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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION PLAT NO. PAR17-03

APPLICATION NO. : 17-109122-LD

NOTICE OF DECISION DATE: July 14, 2017

SUMMARY: A proposed partition to divide a 5.96-acre property, into two parcels approximately 1.90 acres and 4.02 acres in size.

REQUEST: A partition to divide a 5.96 acre property, into two parcels approximately 1.90 acres, and 4.02 acres in size abutting Boone Road. The subject property is zoned RS (Single-Family Residential) located at 1661 Boone Road SE (Marion County Assessor's Map and Tax Lot numbers: 083W11CD00400).

APPLICANT: Chris D. May for South Salem Church of Nazarene

LOCATION: 1661 Boone Road SE / 97306

CRITERIA: Salem Revised Code 205.005(d)

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

DECISION: The Planning Administrator **APPROVED** Partition PAR17-03 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.** Replace the existing public water easement along the east line of Parcel 2 with a new easement conforming to the Public Works Design Standards.
- Condition 2.** Replace the existing public sewer easement within Parcel 1 with a new easement conforming to the Public Works Design Standards.
- Condition 3.** Construct a half street improvement along the unimproved portions of Boone Road SE abutting the subject property. The applicant can satisfy this requirement by entering into a City-required deferral agreement pursuant to SRC 803.070(b).
- Condition 4:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.

The rights granted by the attached decision must be exercised, or an extension granted, by **August 1, 2019** or this approval shall be null and void.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Application Deemed Complete:	<u>June 1, 2017</u>
Notice of Decision Mailing Date:	<u>July 14, 2017</u>
Decision Effective Date:	<u>August 1, 2017</u>
State Mandate Date:	<u>September 29, 2017</u>



Case Manager: Olivia Glantz, OGlantz@cityofsalem.net; 503-540-2343

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., July 31, 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. 17-03)

*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. 17-03;
1661 BOONE ROAD SE

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)

FINDINGS AND ORDER

JULY 14, 2017

REQUEST

To divide a 5.96 acre property into two parcels, with Parcel 1 containing approximately 1.90 acres, and Parcel 2 containing approximately 4.02 acres. The subject property is zoned RS (Single-Family Residential) located at 1661 Boone Road SE (Marion County Assessor's Map and Tax Lot numbers: 083W11CD00400).

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 prior to final plat approval, unless otherwise indicated:

- Condition 1.** Replace the existing public water easement along the east line of Parcel 2 with a new easement conforming to the Public Works Design Standards.
- Condition 2.** Replace the existing public sewer easement within Parcel 1 with a new easement conforming to the Public Works Design Standards.
- Condition 3.** Construct a half street improvement along the unimproved portions of Boone Road SE abutting the subject property. The applicant can satisfy this requirement by entering into a City-required deferral agreement pursuant to SRC 803.070(b).
- Condition 4:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.

PROCEDURAL FINDINGS

On May 1, 2017, an application for Tentative Partition Plan application was filed proposing to divide property located at 1661 Boone Road SE (**Attachment A**) into two parcels.

After additional requested information was provided by the applicant, the application was deemed complete on June 2, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code (SRC) requirements on June 2, 2017. The state-mandated local decision deadline is September 30, 2017.

SUBSTANTIVE FINDINGS

1. Background

The subject property is approximately 5.96 acre lot and is identified as Lot 1 of Block 4 of Cambridge Meadows Phase II subdivision. The property was annexed in 1979. According to the Marion County Assessor's records, the subject property currently contains an existing 1988 church. The subject property surrounds tax lot 200, which was created by minor partition 83-12M in 1983. Tax lot 200 is not part of the proposed partition.

A partition tentative plan applicant was submitted to divide the subject property into two parcels on May 1, 2017. The application was deemed complete for processing on June 2, 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). Boone Road SE, designated as a local street, runs along the southern 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: 4.02 acres

Parcel Dimensions: Irregularly shaped, approximately 453 feet of frontage, 547 feet in width and 351 feet in depth

PROPOSED PARCEL 2

Parcel Size: 1.90 acres

Parcel Dimensions: Approximately 234 feet of frontage, 243 feet in width and 350 feet in depth.

3. Existing Conditions

Site and Vicinity

The subject property is an irregularly shaped lot, with approximately 696 feet of frontage along its southern boundary along Boone Road SE. Boone Road is designated as a local street in this section. There is an existing church located on the subject property. The subject property surrounds tax lot 200, which was created by minor partition 83-12M in 1983. Tax lot 200 is not part of the proposed partition.

The subject property is approximately 5.96 acre lot and is identified as Lot 1 of Block 4 of Cambridge Meadows Phase II subdivision. The property was annexed in 1979.

Salem Area Comprehensive Plan (SACP) Designation

Land Use Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map.

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 within the City's Urban Service Area.

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently developed with a 20,976 square foot church, parking, and other associated site improvements. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential)

South: Across Boone Road SE - RS (Single Family Residential) & RA (Residential Agriculture)

East: RS (Single Family Residential)

West: RA (Residential Agriculture)

Natural Features

Relationship to Urban Service Area

The subject property is located within the Urban Service Area.

Infrastructure

Water: The subject property is located within the S-2 water service level. A 20-inch City of Salem water line is located in Boone Road SE. There is a 12-inch public water line located on the property, within a 10-foot public easement.

Sewer: There is an 8-inch sanitary sewer main located in Boone Road SE. There is an 8-inch public sewer line located on the subject property, east of the South Salem Church of the Nazarene building, within a 10-foot public easement.

Storm Drainage: There is an existing 10-inch public storm main located in Boone Road SE.

Streets: *Boone Road SE* abuts the south 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 60-foot-wide right-of-way.
- The abutting portion of Boone Road SE varies from an approximately 20 to 30-foot wide improvement within a 60-foot-wide right-of-way.

4. Land Use History

The subject property was annexed into the City of Salem in 1979. The property was initially created by a subdivision, Cambridge Meadows – Phase II, recorded in 1988.

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 the need to meet fire code standards at time of building permits.

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 to the elementary, middle and high schools.

6. Neighborhood Association Comments

The subject property is within the Morningside 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

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. Four comments were received from area property owners concerned

about the request or objecting to the request. The following is a summary of the concerns and staff response.

- 1) **Pedestrian Safety:** Currently, from Brookdale Assisted Living (1355 Boone Road) to South Salem Church of the Nazarene on the subject property there are no sidewalks along the north side of Boone Road. Pedestrians walking along the side of the road make the area unsafe. The sidewalk along the north side of Boone Avenue from the Church to Brookdale Living should be completed.

Staff Response: The applicant is proposing a two parcel partition. Condition 3, described below in findings on SRC 803.040, requires the applicant to construct a half-street improvement on the abutting portion of Boone Road SE, including sidewalk, street lights and street trees. The additional sidewalk will help bridge the gap between the church and Brookdale Assisted Living.

- 2) **Traffic:** Concerns about increase of traffic on Boone Road and the need for widening and repaving of Boone Road. There are concerns traffic attempting to access Kuebler Boulevard through the residential neighborhood.

Staff Response: The proposed partition would create one additional parcel for development of single family residences along a span of approximately 685 feet of frontage along a designated local road. Additional trips attributed to the proposed partition are expected to be minimal in both overall terms and relative to the capacity of the existing and planned street network in the vicinity. Developments located along local streets such as Boone Road SE are required to mitigate their impacts when they are projected to generate more than 200 average daily trips. This development did not meet that threshold so mitigation is not required for this partition. As conditioned below, construction of a half street improvement along the Parcel 2 frontage of Boone Road SE will provide for adequate sidewalks for pedestrian traffic.

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): The proposed partition would divide the 5.96 acre property into two parcels with no remainder. The subject property is currently zoned RS (Single 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 (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the partition are 4.02 acres and 1.90 acres in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The applicant submitted a future development plan for the 1.90 acre property, which demonstrates that lots created by further division of Parcel 2 would also be of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) 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 proposal meets the requirements of SRC Chapter 511.

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 contains an existing church which will be located entirely on Parcel 1.

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. The front property line of both parcels will be the southern property line, fronting on 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)

806.005. Off-Street Parking; When Required.

(a) General Applicability. Off-street parking shall be provided and maintained as required under this Chapter for:

- (1) Each proposed new use or activity.*
- (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.*
- (3) Any intensification, expansion, or enlargement of a use or activity.*

SRC 806.015(a) (Minimum Required Off-Street Parking): SRC 806.015(a) requires all Single Family and Two Family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces. Religious

assembly uses are required to have 1 space per 5 seats or 10 feet of bench length within the principal worship area or one space per 80 square feet within the principal worship area.

The subject property is located outside of the CSDP, and the proposed partition would create one parcel for future residential development (Parcel 2) and one parcel with an existing church and associated parking areas (Parcel 1). Off-street parking requirements for Parcel 2 will be reviewed at the time of application for building permits. The vehicle use area for the existing church is not being expanded or enlarged, and the partition will not intensify or change the existing use or otherwise increase the required parking for development on Parcel 2.

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 inside of the Urban Service Area. 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 Boone Road SE and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated July 3, 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 an 8-inch public sewer line is currently in Boone Road SE and on the subject property within an existing 10-foot public easement. A 20-inch City of Salem water line is located in Boone Road SE. There is a 12-inch public water line located on the property, within a 10-foot public easement.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(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. According to City of Salem records, the existing water main easement (R499 P164) and sewer main easement located on the property appear to be non-conforming based on PWDS. In order to ensure that easements across the subject property conform to the current PWDS, the following conditions shall apply:

Condition 1: Replace the existing public water easement along the east line of Parcel 2 with a new easement conforming to the Public Works Design Standards.

Condition 2: Replace the existing public sewer easement within Parcel 1 with a new easement conforming to the Public Works Design Standards.

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 two 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.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Boone Road SE abuts the south boundary of the site and is proposed to provide access to each of the parcels within the partition.

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 60-foot-wide right-of-way. Condition 3, described below in findings on SRC 803.040, requires the applicant to construct a half-street improvement on the abutting portion of Boone Road SE, including sidewalk, street lights and street trees. The applicant has the option of entering into a City required deferral agreement pursuant to SRC 803.070(b) for the required boundary street improvements because the proposed partition does not generate additional impacts to the transportation system. The deferral agreement shall specify that the improvements will be required at the time of future development where street improvements are warranted pursuant to SRC 803.040(a). No additional right-of-way dedication is needed.

Condition 3: Construct a half street improvement along the unimproved portions of Boone Road SE abutting the subject property. The applicant can satisfy this requirement by entering into a City-required deferral agreement pursuant to SRC 803.070(b).

As conditioned, the proposal meets these requirements.

SRC 803.030 (Street Spacing): The proposed partition involves division of a 5.96 acre parcel, in an area characterized as single family residential subdivisions with several

larger parcels available for development and infill development. Both parcels will have frontage on Boone Road, 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. Although the existing curblin meets to required half-street improvement width along the subject property's frontage of Boone Road SE, to be consistent with the provisions of SRC Chapter 803, the applicant shall construct sidewalk, street lights, and street trees, as conditioned above.

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 abutting portion of Boone Road SE.

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

Condition 4: 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 south boundary and does not meet the current standard for a local road. Although the existing curblin meets to required half-street improvement width along the subject property's frontage of Boone Road SE, to be consistent with the provisions of SRC Chapter 803, the applicant shall construct sidewalk, street lights, and street trees. The applicant has the option of entering into a City required deferral agreement pursuant to SRC 803.070(b) for the required boundary street improvements. The current right-of-way abutting the subject property is 60-foot wide which meets the standard of a local street. No additional right-of-way dedication is needed.

(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 (TCP17-05) was submitted in conjunction the tentative partition plan. TCP17-05 identifies 4 trees on the subject property, with 4 trees 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 is a low 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 5.96 acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The applicant submitted a future development plan for the 1.90 acre property, which demonstrates that lots created by further division of Parcel 2 would also be of sufficient size and dimension to permit future development of uses allowed within the zone. The adjoining properties are either developed with single family dwellings and have access to public streets or large vacant tracts.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Boone Road SE 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.

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 Boone Road 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. The applicant will be required to provide a tentative stormwater design at the time of the future development of the proposed Parcel 2.

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.

SRC 700.050. Religious Assembly. Where designated as a special use, Religious Assembly shall comply with the additional standards set forth in this section. The applicable sections are addressed below:

- (f) **Lot Standards. Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-5. The lot standards identified in Table 700-5 apply to an individual lot, or contiguous lots when two or more lots under a single ownership are combined to accommodate the development. For purposes of this subsection, contiguous lots shall include lots that are separated by an alley.**

Finding: Proposed lots in the partition are 4.02 acres (Parcel 1) and 1.90 acres (Parcel 2) in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards of the RS zone. The applicant submitted a future development plan for single family residential development on Parcel 2, and has not proposed to extend the religious assembly use onto Parcel 2. The existing religious assembly is currently on a 5.96-acre property, larger than the maximum 2 acres allowed in Table 700-5. The partition will reduce the size of this parcel to 4.02 acres, thereby bringing it closer to conformance with the 2-acre standard set forth in SRC 700.050.

- (g) **Setbacks. Setbacks for religious assemblies shall be provided as set forth in Table 700-6.**

Finding: The partition will be creating a parcel approximately 4.02 acres in size. The south, east and north property line setbacks will remain the same after the partition. The setback requirement within the RS zone to the west property line is a minimum of 12 feet, plus two feet for each five feet of height over 25 feet. The existing church is 34-feet in height, requiring a 15.6-foot setback to the west property line. The vehicle use area is required to be set back 15-feet from the western property line. The existing structure is more than 20-feet from the proposed western property line and the vehicle use area is approximately 50-feet from the proposed west property line.

- (h) **Lot Coverage; Height. Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-7.**

Finding: The lot coverage standard is a maximum of 40% of the lot. The proposed partition creates a 4.02 acre parcel containing the existing church. The existing structures on the subject property total approximately 25,105 square feet. The total lot coverage for the proposed new parcel will be 14.33% ($25,105 / 175,111 = 0.14$).

(i)(2) Screening. Off-street parking areas shall be screened from abutting residential zoned property.

Finding: The existing screening will remain and will not be affected by the proposed partition.

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: The abutting portions of Boone Road SE are designated as a local street in the TSP. The abutting portion of Boone Road SE has a varying 20 to 30-foot-wide improvement within a 60-foot-wide right-of-way and does not meet the current standard for a local street. Pursuant to SRC 803.040, construction of a half-street improvement is warranted along the frontage of Boone Road SE. Tax lot 201 is located between proposed parcel one and proposed parcel 2 and does not meet the minimum improvement requirements for a local road. 2. There is an existing street Deferral Agreement on file for the adjacent property located at 1515 Boone Road SE. Future development of the proposed parcels of the partition may result in the Salem City Council to call upon the deferral to complete the street improvements and pedestrian connection on Boone Road SE. The applicant can satisfy this condition by either constructing the required improvement or entering into a City-required deferral agreement pursuant to SRC 803.070(b).

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: Boone Road SE abuts the subject property and does not meet the current standard for a Local Street. Although the existing curbline meets to required half-street improvement width along the subject property's frontage of Boone Road SE, to be consistent with the provisions of SRC Chapter 803, the applicant shall construct sidewalk, street lights, and street trees. The applicant has the option of entering into a City required deferral agreement pursuant to SRC 803.070(b) for the required boundary street improvements. No additional right-of-way dedication is needed.

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 layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site is relatively flat, sloping downward from the northwest corner to the east

and south, with the northeast corner of the property being approximately 20 feet lower than the highest point on the property. 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 slight elevation change from east to west across the subject property. The proposed layout distributes this grade change roughly equally across the two parcels and a large portion of the property is currently developed, minimizing the need for substantial grading in any single area.

The applicant has submitted an application for a tree conservation plan approval in conjunction with the partition application (TCP17-05). The applicant's proposal would retain 4 trees, or approximately 100% of the trees on the subject properties, thus exceeding the 25% percent retention standard in SRC 808.035(d)(4). No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present on the subject property.

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. 17-03, to divide a 5.96 acre parcel into two parcels, with Parcel 1 consisting of 4.02 acres, and Parcel 2 consisting of 1.90 acres, for property zoned RS (Single Family Residential) and located at 1661 Boone Road SE 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.** Replace the existing public water easement along the east line of Parcel 2 with a new easement conforming to the Public Works Design Standards.
- Condition 2.** Replace the existing public sewer easement within Parcel 1 with a new easement conforming to the Public Works Design Standards.
- Condition 3.** Construct a half street improvement along the unimproved portions of Boone Road SE abutting the subject property. The applicant can satisfy this requirement by entering into a City-required deferral agreement pursuant to SRC 803.070(b).
- Condition 4:** Provide a 10-foot-wide public utility easement (PUE) along the entire frontage of Boone Road SE.



Olivia Glantz, 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: June 1, 2017
Notice of Decision Mailing Date: July 13, 2017
Decision Effective Date: July 31, 2017
State Mandated Decision Date: September 29, 2017

The rights granted by this decision must be exercised or extension granted by July 31, 2019 or this approval shall be null and void.

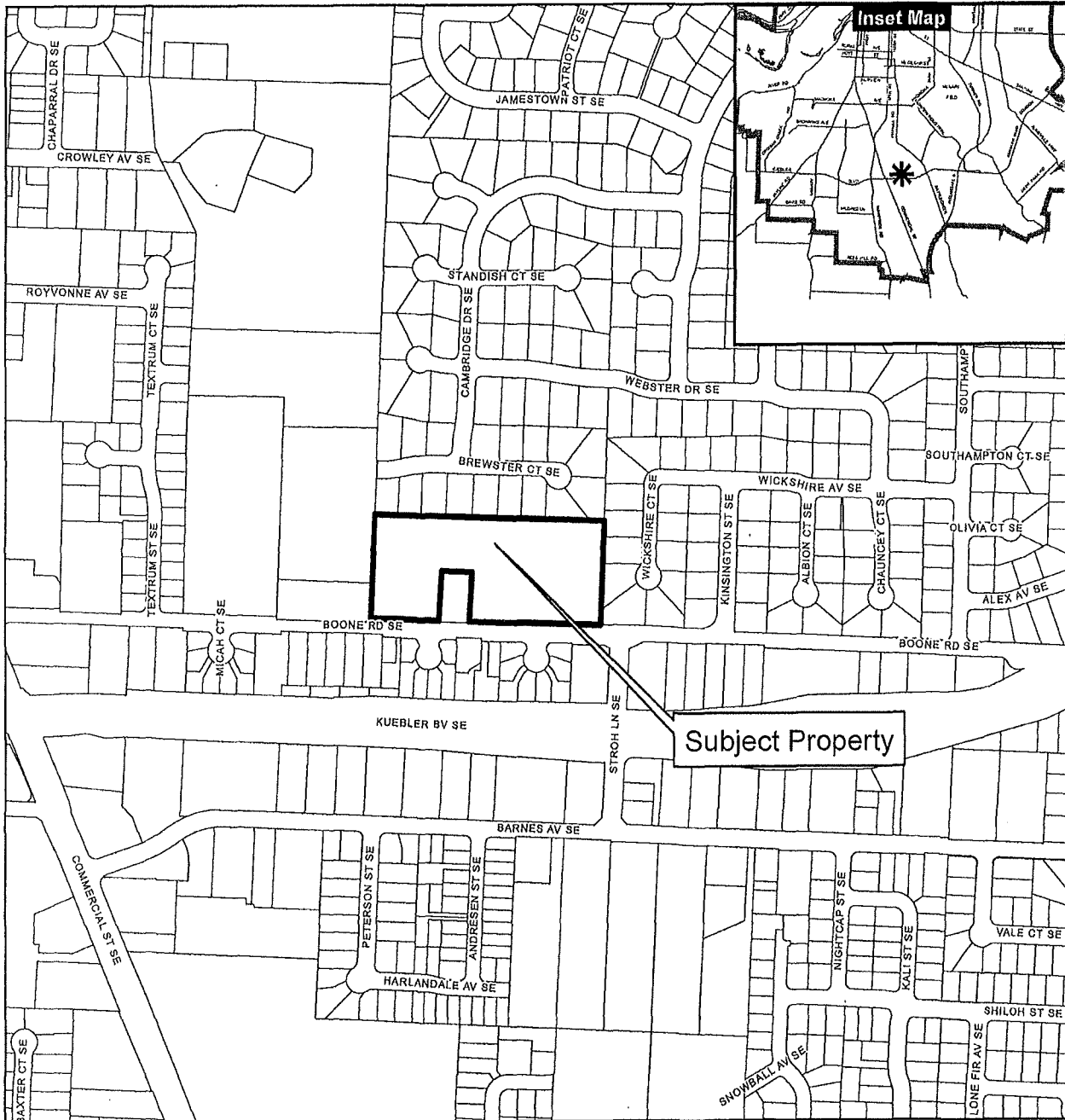
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

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, July 28, 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

1661 Boone Road SE



Legend

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

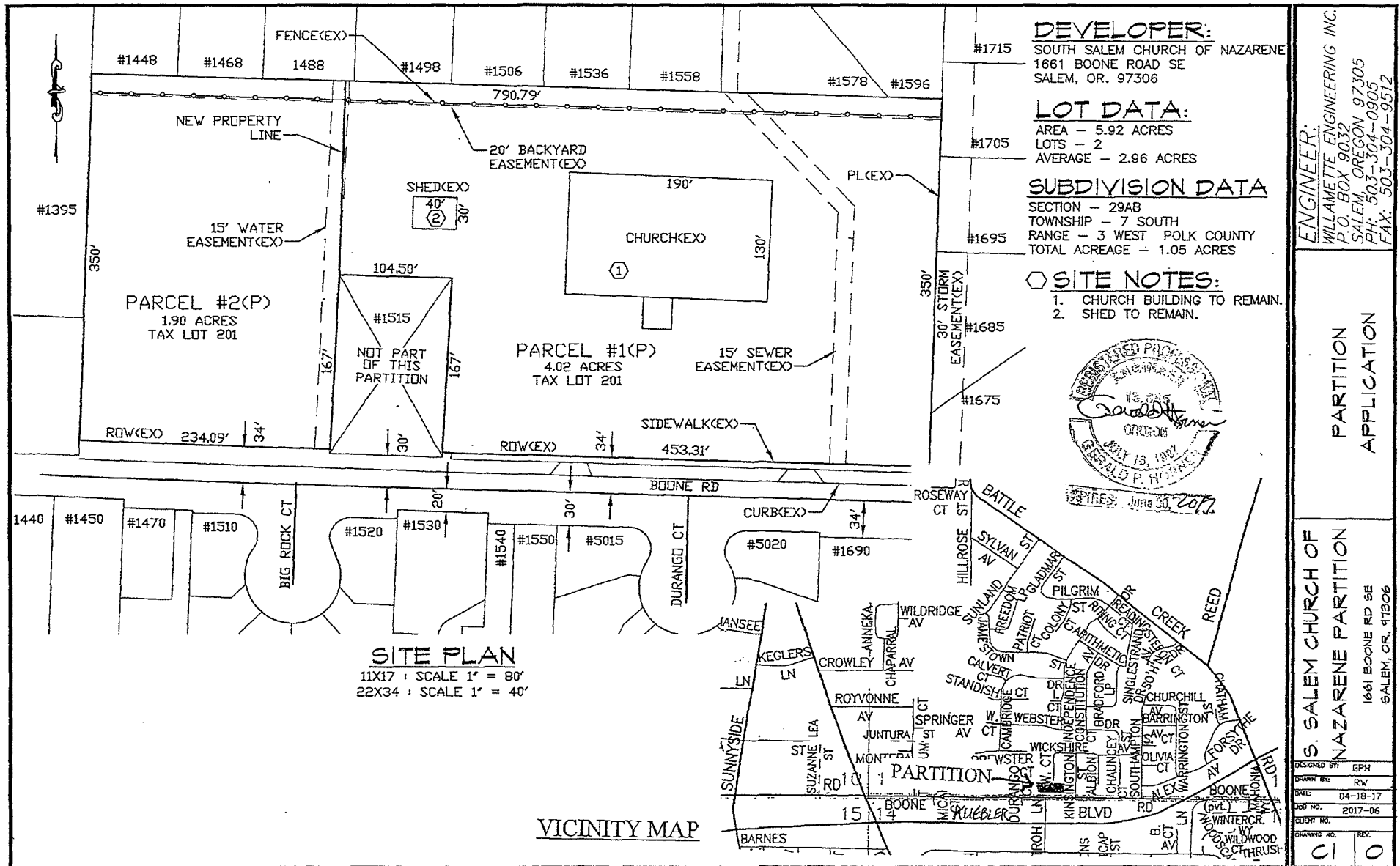
Parks

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.

0 100 200 400 Feet





DEVELOPER:

SOUTH SALEM CHURCH OF NAZARENE
1661 BOONE ROAD SE
SALEM, OR. 97306

LOT DATA:

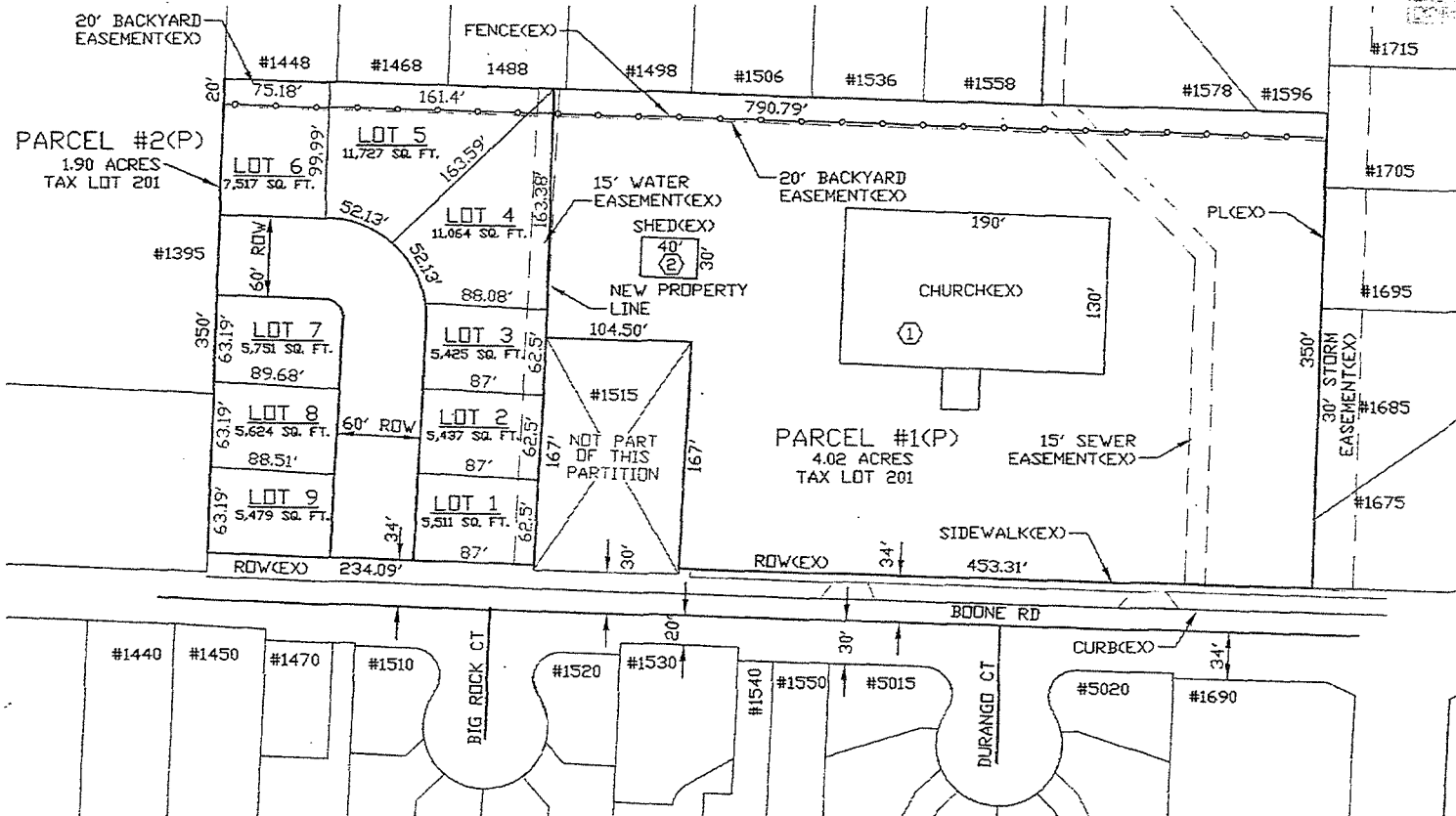
AREA - 5.92 ACRES
LOTS - 2
AVERAGE - 2.96 ACRES

SUBDIVISION DATA

SECTION - 29AB
TOWNSHIP - 7 SOUTH
RANGE - 3 WEST POLK COUNTY
TOTAL ACREAGE - 1.05 ACRES

SITE NOTES:

1. CHURCH BUILDING TO REMAIN.
2. SHED TO REMAIN.

**SITE PLAN**

11X17 : SCALE 1" = 80'
22X34 : SCALE 1" = 40'

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 3032
SALEM, OREGON 97305
PH: 503-304-0905
FAX: 503-304-9512

PARTITION
APPLICATION

S. SALEM CHURCH OF
NAZARENE PARTITION
1661 BOONE RD SE
SALEM, OR. 97306

DESIGNED BY: GPH
DRAWN BY: RW
DATE: 04-13-17
JOB NO.: 2017-06
CLIENT: SCL
PROJECT NO.: 111
REV.: 0

**PROPOSED APPLICATION
1661 BOONE ROAD SE
DISCUSSION ON DEVELOPMENT STANDARDS**

Requirements of the SRC 205.010(d) have been considered in the preparation of this subdivision application.

1. The lot standards concerning minimum width, minimum depth, and minimum areas of the proposed lots meet City of Salem development standards. This is shown on the future lot layout, although the application for these lots is not at this time.
2. Frontage requirements of the proposed lots also meet City of Salem development standards.
3. Front and rear lot designations are obvious.
4. Existing City infrastructure has been reviewed. The primary entrance to the future subdivision is Boone Road. The development will produce 9 new dwelling units. Therefore, one entrance meets the requirements of the City of Salem Fire Department.

The Salem water, sanitary, and storm water systems have capacity for the increased demands from the proposed residential subdivision.

5. A geotechnical investigation will be prepared at the time of the residential subdivision. There are no special setbacks or flood plain.
6. The tentative subdivision provides street extensions to the west. Future development is not impeded.
7. A shadow lot arrangement is presented to indicate future development for the west parcel.
8. A pre-application meeting has been held with City of Salem Staff. All indications were that the proposed partition can be served by City of Salem infrastructure.
9. Generally speaking, the street system within the tentative partition and adjacent streets conform to the City of Salem Transportation System. No adjustments are being sought.
10. All indications are the tentative partition plan will provide safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
11. The streets and sidewalks on the tentative partition plan connect to the existing sidewalks and streets to the south along Boone Road. This connection and the existing system provides safe and convenient bicycle and pedestrian access to existing residential areas and transit stops.
12. No Traffic Impact Study is required. No street design is being done at this time.

13. The tentative partition has taken into account the existing vegetation and topography to minimize variances. The partition has been designed to retain the maximum amount of trees, while still providing the a practical residential subdivision.
14. Every effort has been made in the tentative plan to incur the least disruption of the site, topography, and vegetation.
17. There are two Significant white oak trees 24" in diameter and larger. There is no plan to remove these trees with this application.

RECEIVED

JUL 13 2017



COMMUNITY DEVELOPMENT

MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: July 13, 2017

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 17-03 (17-109122-LD)
1661 BOONE ROAD SE
TWO-PARCEL PARTITION—REVISED

CPWDS

PROPOSAL

To divide approximately 5.96 acres into 2 parcels in an RS (Single Family Residential) zone at 1661 Boone Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct a half-street improvement along the underimproved portions of Boone Road SE abutting the subject property. The applicant can satisfy this requirement by entering into a City required deferral agreement pursuant to SRC 803.070(b).
2. Replace the existing public water easement along the east line of Parcel 2 with a new easement conforming to the PWDS.
3. Replace the existing public sewer easement within Parcel 1 with a new easement conforming to the PWDS.
4. Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.

FACTS

1. Boone Road SE
 - a. Existing Conditions—This street has a varying 20- to 30-foot improvement within a 60-foot-wide right-of-way abutting 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 60-foot-wide right-of-way.

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

MEMO

2. There is an existing street Deferral Agreement on file for the adjacent property located at 1515 Boone Road SE. Future development of the proposed parcels of the partition may result in the Salem City Council to call upon the deferral to complete the street improvements and pedestrian connection on Boone Road SE.

Storm Drainage

Existing Condition—A 10-inch storm main is located in Boone Road SE.

Water

Existing Conditions

1. The subject property is located in the S-2 water service level.
2. There is a 20-inch public water line in Boone Road SE.
3. There is a 12-inch public water line located on the property, within a 10-foot public easement.

Sanitary Sewer

Existing Sewer

1. An 8-inch sewer line is located in Boone Road SE.
2. An 8-inch public sewer line is located on the subject property, east of the South Salem Church of the Nazarene building, within a 10-foot public easement.

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:

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 (Landslide Hazards), there are areas of landslide susceptibility on the subject property, limited to the northeast corner of the property. There are three mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a partition adds two activity points to the proposal, which results in a total of five points. Therefore, the proposed partition is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment was provided by the applicant's representative, Gerald Horner, PE, Willamette Engineering, on May 15, 2016. Mr. Horner's assessment summarized that "there is no plan for development in the northeast corner, I state in my professional opinion, there is no impact to the property based on the partition process."

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. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(6)(B).

Future development of the proposed Parcel 2 will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant will be required to provide a tentative stormwater design at the time of the future development of the proposed Parcel 2.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(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. According to City of Salem records, the existing water main easement (R499 P164) and sewer main easement located on the property appear to be non-conforming based on PWDS. The applicant shall be required to replace the existing easements with easements conforming to the current PWDS.

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.

Olivia Glantz, Planner II
July 13, 2017
Page 4

MEMO

Finding—The existing configuration of Boone Road SE does not meet the current local street standards. Boone Road SE abuts the subject property and does not meet the current standard for a local street. Although the existing curblin meets the required half-street improvement width along the subject property's frontage of Boone Road SE, to be consistent with the provisions of SRC Chapter 803, the applicant shall construct sidewalk, street lights, and street trees.

The applicant has the option of entering into a City required deferral agreement pursuant to SRC 803.070(b) for the required boundary street improvements because the proposed partition does not generate additional impacts to the transportation system. The deferral agreement shall specify that the improvements will be required at the time of future development where street improvements are warranted pursuant to SRC 803.040(a). No additional right-of-way dedication is needed.

Prepared by: Curt Pellatz, Project Coordinator
cc: File