

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

NOTICE OF DECISION SUBDIVISION/ADJUSTMENT CASE 20-003

APPLICATION: Application of Bailey & Michele Klassen, for conceptual and detailed approval to subdivide a .46 acre parcel into four lots in a RS (Single Family Residential) zone located at 4230 Glenwood Drive SE, Salem (T7S; R2W; Section 31AC; tax lot 5700).

DECISION: On September 29, 2020, the Marion County Planning Commission **GRANTED** conceptual and detail approval to subdivide the property into 4 lots, subject to the conditions identified in the following Conditions of Approval.

EXPIRATION DATE: This subdivision approval is valid only when exercised by **October 19, 2022**. The effective period of an approved subdivision may be extended for an additional year subject to approval of an extension (Extension form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

This decision does not include approval of a building permit.

CONDITIONS OF APPROVAL:

1. The applicant shall submit documentation satisfactory to the Marion County Surveyor accomplishing the final subdivision plat. The applicant is advised that a current or updated title report from a title company must be submitted with the final mylar.
2. All easements (utility, drainage, etc.) required by reviewing agencies shall be shown on the final plat.
3. Prior to submission of the final plat, the applicant shall submit evidence of compliance with the development, water supply, and access standards of Marion County Fire District No. 1.
4. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

Condition A – Prior to plat approval; submit a civil engineering plan to MCPW Engineering for review and approval that depicts all elements necessary to serve the development such as access, drainage and utilities.

Condition B – Prior to plat approval, applicant shall obtain an Access Permit, and under the permit, construct a paved shared access approach with hot mix asphalt centered on an access easement from Glenwood Drive in conformance with Marion County Standards.

Condition C – Prior to plat approval, Applicant shall record a Non-Remonstrance Agreement for future urban frontage improvements along the Glenwood Drive SE frontage anticipated to include pavement widening, curb/gutter, sidewalk, closed-system drainage.

Condition D – Prior to plat approval, design, permit and construct a Stormwater collection, conveyance, and attenuation system serving each of the lots.

Condition E – On the plat, depict appropriate private drainage easements necessary to accommodate the required private drainage system.

Condition F – On the plat, depict a 10-foot wide public drainage easement along the eastern property boundary granted to East Salem Service District (ESSD).

Condition G – Prior to plat approval, under Marion County permit(s), install public and franchise utility service laterals in the public right-of-way to serve the lots.

Condition H – Prior to plat approval, Applicant shall record a Declaration of Covenants for Road Maintenance Agreement (RMA) regarding any shared access easements.

5. In accordance with Marion County Ordinances and OAR 340-21-060, during the land clearing and road construction phase of this development dust suppression measures, such as water trucks, shall be employed as necessary to prevent off site deposition of dust generated by the construction activities or related vehicular traffic on adjacent properties.
6. All utilities shall be placed underground.
7. All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:
 - A. Obtain a permit from the Director of Public Works for the placement of all underground utilities.
 - B. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.
8. The name approved for the easement extending south from Auburn Road is **Bonita Place SE** and it shall be shown on the final subdivision plat.

APPEAL PROCEDURE: This decision may be appealed to the Marion County Board of Commissioners by submitting a written appeal explaining wherein the Marion County Planning Commission decision is in error, along with a fee of \$500.00. The appeal must be received in the Marion County Clerk's Office, 555 Court St. NE by 5:00 p.m. on **October 19, 2020**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 20, 2020** unless further consideration is requested.

If an appeal is received it will be reviewed by the Board of Commissioners to determine if it merits further hearing and consideration by the Board. Questions regarding this decision or the appeal procedure should be directed to the Marion County Planning Division, 5155 Silverton Road NE, Salem, and (503) 588-5038.

FINDINGS AND CONCLUSIONS: The Planning Commission decision is based on the following findings and conclusions.

1. The subject property is located in the Salem Urban Growth Boundary, designated Single-Family Residential in the Salem Comprehensive Plan and zoned RS (Residential Single Family) under the jurisdiction of Marion County.
2. The property is located at the intersection on the south side of Glenwood Drive, approximately 300 feet of its intersection with Elma Ave SE. Adjacent properties are zoned RS, these properties are developed with single family dwellings.
3. The applicant is proposing to subdivide the property into 4 lots. The existing dwelling unit will be removed and replaced.

AGENCY COMMENTS:

4. Marion County Surveyor commented that the subdivision name must be approved per ORS 92.090. The subdivision must be surveyed and platted per ORS 92.050 and the final plat, along with appropriate fee, must be submitted to their office for their review and approval. Per ORS 92.065 a remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation. The final plat must be submitted to their office with a current or updated title report that is no more than 15 days old at the time of the plat approval.

Public Works Land Development and Engineering Permits (LDEP) Public Works Engineering Division conditions, requirements, and advisory are given below.

ENGINEERING CONDITIONS

Condition A – Prior to plat approval; submit a civil engineering plan to MCPW Engineering for review and approval that depicts all elements necessary to serve the development such as access, drainage and utilities.

Condition B – Prior to plat approval, applicant shall obtain an Access Permit, and under the permit, construct a paved shared access approach with hot mix asphalt centered on an access easement from Glenwood Drive in conformance with Marion County Standards.

Access items are typically Engineering Requirements, but have been elevated to Conditions as a matter of timing.

Condition C – Prior to plat approval, Applicant shall record a Non-Remonstrance Agreement for future urban frontage improvements along the Glenwood Drive SE frontage anticipated to include pavement widening, curb/gutter, sidewalk, closed-system drainage.

The above Condition is in accordance with MCC 16.13.310 whereby a non-remonstrance agreement for future road improvements may be required in lieu of immediate improvements.

Condition D – Prior to plat approval, design, permit and construct a Stormwater collection, conveyance, and attenuation system serving each of the lots.

Nexus is to meet PW Engineering design standards, and for public safety. The size of the lot is close enough to MCPW's threshold of 0.5-acre, combined with development density sufficient to warrant attenuation. Please be advised that if the Stormwater system is integrated into the access easement, then depending on its functionality, the easement may need to be paved prior to plat approval as opposed to prior to issuance of building permits. WQT is not currently required.

Condition E – On the plat, depict appropriate private drainage easements necessary to accommodate the required private drainage system.

Condition F – On the plat, depict a 10-foot wide public drainage easement along the eastern property boundary granted to East Salem Service District (ESSD).

A 5-foot wide public drainage easement runs the length of the east property line, within which lies a 24-inch diameter concrete drainage pipe. The easement will need to be verified by the Applicant's Surveyor. The additional width (5 feet) is necessary to bring the easement in conformance with Marion County Engineering Standards such that access can be gained by ESSD personnel for inspection and any necessary maintenance or replacement.

Condition G – Prior to plat approval, under Marion County permit(s), install public and franchise utility service laterals in the public right-of-way to serve the lots.

This Condition is intended to affect orderly development within the public right-of-way, whereby pavement cutting, excavation and restoration is conducted in a coordinated event that minimizes disruption to the traveling public and also results in a homogenous street repair.

Condition H – Prior to plat approval, Applicant shall record a Declaration of Covenants for Road Maintenance Agreement (RMA) regarding any shared access easements.

Nexus is to satisfy MCC 16.33.340

ENGINEERING REQUIREMENTS

- I. The subject property is within the City of Salem Urban Growth Boundary and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits.
- J. Separate utility permitting is also required in order to install utilities within County right-of-ways.

ENGINEERING ADVISORIES

- K. The City of Salem provides sanitary services.
- L. The Suburban East Salem Service District provides potable water.
- M. City of Salem provides sanitary sewer service.
- N. East Salem Suburban Water District provides potable water service.

Salem-Keizer School District commented that the property is served by Four Corners Elementary School, Houck Middle School, and South Salem High School. High School students in this location are eligible for school transportation services while the Elementary and Middle School students are in the walk zone.

Marion County Fire District 1 commented on fire code requirements that can be found in the file.

ANALYSIS AND CONCLUSIONS:

Roads, Streets and Easement: Standards for this section are listed in Chapter 16.33.160 through 16.33.340 of the Marion County Code (MCC). Those that apply to this proposal include:

16.33.160 ENGINEERING STANDARDS AND REQUIREMENTS. Engineering standards and requirements, including but not limited to streets, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County department of public works.

As outlined in their comments, Marion County Public Works will require street and roadway improvements to be developed in compliance with engineering standards, the applicant will be required to record a Non-Remonstrance Agreement for the future urban frontage improvements.

16.33.190 CONNECTIVITY. Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the Planning Director, or designee, determines that one or more of the following conditions exist:

- A. Physical or topographic conditions make a street or access way connection impractical. Such conditions include, but are not limited to, freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or
- B. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.

The proposed development is an in-fill development and will use an existing street with a private easement for access.

16.33.300 UTILITY EASEMENTS. Utility easements meeting the approval to the standards of the affected utilities shall be provided to all newly created lots.

LDEP will review and require any required Public Utility Easements.

16.33.320 STREET OR ROAD IMPROVEMENTS. All street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the director of public works. Subdivision plats shall not have final approval until such time as the director of public works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County department of public works.

No building permits within a subdivision or partition shall be issued until the director of public works, or his/her designee, approves that the improvements have been completed or sufficient improvement agreements and financial guarantees have been recorded.

LDEP identified necessary street improvements along the property frontage and indicated that the applicant shall sign an agreement for future frontage improvements.

16.33.340 PRIVATE STREETS In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the homeowners association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.

LDEP may require a road maintenance agreement for the private streets.

6. Blocks and lots: These standards are listed in MCC 16.33.360 through 16.33.440 and include:

16.33.360 SUBDIVISION. Block lengths and widths shall be determined after considering the following factors:

- A. The distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision;
- B. Topography;

- C. Lot size; and
- D. Need for and direction of the flow of through and local traffic. Blocks shall not exceed 600 feet between street or road right-of-way lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features require otherwise, block widths shall not be less than 120 feet or greater than 400 feet.

This is an infill subdivision and will not have blocks.

16.33.400 LOT SIZE. All lots approved under this chapter shall have sufficient area to be consistent with the intent of the comprehensive plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lot size and dimensions shall be as prescribed in the corresponding zone. In the RS zone, MCC 16.02.120 states:

- A. Lot Area. The minimum lot area for a single-family dwelling in a subdivision approved after the effective date of the ordinance codified in this title, is 4,000 square feet when located within the Salem/Keizer area urban growth boundary. In all other cases lots shall be a minimum of 6,000 square feet. (See Chapter 16.27 MCC for density limitations).
- B. Lot Dimensions. Except as provided in MCC 16.26.800 for planned developments, the width of a lot shall be at least 60 feet; provided that within the Salem/Keizer urban growth boundary the width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet.

As proposed, all of the lots exceed the 4,000 square foot minimum lot size, the 40 foot minimum width and 70 foot minimum depth standards. In addition, dwellings placed on the resulting lots will meet all of the applicable property line setbacks, including the 20 setback requirement along Glenwood Drive.

16.33.440 LOT LINE. Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

The proposal meets this requirement.

7. Sewage, water, and utilities: These standards are listed in MCC 16.33.460 through 16.33.560 and include:

16.33.460 SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements. The commission, director, or hearings officer may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director or hearings officer deems it necessary and provided the connection is available.

The lots in the subdivision will be served by the City of Salem sewage disposal system.

16.33.480 WATER SUPPLY. All lots or parcels shall be served by an authorized public or private water supply system. Public or Private Systems. Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the operator of the water system.

The lots in the subdivision will be serviced by Suburban East Salem Water District.

16.33.520 UNDERGROUND UTILITIES. All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:

- A. Obtain a permit from the director of public works for the placement of all underground utilities.
- B. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.

A condition of approval will require utilities to meet this standard.

16.33.540 UNDERGROUND UTILITIES EASEMENTS. Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. Each easement shall be a minimum of 10 feet in width except on the perimeter of the subdivision where the minimum width shall be five feet, and when possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide five-foot utility easements on both sides of all road or street rights-of-way of 60 feet or less.

This will be made a condition of any approval.

16.33.560 STREET LIGHTING. Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the director of public works for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

The property is not within the boundary of an established lighting district.

8. Access standards: These standards are listed in MCC 16.33.680 and state: All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:

- A. Have a minimum easement width of 25 feet;
- B. Have a maximum grade of 12 percent;
- C. Be improved with a paved surface with a minimum width of 20 feet;
- D. Provide adequate sight-distance at intersections with public roadways;
- E. Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.


The proposal is to create a four lot subdivision; one of the lots will have over 20 feet of frontage on Glenwood Drive which is a public right-of-way. The remaining three lots will be provided access by a 26 foot access and utility easement. The private roadway being created for this development will meet or exceed the above standards. The approved name for the private roadway is Bonita Place SE. Prior to the plat, a work order for the street sign installation, with appropriate fee, must be submitted to Marion County Department of Public Works.

9. 16.33.1020 TIME LIMIT FOR THE FILING AND RECORDING OF A PLAT. When the subdivider has expressed intent to develop a subdivision in phases or stages, the first phase of the final plat, or, if not to be developed in phases or stages, the completed final plat must be filed with the director by the first day of the 24th month following the date of detailed approval or said detailed approval shall be deemed null and void. The final plat shall be approved by public officials as required by law and recorded within 180 days following the date the plat is submitted to the director. Extensions to either time deadline may be approved by the director upon submittal of written justification prior to the expiration of the time limit.

If the applicant decides to develop the subdivision in phases it must be expressed in writing prior to submitting the plat for the first phase.

10. At the September 28, 2020, public hearing, after receiving all testimony the Planning Commission closed the public hearing. A motion was then made and seconded to grant conceptual and detailed approval to subdivide the property into six lots and grant an adjustment to minimum lot depth and rear yard setback. The motion passed unanimously.

SIGNED AND FINALIZED THIS 2nd day of October, 2020

By 

Joe Fennimore
Planning Commission Secretary