

**NOTICE OF DECISION
SUBDIVISION CASE 18-001**

APPLICATION: Application of Chira Construction, Inc. for conceptual and detailed approval to subdivide a 0.75 acre parcel into 6 lots in a UD (Urban Development) zone with automatic rezoning to RS (Single Family Residential) zone located at 4693 Auburn Road NE, Salem (T7S; R2W; Section 29DC; tax lot 3800).

DECISION: On April 3, 2018, the Marion County Planning Commission **GRANTED** conceptual and detail approval to subdivide the property into six lots, subject to the conditions indentified in the following Conditions of Approval.

EXPIRATION DATE: This subdivision approval is valid only when exercised by **April 20, 2020**. 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 - On the subdivision plat, depict a 30-foot R/W half-width to meet the urban Collector standard along Auburn Road for public road purposes and a minimum 4-foot wide combination PUE/slope easement adjacent to the R/W [MCC 16.33.260].

Condition B - Prior to plat approval, improve the Auburn Road property frontage to current County and City of Salem standards for an urban Collector street by designing, permitting and constructing a quarter-street improvement consisting of 17-foot paved half-width with exiting transition taper extending west of the property boundary, curb/gutter, PCC driveway approach and property line sidewalk including HMAc ADA pedestrian transition, closed system drainage connection/ retrofit work, and planter strip [MCC 16.33.320].

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 Red Cedar Lane NE and it shall be shown on the final subdivision plat.
9. At the time the plat is recorded the property shall automatically rezone to RS (Single Family Residential) and the official zone map shall be amended accordingly.

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, Salem by 5:00 p.m. on **April 20, 2018**. 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, (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 UD (Urban Development). The UD zone permits subdivisions under the provisions of the RS (Single Family Residential) zone where sewer and water are available and the development complies with the provisions of Chapter 16.33 of the Marion County Code (MCC).
2. The property is located on the north side of Auburn Road NE, approximately 300 feet east of its intersection with Larussa Court NE. The property contains a dwelling and accessory structures which will be removed when the subdivision is developed. Property to the southeast is zoned RM (Multiple Family Residential) and all other surrounding properties are zoned UD, all developed with single family dwellings.
3. The applicant is proposing to subdivide the property into six lots that each will be developed with a single family dwelling. The smallest proposed lot is 5,003 square feet while the largest lot is proposed to be 5,140 square feet. The proposed lots will be served by a 28 foot wide access and utility easement from Auburn Road.

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.

ANALYSIS AND CONCLUSIONS:

5. **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.

16.33.180 DEEDING OF RIGHT-OF-WAY ROADWAY. No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as access without first obtaining the approval of the board or its designee and delivering the deed to the board for its endorsement. No dedication is effective unless the property is accepted by the Board or its designee and recorded with the Marion County clerk's office.

Required dedication will be accomplished through the platting process which requires acceptance by the Marion County Board of Commissioners.

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 accessway 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.

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 the subdivision plat will not be approved until the requirements are satisfied.

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 Auburn Road.

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 property is not in water district and the applicant indicates that a private water system will be created to using an existing well on the property.

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 six lot subdivision; two of the lots will have over 20 feet of frontage on Auburn Road which is a public right-of-way. The remaining four lots will be provided access by a 28 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 **Red Cedar Lane NE**. 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. At the April 3, 2018 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. The motion passed unanimously.

SIGNED AND FINALIZED THIS 4th day of April, 2018

By 

Joe Fennimore
Planning Commission Secretary