

## BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF )  
TENTATIVE SUBDIVISION )  
CASE NO. 19-06 )  
5800 BLOCK BATTLE CREEK ROAD SE )

ORDER NO. 2019-15 SUB19-06  
SUBDIVISION  
CASE NO. 19-06

This matter coming regularly for hearing before the City Council, at its November 12, 2019 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Administrator in Subdivision Case No. SUB19-06, and approving the application.

### PROCEDURAL FINDINGS:

- (a) On May 14, 2019, Landau Property Partners LLC (Sean Ward), filed an application for a Phased Tentative Subdivision Plan to divide an 18.9 acre into 93 single family lots, located at the 5800 Block Battle Creek Road SE.
- (b) On September 20, 2019, the Planning Administrator issued a decision approving the Phased Tentative Subdivision subject to conditions of approval.
- (c) On October 14, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for November 12, 2019.
- (d) On November 12, 2019, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing and the City Council conducted deliberations and voted to affirm the Planning Administrator's decision to approve the application subject to conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.
- (e) The new 120-day State mandated deadline for final decision is December 6, 2019.

### SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

- (a) The Tentative Subdivision application to develop 18.9 acres into 93 single family lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.005.
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- (c) The City Council therefore APPROVES the application subject to conditions of approval from the September 20, 2019 decision of the Planning Administrator.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Administrator's decision for a Phased Subdivision Case No. SUB19-06 is hereby modified to include the findings and facts in exhibit 1, and 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.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Findings for SUB19-06

ADOPTED by the City Council this 25<sup>th</sup> day of November 2019.

ATTEST:

City Recorder

Checked by: Olivia Glantz