

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION CASE NO.: SUB19-06**

**APPLICATION NO.: 19-111411-LD**

**NOTICE OF DECISION DATE: SEPTEMBER 20, 2019**

**SUMMARY:** A phased subdivision to create 93 single family lots.

**DESCRIPTION:** A phased subdivision tentative plan to divide approximately 18.9 acres into 93 lots, with Phase 1 dividing approximately seven acres into 35 lots, Phase 2 dividing approximately six acres into 31 lots, Phase 3 dividing approximately six acres into 27 lots. The applicant is requesting an alternative street standard to increase the grade of Landau Street SE to 12.40% and increase the block length of Soapstone Avenue SE from 600-feet to 640-feet.

The subject property is approximately 19 acres in size, zoned RA (Residential Agriculture), and located on the 5800 Block Battle Creek Road SE and the southwest corner of Battle Creek Road SE and Landau Street SE (Marion County Assessor Map and Tax Lot Number: 083W13C / 02001).

**APPLICANT:** Landau Property Partners, LLC (Sean Ward)

**LOCATION:** 5800 Block of Battle Creek Rd SE & SW corner of Battle Creek Rd & Landau St SE / 97306

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.010(d)

**FINDINGS:** The findings are in the attached Decision dated September 20, 2019.

**DECISION:** The **Planning Administrator APPROVED** Subdivision Case No. SUB19-06 subject to the following conditions of approval:

**Condition 1:** The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North

Lot 42	South
Lot 53	North
Lot 54	East
Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North
Lot 69	North
Lot 82	South
Lot 83	South

**Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

**Condition 3:** The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.

**Condition 4:** The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.

**Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

**Condition 6:** The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.

**Condition 7:** Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

**Condition 8:** The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

The rights granted by the attached decision must be exercised, or an extension granted, by October 8, 2029 or this approval shall be null and void.

Application Deemed Complete:	<u>August 8, 2019</u>
Notice of Decision Mailing Date:	<u>September 20, 2019</u>
Decision Effective Date:	<u>October 8, 2019</u>
State Mandate Date:	<u>December 6, 2019</u>

**Case Manager:** Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net), 503-540-2343

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., Monday, October 7, 2019. 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 Chapters 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  
(SUBDIVISION PLAT NO. 19-06)**

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

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>APPROVAL OF TENTATIVE</b>	)	
<b>SUBDIVISION PLAT NO. 19-06;</b>	)	
<b>5800 BLOCK BATTLE CREEK ROAD SE</b>	)	<b>September 20, 2019</b>

**REQUEST**

A phased subdivision tentative plan to divide approximately 18.9 acres into 93 lots, with Phase 1 dividing approximately seven acres into 35 lots, Phase 2 dividing approximately six acres into 31 lots, Phase 3 dividing approximately six acres into 27 lots. The applicant is requesting an alternative street standard to increase the grade of Landau Street SE to 12.40% and increase the block length of Soapstone Avenue SE from 600-feet to 640-feet.

The subject property is approximately 19 acres in size, zoned RA (Residential Agriculture), and located on the 5800 Block Battle Creek Road SE and the southwest corner of Battle Creek Road SE and Landau Street SE (Marion County Assessor Map and Tax Lot Number: 083W13C / 02001).

**DECISION**

- A. The phased subdivision tentative 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:** The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North
Lot 42	South
Lot 53	North

Lot 54	East
Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North
Lot 69	North
Lot 82	South
Lot 83	South

- Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.
- Condition 3:** The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.
- Condition 4:** The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.
- Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 6:** The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.
- Condition 7:** Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.
- Condition 8:** The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

### PROCEDURAL FINDINGS

1. On May 14, 2019, a consolidated application for a Phased Subdivision Tentative Plan Application was filed for a proposal to divide an approximately 19 acre property on the 5800 Block Battle Creek Road SE (**Attachment A**) into 93 lots over the course of three phases.

2. After the applicant submitted additional information identified by staff, the application was deemed complete for processing on August 8, 2019. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on August 9, 2019.
3. The state-mandated local decision deadline is December 6, 2019.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The tentative plan proposes to divide 19 acres into 93 lots for residential development (**Attachment B**), with development taking place in three phases. Phase 1 would include 35 lots ranging in size from 5,250 square feet to 9,743 square feet, concentrated on the north and east portions of the subject property. Access to Phase 1 would be provided from two local streets to Landau Street SE at the north subdivision boundary. The proposal also includes a 25,527 square foot area near the northeast corner of the site for construction of a stormwater pond, which would be dedicated to the City.

Phase 2 would subdivide six acres into 31 lots ranging in size from 5,250 square feet to 9,514 square feet for residential development. Phase 2 would also include rights-of-way for internal streets, and extension of Landau Street SE.

Phase 3 would subdivide six acres into 27 lots ranging in size from 5,590 square feet to 11,610 square feet for residential development. Phase 2 would include rights-of-way for internal streets, which connect to Landau Street SE.

### **2. Existing Conditions**

#### Site and Vicinity

The subject property contains approximately 19 acres and consists of a single tax lot, which extends approximately 1,100 feet westward from Battle Creek Road SE and approximately 750 feet southward from Landau Street SE. The subject property is bounded by the City Limits along the southern and western boundaries.

The subject property consists of a hillside which peaks at approximately 518 feet in elevation near the southeast corner. The subject property is primarily open and grassy, with a concentration of trees and shrubs on the southern property line.

The Mossy Ridge subdivision was platted to the east in 2015, and developed with single family residences. The applicant has provided an alignment for future connection of Soapstone Avenue SE to the east, which is required prior to the City's plans to cul-de-sac Landau Street SE near the west property line of the subject property.

Salem Area Comprehensive Plan (SACP) Designation

*Urban Growth Policies:* The subject property is located inside the Salem Urban Growth Boundary (UGB) 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: (Across Landau Street SE); Single Family Residential
- South: Outside City Limits; Developing Residential
- East: (Across Battle Creek Road SE); Developing Residential
- West: Outside City Limits; Developing Residential

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: (Across Landau Street SE); RS (Single Family Residential) single family dwelling and nursery and farm buildings,
- South: Outside City Limits; UT-10 (Urban Transitional – 10 acre min), single family and farm land.
- East: (Across Battle Creek Road SE); RS (Single Family Residential) and RA (Residential Agriculture), single family dwellings an vacant land.
- West: Outside City Limits; UT-10 (Urban Transitional – 10 acre min), accessway

Relationship to Urban Service Area

The subject property is inside of the City’s Urban Service Area.

Infrastructure

*Water:* The subject property is within two water service levels, S-2. The Mains of this size generally convey flows of 500 to 1,000 gallons per minute.

An 8-inch S-2 water line is located in Landau Street SE.

*Sewer:* An 8-inch sanitary sewer main is located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

**Storm Drainage:** A 12-inch storm drain line is located in Landau Street SE.  
**Streets:** Battle Creek Road SE currently abuts the subject property along the east boundary. This segment of Battle Creek Road SE is designated as a Minor Arterial street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 46-foot improvement within a 72-foot-wide right-of-way.
- The abutting portion of Battle Creek Road SE currently an approximately 27-foot-wide improvement within a 60-foot-wide right-of-way.

Landau Street SE currently abuts the subject property along the north boundary. This segment of Landau Street SE is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- The abutting portion of Landau Street SE currently has an approximately 20-foot-wide improvement within a 41-foot-wide right-of-way.

### 3. Land Use History

- **Marion County Property Line Adjustment 93-13:** A relocation of the western boundary of the subject property. Record of survey No. 33074, recorded on October 6, 1993.
- **Annexation Case No. C-629:** A petitioner-initiated annexation for territory approximately 19.04 acres in size, rezoning from Marion County UT-10 (Urban Transition-10) to City of Salem RA (Residential Agriculture), and withdrawal from Salem Suburban Rural Fire Protection District.
- **Urban Growth Preliminary Declaration Case No. UGA07-06:** An Urban Growth Preliminary Declaration to determine the public facilities required by the Urban Growth Management Program to develop a single-family subdivision within 19.06 acres site. UGA Preliminary Declaration No. UGA07-06 expired on August 24, 2013.

### 4. 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 E**.

**Fire Department** - The Salem Fire Department submitted comments noting that Landau Street provides the two required means of Fire Department access. Landau Street cannot be closed prior to the future Soapstone Avenue connection. Fire hydrants are required to be provided within 600 feet of all portions of the structures (as measured along an approved path). It appears there are proper Fire Department turnarounds for the proposed phases.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that insufficient school capacity exists at the elementary, middle school and high school levels to serve future development. The school district indicated that the subject property is outside of the “walk zone” of the assigned middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools but is within the walk zone for the elementary school.

## **5. Neighborhood Association Comments**

The subject property is within the South Gateway 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.” South Gateway Neighborhood Association did not provide comments prior to the comment period ending.

## **6. Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Twenty property owners in the vicinity of the site submitted comments prior to the comment deadline. Comments expressed concerns with the following issues:

- A. **Safety of Landau Street.** The majority of the comments submitted express concern about the safety of Landau Street and the impact of adding traffic from 93 additional lots onto a narrow and under-improved street that is already heavily trafficked by vehicles. Specific concerns raised relating to vehicular, bike, and pedestrian safety on Landau Street include the following:
- Narrowness of roadway;
  - Lack of sidewalks and bike lanes;
  - Poor visibility at the crest of the steep hill and increase in grade; and

Comments received expressed the need for sidewalks on both sides of Battle Creek Road, Landau Street as well as traffic calming measures, such as speed bumps, to slow vehicle traffic.

**Staff Response:** The improvements to Landau Street and Battle Creek Road sufficiently mitigate transportation impacts caused by the development. Additional traffic calming measures are not recommended at this time but may be proposed at a later time if traffic patterns and development warranting such measures. Improvement of along the frontage of the property and construction of the internal streets within the subdivision will increase the number of streets with sidewalks in the vicinity and fill in gaps in the existing pedestrian network.

**B. Impact of Increased Traffic on Adjacent Streets.** Several comments received express concern with increased traffic in the vicinity as a result of the subdivision. Specific concerns raised regarding traffic and impacts on adjacent streets include the following:

- Traffic from subdivision will filter onto streets in the surrounding neighborhood;
- Traffic from an additional 93 lots will make traffic much heavier in an area that is already over-used daily.
- Narrow Streets, existing Soapstone Street is narrow and unsafe
- Soapstone Street Should not be connected to Battle Creek or proposed Subdivision.
- Continues Sidewalks from Kuebler Blvd to Soapstone Street, along Battle Creek Road.

**Staff Response:** The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. The proposal will result in a boundary street improvement of Landau Street and the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will align with existing streets which will eventually fill in gaps within the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

**C. Closing Landau Street:** Comments submitted that Landau Street should not be closed, since traffic will filter through the existing neighborhood using Soapstone. The connection to Soapstone Avenue should not be connected. Traffic will use Soapstone as a cut-through and will be unsafe for the existing neighborhood.

**Staff Response:** The Assistant City Traffic Engineer provided comments addressing the above concerns. In summary, the City will not consider closing Landau Street SE until Fabry Rd SE is extended between Reed Lane SE and Battle Creek Road SE and after a connection between Mossy Ridge subdivision and Landau Heights subdivision is constructed. The connection to Soapstone Avenue SE is a requirement to ensure that residential streets provide complete connectivity to ensure pedestrian, bicycle, vehicular, and emergency services can easily reach adjacent neighborhoods. The designation of Soapstone Avenue SE as a local street will not change. Local street standards include a 30-foot-wide improvement with parking allowed on both sides of the

street. When vehicles are parked on both sides of a local street, vehicles approaching from opposite directions must slow in order to safely pass. This is the desired effect in a residential neighborhood.

- D. **School Overcrowding:** Comments were submitted that the additional lots will create overcrowding in the schools.

**Staff Response:** The Salem Keizer Public Schools has reviewed the proposal and provided a memo dated August 20, 2019, which is included in the attachments, outlining the impact of the proposed development on the Salem-Keizer School District.

- E. **Adequate Notice:** Comments received express concern about adequate notice to affected residents.

**Staff Response:** Notice to surrounding property owners and South Gateway Neighborhood Association was mailed pursuant to Salem Revised Code on August 9, 2019. The subject property was posted pursuant to Salem Revised Code on August 12, 2019.

The South Gateway Neighborhood Association was notified on May 30<sup>th</sup>, 2019 that an application was received, and application materials were provided on June 3, 2019.

- F. **Loss of Wildlife Habitat and Open Space.** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property and suggest that rather than it being developed as a subdivision it should be donated to the City for creation of a new park.

**Staff Response:** In regard to impacts to wildlife habitat, the subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and incorporated limits of the City of Salem and has been designated on the City of Salem Comprehensive Plan Map as "Single Family Residential," which anticipates existing or future residential development similar to the subdivision proposed by the applicant. Loss of wildlife habitat that has not been identified as significant is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval.

Regarding impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as "Single Family Residential," and the site has been zoned RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

In regard to the property being developed as a park, the subject property is located within the Urban Service Area, so no Urban Growth Preliminary Declaration is required. As a result, no new neighborhood parks are warranted in conjunction with the proposed development.

## **7. Criteria for Granting a Phased Subdivision Tentative Plan**

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 subdivision 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 for each respective phase.

SRC Chapter 205.015(d) sets forth the criteria that must be met before approval can be granted to a phased subdivision request. 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 205.015(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 205.015(d)(1): The tentative phased subdivision meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).**

**Finding:** Compliance with the criteria for tentative subdivision plan approval, as set forth in SRC 205.010(d), is addressed within the findings below.

**SRC 205.010(d)(1): The tentative subdivision complies with all 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 511 (Single Family Residential): The proposed subdivision would divide the 19-acre property into 93 lots and a public facility for stormwater treatment, with no remainder. The subject property is currently zoned RA (Residential Agriculture). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for

conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

**Lot Standards for RS zone** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double frontage lots)	120 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 5,000 square feet to 11,610 square feet in size. Nine proposed lots are double frontage lots; each of these lots meets the minimum 120-foot lot depth set forth in SRC Chapter 511, Table 511-2. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**Setback Requirements:** SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Twenty of the proposed lots in the phased subdivision are corner lots. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant. Several of the corner lots do not meet lot standards for each frontage. To ensure the lots meet the standards the lots listed below and their front property lines are conditioned. As a condition of approval the front lot lines on lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 shall be as listed below:

**Condition 1:** The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North
Lot 42	South
Lot 53	North
Lot 54	East
Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North
Lot 69	North
Lot 82	South
Lot 83	South

Double frontage lots have frontage on two streets that do not intersect at the lot's boundaries. Four lots at the east boundary of the subject property, along Battle Creek Road SE, are double frontage lots. The applicant has identified a future street abutting the west property line. Those lots abutting the west property line are proposed to meet the standards for a double frontage lot. As described in findings above, each of the proposed double frontage lots meets the applicable minimum lot depth for double frontage lots in the RS (Single Family Residential) zone. Those lots abutting Battle

Creek Road SE will not have access to the existing minor arterial and will be required to access to the local street.

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

**(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 subdivision 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 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

Pursuant to SRC 71.085, all proposed lots shall be designed and constructed with green stormwater infrastructure. In order to ensure that the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

**Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to subdivision of property outside of the Salem Urban Service Area. The subject property is located inside the Urban Service Area. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. The subject property is located within the Urban Service Area, except for a small easterly portion above elevation 499 in the S-3 water service level. The applicant is proposing to lower the elevation of the properties in the S-3 water service level so that they can be served from S-2 level facilities. Therefore, no UGA Preliminary Declaration is needed because the proposed development does not precede construction of required facilities.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision.

Specifications for required public improvements are summarized in the Public Works Department memo dated September 20, 2019 (**Attachment E**).

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

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

*SRC 803.015 (Traffic Impact Analysis):* Because the proposed phased subdivision is projected to generate less than 1,000 daily trips onto Battle Creek Road SE, a Minor Arterial street, but more than 200 daily trips to Landau Street the applicant is required to perform a Traffic Impact Analysis (TIA) pursuant to subsection (b)(1). The applicant submitted a Traffic Impact Analysis, prepared by Southern Oregon Transportation Engineering, LLC and dated April 28, 2019.

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* The applicant is required to convey land for right-of-way along Landau Street SE and Battle Creek Road SE.

**Finding:** Both Battle Creek Road SE and Landau Street SE abut the subject property and do not meet the current right-of-way or improvement width standards for a Minor Arterial and Local street, respectfully. In implementing boundary street requirements pursuant to SRC 803.040, conditions below require the applicant to dedicate additional right-of-way and convey 36-feet from centerline of Battle Creek Road and construct a minimum of 23-foot wide half street improvement and convey 30-feet from centerline of Landau Street with an improvement for 27-foot-wide three-quarter street improvement. The street section along Landau Street has been approved for an alternative street design to preserve existing street trees.

**Condition 3:** The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.

**Condition 4:** The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.

As conditioned, the proposal meets this requirement.



*SRC 803.030 (Street Spacing):* The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

**Finding:** Due to steep topography and existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. The applicant is proposing 640-feet between streets, which is needed to make the grade needed at the intersections within in subdivision. The steep topography and street locations will meet the exemption of SRC 803.030(b)(1) to exceed the 600-foot intervals.

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property.

**Finding:** The proposed street system provides logical connections to abutting properties and neighborhoods to the south, west and east. The proposal complies with the requirements of subsection (a).

Due to steep topography and existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. The applicant is proposing 640-feet between streets, which is needed to make the grade needed at the intersections within in subdivision. The steep topography and street locations will meet the exemption of SRC 803.035(a)(1) to exceed the 600-foot intervals.

Subsection (l) requires sidewalks to be constructed parallel to and one foot from the adjacent right-of-way and the construction of sidewalks as part of street improvement projects.

The tentative subdivision plat shows property line sidewalks, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comment from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition 5:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.

*SRC 803.040 (Boundary Streets)*: Landau Street SE and Battle Creek Street SE are boundary streets, running along the entire northern and eastern frontage of the subject property.

**Finding**: Landau Street SE and Battle Creek Road SE abuts the subject property and does not meet the current right-of-way or improvement width standards for a local street and minor arterial, respectively. Following dedication of adequate right-of-way, half-street improvements along this frontage can be constructed in conformance with the subdivision phasing proposed by the applicant.

As conditioned, the proposal conforms to applicable boundary street requirements.

**(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): The City's tree preservation ordinance 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.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP19-12) was submitted in conjunction with the phased subdivision tentative plan. TCP19-12 identifies 83 trees on the subject property, with 8 trees proposed for removal. Trees proposed for removal are located within presumed building envelopes, street rights-of-way, and utility easements. As described in the applicant's written statement, the topography of the subject property requires grading in several areas to provide adequate home sites and streets. The extent of required grading will necessitate removal of certain additional trees on the subject property.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

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, there are areas on the subject property assigned three landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of six points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment, prepared by GeoEngineers and dated June 26, 2019, was submitted to the City of Salem. This assessment demonstrates that the site could be subdivided and developed without increasing the potential for slope hazards on the site or adjacent properties.

**SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

**SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Finding:** Water and sewer infrastructure is available along the perimeter of the site. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The Water System Master Plan shows that a 12-inch water main is required through the subject property from Landau Street SE to the south line of the proposed development. The applicant shall be required to extend a 12-inch water main from Landau Street SE to the south line of the subject property.

A small area at the highest elevations of the subject property is located within the S-3 water service level. The applicant's grading plan shows that the property will be regraded to lower the highest elevations to the S-2 water service level, which serves to a maximum first floor elevation of 499 feet. Because no S-3 water mains are proposed to serve the proposed development, the lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

The nearest available sewer main is in Battle Creek Road SE approximately 600 feet north of Landau Street SE. The applicant shall be required to construct a minimum 8-

inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE.

**Condition 6:** The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.

**Condition 7:** Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

**Condition 8:** The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

Conditions of approval require construction of water and sewer systems to serve each lot, an engineered stormwater design to accommodate future impervious surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

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.

The proposal meets this criterion.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Finding:** The applicant is required to dedicate right-of-way and construct half-street improvements on the Battle Creek Road SE frontage consistent with TSP standards for a Minor Arterial street and construct a three-quarter improvement on Landau Street SE frontage consistent with TSP standards for a Local street.

As described in findings above, due to topographic constraints the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. The TSP Bicycle Map does not propose additional bike lanes within or adjacent to the subject property.

As proposed and conditioned, the internal street extensions serving the subdivision conform to the TSP. The proposal meets this criterion.

**SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding:** Conditions above implement required boundary street improvements along the abutting portions of Battle Creek Road SE and Landau Street SE.

The proposed network of boundary and internal streets serving the subdivision provides direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

**SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

**Finding:** The proposed subdivision is situated within one-half mile of three neighborhood activity centers:

- Lee Elementary School, a public school, is approximately 630-feet to the east.
- Robert and Susie Lee School Park, a 3.8-acre public park located at 5650 Venice Ave SE, approximately 1,000 feet east of the subject property.
- No bus stops or routes within the general vicinity.

The proposed subdivision is accessed by an existing collector street and the extension of a local street into the subject property. The subject property will provide internal streets with safe and convenient bicycle and pedestrian access, and provide boundary street improvements connecting northward to existing bicycle and pedestrian facilities on Lone Oak Road.

The proposal meets this criterion.

**SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**

**Finding:** The Assistant City Traffic Engineer has reviewed the applicant's Traffic Impact Analysis, as prepared by Southern Oregon Transportation Engineering, LLC and dated April 28, 2019 and has determined that the findings listed in the Executive Summary of the analysis are valid. The analysis summarizes that no operational mitigations are necessary with the completion of the proposed development.

The proposal meets this criterion.

**SRC 205.010(d)(8): The tentative subdivision 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 subdivision 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. A number of existing natural and built conditions on the subject property are considered in the street and lot configuration proposed by the applicant. Limiting factors include steep slopes, the extension of Soapstone Avenue, abutting residential developments, and the City Limits just to the south of the subject property.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with the adjustments for maximum street grade as requested. No existing conditions of topography or vegetation have been identified on the site which would necessitate further variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

**SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

**Finding:** The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. In particular, the shift from the east-west oriented block pattern of developments to the east to a north-south block orientation within the proposed subdivision allows streets and lot configuration to align more closely with the slope across the subject property.

The proposal meets this criterion.

**SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Finding:** The subject property is located within the Urban Service Area, except for a small easterly portion above elevation 499 in the S-3 water service level. The applicant is proposing to lower the elevation of the properties in the S-3 water service level so that

they can be served from S-2 level facilities. Therefore, no UGA Preliminary Declaration is needed because the proposed development does not precede construction of required facilities.

**SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**

**Staff Response:** The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from Phase 1 and Phase 2 in a logical and efficient manner.

**SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.**

**Staff Response:** The proposed phasing boundary, as shown on the proposed utility plan, provides for Phase 1 to function as a standalone subdivision, while retaining logical connections to future development of Phase 2.

**SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.**

**Staff Response:** The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure from Phase 1 to Phase 2. Because there are only two phases proposed, a design which supports the orderly and efficient extension of utilities to Phase 2 effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

## **8. Conclusion**

Based upon review of SRC 205.005, the findings contained under Sections 7 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

That Subdivision Case No. 19-06, which includes the following request:

1. A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately seven acres into 35 lots, Phase 2 dividing approximately six acres into 31 lots, Phase 3 dividing approximately six acres into 27 lots.

On property zoned RA (Residential Agriculture), and located at 5800 Block Battle Creek Road SE and the southwest corner of Battle Creek Road SE and Landau Street SE (Marion County Assessor Map and Tax Lot Number: 083W13C / 02001), shall be GRANTED as follows:

- A. The phased subdivision tentative plan is **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:** The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North
Lot 42	South
Lot 53	North
Lot 54	East
Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North
Lot 69	North
Lot 82	South
Lot 83	South

**Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

**Condition 3:** The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.

**Condition 4:** The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire



frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.

- Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 6:** The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.
- Condition 7:** Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.
- Condition 8:** The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.



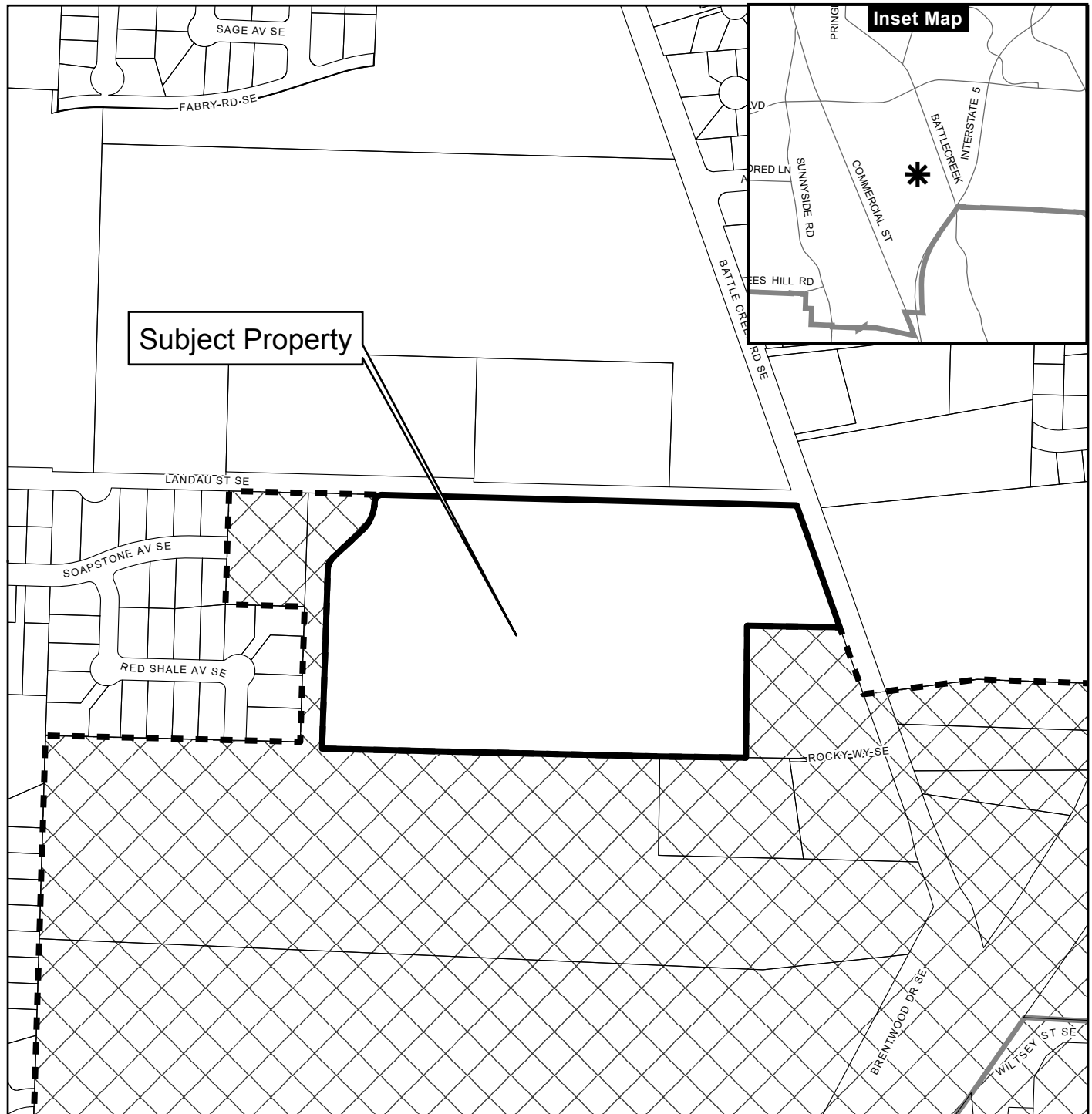
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Olivia Glantz, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Phased Tentative Subdivision Plan  
C. Applicant's Written Statement  
D. Traffic Impact Study – Executive Summary  
E. City of Salem Public Works Department Comments

# Vicinity Map

## 5800 Block Cattle 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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Community Development Dept.

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**BURDEN OF PROOF  
STATEMENT FOR APPLICATION FOR  
LANDAU HEIGHTS SUBDIVISION APPROVAL  
CITY OF SALEM, OREGON**

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**Applicant:** Richard Ward Associates.  
1314 NE Foster Way  
Grants Pass, OR 97526  
Phone: (541) 476-7218

**Owner:** Lucky Star, LLC  
133 Tiffany Way  
Grants Pass, OR 97526

**Representatives:** Rhine-Cross Group, LLC  
112 N 5th Street, Suite 200  
P.O. Box 909  
Klamath Falls, OR 97601  
Phone: (541) 851-9405

**Location:** The property is located at the SW corner of the intersection of Battle Creek Road SE and Landau Street SE, within the City of Salem in Marion County, Oregon

**Address:** Unassigned

**Reference Parcel No.:** Tax Lot 2001, Map #08 3W 13C

**Comp. Plan Designation:** Residential

**Zoning Designation:** RA – Residential Agriculture

**Property Size:** ±18.9 Acres

**Proposal:** Phased subdivision application for 93 single family residential lots with an average lot size of 5500 sq.ft. to be completed in three phases.

**Date:** Revised July, 2019

## ***PROJECT OVERVIEW & DESCRIPTION***

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The applicant intends to develop the site in accordance with Chapters 205, 510, 800, 802, and 803 of the City of Salem Development Code. The development will be named Landau Heights Subdivision, and a tentative plat showing the proposed street, lot, and utility layout will be provided with the application for the entire property.

The 18.9 acre property is located within the Salem City Limits on the southeast side of the city within the South Gateway neighborhood. The site is bounded on the west side by the existing Mossy Ridge development, which is zoned RS with lot sizes ranging from 9,245sq. ft. to 15,595 sq. ft. To the north and east are undeveloped properties zoned RS and RA, also zoned for single family development. To the south is the city limits line, beyond which are larger acreage properties zoned agriculture and forestry through Marion County zoning. The site is completely surrounded by moderate density development and is therefore irrevocably committed to similar use.

The site enjoys direct access to Landau Street, which is classified as a local street by the City of Salem. Landau Street accesses Battle Creek Rd at the northeast corner of the property, which is classified as a minor arterial. The property is currently undeveloped and is vegetated with farmed pasture grass and lined by weeds and blackberries around the field edges. The site is located within the City of Salem service area for water service, sanitary sewerage service, and storm water management. Other utilities readily available are power, telephone, gas, and cable TV all existing within the street frontages along.

The site consists of Nekia silty clay loam (NeB and NeC), Jory silty clay loam (JoB and Joc), with hydrologic soil classification of 'C'. The site is "located" on Panel No. 41047C – 0657G of the Flood Insurance Rate Map (FIRM) for Marion County. The property is outside of all Zone A mapped flood areas.

The subject property is currently designated as RA – Residential Agriculture by the City of Salem Zoning map. The applicant is proposing a phased subdivision master plan with 91 proposed lots over 3 phases. Each phase will be platted to provide

The approval conditions of the Mossy Ridge Subdivision directly to the west of Landau Heights requires the eventual closure of Landau Street at the height of the "Landau Hill". Landau hill is limited in sight distance and can pose a safety hazard if drivers are not following the posted reduced speed and sight distance warning signs. The Mossy Ridge subdivision created right of way for a cul-de-sac at the western base of the hill. Landau Heights will propose the same thing on the east side of the hill. Additionally, the applicant intends to install speed bumps and additional warning signs on the east side of the hill that match the existing facilities on the west side of the hill.

Soapstone Ave SE was platted through Mossy Ridge subdivision as a future replacement for Landau Street. Landau Heights subdivision will also plat a stub road on the west side of the development that will be connected to Soapstone Ave in the future. There is one property in

between the two developments that will need to finish this connection. The road will be designed to be able to physically make the connection once the middle property develops.

This application for a Land Subdivision is subject to both City and State criteria and standards and is processed by the City administratively and is reviewed by the Planning Commission and City Council, pursuant to the Salem Development Code. Accordingly, the applicant shall address all of the applicable criteria and standards of the Salem Development Code that pertain to these requests. As required by the City's land subdivision review process and by the State, the applicant shall also address the applicable criteria and standards of the Oregon Administrative Rules (OAR) and the Oregon Revised Statutes (ORS), particularly the elements of these State rules and statutes that apply to subdividing land.

## ***CITY OF SALEM URBAN DEVELOPMENT CODE (UDC)***

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### ***1. Chapter 205 – LAND DIVISION AND RECONFIGURATION***

#### ***Sec. 205.010. - Subdivision tentative plan.***

(a) *Applicability.* No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.

(b) *Procedure type.* A tentative subdivision plan is processed as a Type II procedure under SRC [chapter 300](#).

(c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC [chapter 300](#), an application for tentative subdivision plan shall include the information required in SRC [205.030](#).

(d) *Criteria.* A tentative subdivision plan shall be approved if all of the following criteria are met:

(1) *The tentative subdivision 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.*

**Response:** Landau Heights subdivision proposes 91 new single family residential lots ranging in size from 5250 sq.ft. to 11,610 sq.ft. The minimum size allowed by code is 4000 sq.ft. The minimum width of the proposed lots is 50 feet, with the minimum allowed by code at 40 feet. The minimum depth of lots is proposed at 85 feet, with the minimum allowed by code at 70 feet. All double frontage lots (including those backing up to the future road along the west property boundary) will be at the minimum of 120 feet. All lots have a minimum of 40 feet of street frontage, except for those lots along the outside of a curved street with a radius of 200 feet or less have a minimum frontage of 30 feet.

(B) *City infrastructure standards.*

**Response:** All streets proposed within the subdivision will meet the local street standard, with the exception of Battle Creek Rd SE which will meet the minor arterial standard. All proposed public utilities will meet the City Engineering Standards.

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

**Response:** The majority of the subject property is free from special development standards, with the exception of the southeast corner of the property which has existing slopes at around 25%. A geotechnical report will be prepared that will address the development along these slopes. The steeper slopes are at the top of a minor hill, with the slope ending on the south property line and reversing grade to slope to the south, therefore no slope stability issues are expected.

A vision clearance issue exists on Landau St SE to the west of the proposed project. The

top of the hill on Landau Street does not meet current site distance standards for the vertical curve. To address this issue, the applicant has proposed placing speed bumps and additional signing as a traffic calming technique to reduce speed and increase safety on the roadway for the initial phases of the development. The same traffic calming techniques were placed on Landau Street on the west side of the hill with the development of the Mossy Ridge Subdivision. Once development on Landau Street occurs, with driveways, curbs and sidewalks placed we expect the traffic speeds to decrease along the project frontage.

The subdivision layout for Landau Heights includes the provisions for Soapstone Ave SE to be connected to the existing road in Mossy Ridge Subdivision. According to City of Salem Engineering, Landau Street will eventually be closed once the Soapstone Ave connection is made, with cul-de-sacs provided on both sides of the hill on Landau Street for turn around. Soapstone Ave will serve as the east-west connection between neighborhoods and may cut down on the amount of cut-through traffic through this area. Additional east west connector streets are proposed by the City's Master Transportation System Plan north of the Landau Heights development.

*(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.*

**Response:** The subdivision layout for Landau Heights provides four public street stubs to adjacent properties to allow future use and development of adjacent lands. The layout of the subdivision will encourage the preservation of the existing trees on the south and east sides of the property that will allow adjacent farming uses to continue without conflicting with the development. A stub road to tax lot 1800 cannot be accomplished due to extreme topographic constraints (See Sec. 803.035(a)(1). The road connection grade would exceed 25% to make a connection at this location which is not feasible. Tax lot 1800 will have connection to the future extension of Soapstone Ave through tax lot 1900, and a future connection to Battle Creek Rd via an extension and improvement of Rocky Way SE. The westerly adjacent property is proposed for future street use. The development proposes two stub road connections to this future road and does not propose any driveway access to this road in case it is utilized as a collector. Lot depths are increased to 120 feet along this future roadway in case the future road is a collector street.

*(3) Development within the tentative subdivision plan can be adequately served by city infrastructure.*

**Response:** The subdivision layout proposes two street connections to Landau St SE. Landau Street then connects to the Minor Arterial Battle Creek Rd on the east side of the subdivision. The subdivision is easily served by the existing surrounding street system, with the traffic mitigation proposed in the traffic study. A 16" & 20" water line exists in Battle Creek Rd, with connection available at the intersection of Landau St. An 8" sewer main exists within Avalon St SE, approximately 850' north of the subject property. This line will be extended offsite to serve the subdivision. Other utilities are readily available to the subdivision within Landau St and Battle Creek Rd, including power, telephone, cable TV and natural gas.

*(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.*

**Response:** The layout of the subdivision will allow for the through connection of Soapstone Ave



SE as required by the Mossy Ridge subdivision approval. New streets are proposed to meet the standards in the City's TSP, including frontage improvement on Landau St and Battle Creek Rd. The development of Landau Heights accommodates the future construction of a collector street on the western boundary of the subdivision.

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

**Response:** The proposed street system is designed as a looped and gridded street system with multiple entrances and exits to the subdivision once full build out is achieved. Four stub roads are provided to adjacent properties, as well as two connections to Landau Street. The approval of the Mossy Ridge Subdivision to the west of this development facilitates the eventual closure of Landau St SE. This subdivision layout is complying with this requirement by designing a street system that will connect with the proposed through street (Soapstone Ave SE) and providing a means for the closure of Landau Street on the east side of the limited sight distance hill. As shown in the findings of the Traffic Impact Analysis for Landau Heights, the development of this subdivision can be accomplished without the connection of Soapstone Ave.

*(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.*

**Response:** The subdivision plan provides for the eventual connection to the existing Mossy Ridge Subdivision that was recently constructed to the west of the subject property. This subdivision connects to existing walks and bike lanes connecting to Commercial Drive to the west. The subdivision will also connect to Battle Creek Rd to the east. This road has existing sidewalks and bike lines constructed directly north of the project that provides pedestrian and bicycle connections to the north and east.

*(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.*

**Response:** The applicant agrees to the mitigation and timelines that are outlined in the traffic impact analysis that is submitted with this application.

*(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.*

**Response:** The applicant has performed a topographic survey of the property. The layout of the subdivision was done primarily to be in harmony with the existing topography while still meeting the required connections to the properties to the south and west. The site is mostly vegetated with grass and weeds, with many of the trees located on the south and east property boundaries. Because these trees will be outside of the major development areas, most of the trees are

proposed to be preserved. No variances are requested with this subdivision plan.

*(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.*

**Response:** The applicant has performed a topographic survey of the property. The layout of the subdivision was done primarily to be in harmony with the existing topography while still meeting the required connections to the properties to the south and west. The site is mostly vegetated with grass and weeds, with many of the trees located on the south and east property boundaries. Because these trees will be outside of the major development areas, most of the trees are proposed to be preserved. The southeast corner of the property will require some substantial grading and retaining wall construction to allow reasonable development of the lots.

*(10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC [chapter 200](#), the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.*

**Response:** If required, the applicant will comply with the requirements of the Urban Growth Preliminary Declaration.

*(e) Expiration. Tentative subdivision plan approval shall expire as provided in SRC [300.850](#), unless an application for final plat is submitted within the time limits set forth in SRC [300.850](#), or an extension is granted pursuant to SRC [300.850](#)(b).*

**Response:** The applicant understands the approval timelines.

#### ***Sec. 205.015. - Phased subdivision tentative plan.***

*(a) Applicability. The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.*

*(b) Procedure type. A tentative phased subdivision plan is processed as a Type II procedure under SRC [chapter 300](#).*

*(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC [chapter 300](#), an application for tentative phased subdivision plan shall include:*

*(1) The information required in SRC [205.030](#); and*

*(2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.*

**Response:** Landau Heights is proposed to be constructed in 3 phases, see Tentative Plat for proposed phase lines. The phase lines were laid out to allow each phase of the subdivision to meet the requirements for city infrastructure given the existing topography of the site. A temporary turn around will be constructed with each phase on roads that are dead end and longer than 150 feet in length.

*(d) Approval criteria. A tentative phased subdivision plan shall be approved if all of the following criteria are met:*

*(1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC [205.010\(d\)](#).*

**Response:** See section above for responses to SRC 205.010(d).

*(2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.*

**Response:** The phase lines were laid out to allow each phase of the subdivision to meet the requirements for city infrastructure given the existing topography of the site. Gravity sewer and storm mains will end on uphill segments of streets. A temporary turn around will be constructed with each phase on roads that are dead end and longer than 150 feet in length.

*(3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.*

**Response:** Each phase of the subdivision will be self-sustaining in regards to utility service and access to and from the development.

*(4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.*

**Response:** Streets and utilities have been laid out as a whole as shown on the submitted tentative plans. Each phase will construct utilities of proper size and alignment to support the subdivision and adjacent developable properties in their entirety.

*(e) Modification pursuant to final plat approval. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.*

**Response:** The applicant understands this requirement for modifications.

*(f) Expiration. Tentative phased subdivision plan approval shall expire as provided in SRC [300.850](#), unless an application for final plat is submitted for each phase within the time limits set forth in SRC [300.850](#), or an extension is granted pursuant to SRC [300.850\(b\)](#).*

**Response:** The applicant understands the requirements of approval timelines and expirations.

## **2. Chapter 510 – RA – RESIDENTIAL AGRICULTURE**

### **Sec. 510.001. - Purpose.**

*The purpose of the Residential Agriculture (RA) Zone is to implement the developing residential designation for the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RA zone generally allows single family residential and agricultural uses.  
(Prior Code, § 510.001; Ord. No. 31-13)*

### **Sec. 510.005. - Uses.**

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RA zone are set forth in Table 510-1.*

**Response:** The applicant is proposing single family residential housing on the subdivision which is a permitted use per Table 510-1 of the Salem Code.

- (b) Continued uses. Existing cottage housing within the RA zone constructed prior to May 15, 1979, but which would otherwise be made non-conforming by this chapter, is hereby deemed a continued use.*

*(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC [510.010\(e\)](#).*

*(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.*

**Response:** There are no existing uses on the site that will be preserved.

### **Sec. 510.010. - Development standards.**

*Development within the RA zone must comply with the development standards set forth in this section.*

- (a) Lot standards. Lots within the RA zone shall conform to the standards set forth in Table 510-2.*

**Response:** Landau Heights subdivision proposes 91 new single family residential lots ranging in size from 5000 sq.ft. to 11,610 sq.ft. The minimum size allowed by code is 4000 sq.ft. The minimum width of the proposed lots is 50 feet, with the minimum allowed by code at 40 feet. The minimum depth of lots is proposed at 85 feet, with the minimum allowed by code at 70 feet.

All double frontage lots (including those backing up to the future road along the west property boundary) will be at the minimum of 120 feet. All lots have a minimum of 40 feet of street frontage, except for those lots along the outside of a curved street with a radius of 200 feet or less have a minimum frontage of 30 feet.

*(b) Setbacks. Setbacks within the RA zone shall be provided as set forth in Table 510-3.*

**Response:** All future home construction will meet the setback requirements listed in Table 510-3

*(c) Lot coverage; height. Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.*

**Response:** All future home construction will meet the lot coverage requirements listed in Table 510-4.

*(d) Garages required.*

*(1) Except as otherwise provided in SRC [700.025](#) for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RA zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.*

**Response:** All future home construction will include a garage as part of the home design.

*(2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.*

**Response:** No exception to the garage requirement is expected, however if the need arises the applicant will follow the exception submittal process.

*(e) Development standards for continued uses. Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:*

*(1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.*

*(2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.*

(3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 510-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

**Response:** There are no existing uses or structures on this property.

### **3. Chapter 800 – GENERAL DEVELOPMENT STANDARDS**

#### **Sec. 800.001. - Purpose.**

*The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.*

#### **Sec. 800.005. - Applicability.**

*The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.*

#### **Sec. 800.010. - Definitions.**

*Unless the context otherwise specifically requires, as used in this chapter, the terms identified in this section shall have the following meanings. Where a term used under SRC [800.055](#) (Solid Waste Service Areas) is not defined in this section, the definitions under SRC chapters 47 (Solid Waste Management) and 50 (Property Maintenance) shall apply.*

*Compactor means any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or recyclable materials.*

*Drop box means a single container designed for the storage and collection of large volumes of solid waste or recyclable materials, which is usually ten cubic yards or larger in size, and requires a special vehicle for pick up.*

*Enclosure means a structure built consistent with the State of Oregon Structural Specialty Code designed to provide screening for permanent compactors, receptacles, drop boxes, or any other solid waste, recycling, and compostable containment facilities.*

*Receptacle means any vessel approved by the Director and used for the storage of solid waste, recycling, and compostable material, excluding drop boxes and compactors.*

*Solid waste service area means an area designed and established for the purpose of satisfying the local collection franchise service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.*

#### **Sec. 800.015. - Lot standards, generally.**

*(a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise*

*meet all requirements of SRC [chapter 56](#) as separate buildings shall be considered as separate buildings for purposes of this subsection.*

**Response:** Each subdivision lot is being designed in a manner to completely contain one single family home on each lot.

*(b) Side lot lines. 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.*

**Response:** All lots in the subdivision were created with side lot lines being perpendicular or radial to the street alignments.

***Sec. 800.020. - Designation of lot lines.***

*(a) Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).*

*(1) Interior lot. For an interior lot, the front lot line shall be the property line abutting the street.*

**Response:** All interior lots will designate the front lot line along the line abutting the street.

*(2) Corner lot. For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.*

**Response:** For corner lots in this subdivision, the front lot line will be the street side along the narrow portion of the lot.

*(3) Double frontage lot. For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.*

**Response:** All double frontage lots are lengthened to 120' so that the above standard can be met.

*(4) Flag lot. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.*

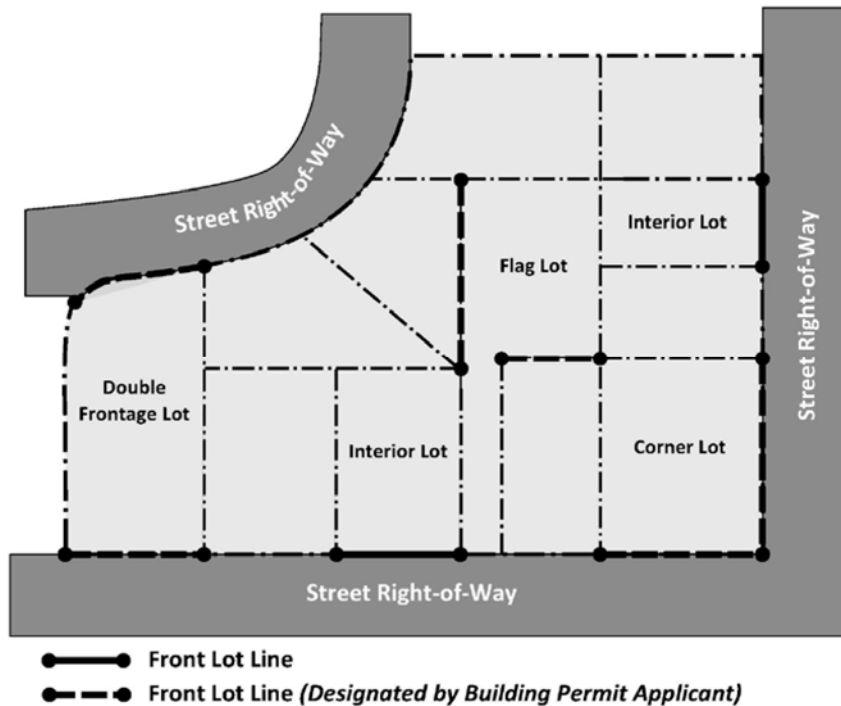
**Response:** No flag lots are proposed with the Landau Heights development.



(5) *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

**Response:** The applicant agrees with this requirement.

FIGURE 800-1. DESIGNATION OF FRONT LOT LINE



(b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).

(1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.

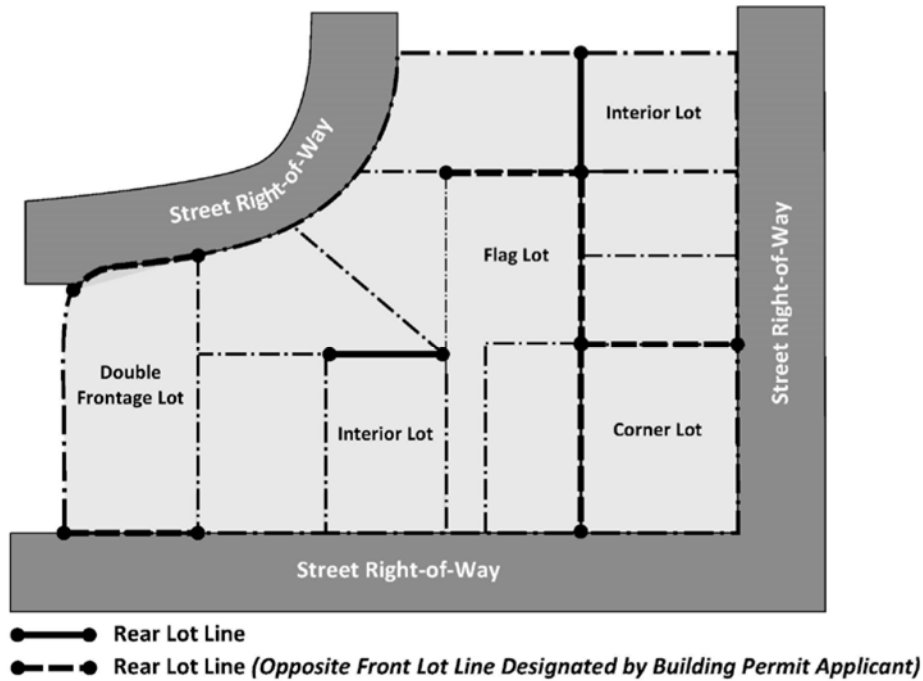
**Response:** Lots within Landau Heights are laid out so that the rear lot line is opposite from the street with the exception of the double frontage lots.

(2) *Trapezoidal, triangular, diamond, or other shaped lots.* For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).

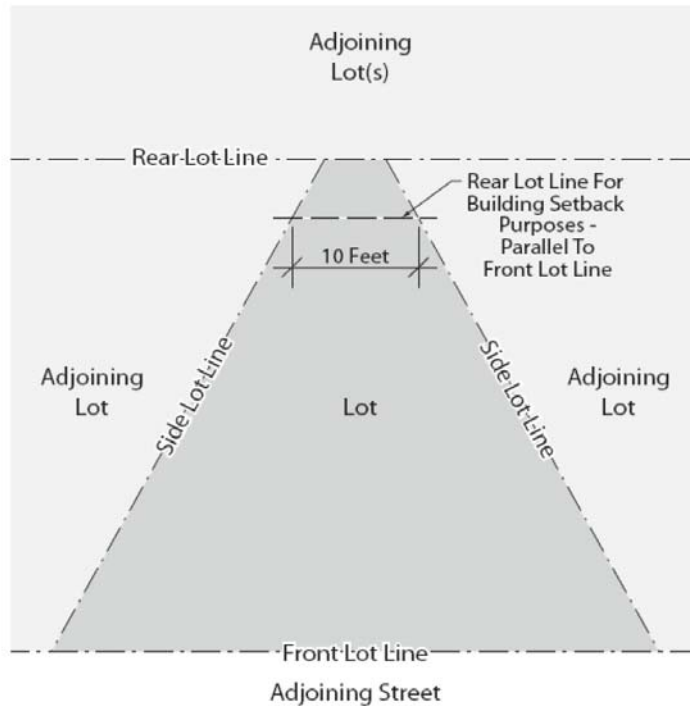


**Response:** Landau Heights is designed to minimize the amount of oddly shaped lots. The west property line is curved and does create 2 oddly shaped lots that will meet the requirements listed above.

*FIGURE 800-2. DESIGNATION OF REAR LOT LINE*



*FIGURE 800-3. REAR LOT LINE FOR TRAPEZOIDAL, TRIANGULAR, DIAMOND, OR OTHER SHAPED LOTS*



(d) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

**Sec. 800.025. - Flag lots.**

*Flag lots are allowed subject to the standards set forth in this section.*

(a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.

(b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.

(c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

(1) *Maximum number of lots served by flag lot accessway.* A maximum of four lots may be served by a flag lot accessway.

(2) *Flag lot accessway grade.* Flag lot accessway grade shall conform to the Salem Fire Prevention Code.

(3) *Fire Department access and flag lot accessway turnarounds.*

(A) *Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.*

(B) *Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved*

*automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.*

*(d) Parking prohibited on flag lot accessways. Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.*

*(e) Maximum percentage of flag lots within a subdivision. Within a subdivision, up to 15 percent of the lots may be flag lots.*

**Response:** The applicant is not proposing any flag lots, therefore this section is not applicable.

**Sec. 800.030. - Hillside lots.**

*Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.*

*(a) Topographic survey required. An application to develop a lot pursuant to the standards set forth in this section shall include a topographical survey. The survey shall show the topography of the site at two-foot intervals.*

*(b) Grade. Natural grade shall be retained on at least 40 percent of the total lot area. Landscaping that does not involve substantial movement of earth shall not be deemed a change to the natural grade. As used in this subsection, the term "natural grade" means both the slope and the elevation of the land in its natural state.*

*(c) Cut and fill slopes.*

*(1) A fill slope shall begin no closer than two feet from the edge of the curb.*

*(2) Cut and fill slopes shall not exceed a slope of 1 to 2; provided, however, the Director may approve slopes not exceeding 1 to 1 upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.*

*(3) Cut and fill shall comply with SRC [chapter 65](#). If there is a conflict between SRC [chapter 65](#) and this subsection, the more restrictive regulation shall apply.*

*(d) Retaining walls. Retaining walls shall not exceed a maximum height of six feet.*

*(e) Setbacks.*

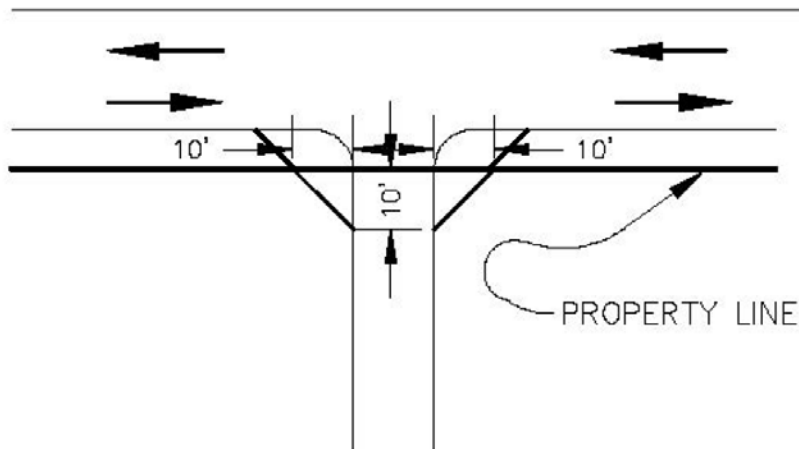
*(1) Abutting street.*

*(A) Buildings and structures, other than garages and carports. All buildings and structures, other than garages and carports, shall have a minimum setback of seven feet from the street.*

*(B) Garages and carports.*

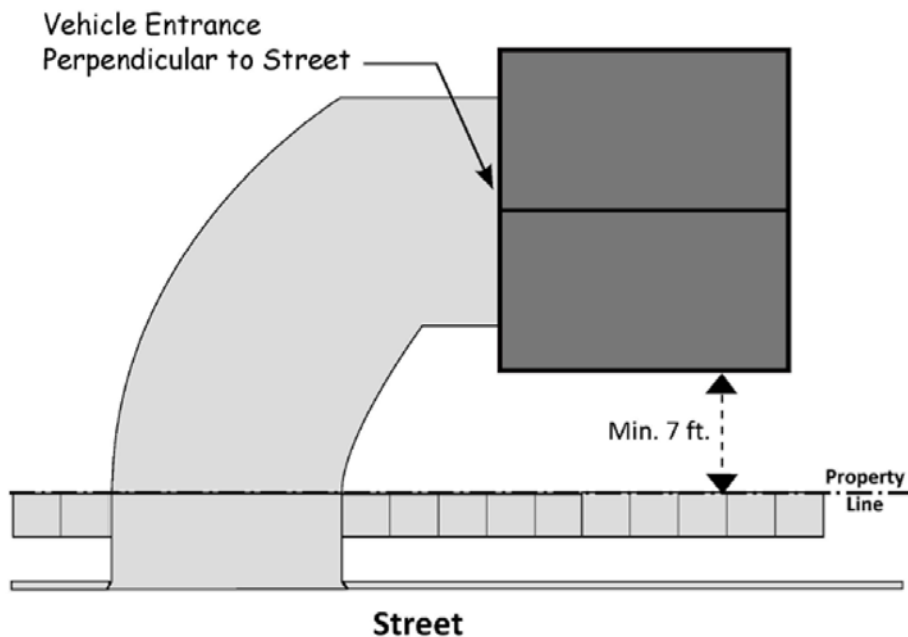
*(i) Vehicle entrance parallel to street. Where a garage or carport is located on a hillside lot with an average cross slope of 20 percent or more, and the vehicle entrance to the garage or carport is parallel to the street, the garage or carport shall have a minimum setback of 17 feet from the street.*

**FIGURE 800-4. GARAGE/CARPORT SETBACK - VEHICLE ENTRANCE PARALLEL TO STREET**



(ii) Vehicle entrance perpendicular to street. Where a garage or carport is located on a hillside lot with an average cross slope of 20 percent or more, and the vehicle entrance to the garage or carport is perpendicular to the street, the garage or carport shall have a minimum setback of seven feet from the street.

**FIGURE 800-5. GARAGE/CARPORT SETBACK - VEHICLE ENTRANCE PERPENDICULAR TO STREET**



(C) Vision clearance. Notwithstanding subsections (e)(1)(A) and (B) of this section, minimum vision clearance requirements shall be maintained.

*(e) Trees. Building pads and driveways should be sited so as to preserve trees having a dbh of ten inches or greater.*

**Response:** The applicant does not intend to develop any lots using the Hillside Lot Standards, however if after construction it is determined a lot or lots will develop under these standards, all of the above requirements shall be followed.

***Sec. 800.035. - Setbacks.***

*(a) Setbacks to be unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.*

*(b) Permitted projections into required setbacks. Permitted projections into required setbacks are set forth in Table 800-2.*

**Response:** All setbacks for new construction will follow the standards listed above.

***Sec. 800.040. - Special setbacks.***

*(a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.*

*(b) Setback distance required; how measured. The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.*

*(c) Relationship to other required setbacks. The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.*

*(d) Permitted structures and paving within special setbacks. The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:*

*(1) Transit stop shelters.*

*(2) Signs and their supporting members.*

*(3) Fences.*

*(4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC [chapter 806](#).*

*(e) Removal agreement. Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.*

*(1) The removal agreement shall be entered into by:*

*(A) The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.*

*(B) The owner of the property and/or owner of the sign, for signs and their*

*supporting members located within a special setback.*

*(C) The owner of the property, for fences and off-street parking, other than minimum required off-street parking, located within a special setback.*

*(2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:*

*(A) Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;*

*(B) Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC [chapter 806](#) at no expense to the City;*

*(C) If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:*

*(i) Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;*

*(ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.*

*(D) The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided, however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.*

*(3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.*

**Response:** The applicant does not intend on needing to apply for any special setbacks, however if during the course of home construction, it is deemed necessary the application shall follow the standards listed above.

#### ***Sec. 800.045. - Height.***

*(a) Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC [chapter 112](#).*

*(b) Height exceptions. Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:*

*(1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:*

*(A) They do not exceed 185 feet in height;*

*(B) They do not contain any habitable space;*

*(C) The horizontal section of the structure does not exceed [625](#) square feet at the top of the main building or structure; and*

*(D) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.*

*(2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.*

*(3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:*

*(A) They do not project more than 15 feet above the roof;*

*(B) They do not contain any habitable space;*

*(C) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;*

*(4) Relationship to FAA Part [77](#) Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part [77](#) surface established under SRC [chapter 602](#).*

*(c) Height of structures within 165 feet of capitol mall district. Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.*

**Response:** The applicant intends to follow the height limitations for single family residential housing for the underlying zone.

#### ***Sec. 800.050. - Fences, walls, hedges, gates, and retaining walls.***

*Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC [chapter 807](#), in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the*



wall of the main building lying at the greatest distance from the front property line.

(a) *Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.*

*(1) Fences and walls.*

*(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:*

*(i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.*

*(ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.*

**Response:** Terraced retaining walls are being proposed at the southeast corner of the subdivision. These walls will be located at the rear of the subdivision lots and will not abut a current or planned street.

*(B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:*

*(i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.*

**Response:** All proposed fences and walls will be within the residential zone.

*(2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.*

**Response:** No hedges are proposed with the subdivision application. If individual home owners would like to install hedges, they must meet the requirements above.



*(3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC [800.050\(a\)\(1\)](#). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.*

**Response:** No gates are proposed with the subdivision application. If individual home owners would like to install gates, they must meet the requirements above.

*(4) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.*

**Response:** Retaining walls are proposed as part of the subdivision on the backs of lots 69-78. These walls will be approximately 6 feet in height, no walls are proposed abutting any of the existing or planned streets.

*(b) Vision clearance. Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC [chapter 805](#).*

**Response:** All fences, walls, hedges, gates, and retaining wall shall conform to the required vision clearance requirements.

*(c) Material.*

*(1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.*

**Response:** Fences are not proposed to be constructed with the subdivision. Once home construction permits are submitted to the City, the builders will need to comply with the fence requirements listed above.

*(2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.*

**Response:** Retaining walls planned with the subdivision will be constructed out of concrete block.

*(d) Hazardous materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:*

*(1) Concertina wire. Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.*

**Response:** No concertina wire is proposed with the subdivision.

*(2) Barbed wire and upturned barbed selvage.*

*(A) Location. Barbed wire and upturned barbed selvage is permitted within the following locations:*

- (i) Any zone where the fence will be used to enclose livestock; and*
- (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, and any industrial or public zone.*

*(B) Standards. Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:*

- (i) Enclosure of livestock. Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.*
- (ii) CR and CG zones; industrial and public zones. Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, or within an industrial or public zone, shall comply with the following:*
  - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;*
  - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;*
  - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and*
  - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.*

**Response:** Some barbed wire fence exists on the boundary of the subdivision. This fence will remain until such time as a home is constructed and a new residential fence can be built. Removal of the barbed wire fence shall only be done in coordination with the neighboring lot.

*(3) Electric fencing.*

*(A) Location. Electric fencing is permitted within the following locations:*

- (i) Any zone where the fence will be used to enclose livestock; and*
- (ii) Around outdoor storage areas, including vehicle storage areas,*

*for any nonresidential use within any industrial zone.*

*(B) Standards. Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:*

*(i) Enclosure of livestock. Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.*

*(ii) Outdoor storage areas for nonresidential uses within industrial zones. Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use with any industrial zone shall comply with the following:*

*(aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.*

*(bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.*

*(cc) An electrical permit and inspection shall be obtained prior to installation.*

*(dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.*

*(ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.*

*(ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.*

**Response:** No electric fence is proposed with the subdivision.

*(e) Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC [chapter 50](#).*

**Response:** Individual homeowners within the subdivision will be responsible for fence maintenance.

**Sec. 800.055. - Solid waste service areas.**

*Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.*

*(a) Applicability. Solid waste service area design standards shall apply to:*

- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and*
- (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.*

*(b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.*

*(1) Pad area. In determining the total concrete pad area for any solid waste service area:*

- (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and*
- (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.*
- (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.*

*(2) Minimum separation.*

- (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.*
- (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.*

*(3) Vertical clearance.*

- (A) Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.*
- (B) Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.*

*(c) Permanent drop box and compactor placement standards.*

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.*
- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.*

(3) *Pad area.* The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.

(4) *Minimum separation.* A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

(d) *Solid waste service area screening standards.*

(1) *Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.*

(2) *Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.*

(e) *Solid waste service area enclosure standards. When enclosures are used for required screening or aesthetics, such enclosures shall conform to the following standards:*

(1) *Front opening of enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

(2) *Measures to prevent damage to enclosure.*

(A) *Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.*

(B) *Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.*

(C) *The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:*

(i) *A minimum distance of two feet from the sides of the container or receptacles; and*

(ii) *A minimum of three feet from the rear of the container or receptacles.*

(3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. For any opening that is 15 feet or greater in width, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

(4) *Prohibited enclosures.* Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:

(A) *Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or*

(B) *Stored in a building or structure of a fire resistive Type I or Type IIA*

*construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.*

*(f) Solid waste service area vehicle access.*

*(1) Vehicle operation area.*

*(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle, or, in the case of multiple receptacles within an enclosure, in front of every enclosure opening.*

*(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:*

*(i) Directly in front of the permanent location of the receptacle; or*

*(ii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.*

*(C) The vehicle operation area may be coincident with a parking lot drive aisle or driveway, provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.*

*(D) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, designed and constructed pursuant to the Public Works Design Standards, shall be required to allow safe and convenient access for collection service.*

*(2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.*

*(3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.*

*(4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.*

*(g) Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC [chapter 300](#).*

**Response:** Solid waste containers shall be kept within garages and be placed on the street for the day of pick up as is standard for residential subdivisions.

***Sec. 800.060. - Exterior lighting.***

*(a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.*

*(b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the*

*boundary of the lot, shall be either:*

- (1) Completely shielded from direct view; or*
- (2) No greater than five foot-candles in illumination.*

**Response:** Proposed street lights within the subdivision shall comply with the requirements listed above.

#### **4. Chapter 802 – PUBLIC IMPROVEMENTS**

##### ***Sec. 802.001. - Purpose.***

*The purpose of this chapter is to establish the means and standards whereby public improvements are provided for development within the City.*

##### ***Sec. 802.005. - Definitions.***

*The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: City utilities means public improvements providing water, wastewater, and stormwater facilities. Public improvements means infrastructure necessary to provide city utilities to customers. Public utilities means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.*

*Public Works Design Standards means the design standards and specifications adopted pursuant to SRC [802.010](#).*

*Utility or utilities means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.*

*Watercourse means the route, up to and including the top of bank, formed by natural processes or constructed by humans, generally consisting of a channel with a bed, banks, or sides, in which water flows. By way of illustration, but not of limitation, as used in this chapter, watercourse includes perennial and intermittent streams and creeks, swales, drainage ditches, and culverts. As used in this chapter, watercourse does not include the Willamette River.*

##### ***Sec. 802.010. - Design standards and specifications.***

*The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.*

**Response:** All public improvements within the proposed subdivision will comply with the Public Works Standards and Specifications.

##### ***Sec. 802.015. - Development to be served by city utilities.***

*Except as provided under SRC [802.035](#) and [802.040](#), all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised*



*Code and the Public Works Design Standards.*

**Response:** The applicant intends to extend public utilities to each proposed lot within the subdivision.

***Sec. 802.020. - Easements.***

*Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.*

**Response:** Public Utility Easements and Public Drainage easements are proposed as shown on the Tentative Plat. These easements will be dedicated with the recording of each phase of the subdivision.

***Sec. 802.025. - Utilities to be placed underground.***

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.*
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.*
- (c) Stormwater management shall be provided by above ground and below ground facilities.*

**Response:** All proposed utilities will be placed underground within the Subdivision.

***Sec. 802.030. - Watercourses.***

- (a) Any modification to a watercourse shall conform to SRC [chapter 601](#) and the Public Works Design Standards.*
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.*

**Response:** There are no water courses existing within the subdivision, with the exception of roadside ditches that exist along Landau St and Battle Creek Road. These ditches will be replaced with a public storm drain where required.

***Sec. 802.035. - Partitions in areas unserved by city wastewater system.***

*A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC [chapter 205](#) are met.*

**Response:** This section is not applicable to subdivisions



**Sec. 802.040. - Private stormwater, wastewater, and water systems.**

*A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:*

*(a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.*

*(b) If the system is a water system:*

- (1) The water system conforms to the water distribution standards of the City;*
- (2) Except as authorized by state law, water from the system is not submetered or resold to other parties;*
- (3) Each building under separate ownership has a separate water meter; and*
- (4) The properties served are located within a commercial or an industrial and employment zone.*

*(c) If the system serves multiple properties under separate ownership:*

*(1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.*

*(2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:*

- (A) The system serving the property is private;*
- (B) The City has no responsibility to maintain the system;*
- (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;*
- (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and*
- (E) Persons served by the system assume responsibility for any repairs required for the City.*

**Response:** No private utility systems are proposed with this subdivision.

**5. Chapter 803 – STREETS AND RIGHT-OF-WAY IMPROVEMENTS**

**Sec. 803.001. - Purpose.**

*The purpose of this chapter is to establish standards for streets and other improvements within public right-of-way in the City.*

*(Prior Code, § 803.001; Ord. No. 31-13)*

**Sec. 803.005. - Definitions.**

*The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:*

*Block means the properties abutting one side of a street:*

*(a) Between two cross streets;*

*(b) Between the city limits and the nearest cross street;*

*(c) When there is only one cross street:*

*(1) Between a cross street and the dead end of a street;*

*(2) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;*

*(d) When there are no cross streets, then the block shall be between the points 600 feet from the mid-point of the front property line for the property under consideration and along the street.*

*Boundary street means an existing street that abuts a unit of land.*

*Complex means a group of structures or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land.*

*Half-street improvement means a 50 percent portion of the ultimate width of a street.*

*Public accessway means a walkway that provides pedestrian and bicycle passage either between two or more streets or from a street to a building or other destination, such as a park or transit stop.*

*Reasonably direct means either a route that does not deviate unnecessarily from a straight line, or a route that does not require a significant amount of out-of-direction travel by likely users.*

*Reserve block means a strip of land across the end of a street or alley at the boundary of a subdivision or partition, and dividing it from adjacent property, that is reserved to extend or widen the street in the future or to prohibit access to the street or alley from adjacent property.*

*Reserve blocks are usually one foot in width and either deeded or dedicated to the City.*

*Safe and convenient bicycle and pedestrian routes means facilities and improvements which:*

*(a) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or bicycle travel for short trips;*

*(b) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and*

*(c) Meet travel needs of bicyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally one-fourth to one-half mile.*

*Three quarter street improvement means a half-street improvement on the side abutting the development, plus a minimum 12-foot wide travel lane with shoulders and drainage ditches where needed on the opposite side.*

*Underimproved street means any public street, road, or right-of-way which lacks any of the following:*

*(a) Paving;*

*(b) Curbing;*

*(c) Bike lanes (where required);*

*(d) Sidewalks;*

*(e) Street lighting;*

*(f) Stormwater facilities; or*

*(g) Adequate right-of-way geometry or paving width, grade, or structural sections required under the Public Works Design Standards.*

*Walkway means a right-of-way or easement designated for the use of non-motorized vehicles and pedestrians.*

**Sec. 803.010. - Streets, generally.**

*Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.*

**Response:** Each proposed local street in Landau Heights Subdivision will dedicate 60' of right of way, with 30 feet of travel way. Sidewalks and planter strips will be constructed to meet the local street standards. All utilities and utility easement will be provided to serve each lot within the subdivision. Stormwater facilities are being provided in Tract A of the development. All construction will follow the requirements listed in the Salem Public Works Design Standards.

**Sec. 803.015. - Traffic impact analysis.**

*(a) Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.*

*(b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:*

*(1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.*

*(2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.*

*(3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.*

**Response:** The applicant is submitting a Traffic Impact Analysis (TIA) prepared by Southern Oregon Transportation Engineering with the application for the subdivision.

*(c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.*

**Response:** Frontage improvements will be constructed along both Landau St and Battle Creek Rd for the portion of the subdivision that is fronting these streets. The frontage improvements will be completed with each phase as identified on the tentative plat. The applicant will be complying with any traffic mitigation that may be identified in the TIA.

*(d) Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.*

**Response:** The applicant is not requesting an exception to the requirement of a TIA.

***Sec. 803.020. - Public and private streets.***

*(a) Public streets. Except as provided in subsection (b) of this section, all streets shall be public streets.*

**Response:** All streets planned within the subdivision are proposed to be public.

*(b) Private streets.*

*(1) Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.*

*(2) Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.*

*(3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.*

**Response:** No private streets are proposed with this development.

***Sec. 803.025. - Right-of-way and pavement widths.***

*(a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.*

**Response:** All planned streets in the subdivision will meet the right of way widths published in Table 803-1. Landau St is a Local Street and will have an ultimate right of way width of 60 feet. The applicant is dedicating 10.0 feet along the frontage of Landau to create 30.0 feet from centerline. Battle Creek Rd is a minor collector and will have an ultimate right of way width of 72 feet. The applicant is dedicating 6.0 feet along the frontage of Battle Creek Rd to create 36.0 feet of half width right of way from centerline. All future streets within the subdivision will be considered local and will have a dedicated right of way width of 60.0 feet.

(b) *Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.*

**Response:** All planned streets in the subdivision will meet the curb-to-curb widths published in Table 803-2. Landau St is a Local Street and will have an ultimate curb-to-curb width of 30 feet. The applicant is constructing a 3/4 street improvement along the frontage of Landau by placing the new curb line 15.0 feet from centerline and utilizing the existing edge of pavement on the adjacent side of Landau for a total paved width of 25.0 feet. Battle Creek Rd is a minor collector and will have an ultimate curb-to-curb width of 46 feet. The applicant is constructing a 3/4 street improvement along the frontage of Battle Creek Rd by placing the new curb line 23.0 feet from centerline and utilizing the existing edge of pavement on the adjacent side of Battle Creek Rd for a total paved width of 34.0 feet. All future streets within the subdivision will be considered local and will have a curb-to-curb width of 30.0 feet.

(c) *Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.*

**Response:** The applicant will comply with additional right of way or easements if any of the above listed improvements are deemed necessary by the review process.

(d) *Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.*

**Response:** The applicant will comply with additional right of way or easements if any of the above listed improvements are deemed necessary by the review process.

(e) *When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.*

**Response:** The applicant is not proposing areas set aside for commercial or industrial uses, therefore this section is not applicable.

#### ***Sec. 803.030. - Street spacing.***

(a) *Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.*

**Response:** The applicant has designed the subdivision with two entry roads from Landau Street that measure 520' between right of way lines. The interior of the subdivision is designed as a grid road with a total of 4 separate stub roads that will provide future access to properties to the west and south. Because of existing topography and the unique shape of the property, only one stub road is provided to the south. Any southerly stub road provided to the east of the current provided road (Wyatt St) would exceed the maximum 12% road grade allowed by Salem Code.

None of the block lengths in the proposed subdivision are less than 120 feet.

*(b) Street spacing may be increased where one or more of the following exist:*

*(1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.*

*(2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.*

*(3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.*

*(4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.*

**Response** The applicant is requesting that only one stub road be provided to the property to the south due to existing topography as allowed in Section 8.030 (b)(1) above. With one stub road provided, the block lengths are less than 600 feet as allowed by Salem Code.

***Sec. 803.035. - Street standards.***

*All public and private streets shall be improved as follows:*

*(a) Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:*

*(1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.*

*(2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or*

*(3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.*

**Response:** The applicant has provided (4) new stub roads to properties to the west and south. Soapstone Avenue is being designed through Landau Heights to facilitate the eventual connection to Soapstone Ave in Mossy Ride Subdivision to the west. Additionally, (3) other stub roads are provided, one additional road connection to the west, one road stubbed to tax lot 200 to the south,

and one road stubbed to tax lot 1900 to the south. It is not possible to provide a stub road to tax lot 1800 to the south due to existing topography on the southeast corner of the property.

*(b) Improvements. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.*

**Response:** All street improvements will follow the requirements of the City of Salem Public Works Design Standards.

*(c) Alignment and grade. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.*

**Response:** All proposed roads within the subdivision will be Local Streets with the exception of the existing Battle Creek Road which is considered a minor arterial. All street design will meet the Public Works Design Standards including for grade as shown on the included preliminary profiles.

*(d) Dead-end streets. When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.*

**Response:** A total of (4) streets will be stubbed to the properties to the west and south, where an intersection or turn around will be located within 150 feet of the terminus of the stub road. These stub roads will be planned to be extended with future development.

*(e) Reserve blocks. Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:*

- (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.*
- (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC [803.025](#).*
- (3) To prevent access to land abutting a street of the development, but not within the development itself.*
- (4) To prevent access to land unsuitable for development.*
- (5) To prevent access prior to payment of street improvement assessments or connection charges.*
- (6) To prevent access to an arterial or collector street.*

**Response:** No reserve blocks are being proposed with this subdivision, therefore this section is not applicable.

*(f) Cul-de-sacs.*

- (1) Cul-de-sacs shall not exceed 800 feet in length.*
- (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.*
- (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC [803.025\(a\)](#) from the center of the turnaround to the property lines.*

**Response:** The proposed cul-de-sac meets the requirements listed above.

*(g) Intersections; property line radius.*

- (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.*
- (2) The property line radius at intersections shall be not less than the curbline radius as set forth in the Public Works Standards.*

**Response:** The intersection property line radius is set to the same radius as the proposed curb line returns at all locations.

*(h) Cut and fill slopes. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.*

**Response:** All cut fill slopes will meet the above requirements except in the specific locations identified in the plans to have terraced retaining walls. These walls will be designed by a qualified geotechnical engineer to ensure stability.

*(i) Slope easements. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.*

**Response:** If required, the applicant will dedicate slope easements to the City of Salem.

*(j) Street alignment. Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.*

**Response:** The applicant has laid out the street pattern to avoid natural obstacles to the greatest extent possible. Because the southern property line is bordered by many trees, and the applicant is required to provide a stub a road to these properties, several trees may need removed when the roads are extended in the future.

*(k) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC [chapter 86](#).*



**Response:** The applicant will provide street trees in accordance with SRC chapter 86.

*(l) Sidewalks.*

*(1) Sidewalk construction required. Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC [chapter 78](#) shall be constructed as a part of street improvement projects.*

*(2) Sidewalk location; width.*

*(A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.*

*(B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.*

*(C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.*

*(D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.*

*(E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.*

**Response:** The applicant is proposing sidewalk fronting all proposed and existing streets. The applicant may choose to provide an attached sidewalk where steeper side slopes warrant removing the planter strip to lessen proposed cuts and fills.

*(m) Bicycle facility standards. Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.*

**Response:** The applicant will provide bike lanes where required by the City of Salem TSP.

*(n) Utility easements. Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.*

**Response:** The applicant is providing Public Utility Easement along all street frontages.

*(o) Street lights. All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.*

**Response:** Street lights will be provided by the applicant that meet the City Public Works Design Standards.

*(p) Landscape strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.*

**Response:** The applicant is providing landscape strips except for the locations where the sidewalk will be attached as due to existing topography as discussed above.

*(q) Landscaping. Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.*

**Response:** All future home construction will comply with the Landscaping requirements of the City of Salem UDC.

*(r) Urban growth area street improvements. Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC [chapter 200](#).*

**Response:** The applicant is proposing street dedications and improvements for the two existing roads that front the property (Battle Creek Rd SE & Landau St SE).

***Sec. 803.040. - Boundary streets.***

*(a) General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC [803.025](#) shall be required as a condition of approval for the following:*

- (1) Subdivisions;*
- (2) Partitions;*
- (3) Planned unit developments;*
- (4) Manufactured dwelling parks; and*
- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC [chapter 56](#).*

**Response:** The applicant is proposing street dedications and improvements for the two existing boundary roads that front the property (Battle Creek Rd SE & Landau St SE).

*(b) Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.*

**Response:** The applicant is proposing street dedications and improvements for the two existing boundary roads that front the property (Battle Creek Rd SE & Landau St SE).

*(c) Additional right-of-way and improvements. Dedication and improvement of streets to greater*

widths than those provided in SRC [803.025](#) may be required when:

- (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
- (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
- (3) Additional area is required for stormwater facilities located within the right-of-way.

**Response:** The applicant is proposing street dedications and improvements for the two existing boundary roads that front the property (Battle Creek Rd SE & Landau St SE).

(d) *Exceptions. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:*

- (1) *Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;*
- (2) *The erection or construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;*
- (3) *The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;*
- (4) *The erection, construction, or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC [chapter 400](#), and which involve no retail sales; or*
- (5) *The erection, construction, or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.*

**Response:** The applicant is not requesting an exception to the above requirements.

(e) *Improvement.*

- (1) *All boundary street improvements shall conform to this chapter and the Public Works Design Standards.*
- (2) *The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.*
- (3) *If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:*
  - (A) *Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.*
  - (B) *Where the area of development is equal to or less than 25 percent of the total*

*development site or complex area, the street improvement shall be provided in accordance with the following formula:*

*(i) Frontage of Required Street Improvement = Proposed Area of Development ÷ Area of Undeveloped Site x Total Street Frontage of Entire Development Site or Complex.*

*(C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.*

**Response:** The proposed boundary street improvements will meet the requirements of the above section and the Public Works Design Standards.

***Sec. 803.045. - Monuments.***

*Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.*

**Response:** Monuments, including street centerline monuments will be installed during the final plat process for the subdivision.

***Sec. 803.050. - Public accessways.***

*(a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.*

**Response:** The subdivision is designed to provide a looped street system that minimizes oddly shaped or unusually long blocks. The applicant is also providing to stub road access points to the properties to the south. The applicant is proposing one public access way to Battle Creek Rd SE that will also serve as an emergency access for fire. The access way will be blocked with removable bollards to that normal traffic cannot use this road.

*(b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.*

**Response:** The proposed accessway to Battle Creek Rd SE will only be used by pedestrians unless there is an emergency.

***Sec. 803.055. - Traffic control, parking regulation, and street signs and pavement markings.***  
*The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.*

**Response:** All street signing and pavement markings for the subdivision will follow the requirements of the Public Works Design Standards.

***Sec. 803.060. - Conveyance by dedication.***

*All streets within subdivisions or partitions, other than private streets allowed under SRC [803.020](#), shall be dedicated to the City on the plat.*

**Response:** All public streets and easements will be dedicated to the City of Salem with each phase of the subdivision at the time of final plat recording.

***Sec. 803.065. - Alternative street standards.***

*(a) The Director may authorize the use of one or more alternative street standards:*

- (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;*
- (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or*
- (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.*

**Response:** The applicant is not proposing any alternative street standards.

*(b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.*

**Response:** The applicant is not proposing any alternative street standards.

***Sec. 803.070. - Deferral of construction of certain improvements.***

*(a) Applicant initiated deferral. An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:*

*(1) Boundary streets.*

*(A) Construction of boundary streets may be deferred if:*

- (i) The development site abuts a boundary street section, and the existing vertical or horizontal alignment for the street section neither meets nor can be constructed within the limits of the development site frontage in a manner that conforms to the Public Works Design Standards for future final street grades and alignment;*
- (ii) The development site abuts a local street, the development site has less than 150 feet of frontage, and the use will generate 20 or less new vehicle trips per day;*
- (iii) The development site abuts a local street and there is no improved street section or street improvement deferral for the boundary street within 150 feet of the property corners of the development site; or*
- (iv) Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement.*

**Response:** The applicant is not proposing any deferral of the Boundary Street improvements other than improvements will occur with each phase of the development.

*(2) Sidewalks.*

*(A) Construction of sidewalks may be deferred if:*

*(i) For property within all zones other than industrial and employment zones:*

*(aa) The sidewalk is not on a collector street or arterial street; and*  
*(bb) Less than one-half of the required sidewalks on the side of the block where the sidewalk is to be constructed have already been constructed.*

*(ii) For property within industrial and employment zones:*

*(aa) The sidewalk would not be part of a pedestrian route to a school, shopping center, park, church, or other pedestrian traffic generator, or identified in a local safe routes to school plan as a facility in need of improvement; and*  
*(bb) The deferral would not pose a threat to public safety and welfare, based upon review of pedestrian/vehicular traffic on the street, the width and condition of the street, and on-street parking.*

*(B) Unless otherwise provided in the deferral agreement, when sidewalk construction has been deferred, the property owner shall:*

*(i) Grade and slope the area to the future sidewalk grade;*  
*(ii) Avoid planting trees in the sidewalk area, or building fences, retaining walls, steps, or other impediments to the future sidewalk; and*  
*(iii) Note on the plans for the development that a deferment has been granted but that sidewalk construction may be ordered by the City at any time.*

**Response:** The applicant will defer the Local Street interior public sidewalk improvements to be constructed with each home site.

*(b) City required deferral. The Director may require deferral of the construction of part or all of one or more of the improvements identified in subsection (a) of this section at any time. Deferral pursuant to this subsection shall be at no cost to the applicant.*

**Response:** The applicant will comply with any City required deferrals.

*(c) Deferral agreement. When a deferral is allowed or required pursuant to this section, the applicant shall enter into a deferral agreement. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.*

**Response:** If required, the applicant will comply with the Deferral agreement conditions listed above.

*(d) Notation on plat. The deferral of any improvements shall be noted on the final plat.*

**Response:** If utilized, any deferral of improvements will be noted on the final plat.

## ***OREGON ADMINISTRATIVE RULES (OAR)***

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### ***6. Chapter 660: Land Conservation & Development Department***

#### ***(A) Division 3: Procedure For Review & Approval Of Compliance Acknowledgment Request***

**Response:** The Land Conservation & Development Commission granted acknowledgement of the City of Salem Comprehensive Plan, pursuant to the process outlined under this OAR Section. Therefore, the applicant's request for a Land Subdivision is being made within a jurisdiction that possesses an acknowledged Comprehensive Plan.

#### ***(B) Division 12: Transportation Planning***

##### ***(i) 660-012-0060 — Plan and Land Use Regulation Amendments***

***(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:***

**Response:** The proposed land subdivision will not significantly affect an existing or planned transportation facility. A total of (4) street stubs currently terminate on the property boundary of the proposed development, and these three streets will be connected to and interconnected within the development to provide access to the site and to the surrounding street system.

#### ***(C) Division 15: Statewide Planning Goals & Guidelines***

##### ***(ii) 660-15-0000(1), Goal 1 — Citizen Involvement***

***To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.***

**Response:** The applicant is working through the City of Salem process to apply for the proposed subdivision as regulated by the City's development code. As such, notice of the application will be sent to neighboring property owners, printed in a newspaper of general circulation in Salem for two consecutive days not less than 20 days prior to the hearing and posted on site. Review of the proposed subdivision shall undergo a Planning Commission hearing at the discretion of the planning staff. The mailed notices, posted notice, printed notice, and hearing will provide sufficient opportunities for citizens of Salem to comment on the proposal.

##### ***(iii) 660-15-0000(2), Goal 2 — Land Use Planning***



*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

*City, County, State and Federal Agencies and special district plans and actions related to land use shall be consistent with the Comprehensive Plans of cities and counties and regional plans adopted under ORS Chapter 268.*

**Response:** Through the submittal of this application, along with all of the accompanying information, the applicant is demonstrating and justifying that the proposed land subdivision is in conformance with all applicable standards of the Comprehensive Plan and the Development Code.

(iv) 660-15-0000(3), Goal 3 — Agricultural Lands

*To preserve and maintain agricultural lands.*

**Response:** This property is not zoned Agricultural, therefore this section is not applicable.

(v) 660-15-0000(4), Oregon Land Use Planning Goal 4 — Forest Lands

*To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

*Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.*

(a) Guidelines

*B. Implementation*

*1. Before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.*

**Response:** This property is not zoned forestry, therefore this section is not applicable.

(vi) 660-15-0000(5), Goal 5 — Open Space, Scenic, and Historic Areas and Natural Resources

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**Response:** The site proposed for the land subdivision does not exhibit any historic resources. However, the site does contain existing ditches that drain to waters of the state. The applicant has proposed to develop the site according to the provisions of the

Cluster Development standards in the City of Salem Development Code. These provisions will allow the retention of the ditches in a proposed natural area. Therefore, the encouragement of the protection and management of significant resources in mutual cooperation with appropriate Federal or State agencies will be accomplished with this development.

(vii) 660-15-0000(6), Goal 6 — Air, Water and Land Resources Quality

*To maintain and improve the quality of the air, water and land resources of the state.*

**Response:** If the City approves this application, the site would subsequently be developed into residential lots for single family dwellings. The development of this site would only include enough site disturbance to build a single-family dwelling on each lot and provide street access and utility connection to each home site. Once home construction is complete, trees and other vegetation would be landscaped by homeowners and allowed to grow indefinitely, thereby continuously improving air quality.

(viii) 660-15-0000(7), Goal 7 — Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**Response:** The site is not located within a known fire, slope, or flood hazard area. The site is located within the Salem Fire District for purposes of receiving fire protection services.

(ix) 660-15-0000(8), Goal 8 — Recreational Needs

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Response:** The proposed subdivision is not seeking to develop the site as one that would meet the recreational needs of Salem. The subject site enjoys close access to the surrounding pedestrian trails and open space.

(x) 660-15-0000(9), Goal 9 — Economic Development

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Response:** The approval of the land subdivision application for residential uses would expand and increase the productivity from several existing industries and firms. First, it would utilize several components of the development, construction and building industries and trades through site development work, home construction and ongoing home improvement. Second, it would create additional residents / consumers within the area that would utilize the many firms and industries that provide residents with the many goods and services that are typically demanded by residents of the area.

(xi) 60-15-0000(10), Goal 10 — Housing

*To provide for the housing needs of citizens of the state.*

*(b) Guidelines*

*A. Planning*

*1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include:*

- (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;*
- (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels;*
- (3) a determination of expected housing demand at varying rent ranges and cost levels;*
- (4) allowance for a variety of densities and types of residences in each community; and*

**Response:** Approval of this subdivision request will allow the development of approximately 91 single family home sites meeting the increasing demand in Marion County and the City of Salem for residential homes.

*(xii) 660-15-0000(11), Goal 11 — Public Facilities and Services*

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Response:** The individual lots will be served by city sewer and water facilities. The properties will receive additional public services from Salem Fire District; Salem Police Department; Marion County social services programs; applicable school district(s); applicable waste collection services; and applicable ambulance / medical facilities and services. No new public facilities or services are proposed as part of this application as these services are already in place.

*(xiii) 660-15-0000(12), Goal 12 — Transportation*

*To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall:*

- (9) Conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

**Response:** Approval of this request would lead to development of single family residential homes as allowed by the existing underlying city zoning.

*(xiv) 660-15-0000(13), Goal 13 — Energy Conservation*

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

**Response:** If the site is developed into a subdivision, new homes on the property shall be constructed pursuant to the energy efficient standards that are required by the current edition of the International Building Code (IBC). Electric utilities shall be installed

underground, thereby minimizing the need for repair and replacement of electric energy infrastructure.

Technological strides continue to be made in the solar energy and the ground source heating and cooling field that will continue to make these alternatives more attractive each year. There are tax rebates and incentives available for such systems that will also help to persuade homeowners to the advantages of such technologies.

*(xv) 660-15-0000(14), Goal 14 — Urbanization*

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

*(c) Single-Family Dwellings in Exception Areas*

*Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:*

- (a) Was lawfully created;*
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;*
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*
- (d) Is planned and zoned primarily for residential use.*

**Response:** If the proposed land subdivision is approved, the site would be developed into single family dwellings as allowed by the underlying City zoning. The subdivision will be legally created through the platting process, and utilities will be installed and extended to each new lot.

*(xvi) Statewide Planning Goals 15 – 19 do not apply to the City of Salem.*

*(D) Division 18: Plan & Land Use Regulation Amendment Review Rule*

*(xvii) 660-018-0005 — Purpose*

*This division is intended to implement provisions of ORS 197.610 through 197.625. The overall purpose is to carry out the state policies outlined in ORS 197.010 and Or Laws 2003, Chapter 800, Section 17(2).*

**Response:** OAR 660-018 provides the requirements for notices, timelines, appeal procedures and other items relating to Land Use applications. It is understood that the process, submittal requirements, procedure, appeal options, timelines, etc., of the proposed application, is subject to all of the applicable definitions, criteria, standards, etc., that are outlined in this Division. Further, the applicant will work with City Staff to assure that all procedures are properly followed.

## ***OREGON REVISED STATUTES (ORS)***

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### ***ORS Chapter 92 – Subdivisions and Partitions***

*92.014 Approval of city or county required for specified divisions of land. (1) A person may not create a street or road for the purpose of subdividing or partitioning an area or tract of land without the approval of the city or county having jurisdiction over the area or tract of land to be subdivided or partitioned.*

*(2) Notwithstanding ORS 92.175, an instrument dedicating land to public use may not be accepted for recording in this state unless the instrument bears the approval of the city or county authorized by law to accept the dedication*

**Response:** This application for a land subdivision meets the requirements of ORS 92.014 if the applicant receives approval from the City of Salem.

*92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws. (1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county*

**Response:** The applicant has included a tentative plan map with the land subdivision application for review to the City of Salem. The final plat map for this subdivision will not be recorded until tentative plan approval is obtained from the City.

*92.050 Requirements of survey and plat of subdivision and partition.*

*(1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.*

*(2) The survey for the plat of the subdivision or partition shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.*

*(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.*

*(4) The plat of the subdivision or partition shall be of sufficient scale and lettering size, approved by the county surveyor, so that:*

*(a) The survey and mathematical information and all other details are clearly and legibly shown on the plat.*

- (b) Each lot or parcel is numbered consecutively.*
- (c) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.*
- (d) Each street is named and shown on the plat.*
- (5) The locations and descriptions of all monuments found or set must be carefully recorded upon all plats and the proper courses and distances of all boundary lines, conforming to the surveyor's certificate, must be shown.*
- (6) The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded by the county clerk. Private easements become effective upon the recording of the plat.*
- (7) The area of each lot or parcel must be shown on the subdivision or partition plat.*
- (8) In addition to showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot, the following curve information must be shown on the subdivision or partition plat either on the face of the map or in a separate table:*
  - (a) Arc length;*
  - (b) Chord length;*
  - (c) Chord bearing;*
  - (d) Radius; and*
  - (e) Central angle.*
- (9) A city or county may not require that a final subdivision, condominium or partition plat show graphically or by notation on the final plat any information or requirement that is or may be subject to administrative change or variance by a city or county or any other information unless authorized by the county surveyor. [Amended by 1955 c.756 §10; 1983 c.309 §3; 1989 c.772 §8; 1991 c.763 §10; 1993 c.702 §3; 1995 c.382 §4; 1997 c.489 §2; 1999 c.1018 §1; 2005 c.399 §5]*

**Response:** The applicant has retained the services of Rhine-Cross Group, LLC to prepare the Tentative Subdivision Plan and application for the land subdivision. The final plat map will be prepared by an Oregon Registered Land Surveyor in accordance with ORS 92.050 should the applicant receive tentative plan approval from the City. The subdivision will be monumented in accordance with ORS 92.060.

*92.075 Declaration required to subdivide or partition property; contents.*

- (1) In order to subdivide or partition any property, the declarant shall include on the face of the subdivision or partition plat, if a partition plat is required, a declaration, taken before a notary public or other person authorized by law to administer oaths, stating that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of this chapter. Any dedication of land to public purposes or any public or private easements created, or any other restriction made, shall be stated in the declaration.*
- (2) If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being subdivided or partitioned.*

*(3) If the subdivision or partition plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaration for the purpose of consenting to the property being submitted to the provisions of this chapter.*

*(4) Notwithstanding the provisions of subsections (1) to (3) of this section, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being subdivided or partitioned and to any dedication or donation of property to public purposes. The affidavit must indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and must be recorded in deed records at the same time as the subdivision or partition plat. The county clerk shall note the recording information of the affidavit on the original and any exact copies of the subdivision or partition plat. [1991 c.763 §3; 1995 c.382 §8; 2005 c.399 §9]*

**Response:** The final plat map will be prepared by an Oregon Registered Land Surveyor and will contain a declaration, taken before a notary public, stating the requirements of ORS 92.075

*92.080 Preparation of plat.*

*Notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning land in a county in this state, dedications of streets or roads or public parks and squares and other writings made a part of the subdivision or partition plats offered for record in a county in this state must be made on material that is 18 inches by 24 inches in size with an additional three-inch binding edge on the left side when required by the county clerk or the county surveyor, that is suitable for binding and copying purposes, and that has the characteristics of strength and permanency required by the county clerk and county surveyor. All signatures on the original subdivision or partition plat must be in archival quality black ink. The subdivision or partition plat must be of a scale required by the county surveyor. The lettering of the approvals, the declaration, the surveyor's certificate and all other information must be of a size or type to be clearly legible, but the information may not come nearer an edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page must be included for subdivision or partition plats placed upon three or more sheets. [Amended by 1955 c.756 §12; 1973 c.696 §15; 1985 c.582 §1; 1989 c.772 §12; 1991 c.763 §14; 1993 c.321 §6; 1993 c.702 §5; 1997 c.489 §5; 1999 c.710 §3; 2005 c.399 §10]*

**Response:** The final plat map will be prepared by an Oregon Registered Land Surveyor and will be on approved material 18"x 24" in size with all the requirements of ORS 92.080.

*92.095 Payment of taxes, interest or penalties before subdivision or partition plat recorded.*

*(1) A subdivision or partition plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the land or that will become a lien during the tax year.*

*(2) After July 1, and before the certification under ORS 311.105 of any year, the subdivider or partitioner shall:*

*(a) If the exact amount of taxes, penalties, special assessments, fees and charges can be computed by the assessor, pay the amount to the tax collector. The assessor is authorized to levy and the tax collector is authorized to collect the amount.*

*(b) If the assessor is unable to compute the amount at the time, either:*

*(A) Pay the amount estimated by the assessor to be needed to pay the taxes, penalties, special assessments, fees and other charges to become due; or*

*(B) Deposit with the tax collector a bond or irrevocable letter of credit with a good and sufficient undertaking in an amount the assessor considers adequate to ensure payment of the taxes to become due. The bond or irrevocable letter of credit amount may not exceed twice the amount of the previous year's taxes, special assessments, fees and other charges upon the land.*

*(3) Taxes paid or for which security is given under subsection (2)(a) or (b) of this section are entitled to the discount provided by ORS 311.505.*

*(4) ORS 311.370 applies to all taxes levied and collected under subsection (2) of this section, except that any deficiency constitutes a personal debt against the person subdividing or partitioning the land and not a lien against the land and must be collected as provided by law for the collection of personal property taxes.*

*(5) If a subdivision or partition plat is recorded, any additional taxes, interest or penalties imposed upon land disqualified for any special assessment become a lien upon the land on the day before the plat was recorded*

**Response:** If the applicant receives approval from the City of Salem for the land subdivision, all ad valorem taxes shall be paid prior to recording the final plat.

*92.100 Approval of plat by city or county surveyor; procedures; approval by county assessor and county governing body; fees.*

*(1)(a) Except as provided in subsection (4) of this section, before a subdivision or partition plat that covers land within the corporate limits of a city may be recorded, the county surveyor must approve the plat.*

*(b) Notwithstanding ORS 92.170, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor or, with concurrence of the county surveyor, a contract surveyor to act as city surveyor.*

*(c) Except as provided in subsection (4) of this section, if the land is outside the corporate limits of any city, the subdivision or partition plat must be approved by the county surveyor before it is recorded.*

*(d) All subdivision plats must also be approved by the county assessor and the governing body of the county in which the property is located before recording.*

*(e) Notwithstanding paragraph (d) of this subsection, a county may provide by ordinance for the approval of subdivision plats by:*

*(A) The county assessor; and*

*(B)(i) The chairperson of the governing body of the county;*

*(ii) The vice chairperson of the governing body of the county; or*

*(iii) A person designated in lieu of the chairperson or vice chairperson.*

*(f)(A) A partition plat is subject only to the approval of the city or county surveyor unless:*

*(i) The partition plat includes a dedication of land for public road purposes; or*

*(ii) Provided otherwise by ordinance of the governing body.*

*(B) The city or county surveyor shall review the partition plat only for compliance with the survey-related provisions of ORS 92.010 to 92.192 and 209.250.*

*(2) Before approving the subdivision plat as required by this section, the county surveyor shall check the subdivision site and the subdivision plat and shall take measurements and make*



*computations and other determinations necessary to determine that the subdivision plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with survey-related requirements established pursuant to an ordinance or resolution passed by the governing body of the controlling city or county.*

*(3) Before approving the partition plat as required by this section, the county surveyor shall check the partition plat and make computations and other determinations that the partition plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with the survey-related requirements established pursuant to an ordinance or resolution by the governing body of the controlling city or county.*

*(4) Before a subdivision or partition plat prepared by the county surveyor in a private capacity may be recorded, the plat must be approved in accordance with subsection (2) or (3) of this section, whichever is applicable, by the surveyor of a county other than the county in which the land is located and who has been designated by the county surveyor.*

*(5) For performing the service described:*

*(a) In subsection (2) of this section, the county surveyor shall collect from the subdivider or declarant a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a city or county may establish a higher fee by resolution or order.*

*(b) In subsection (3) of this section, the county surveyor shall collect from the partitioner or declarant a fee to be established by the governing body.*

*(c) In subsection (4) of this section, the designated county surveyor shall collect the applicable subdivision or partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The subdivision or partition plat check fee and other expenses must be paid by the subdivider, partitioner or declarant prior to approval of the subdivision or partition plat by the designated county surveyor.*

*(6) Nothing in this section prohibits a city, county or special district from requiring engineering review and approval of a subdivision plat to ensure compliance with state and local subdivision requirements that relate to matters other than survey adequacy.*

*(7) Granting approval or withholding approval of a final subdivision or partition plat under this section by the county surveyor, the county assessor or the governing body of a city or county, or a designee of the governing body, is not a land use decision or a limited land use decision, as defined in ORS 197.015.*

**Response:** The final plat map will be prepared by an Oregon Registered Land Surveyor and will be submitted to the City and the Marion County Surveyor for review and approval. All fees required by the County Surveyor will be paid by applicant. The plat map will be recorded by Marion County after all required jurisdictional signatures and approvals have been obtained in accordance with ORS 92.100.

## **ORS Chapter 197 – Comprehensive Land Use Planning Coordination**

### **7. Comprehensive Planning Responsibilities**

*(J) 197.175 — Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.*

*(1) Cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change which shall mean the annexation of unincorporated territory by a city, the incorporation of a new city and the formation or change of organization of or annexation to any special district authorized by ORS 198.705 to 198.955, 199.410 to 199.534 or 451.010 to 451.620, in accordance with ORS chapters 195, 196 and 197 and the goals approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commission shall adopt rules clarifying how the goals apply to the incorporation of a new city. Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take effect upon adoption by the commission. The applicability of rules promulgated under this section to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this state.*

**Response:** It is understood that in the review of this proposed land subdivision, the City of Salem is required to abide by the applicable planning responsibilities and compliance with the Goals in the manner that is outlined above.

*(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:*

- (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;*
- (b) Enact land use regulations to implement their comprehensive plans;*
- (c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;*
- (d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and*
- (e) Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment.*

**Response:** The City of Salem possesses an acknowledged Comprehensive Plan that is in compliance with the Statewide Goals. It has also adopted land use regulations through the Salem Development Code. The City makes land use decisions and limited land use decisions in compliance with its Plan and the Development Code. In turn, the City's land use decision on the proposed land subdivision must be in compliance with its Plan and the Development Code.

## 8. Goals Compliance

*(E) 197.250 — Compliance with goals required.*

*Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.*

**Response:** The City of Salem Comprehensive Plan and Development Code — along with all plans, programs, rules or regulations affecting land use that are adopted by a State agency or special district — are in compliance with the Statewide Goals. In turn, the City’s decision on the proposed land subdivision must be in compliance with the Statewide Goals.

*(F) 197.251 — Compliance acknowledgment; commission review; rules; limited acknowledgment; compliance schedule.*

*(1) Upon the request of a local government, the Land Conservation and Development Commission shall by order grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals. A commission order granting, denying or continuing acknowledgment shall be entered within 90 days of the date of the request by the local government unless the commission finds that due to extenuating circumstances a period of time greater than 90 days is required.*

**Response:** The Land Conservation & Development Commission granted acknowledgement of the City of Salem Comprehensive Plan, pursuant to the process outlined under this Section. Therefore, the applicant’s request for a land subdivision is being made within a jurisdiction that possesses an acknowledged Comprehensive Plan. In turn, the City’s decision on the proposed land subdivision must be in compliance with the City’s acknowledged Comprehensive Plan.

## 9. Enforcement Of Planning Requirements

*(G) 197.340 — Weight given to goals in planning practice; regional diversity and needs.*

*(1) The Land Conservation and Development Commission, the Department of Land Conservation and Development, other state agencies and local governments shall give the goals equal weight in any matter in which the goals are required to be applied.*

**Response:** The applicant has addressed and provided findings that pertain to all 19 goals, each of which has been weighed equally. Goals 1 through 2 and 5 through 14 apply directly to this proposal. Goal 3 and 4 do not apply to this proposal because the subject property is not designated as Agricultural or Forestry. Goal 15 does not apply because the subject property does not impact the Willamette River Greenway. Goals 16 through 19 do not apply because the subject property is not located within a coastal community and does not exhibit any of the natural coastal features or environments

that are addressed by these Goals. In turn, the City's review and decision on the proposed land subdivision must apply each Goal equally.

*(2) The commission and the department shall consider and recognize regional diversity and differences in regional needs when making or reviewing a land use decision or otherwise applying the goals.*

**Response:** It is understood that DLCD, and if necessary LCDC, shall consider and recognize regional diversity and differences in regional needs, such as those peculiar to the City of Salem and the area of the subject property, when reviewing the City's land use decision on the proposed land subdivision and applying the Goals in its review.

## I. EXECUTIVE SUMMARY

### Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic analysis for a proposed residential subdivision (Landau Heights) in Salem, Oregon. The subject property is located on the southwest corner of Landau Street and Battle Creek Road. Proposed development includes 93 lots within three phases of development.

Access to the site is proposed on Landau Street through two driveways. Proposed development is estimated to generate 973 average daily trips (ADT) with 71 trips occurring during the a.m. peak hour and 95 trips during the p.m. peak hour. Two study area intersections and two driveways were evaluated under existing year 2019, design year 2020, design year 2022, and design year 2024 no-build and build conditions to determine what impacts the proposed development may have on the transportation system.

### Conclusions

The findings of the traffic impact analysis conclude that the proposed 93-lot residential subdivision can be approved on the transportation system without creating adverse impacts with some recommended improvements. Results of the analysis are as follows:

1. All study area intersections are shown to operate within performance standards under existing year 2019 and design year (2020, 2022, 2024) no-build and build conditions during both the a.m. and p.m. peak hours.
2. Study area intersection 95<sup>th</sup> percentile queue lengths were shown to stay within available link distances for all analysis scenarios.
3. Sight distance is estimated to be adequate from both site driveways on Landau Street.
4. Left and right turn lane criterion is not shown to be met on Landau Street at either site driveway under year 2024 full build conditions.
5. Speeding and/or the Landau Street hill contributed to at least one, but possibly two reported crashes on Landau Street in a five year period.

### Recommendations

1. In an effort to address limited sight distance at the crest of the Landau Street hill, the proposed Landau Heights Subdivision could facilitate an eventual closure of Landau Street at the eastern base of the Landau hill, similar to what was implemented at the western base of the hill as part of a condition of approval for Mossy Ridge Subdivision. Speed humps could also be implemented at the eastern base of the hill in the interim (in accordance with Division 006 Section 6.15(b) of the Public Works Design Standards), with a reduced posted speed if a speed study supports it. Closure would occur once a connection was made from Soapstone Avenue to the subject property.



## MEMO

**TO:** Olivia Glantz, Planner III  
Community Development Department

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

**DATE:** September 19, 2019

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**SUB19-06 (19-111411-LD)**  
**5800 BLOCK OF BATTLE CREEK ROAD SE**  
**93-LOT PHASED SUBDIVISION**

**PROPOSAL**

A phased subdivision tentative plan to divide approximately 18.9 acres into 93 lots with Phase 1 dividing approximately seven acres into 35 lots, Phase 2 dividing approximately six acres into 31 lots, and Phase 3 dividing approximately six acres into 27 lots. The applicant is requesting an alternative street standard to increase the grade of Landau Street SE to 12.40 percent and increase the block length of Soapstone Avenue SE from 600 feet to 640 feet. The subject property is located on the 5800 Block of Battle Creek Road SE at the southwest corner of Battle Creek Road SE and Landau Street SE (Marion County Assessor Map and Tax Lot Number: 083W13C / 02001).

**PRELIMINARY CONDITIONS**

All Phases:

1. Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.
2. Extend a 12-inch water main from Landau Street SE to the south line of the subject property, to be constructed individually within each phase.
3. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

Phase 1:

4. Along the entire frontage of Battle Creek Road SE, convey right-of-way to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement to Minor Arterial standards.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

5. Along the entire Phase 1 frontage of Landau Street SE, convey right-of-way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.
6. Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

Phase 2:

7. Along the entire Phase 2 frontage of Landau Street SE, convey right-of-way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.

Phase 3:

8. The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

## **FACTS**

### **Urban Growth Area Development Permit**

The subject property is located within the Urban Service Area, except for a small easterly portion above elevation 499 in the S-3 water service level. The applicant is proposing to lower the elevation of the properties in the S-3 water service level so that they can be served from S-2 level facilities. Therefore, no UG Preliminary Declaration is needed because the proposed development does not precede construction of required facilities.

### **Streets**

1. Landau Street SE
  - a. Standard—This street is designated as a Local street in the *Salem Transportation System Plan*. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Condition—There is an approximate 20-foot improvement within a 41-foot-wide right-of-way adjacent to the subject property.

## 2. Battle Creek Road SE

- a. Standard—This street is designated as a Minor Arterial street in the *Salem Transportation System Plan*. 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 27-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

Existing Condition: A 12-inch storm drain line is located in Landau Street SE.

### **Water**

Existing Condition: An 8-inch S-2 water line is located in Landau Street SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

### **Sanitary Sewer**

Existing Condition: An 8-inch sewer main is located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

## **CRITERIA AND FINDINGS**

**SRC 205.010(d)(1)**—The tentative subdivision 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:

1. 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;
2. City infrastructure standards; and
3. 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 subdivision 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 subdivision 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) and (h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4) and (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 subdivision adds three activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by GeoEngineers and dated June 26, 2019, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205.010(d)(3)**—Development within the tentative subdivision plan can be adequately served by City infrastructure.

**Findings**—Water and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary utility plan. A small area at the highest elevations of the subject property is located within the S-3 water service level. The applicant's grading plan shows that the property will be regraded to lower the highest elevations to the S-2 water service level, which serves to a maximum first floor elevation of 499 feet. Because no S-3 water mains are proposed to serve the proposed development, the lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The *Water System Master Plan* shows that a 12-inch water main is required through the subject property from Landau Street SE to the south line of the proposed development. The applicant shall be required to extend a 12-inch water main from Landau Street SE to the south line of the subject property.

The nearest available sewer main is located in Battle Creek Road SE approximately 600 feet north of Landau Street SE. The applicant shall be required to construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

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)(7)(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 205.010(d)(4) and SRC 205.0010(d)(5)**—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so

**as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding**—Battle Creek Road SE abuts the subject property and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of Battle Creek Road SE.

Landau Street SE abuts the subject property and does not meet the current standard for a Local street. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of Landau Street SE. The intersection of Battle Creek Road SE and Landau Street SE does not meet PWDS related to intersection angle, and the required improvements shall modify the intersection angle in compliance with the standard. In addition, the Landau Street SE improvements may be modified as needed to minimize street tree removal pursuant to SRC 803.065(a)(3). All internal streets will be constructed to Local street standards as specified in the Salem TSP. Due to existing steep topography and development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. The applicant is proposing 640 feet between streets, which is needed to make the grade needed at the intersections within the subdivision. The steep topography and street locations meet the exemption of SRC 803.035(a)(1) to exceed the 600-foot intervals.

**SRC 205.010(d)(6)**—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

**Findings**—The Comprehensive Park System Master Plan Update shows that the subject property is served by undeveloped parks. Robert & Susie Lee School Park is an undeveloped park approximately one-half mile northeast of the proposed development. No park-related improvements are recommended as a condition of development.

**SRC 205.010(d)(7)**—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

**Findings**—The applicant submitted a Traffic Impact Analysis, prepared by Southern Oregon Transportation Engineering, LLC and dated April 28, 2019, that indicates the proposed subdivision will not significantly change the operating characteristics of the existing street intersections or require mitigation to the transportation system. The Assistant City Traffic Engineer concurs with the TIA findings.

CITIZEN COMMENTS:

- A. **Safety of Landau Street SE:** The majority of the comments submitted express concern about the safety of Landau Street SE and the impact of adding traffic from 93 additional lots onto a narrow and under-improved street that is already heavily trafficked by vehicles. Specific concerns raised relating to vehicular, bike, and pedestrian safety on Landau Street SE include the following:

- Narrowness of roadway;
- Lack of sidewalks and bike lanes; and
- Poor visibility at the crest of the steep hill and increase in grade.

Comments received expressed the need for sidewalks on both sides of Battle Creek Road SE and Landau Street SE, as well as traffic calming measures, such as speed bumps, to slow vehicle traffic.

**Staff Response:** The improvements to Landau Street SE and Battle Creek Road SE sufficiently mitigate transportation impacts caused by the development. Additional traffic calming measures are not recommended at this time but may be proposed at a later time if traffic patterns develop warranting such measures.

- B. **Loss of Wildlife Habitat and Open Space:** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property and suggest that rather than it being developed as a subdivision it should be donated to the City for creation of a new park.

**Staff Response:** The subject property is located within the Urban Service Area, so no Urban Growth Preliminary Declaration is required. As a result, no new neighborhood parks are warranted in conjunction with the proposed development.

cc: File