NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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CITY OF Salem AT YOUR SERVICE

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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR19-11

APPLICATION NO.: 19-109910-LD

NOTICE OF DECISION DATE: AUGUST 29, 2019

REQUEST: A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres, parcel 2 consisting of 0.67 acres, and parcel 3 consisting of 1.77 acres. The subject land area is approximately 7.56 acres in size, split-zoned IC (Industrial Commercial), RS (Single Family Residential), and RA (Residential Agriculture), and located at 5611 Woodside Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02301, 02400, 02401, 02500, and 02501).

APPLICANT: Brandie Dalton, Multi Tech Engineering Services, on behalf of Empire Builders of Oregon, LLC (James A Helton)

LOCATION: 5611 Woodside Dr SE / 97306

CRITERIA: Salem Revised Code (SRC) Chapter 205.005(d)

FINDINGS: The findings are in the attached Decision dated August 29, 2019.

DECISION: The **Planning Administrator APPROVED** Partition PAR19-11 subject to the following conditions of approval:

Condition 1: Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

Condition 2: Convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, and sufficient right-of-way to accommodate public infrastructure at the property corners, along the frontage of the subject property.

Condition 3: Construct a half street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 4: Convey land for dedication of right-of-way equal to 72 feet in total width for Mildred Lane SE.

Condition 5: Provide a 10-foot-wide public utility easement along the entire frontages of Woodside Drive SE and Mildred Lane SE**.**

Condition 6: Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

The rights granted by the attached decision must be exercised, or an extension granted, by September 14, 2021 or this approval shall be null and void.

Application Deemed Complete:	July 25, 2019
Notice of Decision Mailing Date:	August 29, 2019
Decision Effective Date:	September 14, 2019
State Mandate Date:	November 22, 2019

Case Manager: Brandon Pike, bpike@cityofsalem.net, 503-540-2326

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Friday, September 13, 2019. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

http://www.cityofsalem.net/planning

BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 19-11)

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

IN THE MATTER OF THE	**)**	**FINDINGS AND ORDER**
TENTATIVE APPROVAL OF	**)**	
PARTITION PLAT NO. 19-11;	**)**	
5611 WOODSIDE DRIVE SE	**)**	**AUGUST 29, 2019**

REQUEST

A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres, parcel 2 consisting of 0.67 acres, and parcel 3 consisting of 1.77 acres. The subject properties are approximately 7.56 acres in size, split-zoned IC (Industrial Commercial), RS (Single Family Residential), and RA (Residential Agriculture), and located at 5611 Woodside Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02301, 02400, 02401, 02500, and 02501) (see **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: Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

Condition 2: Convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, and sufficient right-of-way to accommodate public infrastructure at the property corners, along the frontage of the subject property.

Condition 3: Construct a half street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 4: Convey land for dedication of right-of-way equal to 72 feet in total width for Mildred Lane SE.

Condition 5: Provide a 10-foot-wide public utility easement along the entire frontages of Woodside Drive SE and Mildred Lane SE.

Condition 6: Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

PROCEDURAL FINDINGS

1. On April 23, 2019, an application for a Tentative Partition Plan was filed proposing to divide a 7.56-acre land area at 5611 Woodside Drive SE into three parcels (see **Attachment B**).

2. The application was deemed complete for processing on July 25, 2019. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on July 26, 2019. The state-mandated local decision deadline is November 22, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide two units of land into three parcels, with proposed parcel 1 to be developed in the future with a residential subdivision, and proposed parcels 2 and 3 to be developed with residential and/or commercial uses. Proposed parcel 1 would take access from Mildred Lane SE, while proposed parcels 2 and 3 would take access from Woodside Drive SE. The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size:	5.21 acres
Parcel Dimensions:	Approximately 415 feet in width and 501 feet in depth

PROPOSED PARCEL 2

Parcel Size:	0.67 acres
Parcel Dimensions:	Approximately 98 feet in width and 300 feet in depth

PROPOSED PARCEL 3

Parcel Size:	1.77 acres
Parcel Dimensions:	Approximately 202 feet in width and 416 feet in depth

Access and Circulation: The subject property has frontage onto both Mildred Lane SE and Woodside Drive SE. Mildred Lane SE is classified as a Minor Arterial and Woodside Drive SE is classified as a Local street within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject properties are irregularly shaped, occupying area on both sides of Mildred Lane SE. The portion north and west of Mildred Lane SE is approximately 5.88 acres in size, and the portion south and east of Mildred Lane SE is approximately 1.77 acres in size. Proposed Parcel 1 will have approximately 350 feet of frontage on Mildred Lane SE. Proposed Parcel 2 will have approximately 281 feet of frontage on Mildred Lane SE Drive SE and approximately 70 feet of frontage on Woodside Drive SE. Proposed Parcel 3 will have approximately 539 feet of frontage on Mildred Lane SE and approximately 188 feet of frontage on Woodside Drive SE. The subject properties are currently undeveloped, and surrounded by single-family residential, multi-family residential development, and commercial development.

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 (SF)" and "Industrial Commercial (IC)" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential (SF) and Multi-Family Residential (MF)

South: Single Family Residential (SF)

East: Industrial Commercial (IC)

West: Single Family Residential (SF)

Zoning and Surrounding Land Use

The subject property is split-zoned RA (Residential Agriculture), RS (Single Family Residential), and IC (Industrial Commercial), and is currently undeveloped. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential) and RM-II (Multiple Family Residential) – Single-family residential subdivision and an apartment complex

South: RS (Single Family Residential) – Single-family residential subdivision

East: IC (Industrial Commercial) – Self-service storage development and single-family residence

West: RS (Single Family Residential) – Single-family residential subdivision

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 S-2 water service level. A 10-inch public water main is located in Woodside Drive SE. A 16-inch public water main is located in Mildred Lane SE.

Sewer: An 8-inch sewer main terminates in Woodside Drive SE at the southern boundary of the subject property. A 21-inch sewer main is located within a City easement on the west side of Waln Creek. A 6-inch sewer main is located in Mildred Lane SE.

Storm Drainage: A 12-inch storm main is located in Woodside Drive SE, south of Mildred Lane SE. A 10-inch storm main is located in Mildred Lane SE. Waln Creek flows through the subject property.

Streets: Mildred Lane SE passes through the subject property, going northeast to southwest. Proposed parcel 1 would take access from Mildred Lane SE, which is designated as a Minor Arterial in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- This street bisects the subject property and has an approximate 46-foot improvement within a 68-foot-wide right-of-way.
- The frontage of the subject property has a special setback equal to 36 feet from centerline of Mildred Lane SE.

Woodside Drive SE abuts the subject property along the eastern boundary, and is designated as a Local Street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has a variable-width turnpike improvement within a 40- to 60-foot-wide right-of-way abutting the subject property.

- The frontage of the subject property has a special setback equal to 30 feet from centerline of Woodside Drive SE.

3. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

Building and Safety Division - The City of Salem Building and Safety Division reviewed the proposal and provided the following comments: ***Verify no construction may cross lot lines. No utilities may cross lot lines without deeded easement.***

Fire Department – The City of Salem Fire Department reviewed the proposal and provided the following comments: ***Fire has no concerns with the partition. Fire department access and water supply will be required for any structures and will be evaluated at time of building permit plan review.***

4. Neighborhood Association Comments

The subject property is within the South Gateway Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." No comments were received from the neighborhood association prior to the close of the comment period.

5. Public Comments

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Two comments were received from residents prior to the close of the comment period. One indicated no objections with the proposal, and one indicated concerns about the effects that future development will have on Waln Creek, as well as concerns about the potential for proposed Parcel 2 to be developed as transitional housing.

Staff Response: Any development that occurs along Waln Creek will be reviewed against the City's stormwater standards. Additionally, pursuant to SRC Chapter 808.020, no trees or native vegetation within a riparian corridor shall be removed without approval of a tree and vegetation permit, tree conservation plan, or a tree variance. A tree inventory was submitted with this application, indicating approximately 62 existing trees on the subject properties. No trees are proposed for removal with this application.

Future development of the parcels will need to meet the development standards of the applicable zone. The proposed partition does not include proposed uses for proposed

parcel 2. Depending on the nature of the potential development, development standards include a minimum 30-foot zone-to-zone setback to the residential zones to the north. Future development will be reviewed pursuant to the Salem Revised Code at that time.

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.

<u>SRC Chapter 510 (Residential Agriculture), Chapter 511 (Single Family Residential), and Chapter 551 (Industrial Commercial):</u> The proposed partition would divide the 7.56-acre properties into three parcels, with proposed Parcel 1 to be developed in the future with a residential subdivision, and proposed parcels 2 and 3 to be developed with residential and/or commercial uses. The subject properties are currently split-zoned RA (Residential Agriculture) in the central and southwestern portion, RS (Single Family Residential) in the northwestern corner, and IC (Industrial Commercial) in the eastern portion. The minimum lot area requirements of the RA, RS, and IC zones are established under SRC 510.010(a), 511.010(a), and 551.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (Single family) Two Family All other uses	4,000 square feet 7,000 square feet 6,000 square feet
Lot Width (Single family) All other uses	40 feet 60 feet
Lot Depth (Single family) All other uses	70 feet 80 feet
Street Frontage (Single family) All other uses	40 feet / 30 feet (on the turnaround of a cul-de-sac) 60 feet

Lot Standards for RS zone (Single Family Residential) (***see*** SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single family) Two Family All other uses	4,000 square feet 7,000 square feet 6,000 square feet
Lot Width (All uses)	40 feet
Lot Depth (Single family and two family) All other uses	70 feet 80 feet
Street Frontage (Single family) All other uses	40 feet / 30 feet (on the turnaround of a cul-de-sac) 40 feet

Lot Standards for IC zone (Industrial Commercial) (***see*** SRC Chapter 551, Table 551-2)

Requirement	Minimum Standard
Lot Area (All uses)	None

Lot Width (All uses)	None
Lot Depth (All uses)	None
Street Frontage (Single family) All other uses	40 feet / 30 feet (on the turnaround of a cul-de-sac) 16 feet

Staff Response: Proposed Parcel 1 is approximately 5.21 acres, located within the RA and RS zones, and would have approximately 350 feet of frontage on Mildred Lane SE. It would be approximately 415 feet in width and 501 feet in depth. Proposed Parcel 2 would be approximately 0.67 acres, located within the IC zone, and would have approximately 281 feet of frontage on Mildred Lane SE and 59 feet of frontage on Woodside Drive SE. It would be approximately 98 feet in width and 300 feet in depth. Proposed Parcel 3 would be approximately 1.77 acres, located within the RA and IC zones, and would have approximately 530 feet of frontage on Mildred Lane SE and 180 feet of frontage on Woodside Drive SE. It would be approximately 202 feet in width and 416 feet in depth.

Each of the three proposed parcels in the partition meet the area, width, depth, and frontage lot standards. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zones.

Setback Standards for RA zone (Residential Agriculture) (***see*** SRC Chapter 510, Table 510-3) and;

Setback Standards for RS zone (Single Family Residential) (***see*** SRC Chapter 511, Table 511-3)

<u>Front Yards and Yards Adjacent to Streets:</u>

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

<u>Interior Side Yards:</u>

- Minimum 5 feet
- Minimum 10 feet (Infill Lot)

<u>Rear Yards:</u>

- 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)

Setback Standards for IC zone (Industrial Commercial) (***see*** SRC Chapter 551, tables 551-3 and 551-4)

Adjacent to Streets:

- Buildings: Minimum 5 feet
- Vehicle Use Areas: Per SRC Chapter 806

Interior Front, Side, and Rear:

- Buildings:
  - Single family and two family: No minimum
  - Multiple family: Minimum 15 feet
  - All other uses: Zone-to-zone setback (Table 551-4)
- Vehicle Use Areas:
  - Single family and two family: Per SRC Chapter 806
  - Multiple family: Minimum 15 feet
  - All other uses: Zone-to-zone setback (Table 551-4)

Staff Response: There are no existing structures on the proposed parcels. Future development within the parcels will be reviewed for adherence to setback requirements at the time of application for building permits or site plan review. The proposed parcels greatly exceed the minimum parcels size for their respective zones, which provide sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the RA, RS, and IC zones are established under SRC 510.010(c), Table 510-4; SRC 511.010(c), Table 511-5; and SRC 551.010(c), Table 551-4. The RA and RS zones limit the total lot coverage for buildings and accessory structures related to single-family uses to 60 percent. For all other uses, buildings and accessory structures are limited to 35 percent lot coverage. The IC zone does not have a maximum lot coverage standard for any uses.

Staff Response: The proposed parcels are currently undeveloped and will be reviewed for conformance with the lot coverage standards of SRC 510, 511, and 551 at the time of development.

The proposal meets the requirements of SRC Chapter 510, Chapter 511, and Chapter 551.

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.

Staff Response: There are no existing buildings on any of the proposed parcels. Future development on the parcels will be reviewed against this standard at the time of building permit.

As provided, 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. Parks and open space do not have an off-street parking requirement.

Staff Response: Off-street parking requirements for the proposed parcels will be reviewed at the time of development.

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 August 28, 2019 (**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). The City of Salem Wastewater Management Master Plan requires an extension of the sewer main located in Woodside Drive to the north property line. In order to ensure sewer service is provided in compliance with the

requirements of SRC Chapter 802, Wastewater Management Master Plan, and the PWDS, the following conditions shall apply:

Condition 1: Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

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

SRC 803.015 (Traffic Impact Analysis): The proposed three-parcel partition generates less than 200 average daily vehicle trips to Woodside Drive SE, designated as a Local street, and less than 1,000 average daily vehicle trips to Mildred Lane SE, designated as a Minor Arterial street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Proposed parcel 1 would take access from Mildred Lane SE, and proposed parcels 2 and 3 would take access from Woodside Drive SE.

SRC 803.025 (Right-of-Way and Pavement Widths): Woodside Drive SE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way and is underimproved as defined in SRC 803.005. The applicant shall convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, sufficient right-of-way to accommodate public infrastructure at the property corners, and construct a half street improvement along the frontage of Woodside Drive SE to Local street standards in accordance with SRC Chapter 803 and PWDS.

Mildred Lane SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The street is lacking adequate right-of-way. The applicant shall convey land for dedication of right-of-way equal 72 feet in total width for Mildred Lane SE.

In order to ensure the previously stated requirements are met, the following conditions of approval shall apply:

Condition 2: Convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, and sufficient right-of-way to accommodate public infrastructure at the property corners, along the frontage of the subject property.

Condition 3: Construct a half street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 4: Convey land for dedication of right-of-way equal to 72 feet in total width for Mildred Lane SE.

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

SRC 803.030 (Street Spacing): The proposed partition involves division of a 7.56-acre land area, and does not involve the creation of streets. Adherence to SRC 803.030 will be reviewed at the time of future division of the subject property which would create streets.

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 5: Provide a 10-foot-wide public utility easement along the entire frontages of Woodside Drive SE and Mildred Lane SE.

As conditioned, the proposal conforms to applicable street standards.

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

SRC Chapter 601 (Floodplain Overlay Zone):
Waln Creek is located within the subject property. This portion of the creek was not analyzed in conjunction with the Flood Insurance Study for Battle Creek basin. The applicant is advised to coordinate with City staff prior to development to establish base flood elevations and ensure that the buildings are elevated sufficiently to limit flood damage pursuant to SRC 601.110(a)(2).

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 submitted a tree inventory indicating 100 percent of the trees on site would be preserved with the partition. Therefore, a tree conservation plan is not required for the proposed tentative partition. Future developments, such as a subdivision of the lots, may require a Tree Conservation Plan. Additionally, the subject properties contain a riparian corridor. Any removal of trees or native vegetation within this corridor requires approval of a tree and vegetation removal permit or tree variance.

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 shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. Since the applicant is not proposing development at this time, the wetland will not be impacted.

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. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required.

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 the 7.56-acre land area into three parcels, with proposed parcel 1 to be developed in the future with a residential subdivision, and proposed parcels 2 and 3 to be developed with residential and/or commercial uses. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed and have access to public streets. Proposed parcel 1 has an existing street stub abutting it to the southwest (Flairstone Drive SE), which will be connected as part of future development.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. 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 stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. As specified in the Wastewater Management Master Plan, an 8-inch sewer main extension is required in Woodside Drive SE to the northern boundary to the subject property. The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. 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)(7)(B).

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)(7)(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, this criterion is met.

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

Finding: Woodside Drive SE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way and is underimproved as defined in SRC 803.005. The applicant shall convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, sufficient right-of-way to accommodate public infrastructure at the property corners, and construct a half street improvement along the frontage of Woodside Drive SE to Local street standards in accordance with SRC Chapter 803 and PWDS.

Mildred Lane SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The street is lacking adequate right-of-way. The applicant shall convey land for dedication of right-of-way equal 72 feet in total width for Mildred Lane SE.

Pursuant to SRC 86.015(e), the applicant shall provide street trees to the maximum extent feasible along the property frontage in accordance with SRC Chapter 86 and applicable Salem Administrative Rules.

In order to ensure the previously stated requirements are met, the following condition of approval shall apply:

Condition 6: Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

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: Woodside Drive SE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way and is underimproved as defined in SRC 803.005. The applicant shall convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, sufficient right-of-way to accommodate public infrastructure at the property corners, and construct a half street improvement along the frontage of Woodside Drive SE to Local street standards in accordance with SRC Chapter 803 and PWDS.

Mildred Lane SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The street is lacking adequate right-of-way. The applicant shall convey land for dedication of right-of-way equal 72 feet in total width for Mildred Lane SE.

As conditioned above, 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 existing trees on the subject property are predominately along Waln Creek, as well as along the perimeters of proposed parcels 1 and 2 in the northeast and southwest corners of the subject properties, making a high percentage of tree preservation feasible during future development.

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 findings 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. The subject properties are relatively flat and include large, open areas that will allow for development of the proposed parcels with a reasonably low amount of disruption to the site's topography and vegetation.

The proposal meets this criterion.

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

(A) The property is zoned residential;

(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and

(C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.

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

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. 19-11, to divide a 7.56-acre land area into three parcels, with parcel 1 consisting of 5.21 acres, parcel 2 consisting of 0.67 acres, and parcel 3 consisting of 1.77 acres, split-zoned IC (Industrial Commercial), RS (Single Family Residential), and RA (Residential Agriculture), and located at 5611 Woodside Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02301, 02400, 02401, 02500, and 02501) 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: Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

Condition 2: Convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, and sufficient right-of-way to accommodate public infrastructure at the property corners, along the frontage of the subject property.

Condition 3: Construct a half street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 4: Convey land for dedication of right-of-way equal to 72 feet in total width for Mildred Lane SE.

Condition 5: Provide a 10-foot-wide public utility easement along the entire frontages of Woodside Drive SE and Mildred Lane SE.

Condition 6: Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

Brandon Pike, Planner I
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Applicant's Tentative Partition Plan
C. City of Salem Public Works Department Memorandum

Application Deemed Complete: July 25, 2019
Notice of Decision Mailing Date: August 29, 2019
Decision Effective Date: September 14, 2019
State Mandated Decision Date: November 22, 2019

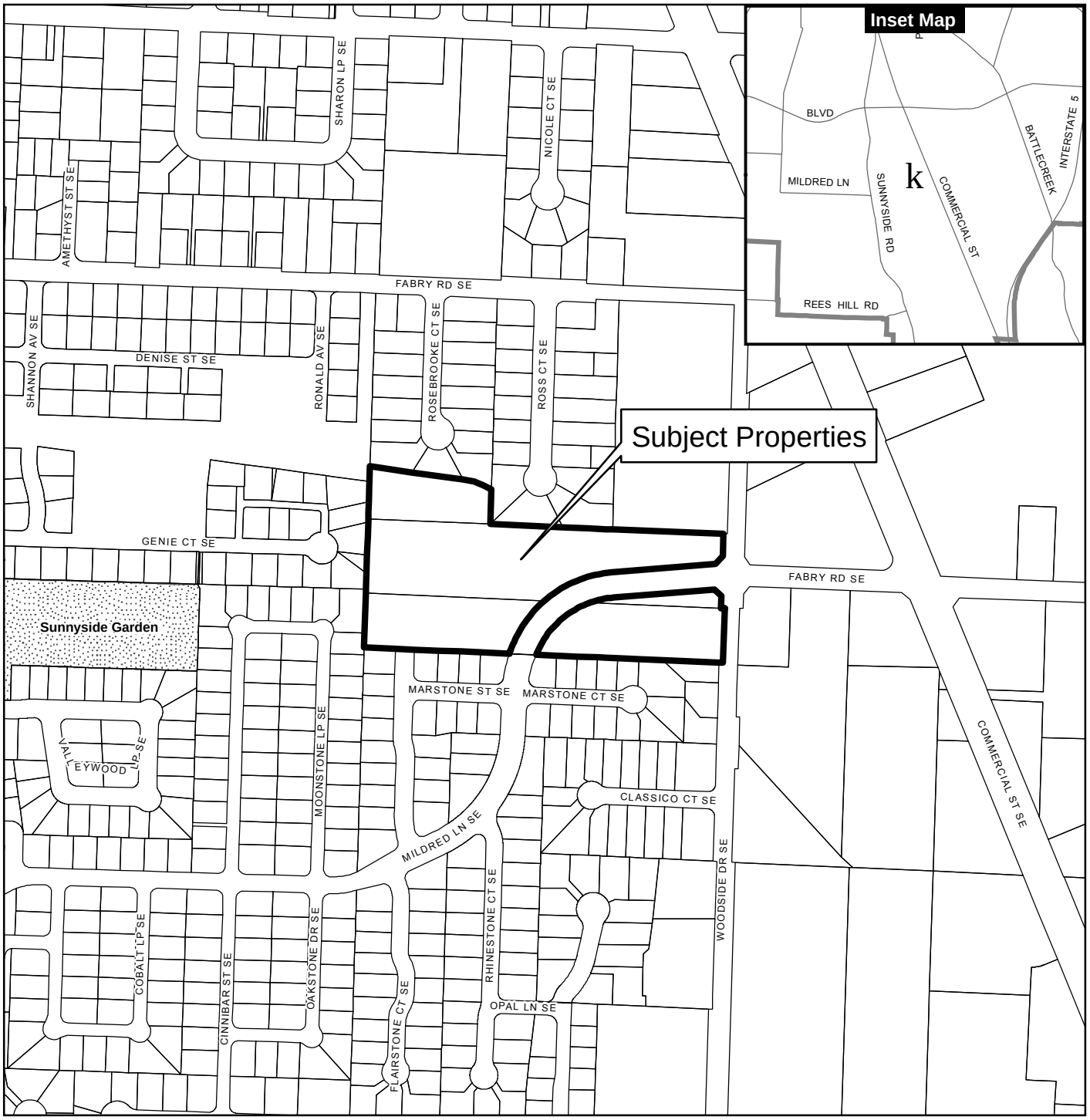
The rights granted by this decision must be exercised or extension granted by **September 14, 2021**, or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, **no later than Friday, September 13, 2019 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.

ATTACHMENT A

Vicinity Map
5611 Woodside Drive SE



Legend

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

0 100 200 400 Feet

CITY OF Salem AT YOUR SERVICE
Community Development Dept.

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

G:\CD\PLANNING\Brandon\LD-Land Division\PAR\5611 Woodside Dr SE\103-Vicinity-Map.mxd - 7/16/2019 @ 6:40:25 PM

ATTACHMENT B

Owner / Developer:

EMPIRE BUILDERS OF OREGON, L.L.C.

8527 SAGHALIE DR. S.
SALEM, OREGON 97306

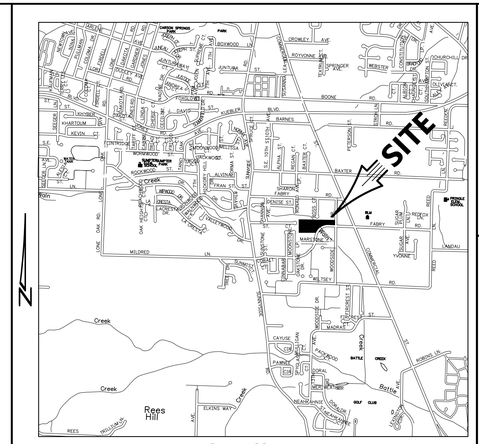
Owner / Developer:

JCT CONSTRUCTION GROUP, L.L.C.

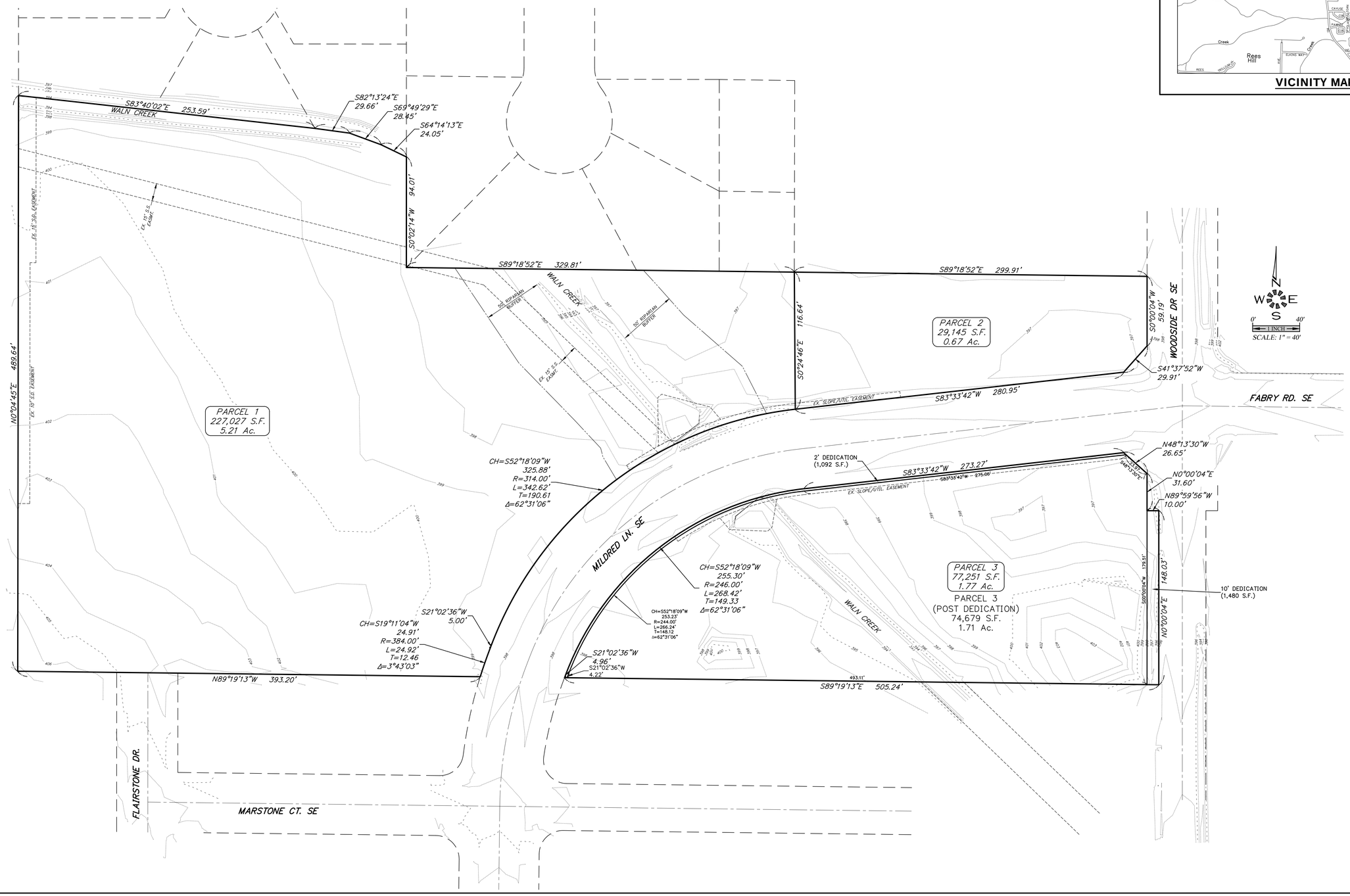
201 FERRY ST. S.E., SUITE 400
SALEM, OREGON 97301

TONEY ESTATES

SEC. 14, T. 8 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON
TAX MAP: 08W14CB
LOTS: 2301, 2400, 2500
5.88 ACRES



VICINITY MAP



MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

PROPOSED PARTITION PLAN

TONEY ESTATES

MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6606p-Part P1

Design:	M.D.G.
Drawn:	P.H.S.
Checked:	M.D.G.
Date:	FEB. 2019
Scale:	AS SHOWN
As-Built:	----

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1978
MARK D. GRENZ

EXPIRES: 06-30-2019

JOB # **6606**

P1

J:\6600-6699\6606-FabryRdSEProperty\Dwg JJB\6606p-Part.dwg, P1, 4/15/2019 11:44:12 AM, PSanders

ATTACHMENT C

CITY OF Salem AT YOUR SERVICE

MEMO

TO: Brandon Pike, Planner I
Community Development Department

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

DATE: August 28, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
PAR19-11 (19-109910-LD)
5611 WOODSIDE DRIVE SE
3-PARCEL PARTITION

PROPOSAL

A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres, parcel 2 consisting of 0.67 acres, and parcel 3 consisting of 1.77 acres. The subject property is approximately 7.56 acres in size, split-zoned IC (Industrial Commercial), RS (Single Family Residential), and RA (Residential Agriculture), and located at 5611 Woodside Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 2301, 2400, 2401, 2500, and 2501).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, and sufficient right-of-way to accommodate public infrastructure at the property corners, along the frontage of the subject property.

2. Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

3. Convey land for dedication of right-of-way equal to 72 feet in total width for Mildred Lane SE.

4. Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

5. Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

6. Provide a 10-foot-wide public utility easement along the entire frontages of Woodside Drive SE and Mildred Lane SE.

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

MEMO

FACTS

1. Woodside Drive SE

   a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

   b. Existing Conditions—This street has a variable-width turnpike improvement within a 40- to 60-foot-wide right-of-way abutting the subject property.

   c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Woodside Drive SE.

2. Mildred Lane SE

   a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

   b. Existing Conditions—This street bisects the subject property and has an approximate 46-foot improvement within a 68-foot-wide right-of-way.

   c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of Mildred Lane SE.

Storm Drainage

1. Existing Conditions

   a. A 12-inch storm main is located in Woodside Drive SE, south of Mildred Lane SE.

   b. A 10-inch storm main is located in Mildred Lane SE.

   c. Waln Creek flows through the subject property.

Water

1. Existing Conditions

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

   b. A 10-inch public water main is located in Woodside Drive SE.

c. A 16-inch public water main is located in Mildred Lane SE.

Sanitary Sewer

1. Existing Sewer

   a. An 8-inch sewer main terminates in Woodside Drive SE at the southern boundary of the subject property.

   b. A 21-inch sewer main is located within a City easement on the west side of Waln Creek.

   c. A 6-inch sewer main is located in Mildred Lane SE.

CRITERIA AND FINDINGS

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

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

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

(B) City infrastructure standards; and

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

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Waln Creek is located within the subject property. This portion of the creek was not analyzed in conjunction with the Flood Insurance Study for Battle Creek basin. The applicant is advised to coordinate with City staff to establish base flood elevations and ensure that the buildings are elevated sufficiently to limit flood damage pursuant to SRC 601.110(a)(2).

A 10-foot-wide public utility easement is required along the entire frontages of Woodside Drive SE and Mildred Lane SE pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required.

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

Findings—Water and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. As specified in the *Wastewater Management Master Plan*, an 8-inch sewer main extension is required in Woodside Drive SE to the northern boundary to the subject property. The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. 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)(7)(B).

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)(7)(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.

Findings—Woodside Drive SE abuts the subject property and does not meet the current standard for a Local street. The street is lacking adequate right-of-way and is

underimproved as defined in SRC 803.005. The applicant shall convey for dedication a half-width right-of-way equal to 30 feet from the centerline of Woodside Drive SE, sufficient right-of-way to accommodate public infrastructure at the property corners, and construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards in accordance with SRC Chapter 803 and PWDS.

Mildred Lane SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The street is lacking adequate right-of-way. The applicant shall convey land for dedication of right-of-way equal 72 feet in total width for Mildred Lane SE.

Pursuant to SRC 86.015(e), the applicant shall provide street trees to the maximum extent feasible along the property frontage in accordance with SRC Chapter 86 and applicable Salem Administrative Rules.

Prepared by: Jennifer Scott, Program Manager
cc: File