



Legislation Details (With Text)

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In control: City Council

On agenda: 1/13/2020 **Final action:** 1/13/2020

Title: City Council review of the Planning Administrator’s decision approving a Tentative Phased Subdivision Review and Class 2 Adjustment for Permit Case No. SUB19-08 and Urban Growth Preliminary Declaration Modification Case No. UGA17-03MOD1 for property located at the 4700 Block of Battle Creek Road SE.

Ward(s): Ward 3
 Councilor(s): Nanke
 Neighborhood(s): Morningside Neighborhood Association
 Result Area(s): Welcoming and Livable Community

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Tentative Subdivision Plan, 3. Planning Administrator Decision, 4. Written Testimony received by 3:30 p.m. 1-13-20

Date	Ver.	Action By	Action	Result
1/13/2020	1	City Council	approved on Public Hearing	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

City Council review of the Planning Administrator’s decision approving a Tentative Phased Subdivision Review and Class 2 Adjustment for Permit Case No. SUB19-08 and Urban Growth Preliminary Declaration Modification Case No. UGA17-03MOD1 for property located at the 4700 Block of Battle Creek Road SE.

Ward(s): Ward 3
 Councilor(s): Nanke
 Neighborhood(s): Morningside Neighborhood Association
 Result Area(s): Welcoming and Livable Community

ISSUE:

Shall the City Council affirm, modify, or reverse the Planning Administrator’s decision for Tentative Phased Subdivision and Class 2 Adjustment applications for Permit Case No. SUB19-08 and Urban

Growth Preliminary Declaration Modification Case No. UGA17-03MOD1?

RECOMMENDATION:

That the City Council MODIFY the Planning Administrator's decision to correct two scriveners' errors and approve the application.

SUMMARY:

The subject property is approximately 52.80 acres in size and is located on the 4700 Block of Battle Creek Road SE (**Attachment 1**). The applicant subsequently submitted an amendment to an approved Urban growth Preliminary Declaration (UGA 17-03), which includes a larger area than the proposed subdivision (**Attachment 1**). The Planning Administrator approved a Phased Tentative Subdivision application subject to conditions of approval (**Attachment 2 and 3**). City Council moved to call-up the decision for Council review.

FACTS AND FINDINGS:

Procedural Findings

1. On May 17, 2019, an application for a Phased Tentative Subdivision was submitted to the Planning Division. On July 18, 2019, the applicant requested the subdivision application be deemed complete. After the amendment to UGA17-03 was submitted, the UGA amendment application was deemed complete on September 19, 2019.
2. On November 21, 2019, the Planning Administrator issued a decision approving the phased tentative subdivision with one alternative street standard.
3. On December 9, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council is scheduled for January 13, 2020.
4. On December 27, 2019, notice of the hearing was sent to the Morningside Neighborhood Association, South Gateway Neighborhood Association, surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on January 3, 2020.
5. The 120-day State mandated deadline for final decision is March 6, 2020 for the subdivision and adjustment applications.

Substantive Findings

1. The applicable criteria and considerations that must be satisfied for the approval of the Phased Tentative Subdivision Review, Class 2 adjustment and amendment to an Urban Growth Preliminary Declaration permit in this case are included within the City's land division

chapter (SRC Chapter 205) under section 205.010(d), urban growth preliminary declaration (SRC Chapter 200) under section 200.030(d) and adjustment (SRC Chapter 250) under section 250.005(d)(2)(A).

Findings for the proposed Tentative Subdivision Review with the applicable approval criteria are included in the November 21, 2019 decision, which is included as **Attachment 3** to this report and incorporated by reference.

2. Subdivision Criteria

The Planning Administrator approved the tentative subdivision after review of the applicable decision criteria. The proposed subdivision met the approval criteria for a single-family subdivision in the Single Family Residential (RS) and Public and Private Health Services (PH) zones.

An Alternative Street Standard was approved to increase the street grade for five small sections of street, increase block length and reduce the right of way to 52-feet for four local streets within the subdivision. A Zoning Adjustment was approved to reduce the lot width for one lot from 70-feet to 59-feet.

3. Scriveners Errors

The Planning Administrator’s decision contains two scriveners’ errors, one pertaining to the number of lots within the subdivision. The last version of the tentative plan submitted combined and removed lots for the stormwater facilities which reduced the number of lots from 212 lots to 209 lots.

In addition, when the number of lots was reduced, the sequencing of the lot numbers changed slightly. Condition 1 of the Planning Administrator’s decision contains lot numbers and the required front yard for several lots.

The following table contains the corrected lot numbers which should amend Condition 1 of the Planning Administrator’s decision:

Corner Lot	Front Property Line
Lot 1	West property line - fronting on Street 'B'
Lot 2	West property line - fronting on Street 'B'
Lot 4	South property line - fronting on Street 'C'
Lot 5	South property line - fronting on Street 'B'
Lot 20	North property line - fronting on 'C Avenue'
Lot 22	North property line - fronting on 'C Avenue'
Lot 52 57	North property line - fronting 'I Avenue'
Lot 53 77	North property line - fronting 'I Avenue'
Lot 58	South property line - fronting on 'I Avenue'

Lot 59	North property line - fronting on 'E Avenue'
Lot 60	North South property line - fronting on Street 'C' 'E'
Lot 61	South North property line - fronting Street 'E' 'C'
Lot 70	East property line - fronting Street 'G'
Lot 76	South East property line - fronting on Street 'G'
Lot 84 83	South property line - fronting 'J Avenue'
Lot 89 88	South property line - fronting 'J Avenue'
Lot 90 91	North West property line - fronting Street 'N'
Lot 92	South East property line - fronting Street 'N' 'M'
Lot 93 95	East or West property line - fronting Street 'M' or 'K'
Lot 96	South West property line - fronting Street 'M' 'K'
Lot 97	South property line - fronting Street 'K'
Lot 136	South property line - fronting Street 'K'
Lot 172	North property line - fronting Street "N"
Lot 176	North property line - fronting Street "N"
Lot 170	North property line - fronting Street "N"
Lot 174	North property line - fronting Street "N"
Lot 175	East property line - fronting Street 'O'
Lot 177	North property line - fronting Unnamed Street
Lot 178	South property line - fronting Street 'P'
Lot 179	South property line - fronting Street 'P'
Lot 181	South property line - fronting 'P Avenue'
Lot 182	South property line - fronting 'P Avenue'
Lot 192	North property line - fronting Street 'P'
Lot 193	East property line - fronting Street 'O'
Lot 197	South property line - fronting 'Q Avenue'
Lot 184	South property line - fronting 'P Avenue'
Lot 185	South property line - fronting 'P Avenue'
Lot 195	North property line - fronting 'P Avenue'
Lot 196	East property line - fronting Street 'Q'

4. Alternative Street Standards

The applicant requested Alternative Street Standards for the proposal, including five sections of streets to have a 15% grade for no more than 120-feet in length, increase block length and reduce the street width in four locations to 52-feet. All the alternative street standards are due to the steep grade in a portion of the subdivision. The remainder of the streets meet applicable standards.

The proposed streets with a width of 52-feet are proposed to function the same as a 60-foot right of way, with street trees near property line, sidewalks, two 15-foot travel lanes with on street parking. The width of the travel lanes will be the same as a street meeting the standard. The reduced right of way width will reduce the landscaping area from eight feet to four-feet. The smaller landscaping area is still able to support street trees and will allow the developer to reduce grading which will help reduce the need for steep driveways along those streets.

The applicant is proposing pedestrian connections mid-block, which will connect to the City Park, to provide connectivity to address the increase in block length. The additional connections mid-block provides adequate connectivity throughout the subdivision and takes in to account the steep slope in the area.

The increase in street grades are for short lengths of 120-foot section of local streets within the subdivision. The Fire Department has reviewed the increase in street grade and has no objections due to the short length of each area.

Additionally, staff made findings addressing an alternative street standard to allow the applicant to meander the sidewalk along Reed Road, Battle Creek Road and Strong Road in order to preserve existing trees, which will become future street trees.

The applicant is required to improve existing streets in the area, including widening of Reed Street, Strong Road and Battle Creek Street along the frontage of the property. This will include a half-width improvement including sidewalks, street trees, turn lanes and on-street parking for the future park along Reed Road. In addition, the following street improvements are required for the subdivision:

- Realignment and construction of the Battle Creek Road SE and Reed Road SE intersection. The condition includes a westbound to southbound turn lane on Reed Road, a southbound to east bound left turn lane on Battle Creek Road, a northbound to eastbound turn lane on Battle Creek Road and a pedestrian island on Battle Creek Road SE along the south side of intersection.
- Off-site pedestrian access route on the west side of Battle Creek Road SE.
- Contribute to future signal at the Battle Creek Road and Reed Road intersection.

5. Comments Received

Six comments were received during the notice provided by the Planning Administrator regarding traffic, a private well, and loss of habitat. Comments are addressed in the Planning Administrator's Decision on pages 12-13.

ALTERNATIVES

4. The City Council may affirm, modify, or reverse the decision of the Planning Administrator for

Phased Subdivision Review and Class 2 Adjustment applications for Permit Case No. SUB19-08 and Urban Growth Preliminary Declaration Modification Case No. UGA17-03MOD1. Staff is recommending that City Council modify the Planning Administrator's decision to correct two errors in the decision, and as modified, approve the application.

- I. **AFFIRM** the decision;
- II. **MODIFY** the decision; or
- III. **REVERSE** the decision.

Olivia Glantz
Planner III

Attachments:

- 1. Vicinity Map
- 2. Tentative Subdivision Plan
- 3. Planning Administrator Decision