

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION CASE NO.: PAR18-02

APPLICATION NO. : 17-123727-LD

NOTICE OF DECISION DATE: JUNE 7, 2018

SUMMARY: An application to divide Parcel 3 of Partition Plat No. 2015-29 into two parcels. Both of the proposed parcels are located within the boundaries of the approved Fairview Addition West phased subdivision. The proposed partition is consistent with original phased subdivision approval and the proposed parcels will ultimately be further divided according to the lot configuration established in the original phased subdivision approval.

REQUEST: A partition to divide Parcel 3 of Partition Plat No. 2015-29 into two parcels approximately 15.99 and 14.19 acres in size. The subject property is zoned FMU (Fairview Mixed-Use), approximately 30.18 acres in size, and located in the 4300 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100200).

APPLICANT: Fairview Addition, LLC (Eric Olsen, Jeffrey A Trautman)

OWNERS: SFA2, LLC (Sally N Miller, Rick Gustafson, Brian Hardin, Russell Beaton)

LOCATION: 4300 Block of Battle Creek Road SE

CRITERIA: SRC Chapter 205.005(d)

FINDINGS: The findings are in the attached Order dated June 7, 2018.

DECISION: The Planning Administrator **APPROVED** Partition PAR18-02 subject to the following conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of proposed Parcel 1.

Condition 2: Provide easements or equivalent assurances that ensure that each proposed parcel can be served by water and sewer infrastructure. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The rights granted by the attached decision must be exercised, or an extension granted, by **June 23, 2020** or this approval shall be null and void.

Application Deemed Complete:	<u>March 15, 2018</u>
Notice of Decision Mailing Date:	<u>June 7, 2018</u>
Decision Effective Date:	<u>June 23, 2018</u>
State Mandate Date:	<u>July 13, 2018</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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., June 22, 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(s) 209. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem 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
(CASE NO. PAR18-02)**

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

IN THE MATTER OF THE APPROVAL OF TENTATIVE PARTITION PLAN CASE NO. PAR18-02; 4300 BLOCK OF BATTLE CREEK ROAD SE))))	FINDINGS AND ORDER JUNE 7, 2018
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REQUEST

A partition to divide Parcel 3 of Partition Plat No. 2015-29 into two parcels approximately 15.99 and 14.19 acres in size. The subject property is zoned FMU (Fairview Mixed-Use), approximately 30.18 acres in size, and located in the 4300 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100200).

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 approval which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of proposed Parcel 1.
- Condition 2:** Provide easements or equivalent assurances that ensure that each proposed parcel can be served by water and sewer infrastructure. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

PROCEDURAL FINDINGS

An application for a tentative partition plan was submitted by Eric Olsen on behalf of the applicant, Fairview Addition, LLC, to divide property located in the 4300 block of Battle Creek Road SE (**Attachment A**) into two parcels (**Attachment B**). Subsequent to the initial review of the proposal and identification of additional information that was needed in order to review the application, the applicant provided the requested additional information and the application was deemed complete, and notice was sent pursuant to SRC requirements to owners of property located within 250 feet of the subject property, the Morningside Neighborhood Association, and others entitled to notice under SRC 300.520(b)(1)(B), on March 15, 2018.

The state-mandated local decision deadline for this application is July 13, 2018.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated “Mixed-Use” on the Salem Area Comprehensive Plan Map.

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

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

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended and the Urban Service Area being expanded to incorporate the property.

Two UGA preliminary declarations have been approved for the Fairview property identifying the required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004, and applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved modifying the public facility requirements.

2. Zoning

The subject property is zoned FMU (Fairview Mixed-Use). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	FMU (Fairview Mixed Use)
South	FMU (Fairview Mixed-Use); across Battle Creek Rd SE, RS (Single Family Residential)
East	FMU (Fairview Mixed-Use)
West	FMU (Fairview Mixed-Use); PH (Public and Private Health Services)

3. Natural Features

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required 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.

Prior to submittal of the proposed tentative partition plan, a refinement plan, the Fairview Addition West Refinement Plan, and a phased subdivision (Case No. FRP-PAR-SUB14-01) were approved covering both the property included within this proposed tentative partition plan request and the remainder of the land included within the Fairview Addition West Refinement Plan.

As part of the refinement plan and phased subdivision plan approval, a tree conservation plan was also approved (Case No. TCP14-11) which identified a total of 209 trees, with 100 of the trees identified for preservation and 109 identified for removal.

As part of the application submittal for the proposed partition, the applicant provided a tree inventory identifying 148 trees out of the total 209 trees as being located on the subject property. Of the 148 trees within the boundaries of the proposed partition, 91 trees (61.5%) are identified for preservation and 57 trees (38.5%) are identified for removal.

The proposed partition divides one of the parcels within the original overall phased subdivision into two parcels which will subsequently be further divided as approved under the phased subdivision approval. The proposed partition does not change the configuration of any of the lots within the phased subdivision; the partition does not change any of the trees designated for preservation or removal under the original approved tree conservation plan; and Tree Conservation Plan Case No. TCP14-11 will continue to be binding on the proposed parcels.

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.

According to the Salem-Keizer Local Wetland Inventory (LWI), the Natural Resources Inventory included as part of the Fairview Plan, and as explained in Section 8 (*Wetland and Tree Inventory*) of the Fairview Addition West Refinement Plan, there is one potential wetland area located on the property subject to the proposed partition. The wetland area is identified as Area 5 on the original Fairview Plan Natural Resources Inventory and is

located in the southern portion of Parcel 1 of the proposed partition. As provided in the phased subdivision approval, this wetland area is proposed for removal and mitigation. Compliance with DSL requirements will be coordinated between the applicant and DSL staff.

Landslide Susceptibility: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. As part of the approval of Fairview Addition West refinement plan and phased subdivision, a geologic assessment was previously submitted as required by SRC Chapter 810.

The proposed partition to divide one of the parcels within the original overall phased subdivision into two parcels which will subsequently be further divided as approved under the phased subdivision approval does not change the configuration of any of the lots that will ultimately be created when all of the phases of the phased subdivision are recorded. The approved geologic assessment will continue to apply to the future development of the subject property.

4. City Department Comments

- A. **Salem Fire Department.** The Salem Fire Department reviewed the proposal and indicated they have no concerns and that Fire Department access and water supply will be addressed at a later date.
- B. **Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments and recommendations for plat approval. The Public Works Department's comments are included as **Attachment C.**

5. Neighborhood Association Comments

The subject property is located within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(B)(iii), which requires public notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. Comments from one area property owner were received prior to the close of the public comment period deadline. The comment received, in summary, expressed concern about the increasing amount of traffic on Pringle Road, Boone Road, and Kuebler Boulevard in the mornings, evenings, and afternoons.

Staff Response: The proposed partition will result in two large parcels approximately 15.99 and 14.19 acres in size. In the future these two parcels will be further divided in

conformance with the approved Fairview Addition West phased subdivision plan and developed in accordance with the approved Fairview Addition West refinement plan. As part of the approval of the Fairview Addition West refinement plan and phased subdivision, the potential traffic impacts of the development on the City's transportation system were evaluated and determined to not result in significant impacts. Conformance with the street improvements identified in the phased subdivision approval will ensure the proposed development will be adequately served by streets.

7. Criteria for Granting a Partition Tentative Plan

SRC 205.005(d) sets forth the criteria that must be met before approval can be granted to a partition tentative plan. The following subsections are organized with approval criteria shown in ***bold italic***, 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 partition tentative partition plan for 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.

A. 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;***
- (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.***

Finding: 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 lots 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 subdivision plat. The proposed tentative partition plan meets all applicable provisions of the UDC as detailed below.

Lot Standards: The subject property is located within the FMU zone. Pursuant to SRC 530.015, development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530.

Within the FMU zone, standards for lot area, width, depth, frontage, designation of front and rear lot lines, setbacks, and other requirements of development are established in refinement plans.

The proposed partition creates two parcels. Both parcels are subject to the standards included in the Fairview Additional West refinement plan and will be further divided in conformance with approved Fairview Addition West phased subdivision approval (FRP-PAR-SUB14-01).

The Fairview Addition West refinement plan establishes the following minimum lot area and dimension requirements:

Fairview Addition West Refinement Plan Lot Standards		
Standard		Limitations and Qualifications
Lot Area		
Residential	Min. 1,000 sq. ft.	Applicable in AU, VC, & MI
	Min. 3,000 sq. ft.	Applicable in LI
Non-Residential	Min. 1,000 sq. ft.	
Lot Width		
Residential	Min. 20 ft.	
Non-Residential	Min. 20 ft.	
Lot Depth		
Residential	Min. 40 ft.	
Non-Residential	Min. 40 ft.	
Street Frontage or Alley Frontage		
Residential	Min. 20 ft.	
Non-Residential	None Required	

As shown on the tentative partition plan (**Attachment B**), the two parcels included within the proposed partition are approximately 15.99 acres and 14.19 acres in size and exceed the minimum lot size and dimension requirements of the Fairview Addition West refinement plan.

Proposed Parcel 2 has approximately 460 feet on frontage on Battle Creek Road SE; therefore exceeding minimum street frontage requirements. Proposed Parcel 1 does not, however, currently have frontage on a street but will have street frontage when Phase 4 of the Fairview Addition West subdivision is recorded and Strong Road SE is extended to the western boundary of the parcel. Because proposed Parcel 1 will not have street frontage until recording of the final plat for Fairview Addition West Phase 4, the following condition of approval shall apply to ensure vehicular access to this parcel and conformance with minimum frontage requirements:

Condition 1: Convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of proposed Parcel 1.

The above condition results in 40 feet of right-of-way frontage for Parcel 1. The 40-foot-wide right-of-way ensures the proposed parcel will have interim access to Strong Road SE until such time Phase 4 of the Fairview Addition West subdivision is platted and Strong Road SE is improved to the western boundary of Parcel 1 and the full required right-of-way width of 60 feet is provided. In the future, both Parcel 1 and Parcel 2 will be further divided as additional individual approved phases within the Fairview Addition West subdivision are platted.

The parcels, as proposed and conditioned, satisfy the applicable minimum lot standards of the Fairview Addition West refinement plan.

City Infrastructure Standards: The Public Works Department reviewed the proposed partition and determined that the streets, water, sewer, and storm infrastructure is available to serve future development. Proposed conditions of approval related to City infrastructure detailed later in this report ensure that the proposed partition conforms to the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements) with regards to provision of City infrastructure.

Special Development Standards: There are no mapped waterways located on the subject property. Pringle Creek is located to the north, but its flood plain does not extend onto the subject property. As such, the requirements of SRC Chapter 601 (Floodplain Overlay Zone) are not applicable to the proposed development.

SRC Chapter 810 (Landslide Hazards) establishes requirements for development within areas mapped for potential landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property contains areas of 2-3 mapped landslide hazard susceptibility points. There are 2 activity points associated with partitions. The maximum cumulative total of 5 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

As part of the approval of the Fairview Addition West refinement plan and phased subdivision, a geologic assessment was previously submitted as required by SRC Chapter 810. The proposed partition to divide one of the parcels within the original overall phased subdivision into two parcels which will subsequently be further divided as approved under the phased subdivision approval does not change the configuration of any of the lots that will ultimately be created when all of the phases of the phased subdivision are recorded. The approved geologic assessment will continue to apply to the future development of the subject property.

The subject property is located adjacent to Battle Creek Road SE. Battle Creek Road is designated as a minor arterial street with the City's Transportation System Plan (TSP).

Minor arterial streets require a minimum right-of-way width of 72 feet. When the right-of-way adjacent to a property does not meet the minimum required width, a special setback applies to reserve the right-of-way for future dedication. Required setbacks under the UDC are measured from the special setback line.

The previous approval of Fairview Refinement Plan/Partition/Phased Subdivision Case No. FRP-PAR-SUB14-01 required right-of-way dedication along the frontage of Battle Creek Road SE in conformance with TSP requirements. Because required right-of-way has been dedicated along the frontage of the subject property adjacent to Battle Creek Road SE, there is no special setback applicable to proposed Parcel 2.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area.

Two UGA preliminary declarations have been approved for the Fairview property identifying the required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004, and applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved to modifying the public facility requirements.

SRC Chapter 530 (Fairview Mixed-Use Zone): The subject property is zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530.

The proposed parcels, and their future further division and development, are subject to the requirements of the approved Fairview Addition West Refinement Plan, the applicable requirements of the Salem Revised Code, and the Fairview Addition West phased subdivision approval.

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 tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Prior to submittal of the proposed tentative partition plan, a refinement plan, the Fairview Addition West Refinement Plan, and a phased subdivision (Case No. FRP-PAR-SUB14-01) were approved covering both the property included within the proposed tentative partition plan request and the remainder of the land included within the Fairview Addition West Refinement Plan.

As part of the refinement plan and phased subdivision plan approval, a tree conservation plan was also approved (Case No. TCP14-11) which identified a total of 209 trees, with 100 of the trees identified for preservation and 109 identified for removal.

As part of the application submittal for the proposed partition, the applicant provided a tree inventory identifying 148 trees out of the total 209 trees as being located on the subject property. Of the 148 trees within the boundaries of the proposed partition, 91 trees (61.5%) are identified for preservation and 57 trees (38.5%) are identified for removal.

The proposed partition divides one of the parcels within the original overall phased subdivision into two parcels which will subsequently be further divided as approved under the phased subdivision approval. The proposed partition does not change the configuration of any of the lots within the phased subdivision; the partition does not change any of the trees designated for preservation or removal under the original approved tree conservation plan; and Tree Conservation Plan Case No. TCP14-11 will continue to be binding on the proposed parcels.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI), the Natural Resources Inventory included as part of the Fairview Plan, and as explained in Section 8 (Wetland and Tree Inventory) of the refinement plan, there are three potential wetland areas located on the subject property. Two of the wetland areas (identified as Areas 8 and 9 on the original Fairview Plan Natural Resources Inventory) are located along the northern boundary of proposed Parcel 1. The third wetland area (identified as Area 5 on the original Fairview Plan Natural Resources Inventory) is located on the eastern side of proposed Parcel 3.

The easternmost wetland area (Area 8) located along the northern boundary proposed Parcel 1 is proposed to be preserved. The remaining two other wetland areas (Areas 5 and 9) are proposed for removal and mitigation in order to allow for emergency access and road construction.

As required under SRC Chapter 809, notice of the proposed development was submitted to the Oregon Department of State Lands (DSL). Compliance with DSL requirements will be coordinated between the applicant and DSL staff.

B. 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 divides the 30.18 acre property into two parcels. Proposed Parcel 2 has frontage on Battle Creek Road SE and proposed Parcel 1 will

have frontage on Strong Road SE via required via an interim 40-foot-wide right-of-way dedication from the existing terminus of Strong Road SE to the west line of proposed Parcel 1.

As is evidenced in the Fairview Addition West Refinement Plan and the approved Fairview Addition West phased subdivision, both proposed parcels will be further divided and developed in conformance with the refinement plan and the phased subdivision approval in a manner that provides connectivity to surrounding properties within the FMU zone to the north, east, and west.

The proposed partition will not impede the future use or development of the property. The proposed parcels are of a size and configuration to allow them to be further developed consistent with the goals, policies, and vision established under the Fairview Plan and the FMU zone, and in conformance with the Fairview Addition West Refinement plan and phased subdivision approval. This criterion is met.

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

Finding: The Public Works Department reviewed the proposal and determined that, as specified in Fairview Refinement Plan/Partition/Phased Subdivision Case No. FRP-PAR-SUB14-01, City infrastructure is available to serve the parcels and the proposed partition will have little or no effect on City infrastructure. In order to ensure the proposed parcels are adequately served by City infrastructure as required by this approval criterion the following condition of approval shall apply:

Condition 2: Provide easements or equivalent assurances that ensure that each proposed parcel can be served by water and sewer infrastructure. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposed partition, as conditioned, satisfies this approval criterion.

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

Finding: The subject property is located adjacent to Battle Creek Road SE. Battle Creek Road is designated as minor arterial street within the City's Transportation System Plan (TSP). As provided in the Fairview Addition West Refinement Plan and phased subdivision approval the proposed parcels will be further divided in the future into individual building lots and served by a network of internal streets, some of which will be public and some of which will be private.

The internal streets within the proposed parcels will be required to be constructed in conjunction with the platting of the additional future phases of the Fairview Addition West phased subdivision. Battle Creek Road SE, on the boundary of the subject property, is also required to be constructed as provided in the decision for Fairview

Refinement Plan/Partition/Phased Subdivision Case No. FRP-PAR-SUB14-01. Conditions 1.b and 1.c of the phased subdivision approval require construction of Pringle/Battle Creek Road street improvements based on the phasing plan established in the Fairview Addition West Refinement Plan as follows:

- 1) As a condition of final plat approval for Phase Ua, Ub, V, or Za, the applicant shall construct street improvements from the south line of Phase Qb to the south line of Phase Zb. The applicant may defer the improvement until development of Phase Zb by providing a performance security of \$472,500 as specified in SRC 110.100. The security may be posed as a lump sum or paid in cash installments of \$4,375 per lot at the time of building permit issuance as specified in an improvement agreement between the developer and the City.
- 2) As a condition of final plat approval for Phase Zb, the applicant shall construct street improvements from the south line of Phase Qb to the south line of Phase Zb.

As specified in FRP-PAR-SUB14-01, street infrastructure has been designed to serve the proposed development and the partition will have little or no effect on the street system into, through, and out of the partition. This criterion is met.

E. 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: The proposed partition divides an existing parcel that is subject to an overall refinement plan and larger phased subdivision approval. As provided in the refinement plan and phased subdivision, the parcels resulting from the proposed partition will be further subdivided into individual building lots and developed according to the development standards of the refinement plan. As approved under Fairview Refinement Plan/Partition/Phased Subdivision Case No. FRP-PAR-SUB14-01, the future subdivision lots will be served by an interconnected network of streets and alleys that will ensure the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

In addition to the proposed future internal streets, the subject property is also located adjacent to, and served by, Battle Creek Road SE. Battle Creek Road is designated as a minor arterial street within the TSP. In order to ensure that Battle Creek Road SE is developed in conformance with the TSP, conditions of approval applicable to the Fairview Addition West phased subdivision require the improvement of Battle Creek Road to minor arterial standards. The 46-foot-wide improvement required for Battle Creek Road ensures the safe, orderly, and efficient circulation of traffic along the boundary of the proposed development. This criterion is met.

F. 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: Property within the FMU zone requires a master planning process in order to facilitate sustainable mixed-use development. Required refinement plans must address how proposed development will address a number of principles of sustainability included in the Fairview Plan, including respecting the landscape by preserving the natural features and topography of a site to the maximum.

The proposed partition divides an existing parcel that is subject to an existing refinement plan, the Fairview Addition West Refinement Plan, and a larger phased subdivision approval. The two parcels resulting from the proposed partition will be further subdivided into individual building lots and developed according to the development standards of the refinement plan.

As is evidenced by the future development plan (**Attachment D**) submitted by the applicant which shows the configuration of the proposed parcels in relation to the approved future subdivision lots, the configuration of the proposed parcels is sufficient to allow their further future division and development in a manner consistent with the goals, policies, and vision established under the Fairview Plan and the FMU zone, and in conformance with the Fairview Addition West Refinement plan and phased subdivision approval. This criterion is met.

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

Finding: As is explained in the findings establishing conformance with SRC 205.005(d)(6) above, the layout, size, and dimensions of the proposed parcels are sufficient to accommodate their future further division and development subject to the requirements of the FMU zone. The Fairview Addition West Refinement Plan and overall phased subdivision approval applicable to the proposed parcels ensure their future development takes into account topography, vegetation, and natural features in order to minimize the amount of grading and site disturbance that is necessary. This criterion is met.

H. SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

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

Finding: The site is served by available sewer and water. This criterion is not applicable.

8. Conclusion

Based upon review of SRC 205.005(d), the findings contained under section 7 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

That the tentative partition plan, to divide Parcel 3 of Partition Plat No. 2015-29 into two parcels approximately 15.99 and 14.19 acres in size, for property approximately 30.18 acres in size, zoned FMU (Fairview Mixed-Use), and located in the 4300 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100200), shall be **APPROVED** subject to the following conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of proposed Parcel 1.
- Condition 2:** Provide easements or equivalent assurances that ensure that each proposed parcel can be served by water and sewer infrastructure. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.



Bryce Bishop, Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Tentative Partition Plan
 - C. City of Salem Public Works Department Comments
 - D. Future Development Plan

Application Deemed Complete:	<u>March 15, 2018</u>
Notice of Decision Mailing Date:	<u>June 7, 2018</u>
Decision Effective Date:	<u>June 23, 2018</u>
State Mandated Decision Date:	<u>July 13, 2018</u>

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

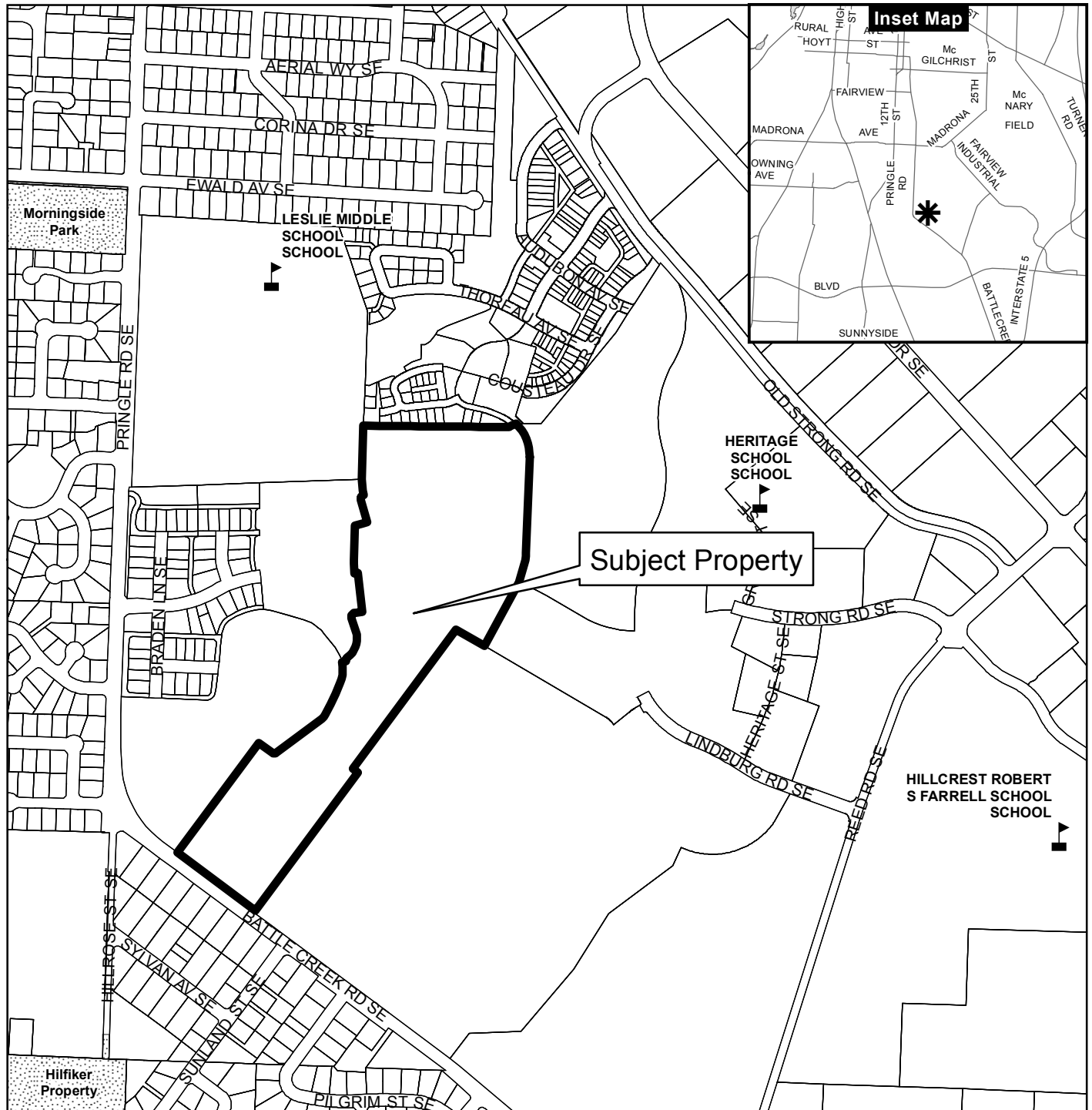
Tentative Partition Plan: June 23, 2020

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 **Friday, June 22, 2018, 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

4300 Block of Battle Creek Road SE



Legend

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

Parks

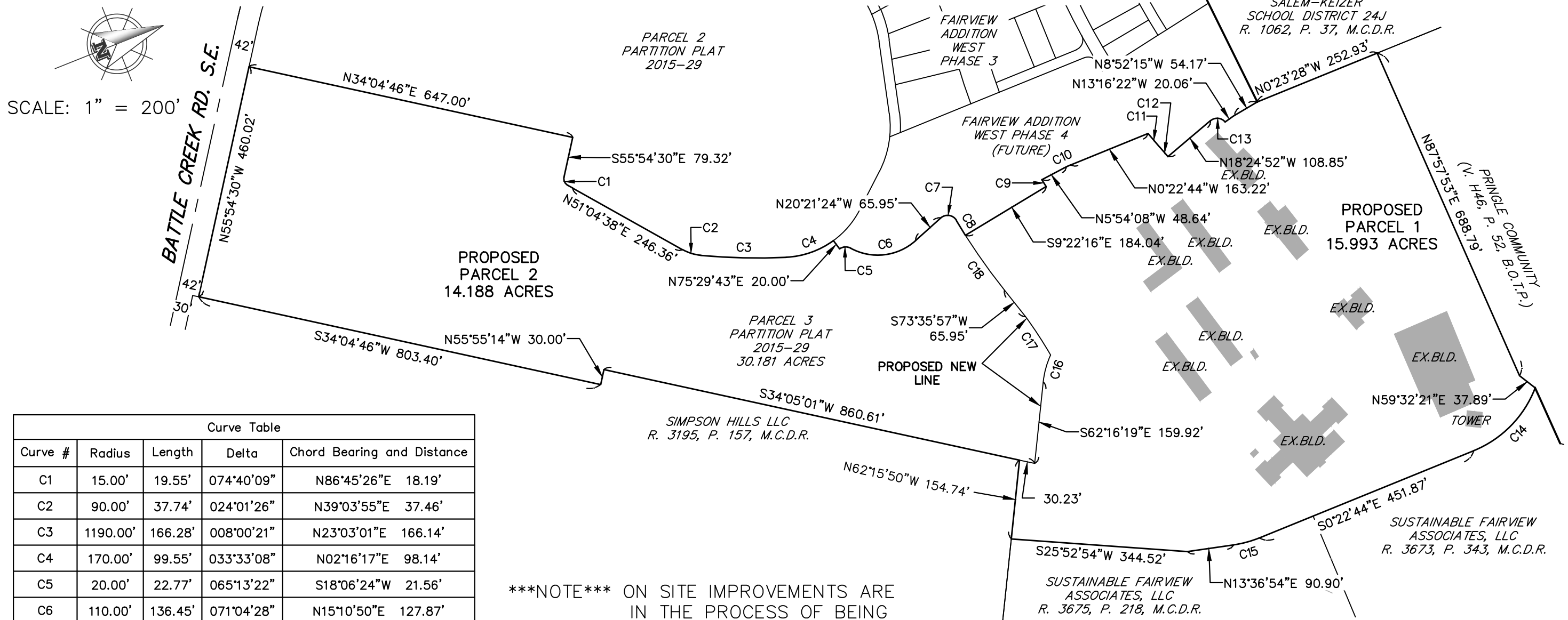
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



PRELIMINARY PARTITION - PARCEL 3,
PARTITION PLAT 2015-29



Curve Table				
Curve #	Radius	Length	Delta	Chord Bearing and Distance
C1	15.00'	19.55'	074°40'09"	N86°45'26"E 18.19'
C2	90.00'	37.74'	024°01'26"	N39°03'55"E 37.46'
C3	1190.00'	166.28'	008°00'21"	N23°03'01"E 166.14'
C4	170.00'	99.55'	033°33'08"	N02°16'17"E 98.14'
C5	20.00'	22.77'	065°13'22"	S18°06'24"W 21.56'
C6	110.00'	136.45'	071°04'28"	N15°10'50"E 127.87'
C7	20.00'	35.45'	101°34'04"	S30°25'38"W 30.99'
C8	1154.00'	34.00'	001°41'17"	N80°22'01"E 34.00'
C9	970.00'	15.97'	000°56'35"	N79°47'05"E 15.97'
C10	150.00'	14.46'	005°31'24"	S03°08'26"E 14.45'
C11	1212.50'	35.09'	001°39'30"	N71°18'06"E 35.09'
C12	1258.00'	24.43'	001°06'46"	S71°01'45"W 24.43'
C13	20.00'	31.71'	090°50'18"	S27°00'17"W 28.49'
C14	215.00'	175.32'	046°43'14"	N23°44'21"W 170.50'
C15	215.00'	52.51'	013°59'38"	N06°37'05"E 52.38'
C16	170.00'	54.92'	018°30'42"	S53°00'58"E 54.69'
C17	846.00'	89.88'	006°05'13"	S78°39'21"W 89.83'
C18	1154.00'	131.54'	006°31'50"	N76°15'27"E 131.46'

NOTE ON SITE IMPROVEMENTS ARE
IN THE PROCESS OF BEING
DEMOLISHED

LEGEND

- R. — REEL
P. — PAGE
V. — VOLUME
M.C.D.R. — MARION COUNTY
DEED RECORDS
B.O.T.P. — BOOK OF
TOWN PLATS
EX.BLD. — EXISTING BUILDING

Owner/Applicant:
SFA2, LLC
P.O. BOX 9
170 W. MAIN ST.
MONMOUTH, OR 97361
(ERIC OLSEN)

Surveyor:
Barker Surveying
3657 Kashmir Way SE
Salem, OR 97317

Site Address:
PARCEL 3, PARTITION PLAT
2015-29

Map Tax Lot:
200

Tax Map:
08-3W-11

Total Area:
30.18 ACRES

Zone:
FMU — FAIRVIEW MIXED
USE



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800



MEMO

TO: Bryce Bishop, Planner II
Community Development Department

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

DATE: June 6, 2018

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO.18-02 (17-123727-LD)
4300 BLOCK OF BATTLE CREEK ROAD SE
TWO-PARCEL PARTITION**

CPunch

RECEIVED

JUN - 6 2018

COMMUNITY DEVELOPMENT

PROPOSAL

To divide approximately Parcel 3 of Partition Plat No. 2015-29 into 2 parcels in a FMU (Fairview Mixed-Use) zone at the 4300 block of Battle Creek Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Provide easements or equivalent assurances that ensure each proposed parcel can be served by water and sewer infrastructure. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.
2. Convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of the proposed Parcel 1.

FACTS

Consolidated Refinement Plan Approval

Planning Commission approved a refinement plan, partition, and subdivision on the subject property under FRP-PAR-SUB14-01. The conditions of approval, infrastructure requirements, and phasing plan for FRP-PAR-SUB14-01 will not be affected by the proposed partition.

Streets

1. Battle Creek Road SE—This street is an under improved Minor Arterial street as specified in the *Salem Transportation System Plan* (Salem TSP). The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Storm Drainage

1. Existing Condition—Existing stormwater facilities are located in Fairview Addition West Phase 3.

Water

1. Existing Conditions
 - a. The subject property is located within the S1 and S2 water service levels.
 - b. A 16-inch S1 public water main is located in Battle Creek Road SE.
 - c. There are 8-inch and 16-inch S1 public water mains located in Fairview Addition West Phase 3.

Sanitary Sewer

1. Existing Sewer
 - a. An 8-inch sewer line is located in Fairview Addition West Phase 3.

CRITERIA AND FINDINGS

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

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

- a. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- b. City infrastructure standards; and
- c. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may

be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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 3 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 Carlson Geotechnical and dated May 23, 2014, with the overall Fairview development, was submitted to the City of Salem. This assessment demonstrates the subject property could be partitioned without increasing the potential for slope hazard on the site or adjacent properties.

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

Findings—As specified in FRP-PAR-SUB14-01, City infrastructure is available to serve the proposed development. The proposed partition has little or no effect on City infrastructure, except that the proposed parcels do not all have water and sewer infrastructure available to each property line. The applicant shall be required to provide easements or equivalent assurances which ensure that each proposed parcel can be served by water and sewer infrastructure. 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—Street infrastructure has been designed to serve the proposed development as specified in FRP-PAR-SUB14-01. The proposed partition has little or no effect on the street system into, through, and out of the partition, except that the proposed Parcel 1 does not have street access available at the property line. The applicant shall be required to convey land for dedication of a minimum 40-foot-wide right-of-way from the existing terminus of Strong Road SE to the west line of the proposed Parcel 1.

cc: File

Owner/Applicant:

SFA2, LLC
P.O. BOX 9
170 W. MAIN ST.
MONMOUTH, OR 97361
(ERIC OLSEN)

Surveyor:

Barker Surveying
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PARCEL 3, PARTITION PLAT
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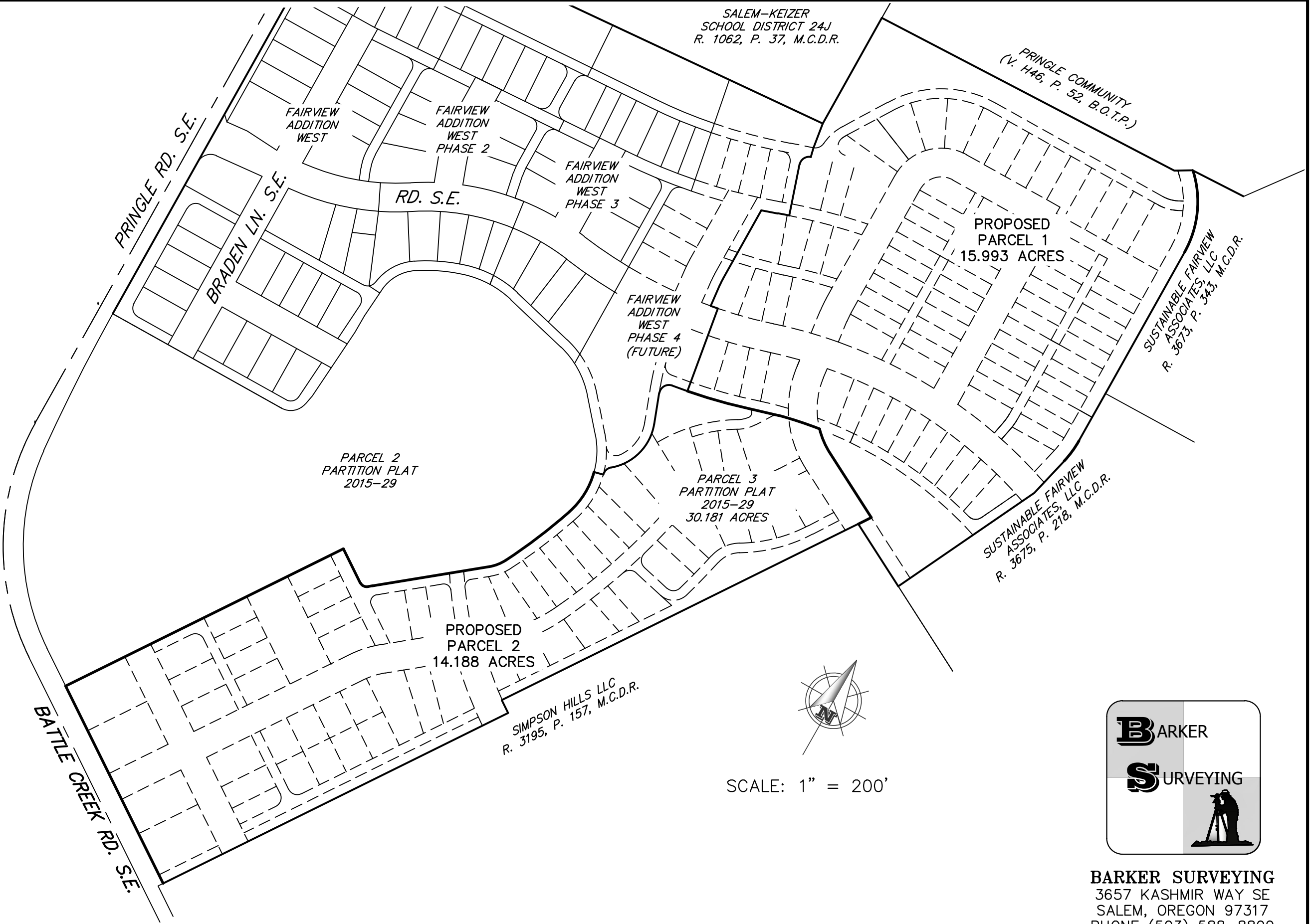
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Total Area:

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