees located within the riparian buffer of Croisan Creek. The existing conditions of the property identify 76 trees located within the extensive flag lot accessway leading to the property.



Because of this, improvements to the accessway to provide paving and safe access to the property affect the critical root zone of every single tree within that accessway.

Pursuant to SRC 808.046 regarding the protection measures for preserved trees, up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed. In an attempt to save as many trees as possible, the applicant has submitted an arborist report (**Attachment E**) to allow disturbance within the critical root zone of these trees. The applicant's project arborist, Top Tier Tree Care LLC, reviewed the trees and root conditions of these trees and provided recommendations in the attached memo. To ensure the health of the significant trees during construction within the critical root zone, the following condition applies:

**Condition 12:** The applicant shall follow all Arborist recommendations and construction methods within the Critical Root Zone of the trees identified for preservation, as described in the Arborist's Report (**Attachment E**).

**Condition 13:** An arborist shall be present during site development or ground disturbing activity.

In addition, several of the trees indicated for preservation have an impact to their critical root zone greater than the 30 percent allowed to ensure survival of the tree. Pursuant to SRC 808.035(c)(3), the applicant may submit an arborist report identifying the critical root zone for any non-significant tree whose critical root zone is proposed to be determined by an arborist. After reviewing the trees and root conditions, the project arborist indicated that the critical root zone for any non-significant tree may be increased to 40 percent, allowing preservation of seven more trees on site.

With the arborist's recommendations and the above conditions in place, the applicant has proposed removal of only ten significant trees, for a preservation rate of 87 percent for the total significant trees on site. The significant trees proposed for removal are all located within the flag lot accessway, where there are no reasonable design alternatives to provide safe access to the property due to the unique location of the property which can only be served by the flag lot accessway. The applicant has proposed removal of 50 other non-significant trees on site, for an overall preservation rate of 86 percent for the total number of trees on subject property. In addition, there are no riparian trees or native vegetation proposed for removal within the riparian corridor.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots 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.

**Finding:** A portion of the Croisan Creek runs along the western property boundary. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, designated floodway boundary or 10-feet from the top of the recognized bank, whichever is greatest.

**Condition 14:** Along Croisan Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, designated floodway boundary or 10 feet from the top of the recognized bank, whichever is greater.

### ***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.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-5-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 7 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Branch Engineering Inc. and dated November 8, 2012, was submitted to the City of Salem with the partition application. The report submitted is from 2012 and does not contain current information or development specific recommendations for the current proposal. Prior to issuance of building permit approval for any structures, the applicant will be required to provide a final geotechnical engineering report that provides a site-specific evaluation.

**Condition 15:** As a condition of building permit issuance, 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)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.***

**Finding:** The proposed partition would divide one property into three proposed parcels where the proposed configuration of parcels allows for the future development of the site is consistent with applicable zoning standards. As conditioned above, the applicant is required to submit future development plans at the time of building permit to further ensure that the proposed residences will align with any future division and development of the property, including the planned street alignment. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

**Finding:** The subject property is located outside of the Urban Services Area. Pursuant to SRC 200.020(a) an Urban Growth Preliminary Declaration is not required because land partitioning does not meet the definition of “development” established in SRC 200.005, relating to Urban Growth Area Management. If at such time further land division or development occurs on the property, an Urban Growth Area Preliminary Declaration may be required pursuant to SRC 200.020(a).

Public Works Department staff reviewed the proposal and determined that the proposed development is unserved by public water and sewer. As described above, the subject property is approximately 500-feet away from public water and sewer. The applicant requests to be served by well and septic, as allowed by SRC 205.005(d)(8) and SRC 200.005(e). Findings for the approval criteria are provided in the analysis for Criteria SRC 200.005(d)(8) below.

As conditioned above, the applicant is required to submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS prior to final plat approval. With these conditions in place, 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:** As described in the findings above, the Salem Transportation System Plan (TSP) identifies a future alignment of Croisan Creek Road S, a Collector Street, running north to south through the property. As identified in the conditions of approval, the applicant is required provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director, prior to final plat approval. This ensure proposed partition takes into account the planned street system in and adjacent to the property, and conforms to the TSP and the applicable provisions of the Salem Revised Code. 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:** As described in the findings above, Skyline Road S abuts the subject property and does not meet the current standard for a Minor Arterial Street. As identified in the conditions of approval, the applicant is required to dedicate 36 feet from the centerline (approximately 11 feet) of Skyline Road S to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development. As conditioned, the street system will provide safe, orderly and efficient circulation of traffic into, through, and out of the partition.

***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 above, the lot configuration established by the proposed partition meets applicable development standards; and the configuration of the proposed parcels makes logical use of the developable land. Existing conditions of topography or vegetation have been identified on the site and addressed, and do not necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of the parcels without any anticipated variances from the UDC. 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 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, without disruption to the Croisan Creek or the riparian zone, and with the least disruption feasible to trees within the flag lot accessway. This approval criterion is met.

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

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

**Finding:** The subject property is zoned RA (Residential Agriculture) and measures approximately 20.5 acres. Each resulting parcel will exceed 5-acres in size and no portion of the resulting parcels will be less than 100-feet, with the exception of the flag lot accessway serving the development, which measures 33-feet in width. The application indicates that the site will be served by well and septic.

No information has been provided that demonstrates the property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system as required by SRC 200.005(d)(8); staff recommends this be imposed as a condition of approval. In addition, pursuant to SRC 200.005(e), the development is subject to additional conditions of approval for partitions unserved by City sewer. Specifically, the following conditions shall be imposed per SRC 200.005(e):

- (1) The parcels shall only be used for residential purposes;***
- (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and***
- (3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available,***

*and waiving the right to object to any future City sewer and water project benefiting the property.*

To ensure compliance with the conditions imposed for partitions unserved by City sewer, the following condition applies:

- Condition 16:** No water or sewer services are available to serve the proposed development; therefore, the applicant shall comply with SRC 200.005(d)(8); and SRC 200.005(e), including the following:
- a. The parcels created through this partition shall only be used for residential purposes.
  - b. All buildings and structures shall meet required setbacks from future streets and rights-of-way.
  - c. Prior to final plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
  - d. Prior to final plat approval, sign a non-remonstrance agreement to be recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

## **9. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

**Finding:** The applicant is requesting three Class 2 Adjustments to:

- 1) To allow a flag lot accessway length greater than the maximum 400 feet allowed to serve 3-4 units on residential zoned property (SRC 800.025)(c)); and;
- 2) To allow newly created lots to take access through an existing driveway onto Skyline Road S, a Minor Arterial Street (SRC 804.035(c)(4)).

*Allow a flag lot accessway length greater than the maximum 400 feet allowed to serve 3-4 units on residential zoned property (SRC 800.025)(c)):*

The subject property is a flag lot set back from Skyline Road, from which it takes access. The main part of the property is rectangular in shape, with a gravel driveway running along a flag lot accessway approximately 33 feet in width and 780 feet in length provides the property with access to Skyline Road S. No other properties currently use this accessway. The proposal will create three parcels, all using this accessway. Pursuant to SRC 800.025, Table 800-1, flag lot

accessways serving 3 to 4 residentially zoned lots or parcels must be at least 25 feet in width, with a minimum 20-foot paved width, and are limited to a maximum length of 400 feet. The applicant has requested an adjustment to this standard due to the unique location of the property served by an existing flag lot accessway that exceeds that length already.

In this case, the subject property is the only land within the City limits in its immediate vicinity. The flag lot accessway connects to Skyline Road, which then connects the property to other property within city limits on the other side of the Skyline. Except for this small point of connection to other incorporated City land, all other surrounding properties are within the County and are regulated under Marion County's partition and zoning standards. This situation makes it difficult to combine this property with other City land in a division application meeting the 400-foot maximum accessway standard. The long flag lot accessway is an existing condition that results from the existing configuration of surrounding properties and the slope of the land downhill away from Skyline Road toward Croisan Creek. The accessway location and length is also a result of a relatively steep foothill immediately to the west of the accessway. Considering these geographic factors, staff finds that an accessway exceeding 400 feet in length is appropriate for the proposed three-parcel partitioning. When the planned collector street is built and other access options become available, use of the flag lot accessway will no longer be needed.

*Allow newly created lots to take access through an existing driveway onto Skyline Road S, a Minor Arterial Street (SRC 804.035(c)(4)):*

As stated above, the property has a unique location where it is surrounded by properties under County jurisdiction, and is served only by the flag lot accessway which connects it to other property within the City limits via access onto Skyline Road S. Skyline Road S is classified as a Minor Arterial Street in the Salem TSP. The proposed partition will create two additional parcels that will take access onto Skyline Road S, through an existing accessway serving the property. All three parcels created through the partition application will share one approach onto Skyline Road S. Therefore, the applicant has requested an adjustment to allow the newly created lots to take access through the existing driveway onto the only street connection leading to the properties, which is a Minor Arterial Street.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a partition or subdivision. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met as one access point onto the arterial street is provided for three lots. Pursuant to SRC 804.035(c)(5), only forward-in/forward-out access shall be allowed onto an arterial street. As such, staff recommends requiring a turnaround as a condition of approval to ensure forward-in/forward-out movements are provided.

**Condition 17:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Skyline Road S.

With the recommended condition for forward-in/forward-out movements, conflicts with vehicular traffic on the arterial street are minimized, and the proposal meets the adjustment criterion.

***SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Finding:** The property is within the RA residential zone. The requested adjustments are due to the existing conditions of the site, which currently function in the same manner serving one parcel instead of the proposed three parcel. Neither the future residential development(s) nor the adjustments requested by the applicant will detract from the livability of appearance of the residential area. This criterion is met.

***SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Finding:** Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. Although more one adjustment has been requested, each adjustment is the minimum necessary to allow the reasonable development of the property in conformance with the purposes of the RA zone. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

## **10. Conclusion**

Based upon review of SRC Chapters 205 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Tentative Partition Plan and Class 2 Adjustment, Case No. PAR-ADJ23-04 is hereby **APPROVED** subject to SRC Chapters 205 and 250, the applicable standards of the Salem Revised Code, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** At the time of final plat review, the applicant shall provide plans showing Fire Department access, including turnarounds and turnouts, fire hydrant locations, adequate water supply, and Fire Department Connection, as required.
- Condition 2:** At the time of building permit, a future development plan needs to be provided showing all structures and stormwater facilities will meet setbacks to future internal streets, and are located within 150-ft of the eastern property line(s).
- Condition 3:** The properties served by the flag lot accessway shall be limited to a maximum of four units through the three lots, until such time that improvements are made to construct appropriate boundary streets to serve the development.
- Condition 4:** The flag lot accessway shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.
- Condition 5:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of the portion of the flag lot accessway that is a fire apparatus roadway and “NO

PARKING” signs shall be posted on both sides of any remaining portion of the accessway.

- Condition 6:** Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces.
- Condition 7:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Skyline Road S.
- Condition 9:** Relocate the driveway approach to Skyline Road S into the flag lot portion of the property or demonstrate an access easement exists that allows the existing approach to encroach onto neighboring property.
- Condition 10:** Prior to final plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met from the centerline.
- Condition 11:** Provide a 10-foot-wide public utility easement along the frontage of Skyline Road S.
- Condition 12:** The applicant shall follow all Arborist recommendations and construction methods within the Critical Root Zone of the trees identified for preservation, as described in the Arborist’s Report (**Attachment E**).
- Condition 13:** An arborist shall be present during site development or ground disturbing activity.
- Condition 14:** Along Croisan Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, designated floodway boundary or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 15:** As a condition of building permit issuance, 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.
- Condition 16:** No water or sewer services are available to serve the proposed development; therefore, the applicant shall comply with SRC 200.005(d)(8); and SRC 200.005(e), including the following:
- a. The parcels created through this partition shall only be used for residential



purposes.

- b. All buildings and structures shall meet required setbacks from future streets and rights-of-way.
- c. Prior to final plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
- d. Prior to final plat approval, sign a non-remonstrance agreement to be recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

**Condition 17:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Skyline Road S.



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Jamie Donaldson, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

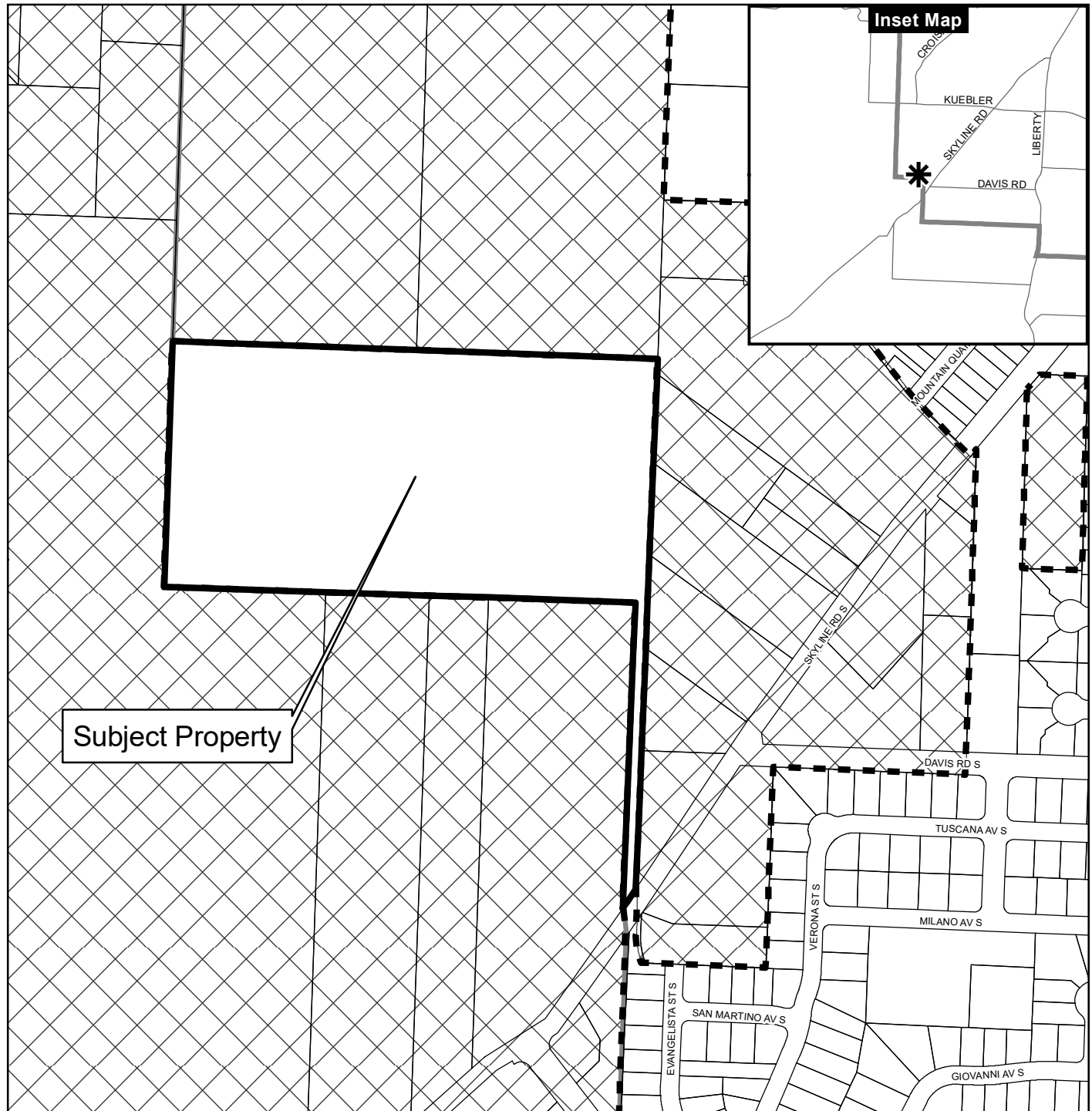
Attachments:

- A. Vicinity Map
- B. Tentative Partition Plan
- C. Public Works Department Memorandum
- D. Salem-Keizer School District Comments
- E. Arborist's Report







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

# Vicinity Map

## 5791 Skyline Road S



### Legend

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

 Parks

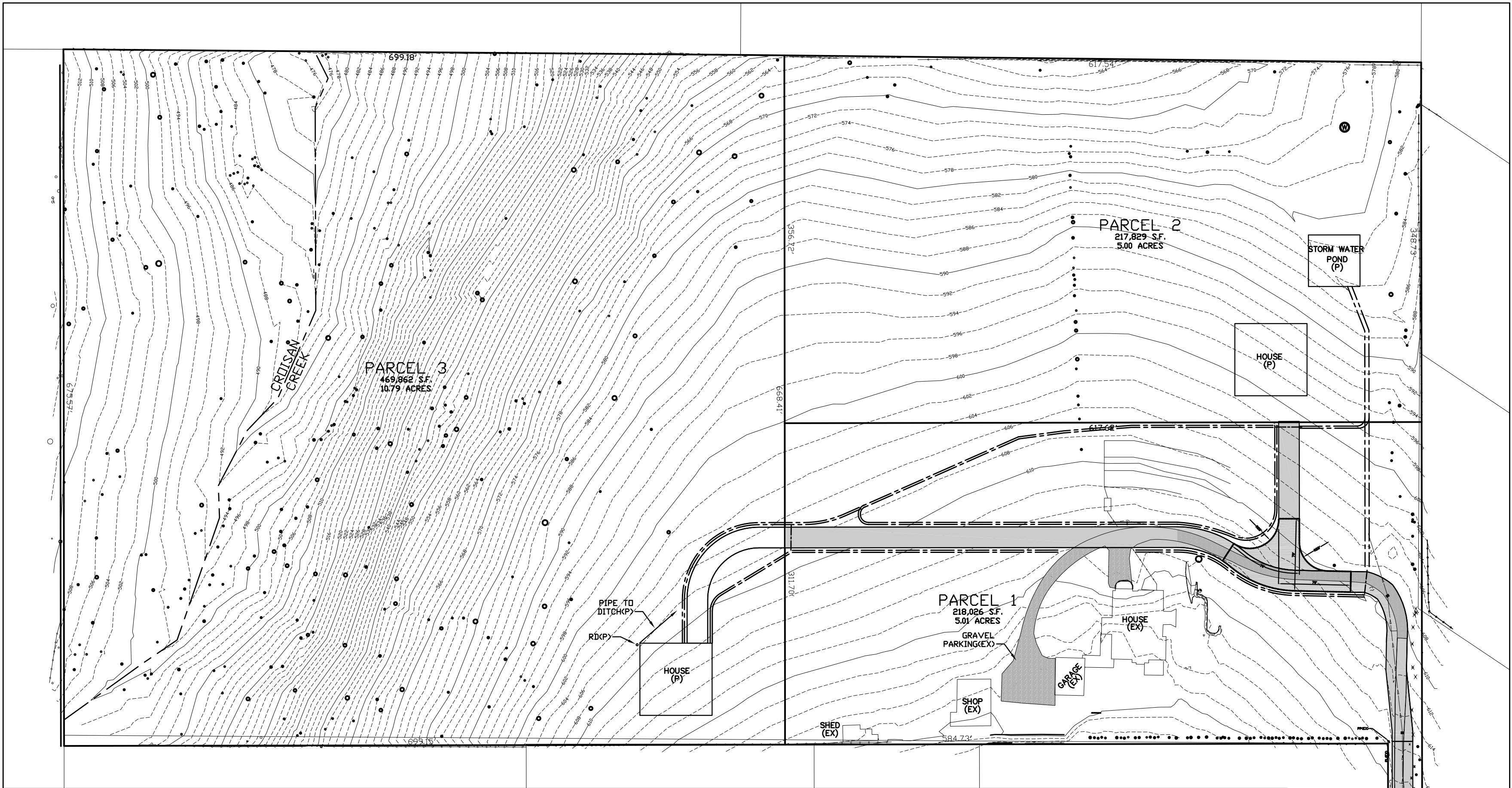
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet







OVERALL SITE PLAN  
22x34 SCALE: 1"=80'  
11x17 SCALE: 1"=160'

DEVELOPER

SEAN & TARA DUGGER  
5791 SKYLINE RD S  
SALEM, OR 97306

SUBDIVISION DATA:

SW 1/4 SEC. 17,  
T.8S, R.3W, W.M.  
TAX LOT 100,  
MAP 083W17C00100  
MARION COUNTY

LOT DATA:

LOTS - 3  
AVERAGE S.F. - 6.93 ACRES  
LOTS/ACRE - 0.144  
TOTAL ACREAGE - 20.79

BENCHMARK DATUM:

ELEVATIONS ARE ON NAVD 1929 DATUM  
BASED ON ODOT ORGN (NAVD 88) AND  
CONVERTED USING VERTCON. A CHECK  
MEASUREMENT WAS MADE TO CITY OF SALEM  
BENCHMARK B474 (ELEVATION 181.788 NGVD  
29), WHICH IS A BRASS DISK IN A CONCRETE  
HEADWALL LOCATED AT THE UNION PACIFIC  
RAILROAD AT MCGILCRIST.

PARTITION DRAWING LIST:

- C1 OVERALL SITE PLAN, TITLE SHEET, VICINITY MAP,  
PROJECT DATA, DRAWING LIST, SYMBOLS AND  
ABBREVIATIONS.
- C1A TENTATIVE PARTITION PLAN
- C2 EXISTING CONDITIONS
- C3 SHADOW PLAT FOR FUTURE DEVELOPMENT
- C4 DRIVEWAY PLAN AND PROFILE
- C5 DRIVEWAY PLAN AND PROFILE
- C6 DRIVEWAY SECTIONS AND DETAILS
- C7 PARCELS 2 & 3 ACCESS LANE DESIGN
- C8 STORM WATER PLAN
- C9 UTILITY PLAN
- T1 DRIVEWAY TREE PRESERVATION PLAN
- T2 MAIN SITE TREE PRESERVATION PLAN

ABBREVIATIONS:

- AC - ASPHALTIC CONCRETE
- AD - ALGEBRAIC DIFFERENCE
- ALCSP - ALUMINIZED CORRUGATED STEEL
- PIPE
- ASSY - ASSEMBLY
- BD - BLOW OFF
- BFV - BUTTERFLY VALVE
- BFVC - BEGINNING V.C. ELEVATION
- BVCS - BEGIN V.C. STATION
- CB - CATCH BASIN
- CHDPE - CORRUGATED HIGH DENSITY POLYPROPYLENE
- CL - CENTERLINE
- CMP - CORRUGATED METAL PIPE
- CMU - CENTRAL MAIL UNIT
- CD - CLEANDUT
- CDNC - CONCRETE
- CDSSD - CITY OF SALEM STANDARD
- DRAWING
- CUB - CENTRAL BOX UNIT
- CUL - CULVERT
- DI - DUCTILE IRON
- DS - DOWN SPOUT
- DWG - DRAWING
- E - EXISTING
- EG - EXISTING GROUND/GRADE
- ELEVATION
- ELEC - ELECTRIC
- EP - EDGE OF PAVEMENT
- ER - ENTERING RADIUS
- EVCE - ENDING V.C. ELEVATION
- EVCS - ENDING V.C. STATION
- EX - EXISTING
- FF - FINISH FLOOR
- FG - FINISH GRADE
- FH - FIRE HYDRANT
- FM - FORCE MAIN
- FT - FEET
- GR BK - GRADE BREAK
- GV - GATE VALVE
- INT - INTERSECTION
- INV - INVERT
- K - DESIGN CONSTANT
- L - LENGTH, LINE
- LP - LIGHT POLE
- M - METER
- MC - MARION COUNTY
- MH - MANHOLE
- MJ - MECHANICAL JOINT
- ML - MEGALUG JOINT
- NTS - NOT TO SCALE
- P - PROPOSED
- PC - POINT OF CURVE
- PED - PEDESTAL
- PERF - PERFORATED
- PL - PROPERTY LINE
- PP - POWER POLE
- PT - POINT OF TANGENT
- PVC - POLYVINYL CHLORIDE
- R - RADIUS
- RD - ROOF DRAIN
- RDW - RIGHT-OF-WAY
- S - SLOPE
- SCH - SCHEDULE
- SD - STORM DRAIN
- SS - SANITARY SEWER
- ST - STATION
- STD - STANDARD
- SVC - SERVICE
- TEL - TELEPHONE
- TC - TOP OF CURB
- TYP - TYPICAL
- USPS - UNITED STATES POSTAL SERVICE
- VC - VERTICAL CURVE
- WM - WATER MAIN

SYMBOLS:

- BLOW OFF ASSY. EXISTING
- BLOW OFF ASSY. PROPOSED
- CATCH BASIN
- CATCH BASIN CLEANOUT EXISTING
- CATCH BASIN CLEANOUT PROPOSED
- CLEANDUT EXISTING
- CLEANDUT PROPOSED
- FIRE HYDRANT EXISTING
- FIRE HYDRANT PROPOSED
- GATE VALVE EXISTING
- GATE VALVE PROPOSED
- GAS VALVE
- MANHOLE STORM DRAIN EXISTING
- MANHOLE STORM DRAIN PROPOSED
- MANHOLE SAN. SEWER EXISTING
- MANHOLE SAN. SEWER PROPOSED
- REDUCER/INCREASER
- STREET LIGHT EXISTING
- STREET LIGHT PROPOSED
- 3/4"-1" WATER METER EXISTING
- 3/4"-1" WATER METER PROPOSED
- UTILITY/POWER POLE
- CENTER LINE
- EASEMENT LINE
- E - ELECTRICAL LINE
- G - GAS MAIN
- SS - SANITARY SEWER
- SD - STORM DRAIN
- E - TELEPHONE
- WM - WATER MAIN
- THRUST BLOCK



VICINITY MAP

REV.	DATE	BY	DESCRIPTION
0	01-31-23	GPH	FOR PARTITION APPLICATION

ENGINEER:  
WILLAMETTE ENGINEERING INC.  
P.O. BOX 9032  
SALEM, OREGON 97305  
PH: 503-304-0905  
FAX: 503-304-9512

TITLE SHEET, VICINITY MAP,  
PROJECT DATA, DWG LIST,  
SYMBOLS AND  
ABBREVIATIONS

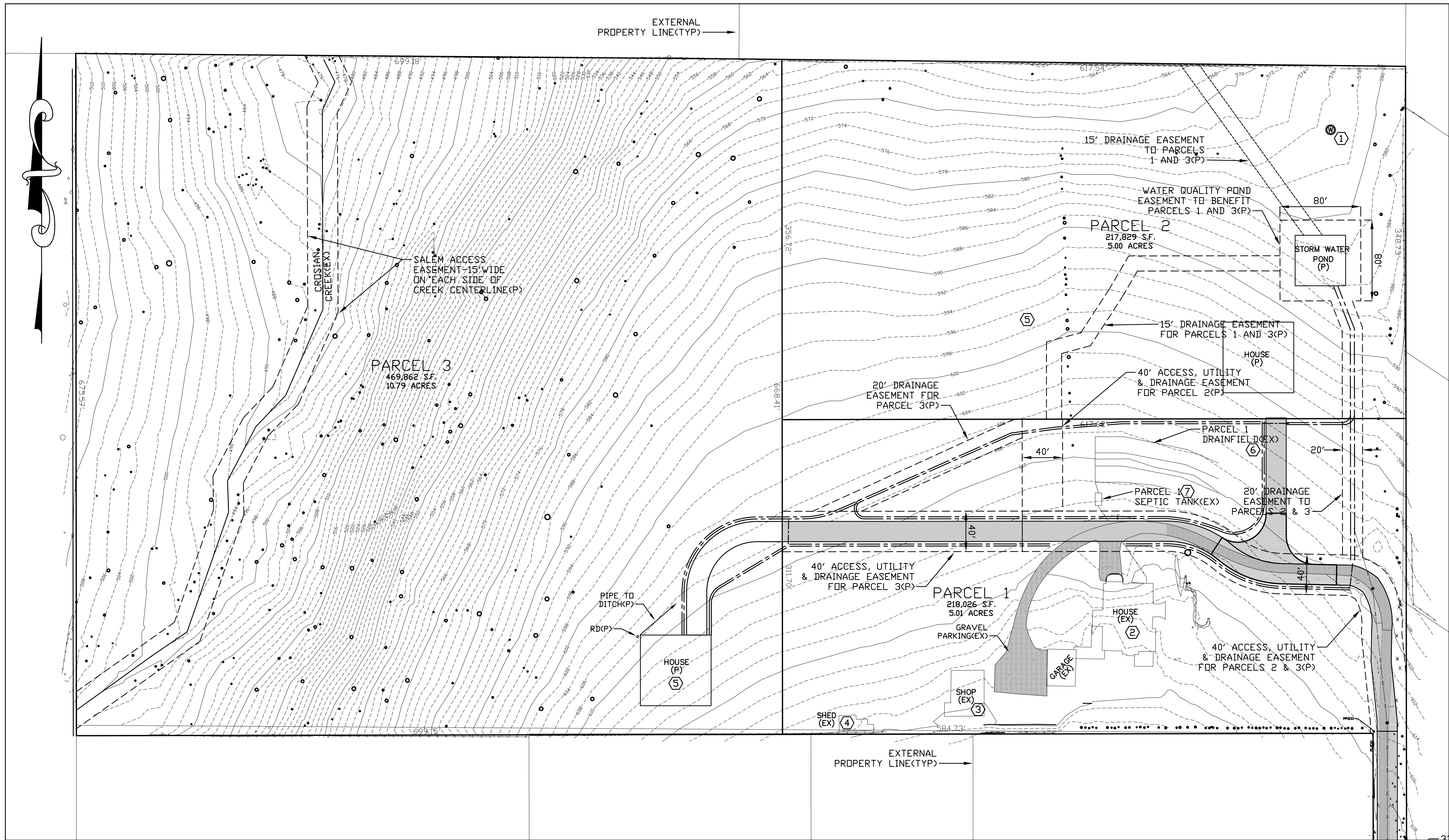
SKYLINE PARTITION  
THREE PARCELS

5791 SKYLINE RD S  
SALEM, OREGON, 97306

DESIGNED BY:	GPH
DRAWN BY:	RW
DATE:	01-18-23
JOB NO.	2020-86
CLIENT NO.	
DRAWING NO.	





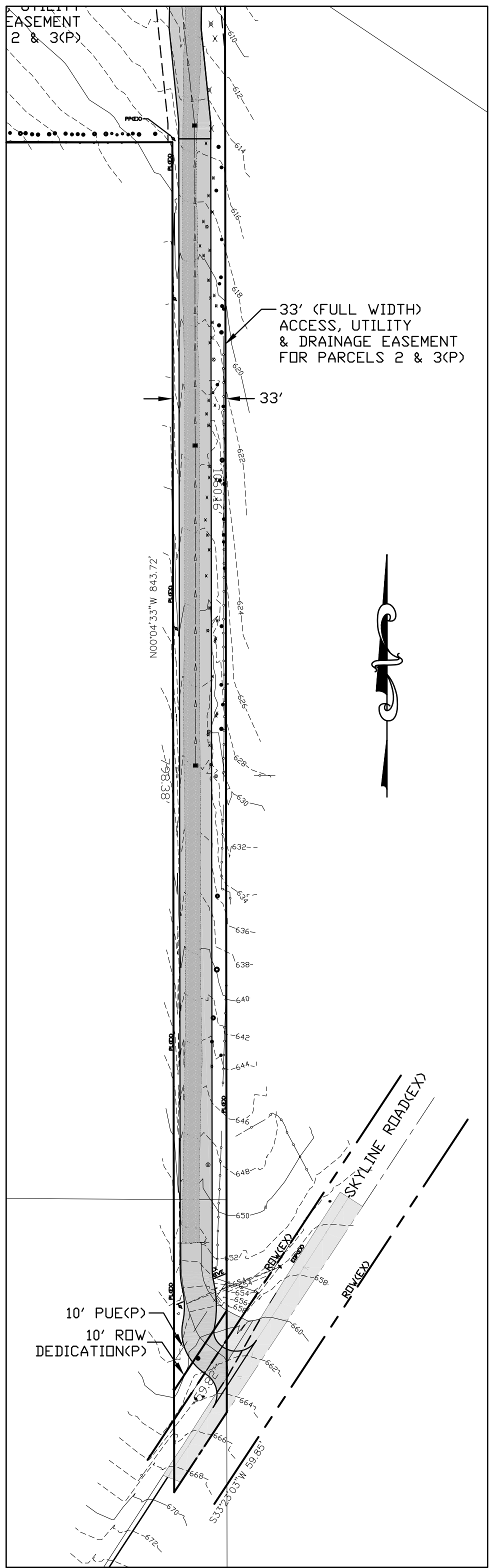


**TENTATIVE PLAN NOTES:**

1. EXISTING WELL TO BE USED FOR PARCEL 2.
2. HOUSE TO REMAIN.
3. SHOP TO REMAIN.
4. SHED TO REMAIN.
5. PROPOSED LOCATION OF NEW HOUSE.
6. DRAINFIELD TO REMAIN.
7. SEPTIC TANK TO REMAIN.

**TENTATIVE PLAN AT PARCELS**

22x34 SCALE: 1"=60'  
11x17 SCALE: 1"=120'



**TENTATIVE SITE PLAN AT ACCESS**

22x34 SCALE: 1"=60'  
11x17 SCALE: 1"=120'



REV.	DATE	BY	DESCRIPTION
0	01-31-23	GPH	FOR PARTITION APPLICATION

**TENTATIVE  
PARTITION PLAN**

**SKYLINE PARTITION  
THREE PARCELS**

DESIGNED BY: GPH  
DRAWN BY: RW  
DATE: 01-31-23  
JOB NO.: 2020-86  
CLIENT NO.:  
DRAWING NO.:  
REV.



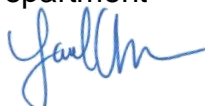
ENGINEER:  
WILLAMETTE ENGINEERING INC.  
P.O. BOX 9032  
SALEM, OREGON 97305  
PH: 503-304-0905  
FAX: 503-304-9512

5791 SKYLINE RD S  
SALEM, OREGON, 97306



# MEMO

**TO:** Jamie Donaldson, Planner II  
Community Development Department

**FROM:** Laurel Christian, Planner II   
Public Works Department

**DATE:** August 28, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. PAR-ADJ23-04 (23-105895-PLN)  
5791 SKYLINE ROAD S  
THREE-PARCEL PARTITION**

## **PROPOSAL**

A consolidated Tentative Partition Plan to divide a 20.5-acre lot into three parcels, with Parcel 1 and Parcel 2 consisting of approximately 5 acres each, and Parcel 3 consisting of approximately 10.5 acres, with two Class 2 Adjustment requests to:

- (1) To allow a flag lot accessway length greater than the maximum 400 feet allowed to serve 3-4 units on residential zoned property (SRC 800.025)(c)); and
- (2) To allow newly created lots to take access through an existing driveway onto Skyline Road S, a Minor Arterial Street (SRC 804.035(c)(4)).

The subject property is approximately 20.5 acres in size, zoned RA (Residential Agriculture), and located at 5791 Skyline Rd S (Marion County Assessors Map and Tax Lot Number: 083W17C / 100).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Provide a 10-foot-wide public utility easement along the frontage of Skyline Road S.
2. Along Croisan Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, designated floodway boundary or 10 feet from the top of the recognized bank, whichever is greater.
3. As a condition of building permit issuance, 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.

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).

4. Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces.
5. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
6. No water or sewer services are available to serve the proposed development; therefore, the applicant shall comply with SRC 200.005(d)(8); and SRC 200.005(e), including the following:
  - a. The parcels created through this partition shall only be used for residential purposes.
  - b. All buildings and structures shall meet required setbacks from future streets and rights-of-way.
  - c. Prior to final plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
  - d. Prior to final plat approval, sign a non-remonstrance agreement to be recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.
7. Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Skyline Road S.
8. Relocate the driveway approach to Skyline Road S into the flag lot portion of the property or demonstrate an access easement exists that allows the existing approach to encroach onto neighboring property.
9. Prior to final plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met from the centerline.
10. Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Skyline Road S.

## **FACTS**

### **Streets**

#### 1. Skyline Road S

- a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 22-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Conditions

- a. The development site is served by open ditches in Skyline Road S.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located within the S-2, S-3 and S-4 water service levels.
- b. A 14-inch S-3 public water main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.
- c. An 18-inch S-4 public water main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.

### **Sanitary Sewer**

#### 1. Existing Sewer

- a. An 8-inch sewer main is located approximately 500 feet northeast of the subject property at the intersection of Skyline Road S and Davis Road S.

## **CRITERIA AND FINDINGS**

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

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

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- (B) City infrastructure standards; and**
- (C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

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

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 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.

A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Skyline Road S pursuant to SRC 803.035(n). The PUE shall be shown on the final plat.

**Condition:** Provide a 10-foot-wide public utility easement along the frontage of Skyline Road S.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels 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).

A portion of the Croisan Creek runs along the western property boundary. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, designated floodway boundary or



10-feet from the top of the recognized bank, whichever is greatest.

**Condition:** Along Croisan Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, designated floodway boundary or 10 feet from the top of the recognized bank, whichever is greater.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-5-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 7 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Branch Engineering Inc. and dated November 8, 2012, was submitted to the City of Salem with the subdivision application. The report submitted is from 2012 and does not contain current information or development specific recommendations for the current proposal. Prior to issuance of building permit approval for any structures, the applicant will be required to provide a final geotechnical engineering report that provides a site-specific evaluation.

**Condition:** As a condition of building permit issuance, 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 Services Area. Pursuant to SRC 200.020(a) an Urban Growth Preliminary Declaration is not required because land partitioning does not meet the definition of "development" established in SRC 200.005, relating to Urban Growth Area Management. If at such time further land division or development occurs on the property, an Urban Growth Area Preliminary Declaration may be required pursuant to SRC 200.020(a).

The proposed development is unserved by public water and sewer. As described above, the subject property is approximately 500-feet away from public water and sewer. The applicant requests to be served by well and septic, as allowed by SRC 205.005(d)(8) and SRC 200.005(e). Findings for the approval criteria are provided in the analysis for Criteria SRC 200.005(d)(8), below.

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.

**Condition:** Prior to final plat approval, submit a tentative stormwater design to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicants tentative plan shows access easements and stormwater and drainage easements will be required.

**Condition:** All necessary (existing and proposed) access and utility easements must 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 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**—Skyline Road S abuts the subject property and does not meet the current standard for a minor arterial street. The ultimate right-of-way for Skyline Road S is 72-feet. The existing half-width right-of-way abutting the property is 25-feet, requiring 11-feet of right-of-way dedication to conform with current standards. Public Works Department Policy GM 4-11 outlines the process for determining the roughly proportional impacts of development as it relates to required land dedication. As identified in the conditions of approval, the applicant is required to dedicate 36-feet from the centerline (approximately 11-feet) of Skyline Road S to provide for future boundary street improvements and mitigate the traffic impacts proportional to the proposed development.

Skyline Road S does not contain adequate pavement width, curbs, sidewalks, or street trees. The proposed partition generates a limited vehicular impact to the transportation system of approximately 19 additional vehicle trips per day. Boundary Street improvements to minor arterial standards along Skyline Road S are not proportional to the impacts of the development. In lieu of boundary street improvements, the applicant shall dedicate the full half-width right-of-way as their proportional share to mitigate the impacts of the development on the transportation system.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of Skyline Road S.

The existing driveway approach serving the development is not located within the

panhandle of the property, where the property meets the Skyline Road S right-of-way. The existing approach appears to encroach onto neighboring property and no information has been provided to demonstrate an easement for access over neighboring property exists. The applicant shall be required to realign the approach solely onto the subject property, within the flag lot portion of the property abutting skyline Road S or demonstrate an easement for access exists on the neighboring property for the encroachment. This will ensure orderly and efficient circulation of traffic into, through, and out of the partition is provided.

**Condition:** Relocate the driveway approach to Skyline Road S into the flag lot portion of the property or demonstrate an access easement exists that allows the existing approach to encroach onto neighboring property.

The Salem Transportation System Plan (TSP) identifies a future alignment of Croisan Creek Road S, a collector street, through the property. The alignment runs north to south through the property. The applicant submitted a Shadow Plat as part of the application to demonstrate how the property could be divided in the future. In order to demonstrate the alignment could reasonably be constructed through the property in the future, and ensure building placement is appropriate to the proposed street, the applicant shall be required to provide a conceptual engineered design for the horizontal and vertical alignment of the future Croisan creek Road. This will ensure the development conforms to the Salem TSP and provides for an eventual connection through the property without obstructions of buildings.

**Condition:** Prior to final plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S from Skyline Road S to the existing southerly terminus of Croisan Creek Road S north of the subject property as approved by the Public Works director. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met from the centerline.

**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** – The subject property is zoned RA (Residential Agriculture) and measures approximately 20.5 acres. Each resulting parcel will exceed 5-acres in size and no portion of the resulting parcels will be less than 100-feet, with the exception of the flag lot accessway serving the development, which measures 33-feet in width. The application indicates that the site will be served by well and septic.

No information has been provided that demonstrates the property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system as required by SRC 200.005(d)(8); staff recommends this be imposed as a condition of approval. In addition, pursuant to SRC 200.005(e), the development is subject to additional conditions of approval for partitions unserved by City sewer. Specifically, the following conditions shall be imposed per SRC 200.005(e): *(1) The parcels shall only be used for residential purposes; (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and (3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.*

**Condition:** No water or sewer services are available to serve the proposed development; therefore, the applicant shall comply with SRC 200.005(d)(8); and SRC 200.005(e), including the following:

- a. The parcels created through this partition shall only be used for residential purposes.
- b. All buildings and structures shall meet required setbacks from future streets and rights-of-way.
- c. Prior to final plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
- d. Prior to final plat approval, sign a non-remonstrance agreement to be recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

**SRC 205.040** - For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

**Finding** – As identified in the conditions of approval, right-of-way dedication along Skyline Road S is required to mitigate the proportional impacts of the development. In addition, the applicant is required to reserve area through the property for a future Transportation System Plan alignment that is mapped through the subject property. As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application.

The applicant submitted a shadow plat as part of the application which demonstrates how the property could be further divided. The shadow plat does not appear to take into account existing topography of the site; streets as shown may not meet minimum standards in SRC Chapter 803 for grade. Additionally, the shadow plan does not provide the maximum 600-foot block spacing required, nor does it provide adequate street connectivity to adjacent vacant parcels. The shadow plat could not be approved without accompanying Alternative Street Standard approvals and/or Design Exceptions.

If at such time the property redevelops, through Site Plan Review or land division application, staff will review the proposed development layout to ensure minimum street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

### **CRITERIA AND FINDINGS - ADJUSTMENT**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria—The purpose underlying the specific development standard proposed for adjustment is:**

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

**Finding—**The applicant requests an adjustment to SRC Chapter 804 to *Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4));*

The subject property has frontage on Skyline Road S (minor arterial street classification). The proposed partition will create two additional parcels that will take access onto Skyline Road S, through an existing accessway serving the property. All three parcels created through the partition application will share one approach onto Skyline Road S.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. Staff recommends requiring a turnaround as a condition of approval to ensure forward in/forward out movements are provided.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a partition or subdivision. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met as one access point onto the arterial street is provided for three lots. Additionally, with recommended conditions for forward in/forward out movements, conflicts with vehicular traffic on the arterial street are minimized.

**Condition:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Skyline Road S.

Prepared by: Laurel Christian, Planner II  
cc: File



Business & Support Services  
 2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309  
 503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

July 24, 2023

Jamie Donaldson, Planner  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. PAR-ADJ23-04, 5791 Skyline Rd S

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:

School Name	School Type	Grades Served
Schirle	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
Schirle	Elementary	300	542	55%
Crossler	Middle	779	969	80%
Sprague	High	1,747	2,248	78%

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	3	SF	0.168	1
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
Schirle	Elem.	300	1	1	2	542	56%
Crossler	Mid.	779	22	0	22	969	83%
Sprague	High	1,747	43	0	43	2,248	80%

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
Schirle	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	1	\$86,190	\$86,190
Middle	0	\$92,235	\$0
High	0	\$98,280	\$0
TOTAL			\$86,190

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2022”

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

Top Tier Tree Care LLC  
2052 Northtree Dr. NE  
Keizer, Oregon 97303  
CCB #22823

June 13, 2023

**5791 Skyline Rd. S.  
Salem, Oregon 97302**

To whom it may concern,

I have conducted an assessment of the trees located within the proposed construction area at 5791 Skyline Road and have determined that the trees are likely to survive if no more than 40% of the tree's roots are removed or damaged and a tree protection zone (TPZ) is created and properly maintained during construction activities. Trees with a root loss of greater than 40% should be removed.

To ensure the survival of these trees, I recommend that the following tree protection measures be implemented:

- Establish a TPZ around the trees to be preserved. To avoid damage to the significant buttress roots the TPZ should be a minimum of 4' away from the trunk of the trees. The TPZ should be marked with temporary orange fencing with T-post every 10' throughout the proposed construction zone and clearly communicated to all workers on site.
- No heavy equipment, vehicles, or construction materials should be stored or parked within the TPZ.
- No soil should be added or removed within the TPZ.
- Any damage to the tree, including bark wounds or broken limbs should be reported to an arborist.
- Roots over 4" in diameter should not be cut. If cutting a tree's roots is unavoidable a certified arborist should oversee the root cutting.
- After completion of construction activities, I recommend periodic monitoring of the preserved trees.

I strongly advise that these measures be implemented to ensure the trees in the proposed construction area remain healthy. If the recommended tree protection measures are followed, the trees have a high likelihood of survival during and after construction activities.

Sincerely,

A handwritten signature in dark ink, appearing to be 'J Mitchell', written in a cursive style.

Joseph Mitchell

certified Arborist PN-8196A