

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PLANNED UNIT DEVELOPMENT MODIFICATION / TENTATIVE PARTITION /  
PROPERTY LINE ADJUSTMENT CASE NO.: PUD71-5MOD1-PAR-PLA22-03**

**APPLICATION NO.: 22-109523-LD, 22-109524-LD, 22-113374-LD**

**NOTICE OF DECISION DATE:** September 2, 2022

**SUMMARY:** A request to modify an approved Planned Unit Development Final Plan, to remove an existing lot line, and to partition the subject property into two parcels.

**REQUEST:** A request to modify an approved Planned Unit Development Final Plan, a Property Line Adjustment to remove an existing lot line, and a Tentative Partition to divide the subject property into two parcels for the purpose of creating a new conservation parcel to be dedicated to the City of Salem, for property approximately 7.73 acres in size, zoned RA (Residential Agriculture), and located at 1320 Orchard Heights Road NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W16CD / 01600 and 01800).

**APPLICANT:** Daisy Goebel on behalf of Stephen Waldron, City of Salem Housing Authority

**LOCATION:** 1320 Orchard Heights Rd NW, Salem OR 97304

**CRITERIA:** Salem Revised Code (SRC) Chapters 210.035(b)(4) – Planned Unit Development Modification, 205.005(d) – Partition Tentative Plan, and 205.055(d) – Property Line Adjustment

**FINDINGS:** The findings are in the attached Decision dated September 2, 2022.

**DECISION:** The **Planning Administrator APPROVED** Planned Unit Development Modification / Tentative Partition / Property Line Adjustment Case No. PUD71-5MOD1-PAR-PLA22-03 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval for the partition, the property line adjustment to remove the existing lot line shall be recorded.
- Condition 2:** Prior to PLA/Plat submittal, the original centerline alignment and all subsequent alignments of Orchard Heights Road shall be resolved. An exhibit that clearly depicts and describes the existing bounds of the ROW as well as all documentation used in said resolution shall be provided to the Public Works Department for review.

The rights granted by the attached decision must be exercised, or an extension granted, by September 20, 2024, or this approval shall be null and void

Application Deemed Complete:	<u>July 14, 2022</u>
Notice of Decision Mailing Date:	<u>September 2, 2022</u>
Decision Effective Date:	<u>September 20, 2022</u>
State Mandate Date:	<u>November 11, 2022</u>

Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

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. Monday, September 19, 2022. 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) 2210, 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 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 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

### DECISION

IN THE MATTER THE TENTATIVE	)	FINDINGS AND ORDER
APPROVAL OF FINAL PLANNED UNIT	)	
DEVELOPMENT MODIFICATION,	)	
TENTATIVE PARTITION, AND	)	
PROPERTY LINE ADJUSTMENT	)	
CASE NO. PUD71-5MOD1-PAR-PLA22-03	)	
1320 ORCHARD HEIGHTS RD NW - 97304	)	SEPTEMBER 2, 2022

### REQUEST

**Summary:** A request to modify an approved Planned Unit Development Final Plan, to remove an existing lot line, and to partition the subject property into two parcels.

**Request:** A request to modify an approved Planned Unit Development Final Plan, a Property Line Adjustment to remove an existing lot line, and a Tentative Partition to divide the subject property into two parcels for the purpose of creating a new conservation parcel to be dedicated to the City of Salem, for property approximately 7.73 acres in size, zoned RA (Residential Agriculture), and located at 1320 Orchard Heights Road NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W16CD / 01600 and 01800).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

### PROCEDURAL FINDINGS

1. On May 4, 2022 an application for a consolidated Planned Unit Development – Final Plan Modification and Tentative Partition Plan was filed requesting to create a conservation parcel in the area adjacent to Glenn Creek for property located at 1320 Orchard Heights Road NW. Additional information was requested from the applicant on May 27, 2022.
2. On July 14, 2022, after additional information was provided by the applicant, including a Property Line Adjustment application, the consolidated application was deemed complete for processing. Notice to surrounding property owners and residents was mailed pursuant to Salem Revised Code on July 14, 2022. The state-mandated local decision deadline is November 11, 2022.

### SUBSTANTIVE FINDINGS

#### 1. Proposal

The subject property, as described in the notice and depicted on the vicinity map consists of two tax lots (073W16CD / 01600 and 01800) which have a combined size of approximately 7.73 acres. For purposes of mailed notice, subject property includes not only the real property that is subject of the land use proceeding for which notice is required, but also any contiguous property in which the applicant or owner holds a legal or equitable interest. Because Tax Lot 01800 is contiguous and also owned by the Salem Housing Authority, it is included in the description, however, it is only Tax Lot 01600 that is subject to the land use request.

Tax Lot 01600 is approximately 7.56 acres in size and consist of two lawful and discrete units of land as described as Parcels 1 and 2 of BOR 40, Page 68, recorded 1973. The applicant is seeking a Property Line Adjustment to eliminate the lot line between these parcels to consolidate the property into one unit of land. Then the property will be partitioned for the purpose of creating a Conservation Parcel as a parcel for the existing Glenn Creek Village apartments.

The two parcels within the tentative partition plan are proposed as follows:

**PROPOSED PARCEL 1**

Parcel Size: 6.28 acres  
Parcel Dimensions: Approximately 500 feet in width and 510 feet in depth.

**PROPOSED PARCEL 2**

Parcel Size: 1.47 acres  
Parcel Dimensions: Irregular shape.

The existing Glenn Creek Village apartments are subject to a Planned Unit Development Final Plan land use approval (PUD71-05). Any modifications to the PUD require a modification of the previous approval. Because the resulting property size and boundary for this PUD will be reduced with the requested partition, a modification of the Planned Unit Development Final Plan is required to determine that the requested changes are consistent with the original approval and that dwelling unit density, setbacks, as well as other development standards are still met.

**2. Applicant's Plans and Statement**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The applicant's written statement can be found in the record and plans submitted by the applicant depicting the proposed development can be found in the record, and attached hereto as **Attachments B**.

**3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 109523.

#### 4. Existing Conditions

##### Site and Vicinity

The subject property consists of two tax lots, approximately 7.73 acres in size. The site is mostly a rectangle shape, approximately 590 feet in depth from north to south and approximately 620 feet in width from east to west. The site currently consists of seven buildings containing a total of 32 dwelling units (Glenn Creek Village).

**Access and Circulation:** The subject property has frontage on Orchard Heights Road NW, designated as a Minor Arterial street within the Salem Transportation System Plan (TSP). No change to the existing access is proposed.

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

North: (Across Orchard Heights Road NW), Public Open Space

South: Single Family Residential

East: Multiple Family Residential, proposed Single Family Residential (Our Salem)

West: Single Family Residential

##### Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and contains an existing multi-family residential development (Glenn Creek Apartments, approved by PUD71-5). The surrounding properties are zoned and used as follows:

North: (Across Orchard Heights Road NW), PA (Public Amusement); Orchard Heights Park

South: RS (Single Family Residential); Glenn Creek Vistas subdivision common open space

East: Currently RD (Duplex Residential), proposed RS (Single Family Residential) zoning with Our Salem; single family dwellings

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

### Relationship to Urban Service Area

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

### Infrastructure

- Water:* The subject property is located in the G-0 water service level.
- An 8-inch and 24-inch water main is located in Orchard Heights Road NW.
- Sewer:* A 18-inch public sewer main is located in Orchard Heights Road NW and extends onto the subject property within an easement.
- Storm Drainage:* A 15-inch storm main is located in Orchard Heights Road NW.
- Streets:* Orchard Heights Road NW abuts the north boundary of the subject property and 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.
  - This portion of Orchard Heights Road NW has varied 40-foot improvement within a varied 60-to-85-foot-wide right-of-way abutting the subject property.
  - The frontage of the subject property has a special setback equal to 36 feet from centerline of Orchard Heights Road NW.

## **5. City Department Comments**

City of Salem Public Works Department – Reviewed the proposal and provided a memo which is included as **Attachment C**.

City of Salem Building and Safety Division – Reviewed the proposal and indicated no site concerns.

City of Salem Fire Department – Reviewed the proposal and indicated no site concerns.

City of Salem Surveyor – Reviewed the proposal and provided comments indicating that the applicant shall provide the required field survey and deed per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC). If said documents are not in compliance with the requirements outlined in the ORS and the SRC, as per SRC 205.055, the approval of the final property line adjustment application by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

## **6. Public Agency Comments**

No Public Agency comments were received by the end of the comment period.

## 7. Neighborhood Association Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant submitted documentation of Neighborhood Association Contact provided on March 31, 2022 to the West Salem Neighborhood Association chairs.

Neighborhood Association Comment: Notice of the application was provided to the West Salem Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Four public comments were received during the comment period. One public comment was received indicating no objections to the proposal, and one comment was received from the Glenn and Gibson Creeks Watershed Council indicating support for the proposed action.

Two comments were received indicating questions and concerns which are summarized below.

1. What changes are proposed to Glenn Creek Village, and how will this proposal impact surrounding properties?

**Staff Response:** The proposal allows for the partitioning of a portion of the site immediately adjacent to Glenn Creek that is approximately 1.47 acres in size, for the purpose of creating a conservation parcel that will be dedicated to the City of Salem for the long-term maintenance and preservation of this natural area. The proposal does not include any physical changes to the existing Glenn Creek Village apartment complex, no new buildings or alterations to the existing driveway or vehicle use areas are requested. Surrounding properties will not notice any change to the use or appearance of the site.

2. The West Hill Estates Homeowners Association commented with questions regarding an easement to allow a monument sign and landscaping on the northern portion of the development site near the intersection of Chapman Hill Drive NW and Orchard Heights Road NW.

**Staff Response:** The proposal does not alter the existing easement or any agreement the West Hill Estates Homeowners Association may have with the property owner regarding the existing monument sign or landscaping in question. The proposal does not include any

physical changes to the existing Glenn Creek Village apartment complex, no new buildings or alterations to the existing driveway or vehicle use areas are requested.

Homeowners Association: The subject property is not located within a Homeowners Association.

### Decision Criteria Findings

#### 8. Criteria for Granting a Modification of Planned Unit Development Final Plan Approval

Salem Revised Code (SRC) 210.035(b)(4) provides that an application for a Modification of a Planned Unit Development Final Plan Approval shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 210.035(b)(4)(A): The proposed modification does not substantially change the original approval.**

**Finding:** The proposed modification creates a conservation parcel over the floodway boundary of Glenn Creek. This modification results in a decrease to the parcel size of the PUD area, but does not substantially alter the original approval, the physical appearance of the development, the use of the site, or the site's impact on surrounding properties. The PUD is in compliance with applicable minimum and maximum dwelling unit density requirements, setbacks, height and off-street parking standards.

**SRC 210.035(b)(4)(B): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.**

**Finding:** No additional development is proposed on either the conservation parcel or the parcel containing the Glenn Creek Apartments. Pursuant to SRC 205.045(a) the conservation parcel shall be *primarily undeveloped and in a natural state*; therefore, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

#### 9. Criteria for Granting a Tentative Partition Plan

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.**

**Finding:** The proposed partition would divide the 7.75-acre property into two parcels. However, before the Final Plat for the partition can be recorded, the property line adjustment included in this application that eliminates an existing property line must be recorded.

**Condition 1:** Prior to final plat approval for the partition, the property line adjustment to remove the existing lot line shall be recorded.

The subject property is zoned RA (Residential Agriculture) and is occupied by the Glenn Creek Apartments which is a multi-family residential use that was permitted as a Planned Unit Development (PUD71-05). Planned Unit Developments are subject to the development standards found in SRC 210.045 rather than the standards of the RA zone in Chapter 510.

**General Development Standards** (see SRC Chapter 210, Table 210-2)

Requirement	Minimum Standard
Min. Dwelling Unit Density	No minimum
Max. Dwelling Unit Density	20 dwellings per acre
Max. Number of Dwellings within a Building	No maximum

Proposed Parcel 1 is approximately 6.28 acres in size allowing for a maximum of 126 dwelling units. The existing planned unit development consists of seven building and a total of 32 dwelling units for a proposed dwelling unit density of 5.1 dwellings per acre, less than the maximum allowance. Proposed Parcel 2 is a conservation lot and will not be further developed.

**Setbacks and Height** (see SRC Chapter 210, Table 210-3 and Table 210-4)

Requirement	Standard
Building Setback from Street	Min. 20 feet on arterial streets

Interior Side Yard Building Setback	Min. 5 feet, plus 1 foot for each 1 foot of building height over 35 feet, but not to exceed 20 feet in depth
Interior Rear Yard Building Setback	Min. 20 feet for buildings greater than 1 story and abutting an RS zoned lot
Maximum Building Height	Maximum 35 feet

The proposed partition adjusts the existing property line, placing it slightly closer to the existing buildings. A minimum 20-foot rear yard setback will be provided between existing buildings and the proposed southern property line, and a side yard setback of approximately 115-137 feet will be provided between existing buildings and the proposed eastern property line. No changes are proposed that would impact setbacks to the western property line, or the northern property line abutting Orchard Heights Road NW.

**Parking** (see SRC Chapter 210, Table 210-5)

Requirement	Minimum Standard
RA Zone, Multi-Family Uses	One space per dwelling unit

The proposal does not change the existing number of dwelling units for the multi-family use or alter the existing off-street parking area.

**Final Plat:**

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).

**(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 located 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 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and currently serves existing development, there are no further public improvements required for the proposed scope of work.

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

*SRC 803.015 (Traffic Impact Analysis)*: The proposed tentative partition is to divide an already developed parcel. All traffic impacts will be analyzed accordingly with any future development. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

*SRC 803.030 (Street Spacing)*: The proposed partition is not creating new streets.

*SRC 803.035 (Street Standards)*: The proposed partition is not creating new streets.

SRC Chapter 804 (Driveway Approaches)

The subject property is served by an existing driveway approach to Orchard Heights Road NW. No modifications are proposed to the existing driveway approach, and no new driveway approaches are needed to serve the subject property.

**(C) 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 Zone): The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The application does not propose new structures within the floodplain.

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 uses, two family uses, three family uses, four family uses, or cottage clusters.

The proposed partition includes division of a development site containing an existing multi-family residential apartment complex and creation of a conservation parcel. No parcels are being created for the construction of one, two, three or four family uses, or cottage clusters, therefore, a tree conservation plan is not required for the proposal. The subject property contains a mapped waterway, Glenn Creek. Trees and native vegetation within 50 feet of top of bank of Glenn Creek are protected per SRC 808.020. The subject property may also contain significant trees. No trees or native vegetation are proposed for removal.

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 shows that there are wetland channels and/or hydric soils 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). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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 mapped 2-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

**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 subject property into two proposed parcels, with one parcel to be occupied by the existing Glenn Creek Apartments, and the other to be dedicated as a Conservation Parcel. The proposal does not adversely affect the safe and healthful development of adjacent properties, and therefore meets this criterion.

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

**Finding:** 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. The proposed partition creates one parcel that contains an existing development and a second parcel as a conservation parcel over the Glenn Creek floodway boundary. The existing development is served by public utilities. Pursuant to SRC 205.045(a) the conservation parcel *shall be primarily undeveloped and in a natural state* and is therefore exempt from requirements to stub utilities to the parcel upon creation.

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

**Finding:** Orchard Heights Road NW abuts the subject property and does not meet the current standard for a minor arterial street. The proposal is to partition the subject property to create a conservation parcel; no new development is occurring and therefore, the development is

exempt from boundary street improvements. The proposed development is subject to a special setback equal to 36-feet from centerline on the development side of Orchard Heights Road NW.

The right-of-way width and location of Orchard Heights Road NW is ambiguous according to City Records. Based on the information provided, Survey was unable to verify the accuracy of the right-of-way (ROW) retracement shown on the tentative survey. It is the surveyors of record responsibility to accurately retrace the ROW adjacent the subject property and provide the City all necessary documentation to verify the resolution prior to final plat approval.

**Condition 2:** Prior to PLA/Plat submittal, the original centerline alignment and all subsequent alignments of Orchard Heights Road shall be resolved. An exhibit that clearly depicts and describes the existing bounds of the ROW as well as all documentation used in said resolution shall be provided to the Public Works Department for review.

**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:** As indicated in Section 9 and the Public Works Memo (**Attachment C**), the streets abutting the subject property do not meet the current standards for their street designation according to the Salem TSP. As a condition of approval, the applicant shall accurately retract and resolve the right-of-way location along the frontage of Orchard Heights Road NW. However, with no new development occurring, the proposal is exempt from boundary street improvements.

**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 proposal does not result in site grading, development, or impacts to vegetation. 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 proposed layout, size, and dimensions of the of the proposed parcels have been evaluated and are found to be consistent with the Code. No development activities are proposed with this request and no trees or vegetation will be removed from the subject property. The property contains a mapped waterway and natural resource areas. The partition request will result in creation of a conservation parcel in the area around Glenn Creek that will provide for the long-term preservation of the natural areas. The proposal meets this criterion.

**SRC 205.005(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.

## **10. Analysis of Property Line Adjustment Approval Criteria**

Salem Revised Code (SRC) 205.055(d) provides that an application for a Property Line Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land.**

**Finding:** The proposed property line adjustment eliminates the common property line between two existing properties. The proposed property line adjustment would not create an additional unit of land. This criterion is met.

**SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development.**

**Finding:** The subject property is zoned RA (Residential Agriculture). The proposed property line adjustment will remove an underlying property line that splits the property currently and will result in one unit of land that is approximately 7.75 acres in size. As shown on the property line adjustment site plan, the resulting lot area and dimensions of the property meet or exceed the minimum lot area, lot width, lot depth, and street frontage requirements of the RA zone.

The proposed property line adjustment does not result in the creation of non-conforming development. Any future development on the lots will be reviewed for conformance with the applicable development standards of the Salem Revised Code at the time of building permit review and approval for development.

Because the proposed property line adjustment does not result in the creation of non-conforming units of land or non-conforming development or increase the degree of non-conformity in existing units of land, this criterion is met.

**SRC 205.055(d)(3): The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established.**

**Finding:** The proposed property line adjustment eliminates the common property line between two units of land that were lawfully established. Tax Lot 073W16CB / 01600 appears to consist of two lawful and discrete units of land as described as Parcels 1 and 2 of BOR 40, Page 68, recorded 1973. Because the proposed property line adjustment involves two legal units of land, this criterion is met.

**SRC 205.055(d)(4): The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land.**

**Finding:** There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment. Therefore, this criterion is met.

**SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way.**

**Finding:** The proposed property line adjustment does not relocate or eliminate any easements or public right-of-way. Therefore, this criterion is met.

**SRC 205.055(d)(6): The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.**

**Finding:** The proposed property line adjustment eliminates the common property line between two existing properties. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

## **11. Conclusion**

Based upon review of SRC 210.035(b), 205.005 and 205.055, the findings contained under Sections 8-10 above, and the comments described, the request 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 Modification of Planned Unit Development Final Plan Approval, Tentative Partition Plan, and Property Line Adjustment Case No. PUD71-05MOD1PAR-PLA22-03, to modify an approved Planned Unit Development Final Plan, a Property Line Adjustment to remove an existing lot line, and a Tentative Partition to divide the subject property into two parcels for the purpose of creating a new conservation parcel to be dedicated to the City of Salem, for property approximately 7.73 acres in size, zoned RA (Residential Agriculture), and located at

1320 Orchard Heights Road NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W16CD / 01600 and 01800) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval for the partition, the property line adjustment to remove the existing lot line shall be recorded.
- Condition 2:** Prior to PLA/Plat submittal, the original centerline alignment and all subsequent alignments of Orchard Heights Road shall be resolved. An exhibit that clearly depicts and describes the existing bounds of the ROW as well as all documentation used in said resolution shall be provided to the Public Works Department for review.



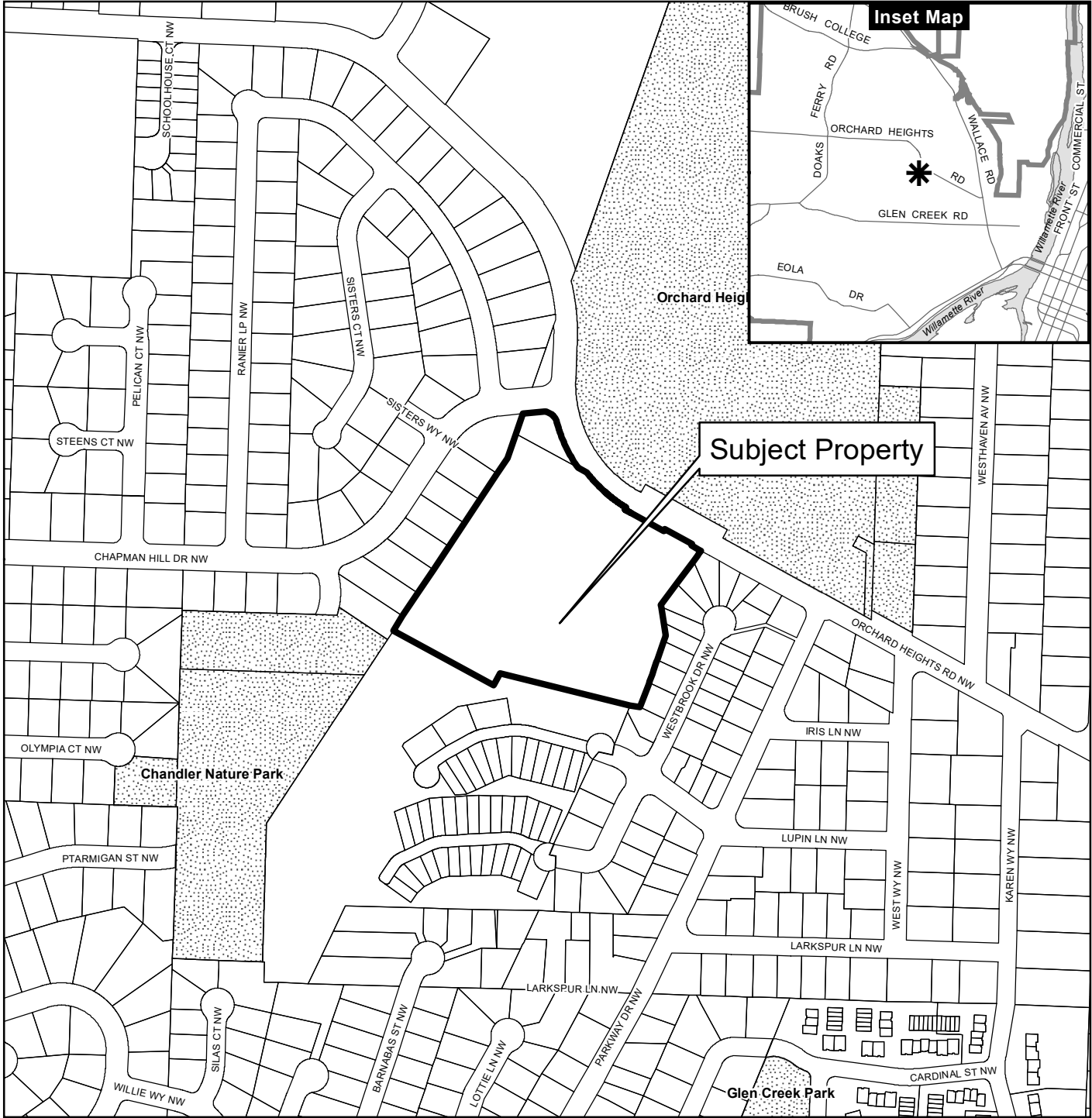
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Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Applicant's Development Plans and Written Statement  
C. Public Works Department Memorandum

# Vicinity Map

## 1320 Orchard Heights Road NW



### Legend

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

Parks

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

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

0 100 200 400 Feet

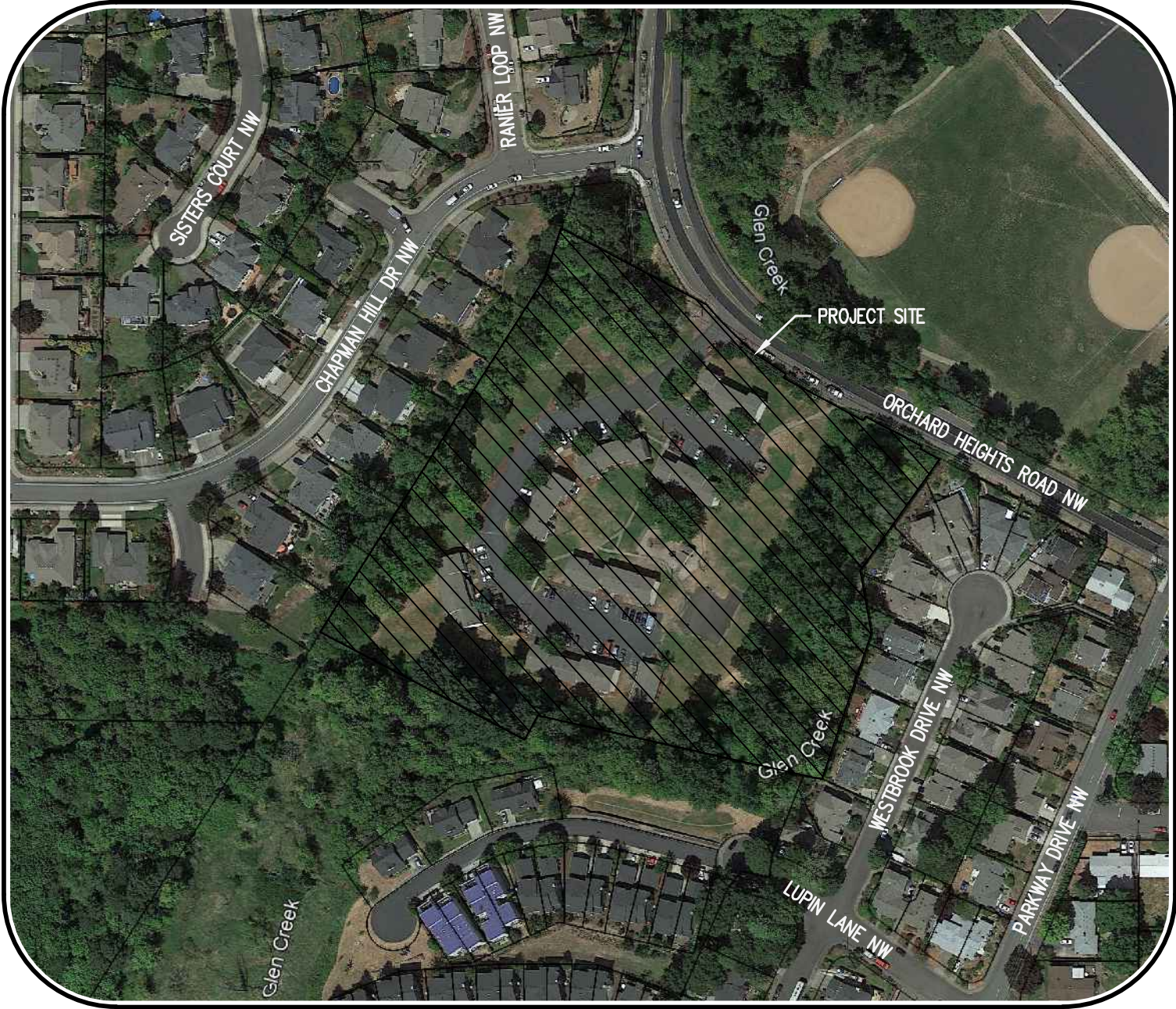


# 1320 ORCHARD HEIGHTS RD NW

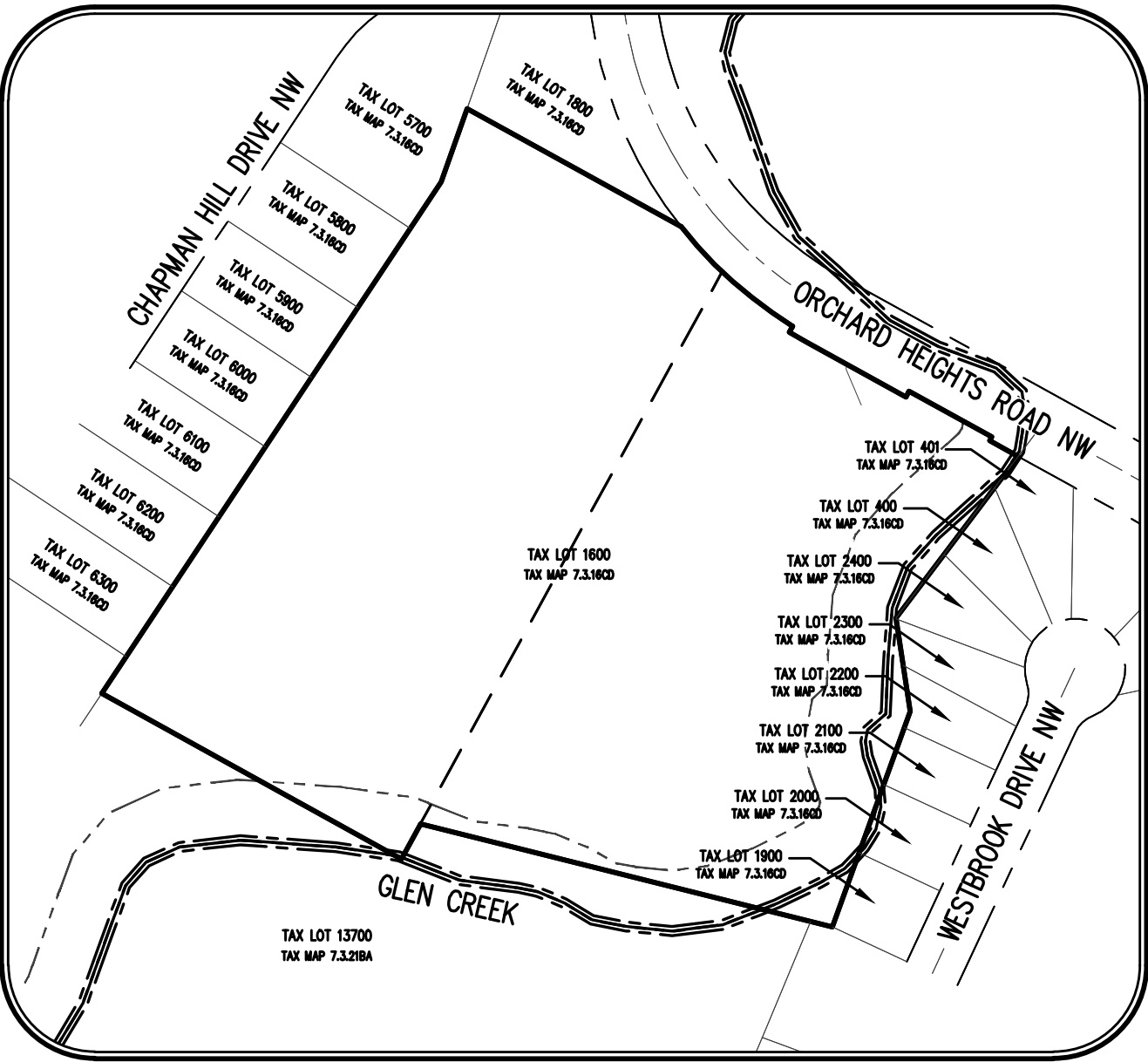
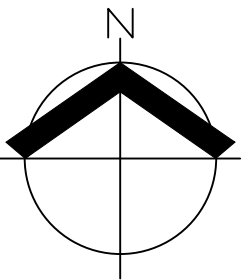
## PROPERTY LINE ADJUSTMENT APPLICATION

TAX LOT 1600

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 7 SOUTH, RANGE 3 WEST,  
WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON



VICINITY MAP  
NOT TO SCALE



SITE MAP  
NOT TO SCALE

### OWNER/APPLICANT

SALEM HOUSING AUTHORITY  
CONTACT: STEVE WALDRON  
360 CHURCH STREET SE  
SALEM, OR 97301

### APPLICANT'S REPRESENTATIVE

AKS ENGINEERING & FORESTRY, LLC  
CONTACT: DAISY GOEBEL  
3700 RIVER ROAD N, SUITE 1  
KEIZER, OR 97303  
PHONE: (503) 400-6028

### SHEET INDEX:

- 01 COVER SHEET
- 02 EXISTING CONDITIONS PLAN
- 03 TENTATIVE PROPERTY LINE ADJUSTMENT PLAN

### ZONE:

RA (RESIDENTIAL AGRICULTURE)

### WATER DISTRICT:

CITY OF SAELM

### SEWER DISTRICT:

CITY OF SALEM

### PROPERTY DESCRIPTION:

TAX MAP 7.3.16CD  
TAX LOT 1600 – 1320 ORCHARD HEIGHTS ROAD NW

### PROJECT PURPOSE:

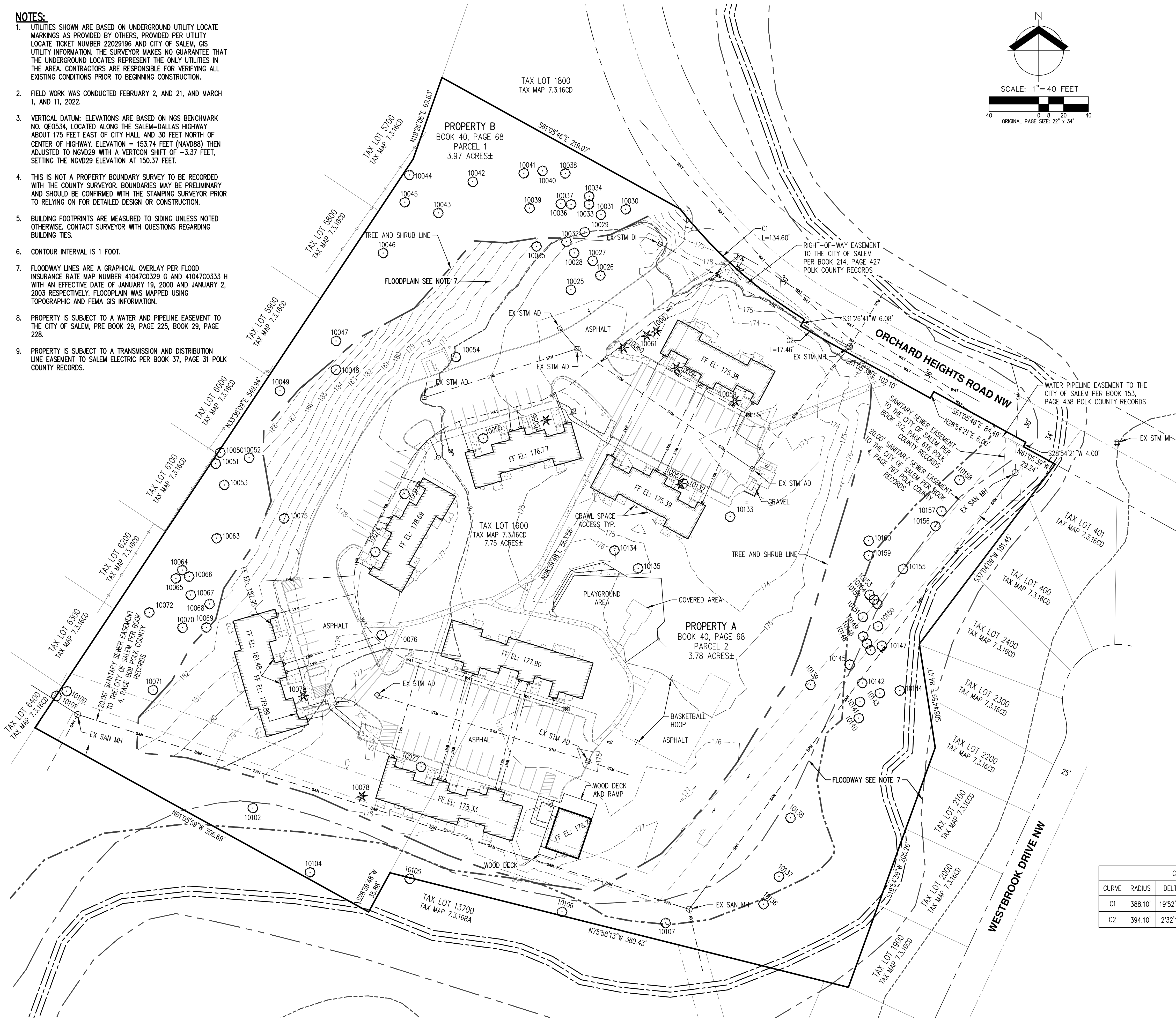
THE PURPOSE OF THIS PROPERTY LINE  
ADJUSTMENT IS TO CONSOLIDATE THE PARCELS AS  
SHOWN.

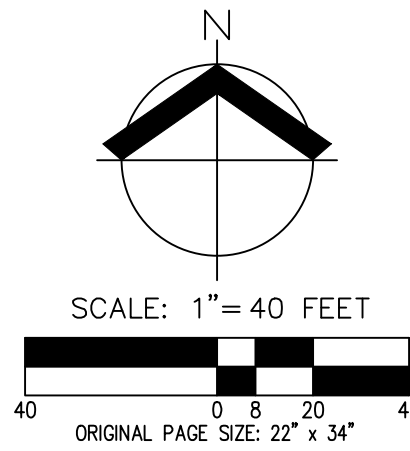
### LEGEND

EXISTING		EXISTING	
DECIDUOUS TREE		STORM SEWER CLEAN OUT	
CONIFEROUS TREE		STORM SEWER CATCH BASIN	
FIRE HYDRANT		STORM SEWER MANHOLE	
WATER BLOWOFF		GAS METER	
WATER METER		GAS VALVE	
WATER VALVE		GUY WIRE ANCHOR	
DOUBLE CHECK VALVE		POWER POLE	
AIR RELEASE VALVE		POWER VAULT	
SANITARY SEWER CLEAN OUT		POWER JUNCTION BOX	
SANITARY SEWER MANHOLE		POWER PEDESTAL	
SIGN		COMMUNICATIONS VAULT	
STREET LIGHT		COMMUNICATIONS JUNCTION BOX	
MAILBOX		COMMUNICATIONS RISER	
RIGHT-OF-WAY LINE		EXISTING	
BOUNDARY LINE			
PROPERTY LINE			
LOT LINE			
DEED LOT LINE			
CENTERLINE			
CREEK			
CURB			
EDGE OF PAVEMENT			
EASEMENT			
FENCE LINE			
GRAVEL EDGE			
POWER LINE			
OVERHEAD WIRE			
COMMUNICATIONS LINE			
FIBER OPTIC LINE			
GAS LINE			
STORM SEWER LINE			
SANITARY SEWER LINE			
WATER LINE			

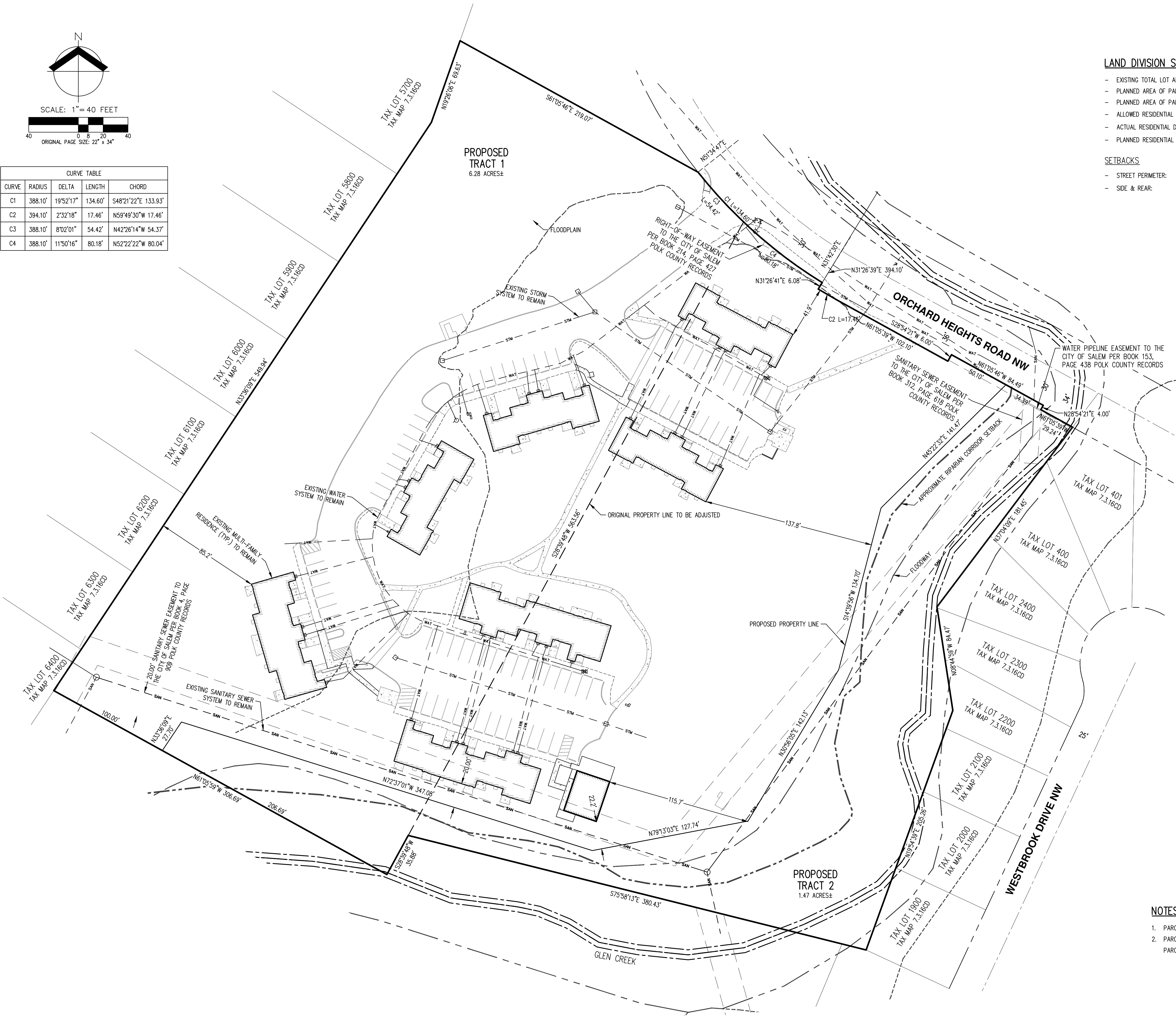
NOTES:

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 22029196 AND CITY OF SALEM, GIS UTILITY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- FIELD WORK WAS CONDUCTED FEBRUARY 2, AND 21, AND MARCH 1, AND 11, 2022.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. QEO534, LOCATED ALONG THE SALEM-DALLAS HIGHWAY ABOUT 175 FEET EAST OF CITY HALL AND 30 FEET NORTH OF CENTER OF HIGHWAY. ELEVATION = 153.74 FEET (NAVD88) THEN ADJUSTED TO NGVD29 WITH A VERTON SHIFT OF -3.37 FEET, SETTING THE NGVD29 ELEVATION AT 150.37 FEET.
- THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
- BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
- CONTOUR INTERVAL IS 1 FOOT.
- FLOODWAY LINES ARE A GRAPHICAL OVERLAY PER FLOOD INSURANCE RATE MAP NUMBER 41047C0329 G AND 41047C0333 H WITH AN EFFECTIVE DATE OF JANUARY 19, 2000 AND JANUARY 2, 2003 RESPECTIVELY. FLOODPLAIN WAS MAPPED USING TOPOGRAPHIC AND FEMA GIS INFORMATION.
- PROPERTY IS SUBJECT TO A WATER AND PIPELINE EASEMENT TO THE CITY OF SALEM, PRE BOOK 29, PAGE 225, BOOK 29, PAGE 228.
- PROPERTY IS SUBJECT TO A TRANSMISSION AND DISTRIBUTION LINE EASEMENT TO SALEM ELECTRIC PER BOOK 37, PAGE 31 POLK COUNTY RECORDS.





CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	388.10'	19°52'17"	134.60'	S48°21'22"E 133.93'
C2	394.10'	2°32'18"	17.46'	N59°49'30"W 17.46'
C3	388.10'	8°02'01"	54.42'	N42°26'14"W 54.37'
C4	388.10'	11°50'16"	80.18'	N52°22'22"W 80.04'



LAND DIVISION SUMMARY

- EXISTING TOTAL LOT AREA: 7.75 ACRES±
- PLANNED AREA OF PARCEL 1: 6.28 ACRES±
- PLANNED AREA OF PARCEL 2: 1.47 ACRES±
- ALLOWED RESIDENTIAL DENSITY ON PARCEL 1: 20 DWELLING UNITS/ACRE
- ACTUAL RESIDENTIAL DENSITY ON PARCEL 1: 5 DWELLING UNITS/ACRE
- PLANNED RESIDENTIAL DENSITY ON PARCEL 1: 5 DWELLING UNITS/ACRE

SETBACKS

- STREET PERIMETER: MIN. 20'
- SIDE & REAR: MIN. 5' PLUS 1' FOR EACH 1' OF HEIGHT OVER 35', BUT NEED NOT EXCEED 20'

NOTES:

1. PARCEL 2 IS A CONSERVATION PARCEL PER SALEM REVISED CODE SECTION 205.045
2. PARCEL 2 IS SUBJECT TO A STORMWATER EASEMENT OVER ITS ENTIRETY BENEFITING PARCEL 1

# Glen Creek Village Two-Parcel Partition and PUD Modification

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**Date:** April 2022

**Submitted to:** City of Salem  
Planning Division  
555 Liberty Street SE, Suite 305  
Salem, Oregon 97301

**Applicant:** Salem Housing Authority  
360 Church Street SE  
Salem, OR 97301

**AKS Job Number:** 6163-12



3700 River Road N, Suite 1  
Keizer, OR 97303  
(503) 400-6028

I.	<b>Executive Summary .....</b>	<b>2</b>
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## Exhibits

- Exhibit A:** Application Form
- Exhibit B:** Preliminary Site Plan
- Exhibit C:** Neighborhood Association Contact
- Exhibit D:** Title Report
- Exhibit E:** Polk County Assessor's Map
- Exhibit F:** Recorded Deed
- Exhibit G:** Tree Inventory Form
- Exhibit H:** 1971 PUD decision

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# Glen Creek Village Two-Parcel Partition and PUD Modification

<b>Submitted to:</b>	City of Salem Planning Division 555 Liberty Street SE, Suite 305 Salem, Oregon 97301
<b>Applicant:</b>	Salem Housing Authority 360 Church Street SE Salem, OR 97301
<b>Property Owners:</b>	Salem Housing Authority 360 Church Street SE Salem, OR 97301
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303  Contact(s): Daisy Goebel Email: goebeld@aks-eng.com Phone: (503) 400-6028
<b>Site Location:</b>	1320 Orchard Heights Road NW, Salem
<b>Polk County Assessor's Map:</b>	07316CD, Tax Lot 1600
<b>Site Size:</b>	7.75 acres prior to partition
<b>Land Use Districts:</b>	Residential Agriculture (RA)



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## **I. Executive Summary**

The Salem Housing Authority (Applicant) is submitting this application for a two-parcel partition to separate an existing residential development from an area of land containing Glen Creek and an associated floodway and riparian area. Applicant intends to dedicate the resulting Glen Creek property to the City of Salem as a conservation parcel for the dual purposes of maintaining and preserving the site's existing natural resources and complying with federal Department of Housing and Urban Development funding requirements for properties located within the FEMA floodway. The site comprises ±7.75 acres entirely within the City's Residential Agriculture (RA) zoning district. The existing multifamily residential development was approved as a Planned Unit Development (PUD) by the Salem Planning Commission in 1971 and therefore requires a PUD modification to reduce the size of the existing PUD area.

The planned partition would result in the creation of an unbuildable parcel that will be donated to the City of Salem with such a deed restriction. No development is proposed with this application. Subsequently, no impacts to City streets or other public infrastructure will occur and the City may therefore find that preliminary grading, utility, or other plans to discuss future on- and off-site improvements is not warranted.

This application includes the City application forms, written materials, and preliminary plans necessary for staff to review and determine compliance with the relevant approval criteria. The evidence is substantial and supports the City's approval of the application.

## **II. Site Description/Setting**

The site is located at 1320 Orchard Heights Road NW, in Salem, Polk County. The southern and eastern portions of the property include the Glen Creek floodway. Remaining portions of the site are developed with affordable housing that was approved by the City in 1971 as Planned Unit Development (PUD) Application No. 71-5. The development consists of seven buildings containing 32 multifamily units and two associated accessory structures. The surrounding lots comprise single-family residences except for Orchard Heights Park, across the street to the north, and Chandler Nature Area/Park abutting Glen Creek to the southwest. The lots to the south and west of the subject property are zoned Single Family Residential (RS), the lots to the east are zoned Duplex Residential (RD), and the lot to the north across Orchard Heights Road NW contains a City park in the Public Amusement (PA) zoning district.

## **III. Applicable Review Criteria**

### **SALEM REVISED CODE**

#### **Title X – Unified Development Code**

#### **Chapter 205. – LAND DIVISION AND RECONFIGURATION**

#### **Section 205.005. – Partition tentative plan**

- (a) **Applicability.** Except as provided in ORS 92.010(9), no land shall be divided into three or fewer parcels within a calendar year without receiving tentative partition plan approval as set forth in this section.

**Response:** This application requests a land partition that would result in two parcels. As demonstrated in this narrative, the application is in conformance with the requirements of this section.

- 
- (b) Procedure type. A tentative partition plan is processed as a Type II procedure under SRC chapter 300.

**Response:** This partition plan is consolidated with a Type II PUD modification and will be processed as a Type II procedure following the requirements of Salem Revised Code (SRC) Chapter 300.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative partition plan shall include the information required in SRC 205.030.

**Response:** The requirements of SRC 205.030 are addressed in this narrative, below.

- (d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:

- (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;
- (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.

**Response:** Salem Revised Code (SRC) Section 205.045 establishes special provisions for the creation and maintenance of conservation parcels. Certain of these special provisions waive standard lot dimensional and public improvement requirements that may be associated with a standard partition. To the extent they apply, the lot dimensional and related standards are met. Additional findings which justify the waiver of these standards are included later in this narrative.

- (2) The tentative partition plan does not impede the future use or development of the property or adjacent land.

**Response:** The purpose of the requested partition is to sever the floodway and associated riparian area from the developed portion of the site. The resulting floodway site will be dedicated to the City as a conservation parcel per SRC 205.045 and will not be developable in the future. Because this partition of the site is already rendered undevelopable by Federal and State Floodway protection rules, converting this portion of the site to a conservation parcel does not further impede development of this land. Similarly, the partition will not impede the development of abutting properties. This criterion is met.

- (3) Development within the tentative partition plan can be adequately served by city infrastructure.

**Response:** The existing development is currently served by City services. The conservation parcel will not be developed and therefore does not require connection to City infrastructure. This criterion is met.

- (4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

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**Response:** Orchard Heights Road NW is classified as a Minor Arterial. The Transportation System Plan includes a low-priority project to improve Orchard Heights Road to Minor Arterial standards. This application does not include any development-related impacts that would warrant the improvement of Orchard Heights Road, and subsequently such improvements are not planned as part of this application.

- (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.

**Response:** The internal and adjacent vehicle and pedestrian circulation system is designed to serve the existing development at Glen Creek Village. This partition does not allow for further development of the site, and the resulting conservation parcel will not require additional access or transportation facilities.

- (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.

**Response:** The planned partition would result in the separation of the developed site from the undevelopable portion containing the Glen Creek floodway and riparian setback. No variances are required to account for the site's topography and vegetation. This criterion is met.

- (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 the site, topography, and vegetation will occur from the reasonable development of the parcels.

**Response:** The proposed partition will not create additional developable lots and dedicating the floodway parcel to the City as a conservation parcel will protect the environmental resources from future disruption. This criterion is met.

- (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 five acres in size and, except for flag lots, have no dimension that is less than 100 feet.

**Response:** The existing development is currently connected to City facilities including water and sewer. Planned Parcel 2 will not be eligible for development and is not subject to the above standards per SRC Section 205.045 – Special platting standards for conservation lots or parcels. The criteria do not apply.

- (e) Conditions of approval for partitions in areas unserved by City sewer. In addition to any conditions imposed pursuant to SRC 300.820, when the tentative partition plan is for property located more than 300 feet from an

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available sewer main, and the property will not connect to City water and sewer, the following conditions shall be imposed:

- (1) The parcels shall only be used for residential purposes;
- (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and
- (3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

**Response:** The existing development is currently connected to City utilities, including water and sewer. Parcel 2 will not be eligible for development and is not subject to the above standards per SRC Section 205.045 – Special platting standards for conservation lots or parcels. The criteria do not apply.

- (f) Expiration. Tentative partition plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

**Response:** The time limit and extension requirements of SRC Chapter 300 are understood.

Section 205.030. – Additional submittal requirements

Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:

- (a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
  - (1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;
  - (2) Scale and north arrow;
  - (3) The location of all property lines within 50 feet of the perimeter of the subject property;
  - (4) The boundaries, dimensions, and area of each proposed lot or parcel;
  - (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
  - (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;
  - (7) The location of all existing and proposed easements;
  - (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
  - (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;

- 
- (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;
  - (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
  - (12) For subdivisions and phased subdivisions, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;

**Response:** A Tentative Partition and Existing Conditions Plan containing the above information is included in this application package as Exhibit B.

- (b) A current title report for the property;

**Response:** A current title report is included in this application package as Exhibit D.

- (c) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808 a tree conservation plan;

**Response:** A tree inventory is included with this application as Exhibit G. This proposal will not result in the creation of a developable lot or the removal of trees on either of the resulting parcels, so a tree conservation plan is not warranted.

- (d) A geological assessment or geo-technical report, if required by SRC chapter 810;

**Response:** A geological assessment or geotechnical report is not required by SRC Chapter 810 because the subject site is not within the Moderate or High Landslide Hazard Risk areas.

- (e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

**Response:** This application does not include any planned improvements to the developed site, and the conservation parcel designation prevents future development on that portion of the site; therefore, this criterion is not applicable.

- (f) A schematic plan showing the location of existing and proposed city infrastructure;

**Response:** Existing City infrastructure is shown on the Preliminary Site Plan (Exhibit B). No new development is planned on the site at this time, and therefore no new City infrastructure is planned. This criterion is met.

- (g) A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;

**Response:** Grading is not required to accommodate future development. This requirement does not apply.

- (h) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be

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made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

**Response:** The planned partition intends to create a conservation parcel for the purpose of preserving environmentally sensitive lands which will not be developed or further divided. Per SRC 205.045, conservation parcels are not subject to minimum lot size standards and therefore the above requirement does not apply.

- (i) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:
  - (1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the comprehensive plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.
  - (2) The approximate location of city infrastructure following full development to the urban densities allowed by the comprehensive plan.

**Response:** The proposed land division will not allow further development of the property. The above requirements do not apply.

- (j) For subdivisions and phased subdivisions:
  - (1) A completed trip generation estimate on forms provided by the City;
  - (2) A traffic impact analysis, if required under SRC chapter 803; and
  - (3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision.

**Response:** This application does not include a subdivision or phased subdivision. The above requirements do not apply.

Section 205.045. – Special platting standards for conservation lots or parcels

Conservation lots or parcels are lots or parcels that are created as part of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat for the purpose of preservation and management of significant natural resources through the sale or transfer to a public agency or a nonprofit entity. As used in this section, significant natural resources include, but are not limited to, areas of wildlife habitat, riparian areas, areas of sensitive ecological areas, or areas that contain rare or endangered species. Conservation lots or parcels proposed as part of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat shall be approved subject to the following:

- (a) A conservation lot or parcel shall be primarily undeveloped and in a natural state.

**Response:** The conservation parcel created by the planned partition will be transferred to the City for preservation and management. The existing Glen Creek floodway area is undeveloped and remains in a natural state. This criterion is met.

- (b) A conservation lot or parcel shall have no minimum standards for lot area, width, depth, or frontage.

---

**Response:** The applicant understands that the proposed conservation parcel does not need to comply with minimum lot dimension standards.

- (c) A conservation lot or parcel shall be designated as such on the tentative plan and the final plat.

**Response:** The Tentative Partition Plan includes a conservation parcel designation, and the final plat will also preserve the requisite area as a designated conservation parcel in accordance with this section. The criterion is met.

- (d) The deed conveying the conservation lot or parcel shall contain a covenant that requires long-term preservation and management of the lot or parcel as a significant natural resource.

**Response:** Applicant is working with their legal counsel and City of Salem legal staff to establish such a covenant on Parcel 2. Prior to dedication, a deed for the conveyance of the conservation parcel in accordance with the above requirements will be available for review by City staff. The criteria can be met.

#### Chapter 210. – PLANNED UNIT DEVELOPMENT

##### Section 210.035. – Modification of approval

- (a) (...)

- (b) Modification of planned unit development final plan approval.

- (1) **Applicability.** The approval of a PUD final plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD final plan.
- (2) **Procedure type.** Modification of a PUD final plan approval is processed as a Type II procedure under SRC chapter 300.
- (3) **Submittal requirements.** In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a PUD final plan approval shall include the information required under SRC 210.030(c).
- (4) **Criteria.** An application for modification a PUD final plan approval shall be granted if the following criteria are met.
  - (A) The proposed modification does not substantially change the original approval; and
  - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (5) **Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

**Response:** This application meets the criteria set forth in this section and the applicable submittal requirements are included. The proposed modification, a decrease in the size of the PUD area, does not substantially change the original approval, the physical appearance of the development, the use of the site, or the site's impacts on surrounding properties. The

conditions of approval included in the original decision (Planned Development Conditional Use Case No. 71-5) are below;

1. That the developer furnish satisfactory evidence that street improvements- paving, curbs and sidewalks- will be constructed to the specifications of the Director of Public Works
2. The [staff] also recommends that the Planning Commission, at this time, approve transfer of the planned unit development to the City of Salem at the discretion of the City (SRC 121.800).

These conditions of approval were satisfied at the time of initial site development in 1971, when the current building design, layout, improvements, and an applicable variance were approved. The above conditions are not impacted by the proposed modification; therefore, a new PUD final plan is not required. The original PUD decision and detail development plan approval is included with this application as Exhibit H. The above criteria are met.

**Section 210.045. – Planned unit development standards**

Planned unit developments must comply with the development standards set forth in this section.

- (a) **General development standards.** Planned unit developments shall conform to the general development standards set forth in Table 210-2.

Table 210-2 [abridged]	
Requirement	Standard
Min. # of Dwelling Units	No Minimum
Max. # of Dwelling Units	Zone Standard (85 for 7.88 acres; 56 for 5.5 acres)
Building setback from street	20 ft. Min. on arterial streets
Side yard building setback from PUD perimeter	Min. 5 ft., plus 1 ft. of height over 35 ft., up to 20 ft. in depth
Rear building setback	20 ft. for buildings greater than 1 story abutting an RS zoned lot
Building height	35 ft. Maximum

**Response:** As shown in the table below, Parcel 1 will remain in compliance with the above standards after the planned partition. The conservation parcel is not subject to minimum lot area, width, depth, or frontage requirements per SRC 205.045 (b).

Requirement	Existing Development	Modified Parcel 1 Boundaries
Min. # of Dwelling Units	32	32
Max. # of Dwelling Units	32	32
Building setback from street	40+ ft.	40+ ft.
Side yard building setback from PUD perimeter	70+ ft.	5+ ft.
Rear building setback	50+ ft.	25+ ft.
Building height	±20 ft.	±20 ft.

**Section 210.050. – Design standards for multiple family buildings**

- (a) When one or more multifamily buildings are proposed within a PUD, the buildings shall conform to the following standards:
  - (1) Buildings shall not present excessive visual mass or bulk.
  - (2) Buildings shall not have long, monotonous exterior walls.
  - (3) Buildings shall be sited with sensitivity to topography and natural landform.
  - (4) Buildings shall be designed to provide an appropriate transition to abutting properties.
  - (5) Buildings shall utilize architectural elements and façade materials to provide visual interest and continuity with other buildings in the PUD.
  - (6) Individual private open space shall be provided for each dwelling unit.
  - (7) When abutting property zoned residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided to buffer between the multiple family building and the adjacent RA or RS zoned property.
- (b) For the purposes of this section, the term “multiple family building” means a building that contains three or more dwelling units.

**Response:** No new buildings are proposed within the PUD; therefore, the above standards do not apply.

## Chapter 300. – PROCEDURES FOR LAND USE APPLICATIONS & LEGISLATIVE LAND USE PROPOSALS

### Section 300.100. – Procedure types

Table 300-2. Land Use Applications by Procedure Type [Abridged]			
Application	Procedure Type	Application Pre-Submittal Requirements	Review Authority
Partition, Tentative Plan	II	Neighborhood Association Contact	Planning Administrator
PUD, Final Plan Modification	II	[None]	Planning Administrator

### Section 300.120. – Procedures for review of multiple applications

When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject to the same procedure type and decided upon by the same Review Authority. When multiple land use applications are subject to the same procedure type and decided upon by the same Review Authority, the land use applications shall be consolidated.

(...)

- (c) Consolidated applications. When multiple applications are consolidated, a single application is filed for all land use actions. The application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review

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Authority under the highest numbered procedure type required for any of the land use applications. Notwithstanding the provisions of this subsection, where multiple applications that are proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application that is subject to Historic Landmarks Commission review shall be processed individually or concurrently.

**Response:** This consolidated application includes two procedures; a tentative partition plan and a PUD modification. Both are Type II procedures, decided by the Planning Administrator. The only pre-submittal requirement pertaining to the application is a neighborhood association contact, which was completed as described below.

**Section 300.310. – Neighborhood Association Contact**

- (a) **Purpose.** The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) **Applicability.**
  - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
  - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
  - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

**Response:** This consolidated Type II application is subject to the neighborhood association contact requirements of this section. Evidence of compliance with these requirements is included with this application as Exhibit C. This requirement is met.

- (c) **Process.** Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
  - (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
  - (2) Contain the following information:
    - (A) The name, telephone number, and email address of the applicant;
    - (B) The address of the subject property;
    - (C) A summary of the proposal;

- (D) A conceptual site plan, if applicable, that includes the proposed development; and
- (E) The date on which the email or letter is being sent;

**Response:** The neighborhood association contact letter, included as Exhibit C, contains the above information, and was sent to representatives of the West Salem Neighborhood Association on March 31, 2022.

- (d) Effect on subsequent land use application submittal. A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

**Response:** A copy of the applicable correspondence and a list of recipients is included with Exhibit C to this application package. This criterion is met.

## Chapter 510. – RA—RESIDENTIAL AGRICULTURE

### Section 510.010. – Development standards

Table 510-2 Lot Standards			
Requirement	Standard	Existing Development	Modified Boundaries
<b>Lot Area</b>			
All other uses	Min. 6,000 sq. ft.	300,00+ sf	6.54+ ac
<b>Lot Width</b>			
All other uses	Min. 60 ft.	±600	500+ ft
<b>Lot Depth</b>			
All other uses	Min. 80 ft. Max. 300% of average lot width	±590	±520
<b>Street frontage</b>			
All other uses	Min. 60 ft.	±435	±367

Table 510-3 Setbacks			
Requirement	Standard	Existing Development	Modified Boundaries
<b>Abutting Street (Minor Arterial)</b>			
All Uses	Min. 20 ft.	±46 ft.	No Change
<b>Accessory Structures (Minor arterial)</b>			
All Uses	Min. 20 ft.	N/A	N/A
<b>Interior Side Setback</b>			
Buildings, all other uses	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.		
<b>Interior Rear Setback</b>			
All Uses	Min. 20 ft. if >1 story	±50 ft.	±27 ft.

Table 510-4 Lot Coverage; Height			
Requirement	Standard	Existing Development	Modified Boundaries
<b>Lot Coverage</b>			
All Other Uses	Max. 35%	±25%	±30%
<b>Rear Yard Coverage</b>			
All Uses	N/A	N/A	N/A
<b>Height</b>			
Buildings, all other uses	Min. 50 ft.	±20 ft.	No Change
Accessory Structures	Max. 15 ft.	<15 ft.	No Change

**Response:** As identified above, the reconfigured Parcel 1 will remain in compliance with the above standards following the partition and will not exacerbate any nonconforming development situation. The conservation parcel is not subject to minimum lot area, width, depth, or frontage requirements per SRC 205.045 (b).

[...]

#### IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Salem Unified Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this partition and PUD modification application.



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** August 31, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**PUD71-5MOD1-PAR-PLA22-03 (22-109523; 22-109524; 22-113374)**  
**1320 ORCHARD HEIGHTS ROAD NW**  
**CONSERVATION PARCEL FOR GLENN CREEK**

 For:

## PROPOSAL

A request to modify an approved Planned Unit Development Final Plan, a Property Line Adjustment to remove an existing lot line, and a Tentative Partition to divide the subject property into two parcels for the purpose of creating a new conservation parcel to be dedicated to the City of Salem, for property approximately 7.73 acres in size, zoned RA (Residential Agriculture), and located at 1320 Orchard Heights Road NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W16CD / 01600 and 01800).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to PLA/Plat submittal, the original centerline alignment and all subsequent alignments of Orchard Heights Road NW shall be resolved. An exhibit that clearly depicts and describes the existing bounds of the right-of-way (ROW) as well as all documentation used in said resolution shall be provided to the Public Works Department for review.

## FACTS

### **Streets**

1. Orchard Heights Road NW.
  - 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 varied 40-foot improvement within a varied 60-to-85-foot-wide right-of-way abutting the subject property.

- c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of Orchard Heights Road NW.

### **Storm Drainage**

#### **1. Existing Conditions**

- a. A 15-inch storm main is located in Orchard Heights Road NW.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located in the G-0 water service level.
- b. There are 8-inch and 24-inch public water mains located in Orchard Heights Road NW.

### **Sanitary Sewer**

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

- a. An 18-inch sewer main is located in Orchard Heights Road NW and extends onto the subject property within an easement.

### **PARTITION 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).

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The application does not propose new structures within the floodplain.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils 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). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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

**Findings—**Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. The proposed partition creates one parcel that contains an existing development and a second parcel as a conservation parcel over the Glenn Creek floodway boundary. The existing development is served by public utilities. Pursuant to SRC 205.045(a), the conservation parcel *shall be primarily undeveloped and in a natural state* and is, therefore, exempt from requirements to stub utilities to the parcel upon creation.

**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**—Orchard Heights Road NW abuts the subject property and does not meet the current standard for a minor arterial street. The proposal is to partition the subject property to create a conservation parcel; no new development is occurring and therefore, the development is exempt from boundary street improvements. The proposed development is subject to a special setback equal to 36 feet from centerline on the development side of Orchard Heights Road NW.

The right-of-way width and location of Orchard Heights Road NW is ambiguous according to City Records. Based on the information provided, Survey was unable to verify the accuracy of the ROW retracement shown on the tentative survey. It is the surveyors of record responsibility to accurately retrace the ROW adjacent the subject property and provide the City all necessary documentation to verify the resolution prior to final plat approval.

**Condition:** Prior to PLA/Plat submittal, the original centerline alignment and all subsequent alignments of Orchard Heights Road NW shall be resolved. An exhibit that clearly depicts and describes the existing bounds of the ROW as well as all documentation used in said resolution shall be provided to the Public Works Department for review.

#### **PLANNED UNIT DEVELOPMENT MODIFICATION CRITERIA AND FINDINGS**

**SRC 210.035(b)(4)(A)**—The proposed modification does not substantially alter the original approval.

**Findings**—The proposed modification creates a conversation parcel over the floodway boundary of Glenn Creek. The proposed modification does not substantially alter the original approval.

**SRC 210.035(b)(4)(B)**—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

**Findings**—No additional development on the conservation parcel is proposed. Pursuant to SRC 205.045(a), the conservation parcel shall be *primarily undeveloped and in a natural state*; therefore, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File