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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE PARTITION CASE NO.: PAR20-03**

**APPLICATION NO.: 20-102772-LD**

**NOTICE OF DECISION DATE: MARCH 24, 2020**

**REQUEST:** A tentative partition plan to divide approximately seven acres into two parcels, with Parcel 1 consisting of approximately two acres, and Parcel 2 consisting of approximately five acres. The subject property is approximately 6.97 acres in size, zoned RA (Residential Agriculture), and located at 6994 Sunnyside Road SE (Marion County Assessor Map and Tax Lot Number 083W23CC / 5600 and 083W23CC / 5500).

**APPLICANT:** Willamette Engineering Inc. on behalf of Pacific National Development Inc.

**LOCATION:** 6994 Sunnyside Rd SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) - Partition

**FINDINGS:** The findings are in the attached Decision dated March 24, 2020.

**DECISION:** The **Planning Administrator APPROVED** Partition PAR20-03 subject to the following conditions of approval:

**CONDITION 1:** Prior to final plat, obtain a demolition permit and remove the existing buildings on proposed Parcel 1.

**CONDITION 2:** Prior to final plat approval, deferred water assessments shall be paid, pursuant to SRC Chapter 21.

**CONDITION 3:** Provide an easement for the existing sewer service through proposed Parcel 1, which serves the existing structure on proposed Parcel 2. The easement shall specify that the sewer service may be relocated with redevelopment of proposed Parcel 1.

**CONDITION 4:** Convey for dedication right-of-way to equal 36 feet on the development side of Sunnyside Road SE.

**CONDITION 5:** Construct a half-street minor arterial improvement along the entire frontage of Sunnyside Road SE. To satisfy this condition, the applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070, specifying that the entire improvement will be required as a condition of future subdivision of either parcel.

# NOTICE OF DECISION

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



**CONDITION 6:** Prior to final plat, the existing driveway access at the northwest corner of the subject property that serves the abutting property to the north shall be closed.

**CONDITION 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Sunnyside Road SE.

**CONDITION 8:** Provide open channel drainage easements along Scotch Creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

The rights granted by the attached decision must be exercised, or an extension granted, by April 9, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>February 27, 2020</u>
Notice of Decision Mailing Date:	<u>March 24, 2020</u>
Decision Effective Date:	<u>April 9, 2020</u>
State Mandate Date:	<u>June 26, 2020</u>

Case Manager: Olivia Dias, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Tuesday, April 8, 2020. **Due to COVID-19, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net) or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The 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. 20-03)**

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

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
PARTITION PLAT NO. 20-03;  
6994 SUNNYSIDE ROAD SE**

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**FINDINGS AND ORDER**

**MARCH 24, 2020**

**REQUEST**

A tentative partition plan to divide approximately seven acres into two parcels, with Parcel 1 consisting of approximately two acres, and Parcel 2 consisting of approximately five acres.

The subject property is approximately 6.97 acres in size, zoned RA (Residential Agriculture), and located at 6994 Sunnyside Road SE (Marion County Assessor Map and Tax Lot Number 083W23CC / 5600 and 083W23CC / 5500).

**DECISION**

The tentative partition plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat, obtain a demolition permit and remove the existing buildings on proposed Parcel 1.
- Condition 2:** Prior to final plat approval, deferred water assessments shall be paid, pursuant to SRC Chapter 21.
- Condition 3:** Provide an easement for the existing sewer service through proposed Parcel 1, which serves the existing structure on proposed Parcel 2. The easement shall specify that the sewer service may be relocated with redevelopment of proposed Parcel 1.
- Condition 4:** Convey for dedication right-of-way to equal 36 feet on the development side of Sunnyside Road SE.
- Condition 5:** Construct a half-street minor arterial improvement along the entire frontage of Sunnyside Road SE. To satisfy this condition, the applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070, specifying that the entire improvement will be required as a condition of future subdivision of either parcel.

- Condition 6:** Prior to final plat, the existing driveway access at the northwest corner of the subject property that serves the abutting property to the north shall be closed.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Sunnyside Road SE.
- Condition 8:** Provide open channel drainage easements along Scotch Creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

### **PROCEDURAL FINDINGS**

1. On February 19, 2020, an application for a Tentative Partition Plan was filed proposing to divide a 6.97 acres property at 6994 Sunnyside Road SE (**Attachment A**) into two parcels. The tentative partition plan is included as **Attachment B** and the applicant's written statement is included as **Attachment C**.
2. The application was deemed complete for processing on February 26, 2020. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on February 27, 2020. The state-mandated local decision deadline is June 25, 2020.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative plan proposes to divide the property into two parcels, with Parcel 1 containing the existing church and Parcel 2 created for new residential subdivision (Attachment B). The proposed Parcel 1 will retain access to Sunnyside Road SE and Proposed Parcel 2 will have access to Talloc Avenue SE, which will be extended as part of the subsequent subdivision application (SUB20-02). The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: Two Acres; (98,564 square feet);  
Parcel Dimensions: Approximately 250 feet in width and 350 feet in depth.

#### **PROPOSED PARCEL 2**

Parcel Size: Five Acres (215,252 square feet),  
Parcel Dimensions: Approximately 250 feet in width and 550 feet in depth.

**Access and Circulation:** The subject property has frontage located on Sunnyside Road SE, which is designated as a minor arterial street within the Salem Transportation

System Plan (TSP) and Talloc Avenue SE, which is designated as a local street within the Salem Transportation System Plan (TSP).

## **2. Existing Conditions**

### Site and Vicinity

The subject property contains approximately 6.9 acres and consists of a two, rectangular tax lot (one unit of land), approximately 500 feet in width and 580 feet in depth. Fellowship Church (religious assembly) is currently located on the site. The applicant plans to retain the church buildings, as shown on the tentative plan. The subject property was originally part of the Elderbrook Tract subdivision, platted in 1914 and was later described as a meets and bounds discretion containing both tax lots. The subject property was annexed into the City of Salem in 1993. The development pattern in the immediate vicinity is a mixture of larger lots with dwellings and single-family residential subdivisions, including Cinnamon Hill (1977) to the east and Sunnyside Ridge (2006) across Sunnyside Road SE to the west of the subject property.

### 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 “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North:           Developing Residential

South:           Developing Residential

East:            Single Family Residential

West:            (Across Sunnyside Road SE) Developing Residential

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

### Zoning and Surrounding Land Use

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

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

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

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

West: RS (Single Family Residential); single family dwellings

### Natural Features

The subject property is approximately 438 feet above mean sea level and is essentially flat, with approximately 10% total elevation change. The site is mostly vegetated especially near Scotch Creek.

The Salem-Keizer Local Wetland Inventory (LWI) identifies one wetland, located on the western portion of the subject property and continuing onto the abutting property to the north and south.

### Relationship to Urban Service Area

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

### Infrastructure

*Water:* The subject property is located within the S-2 water service level. A 16-inch City of Salem water main is located in Sunnyside Road and a 6-inch water main is located in Talloc Avenue SE.

*Sewer:* There are 8-inch sanitary sewer main located in Sunnyside Road SE and Talloc Avenue SE.

*Storm Drainage:* There is an existing 60-inch public storm main located in Sunnyside Road SE.

*Streets:* *Sunnyside Road SE* abuts the southern boundary of the subject property and is designated as a Minor Arterial street 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.
- The abutting portion of Sunnyside Road SE currently has an approximately 40-foot wide improvement within a 66-foot-wide right-of-way.

*Talloc Avenue SE* terminates at the northern boundary of the subject property and is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- The abutting portion of Talloc Avenue SE currently has an approximately 35-foot wide improvement within a 50-foot-wide right-of-way. The southerly terminus of Talloc Avenue SE has a one-foot-wide reserve strip owned by the City of Salem.

### 3. Public and Private Agency Review

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

**Salem Fire Department** – Salem Fire Department reviewed the proposal and had no comments.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the high school levels to serve future development within the proposed subdivision. The elementary and middle school levels will be overcapacity. The school district indicated that elementary school students residing at the subject property would be eligible for school transportation services. The area is within the “walk zone” of the assigned middle school and high school.

**Portland General Electric (PGE)** reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

### 4. Neighborhood Association and Public Comments

The subject property is within the South Gateway Neighborhood Association (SGNA). 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.” SGNA did not provide comments on the proposal. All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed partition. Prior to the comment deadline, 18 public comments were received, the following is a summary of the issues:

#### **Wetlands and Drainage**

A history of flooding in the area, at the same time new residential subdivisions have been developed. Comments attribute some of this flooding to a high water table in the area.

**Staff Response:** Wetland fill permits are regulated at the state and federal level. As described in SRC 809.025, the City’s involvement in wetland fill permits is limited. Pursuant to these requirements, City staff sent notification (a Wetland Land Use Notice

or “WLUN”) to the Oregon Department of State Lands (DSL). DSL returned a response notifying the applicant that wetland fill permits are required for the proposed subdivision. Discussions with wetland permit staff at the federal level indicated that wetlands are being preserved to the greatest extent possible by delaying street improvements in the proposed right-of-way running toward the east property line. Any other requirements to mitigate wetland fill will be addressed in the state and federal permitting process.

Stormwater facilities constructed to serve the proposed development are subject to the Public Works Design Standards and must be designed by a licensed civil engineer. Pursuant to PWDS 4A.2, the applicant’s engineer is required to submit a Stormwater Management Report, which would include those issues raised by surrounding property owners.

### **Construction**

Concerns about construction activities, especially traffic funneling through the existing subdivision and not from Sunnyside Road.

**Staff Response:** The proposal is to create two parcels. Parcel 2 of PAR20-03, which does not have access to Sunnyside Road SE is proposed for a future subdivision. The City Traffic Engineer reviewed the access for the future subdivision to the site for construction and determined that due to the barrier of Scotch Creek, Talloc Avenue SE is the only option for construction traffic for the proposed subdivision. Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 also prohibits idling engines on motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Development Department enforces these noise regulations.

### **Privacy**

Concerns about the density of the subdivision and privacy for existing single-family dwellings.



**Staff Response:** The proposal is for a two-parcel partition. The future development of SUB20-02 on Parcel 2 would be subject to the development standards set forth in SRC Chapter 511, which include requirements for height, setbacks, and lot coverage that are intended to ensure that development of private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties.

### **Property Values**

Concerns were raised about the effect of property values of existing dwellings.

**Staff Response:** Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The single-family dwelling parcels proposed within the partition range from approximately 4,633 square feet to 9,314 square feet, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the pattern of the surrounding neighborhood, which has predominantly been developed with single family residences.

### **Traffic Increase**

Concerns additional traffic withing the existing subdivision on narrow streets. Additionally, the congestion and unsafe traffic flow near parks and bus stops.

**Staff Response:** The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width and that proposed subdivision will create congestion. The proposal will result in the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will connect to existing streets and fill in gaps within the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

### **Tree Removal**

Concerns about the removal of trees on the subject property, including several Oregon White Oak trees.

**Staff Response:** The applicant has submitted a Tree Conservation Plan (TCP20-03) pursuant to the City's Tree Preservation Ordinance (SRC Chapter 808) with the proposed partition. The partition application proposes to preserve 104 of the 181 trees on the subject property. The 57.5 percent retention of identified trees is well in excess of the 25 percent required under SRC Chapter 808.

**Loss of Wildlife Habitat and Open Space** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property and suggest that rather than it being developed as a subdivision it should be retained as open space.

**Staff Response:** In regard to impacts to wildlife habitat, the subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and incorporated limits of the City of Salem, and has been designated on the City of Salem Comprehensive Plan Map as “Single Family Residential,” which anticipates existing or future residential development similar to the subdivision proposed by the applicant. Loss of wildlife habitat that has not been identified as significant is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval.

In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as “Single Family Residential,” and the site has been zoned RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

#### **Stormwater**

Concerns were raised about the amount of stormwater that will be displaced due to the new subdivision. The existing home currently experience flooding or high-water during rain events.

**Staff Response:** The proposed development is required to meet the standards and requirements of SRC Chapter 71 and PWDS for stormwater treatment and flow control. Scotch Creek is a mapped waterway intended to receive stormwater discharges from properties within the watershed. SRC 71.095(c) requires that post-development flow quantities not exceed pre-development flows. The Department of State Lands indicates that a wetland delineation will be required. The Public Works Design Standards require that all applicable state and federal permits be acquired as a condition of approval. The developer's engineer is required also to provide 100-year water surface elevations of Scotch Creek to ensure that new buildings are not at risk of flood damage.

### **5. 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 510 (Residential Agriculture): The proposed partition would divide the seven-acre property into two parcels with no remainder. The subject property is currently zoned RA (Residential Agriculture). The minimum lot area requirements of the RA zone are established under SRC 510.010(a) as follows:

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

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

Proposed lots in the partition will create two parcels one approximately from two acres and a second approximately five acres in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 510.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

**Setback Requirements:** SRC Chapter 510 establishes the following setback standards for development within an RA (Residential Agriculture) zone:

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

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

Proposed parcel 1 will meet all required setbacks under SRC 700.005, addressed below and Parcel 2 will be reviewed at the time of application for building permits.

**Lot Coverage:** Maximum lot coverage requirements within the RA zone are established under SRC 510.010(c), Table 510-4. The RA zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. The proposed parcel 1 is approximately two acres and vacant. The existing church and accessory structures shall meet lot coverage pursuant to SRC 700.005, which is addressed below. Future development of Parcel 1 will be reviewed for conformance with the development standards of SRC 510 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 510.

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The existing church are proposed to remain is shown on the site plan entirely within the boundaries of proposed Parcel 2, in compliance with this standard. Any structures located on Parcel 1 to be removed, prior to final plat.

**Condition 1:** Prior to final plat, obtain a demolition permit and remove the existing buildings on proposed Parcel 1.

**Special Use Standards SRC 700.005 (Generally)**

The special use standards set forth in Chapter 700 apply where a use is designated as a special use and are in addition to the standards that apply to uses generally within a zone or overlay zone. The special use standards set forth in Chapter 700

may be modified, unless otherwise specially provided in this Chapter. Modification to a special use standard shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240. In no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

### **Special Use Standards SRC 700.050 (Religious Assembly)**

#### *SRC 700.050(c) - Seating Capacity:*

The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-3. Maximum seating capacity cannot be modified through Conditional Use approval. In the RA zone, no maximum seating capacity is applicable to lots located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.

**Finding:** The development is located abutting Sunnyside Road SE, which is designated as a minor arterial street, in the Salem Transportation Systems Plan (TSP). There less than 350 seats in the principal worship area, and seating capacity is not anticipated to be changed with this proposal. The proposal meets the standard.

#### *SRC 700.050(d) - Locational Standards:*

Religious assemblies shall be located on streets as set forth in Table 700-4. In the RA zone, location on a local street is allowed for seating capacity of 375 seats or less. Location on a collector or arterial street is allowed, regardless of seating capacity, for a lot with 250 feet or more of frontage on a collector or arterial.

**Finding:** There are less than 350 seats in the principal worship area, and the property after the partition will have more than 600 feet of frontage on Sunnyside Road SE, a minor arterial street. The proposal meets the standard.

#### *SRC 700.050(e) - Access:*

Access to religious assemblies may be provided from local, collector, or arterial streets. Access provided from a local street shall conform to the standards set forth in Table 700-5. In the RA zone, only one access point is allowed.

**Finding:** The existing development has one access Sunnyside Road SE. All are existing and no changes are proposed to these accesses.

#### *SRC 700.050(f) - Lot Standards:*

Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-6. In the RA zone, no maximum area applies to lots abutting a collector or arterial street that have 250 feet or more of frontage on such street; minimum street frontage is 100 feet per street.

**Finding:** The subject proposed property is five acres. Street frontages exceed 100 feet on Sunnyside Road SE. The proposal meets applicable standards.

*SRC 700.050(g) – Setbacks:*

Setbacks for religious assemblies in the RA zone shall be provided as set forth in Table 700-7. The minimum setback abutting a street is 12 feet for vehicle use areas or buildings not more than 25 feet in height, and 12 feet plus two feet for each 5 feet in height over 25 feet for buildings over 25 feet in height; the minimum setback abutting an interior side or interior rear lot line is 15 feet for vehicle use areas abutting a residential zone, 5 feet for vehicle uses areas abutting non-residential zones, 12 feet for buildings not more than 25 feet in height, and 12 feet plus two feet for each 5 feet in height over 25 feet for buildings over 25 feet in height.

**Finding:** Th proposed five-acre parcel meets the applicable special use standards as follows:

**North (abutting RA zone):** Adjacent to the north is proposed Parcel 1, zoned RA. The existing development is 25.75 feet in height and is 21 feet from the property line. The existing vehicle use area is more than 15 feet from the new property line.

**South (RA zone):** The proposed development is more than 200 feet from the east property line. No changes to the existing parking area are proposed.

**West (abutting street):** Adjacent to the west is Sunnyside Road SE. The proposed development is more than 200 feet from the street. No changes to the existing parking are proposed.

**East (side abutting RS zone):** The proposed development is more than 200 feet from the east property line. No changes to the existing parking area are proposed.

*SRC 700.050(h) - Lot Coverage; Height:*

Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-8. In the RA zone, the maximum lot coverage by buildings and accessory structures is 40%. In the RA zone, buildings cannot exceed a maximum height of 35 feet. There is a 50-foot maximum height standard applicable to spires, steeples, and towers without usable floor space.

**Finding:** After the partition, the lot coverage with church-related buildings and accessory buildings will be approximately four percent. The height of the proposed building is 25.75 feet. The proposed addition complies with lot coverage and height requirements of the RA zone and the special use standards for lot coverage and height requirements.

*SRC 700.050(i) - Off-Street Parking:*

(1) Location.

(A) Off-street parking may be located on-site or off-site. When parking is provided offsite, it shall be located:

- (i) On a lot or lots that are contiguous to the lot containing the main building or use; or

- (ii) Within 600 feet of the lot containing the main building or use, on a lot or lots within a non-residential zone.
- (B) For the purposes of this paragraph, contiguous shall include a lot or lots that are separated from the lot containing the main building or use by an alley.
- (2) Screening. Off-street parking areas shall be screened from abutting residential zoned property.

**Finding:** All of the required parking spaces are on the lot with the main building. The existing off-street parking area is located at the northeastern corner of proposed Parcel 2 and is adjacent to the RS and RA-zoned properties. The applicant has provided information in the written statement that a six fence will be provided along the north between the church and the property line and eastern property lines.

*SRC 700.050(j) – Landscaping:*

All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807.

**Finding:** The site plan does not indicate the removal of any existing landscaping or trees for the proposed development. If removed, the replacement and new plantings must include at least one plant unit per 20 square feet of required landscape area and comply with other applicable standards of SRC Chapter 807.

*SRC 700.050(k) – Related Uses:*

Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, the activities shall be allowed only if they are an allowed use in the zone.

**Finding:** The existing use of the building does not include education services and common rooms to be operated primarily for the purpose of religious instruction, worship, and fellowship of the congregation. Therefore, this standard is met.

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

*SRC 806.015(a) (Minimum Required Off-Street Parking):* SRC 806.015(a) requires all Single Family and Two-Family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces. The subject property is located outside of the CSDP, and the proposed partition would create two parcels, one for residential development, with an existing church remaining on proposed Parcel 2. Per Table 806-1, religious assembly uses require a minimum of one off-street parking space per 5 seats or 10 feet of bench length within the principle worship area. The site plan indicates that the principal worship area has 2,180 square feet, requiring a minimum of 27 off-street parking spaces ( $2,180 / 80 = 27.25$ ). The

parking area is not being reduced based on the partition and the parking will remain the same after the partition.

Off-street parking requirements for the proposed Parcel 1 will be reviewed at the time of application for building permits. The applicant has applied for a subdivision to future divide Parcel 1, parking will be reviewed for any new lots or parcels at the time of building permit.

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 March 18, 2020 (Attachment D).

*SRC 802.015 (Development to be Served by City Utilities).* Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). The applicant has provide a preliminary utility plan which adequately serves the proposed parcels. The property is subject to a deferred water assessment that shall be paid prior to final plat approval, pursuant to SRC Chapter 21. The property is subject to a deferred water assessment established with City project number 77W254A that shall be paid prior to final plat approval pursuant to SRC Chapter 21. To ensure the proposal meets SRC Chapter 21 the following applies:

**Condition 2:** Prior to final plat approval, deferred water assessments shall be paid, pursuant to SRC Chapter 21.

There is a sewer lateral serving proposed parcel 2 (the existing church structure) from the 8-inch sewer main located at the terminus of Talloc Avenue SE. To ensure the



existing structures continue to be served by utilities, the applicant shall provide an easement for the existing sewer service on the final plat pursuant to PWDS. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition 3:** Provide an easement for the existing sewer service through proposed Parcel 1, which serves the existing structure on proposed Parcel 2. The easement shall specify that the sewer service may be relocated with redevelopment of proposed Parcel 1.

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

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed 2 parcel partition generates less than 1,000 average daily vehicle trips to Sunnyside Street SE, designated as a minor arterial street. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

*SRC 803.020 (Public and Private Streets):* There are no internal streets proposed within the partition. The subject property has frontages on Sunnyside Street SE and Talloc Avenue, which is a public street. The applicant has applied for a subdivision for proposed Parcel 1, which will continue Talloc Avenue SE through the proposed parcel.

*SRC 803.025 (Right-of-Way and Pavement Widths):*

Talloc Avenue SE terminates along the northern boundary of the subject property. There is a one-foot-wide reserve strip owned by the City of Salem where the street abuts the subject property. The applicant will need to obtain approval to dedicate the reserve strip to gain vehicular and pedestrian access to proposed Parcel 1.

The existing configuration of Sunnyside Road SE does not meet current standards for its classification of street per the Salem TSP. The street is lacking adequate right-of-way and a half-width street improvement. The applicant shall convey for dedication a half-width right-of-way along the entire frontage of Sunnyside Road SE and construct a half-street improvement along the entire frontage of Sunnyside Road SE.

The applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070(a)(1)(A)(iv) because the subject partition is not generating a measurable impact on the transportation system. However, because a future subdivision of either parcel generates a transportation impact, the deferral agreement shall specify that the entire improvement will be required as a condition of future subdivision of either parcel.

**Condition 4:** Convey for dedication right-of-way to equal 36 feet on the development side of Sunnyside Road SE.

**Condition 5:** Construct a half-street minor arterial improvement along the entire

frontage of Sunnyside Road SE. To satisfy this condition, the applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070, specifying that the entire improvement will be required as a condition of future subdivision of either parcel.

An existing driveway is located at the northwest corner of the subject property that serves the abutting property to the north. This driveway does not meet Public Works Design Standards and meets the closure criteria in SRC 804.060(a). The applicant shall close the existing driveway as a condition of final plat approval.

**Condition 6:** Prior to final plat, the existing driveway access at the northwest corner of the subject property that serves the abutting property to the north shall be closed.

*SRC 803.030 (Street Spacing):* The proposed partition involves division of a 6.92-acre lot, within an established residential area where the network of street will be continued as the larger parcels are developed. Any future development on adjacent properties will develop the further street connections as part of the proposal.

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

**Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Sunnyside Road SE.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Sunnyside Road SE abuts the subject property on the west boundary and does not meet the current standard for a minor arterial street.

Pursuant to SRC 803.040, construction of a half-street improvement is warranted along the frontage of Sunnyside Road SE. The applicant can satisfy this condition by either entering into a City-required deferral agreement pursuant to SRC 803.070(a)(1)(A)(iv) because the subject partition is not generating a measurable impact on the transportation system. However, because a future subdivision of either parcel generates a transportation impact, the deferral agreement shall specify that the entire improvement will be required as a condition of future subdivision of either parcel.

**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)

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. However, Scotch Creek flows along the western boundary of the proposed development and flooding is known to occur in the vicinity. Open channel drainage easements shall be dedicated along the creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

**Condition 8:** Provide open channel drainage easements along Scotch Creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

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 submitted an application for tree conservation plan approval in conjunction with the partition application (TCP20-03). There are 181 trees on the subject property, 77 of which are proposed for removal. The proposed TCP will retain 42.5% of the trees onsite, exceeding the required 25% for the property. All trees from proposed Parcel 1 are proposed for removal. Since the applicant is applying for a Partition for the existing church to remain RA zoned a subsequent Tree conservation plan will not be needed for the proposed subdivision. The tree conservation plan approval in conjunction with the partition application (TCP20-03) will authorize the removal of all trees on Parcel 1, which when subdivide will have zero trees.

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

The Salem-Keizer Local Wetland Inventory (LWI) does identify any wetlands on the subject property, in an area proposed to remain open space. As proposed, the tentative partition plan conforms to all applicable SRC Chapter 809 requirements.

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

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

**Finding:** The proposed partition would divide an approximately seven-acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed with single family dwellings and have access to public streets.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Sunnyside Road SE and Talloc Avenue SE are sufficient to provide access to each of the proposed parcels. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

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

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A tentative stormwater design is not required in conjunction with the proposed partition because no new impervious surfaces are proposed.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

As conditioned, the proposal meets this criterion.

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

**Finding:** Talloc Avenue SE terminates along the northern boundary of the subject property. There is a one-foot-wide reserve strip owned by the City of Salem where the street abuts the subject property. The applicant will need to obtain approval to dedicate the reserve strip to gain vehicular and pedestrian access to proposed Parcel 1.

The abutting portions of Sunnyside Road SE designated as a minor arterial street in the TSP. The abutting portion of Sunnyside Road SE has an approximate 40-foot-wide

improvement within a 66-foot-wide right-of-way and does not meet the current standard for a minor arterial street.

The existing configuration of Sunnyside Road SE does not meet current standards for its classification of street per the Salem TSP. The street is lacking adequate right-of-way and a half-width street improvement. The applicant shall convey for dedication a half-width right-of-way along the entire frontage of Sunnyside Road SE and construct a half-street improvement along the entire frontage of Sunnyside Road SE.

The applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070(a)(1)(A)(iv) because the subject partition is not generating a measurable impact on the transportation system. However, because a future subdivision of either parcel generates a transportation impact, the deferral agreement shall specify that the entire improvement will be required as a condition of future subdivision of either parcel.

**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:** Talloc Avenue SE terminates along the northern boundary of the subject property. There is a one-foot-wide reserve strip owned by the City of Salem where the street abuts the subject property. The applicant will need to obtain approval to dedicate the reserve strip to gain vehicular and pedestrian access to proposed Parcel 1.

The existing configuration of Sunnyside Road SE does not meet current standards for its classification of street per the Salem TSP. The street is lacking adequate right-of-way and a half-width street improvement. The applicant shall convey for dedication a half-width right-of-way along the entire frontage of Sunnyside Road SE and construct a half-street improvement along the entire frontage of Sunnyside Road SE.

The applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070(a)(1)(A)(iv) because the subject partition is not generating a measurable impact on the transportation system. However, because a future subdivision of either parcel generates a transportation impact, the deferral agreement shall specify that the entire improvement will be required as a condition of future subdivision of either parcel.

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

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

UDC. The site is essentially flat, sloping downward to the creek located on site. 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:** The subject property is relatively flat. The proposed layout will minimizing the need for substantial grading in any single area. The applicant proposes to retain the existing residence on a future parcel within the partition, alleviating the disruption to topography and vegetation that would result from demolition, grading, and construction associated with redevelopment of this portion of the site.

The applicant has submitted an application for tree conservation plan approval in conjunction with the partition application (TCP20-03). There are 181 trees on the subject property, 77 of which are proposed for removal. The proposed TCP will retain 42.5% of the trees onsite, exceeding the required 25% for the property. All trees from proposed Parcel 1 are proposed for removal. Since the applicant is applying for a Partition for the existing church to remain RA zoned a subsequent Tree conservation plan will not be needed for the proposed subdivision. The tree conservation plan approval in conjunction with the partition application (TCP20-03) will authorize the removal of all trees on Parcel 1, which when subdivide will have zero trees. The proposal is to remove two significant trees, which would be located within a building footprint. One of the two significant trees proposed to be removed is currently not healthy and would loose the majority of its root system to accommodate utilities.

The proposal meets this criterion.

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

- (A) The property is zoned residential;**
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

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

## 9. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. 20-03, to divide a 6.97 acre lot into 2 parcels, with Parcel 1 consisting of two acres, and Parcel 2 consisting of five acres, for property zoned RA (Residential Agriculture) and located at 6994 Sunnyside Road SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat, obtain a demolition permit and remove the existing buildings on proposed Parcel 1.
- Condition 2:** Prior to final plat approval, deferred water assessments shall be paid, pursuant to SRC Chapter 21.
- Condition 3:** Provide an easement for the existing sewer service through proposed Parcel 1, which serves the existing structure on proposed Parcel 2. The easement shall specify that the sewer service may be relocated with redevelopment of proposed Parcel 1.
- Condition 4:** Convey for dedication right-of-way to equal 36 feet on the development side of Sunnyside Road SE.
- Condition 5:** Construct a half-street minor arterial improvement along the entire frontage of Sunnyside Road SE. To satisfy this condition, the applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070, specifying that the entire improvement will be required as a condition of future subdivision of either parcel.
- Condition 6:** Prior to final plat, the existing driveway access at the northwest corner of the subject property that serves the abutting property to the north shall be closed.
- Condition 7:** Dedicate a 10-foot public utility easement (PUE) along the entire frontage of Sunnyside Road SE.

**Condition 8:** Provide open channel drainage easements along Scotch Creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.



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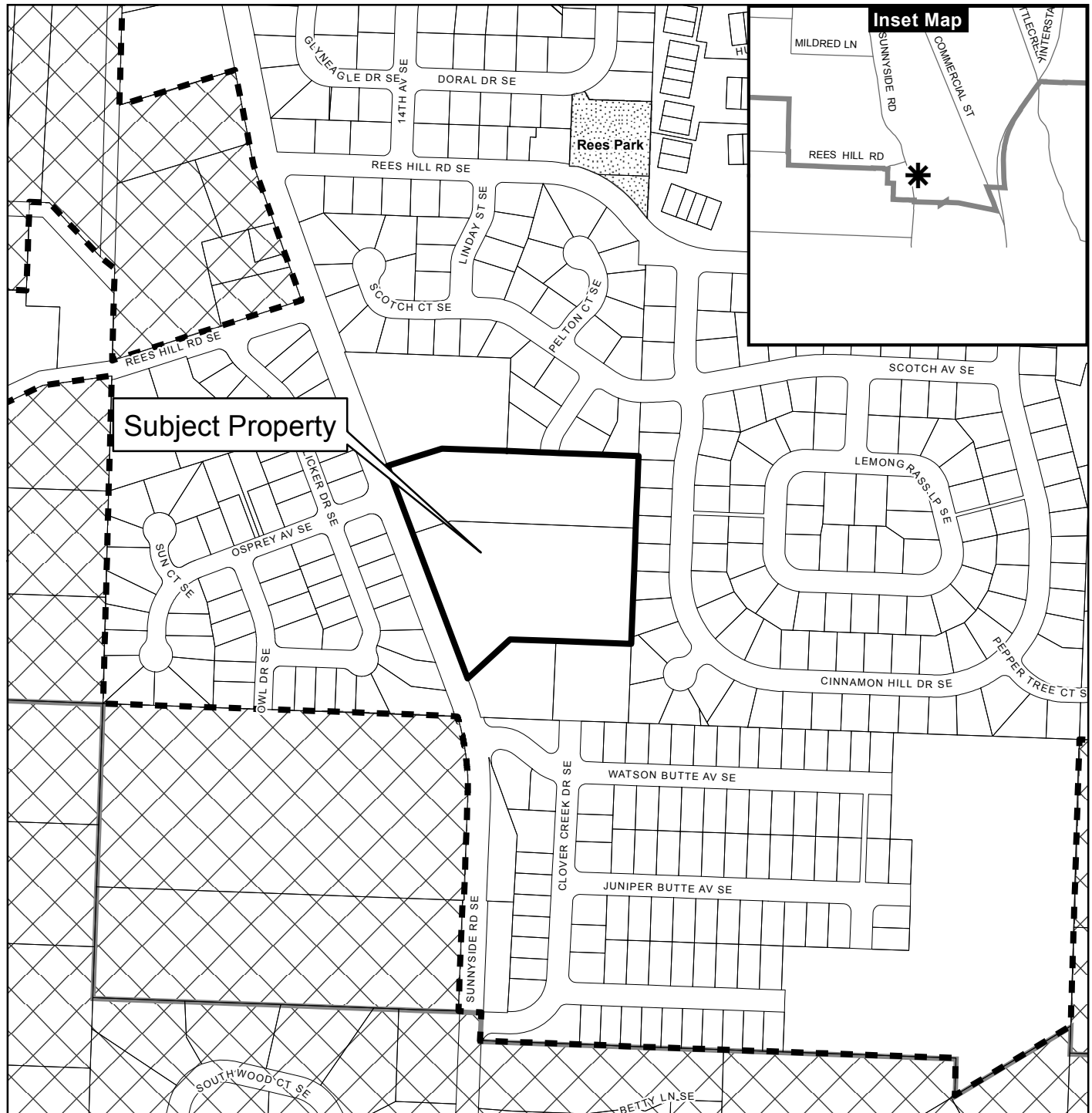
Olivia Dias, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Applicant's Tentative Partition Plan  
C. Applicant's Written Statement on Tentative Partition Plan  
D. City of Salem Public Works Department Comments



# Vicinity Map

## 6994 Sunnyside Road SE



### Legend

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

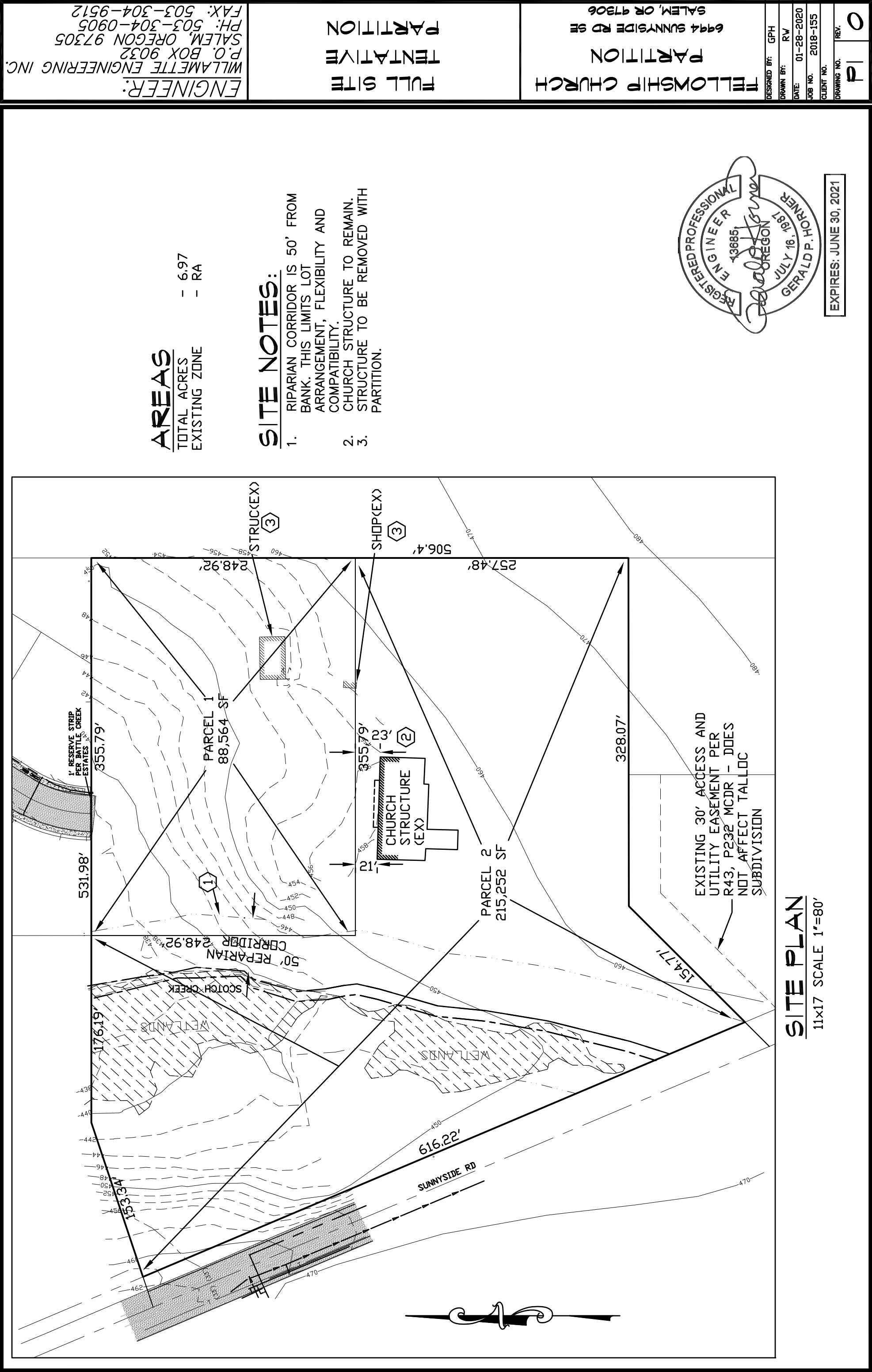
Parks

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AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet





**Willamette Engineering, Inc.**

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PO Box 9032, Salem, OR 97305 Ph (503) 304-0905 Fax (503) 304-9512

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February 5, 2020

City of Salem  
Community Development Dept.  
555 Liberty St SE / Room 305  
Salem, Oregon 97301

ATT: Olivia Diaz

Subject: **Talloc Subdivision**  
**6994 Sunnyside Road SE**  
**File # 19-119945-LD**

Dear Ms. Glantz:

This letter addresses our response to each of the City of Salem Completeness Review Letter Dated October 11, 2019.

Each of the Items below corresponds with the numbers listed on the Salem Memo.

## Easements:

1. There is only one easement on the property. It is to Pacific Northwest Telephone and the location is unknown. Barker surveyor note is below concerning this easement: "Easement note: property may be subject to an easement granted to Pacific Northwest telephone and Telegraph Company recoded in B. 164, P. 342, Marion County deed records – exact location is not defined." Easements adjacent to Talloc property have been added.
  - a. The reserve strip at the south end of the existing Talloc Ave SE.
  - b. 30 access and utility easement just south of the property.
2. Landslide letter discussing geological hazard has been prepared by Gerald Horner of Willamette Engineering and is sent in response bundle.
3. Preliminary grading is presented on sheet C5.
4. Shadow plat – the westerly portion of the property is not planned for development. A shadow plat for this area is provided. The west side of Scott Creek has large areas of mapped wetlands. The wetlands are restrictive to conventional residential lot arrangements. Therefore, the shadow plat lots are limited and large.
5. A fire truck turnaround has been added within the east eyebrow. Salem Fire Department has indicated that this will be acceptable. Water supply is provided to within 600' of all structures. There are two accesses within the area which keeps dwelling from one access to less than 30.
6. Public facility has been changed to a lot number.
7. The current Zoning is "RA". This allows the church facility to function as it currently is permitted. However, if all the property is subdivided as one whole land area, all the property will become Zoning "RS". This is problematic for the church. Therefore a partition is being concurrently applied. However, the partition will process first and the subdivision portion will be subdivided from Parcel 1 of the Partition. This will allow the Church Property, Parcel 2, to remain Zoning "RA".

Following are several discussion items for the Church Facility as related to Salem Development Code.

## **Special Use Standards SRC 700.050 (Religious Assembly)**

### **8. SRC 700.050(c) - Seating Capacity:**

The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-3. Maximum seating capacity cannot be modified through Conditional Use approval. In the RA zone, no maximum seating capacity is applicable to lots located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.

**Finding:** The development is located abutting Sunnyside Road SE, which is designated as a minor arterial street, in the Salem Transportation Systems Plan (TSP). There are less than 350 seats in the principal worship area, and seating capacity is not anticipated to be changed with this proposal. The proposal meets the standard.

### **9. SRC 700.050(d) - Location Standards:**

Religious assemblies shall be located on streets as set forth in Table 700-4. In the RA zone, location on a local street is allowed for seating capacity of 375 seats or less. Location on a collector or arterial street is allowed, regardless of seating capacity, for a lot with 250 feet or more of frontage on a collector or arterial.

**Finding:** There are less than 350 seats in the principal worship area, and the property after the partition will have more than 600 feet of frontage on Sunnyside Road SE, a minor arterial street. The proposal meets the standard.

### **10. SRC 700.050(e) - Access:**

Access to religious assemblies may be provided from local, collector, or arterial streets. Access provided from a local street shall conform to the standards set forth in Table 700-5. In the RA zone, only one access point is allowed.

**Finding:** The existing development has one access from Sunnyside Road SE. All are existing and no changes are proposed to these accesses.

### **11. SRC 700.050(f) - Lot Standards:**

Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-6. In the RA zone, no maximum area applies to lots abutting a collector or arterial street that have 250 feet or more of frontage on such street; minimum street frontage is 100 feet per street.



**Finding:** The subject proposed property is five acres. Street frontages exceed 100 feet on Sunnyside Road SE. The proposal meets applicable standards.

*12. SRC 700.050(g) – Setbacks:*

Setbacks for religious assemblies in the RA zone shall be provided as set forth in Table 700-7. The minimum setback abutting a street is 12 feet for vehicle use areas or buildings not more than 25 feet in height, and 12 feet plus two feet for each 5 feet in height over 25 feet for buildings over 25 feet in height; the minimum setback abutting an interior side or interior rear lot line is 15 feet for vehicle use areas abutting a residential zone, 5 feet for vehicle uses areas abutting non-residential zones, 12 feet for buildings not more than 25 feet in height, and 12 feet plus two feet for each 5 feet in height over 25 feet for buildings over 25 feet in height.

**Finding:** The proposed five acre parcel meets the applicable special use standards as follows:

**North (abutting RA zone):** Adjacent to the north is proposed Parcel 1, zoned RA. The existing church structure is 27.5' above grade at the east elevation and 24' above grade at the west elevation for an average of 25.75' above grade for the entire structure. The existing structure is 21' or from the proposed north property line. The standard is met.

The existing vehicle use area is 45' from the north property line which is more than 15 feet from the new property line. The standard is met.

**South (RA zone):** The proposed development is more than 200 feet from the east property line. No changes to the existing parking area are proposed.

**West (abutting street):** Adjacent to the west is Sunnyside Road SE. The proposed development is more than 200 feet from the street. No changes to the existing parking are proposed.

**East (side abutting RS zone):** The proposed development is more than 200 feet from the east property line. No changes to the existing parking area are proposed.

*13. SRC 700.050(h) - Lot Coverage; Height:*

Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-8. In the RA zone, the maximum lot coverage by buildings and accessory structures is 40%. In the RA

zone, buildings cannot exceed a maximum height of 35 feet. There is a 50-foot maximum height standard applicable to spires, steeples, and towers without usable floor space.

**Finding:** After the partition, the lot coverage with church-related buildings and accessory buildings will be approximately 4 percent. The height of the proposed building is will average 25.75' above grade. The proposed addition complies with lot coverage and height requirements of the RA zone and the special use standards for lot coverage and height requirements.

*14. SRC 700.050(i) - Off-Street Parking:*

(1) Location.

(A) Off-street parking may be located on-site or off-site. When parking is provided offsite, it shall be located:

- (i) On a lot or lots that are contiguous to the lot containing the main building or use; or
- (ii) Within 600 feet of the lot containing the main building or use, on a lot or lots within a non-residential zone.

(B) For the purposes of this paragraph, contiguous shall include a lot or lots that are separated from the lot containing the main building or use by an alley.

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

**Finding:** All of the required parking spaces are on the lot with the main building.

North Line – the parking frontage along the north line is 355' in length. The church itself acts a a screening structure for a length of 96'. The developer plans to construct a 6' tall fence to the west of the church and to the east of the church structure. This meets the Standard.

The easterly property line has existing fences and a few places where no fences are constructed. To meet this standard, existing 6' tall fences will be used, or new fences will be constructed to complete the screening of off-street parking from the residential neighborhood.

**15. SRC 700.050(j) – Landscaping:**

All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807.

**Finding:** The site plan does not indicate the removal of any existing landscaping or trees for the proposed development. If removed, the replacement and new plantings must include at least one plant unit per 20 square feet of required landscape area and comply with other applicable standards of SRC Chapter 807.

**16. SRC 700.050(k) – Related Uses:**

Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, the activities shall be allowed only if they are an allowed use in the zone.

**Finding:** The existing use of the building does not include education services and common rooms to be operated primarily for the purpose of religious instruction, worship, and fellowship of the congregation. Therefore, this standard is met.

If you should have any questions, please contact me at phone number 503-304-0905.

Sincerely,



Gerald P. Horner, PE

Project Engineer



# MEMO

**TO:** Olivia Dias, Planner III  
Community Development Department

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

**DATE:** March 20, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. 20-03 (20-102772)  
6994 SUNNYSIDE ROAD SE  
TWO-PARCEL PARTITION**

## PROPOSAL

A tentative partition plan to divide approximately seven acres into two parcels, with Parcel 1 consisting of approximately two acres, and Parcel 2 consisting of approximately five acres.

The subject property is approximately 6.97 acres in size, zoned RA (Residential Agriculture), and located at 6994 Sunnyside Road SE (Marion County Assessor Map and Tax Lot Number 083W23CC / 5600 and 083W23CC / 5500).

## RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey for dedication right-of-way to equal 36 feet on the development side of Sunnyside Road SE.
2. Construct a half-street minor arterial improvement along the entire frontage of Sunnyside Road SE. To satisfy this condition, the applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070, specifying that the entire improvement will be required as a condition of future subdivision of either parcel.
3. Close the existing driveway access at the northwest corner of the subject property that serves the abutting property to the north.
4. Provide a temporary easement for the existing sewer service on proposed Parcel 1 that serves the existing structure on proposed Parcel 2. The easement shall specify that the sewer service may be relocated with redevelopment of proposed Parcel 1.



## MEMO

5. Provide a 10-foot-wide public utility easement along the entire frontage of Sunnyside Road SE.
6. Pay deferred water assessments prior to plat approval pursuant to SRC Chapter 21.
7. Provide open channel drainage easements along Scotch Creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

### **FACTS**

#### 1. Sunnyside Road 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 has an approximate 40-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

#### 2. Talloc Avenue 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 an approximate 35-foot improvement within a 50-foot-wide right-of-way abutting the subject property. The southerly terminus of Talloc Avenue SE has a one-foot-wide reserve strip owned by the City of Salem.

### **Storm Drainage**

#### 1. Existing Conditions

- a. A 60-inch storm main is located in Sunnyside Road SE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 16-inch public water main is located in Sunnyside Road SE.

- c. A 6-inch public water main is located in Talloc Avenue SE.

## **Sanitary Sewer**

### **1. Existing Sewer**

- a. An 8-inch sewer main is located in Sunnyside Road SE.
- b. An 8-inch sewer main is located in Talloc Avenue 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).

Structures located on proposed lot lines shall be removed prior to final plat.

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.

Scotch Creek flows through the subject property. Open channel drainage easements shall be dedicated along the creek allowing for access and maintenance. The easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest (PWDS-General 1.8(d)).

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels mapped on the property. The applicant should contact the Oregon Department of State Lands (DSL) 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 DSL pursuant to SRC 809.025. The response received from DSL indicates that a wetland delineation will be required. The PWDS require that all applicable state and federal permits be acquired as a condition of approval.

A 10-foot-wide public utility easement is required along the entire frontage of Sunnyside Road SE pursuant to SRC 803.035(n).

City records show that the subject property contains landslide hazard areas. The applicant's engineer submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810. No further action is required at this time.

**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 is adequate to serve the property as shown on the applicant's preliminary partition plan. The property is subject to a deferred water assessment established with City project number 77W254A that shall be paid prior to final plat approval pursuant to SRC Chapter 21.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A tentative stormwater design is not required in conjunction with the proposed partition because no new impervious surfaces are proposed.

There is a sewer lateral serving the existing church structure from the 8-inch sewer main located at the terminus of Talloc Avenue SE. The applicant shall provide an easement for the existing sewer service on the final plat pursuant to PWDS. 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 TSP. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe,**

**orderly, and efficient circulation of traffic into, through, and out of the partition.**

**Finding**—Talloc Avenue SE terminates along the northern boundary of the subject property. There is a one-foot-wide reserve strip owned by the City of Salem where the street abuts the subject property. The applicant shall obtain approval to dedicate the reserve strip to gain vehicular and pedestrian access to proposed parcel 1.

The existing configuration of Sunnyside Road SE does not meet current standards for its classification of street per the Salem TSP. The street is lacking adequate right-of-way and a half-width street improvement. The applicant shall convey for dedication a half-width right-of-way along the entire frontage of Sunnyside Road SE and construct a half-street improvement along the entire frontage of Sunnyside Road SE.

The applicant may enter into a deferral agreement for Sunnyside Road SE street improvements pursuant to SRC 803.070(a)(1)(A)(iv) because the subject partition is not generating a measurable impact on the transportation system. However, because a future subdivision of either parcel generates a transportation impact, the deferral agreement shall specify that the entire improvement will be required as a condition of future subdivision of either parcel.

An existing driveway is located at the northwest corner of the subject property that serves the abutting property to the north. This driveway does not meet PWDS, and meets the closure criteria in SRC 804.060(a). The applicant shall close the existing driveway as a condition of final plat approval.

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cc: File