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## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION CASE NO.: PAR20-01**

**APPLICATION NO.: 19-124225-LD**

**NOTICE OF DECISION DATE: APRIL 9, 2020**

**SUMMARY:** A proposed partition to divide a property located in the 5200 to 5300 block of Battle Creek Road SE into two parcels.

**REQUEST:** A tentative partition plan to divide a property into two parcels approximately 11.77 acres and 0.65 acres in size. The subject property is zoned RM-II (Multiple Family Residential), approximately 12.42 acres in size, and located in the 5200 to 5300 block of Battle Creek Road SE (Marion County Assessor's Map and Tax Lot Number: 083W1400300).

**APPLICANT:** Steve Ward and Andy Tweet, Westech Engineering, on behalf of Woodscape Glen, LLC (John Miller)

**LOCATION:** 5200 to 5300 Battle Creek Rd SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) - Partition

**FINDINGS:** The findings are in the attached Decision dated April 9, 2020.

**DECISION:** The **Planning Administrator APPROVED** Partition PAR20-01 subject to the following conditions of approval:

**Condition 1:** Dedicate a 10-foot-wide public utility easement (PUE) along Battle Creek Road SE as shown on the tentative partition plan.

**Condition 2:** Construct a half-street improvement to minor arterial street standards along the development side of Battle Creek Road SE up to a total curb-to-curb improvement width of 46 feet. The requirement to construct the half-street improvement along the frontage of Battle Creek has been deferred until the time of Site Plan Review as recorded in a deferral agreement (Reel 3698, Page 473).

**Condition 3:** As required by Partition Case No. PAR13-08, the applicant shall construct internal streets at the time of development as follows:

- a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2A.
- b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek Road SE. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private

**NOTICE OF DECISION**

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

**CITY OF Salem**  
**AT YOUR SERVICE**

street may be constructed in phases as specified during Site Plan Review for proposed parcel 2A and parcel 3 of Partition Case No. PAR13-08. Maintenance of the private street and sidewalk shall be shared between the parties pursuant to a maintenance agreement between the two parcels.

The rights granted by the attached decision must be exercised, or an extension granted, by April 25, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>January 27, 2020</u>
Notice of Decision Mailing Date:	<u>April 9, 2020</u>
Decision Effective Date:	<u>April 25, 2020</u>
State Mandate Date:	<u>May 26, 2020</u>

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

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Friday, April 24, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net) or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 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 by contacting the case manager.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 20-01)**

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

<http://www.cityofsalem.net/planning>

**IN THE MATTER OF THE )  
TENTATIVE APPROVAL OF PARTITION )  
PLAT NO. 20-01; 5200-5300 BLOCKS OF )  
BATTLE CREEK ROAD SE )**

**FINDINGS AND ORDER  
  
APRIL 9, 2020**

**REQUEST**

A tentative partition plan to divide a property into two parcels approximately 11.77 acres and 0.65 acres in size. The subject property is zoned RM-II (Multiple Family Residential), approximately 12.42 acres in size, and located in the 5200 to 5300 block of Battle Creek Road SE (Marion County Assessor's Map and Tax Lot Number: 083W1400300).

**DECISION**

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

- Condition 1:** Dedicate a 10-foot-wide public utility easement (PUE) along Battle Creek Road SE as shown on the tentative partition plan.
- Condition 2:** Construct a half-street improvement to minor arterial street standards along the development side of Battle Creek Road SE up to a total curb-to-curb improvement width of 46 feet. The requirement to construct the half-street improvement along the frontage of Battle Creek has been deferred until the time of Site Plan Review as recorded in a deferral agreement (Reel 3698, Page 473).
- Condition 3:** As required by Partition Case No. PAR13-08, the applicant shall construct internal streets at the time of development as follows:
- a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2A.
  - b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek Road SE. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private street may be constructed in phases as specified during Site Plan Review for proposed parcel 2A and parcel 3 of Partition Case No. PAR13-08. Maintenance of the private street and sidewalk shall be shared between the parties pursuant to a maintenance agreement between the two parcels.

## PROCEDURAL FINDINGS

1. On November 18, 2019, an application for tentative partition plan was filed by Westech Engineering on behalf of the applicant and property owner, Woodscape Glen, LLC, proposing to divide property located in the 5200 to 5300 Blocks of Battle Creek Road SE (**Attachment A**) into 2 parcels.
2. The application was deemed complete for processing on January 27, 2020, and notice to surrounding property owners was mailed, pursuant to Salem Revised Code (SRC) requirements, on January 28, 2020. Subsequent to the initial notice being provided, a second notice was sent, at the request of the applicant, to allow the applicant time to present the proposed partition to the South Gateway Neighborhood Association at their February meeting. The second notice was sent on February 4, 2020 and extended the public comment deadline on the application until February 18, 2020. The state-mandated local decision deadline for the application is May 26, 2020.

## SUBSTANTIVE FINDINGS

### 1. Proposal

The proposal submitted by the applicant requests tentative partition plan approval to divide property located in the 5200 to 5300 Blocks of Battle Creek Road SE (Marion County Assessor's Map and Tax Lot Number: 083W1400300) into two parcels. The tentative partition plan submitted by the applicant showing the configuration of the proposed parcels is included as **Attachment B**. The applicant's written statement addressing the standards and approval criteria applicable to the proposal is included as **Attachment C**.

#### Parcel Configuration

As illustrated on the tentative plan, the size and dimensions of the proposed parcels are as follows:

Proposed Parcel Size & Dimensions			
Parcel No.	Area	Dimensions	
		Width	Depth
Parcel 2A	11.77 acres (512,701.2 ft. <sup>2</sup> )	Approx. 1,295.12 ft.	Approx. 197.68 ft.
Parcel 2B	0.65 acres (28,314 ft. <sup>2</sup> )	Approx. 185.82 ft.	Approx. 148.62

#### Access & Circulation

The subject property has frontage on Battle Creek Road SE, which is designated as a minor arterial street under the Salem Transportation System Plan (TSP), and Dragon

Fly Court SE, a cul-de-sac street designated as a local street under the TSP. Battle Creek Road is located along the eastern boundary of both proposed Parcels 2A and 2B and Dragon Fly Court terminates at the southern boundary of proposed Parcel 2B.

There are also two dead-end streets, Teal Drive SE and Salal Street SE, that terminate at the boundary of the property. Both Teal Drive and Salal Street are designed as local streets under the TSP. Teal Drive terminates at the western boundary of proposed Parcel 2 A and Salal Street terminates at the southern boundary of proposed Parcel 2A. These streets have been extended to the boundary of the property so they can be further extended in the future to provide additional required street connectivity in this area.

The partition proposed by the applicant does not include any specific development plans for the proposed parcels and only divides the property so that the smaller 0.65-acre portion of the property, currently physically separated from the rest of the property by Woodscape Linear Park, will exist as its own parcel. Issues of street access will be addressed at the time of future development of the parcels through the site plan review process when specific development plans for the parcels are proposed.

## **2. Existing Conditions**

### Site and Vicinity

The property subject to the proposed partition request is an irregularly shaped parcel that is approximately 12.42 acres in size and bisected by Woodscape Linear Park in the southern portion of the property. The property is currently vacant and undeveloped. No specific plans for the future development of the property have been identified by the applicant at this time.

The subject property was created through a prior partition approval (Case No. PAR13-08 / Partition Plat No. 2015-36) and further reconfigured with the subsequent recording of the Woodscape Green Phase 2 subdivision plat. (Case No. SUB04-21). Under the original approval of Partition Case No. PAR13-08, the subject property was recorded as Parcel 2. With the subsequent recording of the Woodscape Green Phase 2 subdivision plat, the property was re-designated as Lot 62 of the subdivision.

As part of the approval of Partition Case No. PAR13-08, conditions were established (*Condition Nos. 2 and 6*) requiring internal street connections through the subject property to connect to the existing streets extended to the boundary of the site, as well as boundary street improvements for the property's Battle Creek Road frontage. These required street improvements were approved to be deferred until the time of Site Plan Review for each parcel. Because these conditions of approval are still applicable to the future development of the subject property they have been carried forward and applied to this new partition decision as well, as identified later in this decision.

The development pattern in the immediate vicinity of the subject property to the east, south, and west is primarily characterized by single family development, with some supporting park and school uses in the nearby surrounding area. To the north there are apartments, a church, medical offices, and some commercial uses.

### Salem Area Comprehensive Plan (SACP)

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

*Comprehensive Plan Map:* The subject property is designated “Multiple Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
<b>North</b>	Multiple Family Residential
<b>South</b>	Single Family Residential
<b>East</b>	Across Battle Creek Road SE, Single Family Residential
<b>West</b>	Single Family Residential

### Zoning

The subject property is zoned RM-II (Multiple Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
<b>North</b>	RM-II (Multiple Family Residential)
<b>South</b>	RS (Single Family Residential)
<b>East</b>	Across Battle Creek Road SE, RS (Single Family Residential)
<b>West</b>	RS (Single Family Residential)

### Relationship to Urban Service Area

The subject property is located inside the City’s Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an application for an Urban Growth Preliminary Declaration is not required when property is located inside the boundaries of the Urban Service Area.

### Infrastructure

As identified in the comments provided from the Public Works Department **(Attachment D)**, the subject property is currently served by the following existing City infrastructure:

*Water:* The subject property is located within the S-2 water service level. A 20-inch water line is located in Battle Creek Road SE and 8-inch public water mains are located in Dragonfly Court SE, Salal Street SE, and Teal Drive SE.

**Sewer:** A 24-inch sewer main runs through the subject property within a 25-foot-wide easement. An 8-inch sewer main is located in Dragonfly Court SE.

**Storm Drainage:** There are multiple public stormwater facilities located adjacent to the subject property, and on the subject property within City easements.

**Streets:** *Battle Creek Road SE* abuts the eastern boundary of the subject property. Battle Creek Road is designated as a Minor Arterial street in the City's Salem Transportation System Plan (TSP).

- Standard: The standard for a Minor Arterial street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- Existing Conditions: The portion of Battle Creek Road SE abutting the subject property currently has an approximate 27-foot-wide improvement within a 70-foot right-of-way.

*Teal Drive SE & Salal Street SE* extend to, and terminate at, the boundary of the subject property. Both Teal Drive and Salal Street are designated as Local streets in the City's TSP.

- Standard: The standard for a Local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- Existing Conditions: Teal Drive is currently improved to a width of approximately 34 feet within a 60-foot-wide right-of-way and Salal Street is currently improved to a width of approximately 30 feet within a 60-foot-wide right-of-way.

*Dragonfly Court SE* abuts the southern boundary of the subject property. Dragonfly Court, which is a cul-de-sac street, is designated as a Local street in the City's TSP.

- Standard: The standard for a cul-de-sac street is a 30-foot-wide improvement within a 50-foot-wide right-of-way.
- Existing Conditions: The portion of Dragonfly Court abutting the subject property is fully constructed and meets current standards.

### **3. Public and Private Agency Review**

- A. The Building and Safety Division reviewed the proposal and indicated no objections to it.

- B. The Fire Department reviewed the proposal and indicated no objections to it. They indicate that Fire Department requirements, such as access and water supply, will be required to be addressed at the time of future development of the proposed parcels.
- C. The Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.
- D. The Salem-Keizer School District reviewed the proposal and provided comments that are included in **Attachment E**. The School District indicates, in summary, that the property is served by Pringle Elementary School, Judson Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Pringle Elementary School to accommodate the projected increase in student enrollment resulting from the future development of the parcels, but Judson Middle School and South Salem High School will be overcapacity.

The School District indicates that the subject property is located within the walk zone of Pringle Elementary and that students will be eligible for school transportation to both Judson Middle School and South Salem High School. In the District's walk zone review for the proposed development they indicate that there will be a safe walking path to Pringle Elementary School as long as both proposed parcels have access to either Baxter Road SE or Teal Drive SE.

**Staff Response:** As required under the original conditions of approval for Partition Case No. PAR13-08, and as conditioned by this decision, future development of proposed Parcel 2A will require Teal Drive SE to be extended through the property to connect to Salal Street SE. This public street extension will include sidewalks on both sides of the street and will therefore provide for safe pedestrian access and connectivity to the existing sidewalks on Teal Drive and Baxter Road and, in- turn, Pringle Elementary School.

Future development of proposed Parcel 2B will have safe pedestrian access and connectivity to the public sidewalks on Baxter Road and Pringle Elementary School via the public sidewalks on Dragonfly Court SE and Swallowtail Street SE.

- E. Cherriots reviewed the proposal and provided comments indicating no objections to it. They request that when the properties are developed a sidewalk be required along Battle Creek Road in order to improve pedestrian safety and access.

**Staff Response:** As a condition of the original partition approval for the subject property (*Condition 2 of Partition Case No. PAR13-08*), a half street improvement was required on the west side of Battle Creek Road SE and the improvement was approved to be deferred until the time of Site Plan Review for the development of each parcel.

As with the original partition, a condition of approval is similarly established for the approval of this partition (Condition 2) requiring a half-street improvement on Battle



Creek Road SE that may be deferred until the time of Site Plan Review for the future development of the parcels. The required half-street improvement will include a sidewalk.

#### **4. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the South Gateway Neighborhood Association (SGNA). Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

Comments received from the neighborhood association are included as **Attachment F**. The comments received indicate, in summary, that after hearing testimony from the applicant regarding the proposal at their neighborhood association meeting the neighborhood association feels that since the request is only for a partition to divide the property and there are no plans for development at this time, they see no reason to oppose the request and voted to unanimously recommend approval.

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. A total of eight comments were received prior to the comment deadline. The comments received expressed concern, in summary, regarding the following issues:

- **Increased Traffic & Vehicular Access**

Comments received expressed concern about the potential for a significant increase in traffic on Baxter Road if a street connection is provided through the property to connect between Battle Creek Road SE and Baxter Road SE. It is explained that the resulting increase in traffic will dramatically change local neighborhoods and potentially pose increased danger for children walking along Baxter Road to reach Pringle Elementary School and Wes Bennett Park. Due to the potential impacts of increased traffic, comments received indicated that future development of the proposed parcels should be required to take access from Battle Creek Road SE, rather than adjacent local streets, in order to preserve the livability of the neighborhood.

**Staff Response:** The Streets and Right-of-Way Improvements chapter of the City's development code (SRC Chapter 803), specifically SRC 803.035(a), requires developments to provide local streets oriented to and connected with existing or planned streets and existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. This is required in order to provide for an interconnected and efficient transportation network for the movement of vehicles and pedestrians throughout the City. When fewer points of connectivity are provided, traffic is limited to fewer available alternative routes. When more points of connectivity are provided traffic can be distributed over a greater number of routes and distances required to travel to destinations can be reduced.

There are two existing streets that terminate at the boundaries of subject property that were extended by previous development approvals with the intention of being further extended in the future. These streets include Teal Drive SE, which extends to the western boundary of proposed Parcel 2A, and Salal Street SE, which extends to the southern boundary of proposed Parcel 2A.

In order to comply with the street connectivity requirements of SRC 803.035(a), the previous partition approval for the subject property (*Partition Case No. PAR13-08*) required a future local public street to be extended through the subject property to connect Teal Drive SE to Salal Street SE. This street improvement was allowed to be deferred until the time of future development of the parcels. The new partition application submitted by the applicant further divides the subject property, but the requirement for street connectivity through the property remains. In order to ensure the new proposed partition maintains conformance with the street connectivity requirements of SRC 803.035(a), the condition of approval from the previous decision requiring Teal Drive to be extended to Salal Street has been carried forward and applied to this decision as well.

In addition to the extension of Teal Drive, a second internal private street connection was required under the previous partition approval between Battle Creek Road SE and the extension of Teal Drive. This street connection was required to conform to both the street connectivity requirements of SRC 803.035(a) and the street spacing requirements of SRC 803.030, which generally requires a well-connected network of streets with a maximum spacing of not more than 600 feet. Because street spacing on the west side of Battle Creek Road along the frontage of the property does not currently meet street spacing requirements a street connection to Battle Creek Road through the property was also required. In order to ensure the new partition application submitted by the applicant will meet the street spacing requirements of SRC 803.030, the condition of approval from the previous decision requiring an internal street connection between Battle Creek Road and the extension of Teal Drive has also been carried forward and applied to this new partition decision.

As with the previous decision, these required internal street improvements may be delayed until final street alignments are established during the Site Plan Review process for the future development of new proposed Parcel 2A and Parcel 3 of the original partition approval (*Partition Case No. PAR13-08*). The requirement for the extension of Teal Drive SE and the construction of the private street to provide a connection between Battle Creek Road and the extension of Teal Drive ensures conformance with SRC 803.035(a) and SRC 803.030, which require local street connections to be provided to existing streets, schools, and parks within the vicinity of the proposed development and streets spaced at regular intervals to provide connectivity.

Because the requested application is only a partition to divide the southern portion of the property from the northern portion in order to reflect the current physical separation that currently exists between the two portions of the property, no specific development plans have been identified for the proposed parcels at this time. The locations of driveway approaches from the parcels to abutting streets will be

addressed at the time of site plan review approval for the future development of the parcels.

▪ **Future Use of Proposed Parcels**

Comments received questioned what the future use of the proposed parcels would be and indicated that the smaller of the two proposed parcels, Parcel 2B, would be more appropriately developed as a single-family dwelling, or perhaps a duplex, to be more compatible with the adjacent single-family residential area.

**Staff Response:** Because the application is only for a partition to divide the property into two parcels, identification of specific uses the parcels may be used for is not required. The subject property is, however, zoned RM-II (Multiple Family Residential) and has been zoned for multiple family development for forty-two years since the zoning of the property was changed from RA (Residential Agriculture) to RM (Multiple Family Residential) in 1977 and 1978. Under the Salem Revised Code properties may be developed for those uses that are allowed within the zone. The allowed uses within the RM-II zone are identified under SRC 514.005, Table 514-1. The property's multiple family zoning implements the Multiple Family Residential designation of the City's comprehensive plan which is intended to encourage the efficient use of residential land and public facilities, and to promote a range of housing densities and a variety of housing types in proximity to shopping areas, transit services, park, and schools.

The purpose of tentative plan review of a proposed partition is to determine whether the proposed parcels will be adequately served by City streets and utilities, to determine whether the parcels are of a size and configuration that is suitable to allow the reasonable development of the parcels for the uses that are allowed within the zone, and to determine whether the proposed parcels conform to the applicable standards of the Salem Revised Code. As identified in this decision, both proposed parcels exceed minimum lot size and dimension standards and are suitable for development of uses that are allowed within the RM-II zone consistent with the property's Multiple Family Residential comprehensive plan designation.

At the time of future development of a parcel, the specific proposed development is reviewed for conformance with the applicable standards of the code, including, but not limited to, standards for density, minimum building setbacks, height, lot coverage, parking, and landscaping. Based on the minimum density requirement of the RM-II zone, Parcel 2B could not be developed with only a single-family dwelling unit or a duplex because minimum residential density requirements would not be met. The applicant would instead have to apply to change the zoning of the property, and possibly its comprehensive plan designation.

▪ **Proposal Does not Meet All Approval Criteria**

A comment received indicated that the proposed partition cannot be approved because it does not comply with approval criterion SRC 205.005(d)(8)(C). The comment explains that proposed Parcel 2B is only 0.65 acres in size and therefore does not comply with the minimum 5-acre standard established under this approval criterion.

**Staff Response:** The approval criterion identified under SRC 205.005(d)(8)(C) applies to partitions of property that are more than 300 feet from an available sewer main and therefore will be served by a septic system rather than City sewer. Because both proposed parcels are within 300 feet of, and will connect to, City sewer, this approval criterion is not applicable to the proposed partition.

The reason for the minimum 5-acre lot size and minimum 100-foot lot dimension requirement for partitions that will be served by septic is to ensure that single family developments aren't created that are entirely served by septic. Within cities, lots are intended to be served by municipal sewer systems rather than septic systems. As such, the large minimum lot size and dimension requirement allows for some use of the land but prevents it from being divided into smaller, urban density level, lots until City sewer is available.

## 5. Criteria for Granting a Partitioning

SRC Chapter 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RM-II (Multiple Family Residential). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RM-II zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

### **SRC Chapter 514 (RM-II Multiple Family Residential Zone)**

**Allowed Uses (SRC 514.005):** Uses allowed within the RM-II zone are established under SRC 514.005, Table 514-1. Because the proposal is only a partition requesting approval to divide the subject property into two parcels, no specific land uses have been, nor are any required to be, identified for the proposed parcels at this time.

Conformance with the Use provisions of SRC 514.005 will be reviewed at the time of future development of the proposed parcels.

Land Division Standard (SRC 514.010(a)): Pursuant to SRC 514.010(a), lots subdivided or partitioned within the RM-II zone are required to be a minimum of 20,000 square feet in size, unless they are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.

As shown on the tentative partition plan, the proposed partition divides the subject property into two parcels. Proposed Parcel 2A is approximately 11.77 acres (512,701 square feet) in size and proposed Parcel 2B is approximately 0.65 acres (28,314 square feet) in size. Both proposed parcels exceed the minimum 20,000 square-foot land division standard.

Lot Standards: Lot standards within the RM-II zone are established under SRC 514.010(b), Table 514-2. The RM-II zone lot standards applicable to the proposed partition include the following:

RM-II Zone Lot Standards		
<b>Lot Area</b>	Min. 6,000 sq. ft.	
<b>Lot Width</b>	Min. 40 ft.	
<b>Lot Depth</b>	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
<b>Street Frontage</b>	Min. 40 ft.	

As shown on the tentative partition plan, the size and dimensions of proposed Parcel 2A and 2B are as follows:

Proposed Parcel Size & Dimensions			
Parcel No.	Area	Dimensions	
		Width	Depth
Parcel 2A	11.77 acres (512,701.2 ft. <sup>2</sup> )	Approx. 1,295.12 ft.	Approx. 197.68 ft.
Parcel 2B	0.65 acres (28,314 ft. <sup>2</sup> )	Approx. 185.82 ft.	Approx. 148.62

Both Parcel 2A and 2B exceed the minimum lot size and dimension requirements of the RM-II zone and both proposed parcels have more than 40 feet of frontage on a street. The proposed partition conforms to the lot standards of the RM-II zone.

Dwelling Unit Density (SRC 514.010(c)): Minimum residential dwelling unit density requirements are established in the RM-II zone under RC 514.010(c). Within the RM-II zone the minimum required density for residential development is 12 dwelling units per acre and the maximum residential density is 28 dwelling units per acre. Because the proposal is only a partition to divide the subject property into two parcels, no specific use or proposed corresponding residential density has been identified for the proposed parcels. Conformance with the dwelling unit density requirements of the RM-II zone will be reviewed at the time of future development of the proposed parcels.

Setbacks (SRC 514.010(d)): Minimum required setbacks for buildings, accessory structures, and parking and vehicle use areas within the RM-II zone are established under SRC 514.010(d), Tables 514-4 and 514-5. The subject property is currently undeveloped without any buildings, accessory structures, or parking and vehicle uses areas. Conformance with the setback requirements of the RM-II zone will be reviewed at the time of future development of the proposed parcels.

Lot Coverage & Height (SRC 514.010(e)): Maximum lot coverage and building and accessory structure height requirements are established within the RM-II zone under SRC 514.010(e), Tale 514-6. Because there are no existing buildings or accessory structures located on the subject property and no specific development plans have been submitted for the parcels in conjunction with the proposed partition, conformance with the lot coverage and height requirements of the RM-II zone will be reviewed at the time of future development of the proposed parcels.

Landscaping (SRC 514.010(g)): Within the RM-II zone required setbacks and parking and vehicle use areas are required to be landscaped per SRC 514.010(g). Because no specific development plans have been submitted for the parcels in conjunction with the proposed partition, conformance with the landscaping requirements of the RM-II zone will be reviewed at the time of future development of the proposed parcels.

### **SRC Chapter 200 (Urban Growth Management)**

The City's Urban Growth Management Program under SRC Chapter 200 requires an Urban Growth Preliminary Declaration to be obtained prior to development of property located outside the Salem Urban Service Area. The subject property is inside the Urban Service Area. Therefore, an Urban Growth Preliminary Declaration is not required in conjunction with the proposed partition and the proposal conforms to the requirements of SRC Chapter 200.

### **SRC Chapter 205 (Land Division and Reconfiguration)**

The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate development standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition. The proposed partition, as conditioned, conforms to the applicable requirements of SRC Chapter 205.

### **SRC Chapter 802 (Public Improvements)**

The Public Works Department reviewed the proposed partition and determined that the streets, water, sewer, and storm infrastructure are all available and appear to be adequate to serve the proposed parcels. Specifications for required public improvements are summarized in the Public Works Department comments included as **Attachment D**.

In order to ensure that required city infrastructure is provided to serve the proposed partition in conformance with the applicable requirements of the UDC, the following condition of approval shall apply:

**Condition 1:** Dedicate a 10-foot-wide public utility easement (PUE) along Battle Creek Road SE as shown on the tentative partition plan.

### **SRC Chapter 601 (Floodplain Overlay)**

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property. SRC Chapter 601 is therefore not applicable to the proposed partition.

### **SRC Chapter 808 (Preservation of Trees and Vegetation)**

The City's tree preservation ordinance (SRC Chapter 808) establishes requirements for the preservation of heritage trees, significant trees (*Oregon white oaks 24 inches or more in diameter*), trees and native vegetation within riparian corridors, and trees on lots or parcels 20,000 square feet or greater in size. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units, if the development proposal will result in the removal of trees.

There are existing trees on the subject property. Based on the requirements of SRC Chapter 808, a tree conservation plan is not required for the proposed partition because it is not for the purpose of creating lots or parcels to be used for the construction of single-family dwelling units or duplex dwelling units. Future development of the proposed parcels will be required to conform to the applicable requirements of SRC Chapter 808.

### **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.

The City's wetlands ordinance, SRC Chapter 809, establishes requirements for notification to the Oregon Department of State Lands when an application for development is received in an area designated as a wetland on the official wetlands map. According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or waterways identified on the subject property. As proposed, the tentative partition plan conforms to all applicable requirements of SRC Chapter 809.

### **SRC Chapter 810 (Landslide Hazards)**

The City's landslide hazard ordinance, SRC Chapter 810, establishes standards and requirements for the use of land within areas of landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are no areas of mapped landslide hazard susceptibility located on the subject property. Therefore, a geologic assessment or geotechnical report is not required for the proposed partition.

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

**Finding:** The proposed partition divides the approximate 12.42-acre property into two parcels with no remainder. The proposed partition will not impede the future use or development of any portion of the property, and adjoining properties are developed and have access to public streets.

The proposed configuration of the parcels will allow for their future development consistent with applicable zoning standards and the property's existing street frontages are sufficient to provide access to each proposed parcel. This criterion is met.

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

**Finding:** The subject property is located within the City's Urban Service Area. The Public Works Department reviewed the proposal and determined that water, sewer, and stormwater infrastructure is available onsite within City easements and along the perimeter of the subject property. The existing infrastructure is adequate to serve the property as shown on the applicant's tentative partition plan. The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. This approval criterion is met.

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



**Finding:** The subject property is bordered by Battle Creek Road SE on the east, Dragonfly Court SE abuts the property to the south, and both Teal Drive SE and Salal Street SE are dead-end streets that terminate at the subject property.

Battle Creek Road is designated as a minor arterial street within the TSP; and Dragonfly Court, Teal Drive, and Salal Street are all designated as local streets in the TSP. As indicated in the comments from the Public Works Department (**Attachment D**), Dragonfly Court, Teal Drive, and Salal Street are all currently improved to their required right-of-way and improvement widths.

As a condition of the prior partition approval for the subject property (*Partition Case No. PAR18-03*) right-of-way was required to be dedicated along the property's Battle Creek Road frontage to equal a half-width of 36 feet. The required additional right-of-way was dedicated with the recording of Partition Plat No. 2015-36. As such, the right-of-way width on the west side Battle Creek Road SE along the frontage of the property conforms to SRC Chapter 803 and TSP requirements. The width of the improvement of Battle Creek Road, however, still does not conform to minimum requirements. Under the previous partition approval for the property a half-street improvement was required along Battle Creek Road, but the improvement was approved to be deferred until the time of site of Site Plan Review for each parcel. Because none of the parcels have been developed, the improvement of Battle Creek Road has not yet been triggered. In order to ensure that Battle Creek Road will be improved in conformance with SRC Chapter 803 and the TSP, the following condition from the previous approval is carried forward and shall apply as follows:

**Condition 2:** Construct a half-street improvement to minor arterial street standards along the development side of Battle Creek Road SE up to a total curb-to-curb improvement width of 46 feet. The requirement to construct the half-street improvement along the frontage of Battle Creek has been deferred until the time of Site Plan Review as recorded in a deferral agreement (Reel 3698, Page 473).

Due to the existing trees located along the western boundary of Battle Creek Road SE, the prior partition approval allowed the required half-street improvement of Battle Creek Road to be reduced at the discretion of the Public Works Director in order to minimize impacts to existing trees. In order to continue to allow for the potential to minimize impacts to existing trees, an alternative street standard is approved for Battle Creek Road SE pursuant to SRC 803.065. Final improvement widths shall be determined through the plan approval process pursuant to SRC 77.091.

SRC Chapter 803 implements the TSP by establishing standards for streets and right-of-way improvements. Included in these standards are requirements for street connectivity (SRC 803.035(a)) and street spacing (SRC 803.030).

There are two existing streets that terminate at the boundaries of subject property that were extended by previous development approvals with the intention of being further extended in the future. These streets include Teal Drive SE, which extends to the western boundary of proposed Parcel 2A, and Salal Street SE, which extends to the southern boundary of proposed Parcel 2A. In order to comply with the street

connectivity requirements of SRC 803.035(a), the previous partition approval for the subject property (*Partition Case No. PAR13-08*) required a future local public street to be extended through the subject property to connect Teal Drive SE to Salal Street SE.

In addition to the extension of Teal Drive, a second internal private street connection was also required under the previous partition approval between Battle Creek Road SE and the extension of Teal Drive in order to meet both the street connectivity requirements of SRC 803.035(a) and the street spacing requirements of SRC 803.030.

In order to ensure the proposed new partition will meet the street connectivity and spacing requirements of SRC Chapter 803 the following condition of approval shall apply:

- Condition 3:** As required by Partition Case No. PAR13-08, the applicant shall construct internal streets at the time of development as follows:
- a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2A.
  - b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek Road SE. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private street may be constructed in phases as specified during Site Plan Review for proposed parcel 2A and parcel 3 of Partition Case No. PAR13-08. Maintenance of the private street and sidewalk shall be shared between the parties pursuant to a maintenance agreement between the two parcels.

The partition, as conditioned, satisfies this approval criterion.

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

**Finding:** As conditioned, convenient bicycle and pedestrian access from within the partition to adjacent residential areas, transit stops, and neighborhood activity centers within one-half mile of the proposed development will be provided with the public street extension through the property connecting Teal Drive SE and Salal Street SE, and the proposed private street connection through the property connecting Battle Creek Road to the extension of Teal Drive.

When the proposed parcels are developed, a half-street improvement on Battle Creek Road will also be required, which will include a sidewalk; thereby improving pedestrian and bicycle access along the frontage of the property. This criterion is met.

***SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The layout allows for reasonable development of all parcels within the partition without variances to the standards of the UDC. This criterion is met.

***SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.***

**Finding:** The subject property slopes gently to the north. The proposed layout and size of the parcels is sufficient to allow the reasonable development of the parcels while minimizing the need for substantial grading in any single area. This criterion is met.

***SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

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

**Finding:** As identified in the comments from the Public Works Department, City infrastructure, including water and sewer, is available within and adjacent to the subject property and both proposed parcels will connect to these services. Because City water and sewer is available and the proposed parcels will connect to them, this approval criterion is not applicable to the proposed partition.

## **6. Conclusion**

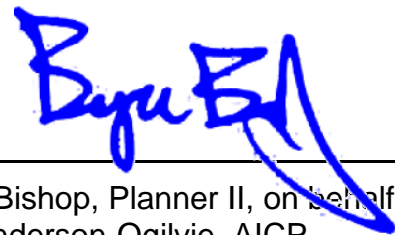
Based upon review of SRC 205.005, the findings contained under Section 5 above, and the comments described, the tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### **IT IS HEREBY ORDERED**

That Tentative Partition Plan Case No. 20-01, to divide a property into two parcels approximately 11.77 acres and 0.65 acres in size, and located in the 5200 to 5300 block of Battle Creek Road SE is hereby **APPROVED** subject to the applicable standards of the

Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Dedicate a 10-foot-wide public utility easement (PUE) along Battle Creek Road SE as shown on the tentative partition plan.
- Condition 2:** Construct a half-street improvement to minor arterial street standards along the development side of Battle Creek Road SE up to a total curb-to-curb improvement width of 46 feet. The requirement to construct the half-street improvement along the frontage of Battle Creek has been deferred until the time of Site Plan Review as recorded in a deferral agreement (Reel 3698, Page 473).
- Condition 3:** As required by Partition Case No. PAR13-08, the applicant shall construct internal streets at the time of development as follows:
- a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2A.
  - b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek Road SE. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private street may be constructed in phases as specified during Site Plan Review for proposed parcel 2A and parcel 3 of Partition Case No. PAR13-08. Maintenance of the private street and sidewalk shall be shared between the parties pursuant to a maintenance agreement between the two parcels.



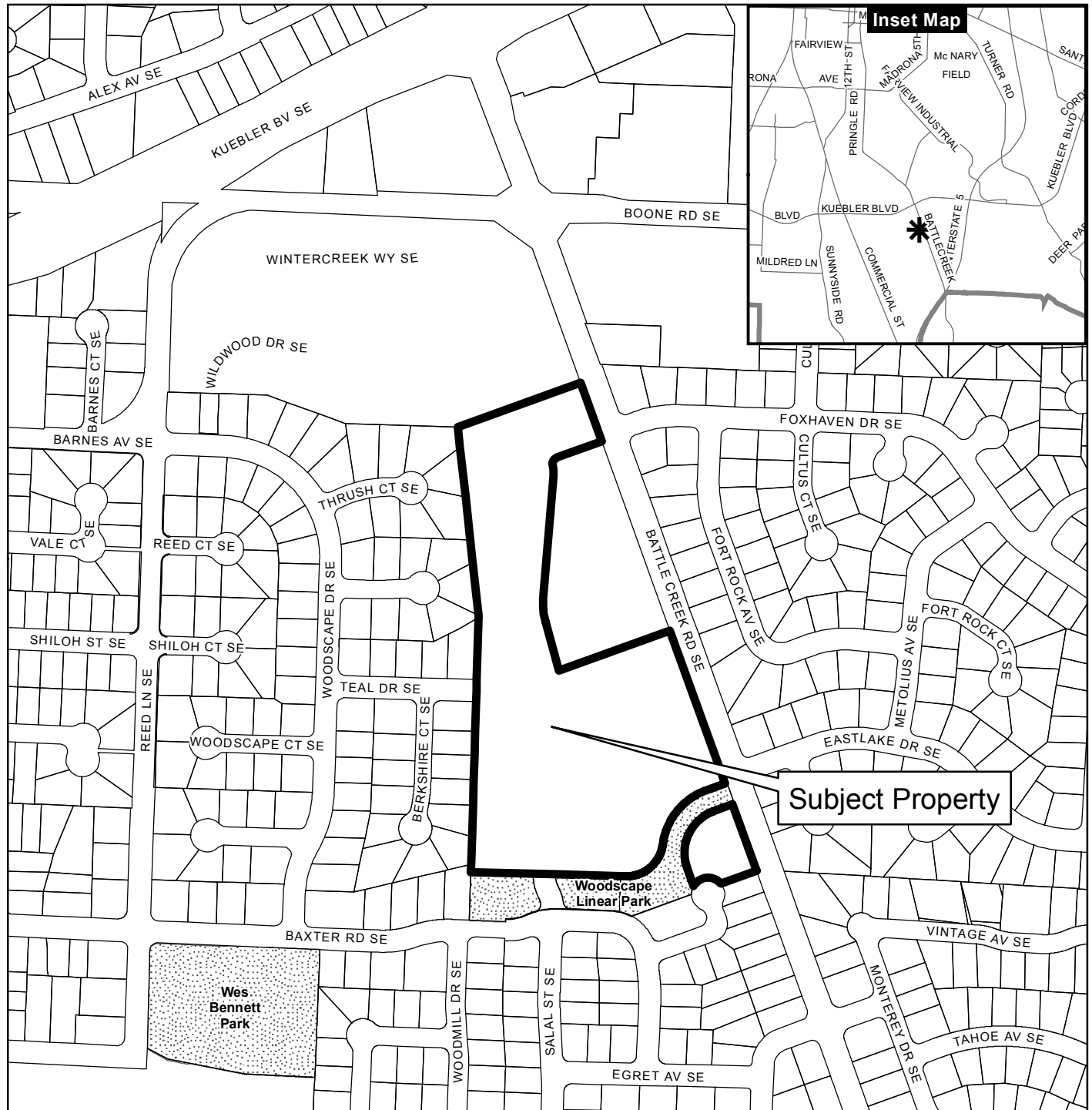
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Bryce Bishop, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Partition Plan
  - C. Applicant's Written Statement
  - D. City of Salem Public Works Department Comments
  - E. Salem-Keizer School District Comments
  - F. South Gateway Neighborhood Association Comments

# Vicinity Map

## 5200 to 5300 Block of Battle Creek Road SE



### Legend

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

Parks

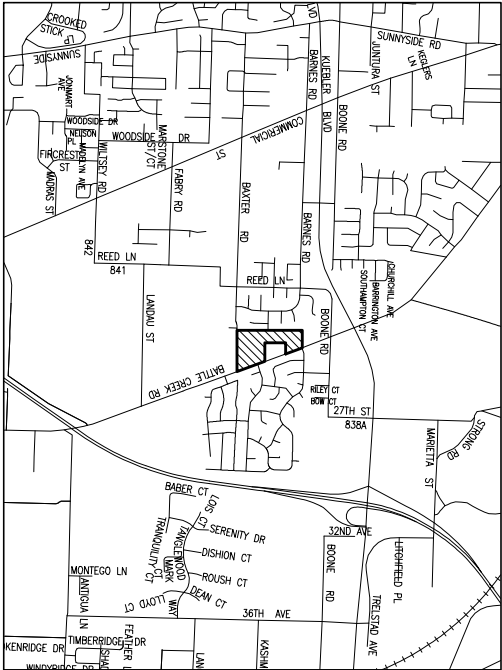
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



1/16/2020 12:39:00 PM  
R:\Dwg\Miller-John\Battlecreek Minor Partition\Civil\Plots\Partition Plan.dwg, (Layout1 tab)



VICINITY MAP

Curve Table			
Curve #	Radius	Length	Delta
C1	45'	86.95'	110°42'22"
C2	120'	188.50'	90°00'11"
C3	180'	197.05'	65°43'22"
C4	100'	147.07'	84°15'38"
C5	20'	29.64'	84°55'03"
C6	80'	27.30'	19°33'06"
C7	187.50'	65.45'	20°00'00"

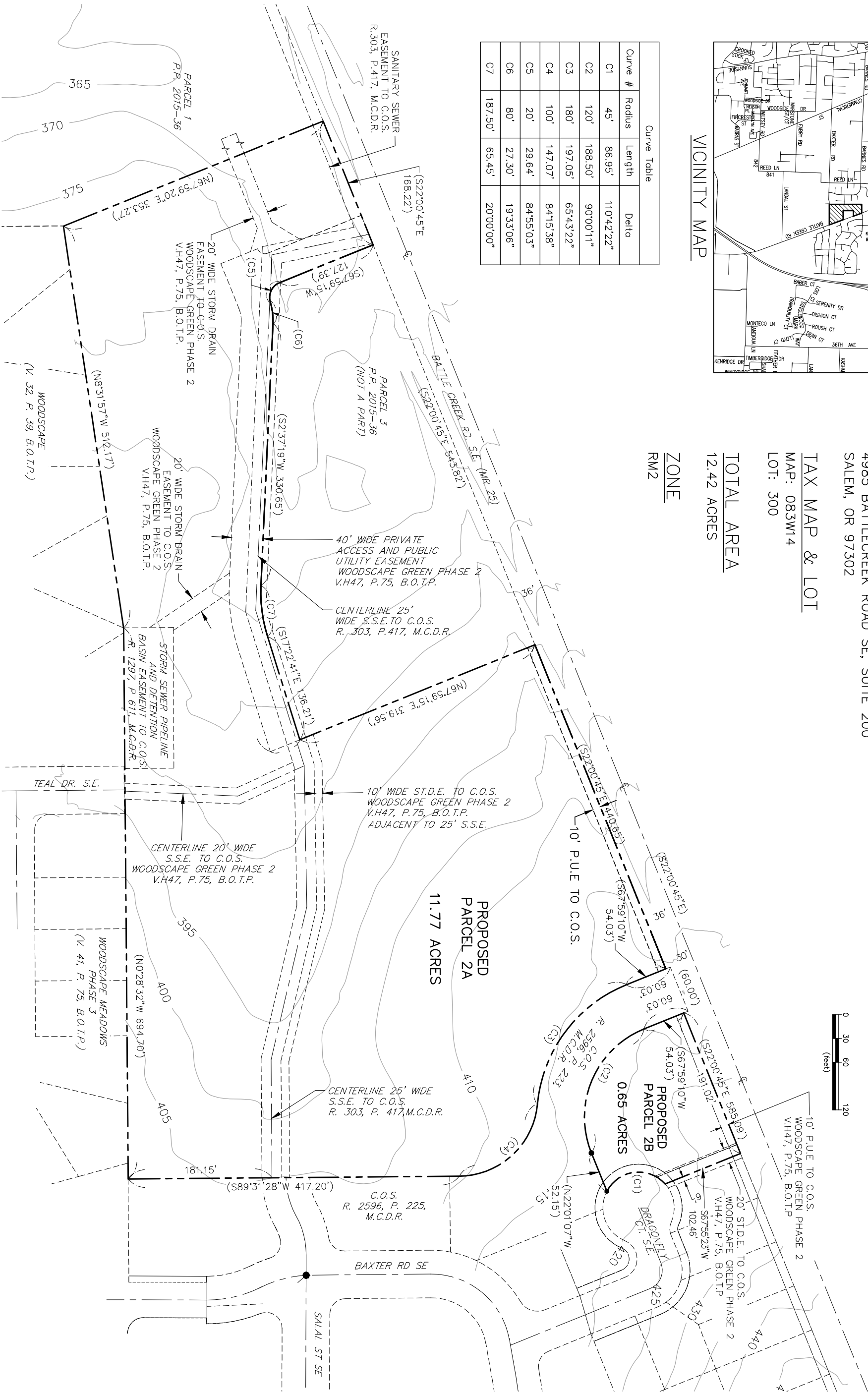
PARTITION TENTATIVE PLAN

OWNER/APPLICANT  
WOODSCAPE GLEN LLC  
4985 BATTLECREEK ROAD SE, SUITE 200  
SALEM, OR 97302

TAX MAP & LOT  
MAP: 083W14  
LOT: 300

TOTAL AREA  
12.42 ACRES

ZONE  
RM2



DRAWING JOB NUMBER 2152.1115.0	WOODSCAPE GLEN LLC BATTLE CREEK PARTITION TENTATIVE PLAN		 <b>WESTECH ENGINEERING, INC.</b> CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com	 <b>REVIEW</b> STEVEN A. WARD RENEWS: 6/30/2020	VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY						
	DSN. SAW										
	DRN. AR	1									
	CKD. SAW										
DATE: JULY 2019		NO.	DATE	DESCRIPTION	BY						
				REVISIONS							

## **WRITTEN STATEMENT – PARTITION CONFORMANCE: TAX LOT 300, 083W14**

The proposed partition conforms to the following approval criteria for a Partition Tentative Plan (SRC 205.005(d)). Below is the Criteria in italics, followed by the applicant's response.

- *The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:*
  - *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. The plan conforms to the criteria for lot standards as set forth in the UDC for the RM2 zone (SRC Chapter 514).

- *City infrastructure standards*

Response. No infrastructure improvements are proposed at this time. This criteria is not applicable. Infrastructure plans to City Standards will be submitted with Site Plan Review when the property is developed in the future.

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

Response. The subject property is outside the floodplain and does not contain any special setbacks. The property contains mild slopes and geotechnical issues are not anticipated. Geotechnical analysis will be performed and submitted with Site Plan Review when the property is developed in the future. Vision clearance is not an issue for the subject property which is located on a long straight section of Battle Creek Road SE.

- *The tentative partition plan does not impede the future use or development of the property or adjacent land.*

Response. This proposed partition does not impede the future use/development of the subject property or adjacent land as shown on the Plan submitted with this application.

- *Development within the tentative partition plan can be adequately served by City infrastructure.*

Response. The proposed partition can be adequately served by City infrastructure. Water and franchise utilities are available in Battle Creek Road SE (to the east of the subject property). Stormwater can be conveyed to existing storm drains available in Battle Creek Road SE and to existing drainage ditches crossing the northern portion of the subject property. A sanitary sewer main runs south to north through the center of the property and is available for connection. A sanitary sewer branch is also available in Dragonfly Court SE in the southeast corner of the subject property.

- *The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.*

Response. The subject property borders a public road (Battle Creek Road SE) which conforms to the Salem Transportation System Plan and is available for future connection. No internal street system is proposed at this time.

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

Response. No internal street system is proposed at this time.

- *The tentative partition plan takes into account the topography and vegetation of the site so the need for variances or adjustments is minimized to the greatest extent practicable.*

Response. The subject property contains mild slopes with predominately open grassy areas. The proposed partition plan follows the natural division created by the City park property as shown on the Plan submitted with this application.

- *The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.*

Response. The subject property contains mild slopes with predominately open grassy areas. The proposed partition follows the natural division created by the City park property as shown on the Plan submitted with this application.

- *When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:*


Response. A 24-inch sewer main is available and runs through the center of the property. An 8-inch sewer branch is also available in Dragonfly Court SE to serve the proposed lot in the southeast corner of the subject property. This criteria is not applicable.





# MEMO

**TO:** Bryce Bishop, Planner II  
Community Development Department

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

**DATE:** April 9, 2020

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**PARTITION PLAT NO. 20-01 (19-124225)**  
**5200 to 5300 BLOCK OF BATTLE CREEK ROAD SE**  
**TWO-PARCEL PARTITION**

## **PROPOSAL**

A tentative partition plan to divide a property into two parcels approximately 11.77 acres and 0.65 acres in size. The subject property is zoned RM-II (Multiple Family Residential), approximately 12.43 acres in size, and located in the 5200 to 5300 block of Battle Creek Road SE (Marion County Assessor's Map and Tax Lot Number: 083W1400300).

## **RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Provide a 10-foot-wide public utility easement along Battle Creek Road SE as shown on the applicant's tentative plan.
2. The requirement to construct a half-street improvement along the frontage of Battle Creek has been deferred until the time of Site Plan Review as recorded in a deferral agreement (Reel 3698, Page 473).
3. As required by Partition Case No. PAR13-08, the applicant shall construct internal streets at the time of future development as follows:
  - a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2A.
  - b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek Road SE. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private street may be constructed in phases as specified during Site Plan Review for

proposed parcel 2A and parcel 3 of Partition Case No. PAR13-08.  
Maintenance of the private street and sidewalk shall be shared between the parties pursuant to a maintenance agreement between the two parcels.

## **FACTS**

### 1. Battle Creek Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 27-foot improvement within a 70-foot-wide right-of-way abutting the subject property.

### 2. Dragonfly Court SE

- a. Standard—This street is designated as a Local cul-de-sac street in the Salem TSP.
- b. Existing Conditions—This street is fully constructed and meets current standards.

### 3. Salal Street SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way stubbed to the subject property.

### 4. Teal Drive SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way stubbed to the subject property.

## **Storm Drainage**

### 1. Existing Conditions

- a. Multiple public stormwater facilities are located adjacent to the subject property, and on the subject property within City easements.

## Water

### 1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 20-inch public water main is located in Battle Creek Road SE.
- c. 8-inch public water mains are located in Dragonfly Court SE, Salal Street SE, and Teal Drive SE.

## Sanitary Sewer

### 1. Existing Sewer

- a. A 24-inch sewer main is located within a City easement on proposed parcel 2A.
- b. An 8-inch sewer main is located in Dragonfly Court SE.

## **CRITERIA AND FINDINGS**

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

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

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

**(B) City infrastructure standards; and**

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

**Findings**—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative*

*Rules 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).*

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along Battle Creek Road SE as shown on the applicant's tentative plan pursuant to SRC 803.035(n).

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

**Findings**—Water, sewer, and stormwater infrastructure is available onsite within City easements and along the perimeter of the subject property. The existing infrastructure is adequate to serve the property as shown on the applicant's preliminary partition plan. The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.**

**Finding**—Battle Creek Road SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The existing half-width right-of-way meets the standard requirement of 36 feet measured from centerline; therefore, no additional right-of-way or special setback is required. The existing street condition is underimproved; however, the developer of the subject property is required to construct a half-street improvement to Minor Arterial street standards along the frontage as part of a future Site Plan Review decision pursuant to Land Use Decision No. PAR13-08 and as recorded in a deferral agreement (Reel 3698, Page 473). Under the previous approval, the improvement width of Battle Creek Road SE was approved to be reduced to minimize impacts to existing trees along the frontage of the property. As such, in accordance with the prior decision, an alternative street standard is approved for Battle Creek Road SE pursuant to SRC 803.065. Final improvement widths shall be determined through the plan

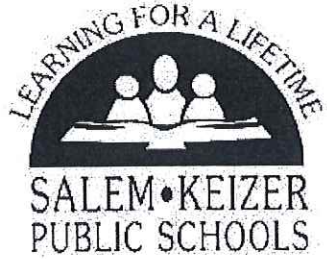
approval process pursuant to SRC 77.091.

Dragonfly Court SE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development along this frontage.

As required by land use case number PAR13-08, the applicant shall construct internal streets at the time of development as follows:

- a. A future local public street extension of Teal Drive SE is required through the subject property to Salal Street SE. The right-of-way dedication and street improvements may be delayed until the final street alignment is established during Site Plan Review for proposed parcel 2.
- b. A minimum 24-foot-wide private street is required between the Teal Drive SE extension and Battle Creek. A minimum 5-foot-wide sidewalk connection is required on at least one side of the private street. The private street may be constructed in phases as specified during Site Plan Review for proposed parcels 2 and 3. Maintenance of the private street shall be shared between the parties pursuant to a maintenance agreement between parcels 2 and 3.

Prepared by: Jennifer Scott, Project Manager  
cc: File



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

Christy Perry, Superintendent

February 18, 2020

Bryce Bishop, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. PAR20-01, 5200 to 5300 Battle Creek Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

## IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Pringle	Elementary	K thru 5
Judson	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

## SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Pringle	Elementary	576	663	87%
Judson	Middle	995	995	100%
South Salem	High	2,059	1,797	115%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	248	MF	0.201	50
Middle	248	MF	0.077	19
High	248	MF	0.084	21

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Pringle	Elem.	576	18	50	68	663	97%
Judson	Mid.	995	38	19	57	995	106%
South Salem	High	2,059	104	21	125	1,797	122%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Pringle	Elementary	Walk Zone*
Judson	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

## ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	50	\$54,925	\$2,746,250
Middle	19	\$64,045	\$1,216,855
High	21	\$73,164	\$1,536,444
TOTAL			\$5,499,549

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

\*There is a safe walk path to Pringle Elementary School as long as both parcels have access to either Baxter Rd. SE and/or Teal Dr. SE.

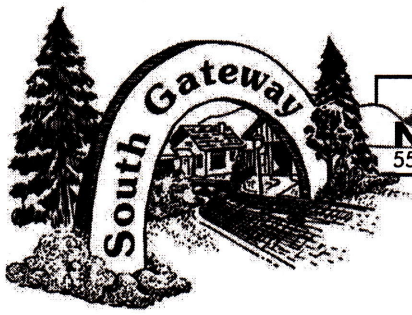
Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

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





**NEIGHBORHOOD ASSOCIATION**  
555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • [WWW.CITYOFSALEM.NET/NEIGHBOR](http://WWW.CITYOFSALEM.NET/NEIGHBOR)

February 18, 2020

Bryce Bishop, Planner II

City of Salem Planning Division

555 Liberty St. SE

Salem, OR 97301

Dear Mr. Bishop:

This is to inform you that after hearing testimony from John Miller regarding his request for partition of his property located at the 5200 to 5300 of Battle Creek Road SE (Case Ref. # PAR20-01), the South Gateway Neighborhood Association feels that, since the request is simply for a partition to divide the property and there are no plans for development at this time, we see no reason to oppose the request and the Board has voted unanimously to recommend approval by SGNA.

Sincerely,

Michael Hughes

Vice-Chair, South Gateway Neighborhood Association