

## Zachery Cardoso

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**From:** Sally Long  
**Sent:** Tuesday, June 23, 2020 12:37 PM  
**To:** Olivia Dias  
**Subject:** FW: Eagles View Subdivision Information  
**Attachments:** SUB01-12 Procedural Findings.pdf; Eagle View No. 5 Survey.pdf

Here you go.

-Sally | 503-540-2311

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**From:** Sally Long  
**Sent:** Tuesday, June 23, 2020 12:35 PM  
**To:** bmwden@gmail.com  
**Subject:** Eagles View Subdivision Information

Good Afternoon,

Per our phone conversation, I have attached the procedural findings for the amended subdivision and a copy of the recorded plat. Please let me know if you have any additional questions.

Regards,

**Sally Long**  
*Planner I*  
City of Salem | Community Development Department  
555 Liberty St SE, Suite 305, Salem OR 97301  
[Sjlong@cityofsalem.net](mailto:Sjlong@cityofsalem.net) | 503-540-2311  
[FaceBook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](http://CityofSalem.net)

15-22

# EAGLES VIEW No. 5

SE 1/4 SECTION 19 AND SW 1/4 SECTION 20,  
T. 7 SOUTH, R. 3 WEST, W.M.,  
CITY OF SALEM, POLK COUNTY, OREGON

## NOTES:

- ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
- STREET SEGMENT BENEATH BPA RIGHT OF WAY HAS BEEN DEEDED TO THE CITY IN DOCUMENT NUMBER 2017-6553. IT IS NOT PART OF A PUBLIC DEDICATION.

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

MATCH LINE

CURVE DATA						
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.	
[C50]	1,206.00'	4°49'01"	101.39'	S80°37'36"W	101.36'	
[C52]	1,156.00'	5°01'55"	101.52'	S80°12'54"W	101.49'	
C60	25.00'	89°42'07"	39.14'	S51°44'34"W	35.26'	
C61	984.93'	8°57'39"	154.04'	S86°06'58"W	153.88'	
					(25.00'	89°53'08" 39.22' S51°23'05"W 35.32') (984.93' 8°51'17" 152.21' S86°03'55"W 152.06')



1" = 60'  
03/16/2017  
#4803

- = FOUND 5/8" IR W/YPC SCRIBED "MULTI/TECH ENG" PER CS 15904
- = FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "BARKER PLS 636" PER EAGLES VIEW No. 4 UNLESS OTHERWISE NOTED
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- ⊕ = SET 5/8" X 30" IR W/YPC SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED
- = SET 5/8" IR WITH 1.5" ALUMINUM CAP SCRIBED "MULTI/TECH ENG" TO BE POST-MONUMENTED
- [ ] = RECORD AND MEASURED BEARING OR DISTANCE PER CS 15904 UNLESS OTHERWISE NOTED
- ( ) = RECORD BEARING OR DISTANCE PER CS 15904 UNLESS OTHERWISE NOTED

## REFERENCE SURVEYS

- CS 3283
- CS 14542
- CS 15904
- CS 16061
- EAGLES VIEW No. 4, V. 14, P. 9, BOTP

CS = POLK COUNTY SURVEY RECORD  
W/YPC = WITH YELLOW PLASTIC CAP  
IP = IRON PIPE  
IR = IRON ROD  
LC = LONG CHORD  
P. = PAGE  
V. = VOLUME  
B. = BOOK  
LDC = LOST DURING CONSTRUCTION AND RESET  
PUE = PUBLIC UTILITY EASEMENT  
SDE = STORM DRAIN EASEMENT  
BPA = BONNEVILLE POWER ADMINISTRATION  
ROW = RIGHT OF WAY

EXISTING RIGHT OF WAY MONUMENTS SET IN CS 15904 DIFFER FROM RECORD SPIRAL GEOMETRY PER CS 16061  
1. RESET AFTER CONSTRUCTION TO PROPER POSITION  
2. RESET AFTER CONSTRUCTION TO PROPER POSITION  
3. S06°36'38"E 0.15'  
4. S00°02'25"E 0.10'  
5. HOLD THIS LOCATION FOR POINT OF TANGENCY

## SHEET INDEX

SHEET 1 - BOUNDARY  
SHEET 2 - WESTERLY LOT DETAIL  
SHEET 3 - EASTERLY LOT DETAIL  
SHEET 4 - SIGNING PAGE

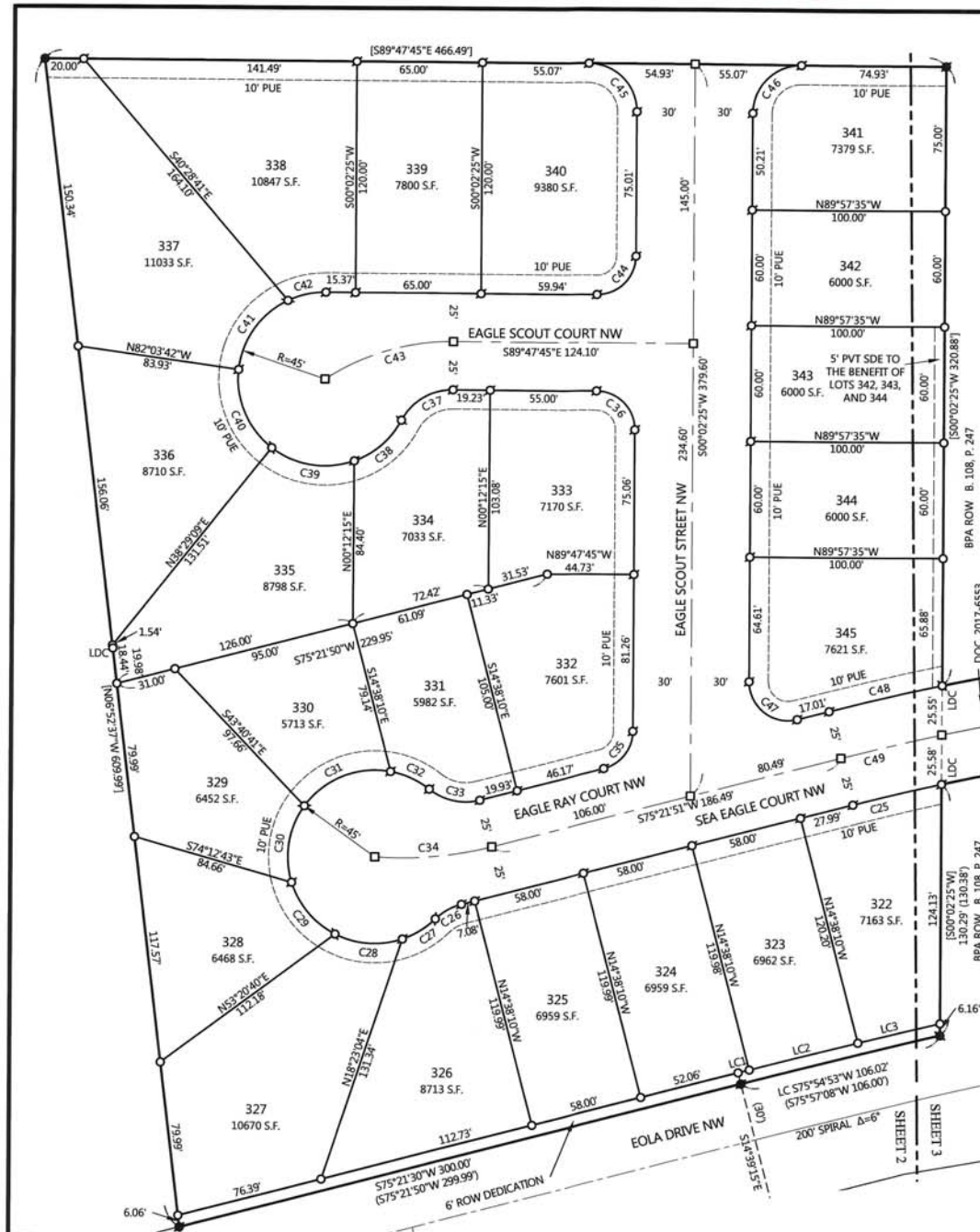
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6-30-2019

SHEET 1 OF 4

15-22



# **EAGLES VIEW No. 5** SE 1/4 SECTION 19 AND SW 1/4 SECTION 20, T. 7 SOUTH, R. 3 WEST, W.M., CITY OF SALEM, POLK COUNTY, OREGON

BY:  
 MULTI/TECH ENGINEERING SERVICES, INC.  
 1155 13TH ST. S.E. SALEM, OREGON 97302  
 503-363-9227

- NOTES:
1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
  2. STREET SEGMENT BENEATH BPA RIGHT OF WAY HAS BEEN DEEDED TO THE CITY IN DOCUMENT NUMBER 2017-6553. IT IS NOT PART OF A PUBLIC DEDICATION.

■ = FOUND 5/8" IR W/YPC SCRIBED "MULTI/TECH ENG" PER CS 15904

● = FOUND 1" IP PER CS 3283

○ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."

□ = SET 5/8" X 30" IR W/YPC SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED

□ = SET 5/8" IR WITH 1.5" ALUMINUM CAP SCRIBED "MULTI/TECH ENG" TO BE POST-MONUMENTED

REFERENCE SURVEYS

1. CS 3283
2. CS 15904
3. CS 16061

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C25	1,156.00'	2°20'05"	47.11'	S76°31'52"W	47.10'
C26	30.00'	29°55'36"	15.67'	S60°24'03"W	15.49'
C27	45.00'	25°40'45"	20.17'	S58°16'37"W	20.00'
C28	45.00'	45°46'15"	35.95'	N85°59'53"W	35.00'
C29	45.00'	45°46'15"	35.95'	N40°13'38"W	35.00'
C30	45.00'	53°00'08"	41.63'	N9°09'33"E	40.16'
C31	45.00'	64°27'43"	50.63'	N67°53'28"E	48.00'
C32	45.00'	28°22'18"	22.28'	S65°41'31"E	22.06'
C33	30.00'	53°07'48"	27.82'	S78°04'16"E	26.83'
C34	185.00'	18°55'29"	61.10'	N84°49'34"E	60.83'
C35	20.00'	75°19'24"	26.29'	N37°42'07"E	24.44'
C36	20.00'	89°50'10"	31.36'	N44°52'40"W	28.24'
C37	30.00'	62°10'55"	32.56'	S59°06'48"W	30.98'
C38	45.00'	41°57'03"	32.95'	N48°59'52"E	32.22'
C39	45.00'	57°27'20"	45.13'	S81°17'57"E	43.26'
C40	45.00'	58°31'43"	45.97'	S23°18'25"E	44.00'
C41	45.00'	58°34'04"	46.00'	S35°14'28"W	44.02'
C42	45.00'	25°40'19"	20.16'	N77°21'40"E	19.99'
C43	120.00'	33°33'26"	70.28'	S73°25'32"W	69.28'
C44	20.00'	90°09'50"	31.47'	N45°07'20"E	28.32'
C45	25.00'	89°50'10"	39.20'	N44°52'40"W	35.30'
C46	25.00'	90°09'50"	39.34'	S45°07'20"W	35.41'
C47	20.00'	104°41'28"	36.54'	S52°18'18"E	31.67'
C48	1,206.00'	2°51'16"	60.08'	N76°47'15"E	60.07'
C49	1,181.00'	2°36'01"	53.60'	S76°39'36"W	53.59'

CHORD OF OFFSET SPIRAL DATA		
LINE	BEARING	DIST.
LC1	N75°21'38"E	5.94'
LC2	N75°34'56"E	58.00'
LC3	N76°28'10"E	43.64'

CS = POLK COUNTY SURVEY RECORD  
 W/YPC = WITH YELLOW PLASTIC CAP  
 IP = IRON PIPE  
 IR = IRON ROD  
 P. = PAGE  
 V. = VOLUME  
 B. = BOOK  
 LDC = LOST DURING CONSTRUCTION AND RESET  
 PUE = PUBLIC UTILITY EASEMENT  
 SDE = STORM DRAIN EASEMENT  
 ROW = RIGHT OF WAY  
 BPA = BONNEVILLE POWER ADMINISTRATION  
 PVT = PRIVATE



1" = 40'  
 03/16/2017  
 #4803

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Robert D. Hamman*  
 OREGON  
 JULY 13, 2004  
 ROBERT D. HAMMAN  
 64202LS

EXPIRES: 6-30-2019

SHEET 2 OF 4



# EAGLES VIEW No. 5

SE 1/4 SECTION 19 AND SW 1/4 SECTION 20,  
 T. 7 SOUTH, R. 3 WEST, W.M.,  
 CITY OF SALEM, POLK COUNTY, OREGON

BY:  
 MULTI/TECH ENGINEERING SERVICES, INC.  
 1155 13TH ST. S.E. SALEM, OREGON 97302  
 503-363-9227

- = FOUND 5/8" IR W/YPC SCRIBED "MULTI/TECH ENG" PER CS 15904
- = FOUND 1" IP PER CS 3283
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- = SET 5/8" X 30" IR W/YPC SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED
- = SET 5/8" IR WITH 1.5" ALUMINUM CAP SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED

## REFERENCE SURVEYS

- CS 3283
- CS 15904
- CS 16061

## NOTES:

- ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
- STREET SEGMENT BENEATH BPA RIGHT OF WAY HAS BEEN DEEDED TO THE CITY IN DOCUMENT NUMBER 2017-6553. IT IS NOT PART OF A PUBLIC DEDICATION.

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	990.98'	3°46'59"	65.43'	N83°34'43"E	65.42'
C2	990.78'	5°03'24"	87.44'	N87°59'54"E	87.42'
C3	25.00'	89°59'58"	39.27'	N51°35'38"E	35.36'
C4	70.00'	30°07'56"	36.81'	N8°28'19"W	36.39'
C5	100.00'	28°07'16"	49.08'	N37°35'55"W	48.59'
C6	100.00'	18°47'51"	32.81'	N63°55'29"W	32.66'
C7	100.00'	16°28'21"	28.75'	N81°33'35"W	28.65'
C8	1,206.00'	1°56'32"	40.88'	N84°00'22"E	40.88'
C9	30.00'	60°37'46"	31.75'	N54°39'45"E	30.28'
C10	45.00'	36°05'54"	28.35'	N42°23'49"E	27.89'
C11	45.00'	52°45'36"	41.44'	N86°49'34"E	39.99'
C12	45.00'	52°47'38"	41.46'	S40°23'49"E	40.01'
C13	45.00'	49°41'34"	39.03'	S10°50'47"W	37.82'
C14	45.00'	38°57'18"	30.60'	S55°10'13"W	30.01'
C15	45.00'	13°26'56"	10.56'	S81°22'20"W	10.54'
C16	1,156.00'	2°07'42"	42.94'	S87°01'58"W	42.94'
C17	1,156.00'	3°14'18"	65.33'	S84°20'58"W	65.33'
C18	1,181.00'	2°06'32"	43.47'	S83°56'25"W	43.47'
C19	125.00'	31°19'43"	68.35'	N69°19'50"E	67.50'
[C50]	1,206.00'	4°49'01"	101.39'	S80°37'36"W	101.36'
C51	1,181.00'	4°55'19"	101.45'	S80°25'30"W	101.42'
[C52]	1,156.00'	5°01'55"	101.52'	S80°12'54"W	101.49'

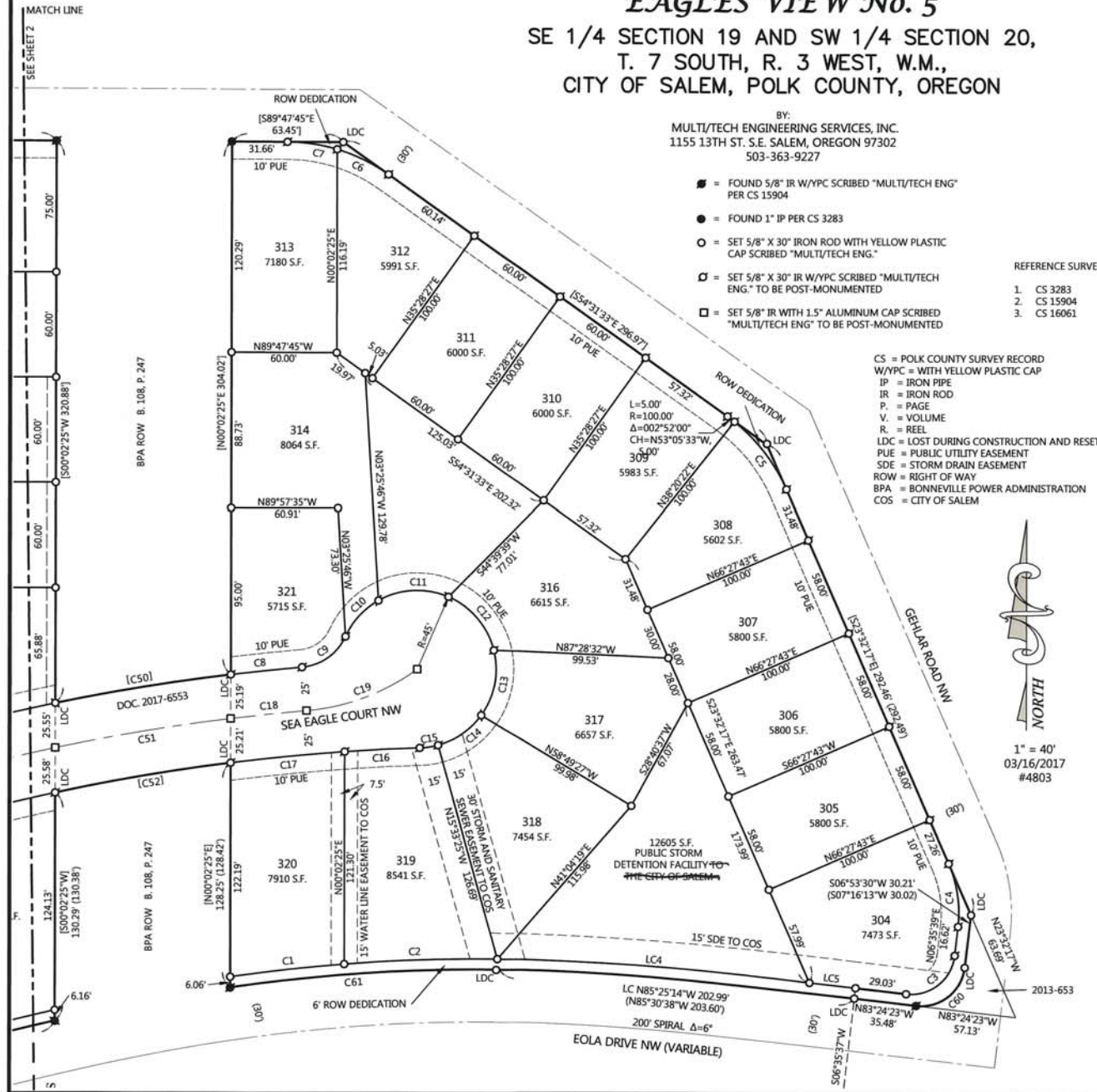
CHORD OF OFFSET SPIRAL DATA		
LINE	BEARING	DIST.
LC4	S85°44'43"E	178.36'
LC5	S83°26'31"E	26.49'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 13, 2004  
 ROBERT D. HAMMAN  
 64202LS

EXPIRES: 6-30-2019

SHEET 3 OF 4





15-22

**EAGLES VIEW No. 5**  
SE 1/4 SECTION 19 AND SW 1/4 SECTION 20,  
T. 7 SOUTH, R. 3 WEST, W.M.,  
CITY OF SALEM, POLK COUNTY, OREGON

**SURVEYOR'S CERTIFICATE**

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN HEREON AS EAGLES VIEW NO. 5, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE SOUTH RIGHT OF WAY OF GEHLAR ROAD ALSO BEING AT THE NORTHEAST CORNER OF PARCEL 1, PARTITION PLAT 2002-0004 AS RECORDED IN POLK COUNTY RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19 & SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, POLK COUNTY, OREGON, THENCE ALONG SAID RIGHT OF WAY SOUTH 89°47'45" EAST 466.49 FEET TO A 5/8" IRON ROD ON THE WEST LINE OF THE BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY AS RECORDED IN VOLUME 108, PAGE 247, POLK COUNTY DEED RECORDS; THENCE ALONG SAID WEST LINE SOUTH 00°02'25" WEST 320.88 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN DEED 2005-015377, POLK COUNTY RECORDS; THENCE ALONG THE NORTH LINE OF SAID TRACT 101.39 FEET ALONG A 1206.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 80°37'36" EAST 101.36 FEET) TO A 5/8" IRON ROD AT THE EAST LINE OF SAID BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY; THENCE ALONG SAID EAST LINE NORTH 00°02'25" EAST 304.02 FEET TO A 5/8" IRON ROD ON THE SOUTH RIGHT OF WAY OF GEHLAR ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 5 CALLS, SOUTH 89°47'45" EAST 63.45 FEET TO A 5/8" IRON ROD; SOUTH 54°31'33" EAST 296.97 FEET TO A 5/8" IRON ROD; SOUTH 23°32'17" EAST 292.46 FEET TO A 5/8" IRON ROD; SOUTH 06°53'30" WEST 30.21 FEET TO A 5/8" IRON ROD; 39.14 FEET ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 51°44'34" WEST 35.26 FEET) TO A 5/8" IRON ROD ON THE NORTH RIGHT OF WAY OF EOLA DRIVE; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING THREE CALLS NORTH 83°24'23" WEST 35.48 FEET TO A 5/8" IRON ROD; ALONG A 30 FOOT EXTERIOR OFFSET 200 FOOT SPIRAL TRANSITION TO THE LEFT, (THE LONG CHORD OF WHICH BEARS NORTH 85°25'14" WEST 202.99 FEET); 154.04 FEET ALONG A 984.93 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 86°06'58" WEST 153.88 FEET) TO THE EAST LINE OF SAID BONNEVILLE POWER ADMINISTRATION RIGHT OF WAY; THENCE ALONG SAID EAST LINE NORTH 00°02'25" EAST 128.25 TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE ALONG THE SOUTH LINE OF SAID TRACT 101.52 FEET ALONG A 1156.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 80°12'54" WEST 101.49 FEET) TO A 5/8" IRON ROD AT THE WEST LINE OF SAID BONNEVILLE POWER RIGHT OF WAY; THENCE ALONG SAID WEST LINE SOUTH 00°02'25" WEST 130.29 FEET TO THE NORTH RIGHT OF WAY OF EOLA DRIVE; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWO CALLS, ALONG A 30 FOOT EXTERIOR OFFSET 200.00 FOOT SPIRAL TRANSITION TO THE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 75°54'53" WEST 106.02 FEET); SOUTH 75°21'30" WEST 300.00 FEET TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF PARCEL 1, PARTITION PLAT 2002-0004; THENCE ALONG THE EAST LINE OF SAID PARTITION NORTH 06°52'37" WEST 609.98 FEET TO THE POINT OF BEGINNING.

AS PER O.R.S. 92.070 (2), I HEREBY CERTIFY THAT THE REMAINING MONUMENTS WITHIN THIS SUBDIVISION WILL BE SET WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE PAVING OF IMPROVEMENTS, OR WITHIN ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

*Robert D. Hamman*  
ROBERT D. HAMMAN, L.S. 64202LS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert D. Hamman*  
OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS  
EXPIRES: 6-30-2019

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE INTO LOTS AND STREETS THE LAND DESCRIBED IN DOCUMENT NUMBER 2016-6869 AS SHOWN HEREON AS ALLOWED BY THE CITY OF SALEM PLANNING DEPARTMENT SUBDIVISION CASE No. SUB01-12A-EXT

THE BOUNDARY WAS RESOLVED IN CS 15904 AND WAS HELD, APART FROM THE FRONTAGE ON EOLA DRIVE AND DEDICATION AREA OF 2013-653. IN THE AREA OF DEDICATION, DETAILED ON SHEET 3, I HELD THE DISTANCE NORTHWEST FROM THE INTERSECTION OF GEHLAR'S WEST RIGHT OF WAY AND EOLA'S NORTH RIGHT OF WAY TO THE NORTH CORNER. I ALSO HELD THE INTERIOR ANGLE AT THE NORTH CORNER OF THE DEDICATION TO RECREATE THE BEARING OF THE WEST LINE OF THE DEDICATION. I RECREATED A 25 FOOT CURVE TANGENT TO THE WEST LINE AND THE NORTH RIGHT OF WAY OF EOLA. THIS WAS NECESSARY BECAUSE THE INTERIOR ANGLE AT THE EAST CORNER IS DIFFERENT IN THIS SURVEY THAN THE CONVEYANCE.

ON THE SOUTH BOUNDARY, I USED THE EASTERLY TANGENT PORTION OF EOLA'S CENTERLINE FROM CS 15904. I RETRACED THE WESTERLY TANGENT USING FOUND MONUMENTS ON THE SOUTH RIGHT OF WAY OF EOLA FROM EAGLES VIEW NO. 4 WHICH, WHEN OFFSET ACROSS THE STREET, FIT THE SET MONUMENTS AT THE SOUTHWEST CORNER OF THE TRACT AND THE POINT OF TANGENCY OF THE SPIRAL CURVE. I RECREATED THE SPIRAL CURVE USING THESE TWO CENTERLINE TANGENTS AND RECORD GEOMETRY: 200 FOOT TRANSITIONS TO A 6" HORIZONTAL CURVE. I OFFSET THIS LINE 30 FEET FOR THE SOUTH BOUNDARY, AND ANOTHER SIX FEET FOR THE SOUTHERLY LOT LINES. MONUMENTS 1 AND 2 DEPICTED ON SHEET 1 WERE RESET TO THEIR CALCULATED POSITIONS PER THIS SURVEY. THE ORIGINAL MONUMENTS WHICH WERE RESET IN CS 15904 WERE INCOMPATIBLE WITH THE RECORD GEOMETRY OF THE SPIRAL CURVE DESCRIBED ABOVE.

THE BASIS OF BEARING IS ALONG THE EAST LINE OF PARTITION PLAT 2002-0004 PER CS 15904.

CONDITIONS OF APPROVAL FOR THIS SUBDIVISION ARE RECORDED IN DOC. NO. 2017-3189, POLK COUNTY RECORDS.

IMPROVEMENT AGREEMENT FOR THIS SUBDIVISION IS RECORDED IN DOC. NO. 2016-12599, POLK COUNTY RECORDS.

AGREEMENT AND ACKNOWLEDGEMENT OF SECURITY INTEREST IS RECORDED IN DOC. NO. 2017-718, POLK COUNTY RECORDS.

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

**APPROVALS AND ACCEPTANCE OF DEDICATION**

*Gissel Anhe-Ogli*  
CITY OF SALEM PLANNING ADMINISTRATOR  
SUBDIVISION CASE NO. SUB01-12A-EXT

9/19/17  
DATE

*Ferry Pappe*  
CITY OF SALEM SURVEYOR

9-15-17  
DATE

N/A  
POLK COUNTY SURVEYOR

DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH: DATE June 30, 2018

*Linda Fox* By *Susan Nisler*  
POLK COUNTY TAX COLLECTOR

9-25-17  
DATE

*Douglas Scholt*  
POLK COUNTY ASSESSOR

9/25/17  
DATE

*Craig Rose*  
CHAIRPERSON OR VICE-CHAIRPERSON  
POLK COUNTY BOARD OF COMMISSIONERS

9-25-17  
DATE

**INTERNAL AND CENTERLINE MONUMENTATION**

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERNAL AND CENTERLINE MONUMENTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. 2017-1546 POLK COUNTY DEED RECORDS.

*CTR*  
POLK COUNTY SURVEYOR

8/8/18  
DATE

STATE OF OREGON } S.S.  
COUNTY OF POLK

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 26th DAY OF September, 2017, AT 9:35 O'CLOCK AM AND RECORDED IN THE POLK COUNTY BOOK OF TOWN PLATS, VOLUME 15, PAGE 22.

*Cfain*  
DEPUTY COUNTY CLERK

9/26/2017  
DATE

**DECLARATION**

KNOW ALL MEN BY THESE PRESENTS THAT TRAN CO. AN OREGON DOMESTIC BUSINESS CORPORATION AND THE CITY OF SALEM, A MUNICIPAL CORPORATION, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, AND DESIRING TO DISPOSE OF THE SAME INTO LOTS, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED THE NAME TO BE KNOWN AS EAGLES VIEW NO. 5. WE HEREBY DEDICATE TO THE PUBLIC THE STREETS, EXCLUDING THE REAL PROPERTY DESCRIBED IN DOC. 2017-6553 AND GRANT THE EASEMENTS SHOWN HEREON. **ALSO, WE HEREBY DEDICATE TO THE PUBLIC THE SHOWN PUBLIC STORM DETENTION FACILITY.**

*Michael S. Compton*  
MICHAEL S. COMPTON, PRESIDENT  
TRAN CO.

*Gerry L. Koonce*  
GERRY L. KOONCE, VICE PRESIDENT  
TRAN CO.

*Steve Powers*  
STEVE POWERS, CITY MANAGER  
CITY OF SALEM, A MUNICIPAL CORPORATION

STATE OF OREGON } S.S.  
COUNTY OF Marion

ON THIS 17th DAY OF September, 2017, MICHAEL S. COMPTON, PRESIDENT, TRAN CO., PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

*Carol E. Herman*  
NOTARY SIGNATURE

*Carol E. Herman*  
NOTARY PUBLIC FOR OREGON

COMMISSION NO. 954863

MY COMMISSION EXPIRES: October 02, 2020

STATE OF OREGON } S.S.  
COUNTY OF Marion

ON THIS 17th DAY OF September, 2017, GERRY L. KOONCE, VICE PRESIDENT, TRAN CO., PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

*Sarah E. Bevilacqua*  
NOTARY SIGNATURE

*Sarah E. Bevilacqua*  
NOTARY PUBLIC FOR OREGON

COMMISSION NO. 965501

MY COMMISSION EXPIRES: August 17, 2021

STATE OF OREGON } S.S.  
COUNTY OF Marion

ON THIS 17th DAY OF September, 2017, STEVE POWERS, CITY MANAGER OF THE CITY OF SALEM, A MUNICIPAL CORPORATION, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

*Lynnda L. Rose*  
NOTARY SIGNATURE

*Lynnda L. Rose*  
NOTARY PUBLIC FOR OREGON

COMMISSION NO. 963001

MY COMMISSION EXPIRES: June 11, 2021

15-22

INTERIOR AND CENTERLINE MONUMENTATION AFFIDAVIT

I, Robert D. Hamman, being first duly sworn, do hereby say that in accordance with O.R.S. 92.070, I have correctly surveyed and marked with proper monuments, the Interior Lot Corners and Centerline monuments as indicated on the plat of Eagles View No. 5, as recorded in Book 15, Page 22, Book of Town Plats of Polk County, Oregon. Said monuments were set on Sept. 1, 2017.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert D. Hamman*

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6/30/2019

*Robert D. Hamman*

Robert D. Hamman, P.L.S. 64202LS

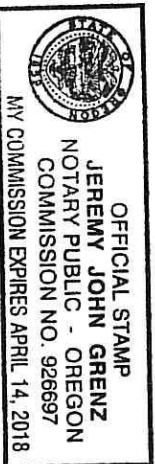
STATE OF OREGON )

) SS.

County of Marion )

This instrument was acknowledged before me on September 28, 2017 by

15-22



Notary Public—State of Oregon  
My commission expires: April 14, 2018

*Jeremy John Grenz*

15-22

CITY OF SALEM SURVEYOR APPROVAL

Approved this 14<sup>th</sup> day of December, 2017, in accordance with O.R.S. 92.070(4).

*Valerie Unger*  
Valerie Unger

COUNTY SURVEYOR APPROVAL

Approved this 20<sup>th</sup> day of December, 2017, in accordance with O.R.S. 92.070(4).

*Valerie Unger*  
Valerie Unger

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2017-015167



\$51.00

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\$5.00 \$10.00 \$11.00 \$20.00 \$5.00

After recording, return to:  
Polk County Surveyor  
820 SW Ash Street  
Dallas, OR 97338

## SUMMARY OF ACTION

1. **Case:** Subdivision Case No. 01-12 Amendment; Eagles View Subdivision
2. **Summary of Issue(s):** To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, add a public walkway at the west end of Eagle Scout Court NW, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW.
3. **Staff Recommendation:** Grant, subject to meeting the provisions in SRC Chapters 63, 68, 145 and 146 and 24 conditions of approval.
4. **Neighborhood Association:** West Salem Neighborhood Association.
  - a. **Oral Testimony:** None.
  - b. **Written Testimony:** None.
5. **Interested Parties:**
  - a. **Oral Testimony:** None.
  - b. **Written Testimony:** All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. One adjacent property owner submitted the following comments:

"I'm generally in favor of the changes. The 'walkways' tend to be an unimproved eyesore and gathering place for wheels, garbage, and rocks. The T at Eagle Ray looks like it will be a tight fit for fire suppression or even regular traffic. No parking restrictions might make sense if street parking is a problem in Phases I and II. The cul-de-sac idea is good though."

**Staff Response:** A pedestrian access way will provide access to and from the proposed subdivision when the property to the west is developed. The collection of garbage within a pedestrian access way is a code enforcement issue and Code Enforcement or Police should be contacted. The City of Salem Police was notified of the proposal and indicated no objections. The City of Salem Fire Department was notified of the proposal and did not provide any comments. The amendment is for Phases 5 and 6 only. Phases I and II are not included in this amendment proposal.
6. **Decision:** Grant, subject to meeting the 24 conditions of approval contained in the Findings and Order.
7. **Basis for Decision** Proposal complies with the Subdivision Code (SRC Chapter 63) and the Salem Zone Code, conforms with the Plan designation, does not impede future use of the property or adversely affect the development and access to any adjoining properties. The proposal is conditioned to address necessary facility improvements and meet code and design standards.

**Note:** This summary statement is for information only and is not a part of the official record or finding of the case.



# SUBDIVISION REVIEW COMMITTEE

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



**ISSUE:** Eagles View Subdivision Plat No. 01-12 - Amended

**DATE OF DECISION:** March 23, 2007

**APPLICANT:** Larry Epping of Granada Land Company

## PURPOSE OF REQUEST:

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, ~~add a public walkway at the west end of Eagle Scout Court NW~~, and increase the overall lot count from 405 to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW.

## ACTION: IT IS HEREBY ORDERED

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

**Condition 1** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City

**Amendment:** of Salem Traffic Engineer dated December 13, 2001, as follows:

- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
- B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.
- C) The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6.

**Condition 2** [Removed - addressed in Condition 1 Amendment]

**Amendment:**

**Condition 3:** At the time of construction plans submittal, the applicant shall be required to demonstrate that there is adequate sight distance for the designated design speed for Eola Drive NW.

**Condition 4:** There were two alternatives for Doaks Ferry Road NW in Preliminary Declaration for UGA R99-05. Since the proposed development will access Doaks Ferry Road NW, the requirements as described in UGA R99-05 shall be met.

**Condition 5:** The applicant shall convey sufficient right-of-way along the west line of Gehlar Road NW to complete the planting strip and sidewalks at the intersection of Eola Drive NW.

- Condition 6:** All internal streets including the extension of Arroyo Ridge Drive NW and Sunwood Drive NW shall be constructed to local street standards, requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. In areas where the cross slope is 8 percent or greater, the streets can be constructed with 30-foot-wide improvements within 50-foot-wide right-of-way, with 4-foot-wide sidewalks (SRC 63.235 (f)(2)).
- Condition 7:** Sidewalks within 400 feet of a school and provide direct access to a school shall be constructed to a minimum width of 8 feet (SRC 63.235 (i)). The applicant should contact the City Traffic Engineer to determine the exact limits of the 8-foot-wide sidewalk locations.
- Condition 8:** All street grades shall meet the requirements of the City of Salem Street Design Standards Section 2.10.
- Condition 9 Amendment:** Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phases 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.
- Condition 10:** Taper sections shall be constructed between the existing pavement sections and the proposed improvements to meet the requirements of the City of Salem Street Design Standards.
- Condition 11:** There is a proposed private accessway located along the south line of the proposed street accessing Doaks Ferry Road NW. The intersection of the accessway and the internal street is too close to the intersection of Doaks Ferry Road NW and the internal street. The City Traffic Engineer indicates that the accessway shall be relocated along the common north line of proposed Lots of 27 and 34 or an alternative approved location, to prevent conflicting turning movements and congestion at the intersection. If proposed Lots 24, 25, 26 and 27 are intended to be developed beyond a single family use, a street shall be constructed to serve them versus an accessway.
- Condition 12:** The applicant shall design and construct a complete storm drainage system at the time of development. All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.
- Condition 13:** The internal storm drainage system shall include perimeter drainage systems as required to prevent drainage onto adjacent parcels, the existing seasonal drainage area, and an existing drainage swale that drains toward the lots located along the west line of Suncrest Avenue NW.
- Condition 14:** There was a preliminary geotech investigation submitted in October 2000 for the subject property. This report was submitted prior to the implementation of SRC Chapter 69, and is therefore only stamped by an engineer. No active or inactive landslides were identified on the subject property. This report is for preliminary subdivision design. Additional geotechnical investigation may be necessary for the subdivision and building lots on slopes greater than 40 percent and should be reviewed prior to construction.
- Condition 15:** A National Pollutant Discharge Elimination System (NPDES) permit from the State of Oregon is required for all construction activities which disturb five acres or more. The NPDES permit must be obtained through the Oregon Department of Environmental Quality.
- Condition 16:** A public water line shall be constructed within the limits of the proposed development to meet the requirements of the proposed use.
- Condition 17:** The applicant shall design and construct an adequate water system to serve the small island of W-3 service area, including fire protection, as a condition of development in the W-3 area.
- Condition 18:** The 8-inch water lines in Arroyo Ridge Drive NW and Sunwood Drive NW shall be looped with the proposed internal water system (PWDS 2.10).
- Condition 19:** All Salem Wastewater Management Master Plan (SWMMP) requirements for the subject property were addressed for this area in Preliminary Declaration for UGA R99-05.

- Condition 20:** As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS 2.00).
- Condition 21:** All wells on site are to be permanently abandoned according to state construction standards.
- Condition 22:** The northwest corner of lot 369 of the school/park subdivision plan proposal or lot 385 of the park subdivision proposal shall be extended to the northwest corner of lot 372 of the school/park subdivision proposal or lot 385 of the school/park subdivision proposal.
- Condition 23:** The applicant shall reserve the school site portion of the land indicated on the tentative plan until January 1, 2003. This date would give the school district time to budget the purchase and time for the applicant and the district to commit to the purchase.
- Condition 24:** If the school district does not acquire the school site, the lot layout shown shall be used. The additional streets shown, in addition to those improvements recommended by the Assistant City Traffic Engineer shall apply.

This tentative decision is valid and remains in effect for two years. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.051 and ORS 92.080, before recordation. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Application Filing Date: January 26, 2007  
State Mandated Decision Date: May 26, 2007  
Decision Date: March 23, 2007

Decision Issued According to Salem Revised Code 63.047

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than **April 9, 2007, 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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 Salem 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.

Application Filing Date:  
State Mandated Decision Date:  
Decision Date:

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 18, 2006, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Brandie Dalton, Interim Senior Planner, Ext. 7509, [bdalton@cityofsalem.net](mailto:bdalton@cityofsalem.net)



**BEFORE THE SUBDIVISION REVIEW COMMITTEE  
OF THE CITY OF SALEM  
AMENDED SUBDIVISION PLAT NO. 01-12A**

<b>IN THE MATTER OF</b>	)	
<b>AMENDING TENTATIVE SUBDIVISION</b>	)	
<b>PLAT APPLICATION NO. 01-12A;</b>	)	<b>FINDINGS AND ORDER</b>
<b>3000 BLOCK OF GEHLAR ROAD NW,</b>	)	
<b>BALD EAGLE AVENUE NW, EOLA DRIVE NW,</b>	)	
<b>AND THE 500 BLOCK OF DOAKS FERRY</b>	)	
<b>ROAD NW (EAGLES VIEW SUBDIVISION)</b>	)	

**PROCEDURAL FINDINGS**

1. On March 30, 1999, Larry Epping of Granada Land Company, filed an application for an Urban Growth Area (UGA) Development Permit. The Development Review Committee (DRC) held a public meeting on May 27, 1999, regarding UGA 99-5 to receive input regarding the major facilities that will be required to develop the subject property. On June 25, 1999, the DRC issued a Preliminary Declaration stating which facilities would be required to develop the subject property.
2. On July 22, 1999, the West Salem Neighborhood Association filed an appeal of UGA Permit No. 99-5.
3. On August 23, 1999, the City Council heard the appeal of the West Salem Neighborhood Association. On September 7, 1999, the Council affirmed the Preliminary Declaration for UGA 99-5 of the Development Review Committee.
4. On further appeal, LUBA conducted a review of the City's Preliminary Declaration and remanded the decision back to the City for adequate findings as to how the requirements of SRC 66.125 are met regarding parks and to provide findings that the existing storm drainage facilities abutting the property are adequate.
5. On January 22, 2001, the City Council set a public hearing regarding the remanded points for February 12, 2001. At the request of the applicant, the public hearing was delayed until February 26, 2001. The purpose of the delay was to expand the scope of the public hearing to include testimony regarding provisions for a Development Agreement.
6. The public hearing was held on February 26, 2001, on the remand and the Council deliberated on April 2, 2001. It was the decision of the Council to adopt the alternative presented in the staff report and deny the UGA development application.
7. On April 9, 2001, the Council voted to reconsider its April 2, 2001 decision to deny UGA 99-5. This action would enable Council consideration of legally supportable alternatives in lieu of an action to "deny" the application.
8. On April 16, 2001, staff provided Council new and corrected alternative actions for consideration. The Council requested answers to four additional questions.
9. On May 29, 2001, the Council continued deliberations. It was the action of the Council to reopen the public hearing to receive testimony regarding the remand and whether the 1978 Parks and Recreation Technical Study may form the basis of a requirement for a park land set-aside.
10. On July 6, 2000, Mark Grenz of Multi-Tech Engineering, on behalf of Granada Land Co., filed a subdivision application for a subdivision located north and south of Eola Drive, east of Doaks Ferry Road and west of Sunwood Subdivision. The application was deemed complete on October 11, 2000. The applicant agreed that processing would not be commenced until approval of UGA 99-5 by the City Council and the 120-day state mandated decision date would be taken from that date.
11. On August 27, 2001, the City Council adopted Resolution No. 2001-117 approving UGA 99-5 and adopted Ordinance No. 50-2001 approving a development agreement between the developer of Eagles View Subdivision and the City. The developer agreed to establish a park within the proposed subdivision and the City agreed to pay acquisition costs as determined in the agreement.

12. The subdivision review conference was held on October 9, 2001, as scheduled. The applicant, his engineer and his attorney were in attendance. One interested person was also in attendance. Testimony was received and the review conference was closed. The subdivision review committee held the written record open until October 23, 2001 to receive testimony regarding the subdivision in general and the appellant to provide a revised site plan regarding the status of a portion of the subdivision if the school district does not opt to acquire land for a school site. The applicant was allowed seven days or until 5:00 p.m. on October 30, 2001 to respond to the additional written testimony. The applicant submitted a written response on October 30, 2001. The State mandated decision date was extended by the applicant until February 25, 2002.
13. During the open comment period, the Salem-Keizer School District responded with an alternative school site. The alternative site would place the location of the school north of the originally proposed site, adjacent to a north-south and east-west street. The revised plan would allow for the drainage way to be located within the proposed park site.
14. City Council affirmed the Planning Administrator's approval of Eagles View Subdivision Plat No. 01-12. Eagles View Subdivision Plat No. 01-12 was approved by City Council Resolution No. 2002-32 on May 29, 2002.
15. On January 6, 2007, Mark Grenz, on behalf of the Granada Land Co., filed an amendment to Phases 5 and 6 of Subdivision 01-12. The requested amendment would eliminate the stub street of Roman Eagle Street NW in Phase 5, eliminate the stub street in Phase 6 and replace it with a cul-de-sac, add a public walkway at the west end of Eagle Scout Court NW, and increase the overall lot count from 405 to 409 lots. The application was deemed complete January 26, 2007.
16. The Subdivision Review Conference was held on March 6, 2007, at 9:00 a.m. The following Sections provide information on the application materials submitted, and comments received to date. Please feel free to contact Brandie Dalton, Interim Senior Planner, at (503) 588-6173 ext. 7509 if you have questions regarding this application.

## **SUBSTANTIVE FINDINGS**

### **1. Request**

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, ~~add a public walkway at the west end of Eagle Scout Court NW,~~ and increase the overall lot count from 405 to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

At the Subdivision Review Conference on March 6, 2007, it was determined by Planning, Public Works, and Parks staff that a public walkway to the property to the west was not feasible due to the topography.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (Attachment 1).

### **2. Salem Area Comprehensive Plan (SACP)**

The Salem Area Comprehensive Plan Map (SACP) designates the subject property as "Developing Residential." The Plan designation is implemented by the RA (Residential Agriculture) zone in the City which allows for residential development.

The subject property is located outside the Urban Services Area (USA). The Preliminary Declaration for an Urban Growth Area Development Permit (UGA 99-5) was approved by the City Council on August 27, 2001 by Resolution No. 2001-117. Several conditions of approval were placed on the development of the subject property. If approved, the subdivision must comply with those conditions.

### **3. Surrounding Zoning and Land Uses**

The subject property is vacant. The Bonneville Power Administration (BPA) power line runs through the eastern portion of the property.

Surrounding zoning and land uses are:

North: (North of Gehlar Road), RS (Residential Single Family), single family dwellings in Woodhaven Subdivision  
(South of Eola Drive abutting the proposed subdivision), RA (Residential Agriculture), single family dwellings  
South: (Polk County, Outside UGB), vacant, EFU (Exclusive Farm Use)  
East: RS (Single Family Residential), single family dwellings in Sunset Hills and Woodhaven Subdivisions  
West: RA (Residential Agriculture), vacant (Across Doaks Ferry Road, outside city limits), SR (Suburban Residential), single family dwellings

#### 4. Natural Features

The applicant's original tree conservation plan was reviewed and approved by the City for conformance with SRC Chapter 68 on July 12, 2000. There are no proposed changes to the tree conservation plan with this amendment.

The property is not located within an FEMA floodway or floodplain. The USGS quad map indicates an east-west drainage way on the eastern portion of the subject property. There are no identified wetlands on the subject property.

The subject property is mapped for landslide hazards. The application was deemed complete on October 11, 2000, prior to the effective date of the landslide ordinance. Regardless, the Public Works Department indicated that the applicant submitted a geotechnical investigation of the property in October 2000. The report was submitted prior to implementation of SRC Chapter 69. No active or inactive slides were identified in the report. The report was for a preliminary subdivision design. The Public Works Department indicated that additional geotechnical investigation may be required for the subdivision and building lots containing slopes greater than 40 percent.

#### 5. Access and Circulation

##### General Circulation

The subject property has frontage on Eola Drive NW, Doaks Ferry Road NW and Gehlar Road NW. Eola Drive is designated as a minor arterial and Doaks Ferry Road NW is designated as a major arterial in the Salem Transportation System Plan (STSP). Phase 5 has frontage along Doaks Ferry Road while Phase 6 has frontage along Gehlar Road (north) and Eola Drive (south). Proposed streets within the subdivision would connect to existing streets.

The applicant's amendment is to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, add a public walkway at the west end of Eagle Scout Court NW, and increase the overall lot count from 405 to 409 lots.

The City of Salem Public Works Department has reviewed the proposed amendments and provided the following Conditions to be amended (Attachment 4).

**Condition 1:** *All street improvements of Preliminary Declaration for UGA 99-05 shall apply to the proposed development. Pending the completion of the TIA, no additional right-of-way dedication or street improvements will be required along the boundary streets.*

**Condition 1 Amendment:** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City of Salem Traffic Engineer dated December 13, 2001, as follows:

- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
- B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.



- C) The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6.

**Condition 2:** *The applicant shall comply with the requirements outlined in the memorandum dated December 13, 2001, from the Assistant City Traffic Engineer to the Planning Administrator.*

**Condition 2 Amendment:** [Removed - addressed in Condition 1 Amendment]

**Condition 9:** *The applicant shall construct local streets as shown on the preliminary plan to provide future connectivity to the undeveloped parcels located north and southwest of Eola Drive NW and west of the proposed development, south of Gehlar Road NW.*

**Condition 9 Amendment:** Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phases 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.

## **6. Site Analysis and Lot Layout**

The applicant's original tentative subdivision proposal resulted in an overall total of 405 buildable lots. The amendment increases the number of lots to 409 buildable lots (Attachment 3). There is also a proposed detention basin located within Phase 5 of Eagles View Subdivision, which is identified as a Tract. The proposed Tract is not a developable lot and shall be used for the detention basin.

The minimum lot size and dimension standards for subdivisions are established under SRC Chapter 63 (Subdivisions). For flag lots, the minimum standards apply exclusive of the proposed accessway serving the lot. The following minimum standards apply:

- Lot Width (SRC 63.145(a)): 40 ft. (on cul-de-sac turnarounds the front lot line width can be reduced to 30 ft. provided that the lot width at the front building setback line shall be 40 ft. (SRC 63.145(d))
- Lot Depth (SRC 63.145(b)): 70 ft. (Maximum Lot Depth = 300 percent of the average lot width)
- Lot Area (SRC 63.145(c)): 4,000 ft.<sup>2</sup>

Access to the flag lots within the subdivision (Lots 399 (Phase 6) and Lots 351 through 356 (Phase 5)) is proposed in the form of a flag lot accessway. SRC Chapter 63, Table 63-1 establishes the following flag lot accessway standards:

- Accessway serving 2 to 4 Lots: 20 ft. paved width within a 25 ft. accessway

## **7. Neighborhood Association and Citizen Comments**

### **Comments Received Prior to the Subdivision Review Conference:**

A. The subject property is located within the West Salem Neighborhood Association. The Association was notified of the proposed subdivision, and no comments were received from the Association prior to the Subdivision Review Conference.

B. All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. One adjacent property owner submitted the following comments:

"I'm generally in favor of the changes. The 'walkways' tend to be an unimproved eyesore and gathering place for wheels, garbage, and rocks. The T at Eagle Ray looks like it will be a tight fit for fire suppression or even regular traffic. No parking restrictions might make sense if street parking is a problem in Phases I and II. The cul-de-sac idea is good though."

**Staff Response:** At the Subdivision Review Conference on March 6, 2007, it was determined by Planning, Public Works, and Parks staff that a public walkway to the property to the west was not feasible due to the topography. The City of Salem Police was notified of the proposal and indicated no objections. The amendment is for Phases 5 and 6 only. Phases I and II are not included in this amendment proposal.

**Comments Received at the Subdivision Review Conference:**

There were no comments received at the Subdivision Review Conference from the Neighborhood Association, the applicant, or adjacent property owners.

**8. City Department Comments**

The Police Department reviewed the proposal and indicated they have no comments.

Public Works Department, Engineering Division, comments are provided as Attachment 4.

**9. Public Agency Comments**

The Oregon Department of Transportation was notified of the proposal and indicated no objections.

The Salem-Keizer School District provided comments as indicated in the original tentative subdivision 01-12A decision dated January 11, 2002.

“The Salem-Keizer School District was advised of the subdivision request and indicated they reviewed the proposal. They responded that the total estimated number of additional students is 185, which is estimated to be 33 students over current capacity and the total estimated cost to the school district will be \$330,000. The district estimates that the revenue from the proposed development is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of revenue.

The School District also responded to the second request for comments. Their comments dealt with the adequacy of the proposed land for a school site. They commented that the “School District would have great difficulty trying to build a school on a property bisected by a drainage swale and retention basin.” The school district provided a revised plan placing the school area to the north along the east-west street that connects to Sunwood Drive NW.”

**Staff Response:** The memorandum dated October 12, 2001, that was mailed to interested persons included two maps. Map No. 1 showed the proposed subdivision with a 10.16 acre school and park site. Map No. 2 indicated what the configuration of the subdivision would be if the school district decided to not opt for locating a school within this area of the subdivision. The combination school and park site has a drainage way bisecting the property but no detention basin is indicated. The school district submitted an alternative plan locating the school north of the originally proposed school park site. The Planning Administrator has determined that the alternative proposal by the school district would provide a better school site. In addition, the drainage way within the park site would provide for protection of the drainage way.

The City and the developer have entered into an agreement for the acquisition of approximately five acres of park land. The agreement stipulates the approximate location as indicated in the agreement, which is as proposed on Map No. 2 of the October 12, 2001 memorandum.

- 10.** Salem Revised Code (SRC) 63.046 set forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criterion highlighted in **bold** print, followed by findings of fact upon which the Planning Administrator's decision is based. Lack of compliance with land division standards is grounds for denial of tentative plat approval, or for the issuance of certain conditions necessary to more fully satisfy such considerations. The applicant's proposed subdivision, for the purpose of dividing the subject 23.16 acre (Phase 5-14.17 acres and Phase 6-8.99 acres) property, has been reviewed for compliance with the following standards, and as detailed in the facts and findings of this staff report, including all attachments hereto, the following approval criteria have been sufficiently addressed to warrant approval of the applicant's tentative subdivision plat, subject to conditions.

**(a) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto.**

The proposed subdivision utilizes the entire property, with no remainder. The amended layout of the proposed subdivision responds to the existing street network and physical constraints of the property. The subject property has frontage on Eola Drive NW, Doaks Ferry Road NW and Gehlar Road NW. Eola Drive is designated as a minor arterial and Doaks Ferry Road NW is designated as a major arterial in the Salem Transportation System Plan (STSP). Phase 5 has frontage along Doaks Ferry Road while Phase 6 has frontage along Gehlar Road (north) and Eola Drive (south). Proposed streets within the subdivision would connect to existing streets. The proposed lots, as illustrated on the tentative subdivision plan, are of sufficient size and dimensions to permit the future development of one single family dwelling each, or development of other SRC Chapter 146 "permitted," "special," or "conditional" uses. There is no evidence that the proposed subdivision, and subsequent development of the newly created lots will adversely affect public services to any surrounding properties. Approval of the proposed subdivision does not impede future use of the property.

The local and arterial street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood. The amended subdivision proposal does not create the need for any changes to that system.

At the time of the original subdivision proposal (2001), the Salem Keizer School District, in collaboration with the City's Community Development and Community Services Departments, have demonstrated the need for a neighborhood park and an elementary school in this area of West Salem. Construction and build-out of the subdivision furthers this need. The location of the proposed subdivision is the only viable remaining land in the general vicinity inside the Urban Growth Boundary, which can accommodate the school/ park facility. The subdivision amendment does not affect the conditions of approval as stated below:

**Condition 22:** The northwest corner of lot 369 of the school/park subdivision plan proposal or lot 385 of the park subdivision proposal shall be extended to the northwest corner of lot 372 of the school/park subdivision proposal or lot 385 of the school/park subdivision proposal.

**Condition 23:** The applicant shall reserve the school site portion of the land indicated on the tentative plan until January 1, 2003. This date would give the school district time to budget the purchase and time for the applicant and the district to commit to the purchase.

**Condition 24:** If the school district does not acquire the school site, the lot layout shown shall be used. The additional streets shown, in addition to those improvements recommended by the Assistant City Traffic Engineer shall apply.

**(b) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plans.**

The Salem Public Works Department reviewed the proposal and determined that water, sewer, streets, and storm drainage facilities can be provided to the proposed lots in compliance with the City's public facility plans.

While SRC Chapter 63 does not require submission of facility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate city water, sewer, transportation, and storm drainage facilities to serve the proposed lots prior to final plat approval without impeding service to the surrounding area. The applicant shall construct improvements to the specifications of the Public Works memo dated February 26, 2007 (Attachment 4). Conditions placed upon the approval of the proposed subdivision ensure compliance with the City's public facility plans prior to recordation of the final plat. To comply with City public facility plan requirements, the following conditions shall apply:

**Condition 1 Amendment:** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City of Salem Traffic Engineer dated December 13, 2001, as follows:

- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
- B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.
- C) The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6.

**Condition 2 Amendment:** [Removed - addressed in Condition 1 Amendment]

**Condition 3:** At the time of construction plans submittal, the applicant shall be required to demonstrate that there is adequate sight distance for the designated design speed for Eola Drive NW.

**Condition 4:** There were two alternatives for Doaks Ferry Road NW in Preliminary Declaration for UGA R99-05. Since the proposed development will access Doaks Ferry Road NW, the requirements as described in UGA R99-05 shall be met.

**Condition 5:** The applicant shall convey sufficient right-of-way along the west line of Gehlar Road NW to complete the planting strip and sidewalks at the intersection of Eola Drive NW.

**Condition 6:** All internal streets including the extension of Arroyo Ridge Drive NW and Sunwood Drive NW shall be constructed to local street standards, requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. In areas where the cross slope is 8 percent or greater, the streets can be constructed with 30-foot-wide improvements within 50-foot-wide right-of-way, with 4-foot-wide sidewalks (SRC 63.235 (f)(2)).

**Condition 7:** Sidewalks within 400 feet of a school and provide direct access to a school shall be constructed to a minimum width of 8 feet (SRC 63.235 (i)). The applicant should contact the City Traffic Engineer to determine the exact limits of the 8-foot-wide sidewalk locations.

**Condition 8:** All street grades shall meet the requirements of the City of Salem Street Design Standards Section 2.10.

**Condition 9 Amendment:** Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phases 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.

**Condition 10:** Taper sections shall be constructed between the existing pavement sections and the proposed improvements to meet the requirements of the City of Salem Street Design Standards.

**Condition 11:** There is a proposed private accessway located along the south line of the proposed street accessing Doaks Ferry Road NW. The intersection of the accessway and the internal street is too close to the intersection of Doaks Ferry Road NW and the internal street. The City Traffic Engineer indicates that the accessway shall be relocated along the common north line of proposed Lots of 27 and 34 or an alternative approved location, to prevent conflicting turning movements and congestion at the intersection. If proposed



Lots 24, 25, 26 and 27 are intended to be developed beyond a single family use, a street shall be constructed to serve them versus an accessway.

- Condition 12:** The applicant shall design and construct a complete storm drainage system at the time of development. All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.
- Condition 13:** The internal storm drainage system shall include perimeter drainage systems as required to prevent drainage onto adjacent parcels, the existing seasonal drainage area, and an existing drainage swale that drains toward the lots located along the west line of Suncrest Avenue NW.
- Condition 14:** There was a preliminary geotech investigation submitted in October 2000 for the subject property. This report was submitted prior to the implementation of SRC Chapter 69, and is therefore only stamped by an engineer. No active or inactive landslides were identified on the subject property. This report is for preliminary subdivision design. Additional geotechnical investigation may be necessary for the subdivision and building lots on slopes greater than 40 percent and should be reviewed prior to construction.
- Condition 15:** A National Pollutant Discharge Elimination System (NPDES) permit from the State of Oregon is required for all construction activities which disturb five acres or more. The NPDES permit must be obtained through the Oregon Department of Environmental Quality.
- Condition 16:** A public water line shall be constructed within the limits of the proposed development to meet the requirements of the proposed use.
- Condition 17:** The applicant shall design and construct an adequate water system to serve the small island of W-3 service area, including fire protection, as a condition of development in the W-3 area.
- Condition 18:** The 8-inch water lines in Arroyo Ridge Drive NW and Sunwood Drive NW shall be looped with the proposed internal water system (PWDS 2.10).
- Condition 19:** All *Salem Wastewater Management Master Plan* (SWMMP) requirements for the subject property were addressed for this area in Preliminary Declaration for UGA R99-05.
- Condition 20:** As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS 2.00).
- Condition 21:** All wells on site are to be permanently abandoned according to state construction standards.

**(c) The tentative plan complies with all applicable provisions of the Salem Revised Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in Chapter 63.**

The Salem Revised Code (SRC), including the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The proposed subdivision has been reviewed for compliance with all applicable SRC provisions, and as proposed and conditioned, is found to be in compliance with the relevant criteria.

**SRC Chapter 63 (Subdivisions):** The intent of the SRC Chapter 63 subdivision code is to provide for orderly development through the application of appropriate standards and regulations. The applicant met all application submittal requirements necessary for adequate review of the proposed amended land division. As proposed, and with conditions of approval,

the amended subdivision conforms to SRC Chapter 63 property division standards as follows:

**Parcel Configuration:** The subdivision (Eagles View Subdivision) is for a 405-lot subdivision development (Attachment 2). The proposed amendment increases the number of lots to 409 lots. SRC Chapters 63.145(c) and 146.070(a) establish a minimum lot area of 4,000 square feet. SRC 63.145(a) and (b) require a minimum lot width of 40 feet for standard lots and 30 feet for lots on a cul de sac and a minimum average lot depth of 70 feet. The depth of a lot cannot exceed 300 percent of the average lot width. SRC 63.145(b) requires each double frontage lot to have an average depth of 120 feet. No variances to lot standards are necessary.

All proposed lots meet the SRC Chapter 63 street frontage standard. All lots, as proposed in the tentative subdivision plat, appear suitable for the general purpose for which they are intended to be used, such as future development of one single family dwelling each, or development of other SRC Chapter 146 "permitted," "special," or "conditional" uses. The lots, as proposed and conditioned, appear to be of size and design as not to be detrimental to the health, safety, or sanitary needs of the existing and/or future residents of the lots created.

**Adequate Utilities:** The subdivision, as proposed and with conditions of approval, can be adequately served with water supply, sewage disposal, and storm drainage facilities, as detailed in the Public Works Memo incorporated herein as Attachment 4. The subdivision can also be served with other utilities appropriate to the nature of the development. Costs for the installation and extension of adequate utilities to serve the subject property, without impeding service to the surrounding area, is the responsibility of the developer. SRC Chapter 63.165 requires provision of public construction and maintenance easements for maintenance of all public utilities. In order to ensure conformance with this standard, the following condition of approval shall apply:

- Condition 12:** The applicant shall design and construct a complete storm drainage system at the time of development. All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.
- Condition 13:** The internal storm drainage system shall include perimeter drainage systems as required to prevent drainage onto adjacent parcels, the existing seasonal drainage area, and an existing drainage swale that drains toward the lots located along the west line of Suncrest Avenue NW.
- Condition 16:** A public water line shall be constructed within the limits of the proposed development to meet the requirements of the proposed use.
- Condition 17:** The applicant shall design and construct an adequate water system to serve the small island of W-3 service area, including fire protection, as a condition of development in the W-3 area.
- Condition 18:** The 8-inch water lines in Arroyo Ridge Drive NW and Sunwood Drive NW shall be looped with the proposed internal water system (PWDS 2.10).
- Condition 19:** All Salem Wastewater Management Master Plan (SWMMP) requirements for the subject property were addressed for this area in Preliminary Declaration for UGA R99-05.
- Condition 20:** As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS 2.00).
- Condition 21:** All wells on site are to be permanently abandoned according to state construction standards.

**Hazards, Site Disruption, and Limitations to Development:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site, in order that no additional variances from the Salem Zoning Code are required for development of the lots created, that buildings may be reasonably sited thereon, and the least disruption of the site, topography, and vegetation will result from reasonable development of the lots. According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain mapped wetlands or waterways, however, there are hydric soils present on site.

The subject property is mapped for landslide hazards. The application was deemed complete on October 11, 2000, prior to the effective date of the landslide ordinance. Regardless, the Public Works Department indicated that the applicant submitted a geotechnical investigation of the property in October 2000. The report was submitted prior to implementation of SRC Chapter 69. No active or inactive slides were identified in the report. The report was for a preliminary subdivision design. The Public Works Department indicates that additional geotechnical investigation may be required for the subdivision and building lots containing slopes greater than 40 percent.

**Condition 14:** There was a preliminary geotech investigation submitted in October 2000 for the subject property. This report was submitted prior to the implementation of SRC Chapter 69, and is therefore only stamped by an engineer. No active or inactive landslides were identified on the subject property. This report is for preliminary subdivision design. Additional geotechnical investigation may be necessary for the subdivision and building lots on slopes greater than 40 percent and should be reviewed prior to construction.

**Condition 15:** A National Pollutant Discharge Elimination System (NPDES) permit from the State.

The City of Salem requires an erosion control permit for ground disturbance involving 25 cubic yards of material, 2,000 square feet of land, or on slopes 25 percent or greater. These requirements are applied at the time of development of the property. Therefore, there are no significant impacts anticipated related to sediment or erosion control.

**SRC Chapter 64 (Comprehensive Planning):** The subdivision, as proposed and with conditions of approval, conforms to the Salem Area Wastewater Management Master Plan, the Stormwater Master Plan, the Water System Master Plan, and the Salem Transportation System Plan, adopted under SRC 64.230, as detailed in the findings of this report. The subdivision has also been reviewed for conformance with the Comprehensive Parks System Master Plan. Pedestrian access is provided via existing and proposed sidewalks. Therefore, the proposal meets the requirements of the Park System Master Plan.

**SRC Chapter 65 (Excavations and Fills):** The provisions of SRC Chapter 65 ensure that any excavation or fill adjacent to public rights-of-way or within a public easement, designated waterway, or flood plain overlay zone creates no imminent danger to public safety or public facilities and does not create a public nuisance. SRC Chapter 65 also prohibits excavation or fill that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred. There is no evidence that the subject property cannot be developed consistent with the provisions of SRC Chapter 65.

**SRC Chapter 66 (Urban Growth Management):** The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to subdivision of property outside of the Salem Urban Service Area (USA), an Urban Growth Area (UGA) Development Permit must be obtained. The applicant has an approved UGA Permit (UGA Case No. 99-5). The applicant is subject to all applicable provisions of UGA Permit 99-5.

**SRC Chapter 68 (Tree Preservation):** The applicants' original tree conservation plan was reviewed and approved by the City for conformance to SRC Chapter 68 on July 12, 2000. There are no proposed changes to the tree conservation plan with this amendment.

**SRC Chapter 69 (Landslide Hazards):** The subject property is mapped for landslide hazards. The application was deemed complete on October 11, 2000, prior to the effective date of the landslide ordinance. Regardless, the Public Works Department indicated that the applicant submitted a geotechnical investigation of the property in October 2000. The report was

submitted prior to implementation of SRC Chapter 69. No active or inactive slides were identified in the report. The report was for a preliminary subdivision design. The Public Works Department indicates that additional geotechnical investigation may be required for the subdivision and building lots containing slopes greater than 40 percent.

SRC Chapter 132 (Landscaping): The provisions of SRC Chapter 132 require that all significant trees located within required yards (e.g., setback areas) be retained. If trees are removed from required yards, the removal is mitigated through replanting measures. This provision of the code is a standard requirement that is applied through a ministerial review during the building permit review process, thus no additional conditions of approval are required to ensure compliance with SRC Chapter 132 requirements.

SRC Chapter 146 - The subdivision code, SRC 63.145(i), requires that lots be suitable for the general purpose for which they are likely to be used. 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 lot layout and sizes are influenced by configuration of the subject property. No variances to the provisions of the Salem Revised Code are necessary.

Final review of site plans for individual dwellings to be constructed within the proposed subdivision is done as part of the building permit process where compliance with the requirements of the SRC Chapter 146 is determined. Construction plans for facilities within the development will be reviewed for compliance with conditions of approval and design standards.

- (d) **The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.**

Transportation Planning Rule Review: Oregon Administrative Rule (OAR) 660-012-0055(4)(b) states "Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, must apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted." The City of Salem has not adopted code amendments to fully comply with OAR 660-012-0045(3) or (4), the Oregon Transportation Planning Rule (TPR), and the city is currently under periodic review for compliance with those sections of the TPR. Thus, the City of Salem must apply the relevant sections of OAR 660-012-0055(4)(b) to all land use and limited land use decisions. The TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision 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 Salem-Keizer Transit District provides the nearest bus service to the site via Route 23, on Eola Drive.
- (b) **Pedestrian Connectivity** - The applicant will be required to construct all internal streets in accordance with the City's adopted local street standards, therefore fulfilling requirements of pedestrian connectivity and providing pedestrian access from within the subdivision to adjacent residential areas, transit stops, and the surrounding neighborhood.

The subdivision and proposed amendments, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent the subdivided property will conform to the Salem Transportation System Plan and the State Transportation Planning Rule, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

- (e) **The planning administrator shall adopt written findings and conclusion in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of the decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to a notice of filing under SRC 63.042.**

The adopted findings and conclusions are contained herein and made a part of the record. The certificate of mailing is contained in the staff file.



11. Based upon the review of SRC 63.046 (b), Findings set forth in Section 10 and the comments described, the tentative plan complies with the applicable provisions of the Subdivision Code and the Salem zoning ordinance, and is in conformance with the purpose expressed in SRC 63.020 and the Salem Area Comprehensive Plan.

### IT IS HEREBY ORDERED

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

**Condition 1 Amendment:** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City of Salem Traffic Engineer dated December 13, 2001, as follows:

- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
- B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.
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**Condition 2 Amendment:** [Removed - addressed in Condition 1 Amendment]

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**Condition 4:** There were two alternatives for Doaks Ferry Road NW in Preliminary Declaration for UGA R99-05. Since the proposed development will access Doaks Ferry Road NW, the requirements as described in UGA R99-05 shall be met.

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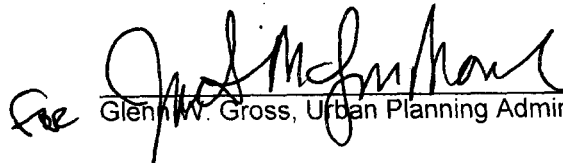
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- Condition 13:** The internal storm drainage system shall include perimeter drainage systems as required to prevent drainage onto adjacent parcels, the existing seasonal drainage area, and an existing drainage swale that drains toward the lots located along the west line of Suncrest Avenue NW.
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- Condition 23:** The applicant shall reserve the school site portion of the land indicated on the tentative plan until January 1, 2003. This date would give the school district time to budget the purchase and time for the applicant and the district to commit to the purchase.
- Condition 24:** If the school district does not acquire the school site, the lot layout shown shall be used. The additional streets shown, in addition to those improvements recommended by the Assistant City Traffic Engineer shall apply.

This tentative decision is valid and remains in effect for two years. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.051 and ORS 92.080, before recordation. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Application Filing Date: January 26, 2007  
State Mandated Decision Date: May 26, 2007  
Decision Date: March 23, 2007

Decision Issued According to Salem Revised Code 63.047

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than **April 9, 2007**, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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 Salem 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.

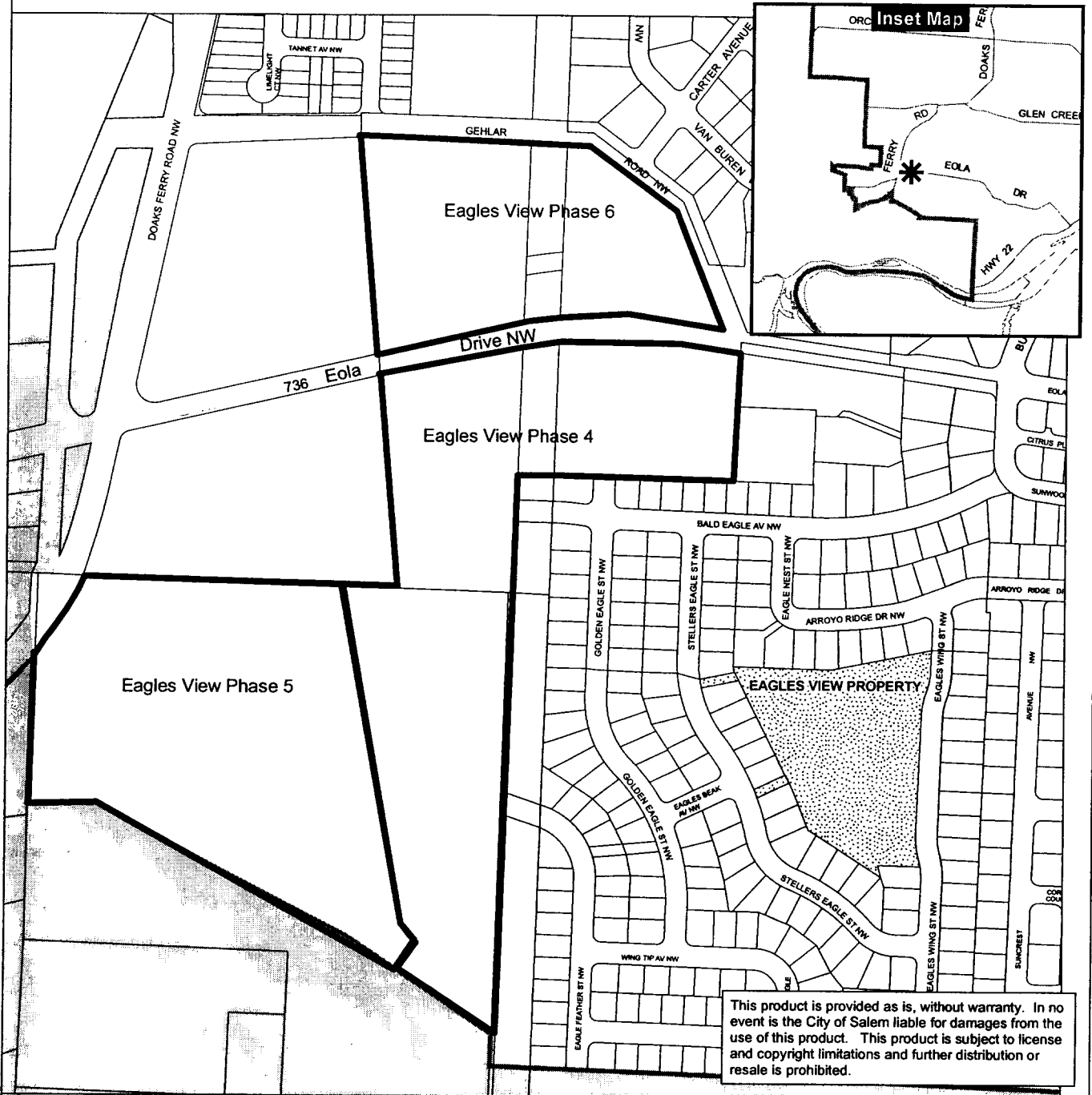
  
Glen W. Gross, Urban Planning Administrator

Attachments: 1. Vicinity Map  
2. Applicant's Original Tentative Subdivision Plat  
3. Applicant's Amended Tentative Subdivision Plat  
4. Public Works Comments Dated February 26, 2007

Prepared by Brandie Dalton, Interim Senior Planner

G:\Group\CD\PLANNING\STFRPRTS\2001\Subdivision\sub01-12f&oamendment.bmd.wpd

# Vicinity Map Eagles View Subdivision



## Legend

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Schools
- Parks

0 100 200 400 Feet





# Original Tentative Approval

## EAGLES VIEW

SEC. 20 & 29 T. 7 S., R. 3 W., W.M.  
CITY OF SALEM  
POLK COUNTY, OREGON  
394 LOTS - 92.68 ACRES

92.68 ACRES  
MULTI-TECH  
92.68

PRELIMINARY  
PLAN  
OPTION 'B'

EAGLES VIEW  
FOR:  
LARRY EPPING

Owner / Developer:

**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302

Surveyor:

**BARKER SURVEYING CO.**  
2035 25TH ST. S.E.  
SALEM, OREGON 97302

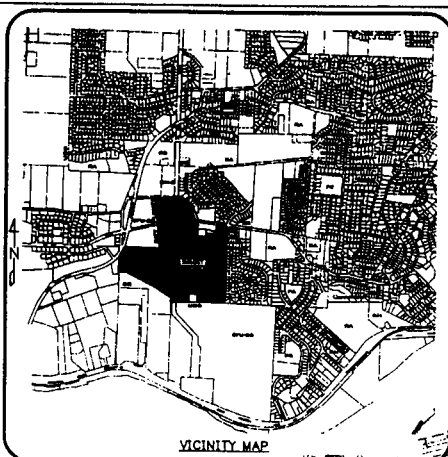
NO CHANGES, MAPS TO BE MADE  
BY THE SURVEYOR IN ACCORDANCE  
WITH THE OREGON LAND SURVEYING  
ACT, CHAPTER 317, OREGON  
STATUTES, AND THE DESIGN  
AND CONSTRUCTION OF THE  
REPRESENTATION.

NO CHANGES, MAPS TO BE MADE  
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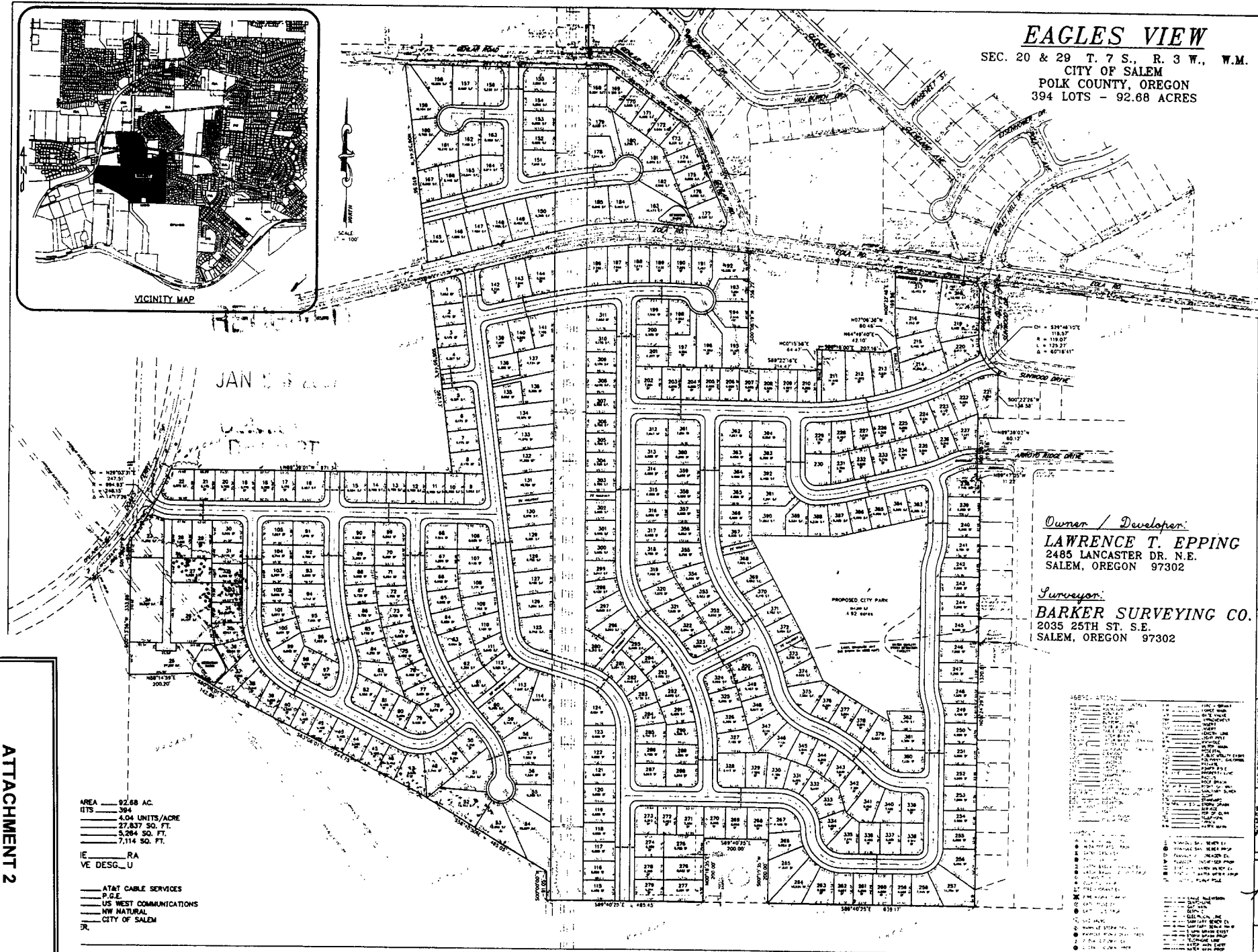
1 1



AREA 92.68 AC.  
LOTS 394  
4.04 UNITS/ACRE  
27,837 SQ. FT.  
5,294 SQ. FT.  
7,114 SQ. FT.

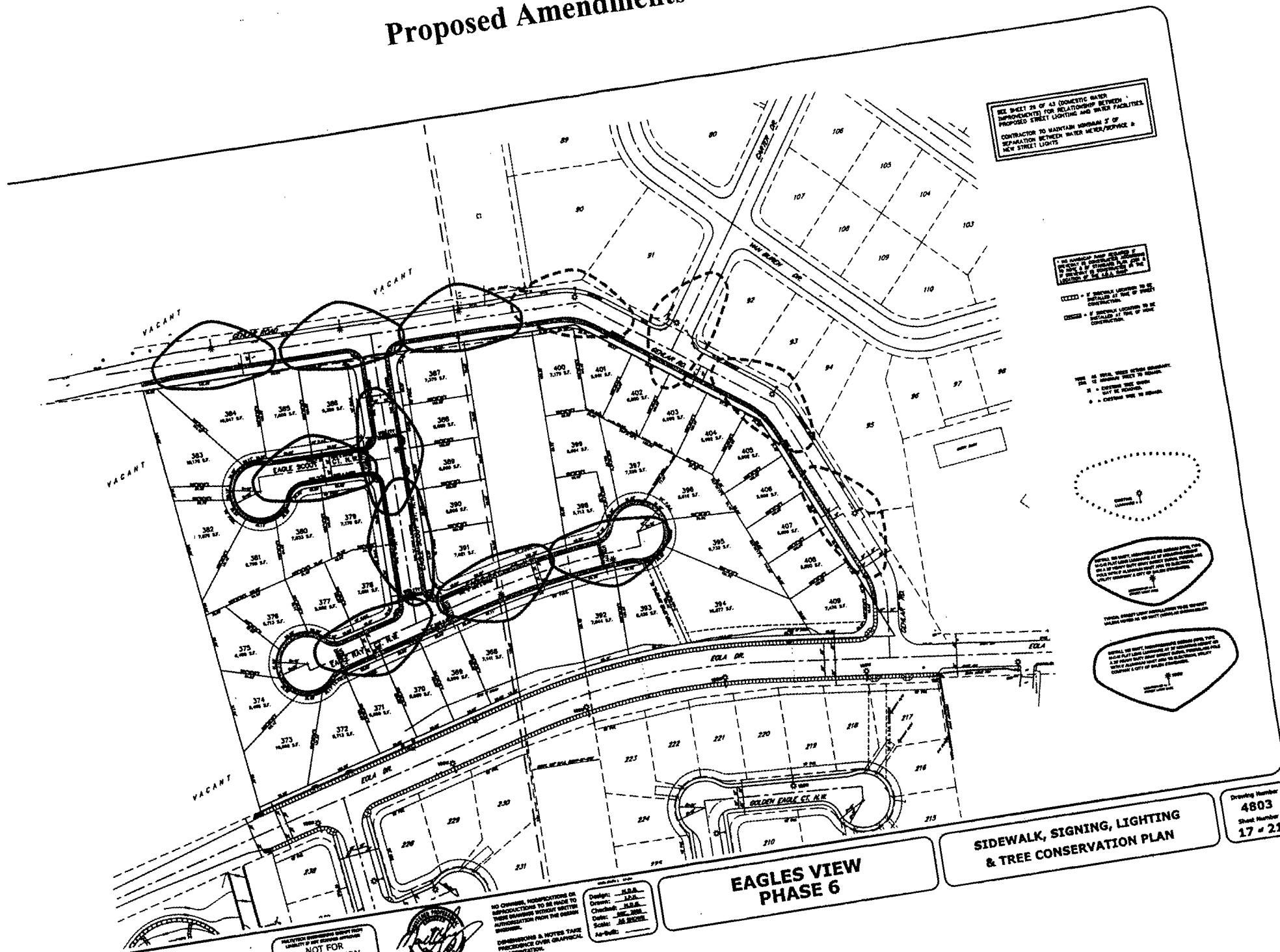
IE RA  
VE DESG\_U  
AT&T CABLE SERVICES  
P.G.E.  
US WEST COMMUNICATIONS  
NW NATURAL  
CITY OF SALEM

ATTACHMENT 2





## Proposed Amendments



FEB 26 2007

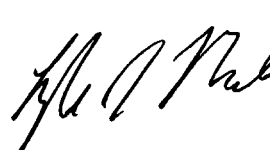
PUBLIC

CITY OF *Salem*  
AT YOUR SERVICE

WORKS

MEMO

**TO:** Brandie Dalton, Senior Planner  
Department of Community Development

**FROM:** Lyle J. Misbach, P.E., Development Services Engineer  
Public Works Department 

**DATE:** February 26, 2007

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION NO. PLAT 01-12 AMENDMENT  
3000 BLK GEHLAR ROAD NW AND 500 BLK DOAKS FERRY ROAD NW  
EAGLES VIEW 5 AND 6**

**PROPOSAL:**

To amend phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Conditions No. 9 and increase the number of lots from 405 lots to 409 lots for property in an RA zone.

**AMENDMENT:**

- Condition No. 1 All street improvements of Preliminary Declaration for UGA 99-05 shall apply to the proposed development. Pending the completion of the TIA, no additional right-of-way dedication or street improvements will be required along the boundary streets.*
- Amendment** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City of Salem Traffic Engineer dated December 13, 2001, as follows:
- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
  - B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.
  - C) The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6.

Code authority references are abbreviated in this document as follows: *Works Design Standards (PWDS)*; *Salem Transportation System Plan Management Plan (SMP)*.

**ATTACHMENT 4**



- Condition No. 2**      *The applicant shall comply with the requirements outlined in the memorandum (Attachment 5) dated December 13, 2001, from the Assistant City Traffic Engineer to the Planning Administrator.*
- Amendment**      [Removed - addressed in Amended #1]
- Condition No. 9**      *The applicant shall construct local streets as shown on the preliminary plan to provide future connectivity to the undeveloped parcels located north and southwest of Eola Drive NW and west of the proposed development, south of Gehlar Road NW.*
- Amendment**      Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phase 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.

## **FACTS AND FINDINGS:**

Eagle View Subdivision Plat No. 01-12 was approved by City Council Resolution No. 2002-32 on May 29, 2002. Council affirmed the Planning Administrators approval of Eagles View Subdivision Plat No. 01-12 of January 11, 2002.

### **Street Connectivity**

#### **Existing Conditions:**

1. The applicant is required to provide connectivity to two large parcels adjacent to the development in the northeast and southeast corner of Eola Drive NW and Doaks Ferry Road NW. Condition No. 9 of the planning action required three connections to those undeveloped properties.
2. UGA Preliminary Declaration Development Permits were approved for two different churches on each of the large parcels adjacent to Eagle View Subdivision – the Four Square Church on the north side of Eola Drive NW and the LDS Church on the south side.

#### **Standards**

1. **Connectivity Standard** - Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system (SRC 63.225(p)). Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals (SRC 63.225(p)).
2. The Planning Administrator may make exception to the 600-foot interval if one or more of the following conditions exist:

- a. Physical or topographic conditions make a street connection impracticable; or
- b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- c. Streets would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995.

## Discussions

1. One of the possible exemptions to connectivity is that buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.
  - a. Street connectivity through a proposed church site does not promote efficient circulation into, out of, or through the subdivision.
  - b. There are no planned street connections proposed.
2. Public Works has no objection to eliminating the following street connections to the church properties: 1) the west connection of Eagle Ray Street NW in Phase 6 and replace with a cul-de-sac bulb (Eagle Ray Court NW); 2) the north connecting stub street Roman Eagle Street NW in Phase 5; and 3) the west connecting stub street in Phase 5 off of Eagle Feather Street NW.

## Traffic

Modified Condition No. 1 and 2: All street improvement requirements of Preliminary Declaration for UGA 99-05 shall apply to the proposed development. The following conditions of approval based on the results of the Traffic Impact Analysis will be required:

1. The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
2. The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6. The construction of the signal at this intersection is listed as an unfunded SDC improvement in the City of Salem's Capital Improvement Program, 2002-2006. When an applicant constructs a TSDC listed improvement, they are normally reimbursed for their costs up to the total TSDC paid from their development. If there are any funds collected from other developments for the improvement, the applicant may also use those funds toward construction of the improvement. If the improvement is completed by others prior to this condition, the applicant has no further requirements at this intersection.
3. The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. On Edgewater Street NW, widening of the street will be necessary to provide the additional lane. On Rosemont

Avenue NW, there appears to be adequate width southbound to re-strip the additional turn lane needed. Northbound, the left-turn lane already exists. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6. This improvement is listed as an unfunded SDC improvement in the City of Salem's Capital Improvement Program, 2002-2006. When an applicant constructs a TSDC listed improvement, they are normally reimbursed for their costs up to the total TSDC paid from their development. If there are any funds collected from other developments for the improvement, the applicant may also use those funds toward construction of the improvement. If the improvement is completed by others prior to this condition, the applicant has no further requirements at this intersection.

Prepared by: Leta Gay Snyder, Development Services Planner  
Public Works Department

CITY OF SALEM - PERMIT APPLICATION CENTER  
555 LIBERTY STREET SE  
ROOM 320  
SALEM, OR 97301  
503-588-6256

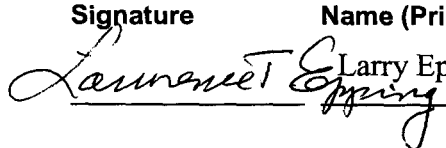
## LAND USE APPLICATION

Project Address/ Legal Description 3000 Blocks Gehlar Rd NW, Bald Eagle Ave NW, Eola Drive NW and 500 Block Doaks Ferry Road NW	Assessors Parcel #	Total Acres/Sq. Ft. Phase 5: 14.17 acres Phase 6: 8.99 acres	
Applicant Name Larry Epping	Home/Bus. Phone # (503) 588-1900	Cell Phone #	FAX Phone # (503) 588-1903
Applicant Address 2485 Lancaster Drive NE	City Salem	State & ZIP OR 97305	
Representative's Name Mark Grenz, P.E., IC.	Home/Bus. Phone # (503) 363-9227	Cell Phone #	FAX Phone # (503) 364-1260
Representative's Address Multi/Tech Engineering 1155 13 <sup>th</sup> Street SE	City Salem	State & ZIP OR, 97302	
Existing Use of Subject Property Vacant	Comp. Plan designation Developing Residential	Curent Zoning RA	
Proposed Use or Type of Development of Subject Property Subdivision			

### Authorization By Property Owners (To Be Completed By The Applicant)

(NOT REQUIRED FOR URBAN SERVICE AREA AMENDMENT)

Property owners and contract purchasers are required to authorize the filing of this application and must sign below. All signatures represent that they have full legal capacity to and do hereby authorize filing of this application and certify that the information and exhibits herewith submitted are true and correct.

Signature	Name (Print or Type)	Address	City, State & ZIP
	Larry Epping	2485 Lancaster Dr NE	Salem, OR 97305
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATE: \_\_\_\_\_

<b>FOR STAFF USE ONLY</b>		
Received By: <i>mc</i>	Date: <i>1/5/06</i>	Receipt #: <i>07-101508 GP</i>
Type Application: <i>Modification to sub</i>	Data Management System #: <i>36069</i>	Zone Map #:
Council Person:	Ward #:	Pre-Application File #:
P.W. Notified:	Date Application Complete:	

**POSTING PROCEDURE FOR NOTICE OF SUBDIVISION**

NAME OF APPLICANT Larry Epping  
ADDRESS OF SUBJECT PROPERTY 3000 Gehlar Rd. NW  
SUBDIVISION CASE NO. 01-12A  
CASE PLANNER Brandie Dalton  
Post No Sooner Than Feb. 22<sup>nd</sup>, 2007  
Post No Later Than Feb 24<sup>th</sup>, 2007  
Return This Form to Room 305 Within 7 Days After Posting \_\_\_\_\_

The Salem Revised Code requires that one 2-foot by 3-foot notice be posted on a property proposed for a subdivision. The ordinance assigns the responsibility to post this notice to the applicant. The Planning staff will furnish the appropriate notice after the application is filed.

The notice shall be located in a place clearly visible on each street providing access to the proposed subdivision, at a point not to exceed 250 feet from the proposed subdivision. The notice must be fully visible and directly face the street.

It shall be the responsibility of the applicant to provide a sign frame and to place such notice not less than 10 days nor more than 14 days prior to the date of the Subdivision Review Conference. Posting notices shall be removed from the subject property by the applicant within 7 days of the Planning Administrator's decision.

**AFFIDAVIT OF POSTING NOTICE**

I, Robert Ryan, being first duly sworn; say that I am over 21 years of age and that I posted the notice(s) as follows: (Describe location of notice(s)).

① North Side of Gola on Property in question ② Intersection of Gola & Gehlar Rd  
WEST SIDE ③ East side of Banks Ferry Rd 500' South of Gola on PIQ

That I posted said notice in the manner at the place above stated on the 23<sup>rd</sup> day of February, 2007, and in a conspicuous place.

That I have personal knowledge of all facts set forth and all statements herein are just and true.

Robert R. Ryan  
Applicant's Signature

-----NOTARY PUBLIC-----

STATE OF OREGON    )  
County of MARION    ) ss.

This instrument was acknowledged before me on this 27<sup>th</sup> day of February, 2007, by Robert Ryan



OFFICIAL SEAL  
BRIAN M. GRENZ  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 400475  
MY COMMISSION EXPIRES DEC. 15, 2009

Brian M. Grenz  
Notary Public for Oregon  
My Commission Expires: 12/15/09

## Zachery Cardoso

---

**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 2:21 PM  
**To:** Olivia Dias  
**Subject:** Salem revised code criteria to be considered:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

SRC chapter 205.010 subdivision tentative plan

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

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

As condition 2 is not met, the tentative plan is not in compliance with Salem code 205.010 (d)(2) and thus does not qualify for planning commission approval..

The tentative plan prevents development of 12 plus acre tax lot 200 belonging to Gwynn by creating a landlocked condition for tax lot 200 immediately south of the subdivision. The slopes blocking south access and west access are steep and treacherous. East access is blocked by a 200 acre property belonging to Salem Hospital.

SRC chapter 205.015 phased subdivision tentative plan

(d) approval criteria

(1) the tentative phased subdivision plan should be approved if the plan meets all of the criteria for tentative subdivision approval in src 205.010 (d)

the criteria in 205.010 (d) were not met



## Zachery Cardoso

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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 2:21 PM  
**To:** Olivia Dias  
**Subject:** response to request for comments email1  
**Attachments:** 2002 saalfeld griggs 1of3.JPG; 2002 saalfeld griggs 2of3.JPG; 2002 saalfeld griggs 3of3.JPG; city concil minutes feb11 2002 page 1.png; city concil minutes feb 11 2002 page 2.png; city concil meeting feb 11 2002 page3.png; recorded in 2003 page 1.png; recorded in 2003 page 2.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

dear ms Diaz:

I am concerned that changes to the subdivision street plan will cause my tax lot 200 to become a 12 acre landlocked area immediately south of the subdivision. Very steep terrain on my property blocks physical access to it from the south and also from the west.

Badly needed access to my land was kindly granted by Mr Epping in 2002.

[see attachment from Saalfeld Griggs letter dated February 14, 2002]

In exchange for the right of way I was asked by Mr Gorsuch to sign away my historical use of the Bonneville Power Administration powerline road. I agreed to that. Streets were not yet constructed near my new right of way so lacking other access, there was no option but to continue using the BPA road until now, 18 years later.

My right of way was *permanent* provision 9 of the 2002 Subdivision Review Committee Planning Action. Identical copies of provision 9 were in planning actions recorded in Dallas by Larry Epping in 2003, 2004, 2005 and 2006.

[ see page 2 provision #9 of recorded planning document attached]

Statements by Kris Gorsuch and Mark Grenz show agreement to provide a right of way to me (Gwynn).

[ see attached council minutes pages 1 & 2 (Gorsuch) and 3 (Grenz) ]

SAALFELD GRIGGS<sub>PC</sub>

RECEIVED  
FEB 14 2002  
COMMUNITY  
DEV. DEPT.

February 14, 2002

HAND DELIVERED

Dave Pratt  
Principal Planner  
Salem Planning Department  
555 Liberty Street SE  
Salem, OR 97301

Re: Eagles View Subdivision, Plat No. 01-12  
Our File No. 9844

Dear Dave:

This memo follows up the City Council meeting of February 11, 2002. I will try to keep this short and to the point. I would appreciate your providing a copy of this memo and the attachments to the City Council for their deliberations. I have enclosed 8 copies for your use. These attachments were previously made part of the record.

I. Additional Conditions of Approval. The Applicant agrees to the following additional conditions of Approval:

A. Applicant shall provide a 25-foot right-of-way on the southerly portion of the cul-de-sac which runs parallel to and north of Eola Drive. The walkway shall extend south in the vicinity of Lots 185 and 186 to provide pedestrian access to Eola Drive.

B. Applicant shall design and construct the detention basin southwest of proposed Lot 37 and east of proposed Lot 26 as a "wet detention system." The detention basin improvements recently constructed in south Salem by the Pringle Watershed will serve as a guide. One dozen bird houses of various types shall be constructed by Applicant in the detention area. The basin area shall be planted in native vegetation. This basin will serve as a water quality and quantity control facility, and thus improve fish and wildlife habitat in the area.

Salem-Bend  
www.sglaw.com

Park Place, Suite 300 Post Office Box 471  
250 Church Street SE Salem, Oregon 97301

A Member of the Network of Leading Law Firms "A World-1

ATTACHMENT B



C. Applicant shall dedicate 60-foot right-of-way in the vicinity of proposed Lot 39 to provide future connectivity to the undeveloped parcel located southwest of the proposed development, as shown on the attached drawing. Street improvements and utility extensions are not required at this time because the proposed development abuts the Urban Growth Boundary.

II. Applicant's Responses to Council Questions.

1. Removal of fish barriers off-site.

Response: Neither Turnidge Brook, nor "College Creek," are listed as fish-bearing streams in Salem inventories, SRC 68.065(a). However, both swales on site are protected under this tentative plat. The headwaters of Turnidge Brook are protected by the city park. The swale which is alleged to be the headwaters of College Creek is protected by the wet detention basin condition set out in Condition B above. "College Creek" swale is not shown on the USGS maps, which is a precondition to any regulation, SRC 63.038(5). The USGS map is attached. There is an intermittent stream shown on the map. However, it is far to the west of the subject property. There is no identified fish habitat on the subject property, SRC 68.065(a). The property has been farmed for many years. There is no separate stream bed or channel. To impose off-site mitigation of existing conditions on this Applicant would result in a taking under *Dolan*.

2. Riparian Setback.

Response: Neither of the swales are subject to riparian setbacks, because neither of these swales is identified as a fish-bearing stream, SRC 68.065(a); 68.020(d). Neither swale is defined as a "waterway," SRC 68.020(x), because water is present only intermittently. Neither qualifies for riparian corridor protection, SRC 68.020(o) and 68.050.

3. Electromagnetic Field.

Response: The City of Salem does not regulate electromagnetic fields nor does the SRC provide for a special setback from power lines. In the absence of any reliable evidence of negative EMF impacts, only six states have chosen to specify maximum levels of electric field for transmission lines. Oregon is one. The State of Oregon does regulate electromagnetic fields for siting transmission lines. The standard is 9 kV/m, OAR 345-024-0090. The attached figure from the BPA report, which is in the record, shows that the electric field from their 230 kV line is only 2 kV/m under the transmission line, and a mere 1.5 kV/m at the edge of the right-of-way. Therefore, EMF is far below the state standard. The tentative plat also places back yards abutting the BPA right-of-way, which further separate the residences from the power lines and further lowers any EMF. The two affected utilities, BPA and Salem Electric, consider the 50-foot setback as more than adequate, and their publications supporting this have been submitted into the record. There is no evidence proving a public health risk in this instance. There are no grounds under the approval criteria to deny or condition an approval under these circumstances, SRC 63.046, 63.051. To impose a setback greater than the existing BPA right-of-way would result in the unconstitutional taking of private property, in this instance.

4. Accessways.

Response: The Applicant agrees to the imposition of one additional accessway as described in proposed Condition A above.



The three other accessways shown on the proposed plat have been criticized by one witness. However, these 30-foot accessways were strategically placed after numerous discussions with the neighborhood association, and with Planning and Public Works staff. Remember that connectivity is not just for cars. Development of additional streets in these locations would result in unnecessary road construction that would not improve vehicular circulation. The walkways encourage pedestrian travel and discourage unnecessary vehicular traffic.

The Applicant's engineer has reviewed the topography of the site regarding access to Eola from the southerly cul-de-sac. You can see that the grade is quite steep in this area and the Public Works Director testified that an accessway in that location would not comply with ADA requirements. In addition, the transit stop is at Burley Hill Drive and Eola Drive. Therefore, the most convenient pedestrian access to the bus stop would be to proceed south and then east on the internal local street, and then north on Sunwood to the transit stop. It would not be advisable to encourage additional pedestrian activity on Eola Drive in that location.

5. Wetlands.

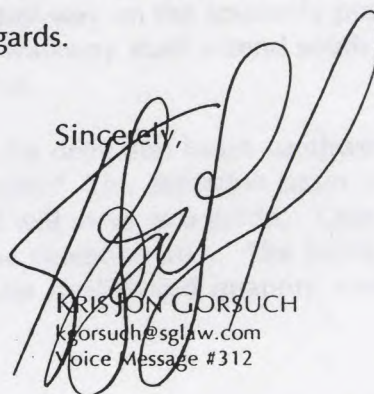
Response: As detailed in both the staff report and Applicant's evidence, there are no wetlands on the subject site. Prior notice was given to DSL and DSL responded in writing to the City that there were no inventoried wetlands on site. The City Natural Resource Department reviewed the site and found no wetlands. The Applicant's expert did field reconnaissance and found no wetlands. The staff report mistakenly said that it had no documentation than an on-site determination was conducted. However, Applicant had earlier provided the on-site report for the record. All required steps were followed. There is nothing further to do in this regard.

6. Trees.

Response: Applicant's approved Tree Conservation Plan under SRC Chapter 68 shows that over 31% of the existing trees will be retained. A maximum of 143 trees will be removed during the expected 10-year course of construction. However, at a minimum, 400 replacement trees will be placed in the development, SRC 132.210; 86.130. In addition, it has been Mr. Epping's past practice to require builders to place additional trees on the lots as they are landscaped.

Thank you for your consideration in these regards.

Sincerely,



KRISTON GORSUCH  
kgorsuch@sglaw.com  
Voice Message #312

KJG:skw

Enclosures

cc: Larry Epping (w/encls.)  
Mark Grenz (w/encls.)

Grenz

Mark Grenz, Multi Tech Engineering, 1155 13<sup>th</sup> St SE, also representing the applicant, explained that access for Mr Gwynn's property will be through a proposed stub street that would go through lot 39, and Mr Gwynn agrees with this change. This property splits and drains into four directions. We have dealt with Turnage Brook in that we have worked with Parks to make sure it is designed around the brook. We have worked with the school district to ensure that Parks could maintain their commitment to the neighborhood association regarding the brook. We are proposing to design our detention facility as a wet facility which would

135

FEBRUARY 11, 2002

Sub 01-12

5.b Eagles View Subdivision 01-12 . . . (Continued)

Grenz

house some aquatic features. Mr Epping has indicated a willingness to put several different kinds of bird houses in this area, and the area will be pretty much undisturbed.

Kris Gorsuch, 250 Church St SE, representing the applicant, said that was a good question about the LUBA case. The UGA permit went through and was approved by Council last year and resulted in a development agreement which was also approved last year. An appeal was filed with the Planning Commission and he and his client have worked with

FEBRUARY 11, 2002

Sub 01-12

**5.b Eagles View Subdivision 01-12 . . . (Continued)**

Gorsuch

the appellant to resolve the access concern. We have agreed with Mr Gwynn that we will provide access to his property in a particular location by leaving a lot undeveloped. His property is just outside the urban growth boundary right now and the access would be a 60 foot dedicated right of way. Various changes have occurred over the past three years through traffic impact studies and working with the neighborhood association, and the applicant has made changes to accommodate concerns. There was a concern about drainage to the east and also an area that drains to the southwest in Polk County, and Mr Grenz, the engineer, will address the detention basin for protecting drainage waters from the subdivision from entering the Willamette River. There are Bonneville Power Administration (BPA) lines within a 100 foot easement through the center of the subdivision. There is also a Salem Electric line through the southwest corner of the property. We have materials from Salem Electric and BPA which show there is no connection between electrical magnetic fields (EMFs) and health concerns. There was question about wetlands, if an inventory had been done and if an analysis was done. Originally submitted was an analysis indicating the property does not show up on any wetland inventory, and from site investigation there was no wetlands. There were no prior wetlands on the property which was determined by soil tests. Those are the three issues before Council tonight and they have all been worked out.



Eagles View  
Subdiv 01-12  
Eola NW

- 5.b Council Call-Up - Eagles View Subdivision Plat 01-12 - Larry Epping, Granada Land Company, Applicant - **South of EOLA DR, South of GEHLAR RD, West of SUNCREST AVE and SUNWOOD DR and East of DOAKS FERRY RD in West Salem - Ward 8**

**Note:** A staff report from Community Development is included in the packet

**Recommended Action:** Staff recommends that Council adopt the facts and findings of the staff report with its attachments and confirm the Planning Administrator's decision for Eagles View Subdivisions

**Attached:** Communication from Steven A Anderson

OPEN

Mayor Swaim declared the public hearing open to receive testimony.

Pratt

Principal Planner Pratt entered the staff report into the record and reviewed it for Council.

Mayor

Mayor Swaim asked if this case is on remand from LUBA.

Pratt

Mr Pratt responded it is not; adding that the 120 day limit will expire on February 25, the day set for deliberations.

Gorsuch

Kris Gorsuch, 250 Church St SE, representing the applicant, said that was a good question about the LUBA case. The UGA permit went through and was approved by Council last year and resulted in a development agreement which was also approved last year. An appeal was filed with the Planning Commission and he and his client have worked with

Sub 01-12

- 5.b **Eagles View Subdivision 01-12 . . . (Continued)**

Gorsuch

the appellant to resolve the access concern. We have agreed with Mr Gwynn that we will provide access to his property in a particular location by leaving a lot undeveloped. His property is just outside the urban growth boundary right now and the access would be a 60 foot dedicated right of

# SUBDIVISION REVIEW COMMITTEE

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

00087164200300169960040048

08/28/2003 04:29:03 PM

REC-PA Cnt=1 Stn=1 A. CAPTAIN  
\$20.00 \$10.00 \$11.00 V. UNGER

## ISSUE:

Eagle View Subdivision Plat No. 01-12

## DATE OF DECISION:

January 11, 2002

## OWNER:

Larry Epping, Granada Land Company

## PURPOSE OF REQUEST:

The original request, with a school/park site, was to divide approximately 92.68 acres into 370 lots in a RA (Residential Agriculture) zone for property located south of Eola Drive, south of Gehlar Road, west of Suncrest Avenue and Sunwood Drive and east of Doaks Ferry Road in west Salem. The alternative school location proposed by the school district would make the total number of lots 372, two more than proposed with the original school location. The revision of the subdivision, if the school district does not opt to acquire property for a school, would add an additional 27 lots for a total of 397 lots.

## ACTION:

### IT IS HEREBY ORDERED

That Subdivision No. 01-12 to divide approximately 92.68 acres into 372 lots or 397 lots if the school district does not acquire the proposed school site, in a RA (Residential Agriculture) zone for property located south of Eola Drive, south of Gehlar Road west of Suncrest Avenue and Sunwood Drive and east of Doaks Ferry Road in west Salem be **GRANTED** subject to the public facility construction and other requirements of SRC Chapters 63, 68, and 146 and the following permanent conditions:

1. All street improvement requirements of Preliminary Declaration for UGA 99-5 shall apply to the proposed development. Pending the completion of the TIA, no additional right-of-way dedication or street improvements will be required along the boundary streets.
2. The applicant shall comply with the requirements outlined in the memorandum (Attachment 5) dated December 13, 2001 from the Assistant City Traffic Engineer to the Planning Administrator.
3. At the time of construction plans submittal, the applicant shall be required to demonstrate that there is adequate sight distance for the designated design speed for Eola Drive NW.

3. At the time of construction plans submittal, the applicant shall be required to demonstrate that there is adequate sight distance for the designated design speed for Eola Drive NW.
4. There were two alternatives for Doaks Ferry Road NW in Preliminary Declaration for UGA R99-05. Since the proposed development will access Doaks Ferry Road NW, the requirements as described in UGA R99-05 shall be met.
5. The applicant shall convey sufficient right-of-way along the west line of Gehlar Road NW to complete the planting strip and sidewalks at the intersection of Eola Drive NW.
6. All internal streets including the extension of Arroyo Ridge Drive NW and Sunwood Drive NW shall be constructed to local street standards, requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. In areas where the cross slope is 8 percent or greater, the streets can be constructed with 30-foot-wide improvements within 50-foot-wide right-of-way, with 4-foot-wide sidewalks (SRC 63.235 (f)(2).
7. Sidewalks within 400 feet of a school and provide direct access to a school shall be constructed to a minimum width of 8 feet (SRC 63.235 (i). The applicant should contact the City Traffic Engineer to determine the exact limits of the 8-foot-wide sidewalk locations.

After recording, return to:  
City Recorder  
555 Liberty Street SE, Room 205  
Salem OR 97301-3503

8. All street grades shall meet the requirements of the City of Salem Street Design Standards Section 2.10.
9. The applicant shall stub local streets as shown on the preliminary plan to provide future connectivity to the undeveloped parcels located north and southwest of Eola Drive NW and west of the proposed development, south of Gehlar Road NW.

## Zachery Cardoso

---

**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 2:22 PM  
**To:** Olivia Dias  
**Subject:** response to request for comments email2  
**Attachments:** tentative nature and expiration of 2007 planning action.jpg; 2007 subdivision amendment page1of7.JPG; 2007 subdivision amendment page2of7.JPG; 2007 subdivision amendment page3of7.JPG; 2007 subdivision amendment page4of7.JPG; 2007 subdivision amendment page5of7.JPG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

continuing email 1

A tentative planning action in 2007 amending phase 5 condition 9 ( removing my right of way) remained in effect for two years ( until March 23 2009).

Street locations changed, lot numbers changed and even the subdivision phase number changed, so it appears that the conditions were not met by 2009 and the 2007 planning action due to expire in 2009 was extended multiple times until 2017. In 2017 it was recorded without providing access for my 12 acres, landlocking them.

[see attachments on this email] Due to file sizes this will continue on email 3

The 2007 planning action was recorded precisely ten years later in March 2017

I was unaware of the 2007 amendment until June 15, 2020. Since then there has been too little time to deal with this complex matter.



# SUBDIVISION REVIEW COMMITTEE

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



**ISSUE:** Eagles View Subdivision Plat No. 01-12 - Amended

**DATE OF DECISION:** March 23, 2007

**APPLICANT:** Larry Epping of Granada Land Company

## PURPOSE OF REQUEST:

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, ~~add a public walkway at the west end of Eagle Scout Court NW~~, and increase the overall lot count from 405 to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW.

## ACTION: IT IS HEREBY ORDERED

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

**Condition 1** Comply with the outstanding items from the Traffic Impact Analysis (TIA) approval by the City

**Amendment:** of Salem Traffic Engineer dated December 13, 2001, as follows:

- A) The applicant shall contribute \$30,680 toward improvements to the intersection of Wallace Road NW and Glen Creek Road NW.
- B) The applicant is required to construct a traffic signal on Eola Drive NW and Kingwood Drive NW. This improvement shall be completed prior to final plat approval for the first of either Phase 5 or 6.
- C) The applicant is required to provide left-turn lanes on all approaches to the intersection of Edgewater Street NW and Rosemont Avenue NW. Signal changes will be necessary with this improvement. This improvement must be completed prior to final plat approval for the first of either Phase 5 or 6.

**Condition 2** [Removed - addressed in Condition 1 Amendment]

**Amendment:**

**Condition 3:** At the time of construction plans submittal, the applicant shall be required to demonstrate that there is adequate sight distance for the designated design speed for Eola Drive NW.

**Condition 4:** There were two alternatives for Doaks Ferry Road NW in Preliminary Declaration for UGA R99-05. Since the proposed development will access Doaks Ferry Road NW, the requirements as described in UGA R99-05 shall be met.

**Condition 5:** The applicant shall convey sufficient right-of-way along the west line of Gehlar Road NW to complete the planting strip and sidewalks at the intersection of Eola Drive NW.



- Condition 6:** All internal streets including the extension of Arroyo Ridge Drive NW and Sunwood Drive NW shall be constructed to local street standards, requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. In areas where the cross slope is 8 percent or greater, the streets can be constructed with 30-foot-wide improvements within 50-foot-wide right-of-way, with 4-foot-wide sidewalks (SRC 63.235 (f)(2)).
- Condition 7:** Sidewalks within 400 feet of a school and provide direct access to a school shall be constructed to a minimum width of 8 feet (SRC 63.235 (i)). The applicant should contact the City Traffic Engineer to determine the exact limits of the 8-foot-wide sidewalk locations.
- Condition 8:** All street grades shall meet the requirements of the City of Salem Street Design Standards Section 2.10.
- Condition 9 Amendment:** Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phases 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.
- Condition 10:** Taper sections shall be constructed between the existing pavement sections and the proposed improvements to meet the requirements of the City of Salem Street Design Standards.
- Condition 11:** There is a proposed private accessway located along the south line of the proposed street accessing Doaks Ferry Road NW. The intersection of the accessway and the internal street is too close to the intersection of Doaks Ferry Road NW and the internal street. The City Traffic Engineer indicates that the accessway shall be relocated along the common north line of proposed Lots of 27 and 34 or an alternative approved location, to prevent conflicting turning movements and congestion at the intersection. If proposed Lots 24, 25, 26 and 27 are intended to be developed beyond a single family use, a street shall be constructed to serve them versus an accessway.
- Condition 12:** The applicant shall design and construct a complete storm drainage system at the time of development. All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.
- Condition 13:** The internal storm drainage system shall include perimeter drainage systems as required to prevent drainage onto adjacent parcels, the existing seasonal drainage area, and an existing drainage swale that drains toward the lots located along the west line of Suncrest Avenue NW.
- Condition 14:** There was a preliminary geotech investigation submitted in October 2000 for the subject property. This report was submitted prior to the implementation of SRC Chapter 69, and is therefore only stamped by an engineer. No active or inactive landslides were identified on the subject property. This report is for preliminary subdivision design. Additional geotechnical investigation may be necessary for the subdivision and building lots on slopes greater than 40 percent and should be reviewed prior to construction.
- Condition 15:** A National Pollutant Discharge Elimination System (NPDES) permit from the State of Oregon is required for all construction activities which disturb five acres or more. The NPDES permit must be obtained through the Oregon Department of Environmental Quality.
- Condition 16:** A public water line shall be constructed within the limits of the proposed development to meet the requirements of the proposed use.
- Condition 17:** The applicant shall design and construct an adequate water system to serve the small island of W-3 service area, including fire protection, as a condition of development in the W-3 area.
- Condition 18:** The 8-inch water lines in Arroyo Ridge Drive NW and Sunwood Drive NW shall be looped with the proposed internal water system (PWDS 2.10).
- Condition 19:** All Salem Wastewater Management Master Plan (SWMMP) requirements for the subject property were addressed for this area in Preliminary Declaration for UGA R99-05.



- Condition 20:** As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS 2.00).
- Condition 21:** All wells on site are to be permanently abandoned according to state construction standards.
- Condition 22:** The northwest corner of lot 369 of the school/park subdivision plan proposal or lot 385 of the park subdivision proposal shall be extended to the northwest corner of lot 372 of the school/park subdivision proposal or lot 385 of the school/park subdivision proposal.
- Condition 23:** The applicant shall reserve the school site portion of the land indicated on the tentative plan until January 1, 2003. This date would give the school district time to budget the purchase and time for the applicant and the district to commit to the purchase.
- Condition 24:** If the school district does not acquire the school site, the lot layout shown shall be used. The additional streets shown, in addition to those improvements recommended by the Assistant City Traffic Engineer shall apply.

This tentative decision is valid and remains in effect for two years. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.051 and ORS 92.080, before recordation. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Application Filing Date: January 26, 2007  
State Mandated Decision Date: May 26, 2007  
Decision Date: March 23, 2007

Decision Issued According to Salem Revised Code 63.047

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than **April 9, 2007, 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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 Salem 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.

Application Filing Date:  
State Mandated Decision Date:  
Decision Date:

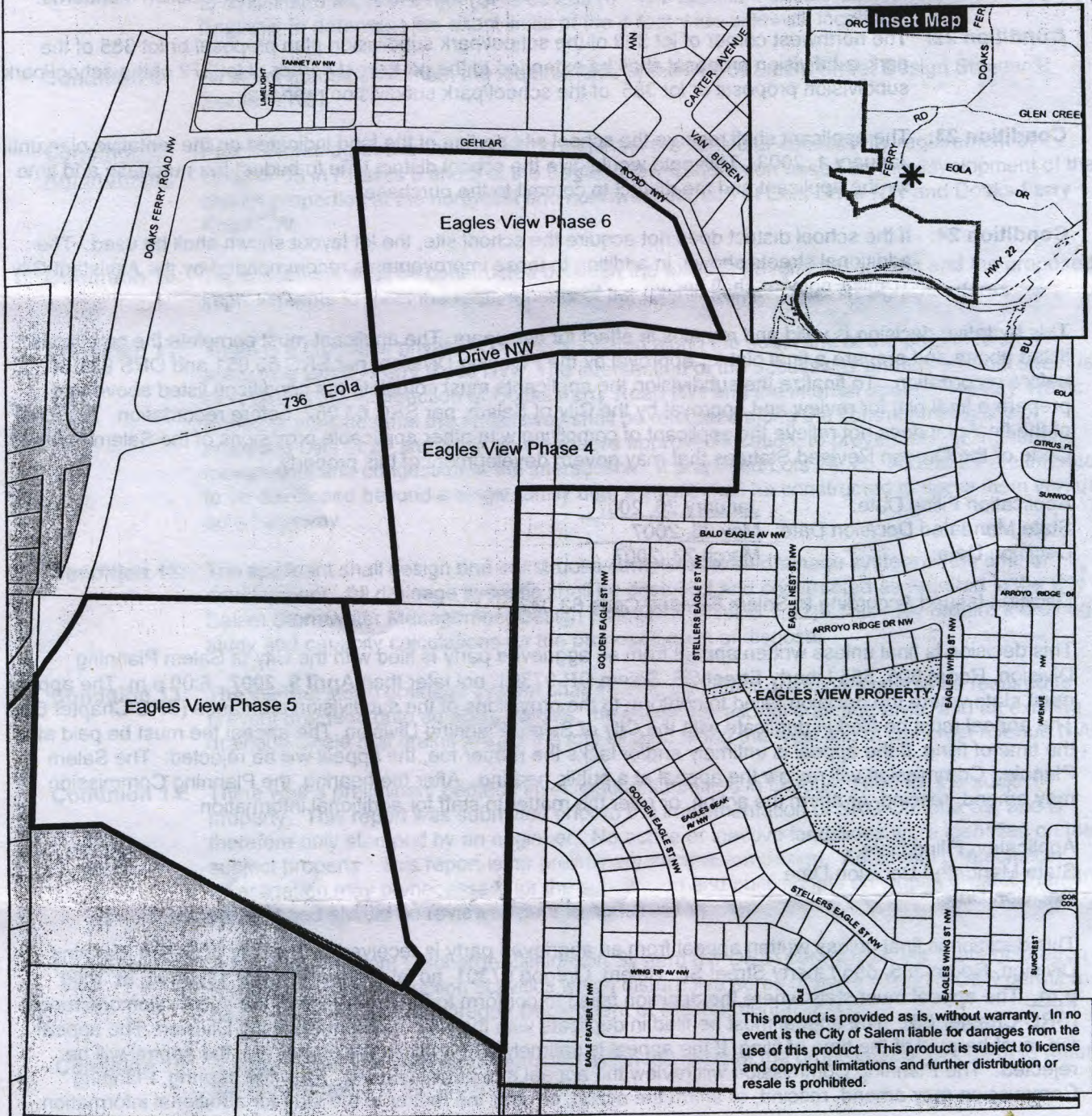
This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 18, 2006, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Brandie Dalton, Interim Senior Planner, Ext. 7509, bdalton@cityofsalem.net



# Vicinity Map Eagles View Subdivision



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.

## Legend

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Schools
- Parks

0 100 200 400 Feet

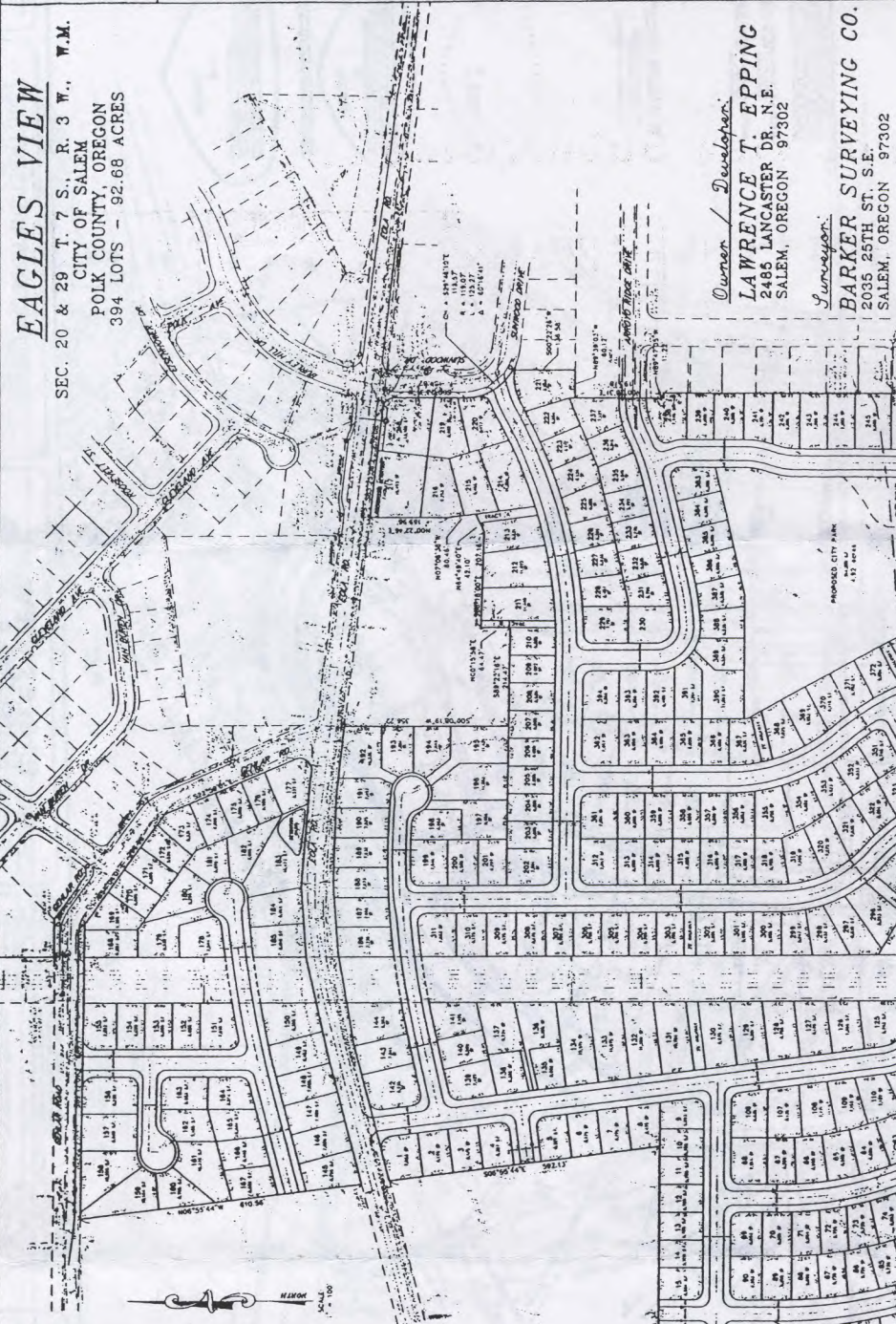


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ATTACHMENT 1



# Original Tentative Approval



**EAGLES VIEW**  
 SEC. 20 & 29 T. 7 S., R. 3 W.,  
 CITY OF SALEM,  
 POLK COUNTY, OREGON  
 394 LOTS - 92.68 ACRES

PRELIMINARY  
 PLAN  
 OPTION B

EAGLES VIEW  
 FOR:  
 LARRY EPPING

*Owner / Developer*  
**LAWRENCE T. EPPING**  
 2485 LANCASTER DR. N.E.  
 SALEM, OREGON 97302

*Surveyor*  
**BARKER SURVEYING CO.**  
 2035 25TH ST. S.E.  
 SALEM, OREGON 97302

AREA — 92.68 AC.  
 LOTS — 394 UNITS/ACRE  
 TOTAL — 27,837 SQ. FT.  
 COVERED — 5,884 SQ. FT.  
 OPEN — 7,114 SQ. FT.  
 IE — RA  
 VE — DESC\_U  
 AT&T CABLE SERVICES  
 P.O. BOX 1000  
 NW NATURAL  
 CITY OF SALEM  
 OR

ATTACHMENT 2

NO.	DATE	DESCRIPTION
1	10/1/81	PRELIMINARY PLAN
2	10/1/81	PRELIMINARY PLAN
3	10/1/81	PRELIMINARY PLAN
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97	10/1/81	PRELIMINARY PLAN
98	10/1/81	PRELIMINARY PLAN
99	10/1/81	PRELIMINARY PLAN
100	10/1/81	PRELIMINARY PLAN



This tentative decision is valid and remains in effect for two years. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.051 and ORS 92.080, before recordation. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

Application Filing Date: January 26, 2007  
State Mandated Decision Date: May 26, 2007  
Decision Date: March 23, 2007

Decision Issued According to Salem Revised Code 63.047

## Zachery Cardoso

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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 2:22 PM  
**To:** Olivia Dias  
**Subject:** response to request for comments email 3  
**Attachments:** 2007 subdivision amendment map page6of7.JPG; 2007 subdivision amendment page7of7.JPG; email to multitech june 16.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[attachments continue for the 2007 subdivision amendment]

I spoke with Jeremy Grenz, he understood my access problem. He was pleasant, reasonable and supportive. I then wrote to Multitech and in a return email, Jeremy replied saying "the engineer said no access is available at this time." When I wrote multitech, I asked for access across land that was not a proposed lot that they would sell. I only wish to avoid being landlocked.

[email attached below]

I spoke with city surveyor Paul Kowalczyk. He is looking into the access problem for my 12 acres of tax lot 200 and said he would submit something to the city on my behalf.



[illegible]

**MUL.TI / TECH**

**FOR SUBMITTING ENGINEERS, ARCHITECTS, AND OTHERS**

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**NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE**

**MUL.TI / TECH ENGINEERING, INC.**

**10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**TEL: (303) 733-1111 FAX: (303) 733-1112**

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**DATE: 10/15/2010**

**BY: J. J. J. J.**

**PROJECT: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT NO: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT NAME: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT ADDRESS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT CITY: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT STATE: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT ZIP: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT PHONE: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT FAX: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT E-MAIL: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT WEBSITE: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT DESCRIPTION: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT NOTES: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT COMMENTS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT REFERENCES: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT SOURCES: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT MATERIALS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT METHODS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT RESULTS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT CONCLUSIONS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT RECOMMENDATIONS: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT ACTION PLAN: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT MONITORING: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT EVALUATION: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT REPORT: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT SUMMARY: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT INDEX: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT GLOSSARY: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**PROJECT APPENDICES: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

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**PROJECT APPENDICES: 10000 W. 10th Ave., Suite 100, Denver, CO 80202**

**EAGLES VIEW PHASE 5**

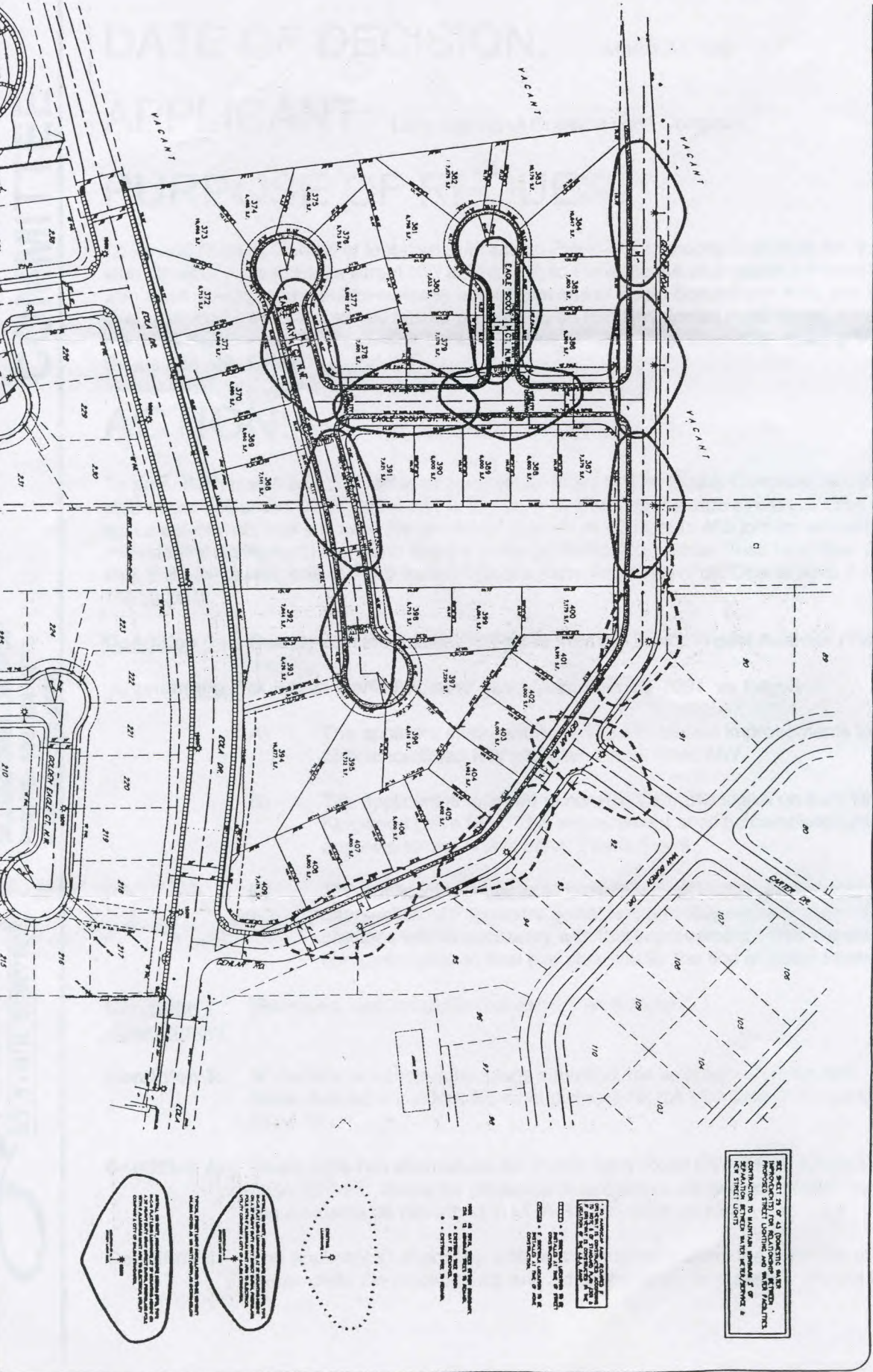
**SEAWALK, SIGNING, LIGHTING & TREE CONSERVATION PLAN**

**Project Number: 4778**

**Sheet Number: 20 of 20**



# Proposed Amendments



MULTI / TECH  
 NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE  
 EAGLES VIEW PHASE 6  
 SIDEWALK, SIGNING, LIGHTING & TREE CONSERVATION PLAN  
 JULY 2008  
 JULY 2008  
 JULY 2008

**dennis g** <bmwden@gmail.com>

to Jgrenz

Tue, Jun 16, 5:11 PM

I talked with the Salem City Works Dept and the 60 foot width for a street is broader than what I need. They thought that 22-24 feet would be appropriate. As the land slopes to the west, at that pint, a narrower road would be better and from what I heard, adequate.

The old Bonneville Power Administration road was good as it followed the contour lines but it was removed without notification to the BPA.

The original road as in the 70's, 80's and 90's would still work, we used it over 50 years to access our tax lot #733000200.

The part of it running north out of the gate towards Doak's ferry road could continue north past the east side of the "pond" connecting directly into Eagle Claw court.

If the BPA used the above connection, the west slope of that "gulch" would be freed up for other use.

I suggest this as an inexpensive alternative with the potential to work well for all concerned. It is more workable than what Larry Eppling's company offered me as the contours are more gentle and the curve at the gate is more gentle.

## 6 Attachments



## Zachery Cardoso

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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 3:59 PM  
**To:** Olivia Dias  
**Subject:** geo hazards  
**Attachments:** earthquake hazard map 4.png; earthquake hazard legend.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

perhaps this is an area of concern the map attached combines the effects of shaking the soil and movement amplification the power wires are all there is to orient one. slumping takes place south of the development and the earth breaks up into large blocks that move down slope. they can be several acres in size They move like dominos in reverse one falls and the one behind it falls etc.

## Explanation

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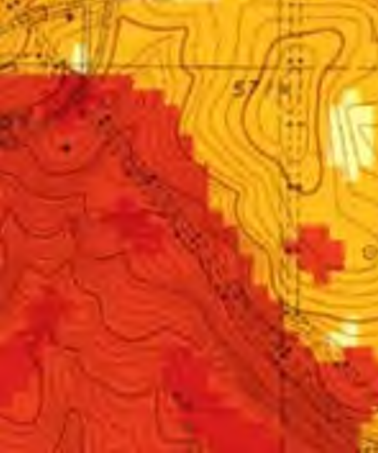
Zone A		Highest hazard
Zone B		Intermediate to high hazard
Zone C		Low to intermediate hazard
Zone D		Lowest hazard

This relative earthquake hazard map depicts four zones of greater or lesser earthquake hazard, relative to one another. Refer to the companion text, which explains details of the earthquake hazards associated with this map and their differentiation. Areas within the highest earthquake hazard zone (A) are likely to suffer the most intense damage related to ground response; those in the lowest (D) are likely to suffer the least.

Three earthquake hazards that are associated with local geology (liquefaction, amplification, and landsliding) were individually evaluated and then combined to develop the relative earthquake hazard map. Individual hazard assessments are shown on the companion maps (Plates 1-3).

This composite map allows technical and nontechnical users to gain an understanding of earthquake hazards, so that steps can be taken to reduce the risk to life and property through planning policy and other mitigation measures. User groups include but are not limited to local jurisdictions, building officials, land use planners, emergency preparedness and response planners, engineering and geology consultants, lifeline managers, developers, realtors, insurers, and private citizens.





## Zachery Cardoso

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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 4:00 PM  
**To:** Olivia Dias  
**Subject:** 2007 concerns  
**Attachments:** A summary of action.png; B summary of action.png; C action 2007.png; e 2007.png; F zoning.png; g geo hazards.png; h connectivity.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I have looked through the 2007 procedure and found errors in it.  
I'm glad you are re-doing it  
B states that removing the proposed stub street to my 12 acre parcel 200 does not impede access to it.  
There was no other access which was possible for reasons of steepness

## SUMMARY OF ACTION

1. **Case:** Subdivision Case No. 01-12 Amendment; Eagles View Subdivision
2. **Summary of Issue(s):** To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, add a public walkway at the west end of Eagle Scout Court NW, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW.
3. **Staff Recommendation:** Grant, subject to meeting the provisions in SRC Chapters 63, 68, 145 and 146 and 24 conditions of approval.



Phases I and II are not included in this amendment proposal.

6.     **Decision:**                     Grant, subject to meeting the 24 conditions of approval contained in the Findings and Order.
7.     **Basis for Decision**             Proposal complies with the Subdivision Code (SRC Chapter 63) and the Salem Zone Code, conforms with the Plan designation, does not impede future use of the property or adversely affect the development and access to any adjoining properties. The proposal is conditioned to address necessary facility improvements and meet code and design standards.

Note:             This summary statement is for information only and is not a part of the official record or finding of the case.

**DATE OF DECISION:** March 23, 2007

**APPLICANT:** Larry Epping of Granada Land Company

## **PURPOSE OF REQUEST:**

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, ~~add a public walkway at the west end of Eagle Scout Court NW~~, and increase the overall lot count from 405 to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW.

**ACTION:** **IT IS HEREBY ORDERED**

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, and increase the overall lot count from 405 lots to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

15. On January 6, 2007, Mark Grenz, on behalf of the Granada Land Co., filed an amendment to Phases 5 and 6 of Subdivision 01-12. The requested amendment would eliminate the stub street of Roman Eagle Street NW in Phase 5, eliminate the stub street in Phase 6 and replace it with a cul-de-sac, add a public walkway at the west end of Eagle Scout Court NW, and increase the overall lot count from 405 to 409 lots. The application was deemed complete January 26, 2007.
16. The Subdivision Review Conference was held on March 6, 2007, at 9:00 a.m. The following Sections provide information on the application materials submitted, and comments received to date. Please feel free to contact Brandie Dalton, Interim Senior Planner, at (503) 588-6173 ext. 7509 if you have questions regarding this application.

## **SUBSTANTIVE FINDINGS**

### **1. Request**

To amend Phases 5 and 6 of tentative Subdivision Plat 01-12 to modify Condition No. 9 to eliminate the stub street of Roman Eagle Street NW in Phase 5, to eliminate the stub street in Phase 6 and replace it with a cul-de-sac, ~~add a public walkway at the west end of Eagle Scout Court NW,~~ and increase the overall lot count from 405 to 409 lots for property in an RA (Residential Agriculture) zone and located in the 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW (Polk County Map 7.3.20C/1100 and 7.3.30/100).

At the Subdivision Review Conference on March 6, 2007, it was determined by Planning, Public Works, and Parks staff that a public walkway to the property to the west was not feasible due to the topography.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (Attachment 1).

### **3. Surrounding Zoning and Land Uses**

The subject property is vacant. The Bonneville Power Administration (BPA) power line runs through the eastern portion of the property.

Surrounding zoning and land uses are:

- North: (North of Gehlar Road), RS (Residential Single Family), single family dwellings in Woodhaven Subdivision  
(South of Eola Drive abutting the proposed subdivision), RA (Residential Agriculture), single family dwellings
- South: (Polk County, Outside UGB), vacant, EFU (Exclusive Farm Use)
- East: RS (Single Family Residential), single family dwellings in Sunset Hills and Woodhaven Subdivisions
- West: RA (Residential Agriculture), vacant (Across Doaks Ferry Road, outside city limits), SR (Suburban Residential), single family dwellings

The subject property is mapped for landslide hazards. The application was deemed complete on October 11, 2000, prior to the effective date of the landslide ordinance. Regardless, the Public Works Department indicated that the applicant submitted a geotechnical investigation of the property in October 2000. The report was submitted prior to implementation of SRC Chapter 69. No active or inactive slides were identified in the report. The report was for a preliminary subdivision design. The Public Works Department indicated that additional geotechnical investigation may be required for the subdivision and building lots containing slopes greater than 40 percent.

**Condition 9**  
**Amendment**

Public Works agrees to the request to eliminate the vehicular connectivity requirement of Chapter 63 in Phases 5 and 6 of the Eagles View Subdivision based on the development of the church properties at the northeast and northwest corners of Eola Drive NW and Doaks Ferry Road NW.



## Zachery Cardoso

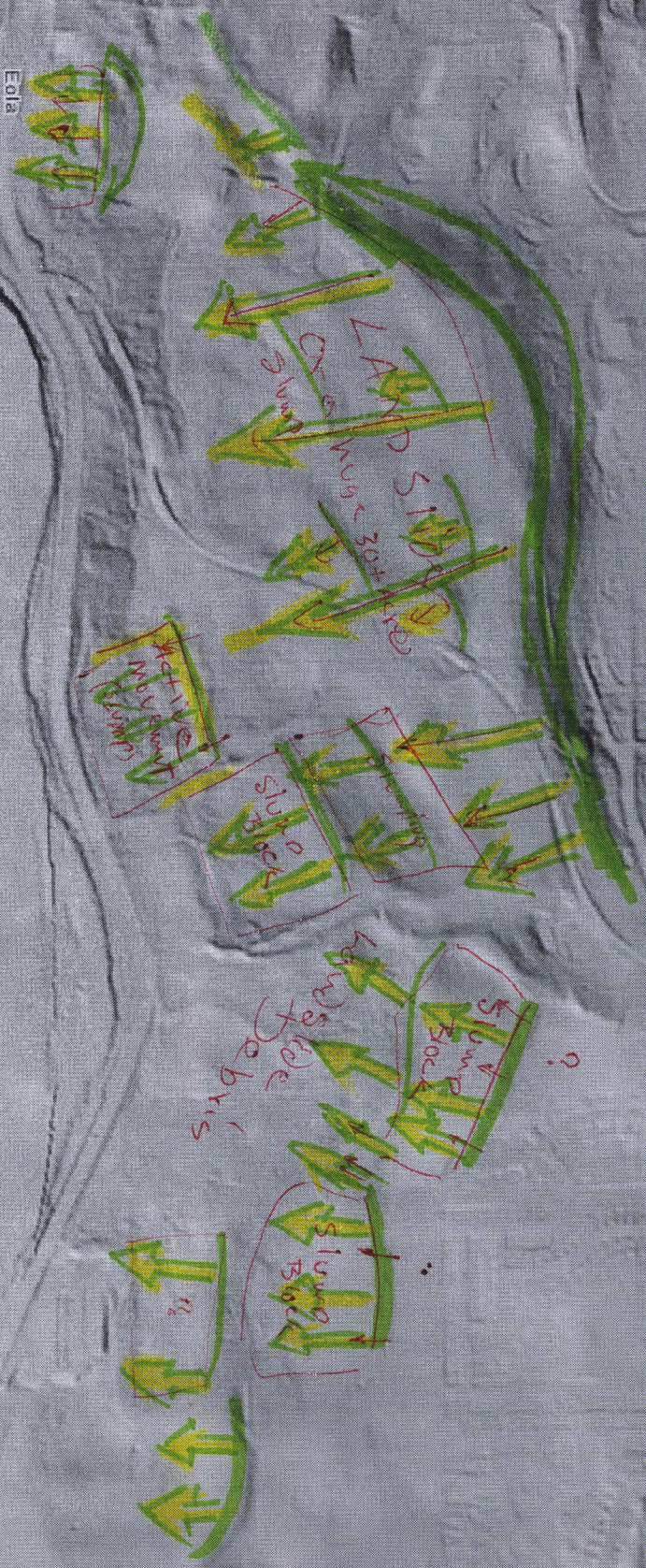
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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 4:13 PM  
**To:** Olivia Dias  
**Subject:** geo hazard continued  
**Attachments:** eola hills slumping.JPG

When slumping takes place a block of land moves and once it moves support is removed from the area immediately uphill from it . a strong earthquake can trigger it.



Ed 12





## Zachery Cardoso

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**From:** dennis g <bmwden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 4:59 PM  
**To:** Olivia Dias  
**Subject:** tax lot 200 access  
**Attachments:** 2002 saalfeld griggs 1of3.JPG; 2002 saalfeld griggs 2of3.JPG; 2002 saalfeld griggs 3of3.JPG; 2004 map 1of1.JPG; city concil minutes feb11 2002 page 1.png; city concil minutes feb 11 2002 page 2.png; city concil meeting feb 11 2002 page3.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The city surveyor Paul K. told me today that the maps and descriptions of the subdivision are difficult and imprecise. He thinks that the best information is from the opposing lawyer in his letter [attached] the council meeting minutes [attached help too] the map is what they had.

SAALFELD GRIGGS<sub>PC</sub>

RECEIVED  
FEB 14 2002  
COMMUNITY  
DEV. DEPT.

February 14, 2002

HAND DELIVERED

Dave Pratt  
Principal Planner  
Salem Planning Department  
555 Liberty Street SE  
Salem, OR 97301

Re: Eagles View Subdivision, Plat No. 01-12  
Our File No. 9844

Dear Dave:

This memo follows up the City Council meeting of February 11, 2002. I will try to keep this short and to the point. I would appreciate your providing a copy of this memo and the attachments to the City Council for their deliberations. I have enclosed 8 copies for your use. These attachments were previously made part of the record.

I. Additional Conditions of Approval. The Applicant agrees to the following additional conditions of Approval:

A. Applicant shall provide a 25-foot right-of-way on the southerly portion of the cul-de-sac which runs parallel to and north of Eola Drive. The walkway shall extend south in the vicinity of Lots 185 and 186 to provide pedestrian access to Eola Drive.

B. Applicant shall design and construct the detention basin southwest of proposed Lot 37 and east of proposed Lot 26 as a "wet detention system." The detention basin improvements recently constructed in south Salem by the Pringle Watershed will serve as a guide. One dozen bird houses of various types shall be constructed by Applicant in the detention area. The basin area shall be planted in native vegetation. This basin will serve as a water quality and quantity control facility, and thus improve fish and wildlife habitat in the area.

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www.sglaw.com

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250 Church Street SE Salem, Oregon 97301

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ATTACHMENT B



C. Applicant shall dedicate 60-foot right-of-way in the vicinity of proposed Lot 39 to provide future connectivity to the undeveloped parcel located southwest of the proposed development, as shown on the attached drawing. Street improvements and utility extensions are not required at this time because the proposed development abuts the Urban Growth Boundary.

II. Applicant's Responses to Council Questions.

1. Removal of fish barriers off-site.

Response: Neither Turnidge Brook, nor "College Creek," are listed as fish-bearing streams in Salem inventories, SRC 68.065(a). However, both swales on site are protected under this tentative plat. The headwaters of Turnidge Brook are protected by the city park. The swale which is alleged to be the headwaters of College Creek is protected by the wet detention basin condition set out in Condition B above. "College Creek" swale is not shown on the USGS maps, which is a precondition to any regulation, SRC 63.038(5). The USGS map is attached. There is an intermittent stream shown on the map. However, it is far to the west of the subject property. There is no identified fish habitat on the subject property, SRC 68.065(a). The property has been farmed for many years. There is no separate stream bed or channel. To impose off-site mitigation of existing conditions on this Applicant would result in a taking under *Dolan*.

2. Riparian Setback.

Response: Neither of the swales are subject to riparian setbacks, because neither of these swales is identified as a fish-bearing stream, SRC 68.065(a); 68.020(d). Neither swale is defined as a "waterway," SRC 68.020(x), because water is present only intermittently. Neither qualifies for riparian corridor protection, SRC 68.020(o) and 68.050.

3. Electromagnetic Field.

Response: The City of Salem does not regulate electromagnetic fields nor does the SRC provide for a special setback from power lines. In the absence of any reliable evidence of negative EMF impacts, only six states have chosen to specify maximum levels of electric field for transmission lines. Oregon is one. The State of Oregon does regulate electromagnetic fields for siting transmission lines. The standard is 9 kV/m, OAR 345-024-0090. The attached figure from the BPA report, which is in the record, shows that the electric field from their 230 kV line is only 2 kV/m under the transmission line, and a mere 1.5 kV/m at the edge of the right-of-way. Therefore, EMF is far below the state standard. The tentative plat also places back yards abutting the BPA right-of-way, which further separate the residences from the power lines and further lowers any EMF. The two affected utilities, BPA and Salem Electric, consider the 50-foot setback as more than adequate, and their publications supporting this have been submitted into the record. There is no evidence proving a public health risk in this instance. There are no grounds under the approval criteria to deny or condition an approval under these circumstances, SRC 63.046, 63.051. To impose a setback greater than the existing BPA right-of-way would result in the unconstitutional taking of private property, in this instance.

4. Accessways.

Response: The Applicant agrees to the imposition of one additional accessway as described in proposed Condition A above.



The three other accessways shown on the proposed plat have been criticized by one witness. However, these 30-foot accessways were strategically placed after numerous discussions with the neighborhood association, and with Planning and Public Works staff. Remember that connectivity is not just for cars. Development of additional streets in these locations would result in unnecessary road construction that would not improve vehicular circulation. The walkways encourage pedestrian travel and discourage unnecessary vehicular traffic.

The Applicant's engineer has reviewed the topography of the site regarding access to Eola from the southerly cul-de-sac. You can see that the grade is quite steep in this area and the Public Works Director testified that an accessway in that location would not comply with ADA requirements. In addition, the transit stop is at Burley Hill Drive and Eola Drive. Therefore, the most convenient pedestrian access to the bus stop would be to proceed south and then east on the internal local street, and then north on Sunwood to the transit stop. It would not be advisable to encourage additional pedestrian activity on Eola Drive in that location.

5. Wetlands.

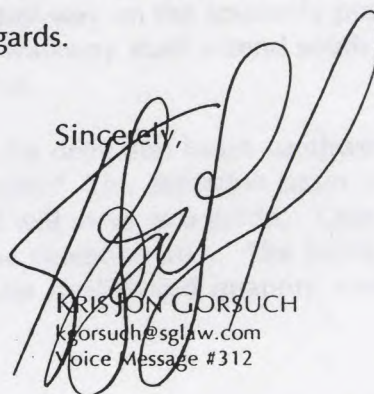
Response: As detailed in both the staff report and Applicant's evidence, there are no wetlands on the subject site. Prior notice was given to DSL and DSL responded in writing to the City that there were no inventoried wetlands on site. The City Natural Resource Department reviewed the site and found no wetlands. The Applicant's expert did field reconnaissance and found no wetlands. The staff report mistakenly said that it had no documentation than an on-site determination was conducted. However, Applicant had earlier provided the on-site report for the record. All required steps were followed. There is nothing further to do in this regard.

6. Trees.

Response: Applicant's approved Tree Conservation Plan under SRC Chapter 68 shows that over 31% of the existing trees will be retained. A maximum of 143 trees will be removed during the expected 10-year course of construction. However, at a minimum, 400 replacement trees will be placed in the development, SRC 132.210; 86.130. In addition, it has been Mr. Epping's past practice to require builders to place additional trees on the lots as they are landscaped.

Thank you for your consideration in these regards.

Sincerely,



KRISTON GORSUCH  
kgorsuch@sglaw.com  
Voice Message #312

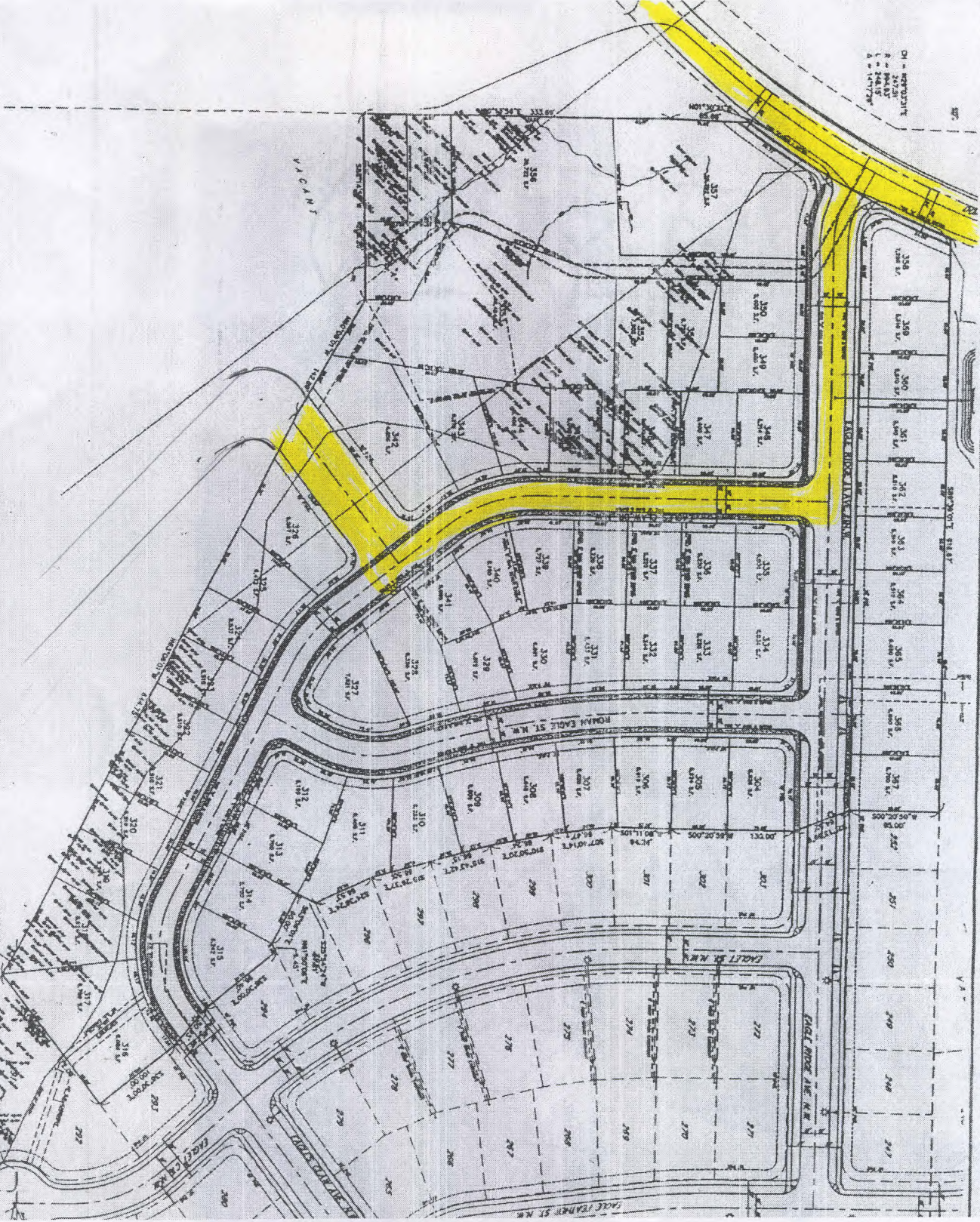
KJG:skw

Enclosures

cc: Larry Epping (w/encls.)  
Mark Grenz (w/encls.)



CH = APPROXIMATE  
R = 20.00'  
A = 14.172°



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NOT FOR  
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APPROVED HERE



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

DESIGN: J.L.S.  
CHECK: J.L.S.  
DATE: DEC. 2004  
SCALE: AS SHOWN  
AS-BUILT:

**EAGLES VIEW  
PHASE 5**

**SIDEWALK  
& TREE**



Grenz

Mark Grenz, Multi Tech Engineering, 1155 13<sup>th</sup> St SE, also representing the applicant, explained that access for Mr Gwynn's property will be through a proposed stub street that would go through lot 39, and Mr Gwynn agrees with this change. This property splits and drains into four directions. We have dealt with Turnage Brook in that we have worked with Parks to make sure it is designed around the brook. We have worked with the school district to ensure that Parks could maintain their commitment to the neighborhood association regarding the brook. We are proposing to design our detention facility as a wet facility which would

135

FEBRUARY 11, 2002

Sub 01-12

5.b Eagles View Subdivision 01-12 . . . (Continued)

Grenz

house some aquatic features. Mr Epping has indicated a willingness to put several different kinds of bird houses in this area, and the area will be pretty much undisturbed.

Kris Gorsuch, 250 Church St SE, representing the applicant, said that was a good question about the LUBA case. The UGA permit went through and was approved by Council last year and resulted in a development agreement which was also approved last year. An appeal was filed with the Planning Commission and he and his client have worked with

FEBRUARY 11, 2002

Sub 01-12

**5.b Eagles View Subdivision 01-12 . . . (Continued)**

Gorsuch

the appellant to resolve the access concern. We have agreed with Mr Gwynn that we will provide access to his property in a particular location by leaving a lot undeveloped. His property is just outside the urban growth boundary right now and the access would be a 60 foot dedicated right of way. Various changes have occurred over the past three years through traffic impact studies and working with the neighborhood association, and the applicant has made changes to accommodate concerns. There was a concern about drainage to the east and also an area that drains to the southwest in Polk County, and Mr Grenz, the engineer, will address the detention basin for protecting drainage waters from the subdivision from entering the Willamette River. There are Bonneville Power Administration (BPA) lines within a 100 foot easement through the center of the subdivision. There is also a Salem Electric line through the southwest corner of the property. We have materials from Salem Electric and BPA which show there is no connection between electrical magnetic fields (EMFs) and health concerns. There was question about wetlands, if an inventory had been done and if an analysis was done. Originally submitted was an analysis indicating the property does not show up on any wetland inventory, and from site investigation there was no wetlands. There were no prior wetlands on the property which was determined by soil tests. Those are the three issues before Council tonight and they have all been worked out.

Eagles View  
Subdiv 01-12  
Eola NW

- 5.b Council Call-Up - Eagles View Subdivision Plat 01-12 - Larry Epping, Granada Land Company, Applicant - **South of EOLA DR, South of GEHLAR RD, West of SUNCREST AVE and SUNWOOD DR and East of DOAKS FERRY RD in West Salem - Ward 8**

**Note:** A staff report from Community Development is included in the packet

**Recommended Action:** Staff recommends that Council adopt the facts and findings of the staff report with its attachments and confirm the Planning Administrator's decision for Eagles View Subdivisions

**Attached:** Communication from Steven A Anderson

OPEN

Mayor Swaim declared the public hearing open to receive testimony.

Pratt

Principal Planner Pratt entered the staff report into the record and reviewed it for Council.

Mayor

Mayor Swaim asked if this case is on remand from LUBA.

Pratt

Mr Pratt responded it is not; adding that the 120 day limit will expire on February 25, the day set for deliberations.

Gorsuch

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Sub 01-12

- 5.b **Eagles View Subdivision 01-12 . . . (Continued)**

Gorsuch

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