

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

DECISION OF THE PLANNING ADMINISTRATOR

PARITION CASE NO.: PAR18-10

APPLICATION NO. : 18-118696-LD

NOTICE OF DECISION DATE: DECEMBER 5, 2018

SUMMARY: A proposed partition to divide a lot along the southerly side of Taybin Road NW into two parcels.

REQUEST: A tentative partition plan to divide property approximately 12,958 square feet in size into two parcels, with Parcel 1 consisting of approximately 4,233 square feet (exclusive of the accessway) and Parcel 2 consisting of approximately 5,869 square feet (exclusive of the accessway). Parcel 1 would consist of vacant land for the future development of a single-family home. The existing dwelling will remain on Parcel 2.

The subject property is approximately 12,958 square feet in size, zoned RS (Single Family Residential), and located at 800 Taybin Road NW (Polk County Assessor's Map and Tax Lot numbers 073W21AD / 2303).

APPLICANT: Jordan Schweiger

LOCATION: 800 Taybin Road NW / 97304

CRITERIA: Salem Revised Code SRC 205.005(d)

FINDINGS: The findings are in the attached Order dated December 5, 2018.

DECISION: The Planning Administrator **APPROVED** Partition PAR18-10 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 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 2:** Obtain permits for installation of water services to serve Parcel 1.
- Condition 3:** Construct sewer services to the lot line for each parcel.
- Condition 4:** Provide private sewer easements where sewer services are located on a parcel other than the one being served.
- Condition 5:** Design stormwater systems to serve all vacant parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to

NOTICE OF DECISION

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



accommodate future impervious surfaces on the northerly parcel. Construct stormwater facilities that are proposed in the public right-of-way.

Condition 6: Install a street tree along the frontage of Taybin Road NW.

Condition 7: Provide a 10-foot-wide public utility easement along the entire street frontage.

The rights granted by this decision must be exercised or extension granted by **December 21, 2020**, or this approval shall be null and void.

Application Deemed Complete:	<u>October 25, 2018</u>
Notice of Decision Mailing Date:	<u>December 5, 2018</u>
Decision Effective Date:	<u>December 21, 2018</u>
State Mandate Date:	<u>February 22, 2019</u>

Case Manager: Britany Randall, brandall@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 Thursday, December 20, by 5:00 p.m.** 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 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. 18-10)**

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

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
PARTITION PLAT NO. 18-10;
800 TAYBIN ROAD NW**

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FINDINGS AND ORDER

DECEMBER 5, 2018

REQUEST

A tentative partition plan to divide property approximately 12,958 square feet in size into two parcels, with Parcel 1 consisting of approximately 4,233 square feet (exclusive of the accessway) and Parcel 2 consisting of approximately 5,869 square feet (exclusive of the accessway). Parcel 1 would consist of vacant land for the future development of a single-family home. The existing dwelling will remain on Parcel 2.

The subject property is approximately 12,958 square feet in size, zoned RS (Single Family Residential), and located at 800 Taybin Road NW (Polk County Assessor's Map and Tax Lot numbers 073W21AD / 2303). (**Attachment A**).

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 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 2:** Obtain permits for installation of water services to serve Parcel 1.
- Condition 3:** Construct sewer services to the lot line for each parcel.
- Condition 4:** Provide private sewer easements where sewer services are located on a parcel other than the one being served.
- Condition 5:** Design stormwater systems to serve all vacant parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on the northerly parcel. Construct stormwater facilities that are proposed in the public right-of-way.

Condition 6: Install a street tree along the frontage of Taybin Road NW.

Condition 7: Provide a 10-foot-wide public utility easement along the entire street frontage.

PROCEDURAL FINDINGS

1. On September 11, 2018, an application for a Tentative Partition Plan was filed proposing to divide a 12,958 square foot property at 800 Taybin Road NW (**Attachment B**) into two parcels.
2. The application was deemed complete for processing on October 25, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on October 25, 2018. The state-mandated local decision deadline is February 22, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into two parcels, with Parcel 1 and to be prepared for future residential development and Parcel 2 will retain the existing single family dwelling. The proposed parcels would take access from a 20-foot wide access and utility easement. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4,233 square feet, exclusive of the accessway.
Parcel Dimensions: Approximately 48.5 feet in width and 89 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 5,869 square feet, exclusive of the accessway.
Parcel Dimensions: Approximately 66 feet in width and 97.5 feet in depth.

Access and Circulation: The subject property has frontage onto Taybin Road NW, which is designated as a local street within the City of Salem Transportation System Plan (TSP). Access to Parcel two will be taken from an access easement, which will provide access to Taybin Road NW, a street that is designated as a local street within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property is generally a rectangular lot, approximately 66 feet in width and approximately 193 feet in depth from north to south, and has frontage along Taybin Road NW.

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: Single Family Residential

East: Single Family Residential

West: Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently vacant. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family dwelling

South: RS (Single Family Residential); single family dwelling

East: RS (Single Family Residential); single family dwelling

West: RS (Single Family Residential); 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 G-0 water service level. An 8-inch public water line is located in Taybin Road NW.

Sewer: An 8-inch City of Salem sewer main is located in Taybin Road NW. A 6-inch sewer main is located across the subject property, running west to east.

Storm Drainage: A 10-inch City of Salem storm main is located in Taybin Road NW.

Streets: Taybin Road NW abuts the northerly boundary of the subject property and is designated as a Local street in the Salem Transportation System Plan (TSP).

- This street was approved with an alternative standard of a 30-foot-wide improvement within a 40-foot-wide right-of-way on the plat for Orchard Heights Tracts subdivision.
- This street has an approximate 30-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

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 C**.

Building and Safety Department - The City of Salem Building and Safety Department reviewed the proposal and has no objections to it.

Salem Fire Department – Salem Fire Department reviewed the proposal and provided the following comments: Fire has no concerns with the land division. Fire department access will be required to be provided to both structures.

Salem-Keizer Public Schools – Salem-Keizer Public Schools reviewed the proposal and has provided their comments. Their memorandum is included as **Attachment D**.

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 provide any comments.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. Staff did not receive any comments from neighbors within 250 feet of the subject property.

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 12,958 square foot 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 ¹	5,500 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

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

One of the proposed parcels in the partition is an infill lot and is required to be a minimum of 5,500 square feet in size, exclusive of the accessway. The other proposed parcel in the partition has street frontage onto Taybin Road NW and is required to be a minimum of 4,000 square feet in size. The proposed parcels range from approximately 4,233 square feet to 5,869 square feet in size. The proposed parcels exceed minimum lot area and dimensions and therefore conform to the applicable standards. The proposed parcels within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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. One of the proposed parcels is a flag lot and does not require street frontage. The parcel abutting Taybin Road NW has approximately 48 feet of street frontage.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family) zone:

Interior Front Yards:

- Minimum 12 feet
- 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 10 feet (Infill Lot)

Setback requirements for the proposed parcels will be reviewed at the time of application for building permits. The proposed partition plan provided by the applicant shows future building envelopes which appear to meet the standards. Additionally, the proposed parcels are of sufficient width and depth to accommodate the required setbacks.

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 the 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 800.015(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 future proposed dwellings will be required to meet this standard. This will be reviewed at the time of building permit.

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>

To ensure fire department access is maintained, the following condition shall apply:

Condition 1: 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, 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): 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 the 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 abutting parcel which will provide access to the proposed parcels and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo in Attachment C.

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 services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

Condition 2: Obtain permits for installation of water services to serve Parcel 1.

Condition 3: Construct sewer services to the lot line for each parcel.

Condition 4: Provide private sewer easements where sewer services are located on a parcel other than the one being served.

Condition 5: Design stormwater systems to serve all vacant parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on the northerly parcel. Construct stormwater facilities that are proposed in the public right-of-way.

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 Taybin Road NW, 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. The subject property will take access from Taybin Road NW, a public street.

SRC 803.025 (Right-of-Way and Pavement Widths): Taybin Road NW was platted as a 40-foot-wide right-of-way in 1945 as part of Orchard Heights Tracts. The properties south of Taybin were not created as part of the Orchard Heights Tracts plat, but a number of houses have been constructed along that street using the existing right-of-way as the setback line. This scenario meets the provisions of Table 3-1 of the Salem Transportation System Plan for reducing the minimum local street right-of-way. As a result, Taybin Road is not subject to additional right-of-way dedication requirements and meets the criteria for an alternative street standard pursuant to SRC 803.065.

Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The boundary street is lacking in street trees. The applicant shall install a street tree along the frontage of Taybin Road NW, as identified in the conditions of approval in accordance with SRC 803.035(k). No sidewalk is warranted at this location due to the widths of the existing street improvement and right-of-way, and the street meets the criteria for an alternative street standard pursuant to SRC 803.065. In order to ensure the previously stated requirements are met, the following condition of approval shall apply:

Condition 6: Install a street tree along the frontage of Taybin Road NW.

As conditioned, proposal meets the requirements of SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves further division of a 12,958 square foot lot, 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. The requirements of SRC Chapter 803 are not applicable to this proposal.

SRC 803.035 (Street Standards): Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 7: Provide a 10-foot-wide public utility easement along the entire street frontage.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The boundary street is lacking in street trees. The applicant shall install a street tree along the frontage of Taybin Road NW, as identified in the conditions of approval. No sidewalk is warranted at this location due to the widths of the existing street improvement and right-of-way, and the street meets the criteria for an alternative street standard pursuant to SRC 803.065.

(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): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant is not proposing the removal of any trees and therefore, pursuant to SRC Chapter 808, a tree conservation plan is not required to be submitted with the tentative partition plan application.

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. According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas. However, the applicant is encouraged to work with the Oregon Department of State Lands (DSL) and US Army Corps of Engineers to ensure all regulations are met.

SRC Chapter 810 (Landslide Hazards): 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. There are 2 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 4 points. Therefore, the proposed partition is classified as a low landslide risk and does not require additional study.

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 12,958 square foot 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 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 Taybin Road NW is sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

Finding: 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. 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).

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.

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.

As conditioned above, 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: Taybin Road NW was platted as a 40-foot-wide right-of-way in 1945 as part of Orchard Heights Tracts. The properties south of Taybin were not created as part of the Orchard Heights Tracts plat, but a number of houses have been constructed along that

street using the existing right-of-way as the setback line. This scenario meets the provisions of Table 3-1 of the Salem Transportation System Plan for reducing the minimum local street right-of-way. As a result, Taybin Road is not subject to additional right-of-way dedication requirements and meets the criteria for an alternative street standard pursuant to SRC 803.065.

As conditioned above, this criterion is met.

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

Finding: Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The boundary street is lacking in street trees. The applicant shall install a street tree along the frontage of Taybin Road NW, as identified in the conditions of approval. No sidewalk is warranted at this location due to the widths of the existing street improvement and right-of-way, and the street meets the criteria for an alternative street standard pursuant to SRC 803.065.

The street system adjacent to the tentative partition plan will provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

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

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The proposal meets this criterion.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: As described in the finding above, 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. Additionally, the applicant is proposing to retain the existing dwelling on Parcel 2. Parcel 1 will be prepared for the development of a future single-family dwelling. By retaining the existing dwelling, the applicant is limiting the amount of

development on the subject property which results in less disruption of the site. 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.

7. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 6 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. 18-10, to divide a 12,958 square foot lot into two parcels, with Parcel 1 consisting of 4,233 square feet and Parcel 2 consisting of 5,869 square feet for property zoned RS (Single Family Residential), and located at 800 Taybin Road NW (Polk County Assessor's Map and Tax Lot numbers 073W21AD02303) 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 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 2:** Obtain permits for installation of water services to serve Parcel 1.
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Condition 6: Install a street tree along the frontage of Taybin Road NW.

Condition 7: Provide a 10-foot-wide public utility easement along the entire street frontage.



Britany Randall, Planning Administrator Designee

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

Application Deemed Complete: October 25, 2018
Notice of Decision Mailing Date: December 5, 2018
Decision Effective Date: December 21, 2018
State Mandated Decision Date: February 22, 2019

The rights granted by this decision must be exercised or extension granted by **December 21, 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 Thursday, December 20, 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 800 Taybin Road NW



Legend

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

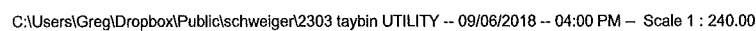
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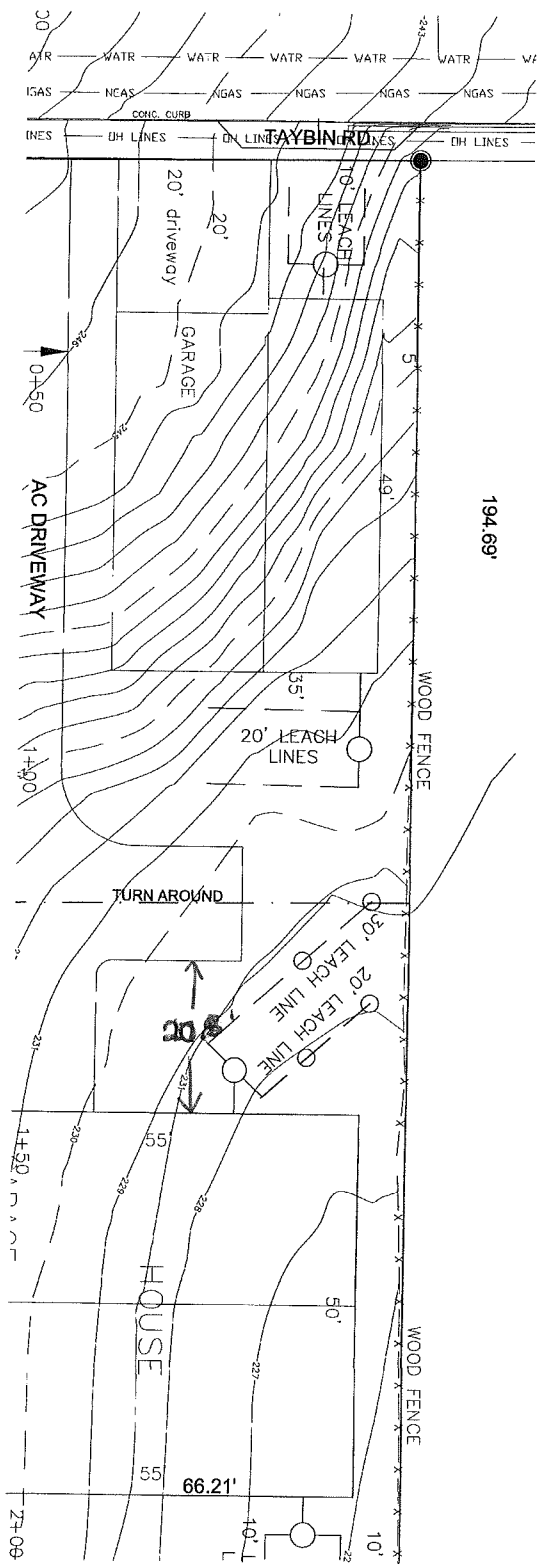
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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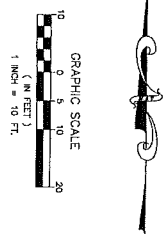




STORM DRAINAGE PLAN

CONSTRUCTION NOTES:

1. DUE TO THE FACT THAT THERE ARE NO APPROPRIATE STORM WATER COLLECTION FEATURES IN WHICH THE STORMWATER RUNOFF COULD BE DISCHARGED, THE SITE WILL USE A SERIES OF ONSITE LEACH LINES TO DISPOSE OF THE STORM WATER.
2. CITY OF SALEM STANDARD PLANS NO. 212 AND NO. 213 DEFINE THE DETAILS OF THE SYSTEM, TO BE USED.
3. STORM WATER FALLING ON THE SOUTH SIDE OF THE HOUSE WILL DRAIN THROUGH THE ROOF DRAINS TO TWO 10' LEACH LINES. ON THE NORTH SIDE OF THE HOUSE, TWO LEACH LINES, 20' IN LENGTH WILL ACCEPT STORM WATER FROM THE NORTH HALF OF THE HOUSE AND FROM THE DRIVEWAY AREA.
4. STANDARD DRAWING NO. 212 WILL BE ADHERED TO WITH THE EXCEPTION THAT THE LEACH LINES WILL BE SPACED FROM THE HOUSE AT THE CLOSEST POINT AS OPPOSED TO 10' AS SHOWN ON THE STANDARD DRAWING. THE HOUSE WILL HAVE 8" TO 8" STEM WALLS ON THE FOUNDATION. THE PROXIMITY OF THE HOUSE TO THE LEACH LINES WILL NOT CREATE ISSUES WITH WATER ACCUMULATING NEAR OR UNDER THE HOUSE.
5. THE PARALLEL LEACH LINES WILL BE INSTALLED WITH A 10' SPACING FROM PIPE TO PIPE. THE STANDARD DRAWINGS DO NOT SHOW OVERFLOWS, BUT FOR THIS SYSTEM OVERFLOWS WILL BE PROVIDED FOR BY INSTALLING 4" TEES AT THE ENDPOINTS ON THE SOUTH SIDE SYSTEM. RISERS SHALL BE INSTALLED IN THE TEES AND EXTEND APPROXIMATELY 18" UPWARD AND CAPPED WITH DRAIN STYLE FITTINGS TO ALLOW WATER TO EXIT THE SYSTEM IF INCOMING WATER EXCEEDS SOIL PERCOLATION RATES AND STORM WATER SYSTEM. THE ENDS OF THE RISERS SHOULD EXTEND APPROXIMATELY 6" ABOVE GROUND LEVEL.



SHEET NO. C1.0		PROJECT: 772 TAYBIN RD. TAX LOT 2303 SINGLE FAMILY RESIDENTIAL		OWNER: JORDAN SCHWEIGER GOOD WELL CONSTRUCTION. 2825 FOXHAVEN DR SE SALEM, OREGON 97306		REVISION:	
SHEET TITLE: STORMWATER PLAN		2003 25TH STREET S.E. SALEM, OREGON 97302		(503) 581-6362		FAX (503) 581-0901	
POL. NO.: 2017-028		SCALE: 1"=10'		DRAWN BY: LLC		CHECKED BY: LLC	
DATE: 04/05/2018		56 & NE 1/4 SE021 21, 173, ROW, W.M. CITY OF SALEM, POLK COUNTY, OREGON		2003 25TH STREET S.E. SALEM, OREGON 97302		(503) 581-6362	



MEMO

TO: Britany Randall, Planner II
Community Development Department

FROM: *For* Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department *[Signature]*

DATE: December 3, 2018

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 18-10 (18-118696-LD)
800 TAYBIN ROAD NW
2-LOT PARTITION

PROPOSAL

To divide approximately 12,958 square feet into 2 parcels in an RS (Single Family Residential) zone at 800 Taybin Road NW.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Install a street tree along the frontage of Taybin Road NW.
2. Design stormwater systems to serve all vacant parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on the northerly parcel. Construct stormwater facilities that are proposed in the public right-of-way.
3. Construct sewer services to the lot line for each parcel.
4. Provide private sewer easements where sewer services are located on a parcel other than the one being served.
5. Obtain permits for installation of water services to serve Parcel 1.
6. Provide a 10-foot-wide public utility easement along the entire street frontage.

FACTS

1. Taybin Road NW

- a. Standard—This street is designated as a Local street in the *Salem TSP*. This street was approved with an alternative standard of a 30-foot-wide improvement within a 40-foot-wide right-of-way on the plat for Orchard Heights Tracts subdivision.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Condition

- a. A 10-inch storm main is located in Taybin Road NW.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch public water main is located in Taybin Road NW.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Taybin Road NW.
- b. A 6-inch sewer main is located across the middle of the property, running west to east.

CRITERIA AND FINDINGS

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

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

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

(B) City infrastructure standards; and

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

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *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. There are 2 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 4 points. Therefore, the proposed partition is classified as a low landslide risk and does not require additional study.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

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

Findings—Water and sewer infrastructure are available 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. 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).

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.

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.

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

Finding—Taybin Road NW was platted as a 40-foot-wide right-of-way in 1945 as part of Orchard Heights Tracts. The properties south of Taybin Road NW were not created as part of the Orchard Heights Tracts plat, but a number of houses have been constructed along that street using the existing right-of-way as the setback line. This scenario meets the provisions of Table 3-1 of the Salem TSP for reducing the minimum Local street right-of-way. As a result, Taybin Road NW is not subject to additional right-of-way dedication requirements and meets the criteria for an alternative street standard pursuant to SRC 803.065.

Pursuant to SRC 803.040(a), up to a half-street improvement is required for a partition. The Boundary street is lacking in street trees. The applicant shall install a street tree along the frontage of Taybin Road NW, as identified in the conditions of approval. No sidewalk is warranted at this location due to the widths of the existing street improvement and right-of-way, and the street meets the criteria for an alternative street standard pursuant to SRC 803.065.

Prepared by: Jennifer Scott, Program Manager
cc: File

REQUEST FOR COMMENTS

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

REGARDING: Partition Case No. PAR18-10

PROJECT ADDRESS: 800 Taybin Road NW, Salem, OR 97304

AMANDA Application No. 18-118696-LD

COMMENT PERIOD ENDS: November 8, 2018

SUMMARY: A proposed partition to divide a lot along the southerly side of Taybin Road NW into two parcels.

REQUEST: A tentative partition plan to divide property approximately 12,958 square feet in size into two parcels, with Parcel 1 consisting of approximately 4,233 square feet (exclusive of the accessway) and Parcel 2 consisting of approximately 5,869 square feet (exclusive of the accessway). Parcel 1 would consist of vacant land for the future development of a single-family home. The existing dwelling will remain on Parcel 2.

The subject property is approximately 12,958 square feet in size, zoned RS (Single Family Residential), and located at 800 Taybin Road NW (Polk County Assessor's Map and Tax Lot numbers 073W21AD / 2303).

Attached is a copy of the proposal and any related maps. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request. A decision for this proposal will be prepared by the planning staff from information available to staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by 5:00 P.M., November 8, 2018, will be considered in the decision process. Comments received after this date will be not considered. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the Case Manager listed below.**

SEND QUESTIONS OR COMMENTS TO: Britany Randall, Planner II City of Salem,
Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503 540-2304;
Fax: 503-588-6005; E-Mail: brandall@cityofsalem.net; <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See attached
- ☐ 3. Other: _____

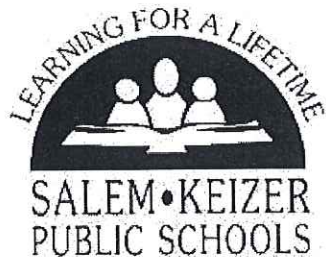
Name: Salem-Keizer Public Schools, Planning and Property Services _____

Address: 3630 State Street, Salem OR 97301 _____

Agency: David Fridenmaker, Manager _____

Phone: 503-399-3335 _____

Date: 11-8-18 _____



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

November 8, 2018

Britany Randall, Planner II
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. PAR18-10, 800 Taybin Rd NW

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Harritt	Elementary	K thru 5
Walker	Middle	6 thru 8
West Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Harritt	Elementary	514	577	89%
Walker	Middle	681	1,058	64%
West Salem	High	1,746	1,797	97%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	1	SF	0.194	0
Middle	1	SF	0.101	0
High	1	SF	0.143	0

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Harritt	Elem.	514	80	0	80	577	103%
Walker	Mid.	681	38	0	38	1,058	68%
West Salem	High	1,746	37	0	37	1,797	99%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be

provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Harritt	Elementary	Eligible for School Transportation
Walker	Middle	Walk Zone
West Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

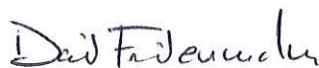
The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	0	\$51,123	\$0
Middle	0	\$60,232	\$0
High	0	\$69,342	\$0
TOTAL			\$0

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2018 Second Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation