

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



NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION PLAT NO. PAR17-01

APPLICATION NO. : 17-104175-LD

NOTICE OF DECISION DATE: APRIL 14, 2017

SUMMARY: A proposed partition to divide a property approximately 14.5 acres in size into two parcels, approximately 5.72 acres and 8.86 acres in size.

REQUEST: A partition to divide a property approximately 14.5 acres in size into two parcels, approximately 5.72 acres and 8.86 acres in size, zoned RM-II (Multi-Family Residential), RM-I (Multi-Family Residential) and RS (Single Family Residential), and located at the 2900 Block of Boone Road SE - 97306 (Marion County Assessor's Map and Tax Lot number: 083W13BA / 00100).

APPLICANT: Boone Road Land SL LLC (Douglas Sproul)

LOCATION: 2900 Block of Boone Road SE / 97306

CRITERIA: Salem Revised Code 205.005(d)

FINDINGS: The findings are in the attached Order dated April 14, 2017.

DECISION: The Planning Administrator APPROVED Partition PAR17-01 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. Dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. The easement shall specify that the precise location and dimensions of the easement boundary will be as specified in the Public Works Design Standards (PWDS), and will be finalized when the water main is constructed.

Condition 2. Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.

Condition 3: Construct a minimum 30-foot-wide linking street improvement along Boone Road SE from 27th Avenue SE to the west line of the subject property.

Condition 4: Along the frontage of Boone Road SE, from the west line of the subject property to the cul-de-sac located approximately 930 feet east of the 27th Avenue SE and Boone Road SE intersection, the applicant shall construct a minimum 15-foot-wide half-street improvement on the south side and a 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are not required for the improvements on the north side of Boone Road SE.

The rights granted by the attached decision must be exercised, or an extension granted, by May 2, 2019, or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete: March 6, 2017
Notice of Decision Mailing Date: April 14, 2017
Decision Effective Date: May 2, 2017
State Mandate Date: July 4, 2017

Case Manager: Aaron Panko, APanko@cityofsalem.net; 503-540-2356 

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., May 1, 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, 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. 17-01)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF)	
PARTITION PLAT NO. 17-01;)	
2900 BLOCK OF BOONE ROAD SE)	ARPIL 14, 2017

REQUEST

Summary: A proposed partition to divide a property approximately 14.5 acres in size into two parcels, approximately 5.72 acres and 8.86 acres in size.

Request: A partition to divide a property approximately 14.5 acres in size into two parcels, approximately 5.72 acres and 8.86 acres in size, zoned RM-II (Multi-Family Residential), RM-I (Multi-Family Residential) and RS (Single Family Residential), and located at the 2900 Block of Boone Road SE - 97306 (Marion County Assessor's Map and Tax Lot number: 083W13BA / 00100).

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:** Dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. The easement shall specify that the precise location and dimensions of the easement boundary will be as specified in the Public Works Design Standards (PWDS), and will be finalized when the water main is constructed.
- Condition 2:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.
- Condition 3:** Construct a minimum 30-foot-wide linking street improvement along Boone Road SE from 27th Avenue SE to the west line of the subject property.
- Condition 4:** Along the frontage of Boone Road SE, from the west line of the subject property to the cul-de-sac located approximately 930 feet east of the 27th Avenue SE and Boone Road SE intersection, the applicant shall construct a minimum 15-foot-wide half-street improvement on the south side and a 15-foot pavement widening on the north side. Additional stormwater flow control

or treatment facilities are not required for the improvements on the north side of Boone Road SE.

PROCEDURAL FINDINGS

1. On February 17, 2017, an application for a Tentative Partition Plan was filed proposing to divide a 14.5 acre property at the 2900 Block of Boone Road SE (Attachment B) into 2 parcels.
2. The application was deemed complete for processing on March 6, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 6, 2017. The state-mandated local decision deadline is July 4, 2017.

SUBSTANTIVE FINDINGS

1. Background

A petitioner initiated annexation of the subject property was requested in 2009 for the annexation of the subject property into the City of Salem (Annexation C-688), with a request for a Comprehensive Plan Change from "Developing Residential" to "Multi-Family Residential" and Zone Change from Marion County UT-10 (Urban Transition) to City of Salem RM-I and RM-II (Multi-Family Residential).

The property was annexed on February 3, 2010. Conditions of approval were placed on the annexation limiting the traffic impact from development on the property to no more than 1,478 average daily trips and requiring a minimum 25-foot setback from any main building to the southern boundary of the property.

On January 26, 2017, Urban Growth Preliminary Declaration, Site Plan Review, Adjustment and Driveway Approach permit applications (UGA-SPR-ADJ-DAP16-03) was approved for development of a new residential care facility approximately 134,700 square feet in size, with 122 total units. The development will take place entirely within the boundaries of Parcel 1 of the proposed tentative partition plan.

A partition tentative plan applicant was submitted to divide the subject property into two parcels on February 17, 2017. The application was deemed complete for processing on March 6, 2017. The applicant's proposed partition tentative plan is included as Attachment B and a written statement by the applicant addressing the approval criteria is included as Attachment C.

2. Proposal

The tentative plan proposes to divide the property into 2 parcels (Attachment B). Unimproved right-of-way for Boone Road SE, designated as a local street, runs along the northern boundary of the subject property. No internal streets or flag lots are proposed as part of the partition. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 5.72 Acres
Parcel Dimensions: Approximately 632 feet in width and 400 feet in depth

PROPOSED PARCEL 2

Parcel Size: 8.86 Acres
Parcel Dimensions: Irregularly shaped, approximately 575 feet in width and 532 feet in depth, with approximately 150 foot by 590 foot rectangular panhandle at the southwest corner

3. Existing Conditions

Site and Vicinity

The subject property is approximately 14.53 acres in size, with approximately 1,165 feet of frontage along the right-of-way for Boone Road SE at its northern boundary. Boone Road is designated as a local street in this section and is currently unimproved. There are no existing structures located on the subject property.

The surrounding area is located within the Urban Growth Boundary. The property abuts an existing developed residential area to the south which is within the Urban Service Area. Property to the north and west has a Comprehensive Plan Map designation of "Developing Residential," and these properties are outside of the Urban Service Area boundary.

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. An Urban Growth Area Preliminary Declaration has been previously issued for development of the subject property (UGA-SPR-ADJ-DAP Case No. 16-03).

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

North: Across Boone Road SE, Developing Residential
South: Single Family Residential and Developing Residential
East: Developing Residential
West: Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned RM-II (Multi-Family Residential), RM-I (Multi-Family Residential) and RS (Single Family Residential) and is currently vacant. Surrounding properties are zoned and used as follows:

North: Across Boone Road SE, RA (Residential Agriculture); large vacant lot
South: RS (Single Family Residential); Single Family Dwellings
East: RA (Residential Agriculture); vacant, ODOT right-of-way
West: RA (Residential Agriculture); large lot with single family dwelling

Natural Features

The subject property varies from approximately 464 feet above mean sea level at the highest point on the southern boundary to approximately 363 feet above mean sea level at the northwestern corner and 365 feet at the northeastern corner along the Boone Road frontage. According to the City's adopted landslide hazard susceptibility maps, there are mapped areas of landslide susceptibility on the subject property equal to 2-3 points. Pursuant to SRC Chapter 810, the applicant has provided a geological assessment of the property.

There are no identified wetlands, waterways, or floodplains on the subject property.

Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. The applicant has received approval for an UGA permit (Case No. UGA-SPR-ADJ-DAP16-03) for development of the subject property.

Infrastructure – Existing Conditions

Water: The subject property is located within the S-2 water service level.
Sewer: There is a 6-inch force main located on the subject property. In addition, an 8-inch gravity sewer main is located in Boone Road SE abutting the subject property.
Storm Drainage: The northwest area of the subject property drains into existing storm drainage facilities in 27th Avenue SE. The northeast area of the subject property slopes to the northwest and northeast.
Streets: *Boone Road SE* abuts the northern boundary of the subject property, and is designated as a local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 50- to 60-foot-wide right-of-way.
- The abutting portion of Boone Road SE has an under improved pavement section within a minimum 60-foot-wide right-of-way along the frontage of the subject property.

Pumice Street SE 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.
- This street has an under improved pavement section within a minimum 60-foot-wide right-of-way along the frontage of the subject property.

4. Land Use History

The subject property was annexed into the City of Salem on April 4, 2011. On January 26, 2017, the applicant received approval for an Urban Growth Area Preliminary Declaration, Site Plan Review, Adjustment and Driveway Approach Permit (Case No. UGA-SPR-ADJ-DAP16-03) for a proposed development of a new residential care facility approximately 134,700 square feet in size, with 122 total units on the northwest portion of 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 they have no issue with this land division, however they will have comments and requirements at the time plans are submitted for building permits, i.e. fire hydrant & placement, Fire Department access and fire lanes, fire alarms & sprinklers. Location of FDC and fire hydrant need to be within 100 feet of each other.

Portland General Electric – Portland General Electric (PGE) commented, "Development cost per current tariff and service requirements. 10 foot Public Utility Easement (PUE) required on all front street lots."

6. Neighborhood Association Comments

The subject property is within the South Gateway 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. Two comments were received from surrounding property owners.

One commenter noted the presence of wildlife on the subject property with a concern that the animals have not been counted and safely relocated.

Staff Response: The City of Salem zoning code does not require an applicant for a tentative partition plan to perform a survey of wildlife that may be present on the subject property or provide an assessment of the impact on wildlife from development of the property. The City of Salem zoning code does not require an applicant to relocate wildlife prior to developing property.

Concerns were expressed regarding future development of the southernmost RS (Single Family Residential) zoned property, and potential loss of view due to development and/or trees in this area.

Staff Response: Views of adjacent property owners are not regulated or protected under the City of Salem zoning code. Future development will be reviewed for conformance with zoning requirements, including lot size and layout, maximum height, and minimum landscaping requirements.

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 511 (Single Family Residential), SRC Chapter 513 RM-I (Multi-Family Residential) and SRC Chapter 514 RM-II (Multi-Family Residential): The proposed partition would divide the 14.53-acre property into 2 parcels with no remainder. The subject property currently has three zoning designations, RS (Single-Family Residential), RM-I (Multi-Family Residential) and RM-II (Multi-Family Residential).

The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Other than One and Two Family)	6,000 square feet
Lot Width	40 feet
Lot Depth (Other than One and Two Family)	80 feet
Street Frontage	40 feet

The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards of the RS zone. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone.

The minimum lot area requirements of the RM-I zone are established under SRC 513.010(b) as follows:

Lot Standards for RM-I zone (see SRC Chapter 513, Table 513-2)

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

SRC 513.010(a) provides that lots subdivided or partitioned in the RM-I zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or

more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards of the RM-I zone. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone.

The minimum lot area requirements of the RM-II zone are established under SRC 514.010(b) as follows:

Lot Standards for RM-II zone (see SRC Chapter 514, Table 514-2)

Requirement	Minimum Standard
Lot Area (Other than Single Family)	6,000 square feet
Lot Width (Other than Single Family)	40 feet
Lot Depth (Other than Single Family)	80 feet
Street Frontage	40 feet

SRC 514.010(a) provides that lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

The proposed parcels exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards of the RM-II zone. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapters 511, 513, and 514 establish the following setback standards for development of the subject property:

Front Yards and Yards Adjacent to Streets:

- Boone Road SE abuts Parcels 1 and 2 to the north in the RM-II zone. A minimum 12 foot setback is required adjacent to a street, plus one foot for each one-foot of height over 12 feet, but need not exceed 20 feet in depth.

Rear Yards:

- The rear yard for proposed Parcel 1 is located in the RM-I zone. A minimum 10 foot setback is required adjacent to residential zone meeting the Type C landscaping requirements.

- The rear yard for proposed Parcel 2 is located in the RS zone. A minimum 14 foot setback is required to any portion of a building not more than one-story in height, a minimum 20 foot setback is required for any portion of a building greater than one story in height.

Interior Side Yards:

- The minimum interior side yard setback for proposed Parcels 1 and 2 is 10 feet, meeting the Type C landscaping requirements, except the interior side yard setback for the RS zoned portion of proposed Parcel 2 is 5 feet for buildings not more than 35 feet in height, and a minimum 5 feet, plus one foot for each one-foot of height over 35 feet, but need not exceed 20 feet in depth.

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 Chapters 511, 513, and 514.

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 subject property is currently vacant. The applicant has received approval for construction of a new building, approximately 134,700 square feet in size for use as a residential care facility

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 and Parcel 2 both have street frontage along the northern property boundary, the front lot line for Parcel 1 and Parcel 2 is the northern property line abutting Boone Road SE.

SRC 800.025 (Flag Lots): There are no flag lots within the proposed partition. Therefore, the standards established in SRC 800.025 are not applicable to the proposal.

The proposal conforms to the requirements of SRC Chapter 800.

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

SRC 806.005(a) (Off-Street Parking, When Required): Off-street parking shall be provided and maintained for each proposed new use or activity as required by SRC Chapter 806. Off-street parking requirements for the proposed Parcels 1 and 2 will be reviewed at the time of application for site plan review and building permits on those individual parcels.

(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. The applicant has received approval for an UGA permit (Case No. UGA-SPR-ADJ-DAP16-03) for development of the subject property.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available to serve the subject property as conditioned in this Partition decision and as conditioned in the Urban Growth Area Preliminary Declaration (UGA-SPR-ADJ-DAP16-03). Specifications for required public improvements are summarized in the Public Works Department memo dated April 4, 2017 (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). Comments from the Public Works Department indicate that the applicant shall dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. In order to ensure compliance with the requirements of SRC Chapter 802 and the PWDS, the following condition shall apply:

Condition 1: Dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. The easement shall specify that the precise location and dimensions of the easement boundary will be as specified in the Public Works Design Standards (PWDS), and will be finalized when the water main is constructed.

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 2 parcel partition generates less than 200 average daily vehicle trips to Boone Road SE, designated as a local street.

Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal. Additional traffic analysis may be required at the time of future development.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Boone Road SE abuts the north boundary of the site and is proposed to provide access to each of the parcels within the partition. Pumice Street SE is an existing stub street that terminates at the south line of the subject property. Topographic constraints along the southern portion of the site make the extension of Pumice Street SE to Boone Road SE impractical.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portion of Boone Road SE is designated as a local street in the TSP, and currently has an under improved pavement section within a minimum 60-foot wide right-of-way. The standard for this street classification is a 30-foot-wide improvement within a 50- to 60-foot-wide right-of-way. Conditions 3 and 4, described below in findings on SRC 803.040, requires the applicant to construct a half-street improvement on the south side of Boone Road SE and a 15-foot pavement widening on the north side along the frontage of Boone Road SE.

As conditioned, the proposal meets these requirements.

SRC 803.030 (Street Spacing): Due to topographic constraints along the southern portion of the site make the extension of Pumice Street SE to Boone Road SE impractical. Development of further street connections is not required as part of the proposed partition.

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 proposed partition plan includes street improvements to the abutting section street frontage along Boone Road SE.

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, the required half-street frontage improvement will include sidewalks along the south side of Boone Road SE.

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

Condition 2: Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Boone Road SE abuts the subject property on the north boundary and its current condition does not comply with the development standards for a local street. Per Condition 3 from UGA-SPR-ADJ-DAP16-03, along the

frontage of Boone, from the west line of the subject property to the cul-de-sac located approximately 930-feet east of the 27th Avenue SE and Boone intersection, the applicant is required to construct a minimum 15-foot-wide half street improvement on the south side and a 15-foot pavement widening on the north side of Boone. The same conditions shall apply to the proposed partition.

Condition 3: Construct a minimum 30-foot-wide linking street improvement along Boone Road SE from 27th Avenue SE to the west line of the subject property.

Condition 4: Along the frontage of Boone Road SE, from the west line of the subject property to the cul-de-sac located approximately 930 feet east of the 27th Avenue SE and Boone Road SE intersection, the applicant shall construct a minimum 15-foot-wide half-street improvement on the south side and a 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are not required for the improvements on the north side of Boone Road SE.

(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, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

No protected riparian trees or significant trees have been identified on the site plan for removal. Because the proposed land division does not result in the creation of lots or parcels to be used for Single Family or Two Family uses, a Tree Conservation Plan is not required for the proposed development.

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 are mapped areas of landslide susceptibility on the subject property equal to 3 points. Partition proposals are assigned 2 activity points.

Pursuant to Table 810-1E, a total of 5 points indicates a moderate landslide hazard risk and requires a geological assessment or geotechnical report.

The applicant has submitted a geotechnical investigation and geologic hazard assessment for the subject property prepared by Redmond Geotechnical Services dated June 7, 2016.

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 14.53 acre property into two proposed parcels with no remainder. The subject property is located adjacent to vacant and underdeveloped properties to the north and west which are outside of the urban service area. Adjacent property to the north is approximately 25 acres in size and abutting property to the west is approximately 5.5 acres in size. Both properties have a "Developing Residential" Comprehensive Plan Map designation indicating that these properties will incrementally develop at urban densities at some point in the future.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The abutting portion of Boone Road SE, as conditioned to be improved on the proposed tentative partition plan, is sufficient to provide access to each of the proposed parcels. 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 along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. The Water System Master Plan shows that a future 12-inch water main is to be constructed through the subject property from Pumice Street SE to Boone Road SE. The water main is not needed at this time, but the applicant is required to dedicate an easement that allows for future construction of the water main.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

Finding: The existing configuration of Boone Road SE does not meet the current local street standards. Boundary street improvements are required as described in the proposed conditions of approval and in compliance with SRC 803.040. Due to the existing nature of Boone Road SE and topographic constraints at the eastern boundary

of the subject property, boundary street improvements shall be terminated with a cul-de-sac.

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: Pursuant to the street connectivity requirements of SRC 803.035(a)(1), local streets shall be oriented or connected to existing or planned streets except where physical conditions make a street or public accessway connection impractical. Pumice Street SE is an existing sub street that terminates at the south line of the subject property.

Topographic constraints along the southern portion of the site make the extension of Pumice Street SE to Boone Road SE impractical. The proposed development plan demonstrates adequate emergency access, pedestrian access and utility vehicle access into and out of the proposed development phase.

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 southern property line at an elevation of approximately 464 feet to the northwest corner at approximately 362 feet and northeast corner at approximately 365 feet. The partition would divide the property into two parcels with an area of approximately 5.72 acres and 8.86 acres. An Urban Growth Area Preliminary Declaration for the subject property and Site Plan Review for development on proposed Parcel 1 has been approved for construction of a 134,700 square foot residential care facility with 122 total units (Case No. UGA-SPR-ADJ-DAP 16-03).

No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of proposed Parcel 2. The layout of Parcel 2 allows for reasonable future development, and is of sufficient size to allow for future land division 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 a significant change in elevation across the subject property, with the slope in some areas exceeding 25 percent. The proposed layout results in parcel sizes which are large enough to distribute this grade

change roughly equally across the parcels, minimizing the need for substantial grading in any single area. No internal streets are proposed and no trees are identified on the tentative partition plan for removal. The proposal meets this criterion.

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 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. 17-01, to divide property approximately 14.5 acres in size into two parcels, approximately 5.72 acres and 8.86 acres in size, zoned RM-II (Multi-Family Residential), RM-I (Multi-Family Residential) and RS (Single Family Residential), and located at the 2900 Block of Boone Road SE - 97306 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: Dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. The easement shall specify that the precise location and dimensions of the easement boundary will be as specified in the Public Works Design Standards (PWDS), and will be finalized when the water main is constructed.

Condition 2: Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.

Condition 3: Construct a minimum 30-foot-wide linking street improvement along Boone Road SE from 27th Avenue SE to the west line of the subject property.

Condition 4: Along the frontage of Boone Road SE, from the west line of the subject property to the cul-de-sac located approximately 930 feet east of the 27th Avenue SE and Boone Road SE intersection, the applicant shall construct a minimum 15-foot-wide half-street improvement on the south side and a 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are not required for the improvements on the north side of Boone Road SE.



Aaron Panko, 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>March 6, 2016</u>
Notice of Decision Mailing Date:	<u>April 14, 2017</u>
Decision Effective Date:	<u>May 2, 2017</u>
State Mandated Decision Date:	<u>July 4, 2017</u>

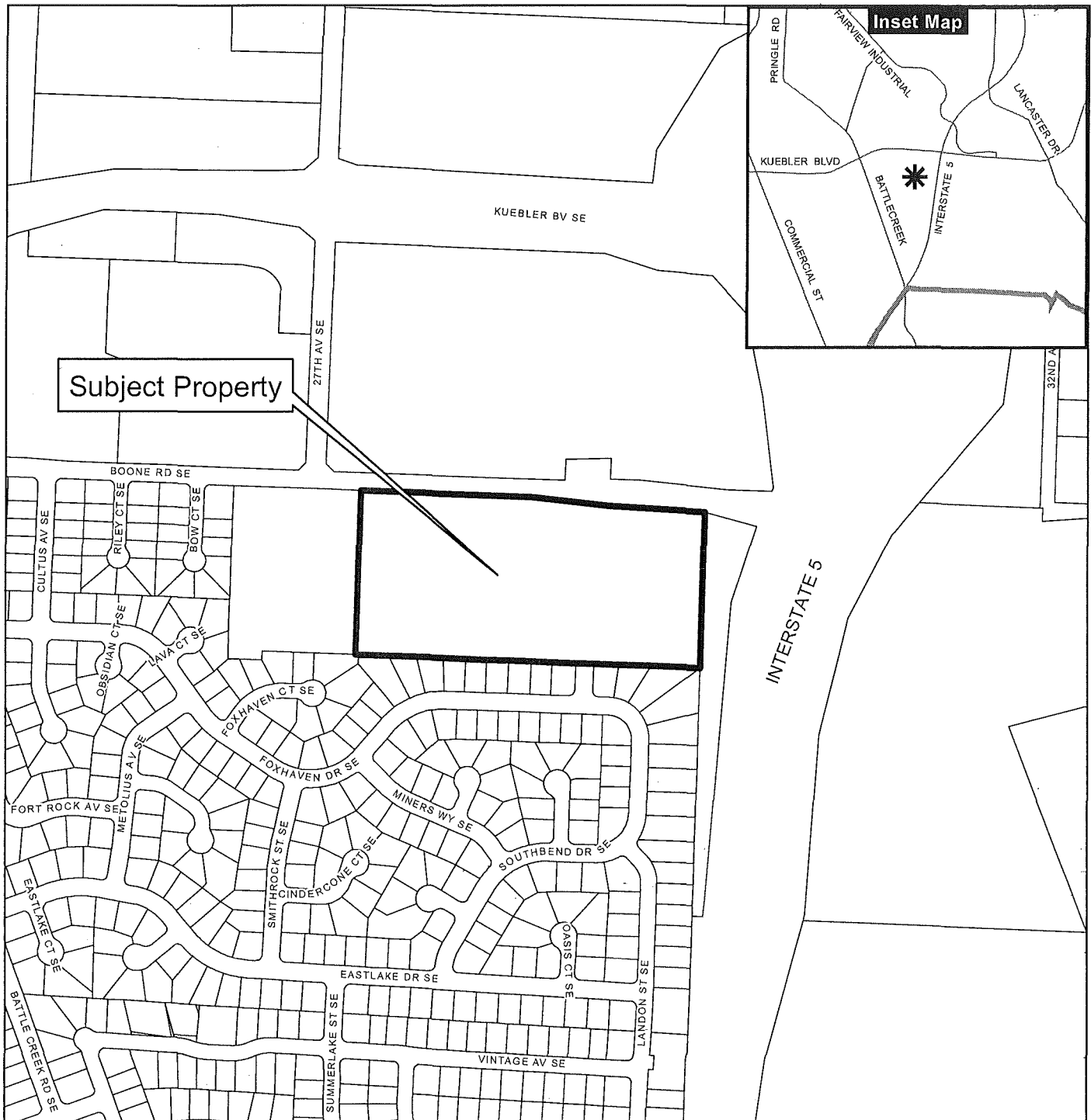
The rights granted by this decision must be exercised or extension granted by May 2, 2019 or this approval shall be null and void.

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 **Monday, May 1, 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

2900 Block of Boone Road SE



Legend

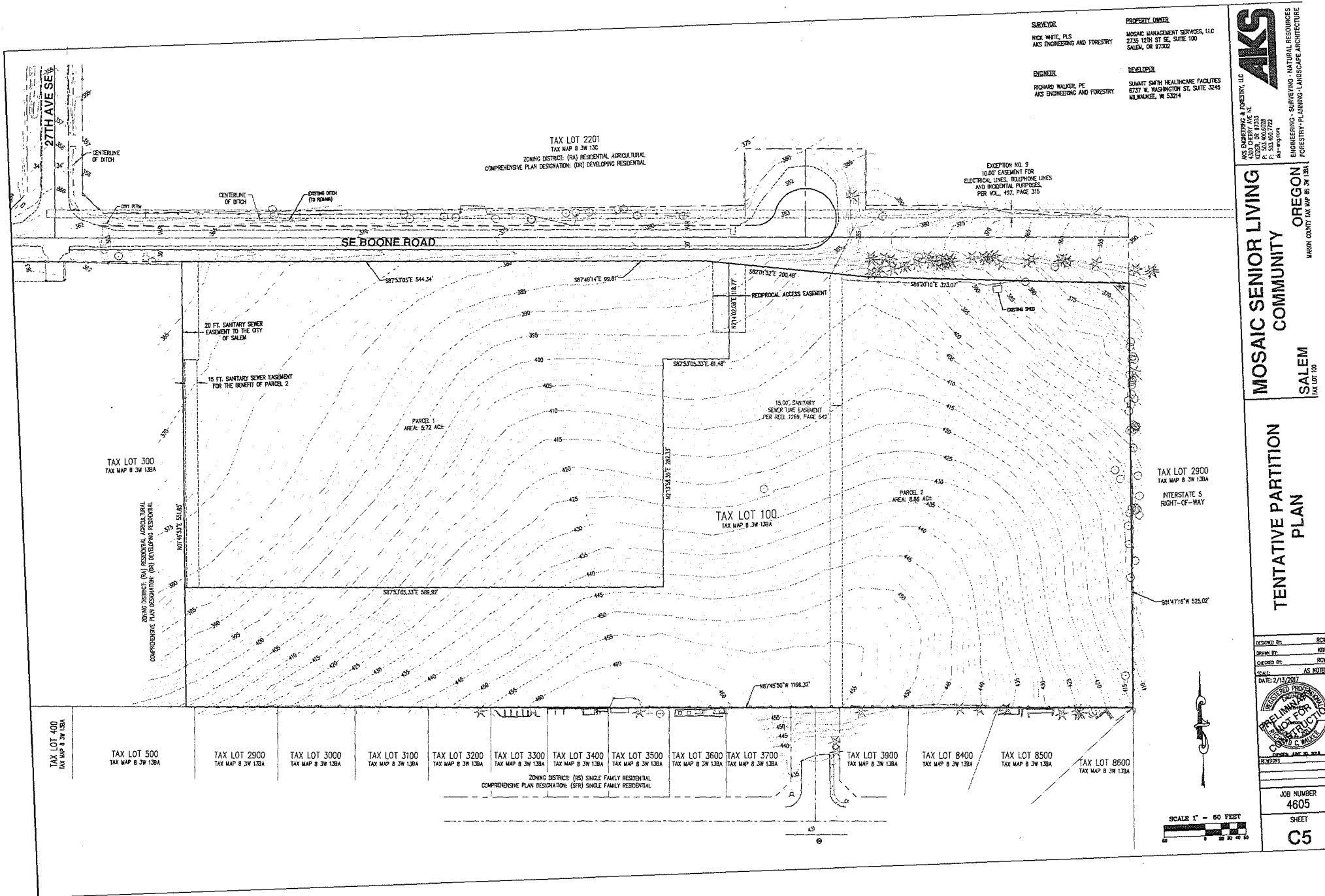
- | | | |
|-----------------------|---------------------------|-------|
| Taxlots | Outside Salem City Limits | Parks |
| Urban Growth Boundary | Historic District | |
| City Limits | Schools | |

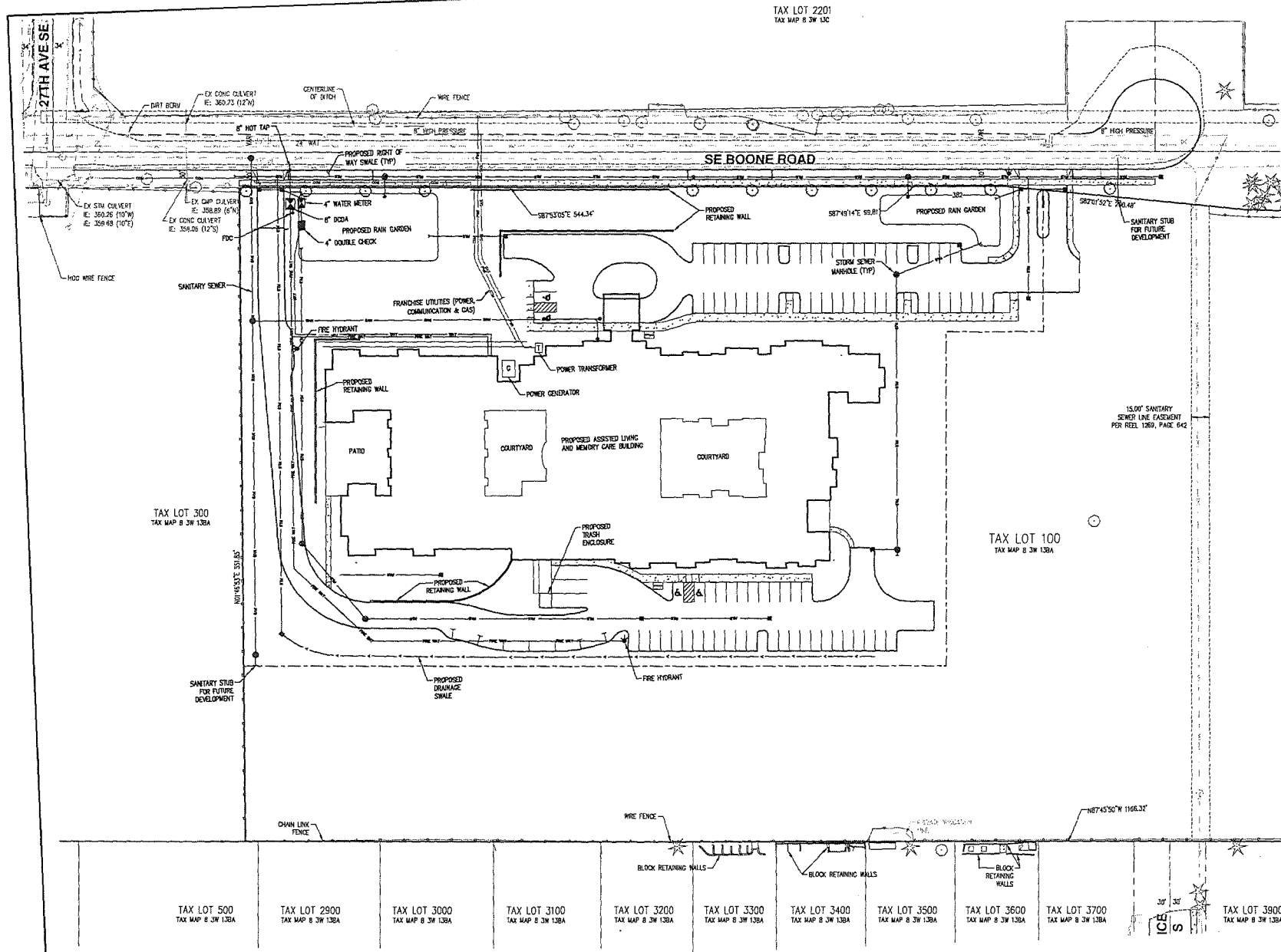
0 100 200 400 Feet



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

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.





SCALE 1" = 40 FEET

AKS
 AKS ENGINEERING & FORESTRY, LLC
 1000 N. W. 10th Ave.
 Suite 100
 Fort Lauderdale, FL 33304
 P: 561.400.0000
 F: 561.400.0001
 www.aks-engineering.com

MOSAIC SENIOR LIVING COMMUNITY
 OREGON
 SALEM
 TAX LOT 100
 MADON COUNTY TAX MAP 8S 3W 13BA

PRELIMINARY UTILITY PLAN

DESIGNED BY:	RCW
DRAWN BY:	RCW
CHECKED BY:	RCW
DATE:	02/20/2021
DATE:	02/20/2021
JOB NUMBER	4605
SHEET	C2

Partition Application

Submitted to: City of Salem
Planning Division
555 Liberty Street SE, Suite 305
Salem, OR 97301

Applicant: Boone Road Land SL, LLC
2735 12th Street SE, Suite 100
Salem, OR 97302

Property Owners: Boone Road Land SL, LLC
2735 12th Street SE, Suite 100
Salem, OR 97302

Applicant's Consultant: AKS Engineering & Forestry, LLC
4300 Cherry Avenue NE
Keizer, OR 97303
Contact(s): Richard Walker
Email: richardw@aks-eng.com
Phone: (503) 400-6028
Fax: (503) 400-7722

Site Location: South of Boone Road SE and West of Interstate 5

Site Size: ± 14.53 acres per Marion County Assessor's Map
± 14.58 acres per AKS Survey

Assessor's Tax Map: 083W13BA Tax Lot 100

Land Use Districts: RS – Single-Family Residential, RM-I – Multiple Family Residential, and RM-II – Multiple Family Residential



I. Executive Summary

Boone Road Land SL, LLC, (Applicant) is submitting this application for a partition to divide a single tax lot of ± 14.58 acres into two parcels of ± 5.72 acres and ± 8.86 acres. An assisted living and memory care community is planned for the smaller of the two parcels, and an application for a Class 3 Site Plan Review (16-117251-RP), Urban Growth Area Development Permit (16-117250-LD), and Class 2 Adjustment (16-117252-ZO) was approved by City of Salem on January 26, 2017.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject property is located in southeast Salem and bounded on the north by Boone Road SE and on the east by Interstate 5. The subject property is a single tax lot of ± 14.58 acres, generally rectangular in shape, and measures approximately 582 feet by 1,166 feet. It is currently vacant. The subject property generally slopes up from Boone Road SE to the south. The elevation at the northwest corner of the property is ± 365 feet and slopes up to ± 460 feet at the southern boundary.

The zones and uses surrounding the subject property are as follows:

- North:** Residential Agriculture (RA) Zone; Vacant
- South:** Single-Family Residential (RS) Zone; Foxhaven Subdivision
- East:** Interstate 5
- West:** Residential Agriculture (RA) Zone and Marion County Urban Transition (UT) Zone; Large-Lot Residential

When the property was annexed into the City of Salem in 2010, it was split zoned with three different residential zoning designations. The southernmost ± 75 feet of the property (± 2.0 acres) is zoned RS – Single Family Residential, the next ± 145 feet (± 3.9 acres) is zoned RM-I – Multiple Family Residential, and the northernmost ± 332 feet (± 8.68 acres) is zoned RM-II – Multiple Family Residential.

III. Applicable Review Criteria

CITY OF SALEM REVISED CODE

CHAPTER 205 LAND DIVISION AND RECONFIGURATION

205.005. Partition Tentative Plan.

(***)

(d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:

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

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

RESPONSE: Each of the parcels will be suitable for the planned assisted living and memory care community, which the City of Salem classifies as a residential care facility. Residential care facilities are a permitted use in the RM-I and RM-II zones. The dimensions and configuration of the parcels are further addressed below in the responses to Chapter 511 RS – Single-Family Residential, Chapter 513 RM-I – Multiple Family Residential, and Chapter 514 RM-II – Multiple Family Residential.

(B) City infrastructure standards; and

RESPONSE: City of Salem Public Works Recommendations for Pre-App No. 15-27 (15-107761-PA) included the following comments on the adequacy of existing infrastructure:

- A 30-inch water line is located in Boone Road SE and adequate to serve the proposed project.
- The Sewer Master Plan shows the property will be serviced by the existing 8-inch line located in Boone Road SE.

As conditioned by the consolidated Site Plan Review approval, the following improvements are planned:

- A 30-foot-wide street improvement along Boone Road SE, from 27th Avenue SE to the western boundary of the subject property.
- Widen 27th Avenue SE to provide a 34-foot-wide linking street improvement from Kuebler Boulevard SE to Boone Road SE, or pay a fee-in-lieu in the amount of \$9,675.
- Frontage improvements consisting of a 15-foot-wide half-street improvement along the south side of Boone Road SE, and 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are neither planned nor required with the north side improvements.
- Sewer, water, and stormwater infrastructure to serve the approved project as specified in the City of Salem Public Works Design Standards (PWDS).

In predeveloped conditions, stormwater runoff from the subject property drains to existing conveyance ditches along Boone Rd SE. The proposed stormwater management system will collect all stormwater runoff generated from new impervious areas and convey it to on-site green stormwater infrastructure. Stormwater runoff will be treated and detained in accordance to PWDS and conveyed to the existing ditch system along Boone Rd SE.

With the existing infrastructure and planned improvements, the project will comply with City infrastructure standards.

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

RESPONSE: The Geotechnical Report, included as Exhibit E, concludes that the site is stable and suitable for the project. The City did not identify any other special development standards in the Pre-Application Report for PRE-AP15-27/15-107761-PA. Therefore, the criteria are met.

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

RESPONSE: The partition will divide a single tax lot of ± 14.58 acres into two parcels of ± 5.72 acres and ± 8.86 acres. The planned parcels will meet or exceed minimum dimensional standards for the applicable zone, have adequate frontage on a public road, and be sized to allow a future use or development consistent with applicable zoning standards. The City approved a consolidated Site Plan Review application for an assisted living and memory care community for the smaller of the two parcels.

The area to the south is fully developed as a residential subdivision. Property to the north and west are vacant or underutilized. The public improvements planned with this project will provide street and utility infrastructure supportive of the potential future development of adjacent land.

The eastern parcel, planned Parcel 2, will be vacant. A planned access to Boone Road SE at the boundary between Parcel 1 and Parcel 2 would facilitate future use of Parcel 2. Additionally, the ± 8.86 -acre size of Parcel 2 provides flexibility and numerous options for future use or development. Therefore, the criteria are met.

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

RESPONSE: A consolidated Site Plan Review application, including an Urban Growth Area Development Permit (16-117250-LD), was approved by City of Salem on January 26, 2017. City of Salem Public Works Recommendations from Pre-App No. 15-27 (15-107761-PA) included the following comments on the adequacy of existing infrastructure:

- A 30-inch water line is located in Boone Road SE and adequate to serve the proposed project.
- The Sewer Master Plan shows the property will be serviced by the existing 8-inch line located in Boone Road SE.

As conditioned by the consolidated Site Plan Review approval, the following improvements are planned:

- A 30-foot-wide street improvement along Boone Road SE, from 27th Avenue SE to the western boundary of the subject property.
- Widen 27th Avenue SE to provide a 34-foot-wide linking street improvement from Kuebler Boulevard SE to Boone Road SE, or pay a fee-in-lieu in the amount of \$9,675.
- Frontage improvements consisting of a 15-foot-wide half-street improvement along the south side of Boone Road SE, and 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are neither planned nor required with the north side improvements.
- Sewer, water, and stormwater infrastructure to serve the approved project as specified in the City of Salem Public Works Design Standards (PWDS).

With the existing infrastructure and planned improvements, development of the parcels can be adequately served by City infrastructure.

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

RESPONSE: Boone Road SE is designated as a Local street in the Salem Transportation System Plan (TSP). The standard for Local streets is a 30-foot-wide improvement within a 50- to 60-foot-wide right-of-way. Boone Road SE currently has an under-improved pavement section within an adequate right-of-way.

As conditioned by the consolidated Site Plan Review approval, a 30-foot-wide street improvement along Boone Road SE, from 27th Avenue SE to the western boundary of the subject property, is planned. Frontage Improvements will include a 15-foot-wide half-street improvement along the south side of Boone Road SE, and 15-foot pavement widening on the north side. Additionally, a 34-foot-wide street improvement (or fee-in-lieu) along 27th Avenue SE will link Kuebler Boulevard SE to Boone Road SE. These frontage and off-site improvements will bring the street system adjacent to the planned parcels into conformance with the TSP.

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

RESPONSE: The subject property fronts Boone Road SE, a designated Local street. As described above, Boone Road SE and 27th Avenue SE will be improved to provide greater conformance with the TSP, which is designed to provide for the safe, orderly, and efficient movement of traffic to and from the property.

Because the subject property is vacant, it does not contain internal roads or an established access to Boone Road SE. The Preliminary Site Plan shows the planned assisted living and memory care community relative to the future parcels. As shown, both parcels will have adequate frontage to provide safe, orderly, and efficient access to an improved Boone Road SE. Therefore, the criteria are met.

- (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 subject property generally slopes up from Boone Road SE to the south. The elevation at the northwest corner of the property is ± 365 feet and slopes up to ± 460 feet at the southern boundary. Vegetation consists primarily of brush and small shrubs. No variances are requested at this time, and the planned parcels are large enough to accommodate a range of future projects without the need for variances. Therefore, the criteria are met.

- (7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

RESPONSE: The subject property generally slopes up from Boone Road SE to the south. The elevation at the northwest corner of the property is ± 365 feet and slopes up to ± 460 feet at the southern boundary. Vegetation consists primarily of brush and small shrubs. The planned assisted living and memory care community will be located on Parcel 1, which is the flattest and least vegetated portion of the subject property and will create the least disruption to the site, topography, and vegetation. Therefore, the criteria are met.

- (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.

RESPONSE: The subject property will connect to City water and sewer systems. Therefore, the criteria do not apply.

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.

RESPONSE: The planned parcels will be residentially zoned and contain enough area to be further divided into four or more lots or parcels. Though no future division is planned at this time, the development standards set forth in Chapter 803 can be met. No new private or public streets are planned. Existing public streets will be improved to City standards, as described in the response to Section 205.005(d)(1)(B). Therefore, the applicable criteria are met.

CHAPTER 511 RS – SINGLE- FAMILY RESIDENTIAL

511.010. Development Standards.



Development within the RS zone must comply with the development standards set forth in this section.

- (a) Lot Standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.

Table 511-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 4,000 sq. ft.	Applicable to two family shared housing
	Min. 7,000 sq. ft.	Applicable to all other Two Family
All Other Uses	Min. 6,000 sq. ft.	
Infill Lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
LOT WIDTH		
All Uses	Min. 40 ft.	
LOT DEPTH		
Single Family and Two Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	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. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 40 ft.	

RESPONSE: Proposed Parcel 1 will be \pm 5.72 acres and within the RM-I and RM-II zones. Proposed Parcel 2 will be \pm 8.86 acres and within the RS, RM-I, and RM-II zones. As shown on the Preliminary Partition Plan, Parcel 2 will be more than 40 feet wide, more than 70 feet (but less than 300% average lot width) deep, and maintain more than 40 feet of street frontage on Boone Road SE. Therefore, the criteria are met.

CHAPTER 513 RM-I – MULTIPLE FAMILY RESIDENTIAL

513.010. Development Standards.

Development within the RM-I zone must comply with the development standards set forth in this section.

- (a) Land Division in the RM-I Zone. Lots subdivided or partitioned in the RM-I zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.
- (b) Lot Standards. Lots within the RM-I zone shall conform to the standards set forth in Table 513-2.

Table 513-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 4,000 sq. ft.	Applicable to all other Single Family.
All other uses	Min. 4,000 sq. ft.	
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
All other uses	Min. 40 ft.	
LOT DEPTH		
All uses	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other Single Family
	Min. 30 ft.	Applicable to all other Single Family, when located on a lot 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. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 40 ft.	

RESPONSE: Proposed Parcel 1 will be ± 5.72 acres and split zoned RM-I and RM-II. As shown on the Preliminary Partition Plan, Parcel 1 will be more than 40 feet wide, more than 70 feet (but less than 300% average lot width) deep, and maintain more than 40 feet of street frontage on Boone Road SE.

Proposed Parcel 2 will be ± 8.86 acres and split zoned RS, RM-I, and RM-II. As shown on the Preliminary Partition Plan, Parcel 2 will be more than 40 feet wide, more than 70 feet (but less than 300% average lot width) deep, and maintain more than 40 feet of street frontage on Boone Road SE. Therefore, the criteria are met.

- (d) Setbacks. Setbacks within the RM-I zone shall be provided as set forth in Tables 513-4 and 513-5.

Table 513-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All other uses	Min. 12 ft., plus one foot for each one-foot of height over 12 ft., but not to exceed 20 ft. in depth.	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
All other uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	
INTERIOR SIDE		
Buildings		
All other uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	
INTERIOR REAR		
Buildings		
All other uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	

Table 513-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
Residential Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley			

RESPONSE: Parcel 1 will contain the approved assisted living and memory care community. The building will be located on the portion of the parcel zoned RM-II. The front parking area will be located on the portion of the parcel zoned RM-II and the rear parking area will be located on the portion zoned RM-I. As shown on the Conceptual Site Plan, the planned rear parking and vehicle use area will meet the applicable RM-I setback standards listed in Tables 513-4 and 513-5. Therefore, the criteria are met.

- (e) Lot Coverage; Height. Buildings and accessory structures within the RM-I zone shall conform to the lot coverage and height standards set forth in Table 513-6.

Table 513-6: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max 50%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	

RESPONSE: As shown on the Conceptual Site Plan, the planned building will be located in the portion of Parcel 1 zoned RM-II. Nonetheless, as shown on the Conceptual Site Plan, the planned building area will be $\pm 72,600$ SF, which is less than 50% of the ± 5.72 -acre Parcel 1. Therefore, the applicable criteria are met.

CHAPTER 514 RM-II – MULTIPLE FAMILY RESIDENTIAL

514.010. Development Standards.

Development within the RM-II zone must comply with the development standards set forth in this section.

- (a) Land Division in the RM-II Zone. Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.
- (b) Lot Standards. Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Table 514-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 6,000 sq. ft.	Applicable to all other Single Family, except new single family detached dwellings on non-conforming lots of record less than 6,000 square feet in area.
All other uses	Min. 6,000 sq. ft.	
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
All other uses	Min. 40 ft.	
LOT DEPTH		
Single Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	
All Other Uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
	Min. 30 ft.	Applicable to all other Single Family, when located on a lot 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. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 40 ft.	

RESPONSE: Planned Parcel 1 will be ± 5.72 acres and will be split zoned RM-I and RM-II. As shown on the Preliminary Partition Plan, Parcel 1 will be more than 40 feet wide, more than 70 feet (but less than 300% average lot width) deep, and maintain more than 40 feet of street frontage on Boone Road SE.

Planned Parcel 2 will be ± 8.86 acres and will be split zoned RS, RM-I, and RM-II. As shown on the Preliminary Partition Plan, Parcel 2 will be more than 40 feet wide, more than 70

feet (but less than 300% average lot width) deep, and maintain more than 40 feet of street frontage on Boone Road SE. Therefore, the criteria are met.

- (d) Setbacks. Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

Table 514-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All other uses	Min. 12 ft., plus one foot for each one-foot of height over 12 ft., but not to exceed 20 ft. in depth.	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
All other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	
INTERIOR SIDE		
Buildings		
All other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	
INTERIOR REAR		
Buildings		
All other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	

Table 514-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
Residential Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Limitations and Qualifications			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

RESPONSE: Parcel 1 will contain the approved assisted living and memory care community. The building will be located on the portion of the parcel zoned RM-II. The front parking area will be located on the portion of the parcel zoned RM-II and the rear parking area will be located on the portion zoned RM-I. As shown on the Conceptual Site Plan, the planned building and front parking area will meet the applicable RM-II setback standards listed in Tables 514-4 and 514-5. Therefore, the criteria are met.

- (e) Lot Coverage; Height. Buildings and accessory structures within the RM-I zone shall conform to the lot coverage and height standards set forth in Table 514-6.

Table 514-6: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max 50%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	

RESPONSE: The approved building will be located in the portion of Parcel 1 zoned RM-II. As shown on the Preliminary Site Plan, the planned building area will be $\pm 72,600$ SF, which is less than 50% of the ± 5.72 -acre Parcel 1. Therefore, the criteria are met.

CHAPTER 800 GENERAL DEVELOPMENT STANDARDS

800.015. Lot Standards, Generally.

- (a) Buildings to be on a Lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC Chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.
- (b) Side Lot Lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

RESPONSE: Only one building is planned at this time, and it will be located entirely on Parcel 1. As shown on the Tentative Partition Plan, the new side lot line separating Parcel 1 and Parcel 2 will run at a right angle to Boone Road SE.

CHAPTER 802 PUBLIC IMPROVEMENTS

802.015. Development to be Served by City Utilities. Except as provided under SRC 802.035 and SRC 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

RESPONSE: City of Salem Public Works Recommendations for Pre-App No. 15-27 (15-107761-PA) included the following comments on the adequacy of existing infrastructure:

- A 30-inch water line is located in Boone Road SE and adequate to serve the proposed project.

-
- The Sewer Master Plan shows the property will be serviced by the existing 8-inch line located in Boone Road SE.

As conditioned by the consolidated Site Plan Review approval, the following improvements are planned:

- A 30-foot-wide street improvement along Boone Road SE, from 27th Avenue SE to the western boundary of the subject property.
- Widen 27th Avenue SE to provide a 34-foot-wide linking street improvement from Kuebler Boulevard SE to Boone Road SE, or pay a fee-in-lieu in the amount of \$9,675.
- Frontage improvements consisting of a 15-foot-wide half-street improvement along the south side of Boone Road SE, and 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are neither planned nor required with the north side improvements.
- Sewer, water, and stormwater infrastructure to serve the approved project as specified in the City of Salem Public Works Design Standards (PWDS).

In predeveloped conditions, stormwater runoff from the subject property drains to existing conveyance ditches along Boone Rd SE. The proposed stormwater management system will collect all stormwater runoff generated from new impervious areas and convey it to on-site green stormwater infrastructure. Stormwater runoff will be treated and detained in accordance to City of Salem Public Works Design Standards and conveyed to the existing ditch system along Boone Rd SE.

With the existing infrastructure and planned improvements, the project will comply with City infrastructure standards. Therefore, the criteria are met.

- 802.035. Partitions in Areas Unserved by City Wastewater System. A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC Chapter 205 are met.

RESPONSE: According to the City of Salem Public Works comments referenced above, an existing 8-inch gravity sewer main is located in Boone Road SE abutting the subject property. Therefore, the criteria do not apply.

CHAPTER 803 STREETS AND RIGHT-OF-WAY IMPROVEMENTS

- 803.020. Public and Private Streets.

- (a) Public Streets. Except as provided in subsection (b) of this section, all streets shall be public streets.
- (b) Private Streets.
 - (1) Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given 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.

-
- (2) Private streets shall conform to this Chapter and the Public Works Design Standards, unless otherwise required by state law.
 - (3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including but not limited to: parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.

RESPONSE: No new private or public streets are planned. Existing public streets will be improved to City standards as described in the response to Section 205.005(d)(1)(B). Therefore, the applicable criteria are met.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Salem Revised Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this Partition application.

RECEIVED

ATTACHMENT D

APR 04 2017



COMMUNITY DEVELOPMENT

MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: April 3, 2017

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR17-01 (17-104175-LD)
2900 BLOCK OF BOONE ROAD SE
TWO-PARCEL PARTITION

PROPOSAL

To divide approximately 14.5 acres into two-parcels in a RM-II (Multi-Family Residential), RM-I (Multi-Family Residential), and RS (Single Family Residential) zone at the 2900 block of Boone Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct a minimum 30-foot-wide linking street improvement along Boone Road SE from 27th Avenue SE to the west line of the subject property.
2. Along the frontage of Boone Road SE, from the west line of the subject property to the cul-de-sac located approximately 930 feet east of the 27th Avenue SE and Boone Road SE intersection, the applicant shall construct a minimum 15-foot-wide half-street improvement on the south side and a 15-foot pavement widening on the north side. Additional stormwater flow control or treatment facilities are not required for the improvements on the north side of Boone Road SE.
3. Dedicate a water main easement to the City for construction of a 12-inch water main from Pumice Street SE to Boone Road SE through the subject property as specified in the Water System Master Plan. The easement shall specify that the precise location and dimensions of the easement boundary will be as specified in the PWDS, and will be finalized when the water main is constructed.
4. Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.

FACTS

Streets

1. Boone Road SE

- a. Existing Conditions—This street has an under improved pavement section within a minimum 60-foot-wide right-of-way along the frontage of the subject 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.

2. Pumice Street SE

- a. Existing Conditions—This street has an under improved pavement section within a minimum 60-foot-wide right-of-way along the frontage of the subject 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. The northwest area of the subject property drains into existing storm drainage facilities in 27thAvenue SE.
- b. The northeast area of the subject property slopes to the northwest and northeast.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.

Sanitary Sewer

1. Existing Sewer

- a. A 6-inch force main is located on the subject property.
- b. An 8-inch gravity sewer main is located in Boone Road SE abutting the subject property.

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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 Landslide Hazards, there may be areas of landslide susceptibility on the subject property. The applicant has satisfied the requirements of SRC 810 by submitting a geotechnical report from Redmond Geotechnical Services dated June 7, 2016. No mitigation is warranted for the proposed partition based on the findings of the geotechnical report.

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

Findings—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. The Water System Master Plan shows that a future 12-inch water main is to be constructed through the subject property from Pumice Street SE to Boone Road SE. The water main is not needed at this time, but the applicant is required

to dedicate an easement that allows for future construction of the water main.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem TSP*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding—The existing configuration of Boone Road SE does not meet the current local street standards. Boundary street improvements are required as described in the proposed conditions of approval and in compliance with SRC 803.040. Due to the existing nature of Boone Road SE and topographic constraints at the eastern boundary of the subject property, boundary street improvements shall be terminated with a cul-de-sac.

Pursuant to the street connectivity requirements of SRC 803.035(a)(1), local streets shall be oriented or connected to existing or planned streets except where physical conditions make a street or public accessway connection impractical. Pumice Street SE is an existing sub street that terminates at the south line of the subject property.

Topographic constraints along the southern portion of the site make the extension of Pumice Street SE to Boone Road SE impractical. The proposed development plan demonstrates adequate emergency access, pedestrian access and utility vehicle access into and out of the proposed development phase.

Prepared by: Curt Pellatz, Project Coordinator
cc: File