

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO. PAR16-09

APPLICATION NO.: 16-119405-LD

NOTICE OF DECISION DATE: JANUARY 26, 2017

APPLICATION SUMMARY: A proposed partition to divide a lot at the northwest corner of Skyline Road S and Quail Run Lane S into three parcels for residential development. The existing single-family residence would remain.

REQUEST: The partition would create three parcels, with Parcel 1 consisting of 6,090 square feet, Parcel 2 consisting of 9,209 square feet, and Parcel 3 consisting of 19,674 square feet. The existing residence would remain on Parcel 3. A private drive, Quail Run Lane S, provides frontage to each of the proposed parcels and would be dedicated as a public street.

The subject property is approximately 0.92 acres in size, zoned RA (Residential Agriculture), and located at 2315 Quail Run Lane S (Marion County Assessor's Map and Tax Lot number 083W17AC03100).

APPLICANT: EQUITY INVESTMENTS LLC (TYLER SAFINA-MASSEY, DEBRA SHAFFER)

LOCATION: 2315 QUAIL RUN LN S / 97306

CRITERIA: Salem Revised Code 205.005(d)

FINDINGS: The findings are in the attached Order dated January 26, 2017.

DECISION: The Planning Administrator **GRANTED** Partition Case No. PAR16-09, subject to the subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1.** Construct a driveway from the garage of the existing residence on Parcel 3 to Quail Run Lane S, consistent with the development standards established in SRC Chapter 806.030.
- Condition 2:** Obtain permits for the installation of water service to serve Parcels 1 and 2. The proposed water service for Parcel 2 shall be located within a private utility easement on Parcel 1.
- Condition 3:** Construct sewer services in the public right-of-way to serve Parcels 1, 2, and 3. Abandon the existing septic system on the subject property.

Condition 4: Pay water connection fees for Parcels 1 and 2 prior to plat approval per Salem Revised Code Chapter 21.

Condition 5: Convey land for dedication to equal a right-of-way of 25 feet in width along the frontage of the subject property on Quail Run Lane S.

Condition 6: Construct a minimum 22-foot-wide interim pavement width to local street standards along the frontage of the subject property on Quail Run Lane S.

Condition 7: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all lots.

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

Condition 9: Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1, 2, and 3 in compliance with Public Works Design Standards (PWDS).

The rights granted by the attached decision must be exercised, or an extension granted, by February 11, 2019, or this approval shall be null and void

Application Deemed Complete: November 17, 2016
Notice of Decision Mailing Date: January 26, 2017
Decision Effective Date: February 11, 2017
State Mandate Date: March 17, 2017

Case Manager: Chris Green, cgreen@cityofsalem.net or 503-540-2326 *CJG*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Friday, FEBRUARY 10, 2017**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section in SRC Chapter 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, 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
(PARTITION PLAT NO. 16-09)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173
<http://www.cityofsalem.net/planning>*

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
PARTITION PLAT NO. 16-09;
2315 QUAIL RUN LANE S**

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FINDINGS AND ORDER

JANUARY 26, 2017

REQUEST

A tentative partition plan to create three parcels, with Parcel 1 consisting of 6,090 square feet, Parcel 2 consisting of 9,209 square feet, and Parcel 3 consisting of 19,674 square feet. The existing residence would remain on Parcel 3. A private drive, Quail Run Lane S, provides frontage to each of the proposed parcels and would be dedicated as a public street.

The subject property is approximately 0.92 acres in size, zoned RA (Residential Agriculture), and located at 2315 Quail Run Lane S (Marion County Assessor's Map and Tax Lot number 083W17AC03100).

DECISION

The tentative partition plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** Construct a driveway from the garage of the existing residence on Parcel 3 to Quail Run Lane S, consistent with the development standards established in SRC Chapter 806.030.
- Condition 2:** Obtain permits for the installation of water service to serve Parcels 1 and 2. The proposed water service for Parcel 2 shall be located within a private utility easement on Parcel 1.
- Condition 3:** Construct sewer services in the public right-of-way to serve Parcels 1, 2, and 3. Abandon the existing septic system on the subject property.
- Condition 4:** Pay water connection fees for Parcels 1 and 2 prior to plat approval per Salem Revised Code Chapter 21.
- Condition 5:** Convey land for dedication to equal a right-of-way of 25 feet in width along the frontage of the subject property on Quail Run Lane S.

- Condition 6:** Construct a minimum 22-foot-wide interim pavement width to local street standards along the frontage of the subject property on Quail Run Lane S.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all lots.
- Condition 8:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of the abutting portion of Skyline Road S.
- Condition 9:** Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1, 2, and 3 in compliance with Public Works Design Standards (PWDS).

PROCEDURAL FINDINGS

1. On October 18, 2016, an application for a Tentative Partition Plan was filed proposing to divide a 0.92 acre property at 2315 Quail Run Lane S (Attachment B) into 3 parcels.
2. The application was deemed complete for processing on November 17, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on November 29, 2016. The state-mandated local decision deadline is March 17, 2017.

SUBSTANTIVE FINDINGS

1. Background

The approximate boundaries of the subject property appear as early as a survey recorded in 1948 for "Earle Home Sites," which generally provided for lots just under or just over one acre in size. Few of these original "Home Site" lots have been further divided in subsequent decades. A single family dwelling was constructed on the subject property in 1976. In 1991, the subject property and the abutting property to the west were annexed into the City of Salem.

Quail Run Lane is a 10-foot-wide gravel-surfaced private lane which provides access to the subject property and lots to the west and south. Research by the applicant's surveyor indicates that Quail Run Lane is located on private property and has not been dedicated as a public street. Consistent with the recommendation of staff, the applicant proposes to dedicate the abutting portion of Quail Run Lane as a public street, which would provide access to parcels within the partition, as well as leaving open the possibility of a public street connection between undeveloped properties to the west of the subject property and Skyline Road S.

2. Proposal

The tentative plan proposes to divide the property into 3 parcels, with Parcel 3 containing the existing residence and Parcels 1 and 2 created for new residential development (Attachment B). A private drive, Quail Run Lane S, runs along the south

boundary of the property and would provide frontage to each of the proposed parcels. Quail Run Lane S would be dedicated as a public street to serve the proposed tentative subdivision and future development on adjacent properties. No internal streets or flag lots are proposed as part of the partition. The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 6,090 square feet
Parcel Dimensions: Approximately 73.09 feet in width and 83.84 feet in depth

PROPOSED PARCEL 2

Parcel Size: 9,209 square feet
Parcel Dimensions: Irregularly shaped, approximately 112 feet by 83.93 feet, with an approximately 25-foot-deep triangular panhandle at the southwest corner

PROPOSED PARCEL 3

Parcel Size: 19,674 square feet
Parcel Dimensions: Irregularly shaped, approximately 89.48 feet of frontage on Quail Run Lane S, 186.43 feet in depth along the western boundary, and approximately 103 feet in depth on the east property line

3. Existing Conditions

Site and Vicinity

The subject property is an irregularly shaped lot, with approximately 108.97 feet of frontage along its southeastern boundary along Skyline Road S and approximately 270 feet of frontage along an angled section of Quail Run Lane S. Quail Run Lane is a 10-foot-wide gravel-surfaced private lane which provides access to the subject property and lots to the west and south. Research by the applicant's surveyor indicates that Quail Run Lane is located on private property and has not been dedicated as a public street.

An existing house, constructed in 1976, and attached garage are situated on the western portion of the subject property, set back from the frontage along Quail Run Lane S. The garage is currently served by a gravel driveway which curves across the western boundary of the subject property, crossing the abutting taxlot and returning to the northwest portion of proposed Parcel 3. The applicant proposes to retain the existing house but close the driveway as part of the proposed partition.

The surrounding area is located within the Urban Growth Boundary, with some properties within the City limits and some remaining unincorporated. Consistent with the Comprehensive Plan Map designation of most of the surrounding area as "Developing Residential," these properties include a mixture of rural residential lots of at least a half-acre in size, as well as platted single family residential subdivisions.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is located outside of the Urban Service Area. However, comments from the Public Works Department indicate that adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

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

Northeast: Developing Residential

Southwest: (Across Quail Run Lane S) – Developing Residential

Southeast: (Across Skyline Road S) – Single Family Residential

West: Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently occupied by a single family residence near the western boundary of an otherwise vacant 0.92-acre lot. The surrounding properties are zoned and used as follows:

Northeast: RA (Residential Agriculture); large lot single family dwellings/rural residential

Southwest: (Across Quail Run Lane S) (In Marion County) – RS (Single Family Residential); rural residential

Southeast: (Across Skyline Road S) – RS (Single Family Residential); single family dwellings

West: RA (Residential Agriculture); large lot single family dwellings/rural residential

Natural Features

The subject property varies from approximately 579 feet above mean sea level along the Skyline Road frontage to 606 feet above mean sea level at the northwestern corner. The tree conservation plan submitted in conjunction with the partition (TCP16-09) identifies a row of trees, predominantly firs, planted in a row along the northeastern

boundary of the subject property. A single family residence, garage, and deck is located within proposed Parcel 3, with grading and landscaping improvements around the house. A second row of fir trees lines the edge of Quail Run Lane S, which currently runs along the southwestern frontage of the subject property as a gravel-surfaced private drive. Otherwise, the site is primarily vegetated by grass and low shrubs.

There are no identified wetlands, floodplains, or areas of landslide susceptibility on the subject property.

Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. However, comments from the Public Works Department indicate that adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

Infrastructure

Water: The subject property is located within the S-1 water service level. A 10-inch City of Salem water line is located in Skyline Road S.

Sewer: There is an 8-inch sanitary sewer main located in Skyline Road S.

In addition, an 8-inch public sewer line is currently under construction along the frontage of Quail Run Lane S.

Storm Drainage: There is an existing 12-inch public storm main located in Skyline Road S.

In addition, there is a public ditch located within the Skyline Road S right-of-way, adjacent to the subject property.

Streets: *Skyline Road S* abuts the southeast boundary of the subject property, and is designated as a Minor Arterial in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The abutting portion of Skyline Road S currently has an approximately 30-foot wide improvement within a 59-foot-wide right-of-way.

Quail Run Lane S is currently a private lane that abuts the southern boundary of the subject property.

- The abutting portion of Quail Run Lane S has an approximately 10-foot-wide gravel improvement within an easement over private property.

4. Land Use History

The subject property was annexed into the City of Salem on November 1, 1991. A search of City records did not find any previous land use cases on the subject property.

5. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment D.

Salem Fire Department – City of Salem Fire Department submitted comments indicating that Quail Run Lane S would need to meet fire code standards, and that a fire hydrant shall be required within 600 feet of the subject property.

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle, and high school levels to serve future development within the proposed partition. The school district indicated that students residing at the subject property would be eligible for school transportation services. The area is not within the “walk zone” of the assigned elementary, middle, and high schools.

Portland General Electric – Portland General Electric (PGE) submitted comments responding for the applicant’s request for a reduction public utility easement (PUE) width along Quail Run Lane S from the typical 10 feet to 7 feet. PGE’s response indicated that, where a natural gas line is installed in the trench, a minimum 8-foot-wide PUE is required to maintain separation between electrical lines and other utilities and allow working room to maintain the facilities. When a natural gas line is installed in the trench, a minimum 10-foot-wide PUE is required.

6. Neighborhood Association Comments

The subject property is within the Sunnyslope Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” The neighborhood association did not submit any written comments on the proposal prior to the comment deadline.

7. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. No comments were received from adjacent property owners or the members of the public at large prior to the comment deadline.

8. Criteria for Granting a Tentative Partition

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 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.

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, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully 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.

SRC Chapter 510 (Residential Agriculture): The proposed partition would divide the 0.92-acre property into 3 parcels with no remainder. The subject property is currently zoned RA (Residential Agriculture). The minimum lot area requirements of the RA zone are established under SRC 510.010(a) as follows:

Lot Standards for RA zone (see SRC Chapter 510, Table 510-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet

Street Frontage	40 feet
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Proposed lots in the subdivision range from approximately from 6,090 square feet to 19,674 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 510 establishes the following setback standards for development within an RA (Residential Agriculture) zone:

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The existing dwelling on proposed Parcel 3 meets these standards for setbacks for the front, side, and rear yards. Setback requirements for the proposed Parcels 1 and 2 will be reviewed at the time of application for building permits on those individual parcels.

The proposal meets the requirements of SRC Chapter 510.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing residence is proposed to remain, and is shown on the site plan entirely within the boundaries of proposed Parcel 3, in compliance with this standard.

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. For lots that have frontage on a public street, other than corner lots, the front lot

line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Proposed Parcel 1 is a corner lot; the front lot line of Parcel 1 may be designated as either the Quail Run frontage or the Skyline Road frontage at the time of future development.

SRC 800.025 (Flag Lots): There are no flag lots within the proposed partition. Therefore, the standards established in SRC 800.025 are inapplicable to the proposal.

The proposal conforms to the requirements of SRC Chapter 800.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Minimum Required Off-Street Parking): The existing residence to remain on Parcel 3 has been served by a driveway that crosses over the abutting property to the west, outside of the proposed partition plat. The site plan indicates that the existing driveway will be closed under the proposed partition. In order to ensure that the existing residence maintains adequate driveway access, the following condition shall apply:

Condition 1: Construct a driveway from the garage of the existing residence on Parcel 3 to Quail Run Lane S, consistent with the development standards established in SRC Chapter 806.030.

Off-street parking requirements for the proposed Parcels 1 and 2 will be reviewed at the time of application for building permits on those individual parcels.

As conditioned, the proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to 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 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located outside of the Urban Service Area. However, comments from the Public Works Department indicate that adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available in the abutting portion of Skyline Road S and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated December 19, 2016 (Attachment D).

SRC 802.015 (Development to be Served by City Utilities). Water and sewer services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). The existing dwelling on proposed Parcel 3 is currently served by a septic system. Comments from the Public Works Department indicate that an 8-inch public sewer line is currently under construction along the frontage of Quail Run Lane S. Prior to final plat approval, the public sewer line and service laterals for each parcel shall be complete and accepted by the City. In order to ensure water and sewer service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

- Condition 2:** Obtain permits for the installation of water service to serve Parcels 1 and 2. The proposed water service for Parcel 2 shall be located within a private utility easement on Parcel 1.
- Condition 3:** Construct sewer services in the public right-of-way to serve Parcels 1, 2, and 3. Abandon the existing septic system on the subject property.
- Condition 4:** Pay water connection fees for Parcels 1 and 2 prior to plat approval per Salem Revised Code Chapter 21.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed 3 parcel partition generates less than 1,000 average daily vehicle trips to Skyline Road S, designated as a Minor Arterial. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Quail Run Lane abuts the south boundary of the site and is proposed to provide access to each of the parcels within the partition. The abutting portion of Quail Run Lane is currently developed as an approximately 10-foot-wide gravel improvement within an easement on private property. Pursuant to SRC 803.020(b), only internal streets in partitions may be privately owned, and internal streets may nonetheless be required to be public based on the "connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses."

Conditions 5 and 6, described below in findings on SRC 803.025, require the applicant to convey land for dedication of Quail Run Lane as a public street and construct a 22-foot-wide paved improvement within that right-of-way. The dedication of a public street along the south boundary of the partition plat is consistent with the requirements set forth in SRC 803.020 for public ownership of boundary streets as well as the need for connectivity between large undeveloped properties to the west and the existing street network at Skyline Road.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portion of Skyline Road S is designated as a Minor Arterial in the TSP, and is improved with an approximate 30-foot-wide paved area within a 59-foot-wide right-of-way. Condition 8, described below in findings on SRC 803.040, requires dedication of additional right-of-way on Skyline Road S, to equal a half-width of 36 feet, consistent with the 72-foot-wide full right-of-way width for a Minor Arterial. Due to the limited impact of the proposed partition, Public Works staff does not recommend construction of half-street improvements along the Skyline Road S frontage.

The applicant proposes to dedicate Quail Run Lane, currently a 10-foot-wide gravel drive across private property, as a public street extending to the southwest corner of the subject property. Quail Run Lane S is designated as a local street in the TSP, but lacks the standard 60-foot-wide right-of-way width, or the 50-foot-wide right-of-way width for cul-de-sac streets. A 50-to-60-foot-wide right-of-way width can only be met through acquisition of right-of-way from the southerly neighboring property owner, outside the boundaries of the proposed partition. Due to the limited impact of the proposed partition, acquisition of additional right-of-way is not warranted at this time.

Because right-of-way width is limited along Quail Run Lane S, making construction that conforms to standards impossible or undesirable, the Public Works Director has authorized the use of an alternative street standard for the abutting segment, pursuant to SRC 803.065. A minimum of two 11-foot-wide travel lanes is necessary for safe two-way traffic; therefore, the applicant shall construct a minimum 22-foot-wide paved improvement with "turnpike" shoulders along the subject property's frontage on Quail Run Lane S. Conveyance of a corresponding 25-foot-wide right-of-way on the development side of Quail Run Lane is sufficient to accommodate the 22-foot-wide interim improvement. In order to ensure that the dedication and improvement of Quail Run Lane meets this alternative standard, the following conditions shall apply:

Condition 5: Convey land for dedication to equal a right-of-way of 25 feet in width along the frontage of the subject property on Quail Run Lane S.

Condition 6: Construct a minimum 22-foot-wide interim pavement width to local street standards along the frontage of the subject property on Quail Run Lane S.

As conditioned, the proposal meets these requirements.

SRC 803.030 (Street Spacing): The proposed partition involves division of a 0.92-acre lot, at the edge of the incorporated City limits in an area still characterized by a mixture of single family residential subdivisions and rural residential development. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

SRC 803.035 (Street Standards): Subsection (a) requires streets within the partition to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts a mixture of vacant and built-out rural residential properties on all sides. The proposed partition plan includes dedication of Quail Run Lane S as a public street to the southwest corner of the subject property, providing connectivity between Skyline Road S and undeveloped properties to the west.

Subsection (l) requires construction of sidewalks as part of street improvement projects. As described in further detail in findings on SRC 803.025 and SRC 803.040, Public Works staff does not recommend construction of half-street improvements along the Skyline Road S and Quail Run S frontages due to the limited impact of the proposed partition and lack of nearby points of connection to the existing sidewalk network.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Portland General Electric (PGE), the franchise utility provider of electricity for the subject property, typically requests a 10-foot-wide PUE on all street front lots. The applicant requested a reduction in the typical required PUE width from 10 feet to 7 feet. In their request, the applicant indicated that Condition 2 would require water service to be installed within a private easement, most likely located behind the PUE, thereby resulting in the front 15 feet of each parcel being dedicated to utility easements.

In response to the applicant's request, PGE submitted comments indicating that where a natural gas line is installed in the trench, a minimum 8-foot-wide PUE is required to maintain separation between electrical lines and other utilities and allow working room to maintain the facilities. Further, when a natural gas line is installed in the trench, a minimum 10-foot-wide PUE is required. In consideration of the requirements asserted by PGE as necessary to provide electrical and gas service to each parcel, and the relatively deep parcels proposed by in the tentative partition plan,¹ staff finds that future development on each lot can be reasonably accommodated with the provision of a 10-foot-wide PUE as requested by PGE.

In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 7: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all lots.

¹ Proposed parcel depths range from approximately 83.84 feet on the southeastern boundary of Parcel 1 to 186.43 feet in depth at the west boundary of Parcel 3. Each of these parcels provide sufficient lot depth to site single family residences behind the required easements and still meet all applicable setback requirements.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Skyline Road S abuts the subject property on the south boundary and does not meet the current standard for a local street. The applicant proposes to dedicate a 25-foot-wide right-of-way along the abutting frontage of the subject property, and construct a 22-foot-wide paved improvement with "turnpike" shoulders within the dedicated right-of-way width. The Public Works Department has reviewed the proposal and submitted comments recommending that complete half-street improvements not be required along the Skyline Road S frontage for the following reasons:

- The existing street section of Skyline Road S lacks right-of-way width, pavement width, curbs, and sidewalks in the vicinity of the proposed partition. The nearest existing curb and sidewalk segment along Skyline Road S is located approximately 300 feet to the northeast of the subject property. Therefore, construction of a half-street improvement provides little if any short-term benefit because there are no existing sidewalks in the area to which the improvements would connect.
- Pedestrian access to the site is provided by an existing sidewalk on the east side of Skyline Road S abutting the subject property.
- The impacts of a three-parcel partition upon the transportation system are limited and do not warrant a significant amount of off-site improvements that would be needed to provide connection to an existing network of sidewalks.

In consideration of these factors and the requirements set forth in SRC 803.040, the Public Works Department recommends a requirement that the applicant dedicate 36 feet of right-of-way along the abutting portion of Skyline Road S rather than construct a complete half-street improvement. In order to ensure that the improvements along this frontage are implemented consistent with SRC 803.040, the following condition shall apply:

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

Quail Run Lane S abuts the subject property on the south boundary and does not meet the current standard for a local street. Comments from the Public Works Department indicate that a half-street improvement is not warranted along this frontage because of the limited impacts of the proposed development. Pursuant to an alternative street design standard authorized by the Public Works Director, Conditions 5 and 6 require a minimum total pavement width of 22 feet in order to accommodate two 11-foot-wide traffic lanes within a 25-foot-wide right-of-way dedication for the extension of Quail Run Lane as a public street across the frontage of the subject property.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP16-09) was submitted in conjunction the tentative partition plan. TCP16-09 identifies 41 trees on the subject property, all of which are proposed to remain.

As proposed, the tentative partition plan conforms to all applicable SRC Chapter 808 requirements.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative partition plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

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 a 0.92 acre property into three proposed parcels with no remainder. The subject property is located at the southern edge of the incorporated City limits in an area within the Urban Growth Boundary but characterized by a mixture of single family residential subdivisions and rural residential development. The "Developing Residential" designation of the surrounding vicinity on the Comprehensive Plan Map indicates that these properties will incrementally develop at urban densities at some point in the future. Quail Run Lane is currently developed as a private drive serving seven relatively large parcels, mostly outside of the existing City limits. The street configuration proposed by the applicant provides an approximate half-street improvement extending from Skyline Road S to the southwest corner of the subject property. The alternative street standard authorized by the Public Works Director is sufficient to provide safe access to the three proposed parcels while also allowing for construction of the southern half of the street, and/or an extension to the west as necessary to accommodate future development on properties to the west and south.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The abutting portion of Quail Run Lane S, as dedicated and improved on the proposed tentative partition plan, is sufficient to provide access to each of the proposed parcels as well as future development to the south and west. 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: Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available within the Skyline Road S right-of-way and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

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. The applicant's engineer has provided a tentative stormwater design and infiltration test results in compliance with PWDS requirements.

The applicant proposes to construct the abutting portion of Quail Run Lane S as a 22-foot-wide paved improvement with "turnpike" shoulders, within a 25-foot-wide dedicated right-of-way along the south boundary of Parcels 1-3. In order to ensure that driveway approaches serving future development on these parcels are constructed consistent with stormwater design for the site as well as Public Works Design Standards, the following condition shall apply:

Condition 9: Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1, 2, and 3 in compliance with Public Works Design Standards (PWDS).

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

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

Finding: Skyline Road S and Quail Run Lane S abut the subject property and do not currently meet TSP standards for their respective street classifications. As described in findings above, Public Works staff finds that full boundary street improvements are not warranted along either frontage due to the limited impacts of the proposed three-parcel

partition. As described in findings above, the Public Works Director has authorized the approximately half-street dedication, 22-foot-wide improved width, and turnpike shoulders based on the physical constraints on the subject property. Conditions of approval ensure that Quail Run Lane S will be constructed to applicable development standards, as well as the alternative street section design. Conditions of approval also require right-of-way dedication along the Skyline Road S frontage equal to 36 feet from centerline, consistent with a half-street width for a 72-foot-wide standard Minor Arterial width.

As conditioned, the proposal meets this criterion.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: A 25-foot-wide right-of-way will be dedicated along the development side of the existing alignment of Quail Run Lane S. A 22-foot-wide paved improvement with "turnpike" shoulders will be constructed within the right-of-way, providing public street access to each of the proposed parcels in the subdivision. The partial dedication and improvement of Quail Run Lane S provides a direct connection to the local street network at its intersection with Skyline Road S, and allows for further improvements to serve future development of properties to the west and south. These proposed improvements are implemented by conditions of approval related to pavement and right-of-way standards.

The partition, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the partitioned property will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

As conditioned, the proposal meets this criterion.

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. The site slopes downward from the northwest corner to the southeast boundary, with the Skyline Road S frontage being approximately 28 feet lower than the highest point on the property. The partition would divide the property with new property lines running perpendicular to this slope, resulting in each parcel containing a roughly equal share of the overall elevation change across the subject property. Accordingly, the proposed layout diminishes the impact of the slope on development within each individual parcel.

No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The

layout allows for reasonable development of all parcels within the partition without variances from the UDC. The proposal meets this criterion.

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 described in findings above, there is an approximate 28-foot grade elevation change from northwest to southeast across the subject property. The proposed layout distributes this grade change roughly equally across the three parcels, minimizing the need for substantial grading in any single area. The applicant proposes to retain the existing residence on a future parcel within the subdivision, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

A tree conservation plan (TCP16-09) has been submitted in conjunction with the proposed tentative partition plan. TCP16-09 identifies 41 trees on the subject property, all of which are proposed to remain, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). Two trees will remain within the right-of-way dedication along Skyline Road S. Nine trees are identified for removal due to the construction of interim improvements on Quail Run Lane S within the proposed right-of-way dedication. Proposed street construction takes place along the south boundary of the property, where an existing 10-foot-wide gravel driveway will be widened. No internal streets are proposed.

The majority of each parcel, extending approximately 50 to 70 feet from the edge of the Quail Run Lane right-of-way is primarily vegetated with grass. The 41 trees identified on the subject property form a linear stand along the proposed rear property line for each parcel, well outside of building envelopes for future residences. The formation of these trees in a dense, intact stand far from home sites will help ensure minimal disruption of vegetation.

The proposal meets this criterion.

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

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

Finding: The site is served by available sewer and water. Therefore, this criterion does not apply.

9. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 16-09, to divide a 0.92 acre lot into 3 parcels, with Parcel 1 consisting of 6,090 square feet, Parcel 2 consisting of 9,209 square feet, and Parcel 3 consisting of 19,674 square feet, for property zoned RA (Residential Agriculture) and located at 2315 Quail Run Lane S is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Construct a driveway from the garage of the existing residence on Parcel 3 to Quail Run Lane S, consistent with the development standards established in SRC Chapter 806.030.
- Condition 2:** Obtain permits for the installation of water service to serve Parcels 1 and 2. The proposed water service for Parcel 2 shall be located within a private utility easement on Parcel 1.
- Condition 3:** Construct sewer services in the public right-of-way to serve Parcels 1, 2, and 3. Abandon the existing septic system on the subject property.
- Condition 4:** Pay water connection fees for Parcels 1 and 2 prior to plat approval per Salem Revised Code Chapter 21.
- Condition 5:** Convey land for dedication to equal a right-of-way of 25 feet in width along the frontage of the subject property on Quail Run Lane S.
- Condition 6:** Construct a minimum 22-foot-wide interim pavement width to local street standards along the frontage of the subject property on Quail Run Lane S.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all lots.
- Condition 8:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of the abutting portion of Skyline Road S.

Condition 9: Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1, 2, and 3 in compliance with Public Works Design Standards (PWDS).



Christopher Green, AICP, Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Applicant's Tentative Partition Plan
C. Applicant's Written Statement on Tentative Partition Plan
D. City of Salem Public Works Department Comments

Application Deemed Complete:	<u>November 17, 2016</u>
Notice of Decision Mailing Date:	<u>January 26, 2017</u>
Decision Effective Date:	<u>February 11, 2017</u>
State Mandated Decision Date:	<u>March 17, 2017</u>

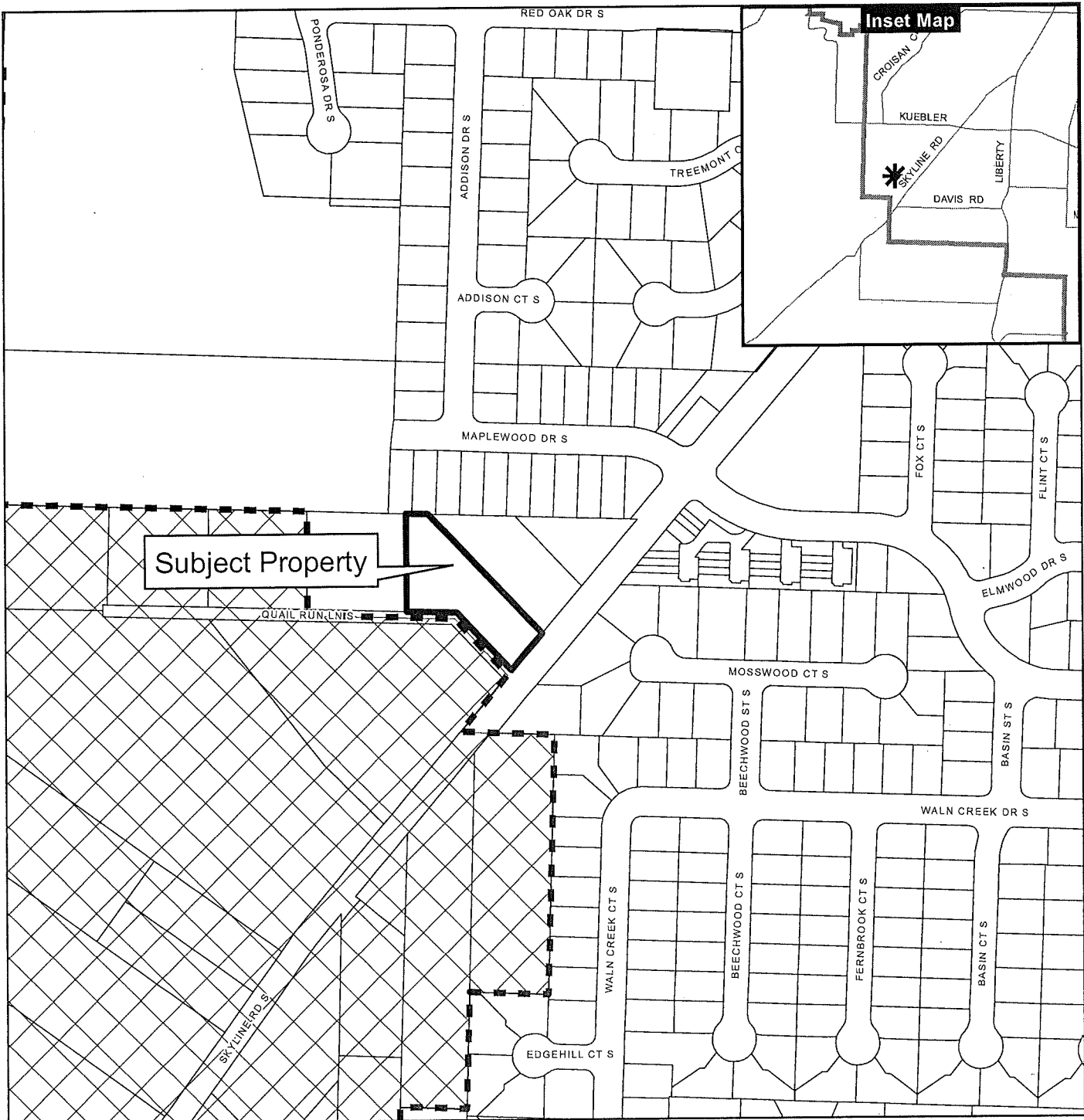
The rights granted by this decision must be exercised or extension granted by February 11, 2019 or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Friday, February 10, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map

2315 Quail Run Lane S



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

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

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0 100 200 400 Feet



APPLICANT STATEMENT

On August 31, 2015 GTX Investments, LLC attended a Pre-Application conference with the City of Salem Planning Division and their associated departments. From this meeting a series of standards and criteria were issued to the applicant for the proposal to partition a parcel of land identified as 2315 Quail Run Lane S (083W17AC3100). Within the report were highlighted three areas that were to be addressed by the applicant. The first was a Partition; the second was a Tree Conservation Plan and the third was noted with a question as to its need for the application was an Urban Growth Preliminary Declaration Validation of Unit of Land. This was followed by a discussion of the Partition Review Process with a listing of the approval criteria under SRC 205.005(d) with a listing of the criteria that was to be met:

- (1) The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC including but not limited to, the following:*
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.*
 - (B) City infrastructure standards*
 - (C) Any special development standards, including, but not limited to, analysis, and vision clearance.*

Response: The subject parcel is within the RA (Residential Agriculture) Zone and the following addresses the standards and criteria of the zone and how the proposed partitioning complies:

The minimum parcel size of the zone requires that each parcel be a minimum of 5,500 square feet in size for infill lots. All of the lots will exceed this standard. Each lot has at the minimum 85 feet of frontage onto Quail Run Lane and the corner lot has over 90 feet of frontage onto Skyline Road S. These lots will exceed the 40 feet of lot frontage required in the RA zone

The minimum lot width is 40 feet. All of the proposed lots will exceed this minimum width,

The minimum lot depth is 70 feet or a maximum of 300% of the lot width. All of the proposed lots will be a minimum of 70 feet and none will exceed the maximum lot width to depth standard of 300%.

The subject parcel currently has a dwelling and that dwelling is connected to the City of Salem water system by way of a connection across the property to Skyline Road. In discussions with City staff it was determined that the two proposed lots will have water service from water meters at the northeast corner of proposed Parcel 1 and an easement will be required to connect proposed Parcel 2 to the meters. The existing dwelling will maintain its connection with Skyline Road and an easement will have to be established across both Parcels 1 and 2.

The City is requiring that an 8" public sewer line be established in the right-of-way of Quail Run to serve the proposed lots as well as other properties to the west along Quail Run. At this time Willamette Engineering is working on this proposed line through the City permitting process.

In addition to the utility connections, the applicant is being required to dedicate an additional 13 feet of right-of-way on Quail Run and to construct a 22 foot turnpike improvement. The Skyline Road frontage is only required to dedicate additional right-of-way but no improvements are being required. Based upon these findings and subject to compliance with standards, the applicant's proposed partitioning will meet the criteria listed in (B) above.

It does not appear that there are any special development standards being imposed on the partitioning that exceed what was discussed above. Any vision clearance issues will be conditioned in the final decision and the applicant will comply with any standard listed.

Based upon the above findings, the applicants' proposed partitioning will comply with all of the applicable standards for lots created in the RA zone.

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

Response: The subject parcel is served for access by Quail Run Lane S. There have been many discussions with City of Salem staff on the status of this street and what would be the appropriate level of improvement proportional to the proposed partitioning. The last discussion with staff was that the improvement would consist of a 22 foot of pavement without curbs and sidewalks along with a dedication of an additional 13 feet. This will result in the applicant having a 25foot half street dedication and a turnpike improvement. Based upon the above discussion, the applicants will meet the access standards of the city and this will allow for the lots further to the west along Quail Run to have adequate access for their future development. Additional discussion on other city services will follow in the findings for (3) below.

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

Response: The applicant will comply with the access standards along Quail Run as discussed in the findings in (2) above. The city will require the applicant to extend an 8" public water line in the Quail Run dedicated right of way and an 8" public sewer line also within the right of way of Quail Run Lane. At this time the applicant is working with the neighbor to the west to engineer and install an 8" sewer line as required by the city in the pre-app. With these improvements the proposed partitioning will be adequately served by City infrastructure and will allow for future extension of services to other lots along Quail Run Lane further to the west. With these improvements the applicants proposed partitioning will comply with (3) above.

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

Response: As discussed in (2) above, the applicant is being required to dedicate and additional 13 feet of right of way along Quail Run and to provide a 22 foot paved improvement to a turnpike standard to meet the city standards as discussed in staff findings from Public Works. Also, the applicant is required to dedicate and additional 11 feet of right of way along Skyline Road with no additional improvements. Both the dedications will be shown on the final partitioning plat and the improvement to Quail Run Lane will be inspected and approved by the Department of Public Works at the City of Salem. Based upon these findings, the applicant will comply with the requirements of (4) above.

(5) The street system in and adjacent to the tentative partition plan is designated so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Response: The subject parcel is a corner lot. To the east is Skyline Road which is a designated as a minor arterial. In comments received from Robin Dalke dated Feb 10, 2016 the City is requiring the applicant to dedicate an additional 11 feet of right-of-way on Skyline in lieu of a half street improvement. Quail Run is a local street and will require a 13 foot of additional right-of-way along the frontage of the subject parcel along with a 22 foot pavement improvement without sidewalks with a revocable license from the City. It should be noted that the above improvements are from a memorandum that followed comments received from a MEMO with Public Works recommendations dated December 30, 2015 and as the understanding of the applicant replaced those conflicting improvement requirements of the December 30, 2015 MEMO. As these dedications and improvements will then comply with the City comments the streets will provide for orderly and efficient circulation of traffic to the subject property as well as provide a base for the additional lots further to the west along Quail Run. It should be noted that none of the lots will access Skyline Road but will derive their access directly off Quail Run. Based on the above discussion, the applicants' proposed partitioning can comply with the standards and criteria listed in (5) above.

(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.

Response: The proposed lots slope from the northwest to the southeast. The slope of the land does not restrict development of the lots and there are no identified geologic hazards on the subject parcel. It appears that the proposed added right-of-way dedication and road improvement along Quail Run will result in the removal of the frontage trees, None of the trees subject to this dedication and roadway improvement qualify as a significant or heritage tree.

- (7) *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 from the installation of an on-site sewage disposal system.*
 - (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.*

Response: The subject parcel will have both City sewer and water in the street right-of-way of Quail Run. At this time, the applicant is in the process of engineering design and review of an 8" sewer line in cooperation with the neighboring property to the west. The existing dwelling is currently served by a water line from Skyline Road but it is unclear if it will have to be moved because of the dedication and improvement of Quail Run. In discussions with public works the applicant is required to install two meters along his frontage with Skyline Road to serve the two proposed undeveloped lots. It would seem that if the water line to the existing house was required to be moved it would be to the same area and the extension of the line to the existing house would run in the same utility easement that would serve the two undeveloped lots. In addition, there are both services located within the right-of-way of Skyline Road S. Therefore, the need of a septic site evaluation is unnecessary. The applicant is being required to extend an 8 inch public water line in Quail Run Lane S as well as an 8 inch sewer line also within the Quail Run Lane S. right-of-way. With the completion of these improvements the criteria listed in (7) above will not be needed.

The following addresses the criteria listed in Chapter 68:

68.040 Heritage Trees.

Response: There are no identified heritage trees located on the subject parcel.

68.050 Significant Trees

Response: In using the definition of a significant tree from the definition section of the chapter it appears that there may be one significant tree located on the subject property. Along the Quail Run frontage is an Oak tree that is listed in the inventory as being 24 inches in diameter. This tree will be within the dedication the applicant is required to give to the City of Salem. With the level of improvement to Quail Run all of the frontage trees will be removed. There are no other significant trees on the subject parcel.

68.060 Trees and Vegetation in Riparian Corridors.

There are no identified riparian corridors on the subject parcel. The parcel is sloping from the northwest corner toward the southeast corner. With no identified riparian corridors the proposed development will comply with the standards of 68.060 above.

68.070 Trees on lots or parcels 20,000 Square Feet or Greater.

Response: The existing lot will exceed 20,000 square feet in size. Attached is a listing of the trees on the subject parcel and the inventory indicates that there are a total of 51 trees on the site. Of these trees a total of 8 will be within the dedication of right-of-way that is required by the City of Salem for both Quail Run and Skyline Road. It is unclear of the amount of trees to be removed at this time because the city is allowing the dedication of right-of-way along Skyline to not have and improve only the dedication. Along Quail Run the existing trees within the dedication and improvement will have to be removed. There will be 8 of the existing 51 trees that will be removed within the Quail Run dedication and 22' roadway improvement. This will result in maintaining approximately 84% of the existing trees. This is well within the allowable percentage provided for in Chapter 68.070. The application complies with the provisions of 68.070 above.

68.080 Exceptions. Significant trees, trees in riparian corridors, native vegetation in riparian corridors, and trees on lots or parcels twenty thousand square feet or greater or on contiguous lots or parcels under the same ownership that are twenty thousand square feet or greater, may be removed, if the removal is:

- (a) In a vision clearance area, as defined in SRC 130.280*
- (b) Required by the city or a public utility for installation or maintenance or repair of telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;*
- (c) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, and other similar activity prior to June 21, 2000.*
- (d) Necessary for the installation, maintenance or repair of public irrigation systems; stormwater detention areas; pumping stations; erosion control and soil stabilization features; and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;*
- (e) Removal of invasive non-native vegetation in riparian corridors;*
- (f) Necessary for public trail or public park development and maintenance;*
- (g) Necessary to conduct flood mitigation;*

- (h) *Necessary to effect emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter when it is necessary to prevent and imminent threat to public health or safety, or prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present and immediate danger of collapse. For the purposes of this subsection, immediate danger of collapse: means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or other wise fall and cause damage. The person undertaking emergency action shall notify the planning administrator within one working day following the commencement of the emergency activity. If the planning administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action by the Department of Community Development may be taken.*
- (i) *A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610-527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses for a period of five years following the completion of the timber harvest;*
- (j) *Associated with the mining operations conducted in accordance with the existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750-517.955.*
- (k) *Undertaken pursuant to a tree conservation plan approved under SRC 68.100; or*
- (l) *Undertaken pursuant to a tree conservation plan approved under SRC68.100; or twenty thousand square feet that are of record as August 9, 2005. For the purposes of this section, undeveloped means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005.*
- (m) *Removal of Oregon white oaks (Quercus garryana), where the removal is necessary in connection with construction of a commercial or industrial facility.*

Response: There is one significant tree that will require removal and it is an Oregon white oak along the dedication of right-of-way for Quail Run. It is clear that its removal is necessary because it will be within the paved turnpike roadway required by the City. It should also be noted that none of the land involved is within a riparian corridor and the amount of tree removal in relation to the total number of trees on the lot is not significant (15% of the total number of trees). The proposed development will comply with any conditions applied by the city with a notation that the developer would like to maintain the oak tree in question.

In summary the applicants proposed partitioning does comply or can be conditioned to comply with all of the development requirements of the City. The applicant has supplied a site and development plan with the engineering requirements required by the City in their pre-application findings as well as the follow up emails supplied by City Staff. If there are additional questions or a need for further clarification, please call Norman Bickell at (503) 510-1742 or email nbickell0027@aol.com.

RECEIVED


DEC 19 2016



COMMUNITY DEVELOPMENT

MEMO

TO: Chris Green, Planner II
Community Development Department

FROM: Glenn Davis, PE, CFM, Chief Development Engineer
Public Works Department 

DATE: December 19, 2016

SUBJECT: PUBLIC WORKS RECOMMENDATIONS (REVISED)
PARTITION PLAT NO. 16-09 (16-119405-LD)
2315 QUAIL RUN LANE S
THREE-PARCEL PARTITION

PROPOSAL

To divide approximately 0.92 acres into three parcels in an RA (Residential Agriculture) zone at 2315 Quail Run Lane S.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct a minimum 22-foot interim pavement width to local street standards along the frontage of Quail Run Lane S.
2. Convey land for dedication to equal a half-width right-of-way of 25 feet on the development side of Quail Run Lane S.
3. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Skyline Road S.
4. Design driveway approaches, including culvert and storm drainage design as necessary, for proposed Parcels 1 and 2 in compliance with Public Works Design Standards (PWDS).
5. Obtain permits for installation of water service to serve Parcel 1 and 2. The proposed water service for Parcel 2 shall be located within a private utility easement on Parcel 1.
6. Construct sewer services in the public right-of-way to serve Parcels 1, 2, and 3. Abandon the existing septic system on the subject property.

7. Pay water connection fees for Parcels 1 and 2 prior to plat approval per *Salem Revised Code* (SRC) Chapter 21.
8. Provide a 10-foot-wide public utility easement along the entire frontage of Skyline Road S.

FACTS

1. Skyline Road S

- a. Existing Conditions—This street has an approximate 30-foot improvement within a 59-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Minor Arterial street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

2. Quail Run Lane S

- a. Existing Conditions—This street has an approximate 10-foot gravel improvement within an accessway on private property.
- b. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 50- to 60-foot-wide right-of-way.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm line is located in Skyline Road S.
- b. A public ditch is located in Skyline Road S, adjacent to the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the S-1 water service level.
- b. There is an existing 10-inch public water line in Morningside Street SE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer line is located in Skyline Road S.
- b. An 8-inch public sewer line is currently under construction along the frontage of Quail Run Lane S, Project Number 716711.

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 SRC and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

1. 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;
2. City infrastructure standards; and
3. 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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, there are no landslide susceptibility areas on the subject property.

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

Findings—Water and sewer infrastructure are available in Skyline Road S and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final approval except as authorized in an improvement agreement per SRC 205.035(c)(6)(B). Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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 an approved tentative stormwater design prior to final plat approval. The applicant's engineer provided a tentative stormwater design and infiltration test results in compliance with the requirements of PWDS.

An 8-inch public sewer line is currently under construction along the frontage of Quail Run Lane S. Prior to final plat approval, the public sewer line and service laterals for each parcel shall be complete and accepted by the City. The septic system serving the existing dwelling on Parcel 3 shall be abandoned.

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—Quail Run Lane S and Skyline Road S abut the subject property and do not meet the current street classification standards. Quail Run Lane S is designated as a local street in the Salem TSP, but lacks an adequate right-of-way to meet the 50-foot-wide standard for cul-de-sac streets. The full 50-foot width can be met only through acquisition of a right-of-way from the southerly neighboring property owner; however, such right-of-way acquisition is not warranted at this time.

Because right-of-way is limited along Quail Run Lane S, the Public Works Director authorizes the use of an alternative street standard because limited right-of-way makes construction that conforms to standards impossible or undesirable (SRC 803.065). A minimum of two 11-foot-wide travel lanes is necessary for safe two-way traffic; therefore, the applicant shall be required to construct a minimum 22-foot turnpike improvement along the frontage of Quail Run Lane S. Conveyance of a 25-foot-wide right-of-way on the development side of Quail Run Lane S is sufficient to accommodate the 22-foot-wide interim improvement.

The existing street section of Skyline Road S in the vicinity of the proposed development lacks pavement width, curbs, and sidewalks. The nearest curb and sidewalk along Skyline Road S is located approximately 400 feet to the northeast of the subject property. Though additional right-of-way dedication is not warranted along Skyline Road S pursuant to Public Works Policy GM 4-11, the applicant has proposed dedication of 36 feet of right-of-way along Skyline Road S as a proportional contribution to the boundary street improvement. Additional boundary street improvements along Skyline Road S are not warranted based on the limited transportation impacts of a three parcel partition. Pedestrian access to the site is provided by an existing sidewalk on the east side of Skyline Road S abutting the subject property.

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