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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ21-07**

**APPLICATION NO.: 21-103362-LD, 21-105795-ZO**

**NOTICE OF DECISION DATE:** April 29, 2021

**SUMMARY:** A tentative partition plan to divide approximately 15 acres into ~~three~~ two parcels, with Parcel 1 consisting of 6.07 acres, and Parcel 2 consisting of 8.78 acres.

**REQUEST:** A tentative partition plan to divide approximately 15 acres into ~~three~~ two parcels, with Parcel 1 consisting of 6.07 acres, and Parcel 2 consisting of 8.78 acres. The applicant is requesting a Class 2 Adjustment to allow Parcel 2 to not have street frontage.

The subject property is approximately 15 acres in size, zoned RA (Residential Agriculture) and located at 4700 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number 083W11D / 400).

**APPLICANT:** Brandie Dalton, Multi-Tech Engineering, on behalf of Westwood Homes LLC (Todd Boyce, Bill Wagoner)

**LOCATION:** 4700 Block of Battle Creek Road SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated April 29, 2021.

**DECISION:** The **Planning Administrator APPROVED** Partition / Class 2 Adjustment Case No. PAR-ADJ21-07 subject to the following conditions of approval:

- Condition 1:** Enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.
- Condition 2:** Provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.
- Condition 3:** Convey a minimum 36-foot-wide half-width right-of-way along the entire frontage of Reed Road SE.
- Condition 4:** Enter into a deferral agreement pursuant to SRC 803.070 to construct the following street improvements at the time of future development:
  - a. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. If off-site right-of-way is needed to construct the improvements and

# NOTICE OF DECISION

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



the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include: a westbound to southbound left turn lane on Reed Road SE; a southbound to eastbound left turn lane on Battle Creek Road SE; a northbound to eastbound right turn lane on Battle Creek Road SE; and a pedestrian island on Battle Creek Road SE along the south side of the intersection.

- b. Construct a minimum 23-foot-wide half-street improvement along Reed Road SE from Battle Creek Road SE to the north line of the subject property, including on-street parking and tapers.

**Condition 5:** Parcel 2 shall not be issued development permits for single family until such time that utilities and access is provided, and/or Section A of Coburn Estates is platted.

The rights granted by the attached decision must be exercised, or an extension granted, by May 15, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>April 1, 2021</u>
Notice of Decision Mailing Date:	<u>April 29, 2021</u>
Decision Effective Date:	<u>May 15, 2021</u>
State Mandate Date:	<u>July 30, 2021</u>

Case Manager: Olivia Dias, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Friday, May 15, 2021. 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 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(PARTITION PLAT NO. 21-07)**

*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 AND CLASS 2  
ADJUSTMENT NO. 21-07;  
4500 REED ROAD SE**

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**FINDINGS AND ORDER**

**APRIL 29, 2021**

**REQUEST**

A tentative partition plan to divide approximately 15 acres into ~~three~~ **two** parcels, with Parcel 1 consisting of 6.07 acres, and Parcel 2 consisting of 8.78 acres. The applicant is requesting a Class 2 Adjustment to allow Parcel 2 to not have street frontage.

The subject property is approximately 15 acres in size, zoned RA (Residential Agriculture) and located at 4700 Block of Kuebler BLVD SE and 4500 Block of Reed Road SE (Marion County Assessor Map and Tax Lot Number 083W11D / 400).

**DECISION**

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

- Condition 1:** Enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.
- Condition 2:** Provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.
- Condition 3:** Convey a minimum 36-foot-wide half-width right-of-way along the entire frontage of Reed Road SE.
- Condition 4:** Enter into a deferral agreement pursuant to SRC 803.070 to construct the following street improvements at the time of future development:
- a. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include: a westbound to southbound left turn lane on Reed Road SE; a southbound to eastbound left turn lane on Battle Creek Road SE; a northbound to eastbound right turn lane on Battle Creek Road SE; and a pedestrian island on Battle Creek Road SE along the south side of the intersection.

- b. Construct a minimum 23-foot-wide half-street improvement along Reed Road SE from Battle Creek Road SE to the north line of the subject property, including on-street parking and tapers.

**Condition 5:** Parcel 2 shall not be issued development permits for single family until such time that utilities and access is provided, and/or Section A of Coburn Estates is platted.

### **PROCEDURAL FINDINGS**

1. On February 18, 2021, an application for a Tentative Partition Plan was filed proposing to divide a 17.69 acres property at 4200 Block of Strong Road SE (Attachment B) into three parcels.
2. The application was deemed complete for processing on April 1, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on April 1, 2021. The state-mandated local decision deadline is July 30, 2021.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative plan proposes to divide the property into two parcels, all three parcels are vacant (Attachment B). Each parcel aligns with a phase of proposed Subdivision SUB-ADJ21-06. The proposed Parcel 1 will retain access to Reed Road SE and Proposed Parcel 2 will have access as the properties are replatted. Proposed Parcel 2 will be required to construct services, including streets prior to the issuance of any single-family permits. The two parcels within the tentative partition plan are proposed as follows:

#### **PROPOSED PARCEL 1**

Parcel Size: 8.78 Acres  
Parcel Dimensions: Approximately 950 feet in width and 250 feet in depth.

#### **PROPOSED PARCEL 2**

Parcel Size: 6.07 Acres,  
Parcel Dimensions: Approximately 600 feet in width and 450 feet in depth.

***Access and Circulation:*** The subject property has frontage located on Reed Road SE, which is designated as a minor arterial street within the Salem Transportation System Plan (TSP).

#### **2. Applicant's Plans and Statement.**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, can be found in the record, the Tentative Partition Plan can be found in **Attachment B**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment C**.

### 3. Summary of Record.

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this decision.

### 4. Existing Conditions

#### Site and Vicinity

The subject property contains approximately 15 acres and consists of a single unit of land after multiple property line adjustments. The applicant plans to subdivide the entire property, each proposed parcel is a phase of SUB-ADJ21-06. The development pattern in the immediate vicinity is a mixture of larger lots with dwellings and single-family residential subdivisions across Battle Creek Road SE. The property was annexed into the City of Salem in July 1990, and a future park is adjacent to the site to the west.

#### Salem Area Comprehensive Plan (SACP) Designation

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

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

North: Multiple Family Residential and Community Service - Hospital

South: Developing Residential and Multiple Family Residential

East: Developing Residential

West: (Across Reed Road SE) Mixed-Use (Across Battle Creek Road) Single Family Residential

#### Zoning and Surrounding Land Use

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

North: RM-II and PH (Public and Private Health Services); vacant and Hillcrest facility

South: RS (Single Family Residential); single family dwellings

East: RA (Residential Agriculture); single family dwellings

West: RS (Single Family Residential) and Fairview Mixed Use; single family dwellings and vacant

### Natural Features

The subject property is approximately 438 feet above mean sea level and is essentially flat, with approximately 10% total elevation change.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property.

### Relationship to Urban Service Area

The subject property is outside of the City's Urban Service Area. A previous UGA permit was issued (UGA17-03MOD1) for the subject property.

### Infrastructure

*Water:* The subject property is located in the S-1 and S-2 water service level.

A 12-inch public water line in the S-2 service level is located in Kuebler Boulevard SE.

*Sewer:* A 15-inch public sewer line is located in Reed Road SE.

*Storm Drainage:* Drainage patterns in this area are generally convey stormwater into Pringle Creek. The property is on a ridge in which the drainage flows either to the northwest toward the West Middle Fork of Pringle Creek or northeast toward Strong Road SE or southeast toward Kuebler Boulevard SE.

*Streets:* Reed Road SE abuts the northwest boundary of the subject property. The Salem TSP designates the abutting portion of Reed Road is designated as a Minor Arterial in the Salem TSP.

- The standard for a Minor Arterial street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The abutting portion of Reed Road SE currently has an approximately 20-foot-wide improvement within a 40-foot-wide right-of-way.

## **5. 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 D.

**Salem Fire Department** – Salem Fire Department reviewed the proposal and commented that Fire Department access and water supply are required prior to development.

## **6. Neighborhood Association Comments**

The subject property is within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” The neighborhood association submit written comments in opposition to the proposal. The following testimony was provided:

### **Reed Road**

Concerns about the unimproved and unsafe conditions of Reed Road. Morningside Neighborhood Association indicated that any proposal should include the widening and improvement of Reed Road. The applicant should improve the frontage of the subject property prior to occupancy of any building permits.

## **7. Public Comments**

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed partition. No comments were received from surrounding property owners or tenants. The applicant indicated that the subject property is not part of a Homeowners Association, therefore notice was not sent.

## **8. Criteria for Granting a Tentative Partition**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

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

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

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

**SRC Chapter 510 (Residential Agriculture):** The proposed partition would divide the seven-acre property into two parcels with no remainder. The subject property is currently zoned RA (Residential Agriculture). The minimum lot area requirements of the RA zone are established under SRC 510.010(a) as follows:

**Lot Standards for RA zone (Single Family)** (see SRC Chapter 510, Table 510-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Infill Lot <sup>1</sup>	5,500 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the partition will create three parcels which correspond with the phasing of a proposed subdivision request. one approximately from two acres and a second approximately five acres in size. The proposed lots exceed minimum lot area and dimension requirements and therefore conform to the applicable standards. The applicant has applied for a Class 2 Adjustment which is addressed below. The proposed lots within the partition are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 510.010(a) requires each lot used for single family residences to have an average depth between the front and rear lot lines of not more than 300 percent of the average width between the side lot lines. The proposal meets this standard.

**Setback Requirements:** SRC Chapter 510 establishes the following setback standards for development within an RA (Residential Agriculture) 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)

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<sup>1</sup> Infill lot: A residential flag lot created by the partition of land after February 8, 2006.

Interior Side Yards:

- Minimum 5 feet
- Minimum 10 feet (Infill Lot)

All parcels will be reviewed at the time of application for building permits.

**Lot Coverage:** Maximum lot coverage requirements within the RA zone are established under SRC 510.010(c), Table 510-4. The RA zone limits the total maximum lot coverage for buildings and accessory structures to 60 percent. The proposed parcels are vacant. Future development will be reviewed for conformance with the development standards of SRC 510 at the time of building permit review.

The applicant has provided a future development plan for Coburn Estates and submitted a subdivision application.

The proposal meets the requirements of SRC Chapter 510.

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The proposed parcels are vacant.

**(B) City Infrastructure Standards.**

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is not within the Urban Service Area but has been issued a UGA Permit. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

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 partition. Specifications for required public improvements are summarized in the Public Works Department memo dated April 22, 2020 (Attachment D).

*SRC 802.015 (Development to be Served by City Utilities).* Water, sewer and stormwater services must be provided to each of the proposed parcels, consistent with Public Works Design Standards (PWDS).

The nearest adequate water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property. UG Preliminary Declaration 17-03 specified that the applicant shall be required to construct a minimum 18-inch S-1 water main from the Reed/Strong intersection through the subject property to Strong Road SE.

UG Preliminary Declaration 17-03 specifies that temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). To ensure that the subject property has water service available to the proposed development, the applicant shall enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.

**Condition 1:** Enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. To ensure that all parcels are served with sewer mains, the applicant shall provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The proposed development is not a large project subject to construction of flow control and stormwater quality facilities because no new impervious surfaces are being created.

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.

In order to ensure water, sewer and stormwater service are provided in compliance with the requirements of SRC Chapter 802 and the PWDS, the following conditions shall apply:

**Condition 2:** Provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

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

*SRC 803.020 (Public and Private Streets):* There are no internal streets proposed within the partition. The subject property has frontages on Battle Creek Road and Reed Road, which are public streets. The applicant has applied for a subdivision for proposed parcels, with each parcel being a phase of the subdivision.

*SRC 803.025 (Right-of-Way and Pavement Widths):* The abutting portions of Battle Creek Road and Reed Road are designated as a minor arterial street in the TSP. The abutting portion of Reed Road SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. The abutting portion of Battle Creek Road SE has an approximate 20 to 46-foot-wide improvement within a 60 to 72-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, and Reed Road SE, based on their street classification. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

Reed Road SE abuts the subject property and is designated as a Minor Arterial street in the Salem TSP. Currently, Reed Road SE does not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right of way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

Because the impacts to the transportation system are limited for a two-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

**Condition 3:** Convey a minimum 36-foot-wide half-width right-of-way along the entire frontage of Reed Road SE.

**Condition 4:** Enter into a deferral agreement pursuant to SRC 803.070 to construct the following street improvements at the time of future development:

- a. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include: a westbound to southbound left turn lane on Reed Road SE; a southbound to eastbound left turn lane on Battle Creek Road SE; a northbound to eastbound right turn lane on Battle Creek Road SE; and a pedestrian island on Battle Creek Road SE along the south side of the intersection.
- b. Construct a minimum 23-foot-wide half-street improvement along Reed Road SE from Battle Creek Road SE to the north line of the subject property, including on-street parking and tapers.

*SRC 803.030 (Street Spacing):* The proposed partition involves further division of a subject property, within a residential area where the network will be evaluated under SUB-ADJ21-06.

*SRC 803.035 (Street Standards):* The proposed partition is not creating new streets. Additional review under SUB-ADJ21-06 will evaluate new streets and their design.

*SRC 803.040 (Boundary Streets):* The abutting portions of Battle Creek Road and Reed Road are designated as a minor arterial street in the TSP. The abutting portion of Reed Road SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. The abutting portion of Battle Creek Road SE has an approximate 20 to 46-foot-wide improvement within a 60 to 72-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, and Reed Road SE, based on their street classification. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

Reed Road SE abuts the subject property and is designated as a Minor Arterial street in the Salem TSP. Currently, Reed Road SE does not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right of way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

Because the impacts to the transportation system are limited for a two-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

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

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

The applicant has applied for tree conservation plan approval in conjunction with a subdivision application (SUB-ADJ21-06). The proposed partition will create parcels consistent with the subdivision phasing and will not remove any trees, therefore does not require a tree conservation plan.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) does identify any wetlands on the subject property, in any areas proposed to remain open space. As proposed, the tentative partition 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 and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are three mapped site points for the property

pursuant to SRC Chapter 810. The proposed subdivision adds two activity points to the proposal, which results in a total of five points. Therefore, the proposed partition is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, 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 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The proposed partition would divide a seven-acre property into two proposed parcels with no remainder. The proposed partition would not impede the future use or development of any portion of the property. The applicant has applied for a subdivision which will be developed with single family dwellings and have access to public streets.

The proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The property's existing frontage on Battle Creek Road and Reed Road are sufficient to provide access to each of the proposed parcels, as conditioned below. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

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

**Finding:** The subject property is outside of the Urban Service Area. The property has been issued a UGA permit previously and Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The proposed development is not a large project subject to construction of flow control and stormwater quality facilities because no new impervious surfaces are being created.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 803.035(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.

As conditioned, the proposal meets this criterion.

**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 abutting portions of Battle Creek Road and Reed Road are designated as a minor arterial street in the TSP. The abutting portion of Reed Road SE has an approximate

20-foot-wide improvement within a 40-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. The abutting portion of Battle Creek Road SE has an approximate 20 to 46-foot-wide improvement within a 60 to 72-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, and Reed Road SE, based on their street classification. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

Reed Road SE abuts the subject property and is designated as a Minor Arterial street in the Salem TSP. Currently, Reed Road SE does not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right of way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

Because the impacts to the transportation system are limited for a two-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

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

**Finding:** The abutting portions of Battle Creek Road and Reed Road are designated as a minor arterial street in the TSP. The abutting portion of Reed Road SE has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. The abutting portion of Battle Creek Road SE has an

approximate 20 to 46-foot-wide improvement within a 60 to 72-foot-wide right-of-way and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, and Reed Road SE, based on their street classification. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

Reed Road SE abuts the subject property and is designated as a Minor Arterial street in the Salem TSP. Currently, Reed Road SE does not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right of way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

Because the impacts to the transportation system are limited for a two-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

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

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

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

**Finding:** The proposal is to create parcels that reflect the boundaries of the phased lines of the subdivision for Coburn Estates. In order to create lots consistent with the phased lines, Parcel 2 would not have frontage along Battle Creek Road or Reed Road. The applicant is not proposing to develop Parcel 2 until 'Section A' or the first phase of Coburn Estates. When Phase 1 is platted, the parcel will have frontage on a future street. As conditioned below, Parcel 2 would not be developed with any single-family development until the public construction, including utilities and streets are brought to the boundary of Parcel 2.

The applicant has submitted an application for a tree conservation plan for the future subdivision. The partition is not proposing to remove any trees on the subject property. No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present on the subject property.

The proposal meets this criterion.

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

**(A) The property is zoned residential;**

**(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**

**(C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

**Finding:** The site is served by available sewer and water. Therefore, this criterion does not apply.

## **9. Criteria for Granting a Class 2 Adjustment**

Because of limitations on access to the subject property, and because of the property's overall size and dimensions, the applicant has requested a Class 2 Adjustments with the partition. The adjustment to eliminate frontage for Parcel 2.

Pursuant to SRC 250.005(d)(2), an application for a Class 2 Adjustment shall be granted if the following criteria are met:

**A. 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**

**(i) Clearly inapplicable to the proposed development; or**

**(ii) Equally or better met by the proposed development.**

**Findings:** The intent and purpose of the frontage standard is to provide for future buildable lots, with access to public streets and utilities. The proposal is to create parcels that reflect the boundaries of the phased lines of the subdivision for Coburn Estates. In order to create lots consistent with the phased lines, Parcel 2 would not have frontage along Battle Creek Road or Reed Road. The applicant is not proposing to develop Parcel 2 until 'Section A' or the first Phase of Coburn Estates. When Phase 1 is platted, the parcel will have frontage on a future street. As conditioned below, Parcel 2 would not be developed with any single-family development until the public construction, including utilities and streets are brought to the boundary of Parcel 2. Since the proposal will not be developed until frontage is provided the proposal is equally or better meeting the standard.

**Condition 5:** Parcel 2 shall not be issued development permits for single family until such time that utilities and access is provided, and/or Section A of Coburn Estates is platted.

The proposal meets this criterion.

**B. 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The proposed adjustment will not unreasonably impact the existing or potential uses or development in the surrounding area. Once the previous phase of Coburn Estates is developed each of the Parcels will have adequate frontage. The creation of parcels reflecting the phased lines will not adversely affect or detract from the residential area as it is developed under the subsequent subdivision.

As condition, the proposal meets this criterion.

**C. 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** The one adjustment requested by the applicant is related to configuration of the existing property, for the future development of a proposed subdivision. The adjustments are consistent with the overall purpose of the RS (Single Family Residential) zone.

**10. Conclusion**

Based upon review of SRC 205.005, the findings contained under Sections 8 and 9 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. 21-07, to divide a 15 acre property into two parcels, with Parcel 1 consisting of 6.07 acres, and Parcel 2 consisting of 8.78 acres and a request for

a Class 2 Adjustment to allow Parcel 2 to not have street frontage, for property zoned RA (Residential Agriculture) and located at 4500 Block Reed Road SE (previously 4700 Block of Kuebler Blvd) 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:** Enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.
- Condition 2:** Provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.
- Condition 3:** Convey a minimum 36-foot-wide half-width right-of-way along the entire frontage of Reed Road SE.
- Condition 4:** Enter into a deferral agreement pursuant to SRC 803.070 to construct the following street improvements at the time of future development:
- a. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include: a westbound to southbound left turn lane on Reed Road SE; a southbound to eastbound left turn lane on Battle Creek Road SE; a northbound to eastbound right turn lane on Battle Creek Road SE; and a pedestrian island on Battle Creek Road SE along the south side of the intersection.
  - b. Construct a minimum 23-foot-wide half-street improvement along Reed Road SE from Battle Creek Road SE to the north line of the subject property, including on-street parking and tapers.
- Condition 5:** Parcel 2 shall not be issued development permits for single family until such time that utilities and access is provided, and/or Section A of Coburn Estates is platted.

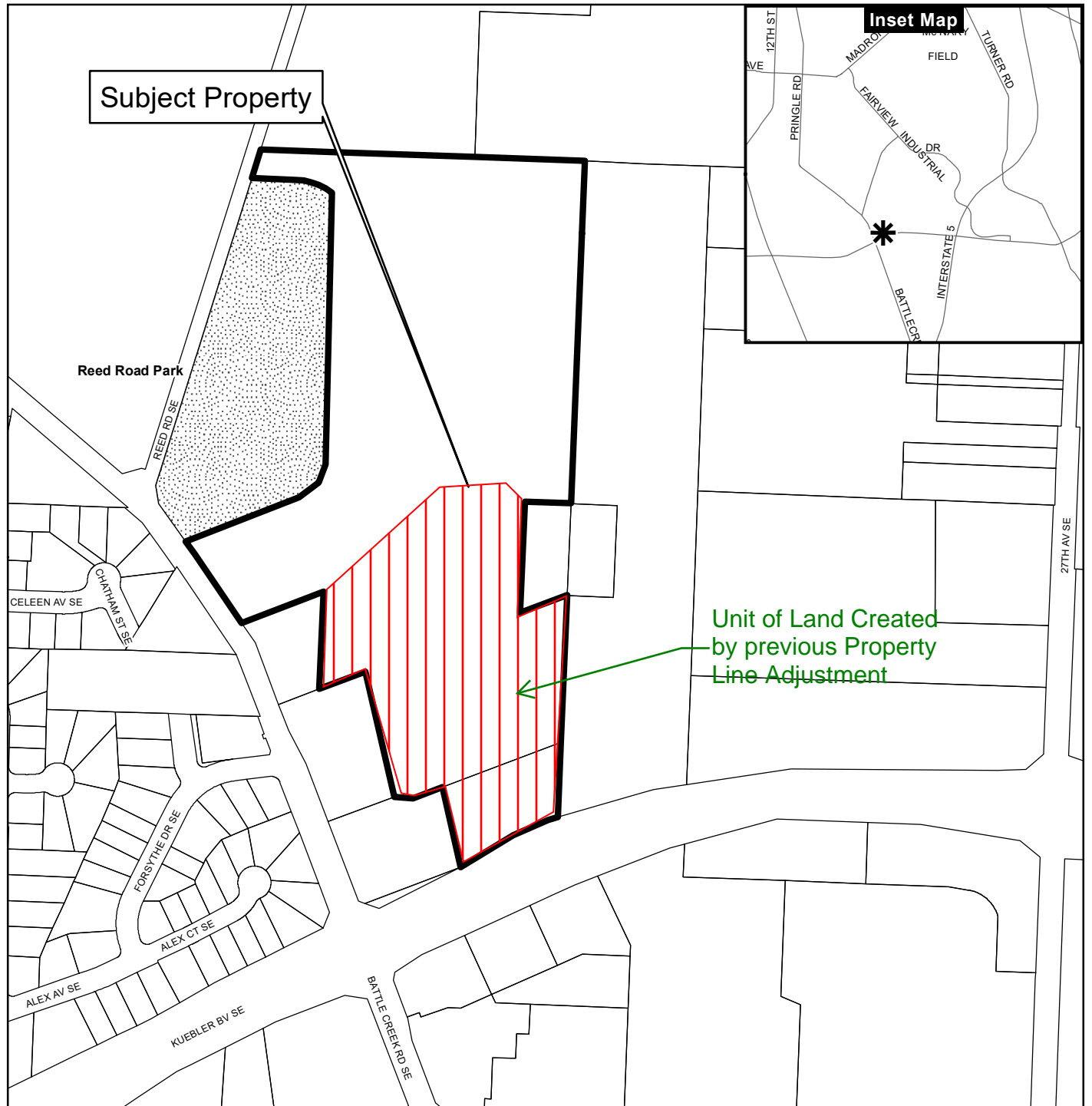


Olivia Dias, Current Planning Manager, on  
behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

# Vicinity Map

## 4700 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



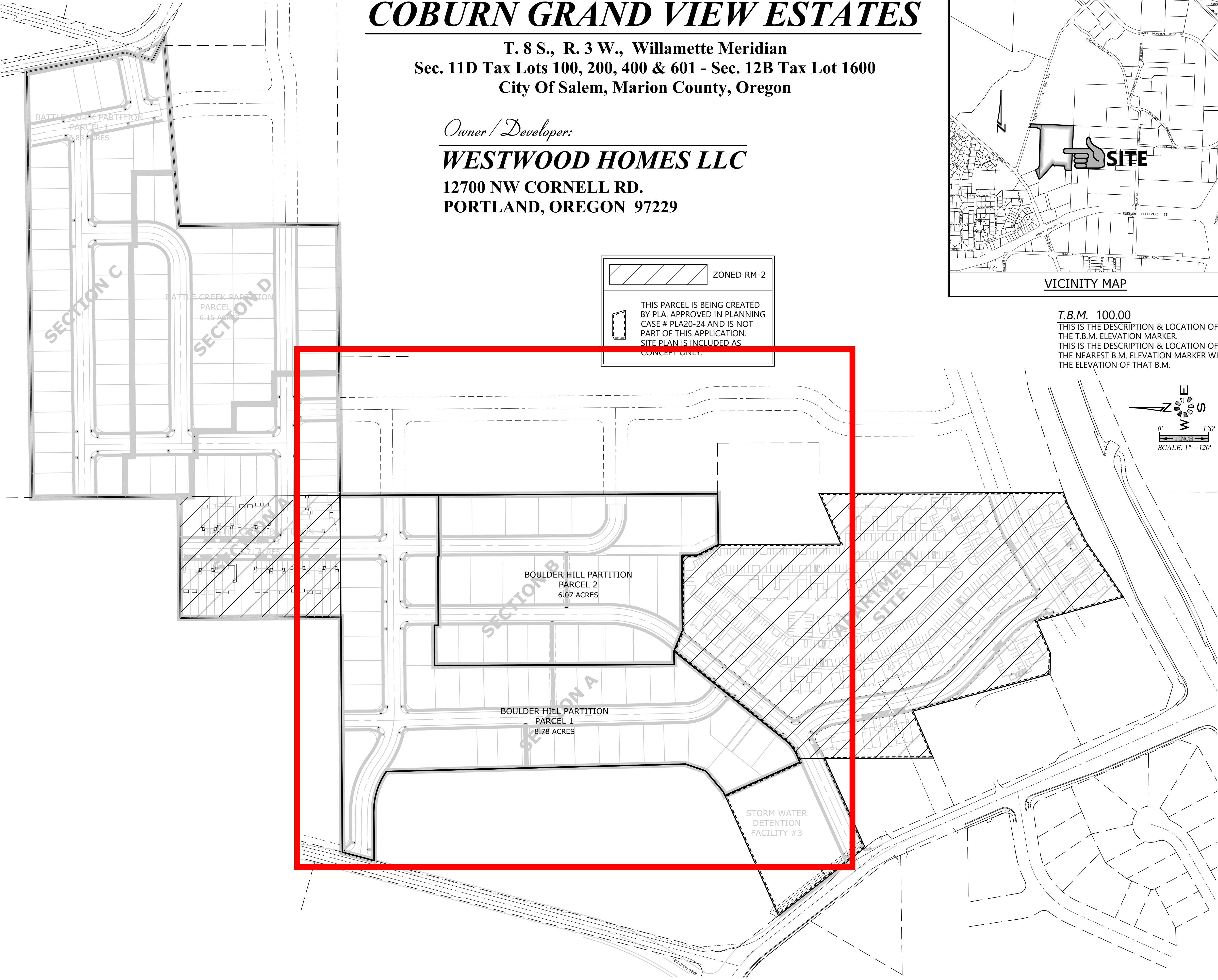
# COBURN GRAND VIEW ESTATES

T. 8 S., R. 3 W., Willamette Meridian  
Sec. 11D Tax Lots 100, 200, 400 & 601 - Sec. 12B Tax Lot 1600  
City Of Salem, Marion County, Oregon

Owner / Developer:

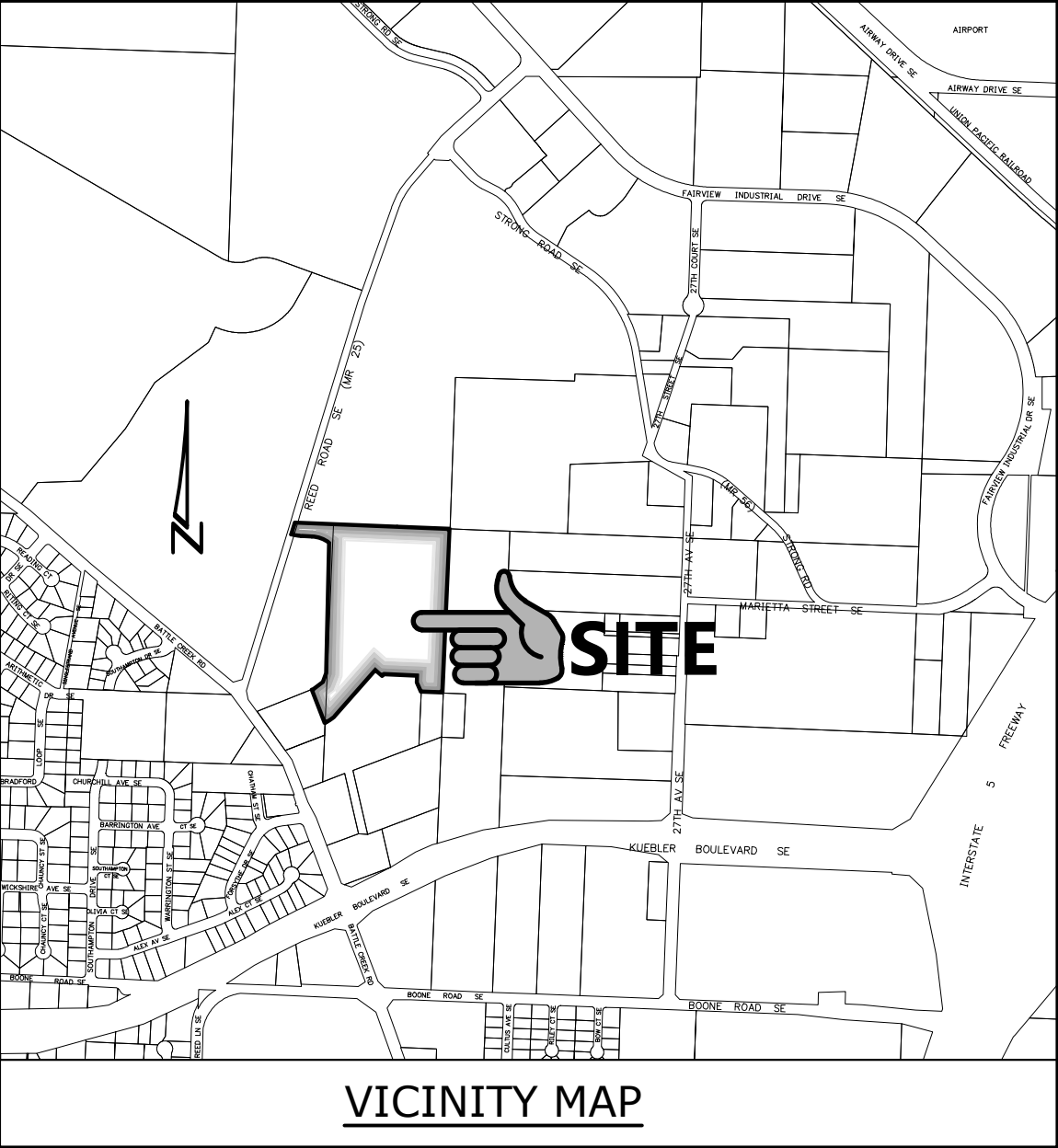
**WESTWOOD HOMES LLC**

12700 NW CORNELL RD.  
PORTLAND, OREGON 97229



ZONED RM-2

THIS PARCEL IS BEING CREATED BY PLA. APPROVED IN PLANNING CASE # PLA20-24 AND IS NOT PART OF THIS APPLICATION. SITE PLAN IS INCLUDED AS CONCEPT ONLY.



T.B.M. 100.00  
THIS IS THE DESCRIPTION & LOCATION OF THE T.B.M. ELEVATION MARKER.  
THIS IS THE DESCRIPTION & LOCATION OF THE NEAREST B.M. ELEVATION MARKER WITH THE ELEVATION OF THAT B.M.

PRELIMINARY PLAN  
COVER SHEET

COBURN GRAND VIEW  
ESTATES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

62346 PART TNS PUBLIC (2)  
Design: M.D.G.  
Drawn: P.H.S.  
Checked: J.J.G.  
Date: JUNE 2018  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_

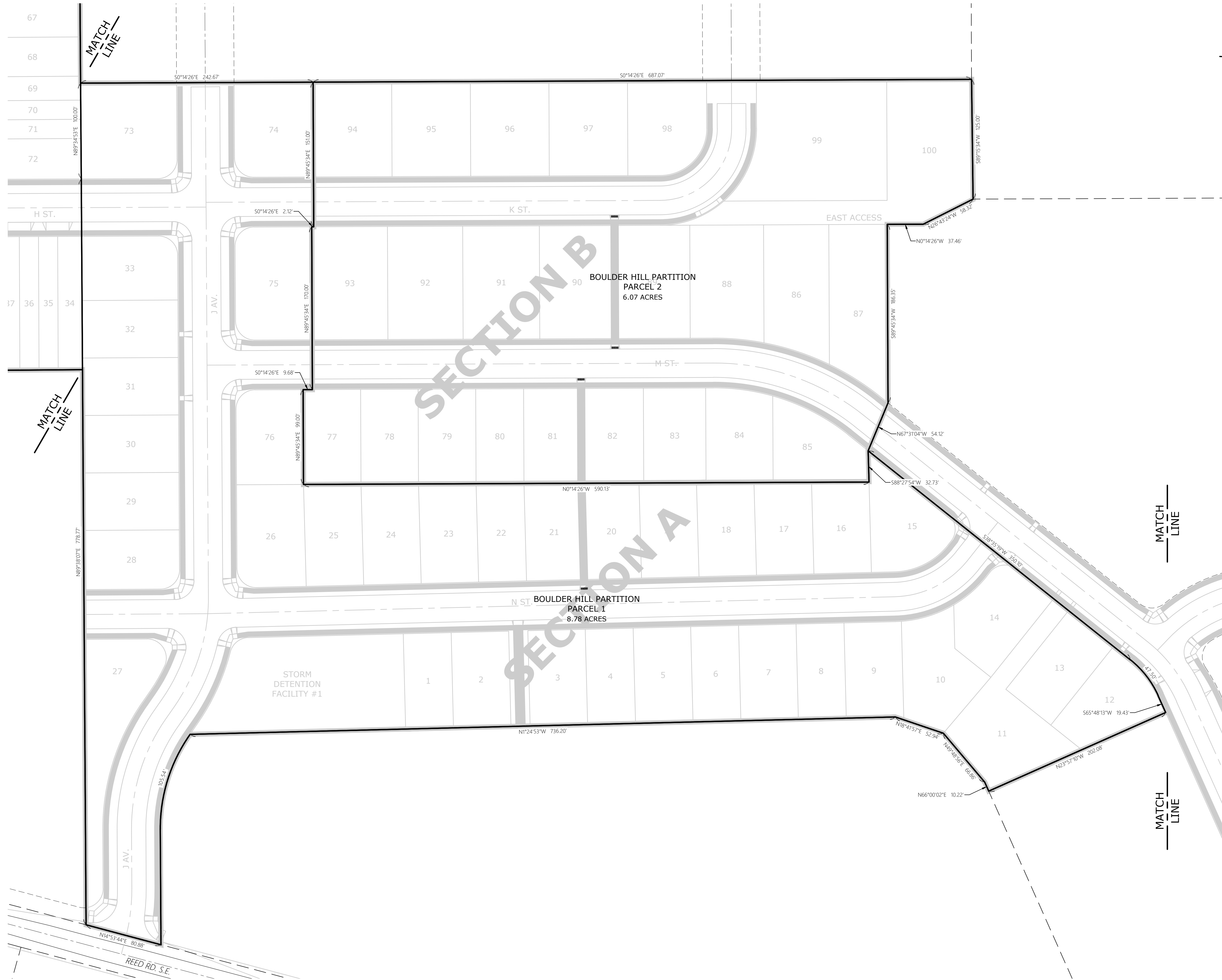
REGISTERED PROFESSIONAL ENGINEER  
MARK D. GREEN  
JUN 14 2018  
EXPIRES 06-30-2021

JOB # 6234

**P101**

MULTI/TECH  
ENGINEERING SERVICES, INC.  
1155 13TH ST. SE SALEM, OR 97302  
PH: (503) 363 - 9227 FAX: (503) 364-1260  
www.mtengineering.net office@mtengineering.net

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MULTI/TECH

ENGINEERING SERVICES, INC.  
11455 13th ST. S.E. SALEM, OR 97302  
PH: (503) 363 - 9227 FAX: (503) 364-1260  
www.mtengineering.net office@mtengineering.net

SITE PLAN  
- CENTRAL -

COBURN GRAND VIEW  
ESTATES

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
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GRAPHICAL REPRESENTATION.

6234p PART TNS P202SP  
Design: M.D.G.  
Drawn: P.H.S.  
Checked: J.J.G.  
Date: JUNE 2018  
Scale: AS SHOWN  
As-Built: ----

REGISTERED PROFESSIONAL  
ENGINEER  
JUL 14 1978  
MARK D. GRAY

EXPIRES 06-30-2021

JOB # 6234

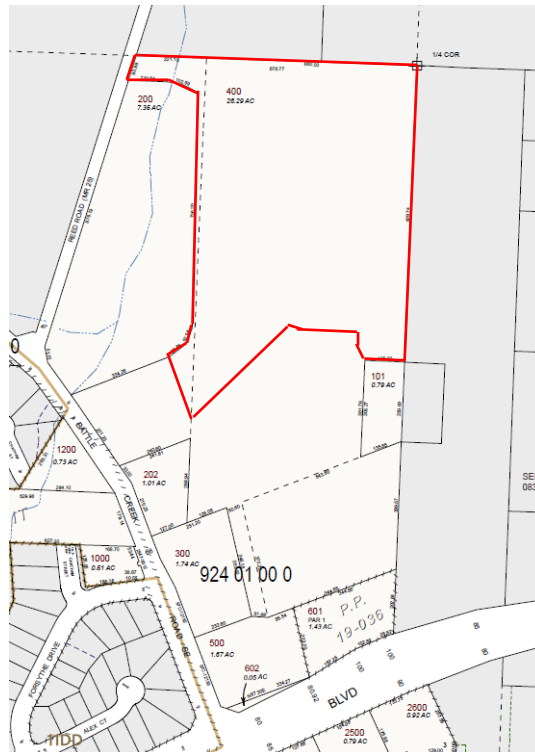
P202

# Coburn Grand View Estates

## Partition No. 2

### Proposal:

The subject property is located on the east side of Battle Creek Road (083W11D/Tax Lot 400). The subject properties are part of the Coburn Grand View Estates approval, SUB-ADJ19-08 & UGA17-03MOD1.



The subject properties will remain as Coburn Grand View Estates. The partition is being proposed for ownership and development reasons. Shadow plans showing how the parcels were approved under SUB-ADJ19-08 & UGA17-03MOD1 have been shown. The subject properties are 14.85 acres in size and zoned RA. The applicant is requesting to partition 083W11D/Tax Lot 400 into two parcels as shown on the site plans.

\*Parcel 1- 8.78 acres

\*Parcel 2- 6.07 acres

### SITE VICINITY and CHARACTERISTICS:

The site is bounded on the west by Battle Creek Road. The surrounding land uses within the vicinity are

zoned and used as follows and as shown.

North: PH (Public Health); vacant land and existing single-family dwellings

East: Across Strong Road-RA (Residential Agriculture) and IG (General Industrial); vacant land and existing single-family dwellings

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

West: RA (Residential Agriculture); vacant land and existing single-family dwellings

**CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.005(d):**

The decision criteria for partitions without a concurrent variance under UDC Chapter 205.005(d) must be found to exist before an affirmative decision may be made for a partition application.

***UDC 205.005(d)(1):***

***Lot area-***

\*Parcel 1- 8.78 acres

\*Parcel 2- 6.07 acres

***Lot width-*** See attached site plan

***Lot depth and Lot frontage-*** Parcel 1 will have 80 feet of lot frontage along Battle Creek Road. See attached site plan.

***City Infrastructure standards-*** Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable commercial land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

The subject property is located within the UGB but is located outside the Urban Service Area (USA). Urban Growth Preliminary Declaration (SUB-ADJ19-08 & UGA17-03MOD1) was issued in 2017. Therefore, this criterion has been met.

**Proposed Storm Water Management System:**

A Storm water drainage report dated October 4, 2018 was approved with the subdivision approval, SUB-ADJ19-08 & UGA17-03MOD1. The subject property are remaining part of the approved subdivision. Therefore, the lot layout, street circulation, and storm water drainage remains the same as approved under SUB-ADJ19-08 & UGA17-03MOD1.

***Special development standards-***The subject property is not located within any overlay, wetlands, floodplain, or vision clearance issues on the site. There are no special development standards that apply to this site.

According to staff, landslide hazards may exist on the property. A Geological Assessment dated July 20, 2018 was approved with the SUB-ADJ19-08 & UGA17-03MOD1 approval.

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

Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The proposal will divide the site into two parcels. A shadow plan showing how Parcels 1 and 2 will continue to be developed per the SUB-ADJ19-08 & UGA17-03MOD1 approval. Both parcels and adjoining parcels will continue to have access to the internal streets proposed within SUB-ADJ19-08. There is sufficient frontage along the street (as shown on the site plan) to provide access to the site.

Both parcels along with surrounding parcels have access and/or will have access when developed per the SUB-ADJ19-08 approval. Therefore, the approval does not impede future use of the remainder. The proposal provides for further development of the site consistent with current zoning standards.

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

The property is outside the Urban Services Area (USA), therefore, partitioning the property does require a UGA Preliminary Declaration. Urban Growth Preliminary Declaration (UGA) 17-03 was issued on August 31, 2017 and modified.

The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development and provide for future development of any adjoining properties. The City's adopted facility plans, and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

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

General Circulation: The proposed partition will result in the creation of two parcels. Vehicular access to the proposed parcels will be taken from Strong Road and the internal streets approved per SUB-ADJ19-08 & UGA17-03MOD1. The existing streets and approved internal streets will provide safe and efficient access to the parcels and the existing street system, by providing direct access to the site.

Boundary Streets: Strong Road abuts the subject properties to the east. Boundary street improvements will be determined with and met by the Conditions of Approval at the time of development of the site.

Internal Streets: There are no additional internal public streets proposed or required in conjunction with the proposed partition. All internal streets will remain as approved per SUB-ADJ19-08 & UGA17-03MOD1.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service near the site is provided via Route 22 (Battle Creek), on Battle Creek Road to the south of the site.

As an infill proposal, the transportation network in the area is already established or continuing to be established with new development. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Battle Creek Road is both 'minor arterial' street and provide connections to the street system that serves the area.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the 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 subject property once the access ways are hard-surfaced and physically connected to the public street system.

The partition does not change the uses or traffic patterns that were approved with the original subdivision. A Traffic Impact Analysis dated June 20, 2018 and a Traffic memo dated August 31, 2020 were both approved for the subject properties via SUB-ADJ19-08 & UGA17-03MOD1 and CPC-NPC-ZC20-07 and CPC-NPC-ZC20-08.

***UDC 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."***

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan.

The partition is served with other adequate transportation infrastructure, and the existing street system adjacent the property and the approved internal street system will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

***UDC 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."***

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The partition plan takes into consideration the topography and vegetation of the site. TCP19-14 was approved with the subdivision. There are no additional trees proposed for removal with this partition. Therefore, the TCP19-14 approval is still valid.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision code regulates minimum lot sizes.

The layout of the lots takes into consideration the existing approved lot lines for the approved subdivision, topography, and vegetation of the site. All lots and streets are in compliance with the UDC and the SUB-ADJ19-08 & UGA17-03MOD1 approval. No variances have been requested. Therefore, this criteria has been met.

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

The subdivision code, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposed parcels are of sufficient size and dimensions to meet code. The parcel dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision and zone codes regulate minimum lot sizes.

**Tree Conservation Plan:**

TCP19-14 was approved with the subdivision (SUB-ADJ19-08 & UGA17-03MOD1). There are no additional trees proposed for removal with this partition. Therefore, the TCP19-14 approval is still valid.

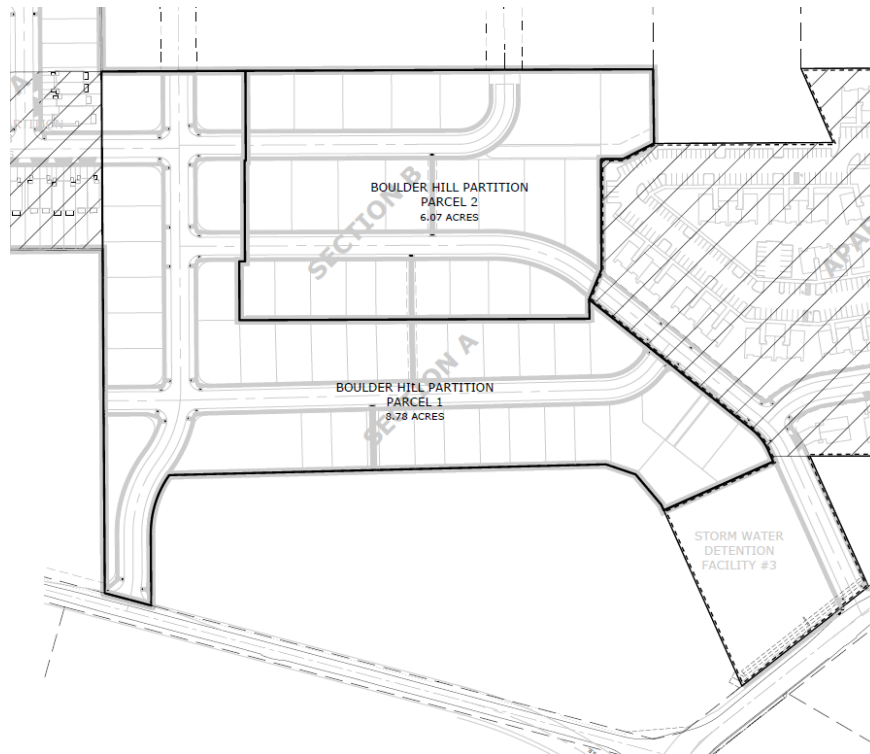
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# Coburn Estates-Partition No. 2

## Adjustment Class-2 Application



### Proposal:

The subject properties will remain as Coburn Grand View Estates. The partition is being proposed for ownership and development reasons. Shadow plans showing how the parcels were approved under SUB-ADJ19-08 & UGA17-03MOD1 have been shown. The subject properties are 14.85 acres in size and zoned RA. The applicant is requesting to partition 083W11D/Tax Lot 400 into two parcels as shown on the site plans.

\*Parcel 1- 8.78 acres

\*Parcel 2- 6.07 acres

The applicant is requesting an adjustment greater than 20% adjustment to SRC Table 511.010(a) (Lot Standards)-Street Frontage:

***Table 511-2 requires lots within the RS zone have a minimum street frontage of 40 feet.***

Proposed Parcels 2 (zoned RS/RA) will have street frontage when the subdivision has been plated.

**Adjustment Criteria-SRC 250.005(d)(2) Criteria**

***(A) The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

***(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Applicant Findings:**

(A) Table 511-2 requires lots within the RS/RA zone have a minimum street frontage of 40 feet.

The purpose of this requirement is to make sure land locked parcels are not being created. The subject properties will remain as Coburn Grand View Estates. The partition is being proposed for ownership and development reasons. Shadow plans showing how the parcels were approved under SUB-ADJ19-08 & UGA17-03MOD1 have been shown. The subject properties are 14.85 acres in size and zoned RA. The applicant is requesting to partition 083W11D/Tax Lot 400 into two parcels as shown on the site plans.

Proposed Parcels 2 (zoned RS/RA) will have street frontage when the subdivision has been plated.

The size and location of the property creates a difficulty in providing street frontage with the proposed partition. However, once the parcels are plated via the subdivision, they will have street frontage. Therefore, making this requirement equally met.


(B) The proposed parcels are located in a residential area and already have subdivision approval. The partition will just create large parcels for ownership purposes. When the subdivision is platted and prior to development all parcels and lots will have adequate street frontage for access. Therefore, the lack of street frontage with the proposed partition will have no effect on the proposed use or surrounding uses.

(C) There is only one adjustment being requested for this partition.



## MEMO

**TO:** Olivia Dias, Current Planning Manager  
Community Development Department

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

**DATE:** April 28, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PAR-ADJ21-07 (21-103362-LD)  
2600 BLOCK OF KUEBLER BOULEVARD SE  
3-LOT PARTITION**

**PROPOSAL**

A tentative partition plan to divide approximately 15 acres into three parcels, with Parcel 1 consisting of 6.07 acres, and Parcel 2 consisting of 8.78 acres. The applicant is requesting a Class 2 Adjustment to allow Parcel 2 to not have street frontage.

**RECOMMENDED CONDITIONS OF PLAT APPROVAL****As a condition of final plat approval for all phases:**

1. Provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.
2. Convey a minimum 36-foot-wide half-width right-of-way along the entire frontage of Reed Road SE.
3. Enter into a deferral agreement pursuant to SRC 803.070 to construct the following street improvements at the time of future development:
  - a. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include: a westbound to southbound left-turn lane on Reed Road SE; a southbound to eastbound left-turn lane on Battle Creek Road SE; a northbound to eastbound right-turn lane on Battle Creek Road SE; and a pedestrian island on Battle Creek Road SE along the south side of the intersection.

- b. Construct a minimum 23-foot-wide half-street improvement along Reed Road SE from Battle Creek Road SE to the north line of the subject property, including on-street parking and tapers.
- 4. Enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.

## **FACTS AND FINDINGS**

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located within the S-1 and S-2 water service levels.
- b. A 12-inch water line in the S-2 service level is located in Kuebler Boulevard SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

### **Sanitary Sewer**

#### **1. Existing Conditions**

- a. A 15-inch sewer line is located in Reed Road SE.

### **Storm Drainage**

- 1. Existing Condition—Drainage patterns in this area are generally conveyed into Pringle Creek. The property is on a ridge in which the drainage flows to the northwest toward the West Middle Fork of Pringle Creek, northeast toward Strong Road SE, or southeast toward Kuebler Boulevard SE.

### **Streets**

#### **1. Reed Road SE**

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

### **Parks**

An undeveloped Neighborhood Park was acquired by the City along Reed Road SE abutting the proposed development.

## **CRITERIA AND FINDINGS**

The following code references indicate 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:

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)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed partition adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, 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 205.005(d)(3)**—Development within the tentative partition plan can be adequately served by City infrastructure.

**Findings**—The nearest adequate water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property. UG Preliminary Declaration 17-03 specified that the applicant shall be required to construct a minimum

18-inch S-1 water main from the Reed/Strong intersection through the subject property to Strong Road SE.

UG Preliminary Declaration 17-03 specifies that temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). To ensure that the subject property has water service available to the proposed development, the applicant shall enter into a temporary facilities access agreement as specified in condition 4(c) of UG Preliminary Declaration 17-03.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. To ensure that all parcels are served with sewer mains, the applicant shall provide a revocable access and utility easement within all future rights-of-way depicted in Subdivision Case Number SUB-ADJ21-06.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The proposed development is not a large project subject to construction of flow control and stormwater quality facilities because no new impervious surfaces are being created.

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 205.005(d)(4) and SRC 205.005(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.**

**Findings**—Reed Road SE abuts the subject property and is designated as a Minor Arterial street in the Salem TSP. Currently, Reed Road SE does not meet Minor Arterial standards. The applicant will be required to convey for dedication a half-width right-of-way equal to 36 feet from center line, and construct a half-street improvement along the entire frontage to a Minor Arterial standard.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

Because the impacts to the transportation system are limited for a two-lot partition, the applicant is eligible for deferring the required improvements pursuant to SRC 803.070 until the time of future development.

Prepared by Jennifer Scott, Program Manager  
cc: File