

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 información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 24-105676-PLN

NOTICE OF DECISION DATE: March 27, 2024

REQUEST: A Class 2 Site Plan Review for development of a retaining wall, on property approximately five acres in size, zoned RA (Residential Agriculture), and located at 430 Turtle Bay Court SE - 97306 (Marion County Assessor's Map and Tax Lot number: 0083W16DD / 300).

APPLICANT: Jerry Horner, Willamette Engineering

LOCATION: 430 Turtle Bay Court SE, Salem OR 97306

FINDINGS: The findings are in the attached Decision dated March 27, 2024.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by April 15, 2028, or this approval shall be null and void.

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after April 15, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 105676.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM
DECISION**

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 2 SITE PLAN REVIEW)
24-105676-PLN)
430 TURTLE BAY CT SE) MARCH 27, 2024

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for development of a retaining wall, on property approximately five acres in size, zoned RA (Residential Agriculture) ,and located at 430 Turtle Bay Court SE - 97306 (Marion County Assessor's Map and Tax Lot number: 0083W16DD / 300).

PROCEDURAL FINDINGS

1. On March 5, 2024, an application for a Class 2 Site Plan Review was submitted for property located at 430 Turtle Bay Court.
2. The application was deemed complete on March 27, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects the property located at 430 Turtle Bay Court SE (**Attachment A**). The proposed development plans are included as **Attachment B**.

2. City Department Comments

Development Services – Reviewed the proposal and provided no comments.

Building and Safety Division – Reviewed the proposal and provided no comments.

Salem Fire Department – Reviewed the proposal and provided no comments.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

The purpose of Site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the Unified Development Code (UDC), including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

(b) The application meets all the applicable standards of the UDC;

Finding: The proposal includes development of retaining walls. Development standards applicable to retaining walls are found in SRC Chapter 800, General Development Standards. The following is a summary of the applicable use and development standards for the proposed retaining walls.

Development Standards:

SRC 800.050(a)(4) – Retaining Walls:

Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Finding: The proposed retaining walls are not located at the property line abutting a street; therefore, they are not subject to a maximum height allowance.

SRC 800.050(b) – Vision Clearance:

Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC Chapter 805.

Finding: The proposed retaining walls are not located within a vision clearance area.

SRC 800.050(c)(2) – Material:

Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Finding: The retaining wall is constructed of CMU block.

SRC 800.050(d) – Hazardous Materials:

Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material.

Finding: No hazardous or dangerous materials are proposed in the construction of the retaining wall.

SRC Chapter 808 – Preservation of Trees and Vegetation

A tree conservation plan (TCP21-01) was approved for the subject property in conjunction with a tentative subdivision (Case No. SUB21-03) which requires preservation of 21 trees, or 26.9 percent, of the 78 total trees identified on the property. The proposed development does not impact any protected 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 wetland 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.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils 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). The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property.

SRC Chapter 810 – Landslide Hazards

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: The 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 are areas of mapped landslide susceptibility equal to 2 points on the subject property. In addition, a subdivision is assigned 3 activity points. A total of 5 points indicates a moderate landslide hazard risk, a geological assessment is required for this proposal.

The applicant has provided a geotechnical investigation from Branch Engineering Inc. dated January 27, 2021, indicating that the site has a low risk of land sliding and there are no geologic impacts that preclude the proposed site from development.

Historic Property Status

The subject property is not located within a historic district and is not individually listed as a historic resource.

Previous Land Use Actions

Annex C-685: The annexation of 22.98 acres of territory (Territory), a zone change to a City of Salem RA (Residential Agriculture) zone.

SUB21-03: A tentative subdivision to divide approximately five acres into 16 residential lots.

TCP21-01: A Tree Conservation Plan in conjunction with a tentative subdivision plan to divide approximately five acres into 16 residential lots.

No conditions from previous land use actions for the subject property conflict with the proposed development.

4. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

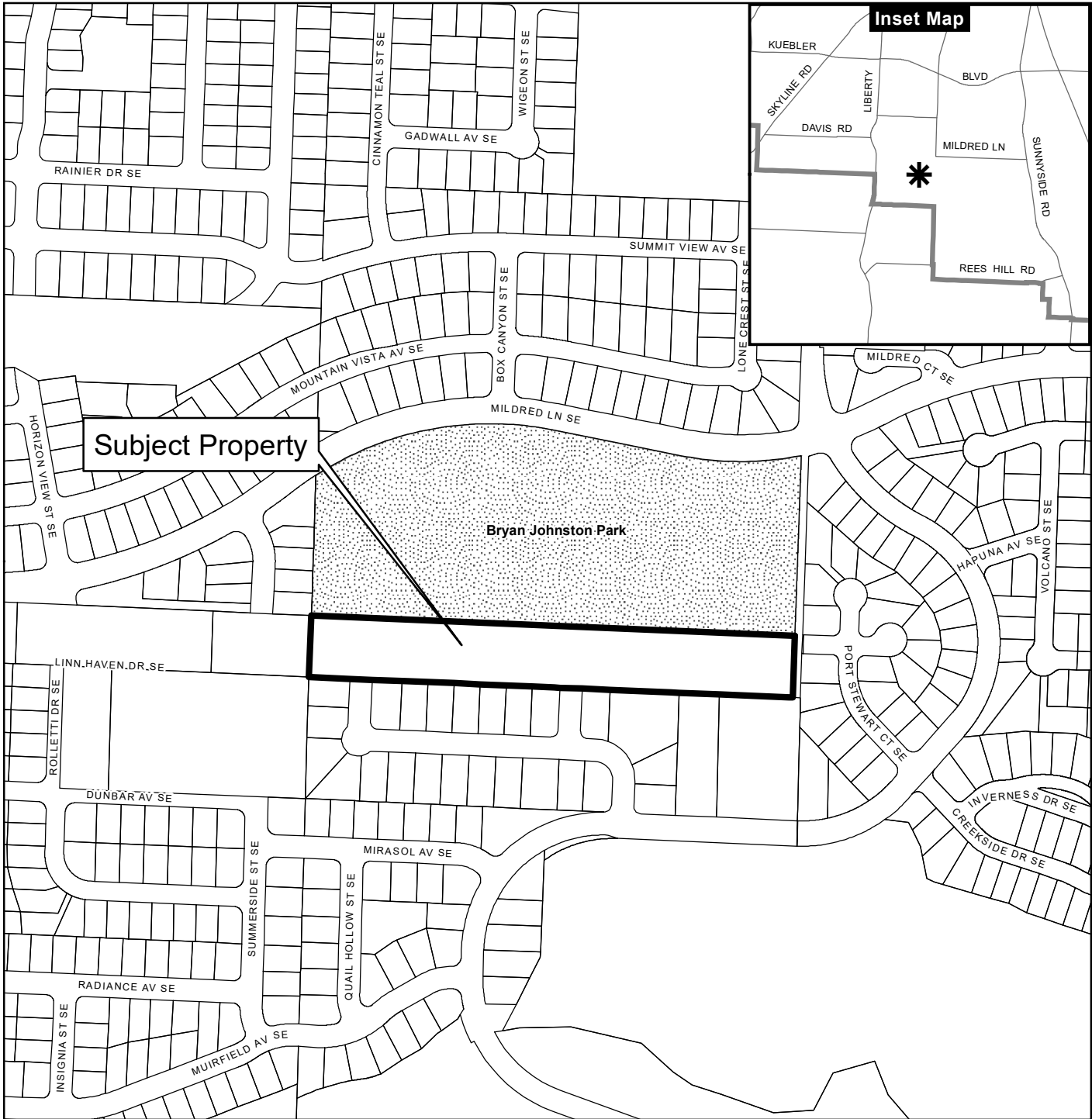


Olivia Dias, Current Planning Manager,
on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Site Plan

Vicinity Map

430 Turtle Bay Court SE



Legend

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

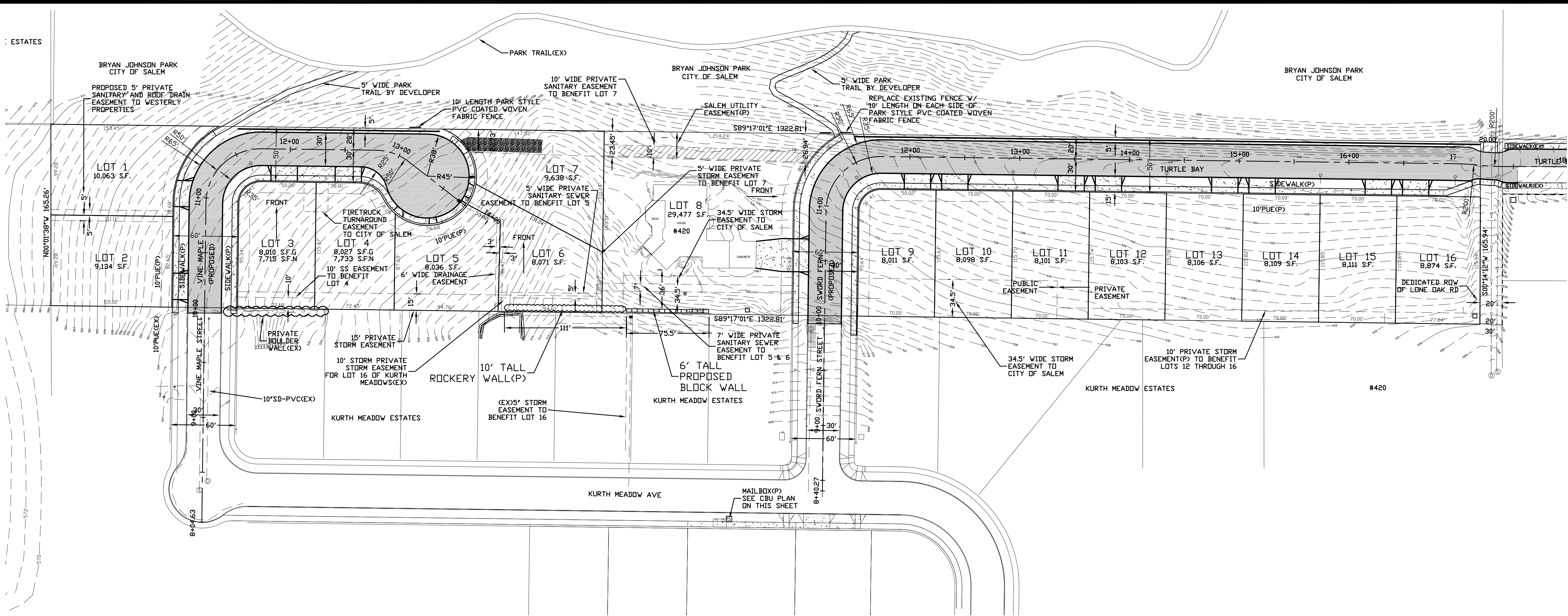
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





RETAINING WALL SITE PLAN

22x34 SCALE: 1"=40'
11x17 SCALE: 1"=80'

DEVELOPER
ROBERT NOYES AND MARIA NOYES
430 TURTLE BAY COURT SE
SALEM OR 97306

SUBDIVISION DATA:
TOWNSHIP 8S
RANGE 3W
SECTION 21
MARION COUNTY

SITE DATA:
TOTAL SITE ACREAGE - 4.95 ACRES

SURVEY DATUM:
ELEVATIONS ARE BASED ON THE CITY OF SALEM BENCHMARK DISK LOCATED AT THE EAST 1/4 CORNER, SECTION 16, TOWNSHIP 8 SOUTH, RANGE 3 WEST. ORTHOMETRIC ELEVATION IS 439.016 FEET, NGVD 29.

ASPHALT LEGEND

EXISTING ASPHALT
PROPOSED ASPHALT

ABBREVIATIONS:

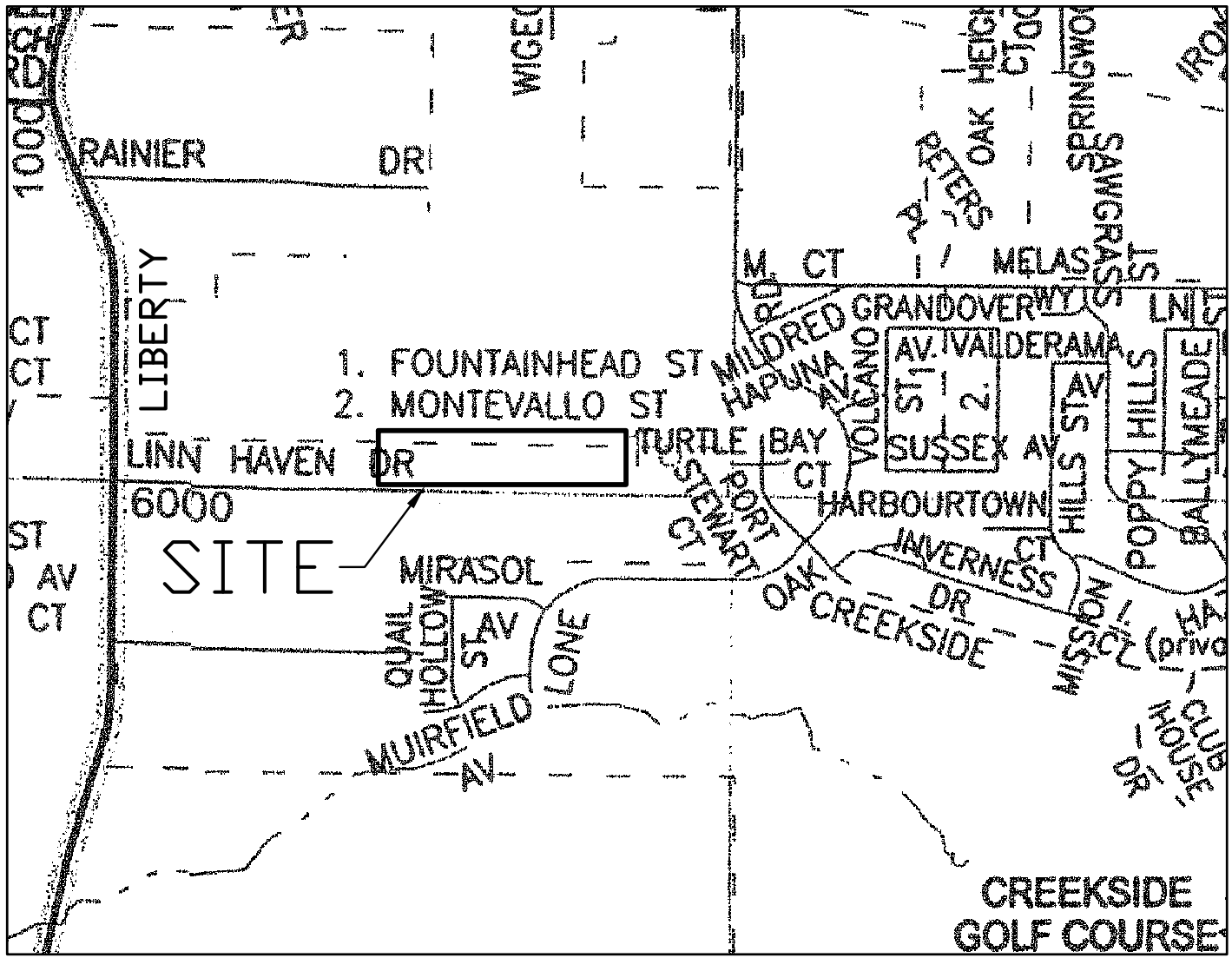
AC - ASPHALTIC CONCRETE
AD - ALGEBRAIC DIFFERENCE
ALCSP - ALUMINIZED CORRUGATED STEEL PIPE
ASSY - ASSEMBLY
BVCE - BEGINNING V.C. ELEVATION
BVCS - BEGIN V.C. STATION
BO - BLOW OFF
BFV - BUTTERFLY VALVE
C&G - CURB AND GUTTER
CB - CATCH BASIN
CHDPE - CORRUGATED HIGH DENSITY POLYPROPYLENE
CL - CENTERLINE
CMP - CORRUGATED METAL PIPE
CO - CLEANOUT
CONC - CONCRETE
COSSD - CITY OF SALEM STANDARD DRAWING
COKSD - CITY OF KEIZER STANDARD DRAWING
CUL - CULVERT
DI - DUCTILE IRON
DS - DOWN SPOUT
DWG - DRAWING
EG - EXISTING GROUND/GRADE
EP - EDGE OF PAVEMENT
ELEC - ELECTRIC
EL - ELEVATION
ER - ENTERING RADIUS
EVCE - ENDING V.C. ELEVATION
EVCS - ENDING V.C. STATION
FF - FINISH FLOOR
FG - FINISH GRADE
FH - FIRE HYDRANT
FM - FORCE MAIN
INT - INTERSECTION
INV - INVERT
K - DESIGN CONSTANT
L - LENGTH/LINE
LP - LIGHT POLE
NTS - NOT TO SCALE
MC - MARION COUNTY
MH - MANHOLE
M - METER
MJ - MECHANICAL JOINT
ML - MEGALUG JOINT
P - PROPOSED
PED - PEDESTAL
PVC - POLYVINYL CHLORIDE
PP - POWER POLE
PL - PROPERTY LINE
R - RADIUS
RD - ROOF DRAIN
ROW - RIGHT-OF-WAY
SS - SANITARY SEWER
S - SLOPE
SCH - SCHEDULE
ST - STATION
ST - STREET
STD - STANDARD
SD - STORM DRAIN
SVC - SERVICE
TC - TOP OF CURB
TEL - TELEPHONE
TYP - TYPICAL
VC - VERTICAL CURVE
WM - WATER MAIN
PC - POINT OF CURVE
PT - POINT OF TANGENT
PERF - PERFORATED

SYMBOLS:

EXISTING BLOW OFF ASSY.
PROPOSED BLOW OFF ASSY.
EXISTING CATCH BASIN
PROPOSED TYPE 1 CATCH BASIN
PROPOSED TYPE 2 CATCH BASIN
PROPOSED TYPE 3 CATCH BASIN
PROPOSED TYPE 4 CATCH BASIN
PROPOSED CLEANOUT
EXISTING CLEANOUT
PROPOSED FIRE HYDRANT
EXISTING FIRE HYDRANT
PROPOSED GATE VALVE
EXISTING GATE VALVE
EXISTING STORM DRAIN MANHOLE
PROPOSED STORM DRAIN MANHOLE
EXISTING SEWER MANHOLE
PROPOSED SEWERMANHOLE
PROPOSED REDUCER/INCREASER
EXISTING REDUCER/INCREASER
PROPOSED STREET LIGHT
EXISTING STREET LIGHT
PROPOSED WATER METER
EXISTING WATER METER
PROPOSED UTILITY POLE
EXISTING UTILITY POLE
CENTER LINE
EASEMENT LINE
ELECTRICAL LINE
GAS MAIN
SANITARY SEWER
STORM DRAIN
TELEPHONE
WATER MAIN
FIBER OPTIC
RIGHT OF WAY
THRUST BLOCK

SPECIAL INSTRUCTIONS

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SALEM STANDARD CONSTRUCTION SPECIFICATIONS AND ANY SPECIAL PROVISIONS INCLUDED AS A PART OF THE APPROVED PLANS.
- ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987.



VICINITY MAP

REV.	DATE	BY	DESCRIPTION
0	03-21-24	GPH	ISSUED FOR RETAINING WALL SITE PLAN REVIEW

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
FAX: 503-304-9512

SOUTH LINE RETAINING
WALL PLAN
SITE PLAN
REVIEW APPLICATION

QUAIL SPRING VILLAGE
SUBDIVISION
SALEM CASE: SUB21-03
430 TURTLE BAY CT SE
SALEM, OREGON 97306

DESIGNED BY: GPH
DRAWN BY: RW
DATE: 03-21-24
JOB NO. 2020-21
CLIENT NO.
DRAWING NO.