

NOTICE OF DECISION

PLANNING DIVISION
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SALEM, OREGON 97301
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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION TENTATIVE PLAN / VALIDATION OF UNITS OF LAND CASE NO.:
PAR-VUL23-06

APPLICATION NO.: 23-110200-PLN

NOTICE OF DECISION DATE: October 12, 2023

SUMMARY: A validation of unit of land for five properties, then a tentative partition to divide the land area to create two parcels.

REQUEST: A consolidated application to validate five units of land unlawfully created by deed and a tentative partition to create two parcels 1.58-acres in size and 3.11-acres in size. The subject properties of the proposed validation are a total of 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

APPLICANT: Gerald Horner of Willamette Engineering, Inc.

LOCATION: 848 Mildred Ln SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 205.060(d) – Validation of Unit of Land

FINDINGS: The findings are in the attached Decision dated October 12, 2023.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan and Validation of Units of Land Case No. PAR-VUL23-06 subject to the following conditions of approval:

- Condition 1:** Prior to final plat of the proposed Partition, the Validation of a Unit of Land shall be recorded.
- Condition 2:** Provide a 10-foot-wide public utility easement along the frontage of Mildred Ln SE.
- Condition 3:** Prior to final plat approval, the applicant shall submit and be approved of a Tree Conservation Plan, as outlined in SRC 808.035.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 5:** Construct sewer services in the public right-of-way to serve Parcels 1 and 2.
- Condition 6:** Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

- Condition 7:** Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 8:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 9:** Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Ave SE through the development site.
- Condition 10:** Dedicate a public roadway and utility easement for the future extension of Biltmore Ave SE through the development site.

The rights granted by the attached decision must be exercised, or an extension granted, by October 28, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>September 13, 2023</u>
Notice of Decision Mailing Date:	<u>October 12, 2023</u>
Decision Effective Date:	<u>October 28, 2023</u>
State Mandate Date:	<u>January 11, 2024</u>

Case Manager: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

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, no later than 5:00 p.m., Friday, October 27, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. 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 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 OF THE)	FINDINGS AND ORDER
APPROVAL OF)	
PARTITION TENTATIVE PLAN /)	
VALIDATION OF UNIT OF LAND)	
CASE NO. PAR-VUL23-06)	
848 MILDRED LN SE)	OCTOBER 12, 2023

In the matter of the application for a Tentative Partition and Validation of Unit of Land application submitted by Gerald Horner with Willamette Engineering, Inc., on behalf of the property owners, John and Megan Osborn, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A validation of unit of land for five properties, then a tentative partition to divide the land area to create two parcels.

Request: A consolidated application to validate five units of land unlawfully created by deed and a tentative partition to create two parcels 1.58-acres in size and 3.11-acres in size. The subject properties of the proposed validation are a total of 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

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

PROCEDURAL FINDINGS

On May 19, 2023, a land use application for a tentative partition plan was filed proposing to divide five properties totaling 4.7-acres in size to create two new parcels 1.58-acres and 3.11-acres in size for property located at 848 Mildred Ln SE. After review, it was determined a validation of unit of land was also required, and an additional application for the validation was submitted and consolidated with the tentative partition application.

After additional information was received, the application was deemed complete on September 13, 2023. The state-mandated local decision deadline for the application is January 11, 2024.

The applicant's proposed validation plat is included as **Attachment B** and the tentative partition plan is included as **Attachment C**.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal includes a validation of five units of land totaling 4.7-acres in size and a tentative partition plan to then divide the property into two parcels; Parcel 1 will be 1.58-acres; Parcel 2 will be 3.11 acres. Parcel 1 will be an interior lot containing an existing single-family dwelling and accessory structure and Parcel 2 will have frontage on Mildred Ln SE and Biltmore Ave SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 1.58 acres (69,108 sq ft)
Parcel Dimensions: Approximately 269.09 feet in width and 254.68 feet in depth

PROPOSED PARCEL 2

Parcel Size: 3.11 acres (135,819 sq ft)
Parcel Dimensions: Approximately 471.64 feet in width and 429.18 feet in depth

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 are attached hereto as **Attachments B** and **C**.

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: 23 110200.

4. Existing Conditions

Site and Vicinity

The subject property consists of five units of land and is generally square in shape with frontage on Mildred Ln SE and Biltmore Ave SE. The combined properties are approximately 4.7-acres in size with 471.64 feet in width and 429.19 feet in depth. The subject property contains an existing single-family residence and accessory structure.

Salem Area Comprehensive Plan (SACP) Designation

The subject property is designated Developing Residential (DR) on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North:	Abutting Mildred Ln SE, SF (Single Family Residential)
South:	DR (Developing Residential)
East:	SF (Single Family Residential)
West:	SF (Single Family Residential)

Zoning Map Designation

The subject property is zoned RA (Residential Agriculture) The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
North:	Abutting Mildred Ln SE, RS (Single Family Residential)
South:	RA (Residential Agriculture)
East:	RS (Single Family Residential)
West:	RS (Single Family Residential)

Relationship to Urban Service Area

The subject property is inside the City's Urban Service Area. The Urban Service Area is that territory within the City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Infrastructure

- Water:** The subject property is located in the S-3 water service level. A 12-inch S-3 public water main is located in Mildred Ln SE and an 8-inch S-3 public water main is located in Biltmore Ave SE
- Sewer:** An 8-inch sewer main is located in Mildred Ln SE and a 4-inch sewer main is located in Biltmore Ave SE.
- Streets:** Mildred Ln SE is designated as a Minor Arterial in the Salem Transportation System Plan (TSP). The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The street has an approximate 46-foot improvement within a 76-foot-wide right-of-way abutting the subject property.
- Biltmore Ave SE is designated as a Local street in the TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage: A 12-inch storm main is located in Mildred Ln SE and a 10-inch storm main is located at the intersection of Biltmore Ave SE and Trilogy St SE, approximately 90-feet west of the subject property.

5. City Department Comments

Public Works Department: Reviewed the proposal and provided a memorandum which is included as **Attachment D**.

Building and Safety Division: Reviewed the proposal and indicated no concerns.

Fire Department: Reviewed the proposal and indicated no concerns.

6. Public Agency and Private Service Provider Comments

The Salem-Keizer School District: Reviewed the proposal and provided comments that are included as **Attachment E**. The School District indicated no concerns with school capacity for the proposed development. No comments were received from other public or private service providers.

7. Neighborhood Association Comments and Public Comments

The subject property is within the South Gateway Neighborhood Association (SGNA).

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 June 15, 2023 to the South Gateway Neighborhood Association chair and land use chair.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." No comments were received from the neighborhood association during the comment period for the proposal.

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

Public Comment: Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. One comment indicated the area was already developed and a desire for no new development or tree removal. Another comment indicated the subject property has been in its current configuration for many years and should be left as is.

Staff Response: The proposal is for a validation of unit of land and a tentative partition only. A validation of unit of land provides a process whereby a unit of land unlawfully created – in this case, five units of land created by deed without City land use approval – may be lawfully established. No new development or removal of trees are proposed with the partition. And future development or further division will be reviewed for conformance at the time of land use or building permit application submittal.

DECISION CRITERIA

8. Analysis of Validation of a Unit of Land Approval Criteria

Pursuant to SRC 205.060(a), a validation of a unit of land provides a process whereby a unit of land unlawfully created may be lawfully established.¹ The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial for the validation or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.060(d)(1): The unit of land is not a lawfully established unit of land.

Finding: The current configuration of the subject property as described in Reel 3804, Page 162, recorded in 2016, was created in 1988 when five single discrete units of land were consolidated as described in Reel 630, Page 302 Marion County deed records. The City of Salem would have required a land division to divide the property at this time, thus causing an unlawful partition. Because the subject property was not created through proper land use procedures, the unit of land was not lawfully established; therefore, this criterion is met.

SRC 205.060(d)(2): The unit of land was created through sale or deed or land sales contract executed and recorded before January 1, 2007.

Finding: According to the written statement and staff research, the units of land were created prior to January 1, 2007, by deed (Reel 675, Page 320) recorded in 1969 and (Reel 183, Page 871) in 1979 and (Reel 630, Page 301) in 1988 when tax lots 601, 701, 1200, 1400, and 1600 were consolidated without land use approval. The units of land were then conveyed to the current owners in Reel 3804, Page 162 in 2016. As the applicant has provided evidence that the units of land were created by recorded deed prior to 2007, this criterion is met.

SRC 205.060(d)(3): The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.

Finding: The property was zoned RA (Residential Agriculture) at the time of the conveyance; therefore, the RA standards from 1979 and 1988 were applicable. City of Salem zoning code Chapter 145 – RA Residential Agriculture was in effect when the unit of land was created by deed. The minimum lot size in the RA zone was 4,000 square feet, with a minimum width of 40

¹ Notwithstanding criterion SRC205.060 (d)(3), the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction of placement of a dwelling or other building on the unit of land after the sale. No approval has been issued for such construction on the subject land area.

feet and minimum depth of 70 feet. The subject property is a combined 4.7-acres with a width exceeding 40 feet and depth exceeding 70 feet; therefore, the subject property would have complied with the applicable criteria for the creation of the unit of land in effect when the property was created; therefore, this criterion is met.

SRC 205.060(d)(4): The plat complies with SRC 205.035 and ORS 92.

Finding: The applicant submitted a copy of a proposed validation plats (**Attachment B**), which will be recorded prior to the proposed partition plat. The Public Works Department reviewed the proposal and submitted comments describing the required procedure and submittal requirements for recording of a final plat.

9. Analysis of Tentative Partition Plan Approval Criteria

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. 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.

The Public Works Department indicates 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 with 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).

Condition 1: Prior to final plat of the proposed Partition, the Validation of a Unit of Land shall be recorded.

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 italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to 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 4.7-acre property into two parcels with Proposed Parcel 1 being 1.58-acres and Proposed Parcel 2 being 3.11-acres in size. The subject property is zoned RA (Residential Agriculture). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RA zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter – 510 (Residential Agriculture) Zone

Lot Standards:

The subject property is zoned RA (Residential Agriculture). Per SRC 510.010(b), for single-family uses, the minimum lot area is 4,000 square feet, the minimum lot width is 40 feet, and the minimum lot depth is 70 feet and 120 feet for double frontage lots, with a minimum street frontage requirement of 40 feet.

Finding: Proposed Parcel 1 is an interior lot 1.58-acres in size containing an existing house and accessory structure. Proposed Parcel 1 is approximately 269-feet in width and 278-feet in depth. Proposed Parcel 2 is 3.11-acres in size with approximately 471-feet of street frontage along Mildred Ln SE and 430-feet in depth. There is no development proposed for Parcel 2 at this time. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zone.

Dwelling Unit Density:

Per SRC 510.010(c), dwelling unit density within the RA zone shall conform to the standards set forth in this subsection.

- 1) *Subdivisions.* A site that is at least five acres in size and is subdivided shall (A) meet a minimum density of 5.5 units per acre; (B) at least 15 percent of the dwelling units that will be constructed on the lots shall be middle housing.

Finding: The subject property is 4.7-acres in size, less than five-acres; therefore, the dwelling unit density standards do not apply to this partition.

Setbacks:

Per SRC 510.010(d), Table 510-3, the minimum setback for buildings for all uses other than multiple-family abutting a street is 12 feet or 20 feet abutting a collector or arterial street; interior front setbacks for all other uses than multiple-family are 12 feet; the interior side setbacks for new single-family buildings are five feet; and interior rear setbacks for all uses other than multiple-family are 14 feet for single story or 20 feet for any portion of a building over one story in height.

Finding: The existing single-family dwelling and accessory structure proposed to remain on the interior lot of Proposed Parcel 1 is more than 30 feet from the interior front, side, and rear property lines, exceeding the applicable setback standards of Table 510-3. There is no development proposed for Proposed Parcel 2 at this time. Future development of Proposed Parcel 2 will be reviewed for adherence to setback requirements at the time of land use application or building permit submittal.

Lot Coverage:

Maximum lot coverage requirements within the RA zone are established under SRC 510.010(e), Table 510-4. The maximum lot coverage for single-to-four family uses is 60 percent and the maximum height of single-to-four family uses is 35 feet.

Finding: There is no development proposal for Proposed Parcel 1, which contains an existing single-family dwelling and accessory structure. Any development on the proposed parcels will be reviewed for conformance with the maximum lot coverage requirements of the RA zone at the time of building permit submittal.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans as pertains to the 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 802 – Public Improvements

SRC 802.015 requires development to be served by city utilities and designed and constructed according to all applicable provisions of the Salem Revised code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Public Works Department (**Attachment D**) and included in the following analyses of the partition approval criteria.

Finding: In summary, the Public Works Department indicates that water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo (**Attachment D**).

SRC Chapter 803 – Streets and Right-of-Way Improvements

The subject property has frontage on Mildred Ln SE and Biltmore Ave SE.

Finding: Mildred Ln SE and Biltmore Ave SE meet or exceed the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required for Mildred Ln SE or Biltmore Ave SE.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Mildred Ln SE pursuant to SRC 803.035(n). To ensure the PUE is provided on the final plat, the following condition of approval shall apply:

Condition 2: Provide a 10-foot-wide public utility easement along the frontage of Mildred Ln SE.

(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

Public Works staff has reviewed the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulated floodplain or floodway areas exist on the subject property.

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plan in conjunction with development proposals involving the creation of lots or parcels to be used for single to four family uses or cottage clusters. The preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more in diameter-at-breast-height (dbh) and possesses an upright arrangement of branches and leaves.”

Under the City’s tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, and native vegetation within riparian corridors, and a minimum of 30 percent of all the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Finding: The applicant provided a tree preservation plan for the subject property proposing the preservation of all trees on the property. Of the 98 trees identified on the plan, four are considered significant; there are no identified riparian corridor or heritage trees on site. In order to comply with the requirements of SRC 808, the applicant shall apply and gain approval of a tree conservation plan, as outlined in SRC 808.035.

Condition 3: Prior to final plat approval, the applicant shall submit and be approved of a Tree Conservation Plan, as outlined in SRC 808.035.

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.

Finding: According to the Salem-Keizer Local Wetland Inventory, there are no wetland channels and/or hydric soils mapped on the property.

SRC Chapter 810 – Landslide Hazards

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, 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 requires no additional studies. The applicant provided a shadow plan for how the property could be divided in the future. A Subdivision is classified as a 3-point activity and a moderate landslide risk. At such time the property is subdivided, a geotechnical report may be 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: Per SRC 205.030(h), for residentially zoned property, where a partition will result in a parcel that is one-half acre or larger, a plan for the parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that further future division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets, shall be submitted. The applicant has provided a future development plan for future division of Proposed Parcel 2. The plan shows the proposed parcel could be subdivided to meet minimum densities, lot size, and provide access. Since, the proposal is not for a future subdivision the plan does not show how the land can meet all the development standards of SRC 803. Any future division will be required to meet all standards of the UDC unless deviation is granted through an application process. Staff have not evaluated the future development plan for compliance with the UDC, only that it is possible to develop the land area without impeding future development.

The proposed configuration of the parcels allows for the future development of the site consistent with applicable zoning standards. The proposal does not adversely affect the safe and healthful development of adjacent properties. As conditioned below, the proposal meets this criterion.

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

Finding: The subject property is located outside of the Urban Services Area. Pursuant to SRC 200.020(a) an Urban Growth Preliminary Declaration is not required because land partitioning does not meet the definition of "development" established in SRC 200.005, relating to Urban Growth Area Management. If at such time further land division or development occurs on the property, an Urban Growth Preliminary Declaration may be required pursuant to SRC 200.020(a).

Public Works staff reviewed the proposal and determined water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). At time of further subdivision, additional water and sewer improvements may be necessary to serve additional lots.

Condition 4: Obtain permits for installation of water services to serve Parcels 1 and 2.

Condition 5: Construct sewer services in the public right-of-way to serve Parcels 1 and 2.

Condition 6: Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Future development of each parcel will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004.

Finding: A stormwater design for the partition has not been reviewed or approved; rather, stormwater designs are being deferred to time of further subdivision. To ensure that at the time of future development the parcels comply with the stormwater standards in effect at time of development or further land division, the following condition of approval shall apply:

Condition 7: Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed parcels.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Proposed Parcel 1 does not have direct frontage on a street and will require easements for utilities and access. There is also an existing slope easement to the City of Salem along Mildred Ln SE, as shown on the applicant's tentative plan.

Condition 8: All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

SRC 205.005(d)(4) and SRC 205.005(d)(5) – The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan and 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 described above, Mildred Ln SE meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development. No special setback is required along Mildred Ln SE because the existing right-of-way meets or exceeds the standard for a Minor Arterial street.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, along Mildred Ln SE, the sidewalks were constructed at the curb line due to the topography of the property along the frontage; therefore, the sidewalk may remain located along the curb line as needed pursuant to SRC 803.035(l)(2)(B).

Biltmore Ave SE terminates at the western property boundary and is intended to extend through the development site for an eventual east-west connection to Stubb St SE, southeast of the development site. The applicant provided a future development plan that shows this eventual connection; however, it is not clear from the information submitted whether or not the design can conform to SRC Chapter 803 and PWDS for local street construction. Pursuant to SRC 803.035(a) local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. As a condition of approval, the applicant shall be required to provide a conceptual engineered design for the street through the development site that meets SRC Chapter 803 and PWDS for local street construction. Based on the approved design, the applicant shall also be required to dedicate an easement to the City for roadway and utilities that will be converted to right-of-way when Parcel 2 is further subdivided, and the street extension is constructed. As conditioned, this criterion is met.

Condition 9: Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Ave SE through the development site.

Condition 10: Dedicate a public roadway and utility easement for the future extension of Biltmore Ave SE through the development site.

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 lot configuration established by the proposed partition meets the applicable development standards; and the configuration of the proposed parcels makes logical use of the developable land. The proposed layout of the partition allows for reasonable development of the parcels without any anticipated variances from the UDC. The approval criterion is met.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the

least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: As described in the findings above and as conditioned, the proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances from the UDC. The proposal meets this criterion.

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

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

Finding: The subject property will be served by public sewer and water; therefore, this criterion is not applicable.

SRC 205.040 – Partitions Which Can Be Further Divided

For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding: As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application.

The applicant submitted a future development plan as part of the application which demonstrates how the property could be further divided. A utility plan for future division of the property has not been submitted. The future development plan shows the extension of Biltmore Ave through the development site as well as a new private street to provide frontage to additional lots. The Biltmore Ave SE extension and the proposed private street do not appear to meet minimum standards for local streets, identified in SRC Chapter 803 and the Public Works Design Standards. Specifically, the future development plan shows the extension of Biltmore Ave SE within a 54-foot-wide right-of-way where 60-feet is required. As conditioned above, the extension of Biltmore Ave will be required to demonstrate the alignment will meet standards and an easement granted. The applicant shows internal streets to serve future lots,

which have not been evaluated as part of the portion application. Any future application will have to address the decision criteria and standards of Code.

If at such time the property is further subdivided, staff will review the proposed development layout to ensure minimum utility and street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

10. Conclusion

Based upon review of SRC chapters 205.005 and 205.060 and the applicable standards of the Salem Revised Code, the findings contained herein, and the comments described, the application 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 the application for a Tentative Partition and Validation of Unit of Land Case No. PAR-VUL23-06, to validate a 4.7 acre property and then divide it to create two parcels 1.58 acres and 3.11 acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200) 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 of the proposed Partition, the Validation of a Unit of Land shall be recorded.
- Condition 2:** Provide a 10-foot-wide public utility easement along the frontage of Mildred Ln SE.
- Condition 3:** Prior to final plat approval, the applicant shall submit and be approved of a Tree Conservation Plan, as outlined in SRC 808.035.
- Condition 4:** Obtain permits for installation of water services to serve Parcels 1 and 2.
- Condition 5:** Construct sewer services in the public right-of-way to serve Parcels 1 and 2.
- Condition 6:** Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.
- Condition 7:** Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 8:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

- Condition 9:** Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Ave SE through the development site.
- Condition 10:** Dedicate a public roadway and utility easement for the future extension of Biltmore Ave SE through the development site.

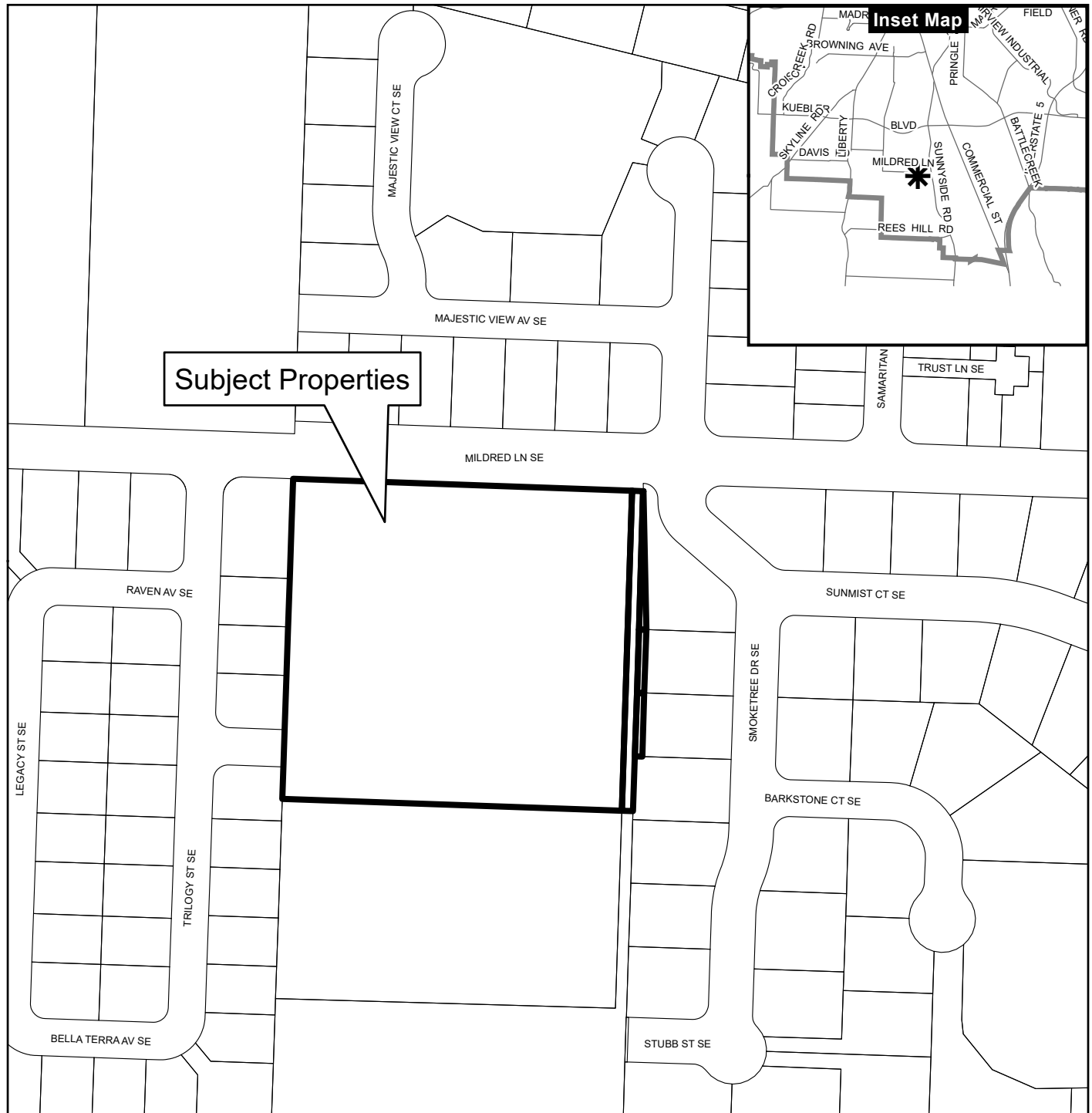


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Applicant's Proposed Validation Plat
 - C. Applicant's Tentative Partition Plan
 - D. City of Salem Public Works Department Memorandum
 - E. Salem-Keizer School District Comments

Vicinity Map

848 Mildred Ln SE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

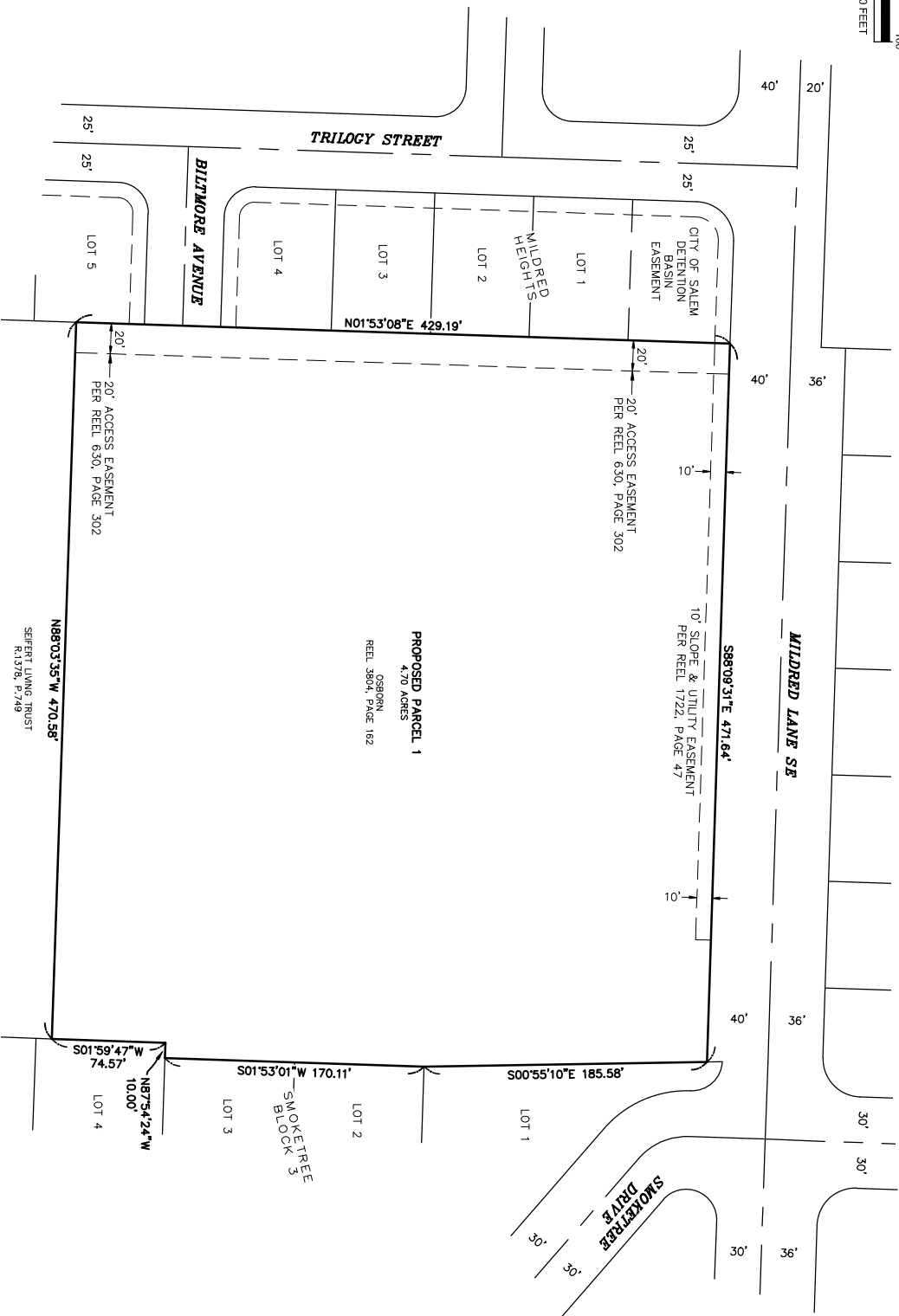
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



IN THE SE 1/4 OF SECTION 15 T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON
DATE: AUGUST 14, 2023

DATE: AUGUST 14, 2023



REGISTERED
PROFESSIONAL
LAND SURVEYOR

SURVEYED FOR: OSBORN



FFN SURVEYING

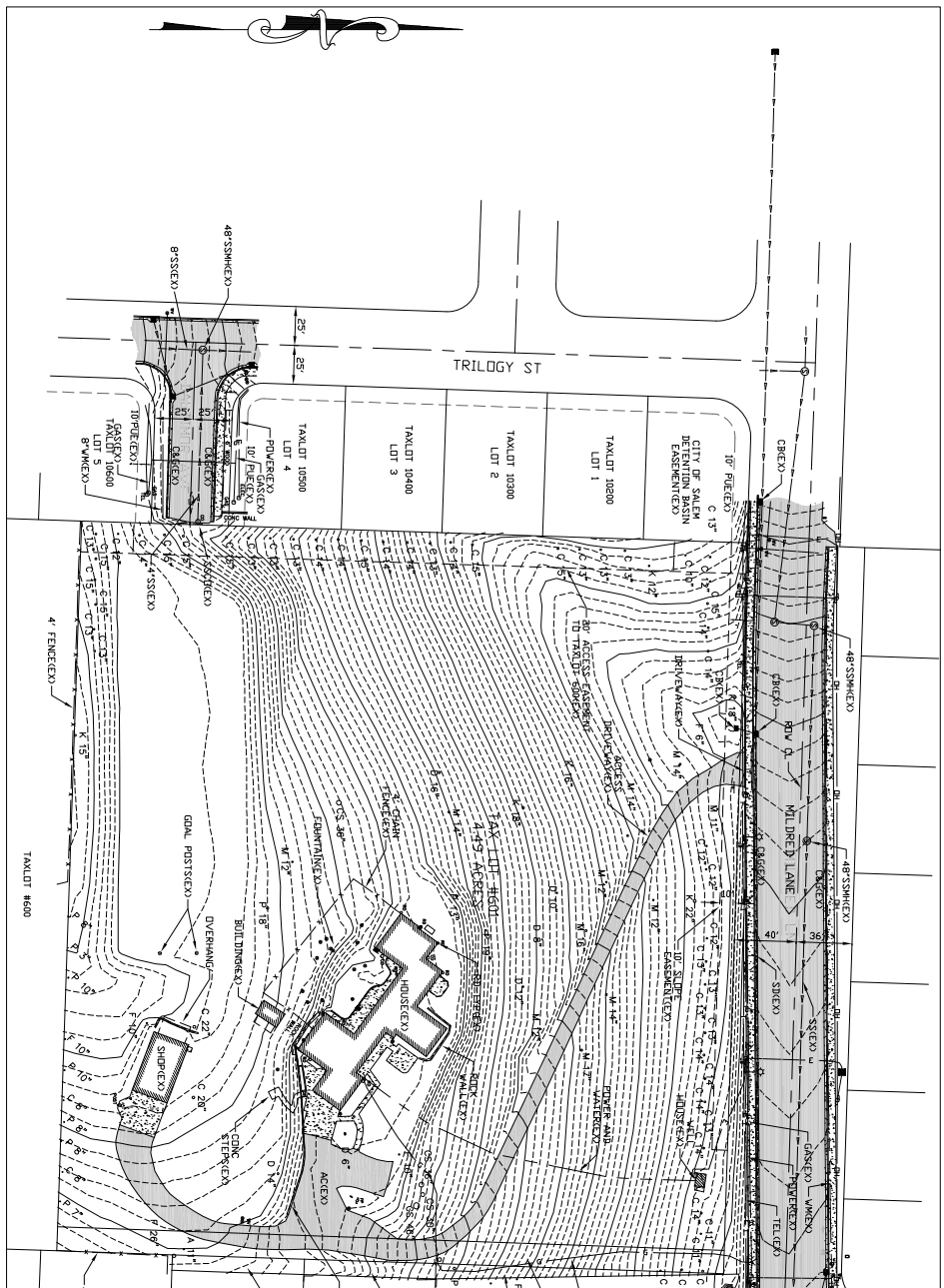
OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@fmsurveying.com

JOB NO. 23-413

SHEET 1/1

- TREE LEGEND**
- A - APPLE
 - C - CEDAR
 - DS - DECIDUOUS
 - F - FIR
 - K - KUMAR
 - M - MAPLE
 - P - PINE
 - X - INDICATES TREE TO BE REMOVED



EXISTING CONDITIONS PLAN
SCALE 1"=40'



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK

DESIGNED BY	GPH
DRAWN BY	RW
CHECKED BY	06-15-23
DATE	06-15-23
SCALE	AS SHOWN

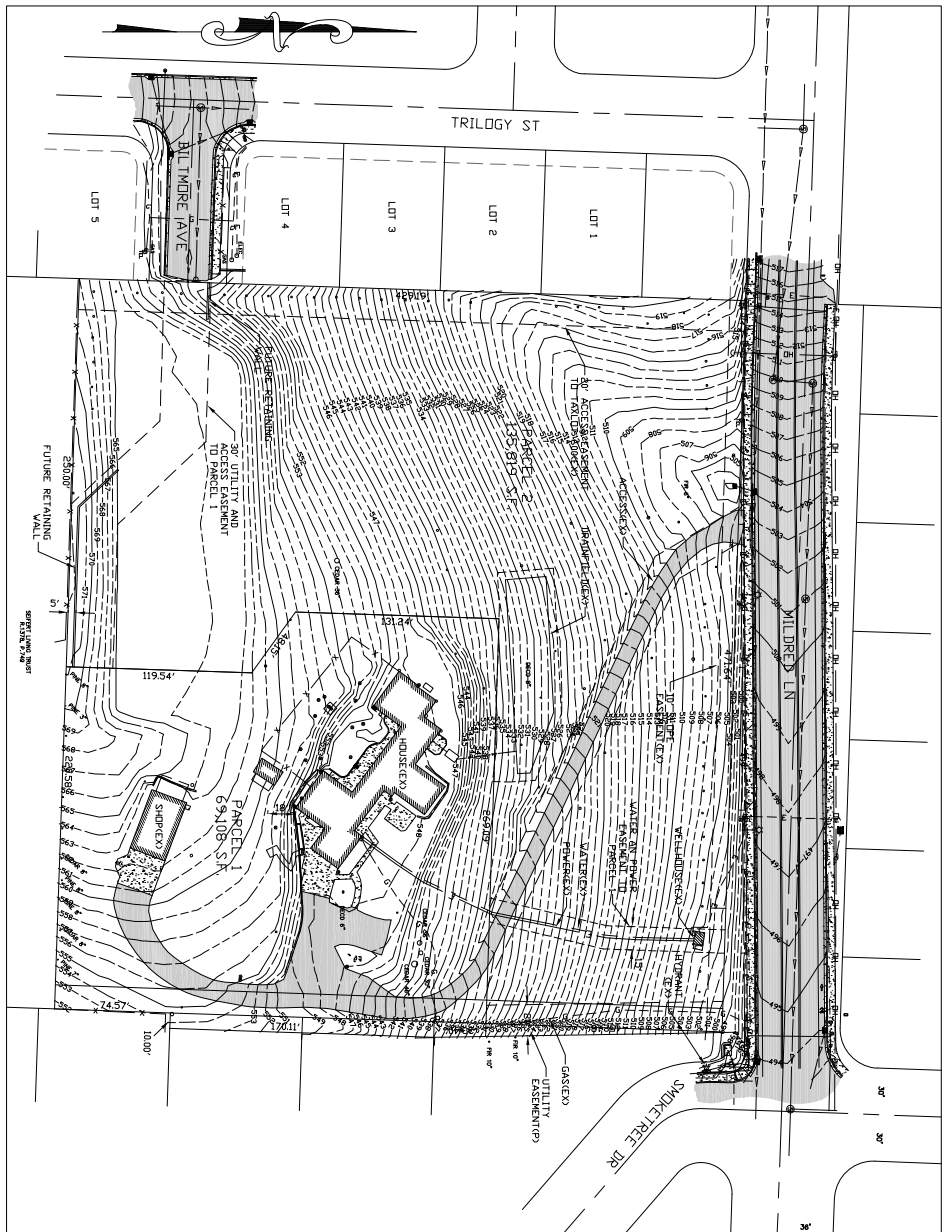
OSBORN
PARTITION

848 MILDRED LANE SE
SALEM, OR 97306

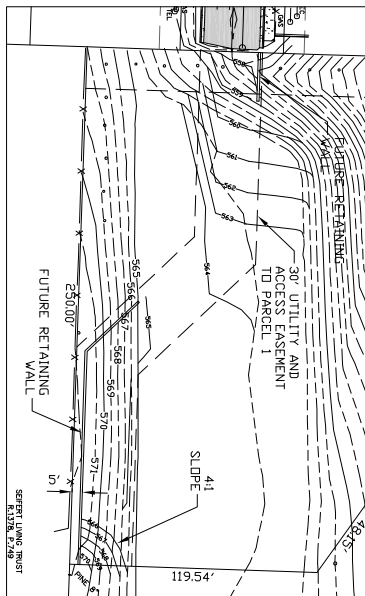
EXISTING CONDITIONS
PLAN

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM

020



TENTATIVE PARTITION UTILITY PLAN
SCALE: 1"=40'



SOUTH ACCESS EASEMENT
GRADING PLAN
SCALE: 1"=30'



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK
1	07-14-23	GPH	REVISED PARTITION TO 2 PARCELS AND ADDED ACCESS GRADING PLAN

DESIGNED BY: GPH	CHECKED BY: RJA
DATE: 06-15-23	DATE: 06-15-23
SCALE: 1"=40'	SCALE: 1"=30'
PROJECT NO.: 2022-113	PROJECT NO.: 2022-113
DATE: 06-15-23	DATE: 06-15-23

OSBORN
PARTITION

848 MILDRED LANE SE
SALEM, OR 97306

TENTATIVE PARTITION
UTILITY PLAN AND
ACCESS GRADING PLAN

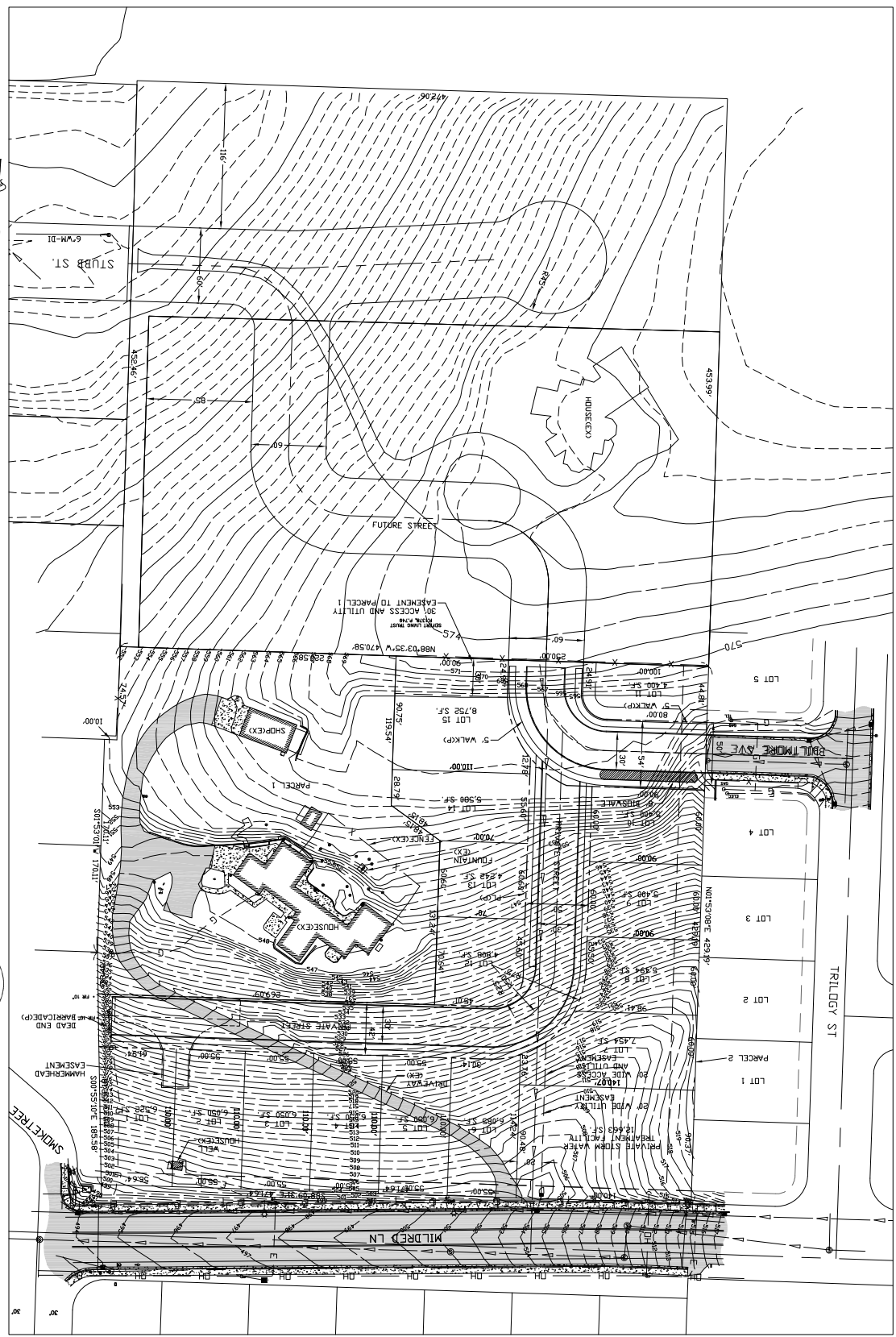
ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM

SHADOW PLAT AND TAX LOT 600 SITE PLAN

SCALE: 1"=40'



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK
1	07-12-23	GPH	REDUCED THE PARTITION TO 2 PARCELS

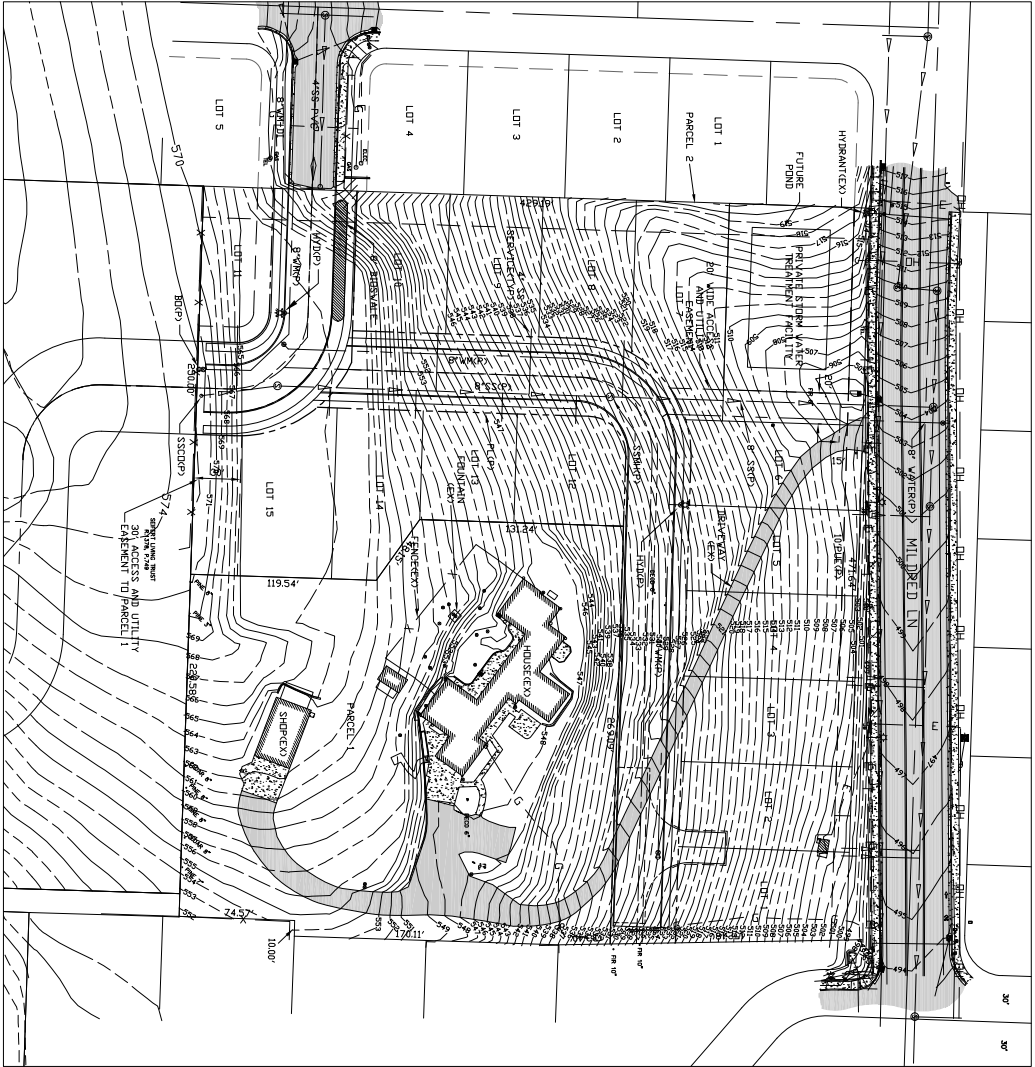


OSBORN PARTITION

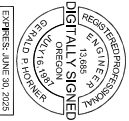
848 MILDRED LANE SE
SALEM, OR 97306

**SHADOW PLAT
AND TAXLOT 600
DEVELOPMENT PLAN**

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM



SHADOW PLAT UTILITY PLAN
SCALE 1"=40'



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK
1	07-12-23	GPH	WIRED PARCEL 1 ACCESS EASEMENT

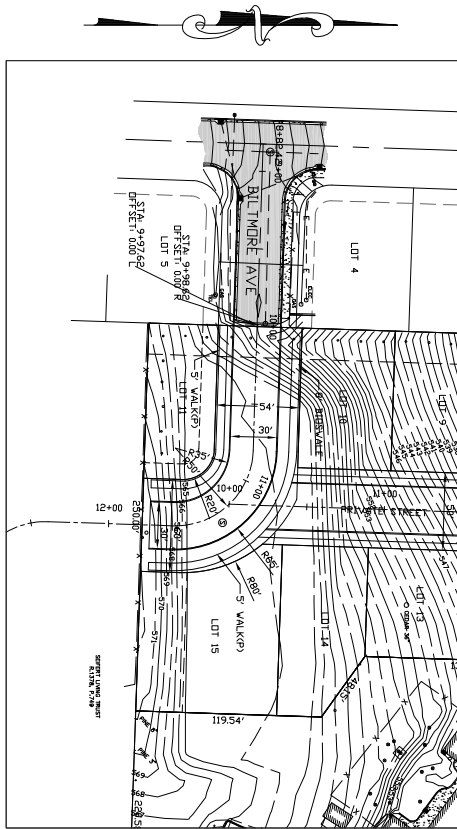
DESIGNED BY	GPH
DRAWN BY	RV
CHECKED BY	06-15-23
DATE	06-15-23
SCALE	2025-113
PROJECT NO.	182

OSBORN
PARTITION

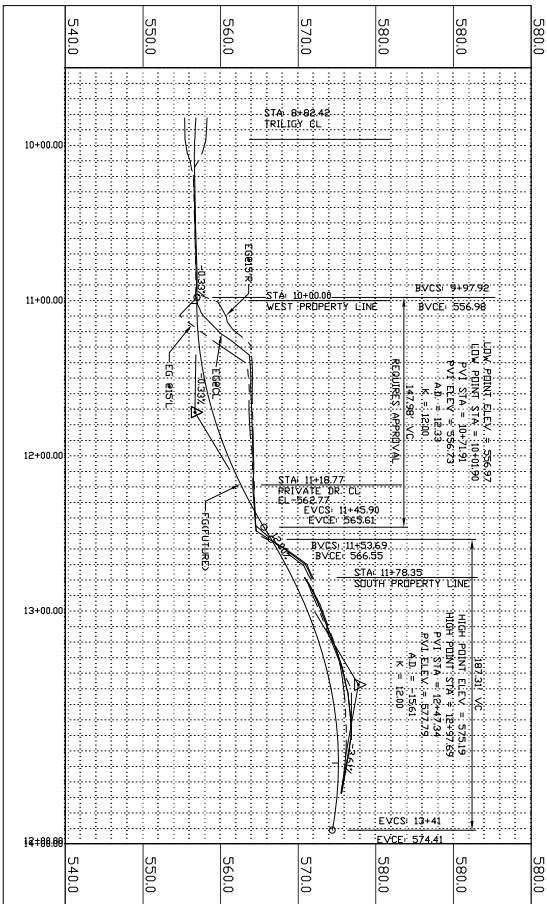
848 MILDRED LANE SE
SALEM, OR 97306

SHADOW PLAT
UTILITY PLAN

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM



BILTMORE STREET PLAN
SCALE: 28"x34" 1"=40', 1/4"=1'-00'



BILTMORE STREET PROFILE
H&R SCALE: 28"x34" 1"=40', 1/4"=1'-00'
V&R SCALE: 28"x34" 1"=8', 1/4"=1'-00'

FOR APPLICATION
NOT FOR CONSTRUCTION



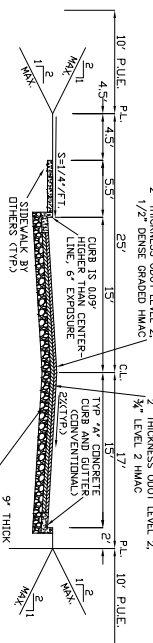
REV.	DATE	BY	DESCRIPTION
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1	07-12-23	GPH	REDUCED PARTITION TO 2 PARCELS

DESIGNED BY	GPH
DRAWN BY	RV
CHECKED BY	RV
DATE	06-15-23
PROJECT NO.	2022-113
SCALE	AS SHOWN

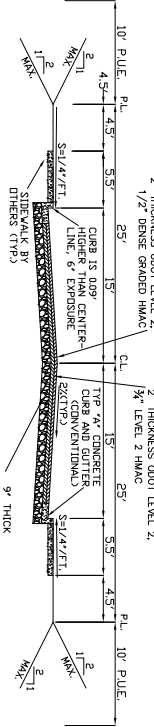
SHEET NOTES:
☐ CURB ELEVATIONS
CURB ELEVATION TABLE SEE SHEET "C"

THE CURB TO STREET SUBGRADE IN NATIVE SOIL LOCATIONS SHALL BE UNINSPECTED PROPOSED FOR ACCEPTANCE. IF REQUIRED BY GEOTECHNICAL REPRESENTATIVE, PRIOR TO THE PLACEMENT OF AGGREGATE BASE MATERIAL, SUBGRADE DEMED SUITABLE BY THE GEOTECHNICAL REPRESENTATIVE.

TYPICAL STREET SECTION
PRIVATE STREET
LOCAL STREET

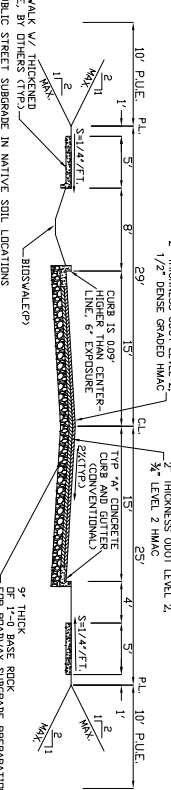


TYPICAL STREET SECTION
PRIVATE STREET
LOCAL STREET



THE PUBLIC STREET SUBGRADE IN NATIVE SOIL LOCATIONS SHALL BE UNINSPECTED PROPOSED FOR ACCEPTANCE. IF REQUIRED BY GEOTECHNICAL REPRESENTATIVE, PRIOR TO THE PLACEMENT OF AGGREGATE BASE MATERIAL, SUBGRADE DEMED SUITABLE BY THE GEOTECHNICAL REPRESENTATIVE.

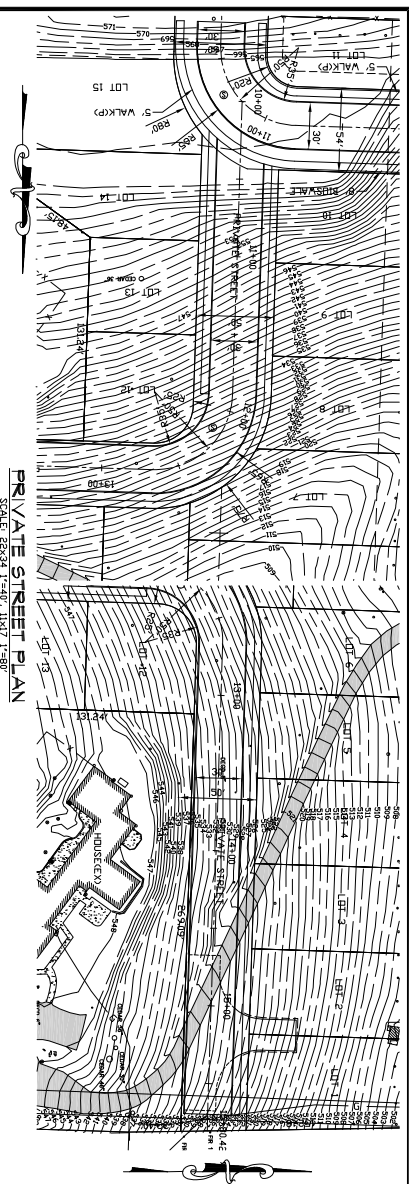
TYPICAL STREET SECTION
BILTMORE AVE STREET SECTION
LOCAL STREET



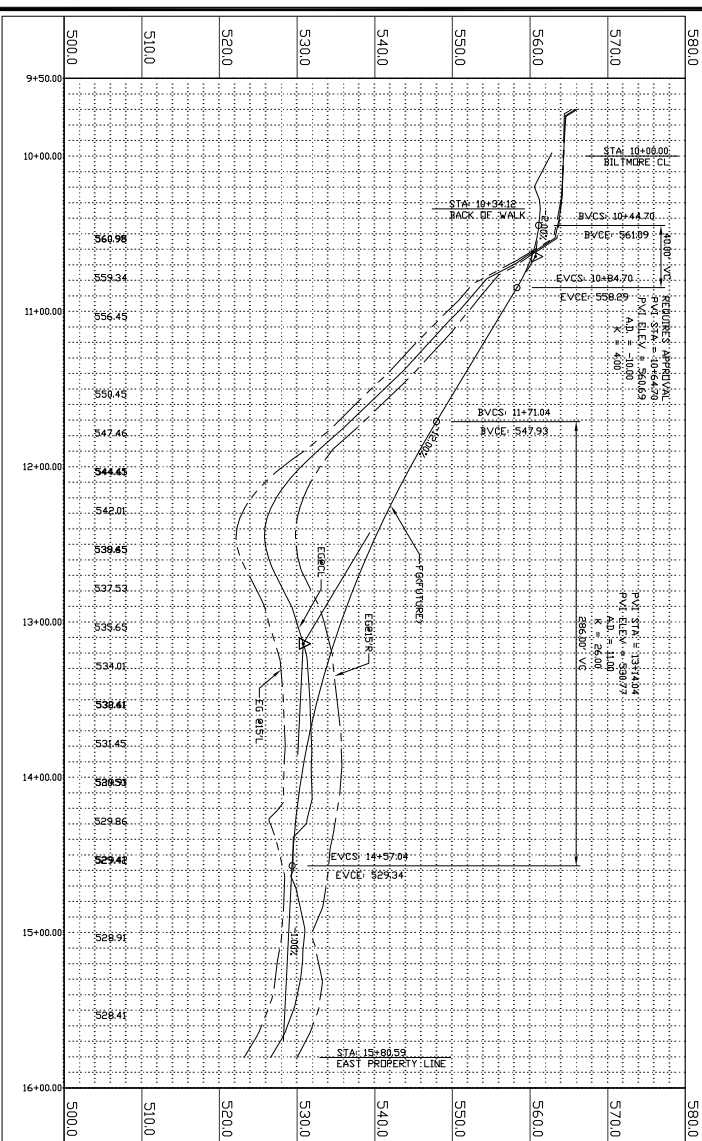
OSBORN PARTITION
848 MILDRED LANE SE
SALEM, OR 97306

SHADOW PLAT
BILTMORE LANE
STREET PLAN
AND PROFILE

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



PRIVATE STREET PLAN
SCALE: 20x34 1"=40' 1/4"=17' 1"=80'



PRIVATE STREET PROFILE
H/S SCALE: 20x34 1"=40' 1/4"=17' 1"=80'
V/S SCALE: 20x34 1"=8' 1/4"=16'

FOR APPLICATION
NOT FOR CONSTRUCTION



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR CITY OF SALEM APPLICATION

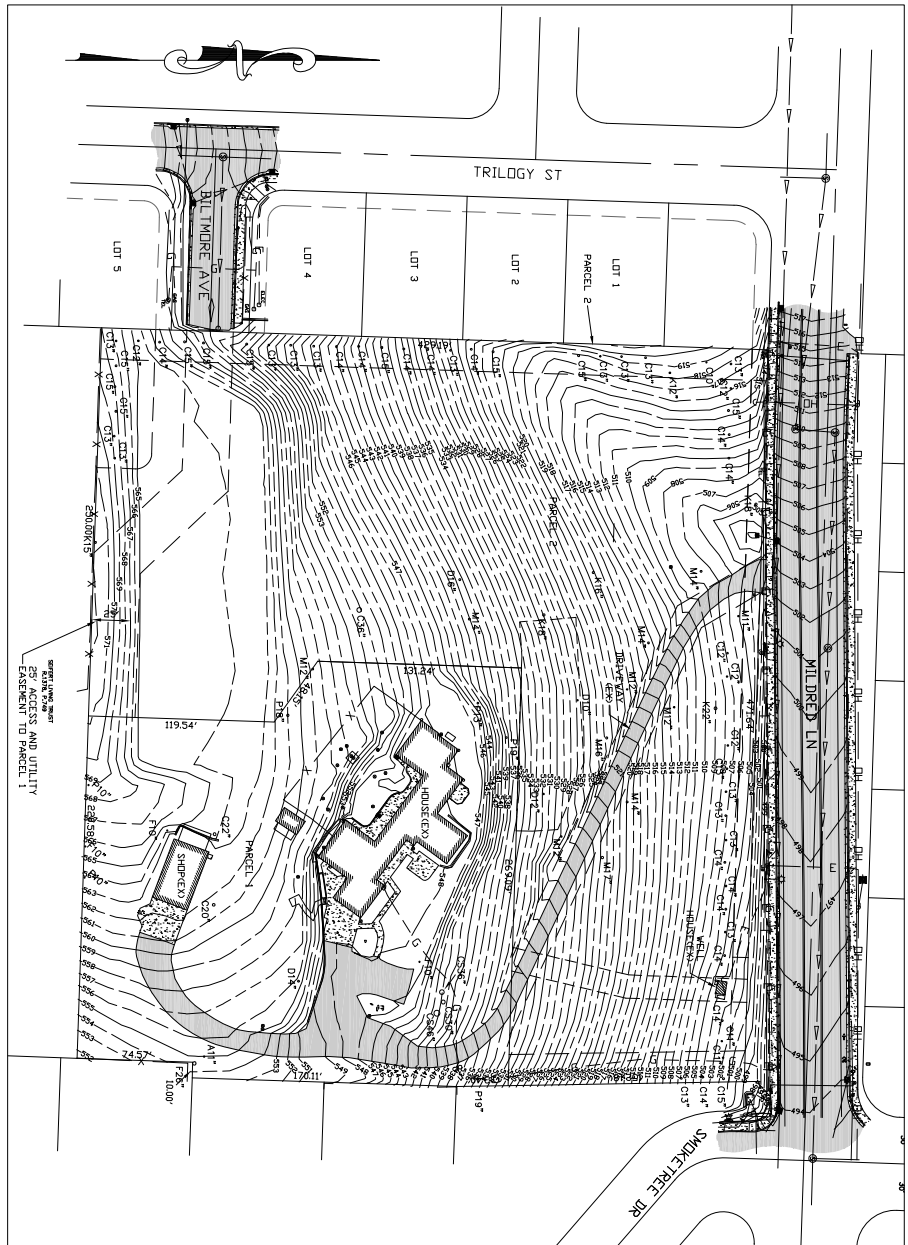
DESIGNED BY: GPH	CHECKED BY: GPH
DRAWN BY: GPH	DATE: 06-15-23
DATE: 06-15-23	SCALE: 20x34 1"=40' 1/4"=17' 1"=80'
DATE: 06-15-23	SCALE: 20x34 1"=40' 1/4"=17' 1"=80'

OSBORN
PARTITION

848 MILDRED LANE SE
SALEM, OR 97306

SHADOW PLAT
PRIVATE
STREET PLAN
AND PROFILE

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



TREE PRESERVATION NUMBERS

EXISTING TREE INVENTORY SITE TREES	- 94
NOT INCLUDING SIGNIFICANT TREES	- 4
SIGNIFICANT TREES (30" AND LARGER)	- 4
SIGNIFICANT TREES (30" AND LARGER)	- 4
TOTAL SITE TREES INCLUDING SIGNIFICANT TREES	- 98
SITE TREES TO BE REMOVED	- 0 (0.0%)
SIGNIFICANT TREES TO BE REMOVED	- 0 (0.0%)
TOTAL TREES TO BE REMOVED	- 0
TOTAL REMAINING TREES	- 98
TOTAL TREE COUNT	- 98
PERCENT TO REMAIN	- 100%
PERCENT TO BE REMOVED	- 0.0%

TREE PRESERVATION PLAN

SCALE: 1"=40'

DEVELOPER/OWNER

JOHN & MEGAN OSBORN
848 MILDRED LN NE
SALEM, OR 97306

TREE LEGEND

- A - APPLE
- C - CEDAR
- D - DECIDUOUS
- F - FIR
- M - MAPLE
- P - PINE
- X - INDICATES TREE TO BE REMOVED

TREE REPLANTING

NO ADDITIONAL TREES ARE
REQUIRED OR PLANNED



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK
1	07-11-23	GPH	REDUCED PARTITION TO 2 PARCELS

**OSBORN
PARTITION**

848 MILDRED LANE SE
SALEM, OR 97306


**TREE PRESERVATION
PLAN**

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM



MEMO

TO: Peter Domine, Planner II
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: October 5, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR-VUL23-06 (23-110200-PLN)
848 MILDRED LANE SE
2-PARCEL PARTITION**

PROPOSAL

A consolidated application to validate five units of land unlawfully created by deed and a tentative partition to create two parcels 1.58-acres in size and 3.11-acres in size. The subject properties of the proposed validation are a total of 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessors Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to final plat approval:

1. Provide a 10-foot-wide public utility easement along the frontage of Mildred Lane SE.
2. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
3. Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Avenue SE through the development site.
4. Dedicate a public roadway and utility easement for the future extension of Biltmore Avenue SE through the development site.

The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:

5. Obtain permits for installation of water services to serve Parcels 1 and 2.
6. Construct sewer services in the public right-of-way to serve Parcels 1 and 2.
7. Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

The following conditions of approval shall be completed as a condition of future subdivision or lot development:

8. Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

FACTS

Streets

1. Mildred Lane SE
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 46-foot improvement within a 76-foot-wide right-of-way abutting the subject property.
2. Biltmore Avenue SE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Mildred Lane SE.
- b. A 10-inch storm main is located at the intersection of Biltmore Avenue SE and Trology Street SE, approximately 90-feet west of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. A 12-inch S-3 public water main is located in Mildred Lane SE.
- c. An 8-inch S-3 public water main is located in Biltmore Avenue SE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Mildred Lane SE.
- b. A 4-inch sewer main is located in Biltmore Avenue SE.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1)—The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

(B) City infrastructure standards; and

(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and

SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulated floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Mildred Lane SE pursuant to SRC 803.035(n). The PUE shall be shown on the final plat.

Condition: Provide a 10-foot-wide public utility easement along the frontage of Mildred Lane SE.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 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 requires no additional studies. The applicant provided a shadow plan for how the property could be divided in the future. Subdivision is classified as a 3-point activity and a moderate landslide risk. At such time the property is subdivided, a geotechnical report may be required.

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

Findings— The subject property is located outside of the Urban Services Area. Pursuant to SRC 200.020(a) an Urban Growth Preliminary Declaration is not required because land partitioning does not meet the definition of "development" established in SRC 200.005, relating to Urban Growth Area Management. At such time the property is further subdivided, an Urban Growth Preliminary Declaration may be required.

Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public

and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). At time of further subdivision, additional water and sewer improvements may be necessary to serve additional lots.

Condition: Obtain permits for installation of water services to serve Parcels 1 and 2.

Condition: Construct sewer services in the public right-of-way to serve Parcels 1 and 2.

Condition: Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Future development of each parcel will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A stormwater design for the partition has not been reviewed or approved; rather, stormwater designs are being deferred to time of further subdivision. At time of future development, the parcels shall be required to comply with the stormwater standards in effect at time of development or further land division.

Condition: Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Proposed Parcel 1 does not have direct frontage on a street and will require easements for utilities and access. There is also an existing slope easement to the City of Salem along Mildred Lane SE, as shown on the applicant's tentative plan.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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

Finding—Mildred Lane SE meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development. No special setback is required

along Mildred Lane SE because the existing right-of-way meets or exceeds the standard for a minor arterial street.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, along Mildred Lane SE, the sidewalks were constructed at the curbline due to the topography of the property along the frontage. Therefore, the sidewalk may remain located along the curb line as needed pursuant to SRC 803.035(l)(2)(B).

Biltmore Avenue SE terminates at the western property boundary and is intended to extend through the development site for an eventual east-west connection to Stubb Street SE, southeast of the development site. The applicant provided a shadow plan that shows this eventual connection, however; it is not clear from the information submitted whether or not the design can conform to SRC Chapter 803 and PWDS for local street construction. Pursuant to SRC 803.035(a) local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. As a condition of approval, the applicant shall be required to provide a conceptual engineered design for the street through the development site that meets SRC Chapter 803 and PWDS for local street construction. Based on the approved design, the applicant shall also be required to dedicate an easement to the City for roadway and utilities that will be converted to right-of-way when parcel 2 is further subdivided and the street extension is constructed.

Condition: Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Avenue SE through the development site.

Condition: Dedicate a public roadway and utility easement for the future extension of Biltmore Avenue SE through the development site.

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

Finding – The subject property will be served by public water and sewer; this criterion is not applicable.

SRC 205.040 - For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding –As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application.

The applicant submitted a shadow plat as part of the application which demonstrates how the property could be further divided. A utility plan for future division of the property has not been submitted. The shadow plat shows the extension of Biltmore Avenue through the development site as well as a new private street to provide frontage to additional lots. The Biltmore Avenue SE extension and the proposed private street do not meet minimum standards for local streets, identified in SRC Chapter 803 and the Public Works Design Standards. Specifically, the shadow plan shows the extension Biltmore Avenue SE within a 54-foot-wide right-of-way where 60-feet is required. The proposed Private Street is shown in a 50-foot-wide right-of-way with curblined sidewalks on one side of the street and no planter strips for street. A 50-foot-wide right-of-way may be approved for a dead-end street, however; no turnaround has been provided.

If at such time the property is further subdivided, staff will review the proposed development layout to ensure minimum utility and street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

Prepared by: Laurel Christian, Planner II
cc: File

REQUEST FOR COMMENTS

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

REGARDING: Partition Tentative Plan / Validation of Units of Land Case No. PAR-VUL23-06

PROJECT ADDRESS: 848 Mildred Ln SE, Salem OR 97306

AMANDA Application No.: 23-110200-PLN

COMMENT PERIOD ENDS: Wednesday, September 27, 2023 at 5:00 p.m.

SUMMARY: A validation of unit of land for five properties, then a tentative partition to divide the land area to create two parcels.

REQUEST: A consolidated application to validate five units of land unlawfully created by deed and a tentative partition to create two parcels 1.58-acres in size and 3.11-acres in size. The subject properties of the proposed validation are a total of 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., Wednesday, September 27, 2023, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Peter Domine, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2311; E-Mail: pdomine@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See Attached

Name/Agency: David Fridenmaker, Salem-Keizer Public Schools

Address: 2450 Lancaster Drive NE, PO Box 12024

Phone: 503-315-0232

Email: fridenmaker_david@salkeiz.k12.or.us

Date: 9/22/23

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

September 22, 2023

Peter Domine, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. PAR-VUL23-06, 848 Mildred Ln SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Sumpter	Elementary	K thru 5
Crossler	Middle	6 thru 8
Sprague	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Sumpter	Elementary	469	579	81%
Crossler	Middle	779	944	83%
Sprague	High	1,747	2,248	78%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	15	SF	0.168	3
Middle			0.098	1
High			.144	2

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Sumpter	Elem.	469	19	3	22	579	85%
Crossler	Mid.	779	22	1	23	944	85%
Sprague	High	1,747	43	2	45	2,248	80%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Sumpter	Elementary	Eligible for School Transportation
Crossler	Middle	Eligible for School Transportation
Sprague	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	3	\$86,190	\$258,570
Middle	1	\$92,235	\$92,235
High	2	\$98,280	\$196,560
TOTAL			\$547,365

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2022”

Sincerely,

David Fridenmaker
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation