

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

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO. PAR19-15**

**APPLICATION NO.: 19-117444-LD**

**NOTICE OF DECISION DATE: FEBRUARY 21, 2020**

**REQUEST:** A tentative partition plan to divide approximately 0.33 acres into two parcels, with Parcel 1 consisting of approximately 7,041 square feet and Parcel 2 consisting of approximately 7,304 square feet. The subject property is zoned RS (Single Family Residential) and located at 1215 Parkway Drive NW (Polk County Assessor map and tax lot number: 073W21BA / 03000).

**APPLICANT:** Access Properties, Inc.

**LOCATION:** 1215 Parkway Drive NW

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

**FINDINGS:** The findings are in the attached Decision dated February 21, 2020.

**DECISION:** The Planning Administrator **APPROVED** Partition PAR19-15 subject to the following conditions of approval:

**Condition 1:** Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 1 which meet the standards of Salem Revised Code 806.025 and 806.030.

**Condition 2:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 1.

**Condition 3:** Obtain permits for installation of water services to serve Parcel 2.

**Condition 4:** Construct sewer services for Parcel 2 that are proposed in the public right-of-way. If the existing sewer service to the existing building on Parcel 1 is in conflict with placement of a future building on Parcel 2, the service shall be relocated as a condition of final plat approval.

**Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.

**Condition 6:** Install street trees to the maximum extent feasible along both property frontages pursuant to Salem Revised Code 86.015(e). Installation of street trees along the frontage of Parkway Drive NW may be delayed until the time of building construction on Parcel 2.

# NOTICE OF DECISION

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



**Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontages of Parkway Drive NW and Lottie Lane NW.

**Condition 8:** Install one street light on the existing pole across from the property frontage on Parkway Drive NW.

**Condition 9:** Construct sidewalk along the property frontage of Lottie Lane NW. The sidewalk may be located abutting the curb pursuant to Salem Revised Code 803.035(l)(2)(B).

**Condition 10:** Prior to issuance of Notice of Final Completion for any dwelling on Parcel 2, each lot, including Parcel 1 with the existing dwelling, shall be planted with trees in accordance with Salem Revised Code Chapter 808, Table 808-1.

**Condition 11:** Replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW pursuant to Salem Revised Code 78.180(a).

The rights granted by the attached decision must be exercised, or an extension granted, by **March 10, 2022**, or this approval shall be null and void.

Application Deemed Complete:	<u>December 31, 2019</u>
Notice of Decision Mailing Date:	<u>February 21, 2020</u>
Decision Effective Date:	<u>March 10, 2020</u>
State Mandate Date:	<u>April 29, 2020</u>

**Case Manager:** Brandon Pike, [bpike@cityofsalem.net](mailto: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 320, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Monday, March 9, 2020.** 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 205.005. 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 320, 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. 19-15)**

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

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
PARTITION PLAT CASE NO. 19-15;  
1215 PARKWAY DRIVE NW**

)  
)  
)  
)

**FINDINGS AND ORDER**

**FEBRUARY 21, 2020**

**REQUEST**

A tentative partition plan to divide approximately 0.33 acres into two parcels, with Parcel 1 consisting of approximately 7,041 square feet and Parcel 2 consisting of approximately 7,304 square feet. The subject property is zoned RS (Single Family Residential) and located at 1215 Parkway Drive NW (Polk County Assessor map and tax lot number: 073W21BA / 03000).

**DECISION**

The tentative partition plan case no. PAR19-15 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 plat approval, provide two off-street parking spaces serving proposed Parcel 1 which meet the standards of Salem Revised Code 806.025 and 806.030.
- Condition 2:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 1.
- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** Construct sewer services for Parcel 2 that are proposed in the public right-of-way. If the existing sewer service to the existing building on Parcel 1 is in conflict with placement of a future building on Parcel 2, the service shall be relocated as a condition of final plat approval.
- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 6:** Install street trees to the maximum extent feasible along both property frontages pursuant to Salem Revised Code 86.015(e). Installation of street trees along the frontage of Parkway Drive NW may be delayed until the time of

building construction on Parcel 2.

- Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontages of Parkway Drive NW and Lottie Lane NW.
- Condition 8:** Install one street light on the existing pole across from the property frontage on Parkway Drive NW.
- Condition 9:** Construct sidewalk along the property frontage of Lottie Lane NW. The sidewalk may be located abutting the curb pursuant to Salem Revised Code 803.035(l)(2)(B).
- Condition 10:** Prior to issuance of Notice of Final Completion for any dwelling on Parcel 2, each lot, including Parcel 1 with the existing dwelling, shall be planted with trees in accordance with Salem Revised Code Chapter 808, Table 808-1.
- Condition 11:** Replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW pursuant to Salem Revised Code 78.180(a).

### **PROCEDURAL FINDINGS**

1. On August 2, 2019, an application for a Tentative Partition Plan was filed proposing to divide a 0.33-acre property at 1215 Parkway Drive NW into two parcels (see **Attachment B**).
2. After additional information was provided, the application was deemed complete for processing on December 31, 2019. Notice of filing was sent pursuant to Salem Revised Code requirements on January 2, 2020.
3. The state-mandated local decision deadline for the application is April 29, 2020.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative partition plan proposes to divide the 0.33-acre property into two parcels, with proposed Parcel 2 to be developed in the future with a single-family dwelling, and proposed Parcel 1 to retain the existing single-family dwelling. Proposed Parcel 1 would take access from Lottie Lane NW, and proposed Parcel 2 would take access from Parkway Drive NW. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size:	7,041 square feet
Parcel Dimensions:	Approximately 82 feet, 10 inches in width, and 84 feet, 1 inch in depth.

## **PROPOSED PARCEL 2**

Parcel Size: 7,304 square feet

Parcel Dimensions: Approximately 83 feet in width and 88 feet in depth

**Access and Circulation:** The subject property has frontage on both Parkway Drive NW and Lottie Lane NW. Within the Salem Transportation System Plan (TSP), Parkway Drive NW is classified as a Collector street, and Lottie Lane NW is classified as a Local street.

## **2. Existing Conditions**

### **Site and Vicinity**

The subject property is nearly rectangular in shape and has frontage on two public streets, with approximately 83 feet of frontage on Parkway Drive NW and 84.69 feet of frontage on Lottie Lane NW. The property is currently approximately 83 feet in width and 171.5 feet in depth. The applicant proposes to retain the existing single-family dwelling, originally constructed in 1948, which is located in the northwestern portion of the property, closer to Lottie Lane than to Parkway Drive.

### **Salem Area Comprehensive Plan (SACP) Designation**

*Urban Growth Policies:* The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

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

North: Single Family Residential (SF)

South: Single Family Residential (SF)

East: Across Parkway Drive NW – Single Family Residential (SF)

West: Across Lottie Lane NW – Single Family Residential (SF)

### **Zoning and Surrounding Land Use**

The subject property is zoned RS (Single Family Residential) and is currently developed with a single-family dwelling. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential) – Single-family dwellings

South: RS (Single Family Residential) – Single-family and/or two-family dwellings

East: Across Parkway Drive NW – RS (Single Family Residential) – Single-family dwellings and a vacant lot

West: Across Lottie Lane NW – RS (Single Family Residential) – Single-family dwellings

#### Relationship to Urban Service Area

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

#### Infrastructure

*Water:* The subject property is located within the W-1 water service level. A 4-inch public water main is located in Lottie Lane NW, and an 8-inch public water main is located in Parkway Drive NW.

*Sewer:* A six-inch sewer main is located in Lottie Lane NW, and an 8-inch sewer main is located in Parkway Drive NW.

*Storm Drainage:* A 10-inch storm main is located in Parkway Drive NW.

*Streets:* Parkway Drive NW abuts the subject property to the east. Proposed Parcel 2 would take access from Parkway Drive NW, which is designated as a Collector street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximately 17-foot half-width street improvement within a 30-foot-wide half-width right-of-way abutting the subject property.

Lottie Lane NW abuts the subject property to the west 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 an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

### **3. City Department Comments**

**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 indicated no concerns.

**Fire Department** – The City of Salem Fire Department reviewed the proposal and indicated that water supply and access appear to be existing, and they have no concerns with the proposal.

#### **4. Public Agency and Private Service Provider Comments**

**Portland General Electric (PGE)** – Portland General Electric did not provide comments for the proposal.

**Salem-Keizer School District** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle school, and high school levels to serve future development. The school district indicated that the subject property is inside the “walk zone” of the assigned elementary, middle, and high schools.

#### **5. 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.” No comments were received from the neighborhood association during the comment period.

#### **6. Public Comments**

Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the close of the comment period, three comments were received from members of the public. Two people indicated no concerns with the proposal, and one expressed concern about the impact additional development at the subject property might have on nearby properties, specifically regarding stormwater runoff. As addressed within section 7 below, the proposed development has been reviewed against the City’s stormwater management standards. As required by Condition 5 of this land use decision, the applicant will be required to design stormwater systems which will serve both proposed parcels. Prior to approval of the final partition plat, the applicant will submit infiltration test results, and the Simplified Method Form or Engineering Method Report as applicable.

#### **7. Criteria for Granting a Tentative Partition**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews

development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

SRC Chapter 511 (Single Family Residential): The proposed partition would divide the 0.33-acre property into two parcels, with proposed Parcel 2 to be developed in the future with a single-family dwelling, and proposed Parcel 1 to retain the existing single-family dwelling with an attached garage. 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 Residential)** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single family)	4,000 square feet
Two Family	7,000 square feet
All other uses	6,000 square feet
Lot Width (All uses)	40 feet
Lot Depth (Single family and two family)	70 feet
All other uses	80 feet



All uses with double frontage	120 feet
Street Frontage (Single family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	40 feet

**Staff Response:** Proposed Parcel 1 is approximately 7,041 square feet in size, and would have approximately 84.69 feet of frontage on Lottie Lane NW. It would be approximately 82 feet, 10 inches in width and 84 feet, one inch in depth. Proposed Parcel 2 is approximately 7,304 square feet in size, and would have approximately 83 feet of frontage on Parkway Drive NW. It would be approximately 83 feet in width and 88 feet in depth.

Both 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 zone.

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

Front Yards and Yards Adjacent to Streets:

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

Interior Side Yards:

- Minimum 5 feet for new buildings; minimum 3 feet for existing buildings
- Minimum 10 feet (Infill Lot)

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)

**Staff Response:** The existing single-family dwelling which would remain on proposed Parcel 1 exceeds the setback standards in the RS zone, with a setback of approximately 9 feet, 11 inches to the south (interior side) property line, a setback of 12 feet, 7 inches to the north (interior side) property line, a setback of 21 feet to the east (interior rear) property line, and a setback of 22 feet, 8 inches to the west (front) property line. Future development of the parcels will be reviewed for adherence to setback requirements at the time of application for building permits. The proposed

parcels exceed the minimum parcel size for the RS zone, which provide 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 511-5. The RS zones limits 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.

**Staff Response:** Proposed Parcel 2 is currently undeveloped and will be reviewed for conformance with the lot coverage standards of SRC 511 at the time of development. Proposed Parcel 1 contains an existing single-family dwelling, with a proposed lot coverage of approximately 1,402 square feet, or 19.9 percent. The proposal meets the standard.

#### 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.

**Staff Response:** Off-street parking requirements for proposed Parcel 2 will be reviewed at the time of development. The proposal includes relocating the driveway for the existing dwelling from a driveway off Parkway Drive NW to a driveway off Lottie Lane NW. The existing garage faces Parkway Drive NW. The applicant has the option to reorient the garage so that it faces Lottie Lane, allowing for the one parking space within the garage to be counted toward meeting the minimum parking requirement, or to provide the required minimum off-street parking spaces through another means allowed through SRC 806.025. Under the proposal, the existing driveway and driveway approach off Parkway Drive NW would no longer serve proposed Parcel 1 and the existing dwelling, as they would provide access and parking for proposed Parcel 2.

To ensure the proposal meets the requirements of SRC Chapter 806, the following condition of approval shall apply:

**Condition 1:** Prior to final plat approval, provide two off-street parking spaces serving proposed Parcel 1 which meet the standards of Salem Revised Code 806.025 and 806.030.

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

SRC Chapter 205 (Land Division and Reconfiguration): 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. 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) can be requested.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated February 6, 2020 (**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). To ensure services are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions of approval shall apply:

- Condition 2:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 1.
- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.
- Condition 4:** Construct sewer services for Parcel 2 that are proposed in the public right-of-way. If the existing sewer service to the existing building on Parcel 1 is in conflict with placement of a future building on Parcel 2, the service shall be relocated as a condition of final plat approval.
- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be

tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. 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 Lottie Lane NW, which is designated as a Local street; the proposal generates less than 1000 average daily vehicle trips to Parkway Drive NW, which is designated as a Collector street. Pursuant to SRC 803.015(b), 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. Both proposed parcels would take access from existing public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Parkway Drive NW abuts the subject property and is designated as a Collector street in the TSP. The abutting portion of Parkway Drive has an approximate 17-foot-wide half-width improvement within a 30-foot-wide half-width right-of-way. Lottie Lane NW abuts the subject property and is designated as a Local street in the TSP. The abutting portion of Lottie Lane has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way.

The right-of-way and pavement widths on the development side of both streets meet the minimum width standards set forth in SRC 803.025 and the TSP.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a 0.33-acre 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.

*SRC 803.035 (Street Standards):* The subject property's street frontages on both Parkway Drive NW and Lottie Lane NW currently lack street trees. Pursuant to subsection (k), development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC Chapter 86.

To ensure the proposed development meets the standards of SRC 803.035(k), the following condition of approval shall apply:

**Condition 6:** Install street trees to the maximum extent feasible along both property frontages pursuant to Salem Revised Code 86.015(e). Installation of street trees along the frontage of Parkway Drive NW may be delayed until the time of building construction on Parcel 2.

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 frontages of Parkway Drive NW and Lottie Lane NW.

The existing configuration of Parkway Drive NW lacks adequate street lights along the subject property's frontage. Pursuant to SRC 803.035(o), all partitions shall include lamps for street lights that conform to the Public Works Design Standards, with the developer installing such facilities.

To ensure the proposal meets the standards of SRC 803.035(o), the following condition of approval shall apply:

**Condition 8:** Install one street light on the existing pole across from the property frontage on Parkway Drive NW.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* The abutting portion of Lottie Lane NW currently lacks sidewalks along the subject property's frontage. Pursuant to SRC 803.040(a), construction of a sidewalk along this street frontage is required as a condition of approval for a partition.

To ensure the proposal meets the requirements of SRC 803.040, the following condition of approval shall apply:

**Condition 9:** Construct sidewalk along the property frontage of Lottie Lane NW. The sidewalk may be located abutting the curb pursuant to Salem Revised Code 803.035(l)(2)(B).

**(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 has stated that the previous owner of the subject property removed three trees prior to the applicant purchasing the property in May of 2019. The property currently contains no trees, as defined under SRC 808.005. Since no trees will be removed as a result of the proposal, a tree conservation plan is not required in conjunction with the proposal.

Pursuant to SRC 808.050, within development proposals for the creation of lots or parcels to be used for single family or two family uses, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1. To mitigate the previous removal of trees on the subject property and to encourage the increase of tree canopy as outlined under SRC 808.001, the applicant will be required to plant trees on both proposed parcels. Since the size of both proposed parcels fall within the 7,001 to 8,000 square-foot range, a minimum of 4 trees will be required to be planted on each lot prior to receiving certificate of final occupancy for any dwelling on proposed Parcel 2.

To ensure the proposal meets the standards of SRC Chapter 808, the following condition of approval shall apply:

**Condition 10:** Prior to issuance of Notice of Final Completion for any dwelling on Parcel 2, each lot, including Parcel 1 with the existing dwelling, shall be planted with trees in accordance with Salem Revised Code Chapter 808, Table 808-1.

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.

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

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

**Finding:** The proposed partition would divide the 0.33-acre property into two parcels, with proposed Parcel 2 to be developed in the future with a single-family dwelling, and proposed Parcel 1 to retain the existing single-family dwelling. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed and have existing access to public streets.

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:** The subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. 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).

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet 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)(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:** Parkway Drive NW abuts the subject property to the south and Lottie Lane NW abuts the property to the north. Parkway Drive NW does not meet the current standard for a Collector street. The street is lacking adequate street lights and street trees along the frontage of the subject property. Additionally, portions of existing sidewalk along the Parkway Drive NW frontage appear to be nonconforming. Pursuant to SRC 78.180(a), the applicant will be required to replace the nonconforming portions at the time of building permit.

To ensure the proposal meets the requirements of SRC 205.005(d)(4) and SRC 78.180(a), the following condition of approval shall apply:

**Condition 11:** Replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW pursuant to Salem Revised Code 78.180(a).

The existing configuration of Lottie Lane NW does not meet current standards for a Local street. The frontage abutting the subject property lacks sidewalks and street trees. The surrounding properties along Lottie Lane NW have existing curb-line sidewalks; therefore, the sidewalk required at the time of development may be located abutting the curb, pursuant to SRC 803.035(l)(2)(B).

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

This criterion is met.

**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 subject property has a gradual slope; proposed Parcel 1 is relatively flat and is on higher ground than proposed Parcel 2 but begins sloping downward from just south of the existing dwelling to Parkway Drive. The site contains no trees, as multiple trees were removed by a previous owner prior to submittal of this land use application.

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 property has a gradual slope from northwest to southeast, with an elevation range of approximately 272 to 261 feet. The applicant proposes to retain the existing dwelling on proposed Parcel 1, alleviating the disruption



of topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion 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 is not applicable.

## **8. Conclusion**

Based upon review of SRC 205.005, the findings contained under section 7 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. 19-15, to divide approximately 0.33 acres into two parcels, with Parcel 1 consisting of approximately 7,041 square feet and Parcel 2 consisting of approximately 7,304 square feet, for property zoned RS (Single Family Residential) and located at 1215 Parkway Drive NW (Polk County Assessor map and tax lot number: 073W21BA / 03000) 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 plat approval, provide two off-street parking spaces serving proposed Parcel 1 which meet the standards of Salem Revised Code 806.025 and 806.030.
- Condition 2:** Provide easements on the final plat pursuant to Public Works Design Standards for water, sewer, and stormwater utilities as needed to serve Parcel 1.
- Condition 3:** Obtain permits for installation of water services to serve Parcel 2.

- Condition 4:** Construct sewer services for Parcel 2 that are proposed in the public right-of-way. If the existing sewer service to the existing building on Parcel 1 is in conflict with placement of a future building on Parcel 2, the service shall be relocated as a condition of final plat approval.
- Condition 5:** Design stormwater systems to serve all proposed parcels in compliance with Public Works Design Standards. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 6:** Install street trees to the maximum extent feasible along both property frontages pursuant to Salem Revised Code 86.015(e). Installation of street trees along the frontage of Parkway Drive NW may be delayed until the time of building construction on Parcel 2.
- Condition 7:** Provide a 10-foot-wide public utility easement along the entire frontages of Parkway Drive NW and Lottie Lane NW.
- Condition 8:** Install one street light on the existing pole across from the property frontage on Parkway Drive NW.
- Condition 9:** Construct sidewalk along the property frontage of Lottie Lane NW. The sidewalk may be located abutting the curb pursuant to Salem Revised Code 803.035(l)(2)(B).
- Condition 10:** Prior to issuance of Notice of Final Completion for any dwelling on Parcel 2, each lot, including Parcel 1 with the existing dwelling, shall be planted with trees in accordance with Salem Revised Code Chapter 808, Table 808-1.
- Condition 11:** Replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW pursuant to Salem Revised Code 78.180(a).



---

Brandon Pike, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

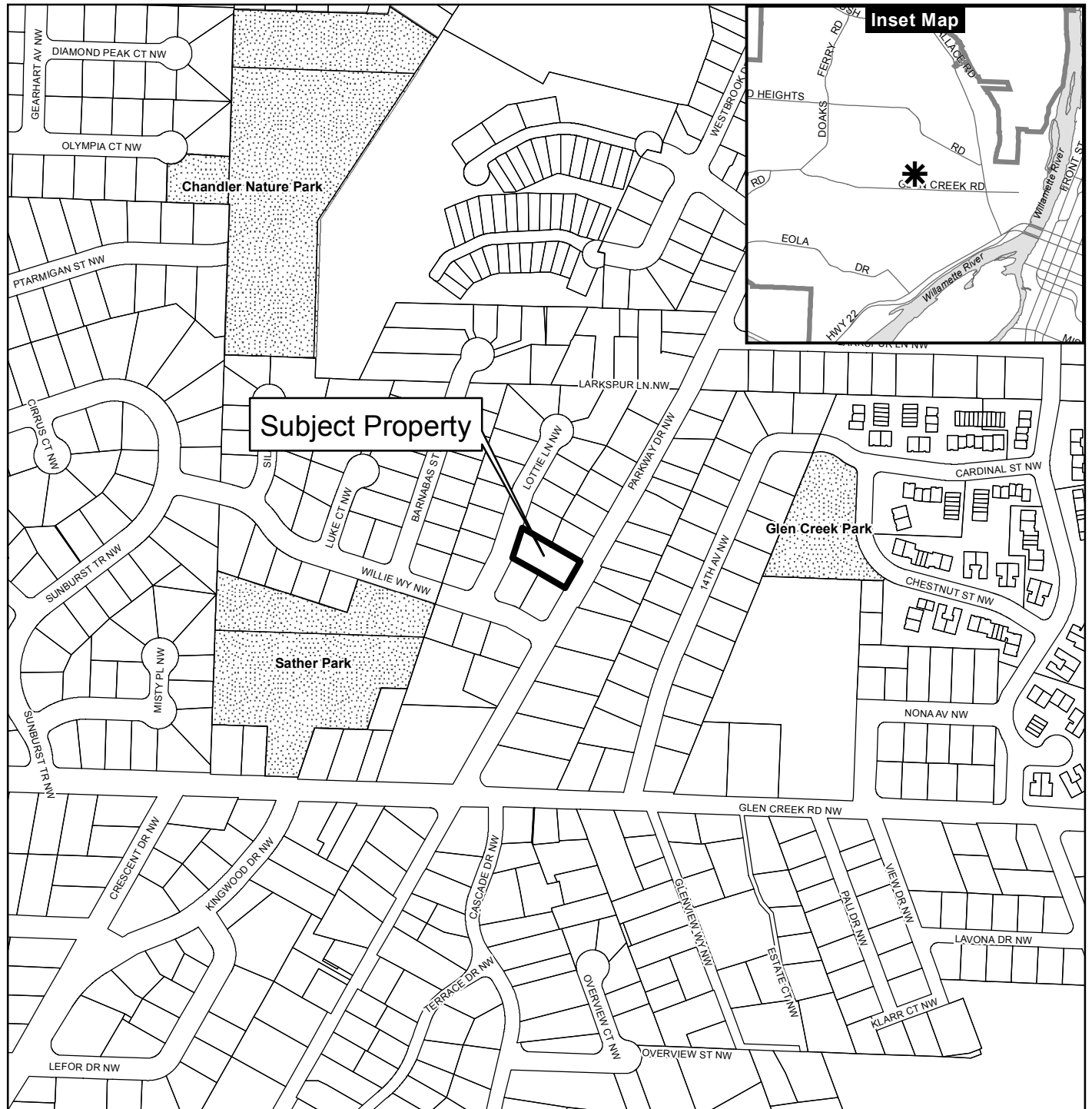
Application Deemed Complete: December 31, 2019  
Notice of Decision Mailing Date: February 21, 2020  
Decision Effective Date: March 10, 2020  
State Mandated Decision Date: April 29, 2020

The rights granted by this decision must be exercised or extension granted by **March 10, 2022**, or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, **no later than Monday, March 9, 2020 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 1215 Parkway Drive NW



## Legend

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

Parks

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

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

0 100 200 400 Feet



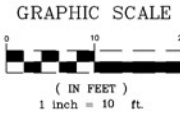
ATTACHMENT B

PARKWAY SUBDIVISION  
SP7-16

BLOCK 2  
LOT 17

BLOCK 2  
LOT 14

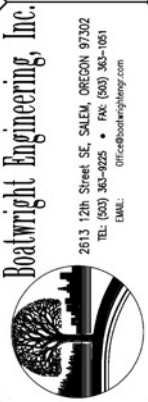
IMPERVIOUS AREA		
LOTTIE SITE	ROW	PROPERTY
REMOVED	-6.2 SF	-17.2 SF
NEW	552.6 SF	543.1 SF
TOTAL	546.4 SF	525.9 SF
PARKWAY SITE	ROW	PROPERTY
REMOVED	-529.6 SF	-950.4 SF
NEW	621.5 SF	3202.0 SF
TOTAL	91.9 SF	2251.6 SF
TOTAL INCREASE IN IMPERVIOUS AREA		3415.8 SF



CHECK THE SCALE

1 INCH BAR

IF BAR DOES NOT  
MEASURE ONE INCH  
ADJUST SCALES  
ACCORDINGLY



ACCESS PROPERTIES INC.

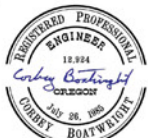
**PARTITION**

TENTATIVE PLAN

1215 PARKWAY DRIVE NW  
SALEM, OREGON 97304

PLK COUNTY, OREGON

NO.	DATE	REVISIONS	DESCRIPTION	BY
1	10/3/2019	FIXED COMMENTS FROM CITY	AK	
2	11/13/2019	FIXED COMMENTS FROM CITY	CFB	
3	12/9/2019	IMPERVIOUS AREA UPDATED	CFB	



EXPIRES 12/31/19

Design: AK

Drawn: AK

Checked: CFB

Scale: 1" = 10'

DATE  
8/2/2019

DRAWING REVISION  
12/9/19

BOATWRIGHT JOB #  
19/33

DRAWING  
1 OF 3



ORIGINAL PROPERTY	14,345 SF
NEW PARCELS	
PARCEL 1	7,041 SF
PARCEL 2	7,304 SF

PA1215 Parkway Drivng Partiton





# MEMO

**TO:** Brandon Pike, Planner I  
Community Development Department

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

**DATE:** February 6, 2020

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**PARTITION PLAT NO. 19-15 (19-117444)**  
**1215 PARKWAY DRIVE NW**  
**TWO-PARCEL PARTITION**

## PROPOSAL

A tentative partition plan to divide approximately 0.33 acres into two parcels, with Parcel 1 consisting of approximately 7,041 square feet and Parcel 2 consisting of approximately 7,304 square feet. The subject property is zoned RS (Single Family Residential) and located at 1215 Parkway Drive NW (Polk County Assessor map and tax lot number: 073W21BA / 03000).

## RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Install a street light on the existing pole across from the property frontage on Parkway Drive NW.
2. Construct sidewalk along the frontage of Lottie Lane NW. The sidewalk may be located abutting the curb pursuant to SRC 803.035(l)(2)(B).
3. Replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW pursuant to SRC 78.180(a).
4. Install street trees to the maximum extent feasible along the property frontages pursuant to SRC 86.015(e). Street trees along the frontage of Parkway Drive NW may be delayed until the time of building construction on Parcel 2.
5. Provide easements on the final plat pursuant to PWDS for water, sewer, and stormwater utilities as needed to serve Parcel 1.
6. Obtain permits for installation of water services to serve Parcel 2.

7. Construct sewer services for Parcel 2 that are proposed in the public right-of-way. If the existing sewer service to the existing building on parcel 1 is in conflict with a future building on proposed parcel 2, the service shall be relocated as a condition of final plat approval.
8. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on parcels 1 and 2. Construct stormwater facilities that are proposed in the public right-of-way.
9. Provide a 10-foot-wide public utility easement along the entire frontages of Lottie Lane NW and Parkway Drive NW.

### **FACTS**

1. Lottie Lane NW
  - 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 an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.
2. Parkway Drive NW
  - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has a 17-foot-wide half-width street improvement within a 30-foot-wide half-width right-of-way abutting the subject property.

### **Storm Drainage**

1. Existing Conditions
  - a. A 10-inch storm main is located in Parkway Drive NW.

### **Water**

1. Existing Conditions
  - a. The subject property is located in the W-1 water service level.

- b. A 4-inch public water main is located in Lottie Lane NW.
- c. An 8-inch public water main is located in Parkway Drive NW.

### **Sanitary Sewer**

#### **1. Existing Sewer**

- a. A 6-inch sewer main is located in Lottie Lane NW.
- b. An 8-inch sewer main is located in Parkway Drive NW.

### **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).



Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

**Findings**—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. 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. Easements required to serve Parcel 1 shall be shown on the final plat. 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).

The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet 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)(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**—Parkway Drive NW abuts the subject property and does not meet the current standard for a Collector street. The street is lacking adequate street lights and street trees along the frontage of the subject property. The applicant shall install a street light on the existing pole across from the property frontage on Parkway

Drive NW. Street trees along the frontage of Parkway Drive NW may be delayed until the time of building construction. Pursuant to SRC 78.180(a), the applicant shall replace non-conforming portions of existing sidewalk along the frontage of Parkway Drive NW at the time of building permit.

The existing configuration of Lottie Lane NW does not meet current standards for a Local street per the Salem TSP. Lottie Lane NW is lacking sidewalks and street trees. The applicant shall construct sidewalk along the frontage of Lottie Lane NW pursuant to SRC 803.040(a). The surrounding properties along Lottie Lane NW have curb-line sidewalk; therefore, the sidewalk may be located abutting the curb pursuant to SRC 803.035(l)(2)(B).

Prepared by: Jennifer Scott, Program Manager  
cc: File