

## NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.:** PAR20-08

**APPLICATION NO.:** 20-103349-LD

**NOTICE OF DECISION DATE:** July 20, 2020

**REQUEST:** A tentative partition to divide 0.65 acres into three parcels, with Parcel 1 consisting of approximately 11,666 square feet, Parcel 2 consisting of approximately 5,541 square feet, and Parcel 3 consisting of approximately 7,416 square feet. The existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. The subject property is zoned RS (Single Family Residential) and located at 655 Boone Road SE (Marion County Assessor map and tax lot number(s): 083W10CD / 04400).

**APPLICANT:** Michael Barnes, MRB Enterprises Inc., on behalf of JDV Investments LLC (James Vick)

**LOCATION:** 655 Boone Road SE, Salem OR 97306

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

**FINDINGS:** The findings are in the attached Decision dated July 20, 2020.

**DECISION:** The **Planning Administrator APPROVED** Partition PAR20-08 subject to the following conditions of approval:

**Condition 1:** Prior to final plat application, remove the existing wood shed from Parcel 2.

**Condition 2:** The applicant shall either remove the existing lean-to adjacent to the detached garage on Parcel 1, or provide evidence the lean-to meets the setback standards of the RS zone.

**Condition 3:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the standards set forth in Salem Revised Code 806.030, including that it be paved with a hard surface material meeting the Public Works Design Standards.

**Condition 4:** Show the proposed 10-foot private utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.

**Condition 5:** Show the proposed 25-foot private access and utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.

**Condition 6:** Obtain permits for installation of water services to serve parcels 1, 2 and 3.

**Condition 7:** 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 2 and 3. Construct stormwater facilities that are proposed in the public right-of-way.

**Condition 8:** Construct sewer services that are proposed in the public right-of-way.

**Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side of Boone Road SE.

**Condition 10:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.

**Condition 11:** Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.

**Condition 12:** Replace non-conforming portions of existing sidewalk along the frontage of Boone Road SE pursuant to Salem Revised Code 78.180(a).

The rights granted by the attached decision must be exercised, or an extension granted, by August 5, 2022, or this approval shall be null and void.

Application Deemed Complete:	<u>June 5, 2020</u>
Notice of Decision Mailing Date:	<u>July 20, 2020</u>
Decision Effective Date:	<u>August 5, 2020</u>
State Mandate Date:	<u>October 3, 2020</u>

Case Manager: Brandon Pike, [bpike@cityofsalem.net](mailto:bpike@cityofsalem.net), 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Tuesday, August 4, 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. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 20-08)**

*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. 20-08;  
655 BOONE ROAD SE**

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**FINDINGS AND ORDER**

**JULY 20, 2020**

**REQUEST**

A tentative partition to divide 0.65 acres into three parcels, with Parcel 1 consisting of approximately 11,666 square feet, Parcel 2 consisting of approximately 5,541 square feet, and Parcel 3 consisting of approximately 7,416 square feet. The existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. The subject property is zoned RS (Single Family Residential) and located at 655 Boone Road SE (Marion County Assessor map and tax lot number(s): 083W10CD / 04400).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

**DECISION**

The tentative partition plan case no. PAR20-08 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 application, remove the existing wood shed from Parcel 2.
- Condition 2:** The applicant shall either remove the existing lean-to adjacent to the detached garage on Parcel 1, or provide evidence the lean-to meets the setback standards of the RS zone.
- Condition 3:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the standards set forth in Salem Revised Code 806.030, including that it be paved with a hard surface material meeting the Public Works Design Standards.
- Condition 4:** Show the proposed 10-foot private utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.
- Condition 5:** Show the proposed 25-foot private access and utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.
- Condition 6:** Obtain permits for installation of water services to serve parcels 1, 2 and 3.
- Condition 7:** 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 2 and 3. Construct stormwater facilities that are proposed in the public right-of-way.

- Condition 8:** Construct sewer services that are proposed in the public right-of-way.
- Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side of Boone Road SE.
- Condition 10:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.
- Condition 11:** Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.
- Condition 12:** Replace non-conforming portions of existing sidewalk along the frontage of Boone Road SE pursuant to Salem Revised Code 78.180(a).

### **PROCEDURAL FINDINGS**

1. On February 6, 2020, an application for a Tentative Partition Plan was filed proposing to divide a 0.65-acre property at 655 Boone Road SE into three parcels (see **Attachment B**).
2. After additional information was provided, the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on June 5, 2020.
3. The state-mandated local decision deadline for the application is October 3, 2020.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative partition plan proposes to divide the 0.65-acre property into three parcels; the existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. Each of the proposed parcels would take access through the proposed flag lot accessway from Boone Road SE. The three parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 11,666 square feet  
Parcel Dimensions: Approximately 100 feet in width and 115.8 feet in depth

#### **PROPOSED PARCEL 2**

Parcel Size: 5,541 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 61 feet in width and 86 feet in depth, exclusive of the flag lot accessway

#### **PROPOSED PARCEL 3**

Parcel Size: 7,544 square feet, exclusive of the flag lot accessway  
Parcel Dimensions: Approximately 87.6 feet in width and 70.1 feet in depth, exclusive of the flag lot accessway

***Access and Circulation:*** The subject property has frontage on Boone Road SE. Within the Salem Transportation System Plan (TSP), Boone Road SE is classified as a Collector street.

## **2. Existing Conditions**

### Site and Vicinity

The subject property is irregular in shape and has approximately 131 feet of frontage on one public street, Boone Road SE. The property is currently approximately 116 feet in width and 246 feet in depth. The applicant proposes to retain the existing single-family dwelling and detached garage, which are located in the northern portion of the property. The applicant plans to remove an existing wood shed in the center of the property, as well as a lean-to structure which is adjacent to the detached garage.

### 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: Across Boone Road SE – Single Family Residential (SF)

East: Single Family Residential (SF)

West: 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: Across Boone Road SE – RA (Residential Agriculture); single-family dwelling

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

West: 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 S-2 water service level. A 16-inch water main is located in Boone Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.

- Sewer:* An 8-inch sewer main is located in Boone Road SE.
- Storm Drainage:* A 10-inch storm main is located in Boone Road SE.
- Streets:* Boone Road SE abuts the subject property to the south. It 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 approximate 34-foot improvement within a 54-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 recommendations 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 the Fire Department has no concerns with the partition; Items including Fire Department access and water supply will be required at the time of development.

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

**Portland General Electric (PGE)** – Portland General Electric reviewed the proposal and indicated that development costs will be per current tariff and service requirements, any relocation of PGE facilities on private property or within the right-of-way will be at the developer's expense, and development could require a 10-foot public utility easement (PUE).

### 5. Neighborhood Association Comments

The subject property is within the Faye Wright 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, four comments were received from members of the public. The comments ranged from specific concerns and procedural questions (summarized below), to inquiries regarding easements, fence development standards and maintenance responsibilities, square

footage and height limitations of future homes, and allowable access to the subject property. Concerns and opposition received can be summarized into the following categories, along with Staff responses:

- A. *Fire Department Access.* Two comments indicated concern about Fire Department access to the proposed parcels, including the nearest locations of fire hydrants and emergency vehicle access.

**Staff Response:** As stated above within *Section 3*, the Fire Department has reviewed the proposal for compliance with their standards, including access and water supply. The applicant will be required to show compliance with Oregon Fire Code at the time of building permit application. Additionally, the proposed partition has been reviewed for adherence with the Fire Department access and flag lot accessway turnaround standards set forth in SRC 800.025(c)(3).

- B. *Vehicle Parking.* Multiple comments indicated concern over the availability of parking for the proposed development and within the surrounding area.

**Staff Response:** Both the existing and any future dwellings on the subject property are required to meet the minimum off-street parking space requirements of SRC Chapter 806. While on-street parking is not allowed on the abutting portion of Boone Road SE, public parking is available within the surrounding streets. SRC 102.040(j) prohibits on-street parking for more than five consecutive days, and is enforced by the City's Parking Services Division and the Compliance Services Division.

- C. *Tree Removal.* Several comments indicated concern about the number of trees which will need to be removed for the proposed development.

**Staff Response:** Pursuant to SRC 808.035(d)(4), a minimum of 25 percent of the subject property's existing trees are required to be preserved in conjunction with the proposed partition, unless otherwise allowed under the section of the UDC. As outlined within *Section 7* below, the applicant has proposed to retain 68.4 percent of the existing trees at the subject property. Future residential development on the proposed parcels would be required to have at least 2 to 6 trees on each parcel (depending on the size of the lot) at the time of development; the developer can meet that requirement through any combination of preserving existing trees and planting new trees (pursuant to SRC 808.050).

- D. *Noise.* One comment indicated concern over the amount of noise produced during future development of the subject property.

**Staff Response:** 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 Chapter 93 prohibits idling engines of motor vehicles in a manner that is plainly audible from within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

- E. *Safety of Ingress/Egress.* One comment indicated concern over the ability for vehicles to turn around within the proposed partition in order to exit the property head-first.

**Staff Response:** SRC 806.025(b) and 806.030 requires that there will be adequate maneuvering area between the off-street parking spaces, the driveways, and the flag lot accessway for vehicles to turn around before exiting the subject property.

- F. *Location of Driveway Approach.* One comment indicated concern with the location of the driveway approach in relation to a nearby curve on Boone Road SE.

**Staff Response:** As outlined within *Section 7* of this decision and within the Public Works Department memorandum (**Attachment C**), the proposal, including the location of the driveway approach, has been reviewed by City staff, including traffic engineers. No evidence has been submitted to indicate the proposed driveway will create traffic hazards or unsafe turning movements. To replace the existing driveway approach, the applicant will be required to obtain permits for a new driveway approach. Staff will review the proposed driveway approach location again at that time as it relates to future development, ensuring compliance with applicable traffic and safety standards.

- G. *Type II Application Procedure.* One comment stated the belief that the applicant and the City did not follow procedures set forth in SRC Chapter 300 when processing the application, including the manner in which the applicant contacted the neighborhood association and the Salem-Keizer Transit District, posted notice, how the City provided notice, as well as the contact between the City and the neighborhood association.

**Staff Response:** The applicant and Staff have followed the applicable state and local land use requirements to process this application, including those set forth in SRC Chapter 300. In short, posted notice is not required for partition tentative plan applications (pursuant to SRC Table 300-2), the initial contact the City extends to the neighborhood association is not required by the SRC but is a courtesy, and a notice of filing and request for comments was sent pursuant to SRC requirements on June 5, 2020.

- H. *Proximity of Driveway.* One comment voiced concern over the proximity of the proposed flag lot accessway/driveway to their shared property line.

**Staff Response:** There is no minimum setback for driveways or vehicle use areas serving *single-family* or *two-family* uses.

- I. *Traffic/Safety.* One comment expressed concern about existing nearby traffic conditions, stating that the nearby curve along Boone Road SE is a safety hazard.

**Staff Response:** As stated under *Section 7* of this decision, the proposed three-parcel partition generates less than 1,000 average daily vehicle trips to Boone Road SE, which is designated as a Collector street within the TSP. Pursuant to



SRC 803.015(b), a Traffic Impact Analysis is not required as part of the proposed partition and no improvements to the surrounding transportation network are required or justified.

## 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 0.65-acre property into three parcels, with proposed Parcel 1 to retain the existing single-family dwelling and detached garage, and proposed parcels 2 and 3 to consist of vacant land for future development. 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
Infill Lot	5,500 square feet, unless a greater minimum lot area is required for the specific use
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 11,666 square feet in size. It is approximately 100 feet in width and 115.8 feet in depth. Proposed Parcel 2 is approximately 5,541 square feet in size exclusive of the flag lot accessway. It is approximately 61 feet in width and 86 feet in depth. Proposed Parcel 3 is approximately 7,544 square feet in size exclusive of the flag lot accessway, and has approximately 131 feet of frontage on Boone Road SE. It is approximately 87.6 feet in width and 70.1 feet in depth. Proposed parcels 1 and 2 are flag lots with no street frontage.

Each proposed parcel 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.

**Uses Within the RS zone (Single Family Residential)** (see SRC Chapter 511, Table 511-1)

Except as otherwise provided under SRC 511.005, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

**Staff Response:** The existing and proposed use, *single family*, is permitted within the RS zone. However, the proposal would locate the existing wood shed on its own parcel. A standalone wood shed, classified as a *warehousing and distribution* use, is a prohibited use within the RS zone. To ensure the proposal does not create a nonconforming situation, the following condition of approval shall apply:

**Condition 1:** Prior to final plat application, remove the existing wood shed from Parcel 2.

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

Front Yard and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway') (buildings, and accessory structures over 4 feet in height)
- No minimum (applicable to accessory structures not more than 4 feet in height)

Interior Side Yard:

- Minimum 5 feet for new buildings and accessory structures; minimum 3 feet for existing buildings
- Minimum 10 feet (Infill Lot) (buildings)
- No minimum (applicable to accessory structures having at least 1 wall which is an integral part of a fence)

Interior Rear Yard:

- Minimum 14 feet (for any portion of a main building not more than one story in height)
- Minimum 20 feet (for any portion of a main building greater than one story in height)
- No minimum (applicable to accessory structures not more than 9 ft. in height)
- Minimum 1 foot for each 1 foot of height over 9 feet (applicable to accessory structures greater than 9 ft. in height)

**Staff Response:** The existing two-story single-family dwelling which would remain on proposed Parcel 1 exceeds the setback standards of the RS zone, with approximate setbacks of 45.5 feet to the west (front) property line, 45.5 feet to the north (interior side) property line, 10.7 feet to the south (interior side) property line, and 24.6 feet to the east (interior rear) property line.

The existing detached garage, which is approximately 12 feet in height, would remain on proposed Parcel 1. It exceeds the setback standards of the RS zone, with approximate setbacks of 12.7 feet to the west (front) property line, 28 feet to the north (interior side) property line, 51.75 feet to the south (interior side) property lines, and 83.3 feet to the east (interior rear) property line.

As conditioned above, the existing wood shed will be removed prior to final plat application.

As stated above, the applicant plans to remove the existing lean-to adjacent to the detached garage. To ensure the proposed development meets the setback standards of the RS zone, the following condition of approval shall apply:

**Condition 2:** The applicant shall either remove the existing lean-to adjacent to the detached garage on Parcel 1, or provide evidence the lean-to meets the setback standards of the RS zone.

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:** As proposed and conditioned, parcels 2 and 3 will be undeveloped land; they will be reviewed for conformance with the lot coverage standards of the zone at the time of development. Proposed Parcel 1 contains an existing single-family dwelling and detached garage, with a proposed lot coverage of approximately 1,911 square feet (16.4 percent) if the applicant chooses to remove the lean-to structure, or approximately 2,516 square feet (21.6 percent) if the applicant chooses to keep the lean-to pursuant to Condition 2. 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 parcels 2 and 3 will be reviewed at the time of future development. The existing single-family dwelling on proposed Parcel 1 contains a detached single-car garage, with adequate space on the driveway to be counted as additional parking spaces pursuant to SRC 806.025(a)(3)(C)(i). The proposal meets the standard.

*SRC 806.030 (Driveway Development Standards for Single Family and Two Family Uses or Activities):* SRC 806.030(c) requires that all driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards.

**Staff Response:** The existing single-family dwelling's garage is served by a gravel driveway. The applicant's site plan (**Attachment B**) shows the portions of the gravel driveway which pass over proposed parcels 2 and 3 will be replaced with pavement to meet the flag lot accessway width and surfacing standards of SRC 800.025(c). However, the site plan does not indicate that the existing gravel driveway on proposed Parcel 1 will meet the surfacing standards of this section. To ensure the proposed development meets the standards set forth in SRC 806.030(c), the following condition of approval shall apply:

**Condition 3:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the standards set forth in Salem Revised Code 806.030, including that it be paved with a hard surface material meeting the Public Works Design Standards.

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.

To ensure the proposal meets the plat requirements set forth in SRC Chapter 205, the following conditions of approval shall apply:

**Condition 4:** Show the proposed 10-foot private utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.

**Condition 5:** Show the proposed 25-foot private access and utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.

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 July 17, 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 6:** Obtain permits for installation of water services to serve parcels 1, 2 and 3.

**Condition 7:** 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 2 and 3. Construct stormwater facilities that are proposed in the public right-of-way.

**Condition 8:** Construct sewer services 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 three-parcel partition generates less than 1,000 average daily vehicle trips to Boone Road SE, which is designated as a Collector street within the TSP. Pursuant to SRC 803.015(b), a Traffic Impact Analysis (TIA) 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. Each proposed parcel would take access from existing public streets or the proposed flag lot accessway.

*SRC 803.025 (Right-of-Way and Pavement Widths)*: Boone Road SE abuts the subject property and is designated as a Collector street in the TSP. The abutting portion of Boone Road SE does not meet the current standard for a Collector street. The street is lacking adequate right-of-way, with an approximately 34-foot-wide improvement within a 54-foot-wide right-of-way.

In order to ensure the previously stated requirements are met and that the proposal conforms to the Salem TSP, the following condition of approval shall apply:

**Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side of Boone Road SE.

*SRC 803.030 (Street Spacing)*: The proposed partition involves further division of a 0.65-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 frontage on Boone Road SE currently lacks adequate 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 10:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.

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

**Condition 11:** Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Pursuant to SRC 803.040(a) and SRC 78.180, the applicant is required to repair any non-conforming panels of sidewalk along the frontage of Boone Road SE. To ensure the previously stated requirements are met and the proposal conforms to the Salem TSP, the following condition of approval shall apply:

**Condition 12:** Replace non-conforming portions of existing sidewalk along the frontage of Boone Road SE pursuant to Salem Revised Code 78.180(a).

As conditioned, the proposal conforms to SRC 803.040.

**(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 applied for tree conservation plan approval in conjunction with the partition application (case no. TCP20-05). There are 19 trees greater than 10 inches in diameter-at-breast-height (dbh) located on the subject property. The proposed tree conservation plan identifies 13 trees (68.4 percent) for preservation and 6 trees (31.6 percent) for removal, which lie within either the building envelopes of proposed parcels 2 and 3 or within or adjacent to the proposed flag lot accessway. None of the trees designated for removal are defined as Significant Trees pursuant to SRC 808.005(k).

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 and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas 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 0.65-acre property into three parcels, with proposed parcels 2 and 3 to be developed in the future, and proposed Parcel 1 to retain the existing single-family dwelling and detached garage. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC. The adjoining properties are developed and have existing access to public or private 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:** Boone Road SE abuts the subject property to the south. Boone Road SE meets the pavement width standards per the Salem TSP for a Collector street. The street does not meet current Collector street right-of-way standards. As identified in the conditions of approval, the applicant shall convey land for dedication to equal a half width right-of-way of 30 feet from centerline along the property frontage of Boone Road SE. The street is lacking adequate street trees along the frontage of the subject property and the applicant will be required to install street trees, as conditioned above. Additionally, portions of existing sidewalk along Boone Road SE 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, as conditioned above.

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, with an elevation range of approximately 486 feet in the northeast and southeast corners to approximately 496 feet in the western portion.

There are three existing trees which the applicant proposes to preserve which Staff indicated concern about the feasibility of doing so due to their location within the building footprints of parcels 2 and 3—a 22-inch dbh fir tree on Parcel 2, and 10-inch and 14-inch pine trees on Parcel 3. However, the applicant expressed a desire to preserve these trees and intends to take their location into account when designing the buildings for parcels 2 and 3. As set forth in the accompanying tree conservation plan application (case no. TCP20-05), 68.4 percent of the existing trees will be preserved during development—exceeding the minimum standard of 25 percent set forth in SRC 808.035(d)(4).

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 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.

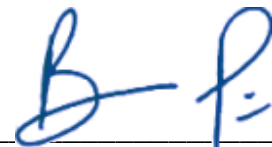
## **8. Conclusion**

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. 20-08, to divide approximately 0.65 acres into three parcels, with Parcel 1 consisting of approximately 11,666 square feet, Parcel 2 consisting of approximately 5,541 square feet, and Parcel 3 consisting of approximately 7,416 square feet, for property zoned RS (Single Family Residential) and located at 655 Boone Road SE (Marion County Assessor map and tax lot number(s): 083W10CD / 04400) 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:

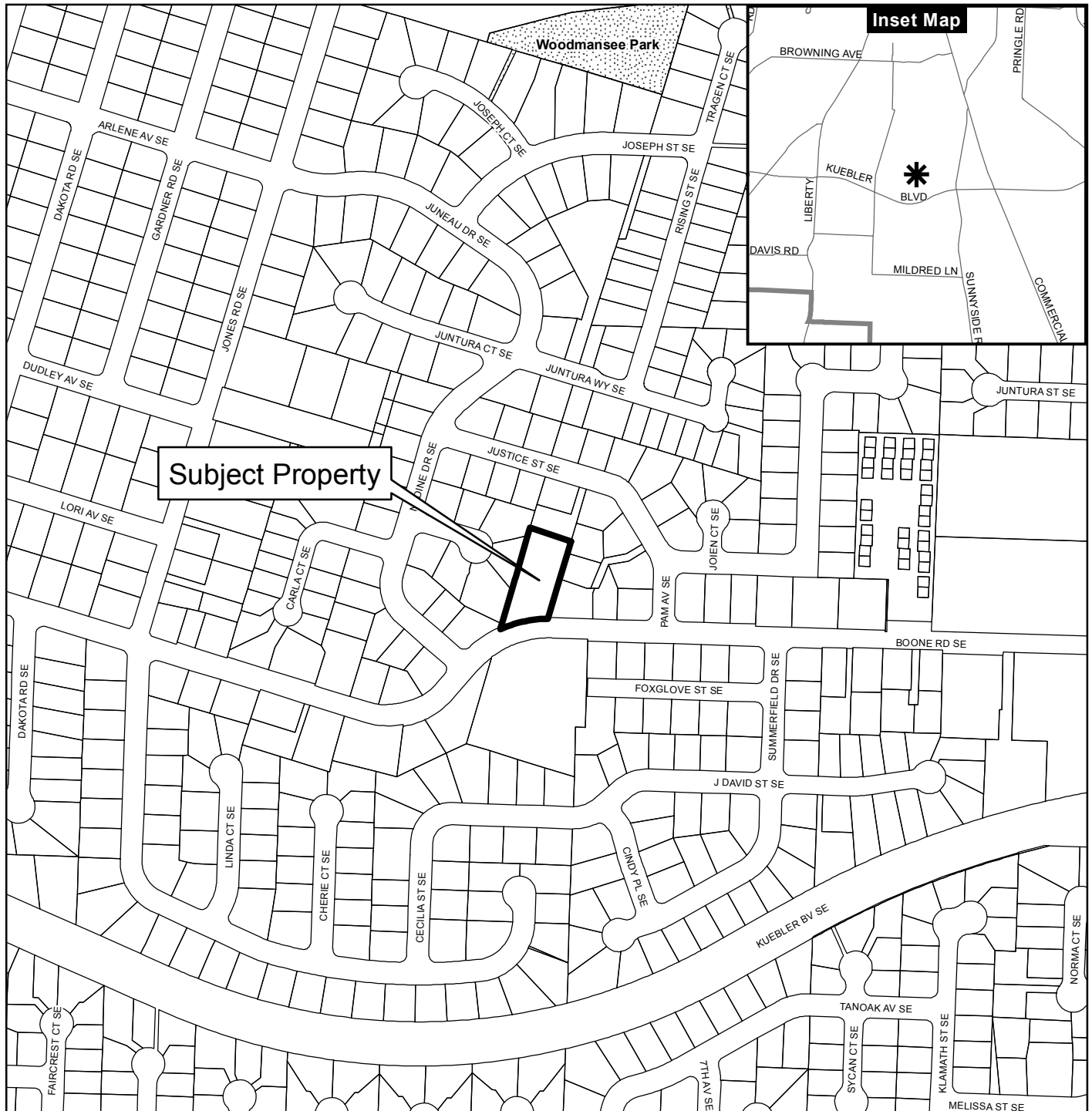
- Condition 1:** Prior to final plat application, remove the existing wood shed from Parcel 2.
- Condition 2:** The applicant shall either remove the existing lean-to adjacent to the detached garage on Parcel 1, or provide evidence the lean-to meets the setback standards of the RS zone.
- Condition 3:** The existing gravel driveway on Parcel 1 shall be removed and replaced with a driveway meeting the standards set forth in Salem Revised Code 806.030, including that it be paved with a hard surface material meeting the Public Works Design Standards.
- Condition 4:** Show the proposed 10-foot private utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.
- Condition 5:** Show the proposed 25-foot private access and utility easement to service parcels 1 and 2 on the plat to the satisfaction of the Public Works Director.
- Condition 6:** Obtain permits for installation of water services to serve parcels 1, 2 and 3.
- Condition 7:** 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 2 and 3. Construct stormwater facilities that are proposed in the public right-of-way.
- Condition 8:** Construct sewer services that are proposed in the public right-of-way.
- Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side of Boone Road SE.
- Condition 10:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.
- Condition 11:** Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.
- Condition 12:** Replace non-conforming portions of existing sidewalk along the frontage of Boone Road SE 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

# Vicinity Map 655 Boone Road SE



## Legend

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

Parks

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

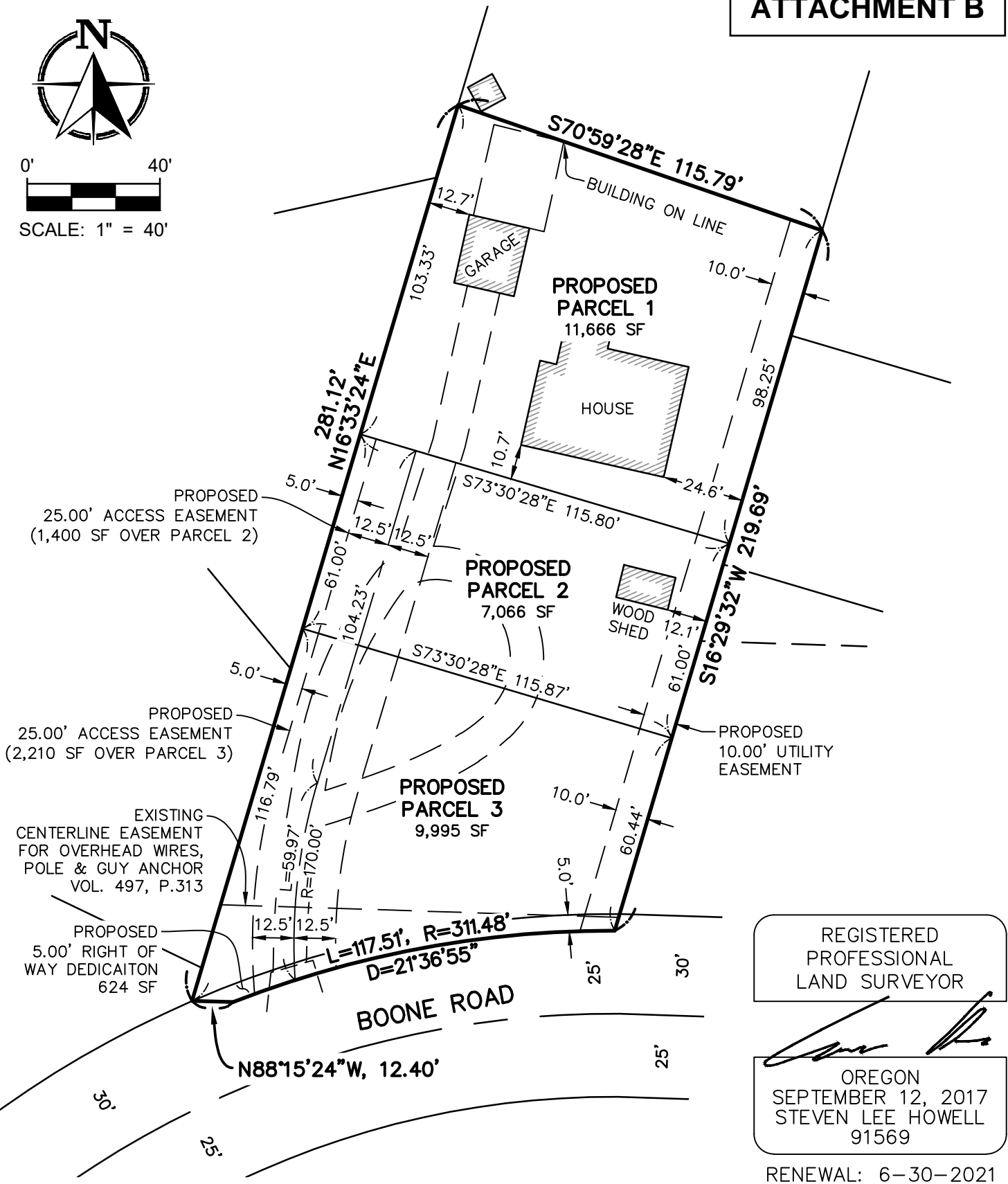
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0 100 200 400 Feet





0' 40'  
SCALE: 1" = 40'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
SEPTEMBER 12, 2017  
STEVEN LEE HOWELL  
91569

RENEWAL: 6-30-2021

## PRELIMINARY PLAT EXHIBIT MAP

IN THE SW 1/4 OF SECTION 10,  
TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

DATE: MAY 07, 2020

SURVEYED FOR: MRB ENTERPRISES



FORTY FIVE NORTH  
SURVEYING, LLC

1583 Country Glen Ave. NE, Keizer, OR 97303  
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.  
19-093

SHEET  
1/1



## MEMO

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

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

**DATE:** July 17, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PARTITION PLAT NO. 20-08 (20-103349-LD)  
655 BOONE ROAD SE  
THREE-LOT PARTITION**

**PROPOSAL**

A tentative partition to divide 0.65 acres into three parcels, with Parcel 1 consisting of approximately 11,666 square feet, Parcel 2 consisting of approximately 5,541 square feet, and Parcel 3 consisting of approximately 7,416 square feet. The existing single-family dwelling would remain on Parcel 1, and parcels 2 and 3 would consist of vacant land for future development. The subject property is zoned RS (Single Family Residential) and located at 655 Boone Road SE (Marion County Assessor map and tax lot number(s): 083W10CD / 04400).

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. The following conditions of approval shall be completed prior to final plat approval:
  - a. Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side of Boone Road SE.
  - b. Obtain permits for installation of water services to serve Parcels 1, 2, and 3.
  - c. 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 2 and 3. Construct stormwater facilities that are proposed to serve multiple parcels.
  - d. Show the proposed 10-foot private utility easement to service Parcels 1 and 2 on the plat.
  - e. Show the proposed 25-foot private access and utility easement to service Parcel 1 and 2 on the plat.

- f. Provide a 10-foot-wide public utility easement along the entire frontage of Boone Road SE.
- 2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an Improvement Agreement:
  - a. Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.
  - b. Construct sewer services that are proposed in the public right-of-way.
  - c. Replace non-conforming portions of existing sidewalk along the frontage of Boone Road SE pursuant to SRC 78.180(a).

## **FACTS**

### **Streets**

- 1. Boone Road SE
  - 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 an approximate 34-foot improvement within a 54-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

- 1. Existing Conditions
  - a. A 10-inch storm main is located in Boone Road SE.

### **Water**

- 1. Existing Conditions
  - a. The subject property is located within the S-2 water service level.
  - b. A 16-inch water main is located in Boone Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.

### **Sanitary Sewer**

- 1. Existing Sewer

- a. An 8-inch sewer main is located in Boone Road 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).

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.

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

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. Construction of facilities serving multiple parcels is required prior to final plat.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The applicant submitted a preliminary design that includes a common stormwater treatment facility for Parcels 2 and 3.

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 or maintenance agreements needed to serve the proposed parcels with private and public infrastructure shall be shown on the final plat.

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

**Finding**—Boone Road SE meets the pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development. Pursuant to SRC 803.040(e), the applicant shall repair non-conforming sidewalks along the frontage of Boone Road SE in compliance with PWDS, including replacement of the existing non-conforming driveway.

Boone Road SE does not meet current collector street right-of-way standards. As identified in the conditions of approval, the applicant shall convey land for dedication to equal a half width right-of-way of 30 feet from centerline along the property frontage of Boone Road SE.

Prepared by: Robin Dalke, Development Services Operations Manager  
cc: File