

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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR18-08

APPLICATION NO. : 18-114360-LD

NOTICE OF DECISION DATE: NOVEMBER 20, 2018

REQUEST: A tentative partition plan to divide approximately 29.57 acres into two parcels, with Parcel 1 consisting of 22.22 acres in size, and Parcel 2 consisting of 7.35 acres in size to be used for a future park.

The subject property is approximately 29.57 acres in size, zoned RA (Residential Agriculture), and located at the corner of Reed Road SE and Battle Creek Road SE (Marion County Assessor's Map and Tax Lot number 083W11D00200 and 083W11D00100).

OWNER: Boulder Hill, LLC (Robert Nunn)

APPLICANT: Westwood Homes, LLC (Todd Boyce, Bill Wagoner)

REPRESENTATIVE: Brandi Dalton for Multi Tech Engineering Services, Inc.

LOCATION: Reed Road SE and Battle Creek Road SE / 97302

CRITERIA: Salem Revised Code (SRC) Chapter 205.005(d)

FINDINGS: The findings are attached in the order dated November 20, 2018.

DECISION: The Planning Administrator **APPROVED** Partition PAR18-08 subject to the following conditions of approval:

- Condition 1:** Convey land for dedication of right-of-way equal to 36 feet from centerline along the frontages of both Reed Road SE and Battle Creek Road SE. The right-of-way dimensions shall be based on a realigned Battle Creek Road SE/Reed Road SE intersection pursuant to PWDS.
- Condition 2:** Construct a minimum half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The improvements shall include a realignment of the Battle Creek Road SE and Reed Road SE intersection pursuant to PWDS and on-street parking along the Reed Road SE frontage. These improvements are eligible for deferral pursuant to SRC 803.070.
- Condition 3:** Provide a 10-foot-wide public utility easement along the entire frontages of Reed Road SE and Battle Creek Road SE.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



The rights granted by the attached decision must be exercised, or an extension granted, by December 6, 2020 or this approval shall be null and void.

Application Deemed Complete: August 28, 2018
Notice of Decision Mailing Date: November 20, 2018
Decision Effective Date: December 6, 2018
State Mandate Date: February 24, 2018

Case Manager: Britany Randall, brandall@cityofsalem.net, 503.540.2304

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., December 5, 2018**. 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 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, 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
(PARTITION PLAT NO. 18-08)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.
<http://www.cityofsalem.net/planning>*

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF)	
PARTITION PLAT NO. 18-08;)	
083W11D / 100 AND 200)	NOVEMBER 20, 2018

REQUEST

A tentative partition plan to divide approximately 29.57 acres into two parcels, with Parcel 1 consisting of 22.22 acres in size, and Parcel 2 consisting of 7.35 acres in size to be used for a future park.

The subject property is approximately 29.57 acres in size, zoned RA (Residential Agriculture), and located at the corner of Reed Road SE and Battle Creek Road SE (Marion County Assessor's Map and Tax Lot number 083W11D / 100 and 200). (**Attachment A**).

DECISION

The tentative partition plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** Convey land for dedication of right-of-way equal to 36 feet from centerline along the frontages of both Reed Road SE and Battle Creek Road SE. The right-of-way dimensions shall be based on a realigned Battle Creek Road SE/Reed Road SE intersection pursuant to PWDS.

- Condition 2:** Construct a minimum half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The improvements shall include a realignment of the Battle Creek Road SE and Reed Road SE intersection pursuant to PWDS and on-street parking along the Reed Road SE frontage. These improvements are eligible for deferral pursuant to SRC 803.070.

- Condition 3:** Provide a 10-foot-wide public utility easement along the entire frontages of Reed Road SE and Battle Creek Road SE.

PROCEDURAL FINDINGS

1. On July 18, 2018, an application for a Tentative Partition Plan was filed proposing to divide a 29.57 acres property at the corner of Reed Road SE and Battle Creek Road SE, Marion County Assessor's Map and Tax Lot number 083W11D / 100 and 200 (**Attachment B**) into two parcels.
2. The application was deemed complete for processing on August 28, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on August 28, 2018. On October 11, 2018 the applicant granted a 60-day time extension to the 120-day state mandated decision date. The state-mandated local decision deadline is February 24, 2019.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into two parcels, with Parcel 1 to be prepared for a future residential development and Parcel 2 to be used for a future City park. The proposed parcels would take access from Reed Road SE or Battle Creek Road SE. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 22.22 acres

Future Use: To be subdivided in the future for a residential development

PROPOSED PARCEL 2

Parcel Size: 7.35 acres

Future Use: To be used in the future as a City park.

Access and Circulation: The subject property has frontage onto both Reed Road SE and Battle Creek Road SE. Both streets are designated as Minor Arterials within the Salem Transportation System Plan (TSP).

2. Existing Conditions

Site and Vicinity

The subject property is irregularly shaped and approximately 1,353 feet in depth north and south and approximately 1,172 feet in width west to east. Once the property is partitioned, Parcel 1 will have approximately 271 feet of frontage onto Battle Creek Road SE. Parcel 2 will have approximately 126 feet of frontage on to Battle Creek Road SE and approximately 957 feet of frontage onto Reed Road SE. The subject property is adjacent to both developed and vacant units of land with a mix of zoning designations including the Fairview Mixed Use zone (across Reed Road SE to the west), Residential Agriculture and Single-Family Residential to the south and east, and Public Health to the north.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

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

North: Community Service Hospital (CHS)

South: Developing Residential (DR)

East: Developing Residential (DR)

West: Mixed Use (MU)

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently vacant. The surrounding properties are zoned and used as follows:

North: PH (Public Health); Hillcrest Youth Correctional Facility

South: RA (Residential Agriculture); single-family dwellings and vacant

East: RA (Residential Agriculture); vacant

West: (Across Reed Road SE) FMU (Fairview Mixed Use); vacant

(Across Battle Creek Road SE) a mix of RS (Single Family Residential) and RA (Residential Agriculture); single family dwellings

Relationship to Urban Service Area

The subject property is outside of the City’s Urban Service Area. An urban growth preliminary declaration was approved for the subject property (UGA17-03) on August 31, 2017.

Infrastructure

Water: The subject property is located within the S-2 water service level. An 18-inch public water line is located in Battle Creek Road SE.

Sewer: A 15-inch City of Salem sewer line is located in a 15-foot wide sewer easement (Reel 3, Page 215).

Storm Drainage: The West Middle Fork of Pringle Creek flows south to north through the property. There are two City Easements for storm and drainage located on the property (Reel 1196, Pages 417 and 418).

Streets: Reed Road SE abuts the westerly boundary of the subject property, which proposed Parcel 2 will take access from, and is designated as a Minor Arterial Street 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 abutting portion of Reed Road SE currently has an approximately 22-foot wide improvement within a 40-foot-wide right-of-way.
- The frontage of the subject property has a special setback equal to 36 feet from the centerline of Reed Road SE.

Battle Creek Road SE abuts the subject property along the southerly boundary, which proposed Parcel 1 will take access from, and is designated as a Minor Arterial Street 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 abutting portion of Battle Creek Road SE has an approximate 36-foot-wide improvement within a 66-foot-wide right-of-way.
- The frontage of the subject property has a special setback equal to 36 feet from the centerline of Battle Creek Road SE.

3. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

Building and Safety Department - The City of Salem Building and Safety Department reviewed the proposal and has no objections to it.

Salem Fire Department – Salem Fire Department reviewed the proposal and provided

the following comments: Fire has no concerns with the land division. Fire will address items including fire department access and water supply for any buildings at the time of building permit plan review.

Salem-Keizer Public Schools – Salem-Keizer Public Schools reviewed the proposal and has provided their comments. Their memorandum is included as **Attachment D**.

4. Neighborhood Association Comments

The subject property is within the Morningside Neighborhood Association. 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.” The neighborhood association expressed concern regarding the ownership of the property and details included in the applicant’s submittal.

Staff Response: City Council has directed staff to purchase the property for the future park. In order to sell the land to the City, the applicant is seeking the partition to create two parcels, one for the proposed park and the other for a future single-family development.

5. Public Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. One comment from a neighbor was received prior to the close of the comment period. The commenter disagreed with a statement included in the applicants written findings which said, “The proposal encourages the efficient use of developable commercial land.” The commenter stated that the subject property is ill suited for commercial development.

Staff Response: Staff believes the statement within the applicant’s findings was simply a transcription error as the proposal is to create two units of land. One is intended to be used for a future City park and the other is intended to be use for a future single-family development. Additionally, the property is zoned RA (Residential Agriculture) with a matching Comprehensive Plan designation. If the property were proposed to be used for a commercial development, a comprehensive plan amendment and zone change application with a public hearing would be required.

6. Criteria for Granting a Tentative Partition

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm

Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator’s decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

SRC Chapter 510 (Residential Agriculture): The proposed partition would divide the 29.57 acre property into two parcels, with proposed Parcel 1 to be used for a future single-family development and proposed Parcel 2 to be used for a future City park. The subject property is currently zoned RA (Residential Agriculture). The minimum lot area requirements of the RA zone are established under SRC 510.010(a) as follows:

Lot Standards for RA zone (Residential Agriculture) (see SRC Chapter 510, Table 510-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
All other uses	6,000 square feet
Lot Width (Single Family)	40 feet
All other uses	60 feet
Lot Depth (Single Family)	70 feet
All other uses	80 feet
Street Frontage (Single Family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	60 feet

	<i>1 foot (applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure)</i>
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Staff Response: Setback requirements for the proposed parcels will be reviewed at the time of application for building permits. The proposed partition plan provided by the applicant did not show future building envelopes, however, the proposed parcels are of sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the RA zone are established under SRC 510.010(c), Table 510-4. The RA zone limits the total maximum lot coverage for buildings and accessory structures related to single-family uses to 60 percent. For all other uses, buildings and accessory structures are limited to 35 percent.

Staff Response: The proposed two parcel partition is for the creation of a future City park property. Parcel 2 is intended to be use for future park property and will be approximately 7.35 acres in size. The maximum lot coverage will be limited to 35 percent. Parcel 1 is intended to be used for a future single-family development. Future development of the parcels will be reviewed for conformance with the development standards of SRC 510 at the time of building permit review.

The proposal meets the requirements of SRC Chapter 510.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

Staff Response: The future proposed dwellings and park structures will be required to meet this standard. This will be reviewed at the time of building permit.

SRC 800.015(b) (Side lot lines): Pursuant to SRC 800.015(b), as far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Staff Response: Both of the proposed parcels within the partition are irregularly shaped due to natural features which will remain on proposed Parcel 2 to be used for a future City park. Despite the irregular shape of Parcel 2, the property lines are generally located at right angles to Reed Road SE and Battle Creek Road SE. Proposed Parcel 1 is planned to be further divided in the future for a single-family development. The applicant provided a proposed future lot layout for the planned subdivision and each of the future lots appear to meet this standard. At the time of future subdivision of Parcel 1, the newly created lots will be reviewed to ensure compliance with this provision.

As provided, the proposal conforms to the requirements of SRC Chapter 800.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Minimum Required Off-Street Parking): SRC 806.015(a) requires all Single Family and Two Family dwellings outside of the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces. Parks and open space do not have an off-street parking requirement.

Staff Response: The subject property is located outside of the CSDP, and the proposed partition would create two parcels, one for a future City park and the other for a residential subdivision. Off-street parking requirements for the proposed parcels will be reviewed at the time of application for building permits.

The proposal meets the requirements of SRC Chapter 806.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is outside of the Urban Service Area. A Preliminary Declaration was approved by the Planning Administrator on August 31, 2017 (UGA 17-03). Pursuant to SRC 200.005, the definition of development does not include partitions, so the conditions of approval under UGA 17-03 do not apply to this partition. They will, however, apply to the future subdivision of the land.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the abutting parcel which will provide access to the proposed parcels and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo in Attachment C.

SRC 802.015 (Development to be Served by City Utilities). Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS). Water infrastructure is available along the frontage of Battle Creek Road SE. Sewer infrastructure is available within an easement located on the site. The water and sewer infrastructure appear to be adequate to serve

the property as shown on the applicant's preliminary partition plan. The approved point of discharge for stormwater is the creek located within the property boundaries.

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

SRC 803.015 (Traffic Impact Analysis): The proposed two parcel partition generates less than 1,000 average daily vehicle trips to Reed Road SE and Battle Creek Road SE, which are both designated as Minor Arterials. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.020 (Public and Private Streets): There are no internal streets proposed within the partition. Newly created Parcel 1 will take access from Battle Creek Road SE and newly created Parcel 2 will take access from Reed Road SE.

SRC 803.025 (Right-of-Way and Pavement Widths): Battle Creek Road SE and Reed Road SE abut the subject property and do not meet the current standard for Minor Arterial streets. The applicant shall be required to construct a half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The Battle Creek Road SE and Reed Road SE intersection does not meet PWDS and shall be realigned in conjunction with the street improvements. Because a park is proposed within the proposed development, on-street parking shall be provided along the frontage of Reed Road SE. The street improvements by this partition are consistent with those required in UGA 17-03. These improvements may be deferred pursuant to SRC 803.070.

In order to ensure the previously stated requirements are met, the following conditions of approval shall apply:

- Condition 1:** Convey land for dedication of right-of-way equal to 36 feet from centerline along the frontages of both Reed Road SE and Battle Creek Road SE. The right-of-way dimensions shall be based on a realigned Battle Creek/Reed intersection pursuant to PWDS.
- Condition 2:** Construct a minimum half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The improvements shall include a realignment of the Battle Creek Road SE and Reed Road SE intersection pursuant to PWDS and on-street parking along the Reed Road SE frontage. These improvements are eligible for deferral pursuant to SRC 803.070.

As conditioned, proposal meets the requirements of SRC Chapter 803.

SRC 803.030 (Street Spacing): The proposed partition involves division of a 29.57-acre lot, abutting an established network of streets that have been in place for several decades. The requirements of SRC Chapter 803 are not applicable to this proposal.

SRC 803.035 (Street Standards): Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 3: Provide a 10-foot-wide public utility easement (PUE) along the entire frontages of Reed Road SE and Battle Creek Road SE

As conditioned, the proposal conforms to applicable street standards.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant submitted a tree inventory form indicating 100 percent of the trees on site would be preserved with the partition. Therefore, a tree conservation plan is not required and the provisions of SRC Chapter 808 have been met. Future developments, such as a subdivision of the lots, shall require a new Tree Conservation Plan.

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. According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property contains wetland areas. The Department of State Lands was notified of the partition application on August 29, 2018, and issued a response (DSL File Number: WN2018-0547) on September 13, 2018, that contained the following comments: "The Local Wetland Inventory identifies a small stream on TL200. A wetland delineation is recommended prior to any work on this tax lot." Copies of the response were mailed to the owner of the property and the applicant.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2-point and 3-point mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a

partition adds two activity points to the proposal, which results in a total of 5 points. Therefore, the proposed partition is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, which was prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property “is presently stable and suitable for the proposed new single-family residential development and its associated site improvements.”

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed partition would divide a 29.57 acre property into two proposed parcels with Parcel 1 to be used for a future residential subdivision development and Parcel 2 to be used for a future City park. The proposed partition would not impede the future use or development of any portion of the property. The adjoining properties are developed with single family dwellings or are vacant and have access to public streets.

The proposed configuration of 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. The applicant provided a layout of the future residential subdivision development which depicts future stubbed streets to large adjacent properties that can be further divided in the future. The proposal meets this criterion.

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

Finding: Water infrastructure is available along the frontage of Battle Creek Road SE. Sewer infrastructure is available within an easement located on the site. The water and sewer infrastructure appear to be adequate to serve the property as shown on the applicant’s preliminary partition plan. The approved point of discharge for stormwater is the creek located within the property boundaries.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured pursuant to SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

This criterion is met.

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

Finding: Battle Creek Road SE and Reed Road SE abut the subject property and do not meet the current standard for Minor Arterial streets. The applicant shall be required

to construct a half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The Battle Creek Road SE and Reed Road SE intersection does not meet PWDS and shall be realigned in conjunction with the street improvements. Because a park is proposed within the proposed development, on-street parking shall be provided along the frontage of Reed Road SE. The street improvements by this partition are consistent with those required in UGA 17-03. These improvements may be deferred pursuant to SRC 803.070.

As conditioned above, this criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Battle Creek Road SE and Reed Road SE abut the subject property and do not meet the current standard for Minor Arterial streets. The applicant shall be required to construct a half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The Battle Creek Road SE and Reed Road SE intersection does not meet PWDS and shall be realigned in conjunction with the street improvements. Because a park is proposed within the proposed development, on-street parking shall be provided along the frontage of Reed Road SE. The street improvements by this partition are consistent with those required in UGA 17-03. These improvements may be deferred pursuant to SRC 803.070.

As conditioned above, the street system adjacent to the tentative partition plan will provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

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 layout allows for reasonable development of all parcels within the partition without variances from the UDC. Proposed Parcel 2 is planned to be used for a future City park. The West Middle Fork of Pringle Creek runs through this portion of the subject property. There appears to be trees and native vegetation, including Oregon White Oaks within this portion of the subject property that will likely be preserved because the parcel is planned to be used for a park in the future. The proposal meets this criterion.

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

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

Finding: As described in the finding above, 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 site is served by available sewer and water. Therefore, this criterion does not apply.

7. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 6 above, and the comments described, the tentative partition plan 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 Tentative Partition Plan Case No. 18-08, to divide a 29.57 acre property into two parcels, with Parcel 1 consisting 22.22 acres and Parcel 2 consisting of 7.35 acres for property zoned RA (Residential Agriculture), and located at the corner of Reed Road SE and Battle Creek Road SE (Marion County Assessor's Map and Tax Lot number 083W11D / 100 and 200) 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: Convey land for dedication of right-of-way equal to 36 feet from centerline along the frontages of both Reed Road SE and Battle Creek Road SE. The right-of-

way dimensions shall be based on a realigned Battle Creek Road SE/Reed Road SE intersection pursuant to PWDS.

Condition 2: Construct a minimum half street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The improvements shall include a realignment of the Battle Creek Road SE and Reed Road SE intersection pursuant to PWDS and on-street parking along the Reed Road SE frontage. These improvements are eligible for deferral pursuant to SRC 803.070.

Condition 3: Provide a 10-foot-wide public utility easement along the entire frontages of Reed Road SE and Battle Creek Road SE.



Britany Randall, Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan
 - C. City of Salem Public Works Department Comments
 - D. Salem-Keizer Public Schools Comments

Application Deemed Complete: August 28, 2018
Notice of Decision Mailing Date: November 20, 2018
Decision Effective Date: December 6, 2018
State Mandated Decision Date: February 24, 2018

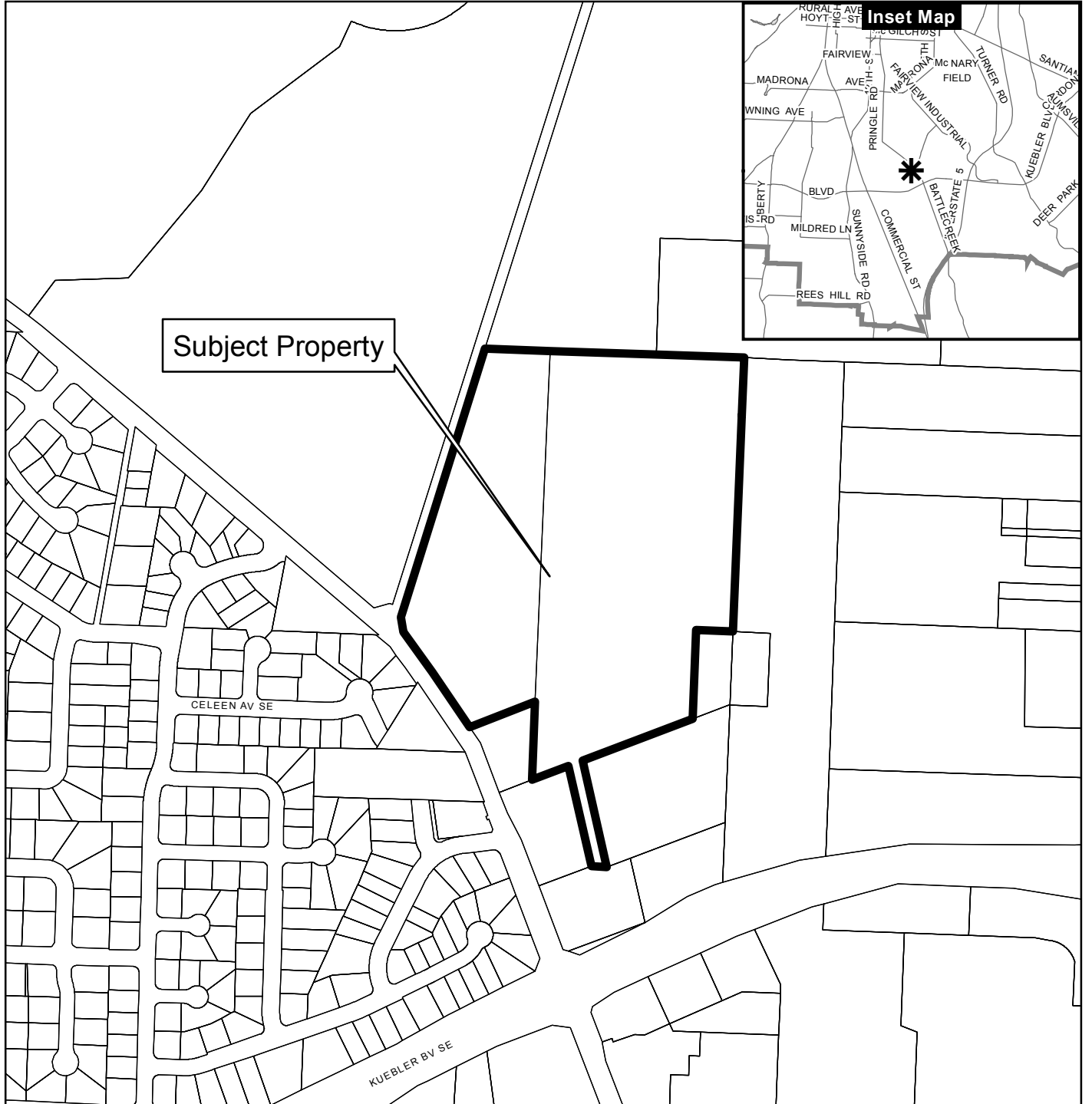
The rights granted by this decision must be exercised or extension granted by **December 6, 2020**, or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.






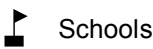

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, **no later than Wednesday, December 5, by 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map

Reed Road SE @ Battle Creek Road SE



Legend

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



0 100 200 400 Feet



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Existing Conditions


Proposed Conditions





MEMO

TO: Britany Randall, Planner II
Community Development Department

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

DATE: November 2, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 18-08 (18-114360-LD)
MARION COUNTY TAX LOT NUMBER: 083W11D 00100 & 00200
2-LOT PARTITION**

PROPOSAL

To divide approximately 29.57 acres into 2 parcels in a RA (Residential Agriculture) zone at the northeast corner of Reed Road SE and Battle Creek Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey land for dedication of right-of-way equal to 36 feet from centerline along the frontages of both Reed Road SE and Battle Creek Road SE. The right-of-way dimensions shall be based on a realigned Battle Creek/Reed intersection pursuant to PWDS.
2. Construct a minimum half-street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The improvements shall include a realignment of the Battle Creek Road SE and Reed Road SE intersection pursuant to *PWDS* and on-street parking along the Reed Road SE frontage. These improvements are eligible for deferral pursuant to SRC 803.070.
3. Provide a 10-foot-wide public utility easement along the entire frontages of Reed Road SE and Battle Creek Road SE.

FACTS

1. Reed Road 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 Condition—This street has an approximate 22-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of Reed Road SE.

2. Battle Creek Road 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 Condition—This street has an approximate 36-foot improvement within a 66-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 36 feet from centerline of Battle Creek Road SE.

Storm Drainage

1. Existing Conditions

- a. The West Middle Fork of Pringle Creek flows south to north through the property.
- b. There are two City Easements for storm and drainage located on the property. (Reel 1196, Pages 417 and 418)

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. An 18-inch public water line is located in Battle Creek Road SE.

Sanitary Sewer

1. Existing Sewer

- a. A 15-inch sewer line is located on the property in a 15-foot-wide sewer easement (Reel 3 Page 215).

CRITERIA AND FINDINGS

Urban Growth Preliminary Declaration

The subject property is located outside the Urban Service Area. A Preliminary Declaration was approved by the Planning Administrator on August 31, 2017, under UGA 17-03. Pursuant to SRC 200.005, the definition of development does not include partitions, so the conditions of approval under UGA 17-03 do not apply to this partition.

Partition Tentative Plan

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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2-point and 3-point mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a partition adds two activity points to the proposal, which results in a total of 5 points. Therefore, the proposed partition is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, which was prepared by Redmond Geotechnical Services and

dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property "is presently stable and suitable for the proposed new single-family residential development and its associated site improvements."

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property contains wetland areas. The Department of State Lands was notified of the partition application on August 29, 2018, and issued a response (DSL File Number: WN2018-0547) on September 13, 2018, that contained the following comments: "The Local Wetland Inventory identifies a small stream on TL200. A wetland delineation is recommended prior to any work on this tax lot." Copies of the response were mailed to the owner of the property and the applicant.

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

Findings—Water infrastructure is available along the frontage of Battle Creek Road SE. Sewer infrastructure is available within an easement located on the site. The water and sewer infrastructure appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. The approved point of discharge for stormwater is the creek located within the property boundaries.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown 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—Battle Creek Road SE and Reed Road SE abut the subject property and do not meet the current standard for Minor Arterial streets. The applicant shall be required to construct a half-street improvement along the frontages of both Reed Road SE and Battle Creek Road SE to Minor Arterial street standards. The Battle Creek Road SE and Reed Road SE intersection does not meet PWDS and shall be realigned in conjunction with the street improvements. Because a park is proposed within the proposed development, on-street parking shall be provided along the frontage of Reed Road SE. The street improvements by this partition are consistent with those required in UGA 17-03. These improvements may be deferred pursuant to SRC 803.070.

Prepared by: Jennifer Scott, Program Manager
cc: File

REQUEST FOR COMMENTS

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

REGARDING: Partition Case No. PAR18-08
PROJECT ADDRESS: Reed Road SE and Battle Creek Road SE / 97302
AMANDA Application No. 18-114360-LD
COMMENT PERIOD ENDS: September 11, 2018

REQUEST: A tentative partition plan to divide approximately 29.57 acres into two parcels, with Parcel 1 consisting of 22.22 acres in size, and Parcel 2 consisting of 7.35 acres in size to be used for a future park.

The subject property is approximately 29.57 acres in size, zoned RA (Residential Agriculture), and located at the corner of Reed Road SE and Battle Creek Road SE (Marion County Assessor's Map and Tax Lot number 083W11D00200 and 083W11D00100).

Attached is a copy of the proposal and any related maps. 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. A decision for this proposal will be prepared by the planning staff from information available to staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by 5:00 P.M., September 11, 2018, will be considered in the decision process. Comments received after this date will be not considered. **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 or hand deliver your comments to the Case Manager listed below.**

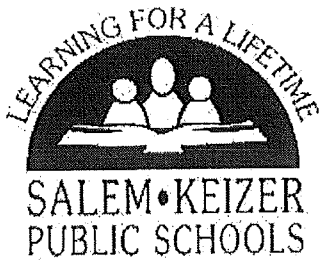
SEND QUESTIONS OR COMMENTS TO: Britany Randall, Planner II City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503 540-2304; Fax: 503-588-6005; E-Mail: brandall@cityofsalem.net; <http://www.cityofsalem.net/planning>

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.

- 3. Other: _____

Name: _____ Salem-Keizer Public Schools, Planning and Property Services
Address: _____ 3630 State Street, Salem OR 97301
David Fridenmaker, Manager
Agency: _____ 503-399-3335
Phone: _____
Date: _____ 9.5.18



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C • Salem, Oregon 97301-5316
 503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

September 5, 2018

Britany Randall, Planner II
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. Partition Case No. PAR18-08, Reed Rd SE and Battle Creek 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
Lee	Elementary	K thru 5
Judson	Middle	6 thru 8
South Salem	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
Lee	Elementary	303	462	66%
Judson	Middle	959	995	96%
South Salem	High	1,948	1,797	108%

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 2014 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	111	SF	0.194	22
Middle	111	SF	0.101	11
High	111	SF	0.143	16

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
Lee	Elem.	303	50	22	72	462	81%
Judson	Mid.	959	29	11	40	995	100%
South Salem	High	1,948	94	16	110	1,797	115%

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
Lee	Elementary	Eligible for School Transportation
Judson	Middle	Eligible for School Transportation
South Salem	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	22	\$51,123	\$1,124,706
Middle	11	\$60,232	\$662,552
High	16	\$69,342	\$1,109,472
TOTAL			\$2,896,730

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2018 Second Quarter.

Salem-Keizer School District fiber utility exists on poles along Pringle Rd. SE. Site developer will be responsible for the costs of moving or changing the fiber utility, if needed for development.

Sincerely,


 David Fridenmaker, Manager
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation