

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 2 Site Plan Review
AMANDA NO.: 22-109174-RP
DATE OF DECISION: May 5, 2022
PROPERTY LOCATION: 5600 Block of Reed Lane SE and Battle Creek Road SE
APPLICANT: Pahlisch Homes INC
REPRESENTATIVE: Zach Pelz, AKS Engineering and Forestry
ZONE: RA and RS (Residential Agriculture and Single Family Residential)
COMPREHENSIVE PLAN: SF (Single Family Residential)
OVERLAY: None

REQUEST

A Class 2 Site Plan Review application for various retaining walls in conjunction with Headwaters Subdivision (SUB-ADJ21-10). The subject properties are approximately 68 acres, zoned RA (Residential Agriculture) and RS (Single Family Residential) and located on the 5600 Block of Reed Lane SE and Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14 / 200, 204, 205, 206 and 400).

FINDINGS

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 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. The proposed development plans are included as **Attachment A**.

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, or prior to commencement of work for any of the activities identified under SRC 220.005(a)(1)(B) when a building permit is not otherwise required, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

1. Class 2 Site Plan Review Approval Criteria

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.

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

Finding: The following is a summary of the applicable development standards of the UDC.

Land Use

The subject property is zoned RA and RS (Residential Agriculture and Single Family Residential), but once subdivision is Platted, the land area will be zoned RS (Single Family Residential). Development of the property is subject to the use and development standards of the RS zone (SRC Chapter 511). The proposed development includes various retaining walls for future single-family development. The proposed development's adherence with these provisions is addressed later within this decision.

RS Zone (SRC Chapter 511)

- a. Lot Standards (SRC 511.010(a)):

For all uses except for *single family*, *two family*, *nonprofit shelters*, and excluding infill lots, the minimum lot size is 6,000 square feet in the RA zone. For all uses except for *single family* and *two family*, the minimum lot width is 60 feet; the minimum lot depth is 80 feet, 120 feet for double frontage lots, and a maximum of 300 percent of the average lot width. The minimum street frontage is 60 feet.

Finding: The existing properties and future lots comply with the minimum lot standards of the RS zone and no changes to the lot size or dimensions are proposed.

- b. Setbacks (SRC 511.010(b)):

Setbacks within the RS zone shall be provided as set forth in SRC Table 511-3.

Abutting Street

Adjacent to the west is right-of-way for Reed Lane SE. For all uses, buildings and accessory structures greater than four feet in height have a minimum setback of 20 feet where abutting collector or arterial streets.

Finding: The proposed retaining walls are subject to standards under SRC 800.050 and are addressed below. The proposal meets the standard.

Interior Side

For buildings not more than 35 feet in height, and accessory buildings not having at least one wall which is an integral part of a fence, the minimum setback is five feet.

Finding: The proposed retaining walls are subject to standards under SRC 800.050 and are addressed below. The proposal meets the standard.

Interior Rear

The minimum setback for any portion of a building not more than one story in height is 14 feet, and 20 feet for any portion of a building greater than one story in height. For accessory structures greater than nine feet in height, the minimum setback is one foot for each one foot of height over nine feet.

Finding: The proposed retaining walls are subject to standards under SRC 800.050 and are addressed below. The proposal meets the standard.

- c. Lot Coverage, Height (SRC 511.010(c)):
In the RS zone, the maximum lot coverage for all uses except for *single family*, *two family*, and nonprofit shelters serving victims of domestic violence is 35 percent. The maximum height of accessory structures for all uses is 15 feet.

Finding: The proposed retaining walls are subject to standards under SRC 800.050 and are addressed below. The retaining walls are not more than 15-feet tall. The proposal meets the standard.

Natural Resources

Floodplain Overlay Zone (SRC Chapter 601)

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.

Wetlands (SRC Chapter 809)

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

Landslide Hazards (SRC Chapter 810)

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no areas of landslide susceptibility within the development area.

General Development Standards (SRC Chapter 800)

Fences, walls, hedges, gates and retaining walls

SRC 800.050 - Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section.

For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

Finding: The proposed development includes retaining walls on approved, not yet platted subdivision lots. Standards below are reviewed based on approved lot of the phase subdivision

SRC 800.050(a) – Location, height, and density.

SRC 800.050(a)(1)(A) - Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

- (i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
- (ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

Finding: The proposed retaining walls are not a fence or wall as described above. The proposal meets the standard.

SRC 800.050(a)(2)- Hedges.

There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Finding: The proposed retaining walls are not hedges as described above. The proposal meets the standard.

SRC 800.050(a)(3)- Gates.

Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1).

Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Finding: The proposed retaining walls do not contain gates as described above. The proposal meets the standard.

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 abutting a street. The proposal meets the standard.

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 abutting a street and are outside of the designated vision clearance for each future driveway. The proposal meets the standard.

SRC 800.050(c)- Material.

Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. 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 proposed retaining walls shown to be constructed with concrete, meeting the standard. The proposal meets the standard.

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: The proposed retaining walls are proposed to be constructed of concrete. The proposal meets the standard.

SRC 800.050(e)- Maintenance.

Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the

standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

Finding: The proposed retaining walls are proposed to be located on individual lots after the subdivision is platted. Individual property owners will be responsible for the maintenance of the structure. The proposal meets the standard.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

- **SUB-ADJ21-10:** A tentative phased subdivision plan to create 238 lots and open space lots.

The previous land use actions do not preclude nor directly influence the proposed development.

City Department Comments

The Public Works Department reviewed the proposal and provided a memo, which is included as **Attachment B**.

The Fire Department reviewed the proposal and indicated no concerns at the land use review stage.

The Building and Safety Division reviewed the proposal and indicated no concerns.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 5500 Reed Lane SE complies with approval criteria provided in SRC 220.005(f)(2).

DECISION

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is a final land use decision.

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.

If you have any questions regarding items in this site plan review, please contact Olivia Dias at 503-540-2343 or by email at odias@cityofsalem.net.

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

Application Deemed Complete:	<u>May 4, 2022</u>
Decision Mailing Date:	<u>May 5, 2022</u>
State Mandated Decision Date:	<u>September 1, 2022</u>

