

# NOTICE OF DECISION

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



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

## REVISED

### DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.:** PAR18-03

**APPLICATION NO. :** 18-106006-LD

**NOTICE OF DECISION DATE:** June 29, 2018

**REQUEST:** A tentative partition plan to divide approximately 0.34 acres into two parcels, with Parcel 1 consisting of 4,936 square feet, and Parcel 2 consisting of 5,829 square feet exclusive of the flag lot accessway.

The subject property is approximately 0.34 acres in size, zoned RS (Single Family Residential), and located at 1080 Cascade Drive NW (Polk County Assessor's Map and Tax Lot number 073W21BD / 03200).

**APPLICANT:** Mark Bybee

**LOCATION:** 1080 Cascade Drive NW / 97304

**CRITERIA:** SRC Chapter 205.005(d)

**FINDINGS:** The finding are attached in the Decision dated ~~May 16, 2018~~ June 29, 2018.

**DECISION:** The Planning Administrator **APPROVED** Partition Case No. PAR18-03 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:** Prior final partition plat, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Parcel 1 and Parcel 2 shall take access from the proposed flag lot accessway.
- Condition 4:** Parcel 1 shall not have separate access to Cascade Drive NW
- Condition 5:** Obtain permits for the installation of water service to serve Parcel 2.
- Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.

- Condition 7:** Convey land for dedication of right-of-way along the entire frontage of Cascade Drive NW to equal 30 feet from centerline.
- Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Cascade Drive NW.
- Condition 9:** Along the development frontage of Cascade Drive NW, the right-of-way between the future edge of pavement and the property line shall be landscaped in accordance with SRC Chapter 803.035(q) and must include at least one street tree as required per SRC 86 and SRC 807.015. Landscaping shall not include any pavers or other hard surface materials.
- Condition 10:** The applicant shall construct additional pavement to a width of 17 feet from the centerline along the entire frontage of Cascade Drive NW. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.
- Condition 11:** Provide a 15-foot-wide public access and maintenance easement along the north line of the subject property to provide access to from Cascade Drive NW to the existing sewer manhole located at the northeast corner of Parcel 2.
- Condition 12:** Design stormwater systems to serve both parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

The rights granted by the attached decision must be exercised, or an extension granted, by **July 17, 2020** or this approval shall be null and void.

Application Deemed Complete:	<u>April 11, 2018</u>
Notice of Decision Mailing Date:	<u>June 29, 2018</u>
Decision Effective Date:	<u>July 17, 2018</u>
State Mandate Date:	<u>August 9, 2018</u>

**Case Manager:** Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)

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 16, 2018.** The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 16-08)**

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

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
PARTITION PLAT NO. 18-03;  
1080 CASCADE DRIVE**

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**FINDINGS AND ORDER**

**JUNE 29, 2018**

**REQUEST**

A tentative partition plan to divide approximately 0.34 acres into two parcels, with Parcel 1 consisting of 4936, and Parcel 2 consisting of 5,829 square feet exclusive of the flag lot accessway.

The subject property is approximately 0.34 acres in size, zoned RS (Single Family Residential), and located at 1080 Cascade Drive NW (Polk County Assessor's Map and Tax Lot number 073W21BD / 03200).

**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:** Prior final partition plat, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Parcel 1 and Parcel 2 shall take access from the proposed flag lot accessway.
- Condition 4:** Parcel 1 shall not have separate access to Cascade Drive NW
- Condition 5:** Obtain permits for the installation of water service to serve Parcel 2.
- Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Convey land for dedication of right-of-way along the entire frontage of Cascade Drive NW to equal 30 feet from centerline.

- Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Cascade Drive NW.
- Condition 9:** Along the development frontage of Cascade Drive NW, the right-of-way between the future edge of pavement and the property line shall be landscaped in accordance with SRC Chapter 803.035(q) and must include at least one street tree as required per SRC 86 and SRC 807.015. Landscaping shall not include any pavers or other hard surface materials.
- Condition 10:** The applicant shall construct additional pavement to a width of 17 feet from the centerline along the entire frontage of Cascade Drive NW. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.
- Condition 11:** Provide a 15-foot-wide public access and maintenance easement along the north line of the subject property to provide access to from Cascade Drive NW to the existing sewer manhole located at the northeast corner of Parcel 2.
- Condition 12:** Design stormwater systems to serve both parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

### **PROCEDURAL FINDINGS**

1. On March 9, 2018, an application for a Tentative Partition Plan was filed proposing to divide a 0.34 acres property at 1080 Cascade Drive NW (Attachment B) into two parcels.
2. After additional information was submitted, the application was deemed complete for processing on April 11, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on April 11, 2018. The state-mandated local decision deadline is August 9, 2018.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative plan proposes to divide a single unit of land into two parcels, each parcel is proposed for new residential development (Attachment B). The proposed parcel 1 will access to Cascade Drive NW and proposed parcel 2 would take access from a proposed flag lot accessway connecting to Cascade Drive NW. The two parcels within the tentative partition plan are proposed as follows:

**PROPOSED PARCEL 1**

Parcel Size: 6,836 square feet,  
Parcel Dimensions: Approximately 49 feet in width and 100 feet in depth.

**PROPOSED PARCEL 2**

Parcel Size: 5,829 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 70 feet in width and 83 feet in depth excluding the flag lot accessway

***Access and Circulation:*** The subject property has frontage along the south property line on Cascade Drive NW, which is designated as a collector street within the Salem Transportation System Plan (TSP).

**2. Existing Conditions**

**Site and Vicinity**

The subject property is a mostly rectangular lot, with 74 feet of frontage on Cascade Drive NW along its western boundary. The property is approximately 70 feet wide and approximately 189 feet in depth from south to north. The subject property is currently vacant.

**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.

*Comprehensive Plan Map:* The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential  
South: (Across Cascade Drive NW) Single Family Residential  
East: Single Family Residential  
West: Single Family Residential

**Zoning and Surrounding Land Use**

The subject property is zoned RA (Residential Agriculture) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family dwelling  
South: (Across Cascade Drive NW) RS (Single Family Residential); single family dwelling

East: RA (Residential Agriculture); single family dwelling

West: RA (Residential Agriculture); single family dwelling

Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

Infrastructure

*Water:* The subject property is located within the W-1 water service level. A 6-inch City of Salem water line is located in Cascade Drive NW.

*Sewer:* There are 6-inch sanitary sewer main located in Cascade Drive NW.

*Storm Drainage:* There is an existing 6-inch public storm main located in Cascade Drive NW.

*Streets:* *Cascade Drive NW* abuts the western boundary of the subject property, and is designated as a Collector street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Cascade Drive NW currently has an approximately 20-foot wide improvement within a 50-foot right-of-way.

### 3. 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.

**Building and Safety Division** – The Community Development Department, Building and Safety Division, has not objection to the proposal.

**Salem Fire Department** – Salem Fire Department reviewed the proposal indicated that the proposal will put two structures on one driveway. Any additional structures may require the driveway comply with Fire Department access. Existing water supply appears to be available, and will be evaluated at time of building permit plan review.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that there is sufficient school capacity at the elementary school level but the middle school and high school

levels currently are above capacity. The proposed partition is estimated to not increase the number of new students. The school district indicated that students residing at the subject property would be eligible for school transportation services to the elementary and high school. The area is within the “walk zone” of the assigned middle school.

#### **4. Neighborhood Association Comments**

The subject property is within the West Salem 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 written comments.

#### **5. Public Comments**

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. One comment were received from surrounding property owners indicating no objections on the proposal.

#### **6. 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 0.42-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 (Single Family) (see SRC Chapter 511, Table 511-2)**

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Infill Lot <sup>1</sup>	5,500 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the partition range from approximately 4,936 square feet to 5,829 square feet in size, excluding the flag lot accessway. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 511.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

Except for flag lots, the RS zone, pursuant to SRC 511.010(a) Table 511-2, requires lots to have a minimum frontage of 40 feet on a street. SRC Chapter 800 (General Development Standards) allows lots to be created without the minimum required frontage on a street when they are developed in conformance with the flag lot development standards set forth in SRC 800.025. Proposed Parcel 2 is a flag lot without the minimum required frontage on a street. The flag lot accessway meets the standard for flag lot development.

**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

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<sup>1</sup> Infill lot: A residential flag lot created by the partition of land after February 8, 2006.



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
- Minimum 10 feet (Infill Lot)

The Setback requirements for both proposed parcel will be reviewed at the time of application for building permits.

**Lot Coverage:** Maximum lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The RS zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. Future development of both parcels will be reviewed for conformance with the development standards of SRC 511 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

*SRC 800.025 (Flag Lots):* Lots can be created without the minimum required frontage on a public street when flag lot accessways conforming to the standards of Table 800-1 are provided. Flag lot accessways shall be privately and not publicly maintained.

SRC 800.025 establishes the following development standards for flag lot accessways serving 1 to 2 residentially zoned lots:

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

The proposed flag lot accessway is to serve proposed Parcel 2 is approximately 112 feet in length and 20 feet in width. As conditioned below, both parcels will take access from the Flag Lot accessway. Flag lot accessways serving one to two residentially zoned lots is required to be paved to a minimum width of 15 feet. The proposed flag lots conform to the flag lot standards of SRC 800.025. In order to ensure that the access meets the requirements of SRC 800.025, the following condition shall apply:

**Condition 1:** Prior final partition plat, the flag lot accessway shall be paved to a minimum width of 15 feet in width.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

**Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

As conditioned above, the proposal conforms to the requirements of SRC Chapter 800.

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

*SRC 806.015(a) (Minimum Required Off-Street Parking):* An existing single family residence currently occupies the subject property, with off-street parking provided by a garage. The applicant proposes that both proposed dwellings will use the accessway. This will create a looped driveway for Parcel 1. The City of Salem Traffic Engineer determined the need for a looped driveway to prevent Parcel 1 from backing directly out onto Cascade Drive.

The existing configuration of Cascade Drive NW and Terrace Drive NW in the vicinity of the property will make backing out of the proposed driveway of Parcel 1 challenging and could present a safety concern. Pursuant to SRC 804.045, the driveways must be shared such that all vehicles will not be backing out on to the roadway. Based off traffic concerns, the following condition applies:

**Condition 3:** Parcel 1 and Parcel 2 shall take access from the proposed flag lot accessway.

**Condition 4:** Parcel 1 shall not have separate access to Cascade Drive NW.

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. The subject property is located outside of the CSDP, and the proposed partition would create two parcels for residential development. Off-street parking requirements for both proposed parcels will be reviewed at the time of application for building permits.

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 inside of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated May 14, 2018 (Attachment D).

*SRC 802.015 (Development to be Served by City Utilities).* Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). In order to ensure water, sewer and stormwater service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

**Condition 5:** Obtain permits for the installation of water service to serve Parcel 2.

**Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.

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

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed two parcel partition generates less than 1,000 average daily vehicle trips to Cascade Drive NW, designated as a collector 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. The subject property has frontages on Cascade Drive NW, which is a public street.

*SRC 803.025 (Right-of-Way and Pavement Widths):* The abutting portions of Cascade Drive NW designated as a collector street in the TSP. The abutting portion of Cascade Drive NW has an approximate 20-foot-wide improvement within a 50-foot-wide right-of-way and does not meet the current standard for a collector street. Currently, Cascade Drive NW is a turnpike improvement with no curbs or sidewalks for at least 200 feet in either direction from the subject property. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Cascade Drive NW to meet collector street standards.

As described below, boundary street improvements, along the frontage of Cascade Drive NW, will include the construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians.

In addition, the area being dedicated as road right-of-way consist of an existing pavement, and driveway. As a condition of approval, the paved area will be required to be landscape (inducing removal of existing driveway) between the property line and pavement.

**Condition 7:** Convey land for dedication of right-of-way along the entire frontage of Cascade Drive NW to equal 30 feet from centerline.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.34 acre unit of land, within an established residential area where the network of streets has been in place for several decades. The limited size of the proposal and existing development on adjacent properties preclude development of further street connections as part of the proposal.

*SRC 803.035 (Street Standards):* Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Cascade Drive NW.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* The abutting portions of Cascade Drive NW is designated as a collector street in the TSP and has an approximate 20-foot-wide improvement within a 50-foot-wide right-of-way, which does not meet the current standard for a collector street. Currently, Cascade Drive NW is a turnpike improvement, the nearest curb and sidewalk along the east side of Cascade Drive NW is located approximately 400 feet north of the subject property, at the intersection of Glen Creek

Road NW and Cascade Drive NW. The applicant proposed and Public Works staff recommends construction of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. Construction of a pedestrian access route mitigates traffic impacts of the proposed development and contributes to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians.

Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Cascade Drive NW to meet collector street standards. Boundary street improvements along the frontage of Cascade Drive NW are required. The area being dedicated as road right of way currently contains an existing driveway. As a condition of approval, the area between the new property line and extended pavement shall be landscaped pursuant to SRC 803.035(q) and not include any hard surface materials. Street trees shall be provided consistent with collector street standards as specified in the Salem Transportation System Plan.

**Condition 9:** Along the development frontage of Cascade Drive NW, the right-of-way between the future edge of pavement and the property line shall be landscaped in accordance with SRC Chapter 803.035(q) and must include at least one street tree as required per SRC 86 and SRC 807.015. Landscaping shall not include any pavers or other hard surface materials.

**Condition 10:** The applicant shall construct additional pavement to a width of 17 feet from the centerline along the entire frontage of Cascade Drive NW. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.

**(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 (TCP18-03) was submitted in conjunction the tentative partition plan. TCP18-03 identifies three trees on the subject property, with one tree proposed to remain.

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

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

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

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

**SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The proposed partition would divide a 0.34 acre unit of land 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 adjoining properties are developed with single family dwellings and have access to public streets.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Cascade Drive NW and proposed flag lot accessway are 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:** The subject property is within the Urban Service Area. 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. 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.

An existing public sewer manhole is located at the northeast corner of the property and is not within an adequate easement to provide access for monitoring and maintenance of the public facility. As a condition of development, the applicant shall provide a 15-foot-wide public access and maintenance easement along the north line of the subject property from the western property line to the existing sewer manhole.

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. The applicant shall pay water connection fees for Parcel 2 pursuant to SRC Chapter 21.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. In order to ensure that stormwater systems within the proposed partition meet the requirements of SRC Chapter 71, a condition of approval shall apply.

**Condition 11:** Provide a 15-foot-wide public access and maintenance easement along the north line of the subject property to provide access to from Cascade Drive NW to the existing sewer manhole located at the northeast corner of Parcel 2.

**Condition 12:** Design stormwater systems to serve both parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

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.

As conditioned, 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 Cascade Drive NW is designated as a collector street in the TSP, is approximately a 20-foot-wide improvement within a 50-foot-wide right-of-way and does not meet current standard for a collector street. As described in findings above, pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30-feet from centerline along the entire frontage of Cascade Drive NW to meet collector street standards. Boundary street improvements along the frontage of Cascade Drive NW are required.

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

**Finding:** A 30-foot-wide right-of-way will be dedicated along the frontage of Cascade Drive NW. A temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees along the property frontage. The existing driveway being removed between the property line and the pavement of Cascade Drive. The dedicated portion of Cascade Drive NW abutting the subject property will be landscaped, including at least one street tree per SRC 86. These proposed improvements are implemented by conditions of approval related to pavement and right-of-way standards.

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

As conditioned, the proposal meets this criterion.

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

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The site sloping downward from the southeast corner to the northwest corner, 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:** There is an approximate 9% elevation change from south to north across the subject property. The proposed layout distributes this grade change roughly equally across the two parcels, minimizing the need for substantial grading in any single area.

The applicant has indicated three existing trees on the property, which one tree will be preserved on Parcel 2. The applicant's proposal would retain one trees, or approximately 33% of the trees on the subject properties, thus since no trees are proposed for removal a Tree Conservation Plan is not required under SRC 808.035(a). 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. 18-03, to divide a 0.34 acre lot into 2 parcels, with Parcel 1 consisting of 4,936, and Parcel 2 consisting of 5,829 square feet exclusive of the flag lot accessway, for property zoned RS (Single Family Residential), and located at 1080 Cascade Drive NW 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:** Prior final partition plat, the flag lot accessway shall be paved to a minimum width of 15 feet in width.
- Condition 2:** Prior to final partition approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Parcel 1 and Parcel 2 shall take access from the proposed flag lot accessway.
- Condition 4:** Parcel 1 shall not have separate access to Cascade Drive NW
- Condition 5:** Obtain permits for the installation of water service to serve Parcel 2.
- Condition 6:** Pay water connection fees prior to plat approval per SRC Chapter 21.
- Condition 7:** Convey land for dedication of right-of-way along the entire frontage of Cascade Drive NW to equal 30 feet from centerline.
- Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Cascade Drive NW.

- Condition 9:** Along the development frontage of Cascade Drive NW, the right-of-way between the future edge of pavement and the property line shall be landscaped in accordance with SRC Chapter 803.035(q) and must include at least one street tree as required per SRC 86 and SRC 807.015. Landscaping shall not include any pavers or other hard surface materials.
- Condition 10:** The applicant shall construct additional pavement to a width of 17 feet from the centerline along the entire frontage of Cascade Drive NW. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.
- Condition 11:** Provide a 15-foot-wide public access and maintenance easement along the north line of the subject property to provide access to from Cascade Drive NW to the existing sewer manhole located at the northeast corner of Parcel 2.
- Condition 12:** Design stormwater systems to serve both parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of Parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.



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: April 11, 2018  
Notice of Decision Mailing Date: June 29, 2018  
Decision Effective Date: July 17, 2018  
State Mandated Decision Date: August 9, 2018

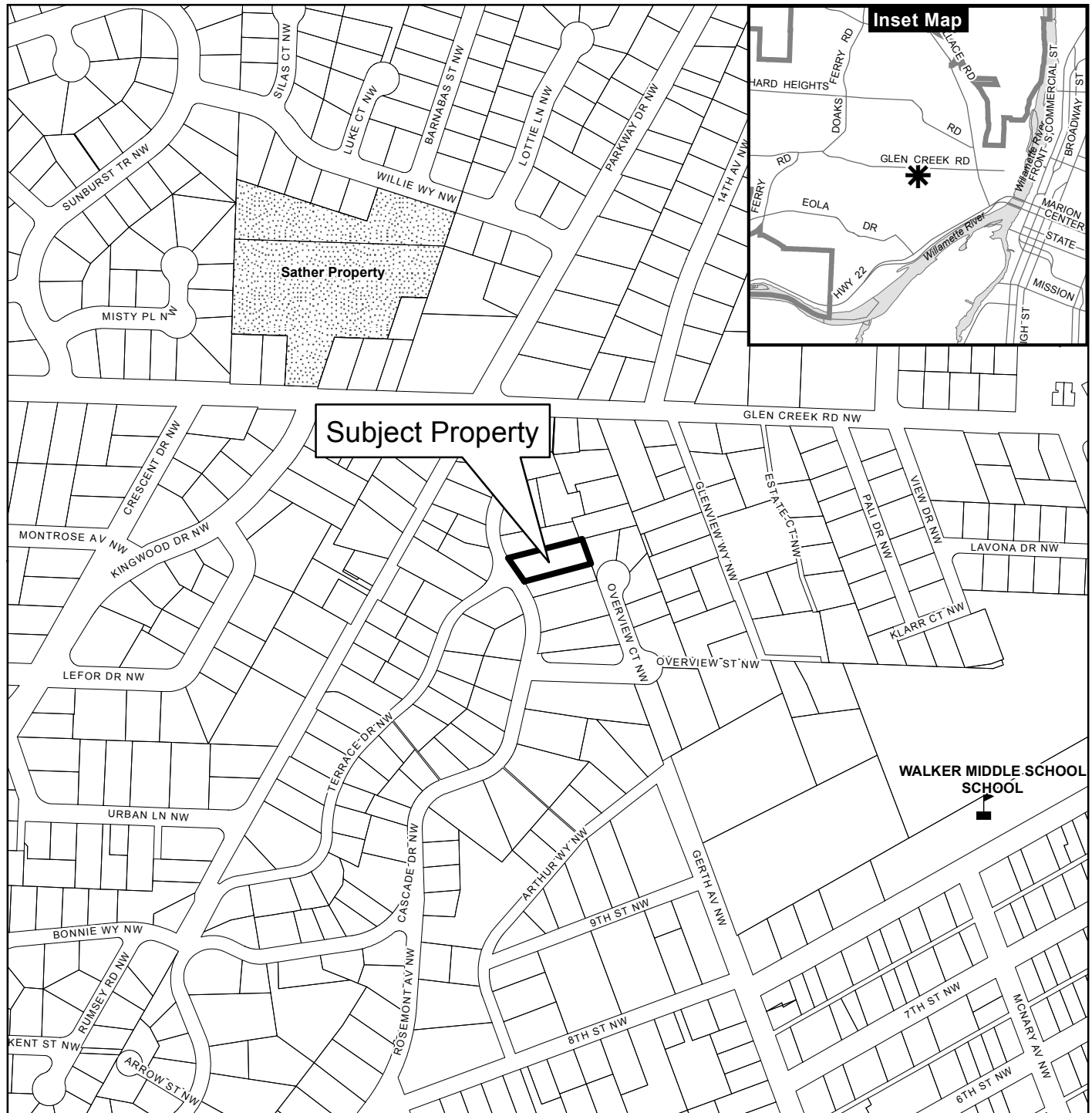
The rights granted by this decision must be exercised or extension granted by **July 17, 2020**, or this approval shall be null and void.

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, July 16, 2018, by 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

## 1080 Cascade Drive NW





DRAWING LIST:

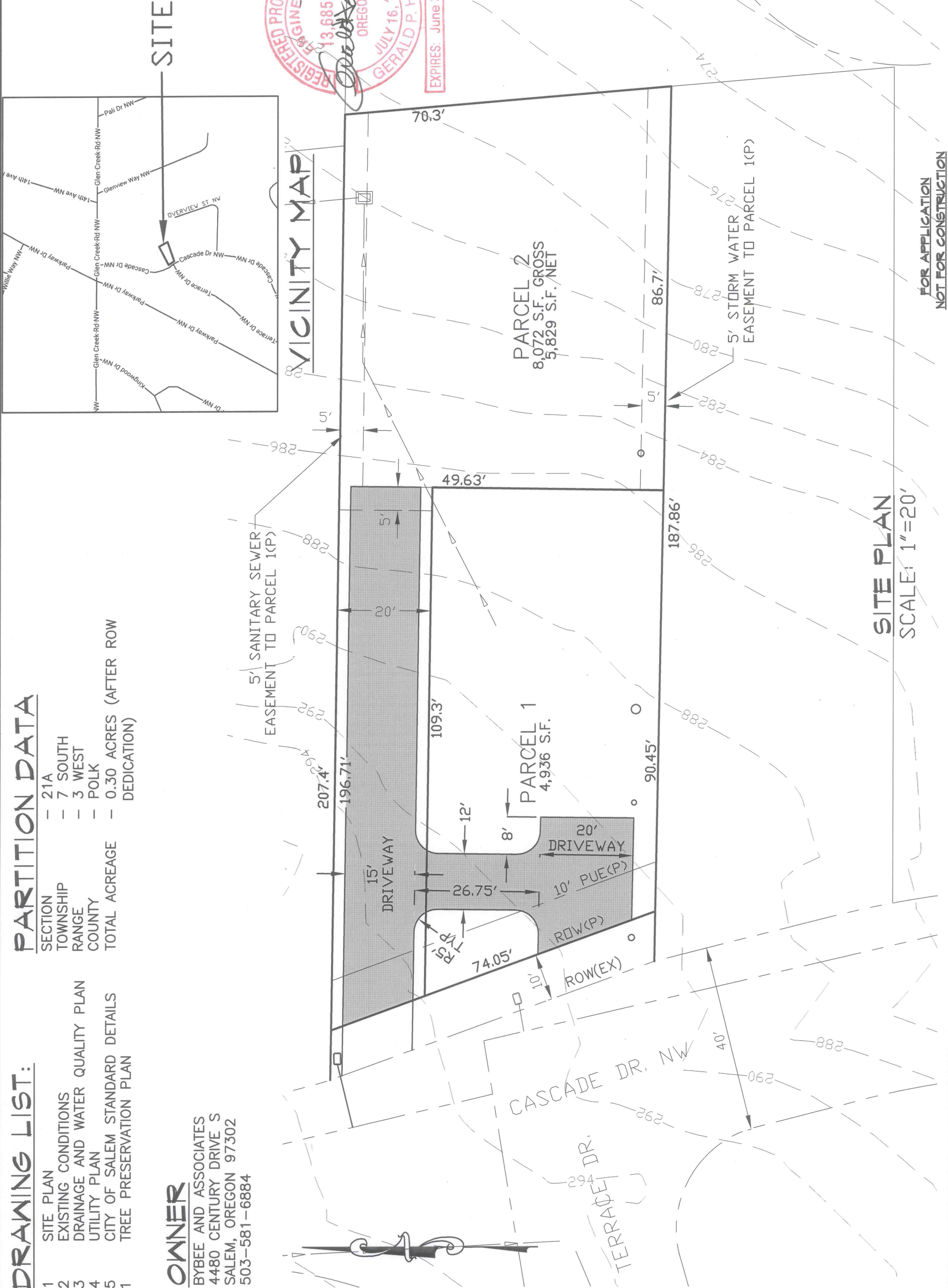
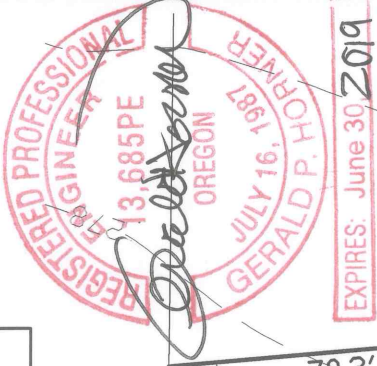
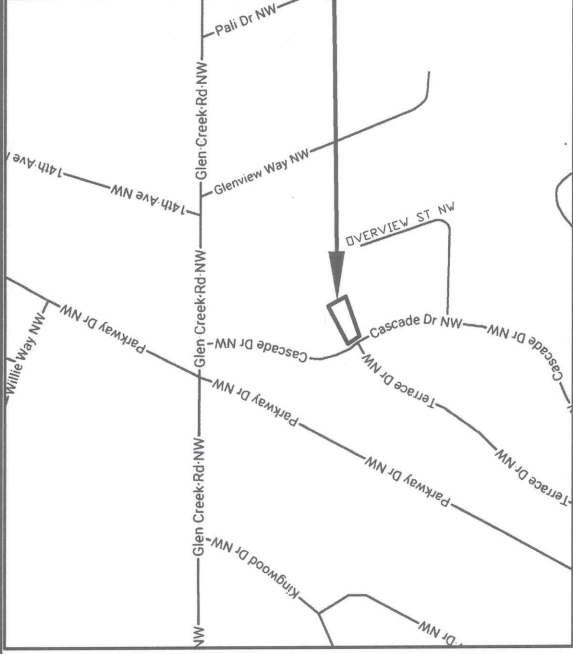
- C1 SITE PLAN
- C2 EXISTING CONDITIONS
- C3 DRAINAGE AND WATER QUALITY PLAN
- C4 UTILITY PLAN
- C5 CITY OF SALEM STANDARD DETAILS
- T1 TREE PRESERVATION PLAN

PARTITION DATA

- SECTION - 21A
- TOWNSHIP - 7 SOUTH
- RANGE - 3 WEST
- COUNTY - POLK
- TOTAL ACREAGE - 0.30 ACRES (AFTER ROW DEDICATION)

OWNER

BYBEE AND ASSOCIATES  
4480 CENTURY DRIVE S  
SALEM, OREGON 97302  
503-581-6884



SITE PLAN

SCALE: 1"=20'

FOR APPLICATION  
NOT FOR CONSTRUCTION

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

PROPOSED SITE  
PLAN

APPLICATION  
2-LOT PARTITION  
1080 CASCADE DR. NW  
SALEM, OREGON 97304

DESIGNED BY: GPH  
DRAWN BY: RJW  
DATE: 12-28-17  
JOB NO. 2017-174  
CLIENT NO.  
DRAWING NO. REV.

010



# BYBEE

and Associates Inc.

- Custom Homes
- Development
- Remodeling

9 March 2018

Permit Application Center  
City of Salem  
555 Liberty ST SE, RM 320  
Salem OR 97301  
(O) 503-588-6256

RE: 2-Lot Partition Proposal Plan Written Statement SRC 205.005(d) – 1080 Cascade Drive NW in Salem, Oregon

Dear Permit Application Center (PAC):

As the applicant, and pursuant to Salem Revised Code (SRC) Chapter 300, we submit this letter to formally describe the referent tentative 2-lot partition proposal and how it meets the criteria for a partition tentative plan SRC 205.005(d) and the Unified Development Code (UDC) as follows:

### **Partition Description**

We propose to partition one .34-acre vacant plot of land, zoned Single Family Residential, into two lots at 4,936 S.F. and 5,829 S.F. respectively which shall be adequately served by City Infrastructure. The two proposed lots are designed for building one single-family dwelling on each lot.

**Lot Standards** – As demonstrated by the proposed Site Plan, the 4,936 S.F. front lot and the 5,829 S.F. rear lot satisfy the minimum front lot size requirements of 4,000 S.F. and 5,500 S.F. respectively; and, as further demonstrated by the proposed Site Plan, the 49.63' front lot width and 90.45' depth, and the 70.30' rear lot width and 86.70' depth satisfy the minimum 40.00' width and 70.00' depth requirements, respectively.

Because the tentative partition will be served by existing City Infrastructure it meets the City infrastructure standards as indicated by the proposed sewer and water improvements for both lots on the proposed Site Plan.

In our research, no special development standards (i.e. floodplain development, special setback(s) geotechnical analysis, vision clearance, etc.), nor have been identified by City Personnel.

4480 CENTURY DRIVE SOUTH • SALEM • OREGON • 97302  
TELEPHONE (503) 581-6884 • FAX (503) 581-6691  
markbybee@aol.com  
CCB #88366

**Future Use & City Infrastructure**

As designed under the proposed conditions, the partition plan does not appear to impede the future use or development of the property or adjacent land in any way; and upon consultation with City Public Works personnel the tentative plan can be adequately served by City Infrastructure.

**Streets**

The street system and driveways in and adjacent to the plan conform with and are designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

**Topography & Vegetation**

Because the property previously occupied a single-family dwelling and an outbuilding the topography and vegetation of the site will remain, under the proposed plan, virtually unchanged and consequently there will be minimal disruption of the site, topography, and vegetation.

**Sewer & Water Connections**

Because the partition tentative plan is for property located less than 300 feet from the available sewer main, the property will connect to City water and sewer.

In the event that the Permit Application Center has any additional comments, or questions, regarding this communiqué please feel free to contact us at your earliest convenience.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Mark Bybee', with a stylized, cursive script.

Mark Bybee  
President

encl: