

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / CLASS 1 ADJUSTMENT CASE NO.: SUB-ADJ21-04

APPLICATION NO.: 20-117944-LD / 21-105659-ZO

NOTICE OF DECISION DATE: May 19, 2021

SUMMARY: An application for the development of a proposed 60-lot subdivision.

REQUEST: An application for a Subdivision to divide property located at 5826 Battle Creek Road SE into 60 lots ranging in size from 4,000 square feet to approximately 11,912 square feet; together with a Class 1 Adjustment to:

- a) Allow the maximum lot depth of Lots 1-8 and Lots 49-51 to exceed 300% of their average lot width (SRC 511.010(a));
- b) Reduce the minimum required 120-foot double frontage lot depth for Lots 1-10 in order to accommodate the potential for a future sound wall along the eastern boundary of the property abutting Interstate-5 (SRC 511.010(a)); and
- c) Reduce the minimum required lot width at the front setback line for proposed Lot 49 from 40 feet to 32 feet (SRC 511.010(a)).

The property is zoned RS (Single Family Residential), approximately 11.14 acres in size, and located at 5826 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W13C00900).

APPLICANT: State Street Homes, Inc. (Mark Wilde)

LOCATION: 5826 Battle Creek Rd SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 250.005(d)(1) – Class 1 Adjustments

FINDINGS: The findings are in the attached Decision dated May 19, 2021.

DECISION: The **Planning Administrator APPROVED** Subdivision / Class 1 Adjustment SUB-ADJ21-04 subject to the following conditions of approval:

- Condition 1:** Prior to final plat approval, obtain demolition permits and remove all existing structures located on the subject property.
- Condition 2:** Construct stormwater flow control and treatment facilities pursuant to Salem Revised Code Chapter 71 and PWDS.
- Condition 3:** Construct a 12-inch S-2 public water main through the proposed development in accordance with the PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.
- Condition 4:** Extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.

- Condition 5:** Construct water, stormwater, and sewer systems to serve each lot.
- Condition 6:** Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.
- Condition 7:** Provide a 10-foot public utility easement along the street frontage of each lot.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE.
- Condition 9:** Construct a half-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide a northbound to westbound left-turn lane and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as a southbound to eastbound left-turn lane and tapers at the intersection of Battle Creek Road SE and the proposed "A" Street SE.
- Condition 10:** Construct internal streets to Local street standards.

The rights granted by the attached decision must be exercised, or an extension granted, by June 4, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>March 25, 2021</u>
Notice of Decision Mailing Date:	<u>May 19, 2021</u>
Decision Effective Date:	<u>June 4, 2021</u>
State Mandate Date:	<u>July 23, 2021</u>

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Thursday, June 3, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(SUBDIVISION AND CLASS 1 ADJUSTMENT NO. SUB-ADJ21-04)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173
<http://www.cityofsalem.net/planning>*

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL SUBDIVISION &)	
CLASS 1 ADJUSTMENT NO.)	MAY 19, 2021
SUB-ADJ21-04; 5826 BATTLE CREEK)	
ROAD SE)	

REQUEST

An application for a Subdivision to divide property located at 5826 Battle Creek Road SE into 60 lots ranging in size from 4,000 square feet to approximately 11,912 square feet; together with a Class 1 Adjustment to:

- 1) Allow the maximum lot depth of Lots 1-8 and Lots 49-51 to exceed 300% of their average lot width (SRC 511.010(a));
- 2) Reduce the minimum required 120-foot double frontage lot depth for Lots 1-10 in order to accommodate the potential for a future sound wall along the eastern boundary of the property abutting Interstate-5 (SRC 511.010(a)); and
- 3) Reduce the minimum required lot width at the front setback line for proposed Lot 49 from 40 feet to 32 feet (SRC 511.010(a)).

The property is zoned RS (Single Family Residential), approximately 11.14 acres in size, and located at 5826 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W13C00900).

DECISION

The Tentative Subdivision Plan and Class 1 Adjustment are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated.

- Condition 1:** Prior to final plat approval, obtain demolition permits and remove all existing structures located on the subject property.
- Condition 2:** Construct stormwater flow control and treatment facilities pursuant to Salem Revised Code Chapter 71 and PWDS.
- Condition 3:** Construct a 12-inch S-2 public water main through the proposed development in accordance with the PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.
- Condition 4:** Extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.

- Condition 5:** Construct water, stormwater, and sewer systems to serve each lot.
- Condition 6:** Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.
- Condition 7:** Provide a 10-foot public utility easement along the street frontage of each lot.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE.
- Condition 9:** Construct a half-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide a northbound to westbound left-turn lane and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as a southbound to eastbound left-turn lane and tapers at the intersection of Battle Creek Road SE and the proposed “A” Street SE.
- Condition 10:** Construct internal streets to Local street standards.

PROCEDURAL FINDINGS

1. On November 16, 2020, an application for tentative subdivision plan was filed by Josh Wells, of Westech Engineering, Inc., on behalf of the applicant and property owner, State Street Homes, Inc., proposing to divide property located at 5826 Battle Creek Road SE into a 60-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on March 25, 2021. Public notice of the proposal was subsequently sent, pursuant to SRC requirements, to surrounding property owners and tenants within 250 feet of the subject property on April 1, 2021 and notice of the proposal was subsequently posted on the property by the City’s case manager.

The state-mandated local decision for the application is July 23, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide an 11.14-acre property located at 5826 Battle Creek Road SE (**Attachment A**) into 60 lots ranging in size from 4,000 square feet to approximately 11,912 square feet; together with two tracts of land that will be dedicated to the City of Salem to accommodate the storm water management facilities required to serve the proposed development.

In addition to the proposed tentative subdivision, the proposal also includes a requested Class 1 Adjustment to:

- 1) Allow the maximum lot depth of Lots 1-8 and Lots 49-51 to exceed 300% of their average lot width (SRC 511.010(a));
- 2) Reduce the minimum required 120-foot double frontage lot depth for Lots 1-10 in order to accommodate the potential for a future sound wall along the eastern boundary of the property abutting Interstate-5 (SRC 511.010(a)); and
- 3) Reduce the minimum required lot width at the front setback line for proposed Lot 49 from 40 feet to 32 feet (SRC 511.010(a)).

The subject property abuts Battle Creek Road SE on the west, Interstate-5 on the east, and the Salem City limits on the south. Vehicular access to the subdivision is provided by Battle Creek Road SE and an existing dead-end street, Landon Street SE, which extends to and terminates near the northeast corner of the subject property. The proposed subdivision provides a new street connection to Battle Creek Road near the southwest corner of the property and further extends Landon Street into and through the subject property.

Vehicular access to the proposed lots within the subdivision will be provided by internal public streets. In order to provide for required street connectivity to serve future development on abutting properties to the north and south of the subject property, proposed D Street has been extended to the northern boundary of the subject property and proposed B Street and Landon Street have been extended to the southern boundary of the property for eventual future extension.

In addition to providing vehicular access, the proposed subdivision also provides for pedestrian connectivity through the site and to abutting properties through sidewalks on both sides of all streets.

2. Applicant's Plans and Statement.

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**
- Utility Plan: **Attachment C**
- Grading Plan: **Attachment D**

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

3. Summary of Record.

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

4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Developing Residential
South	Developing Residential
East	Across Interstate-5, Developing Residential
West	Across Battle Creek Road SE, Developing Residential

5. Zoning

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential) and RA (Residential Agriculture)
South	Marion County UT (Urban Transition)
East	Across Interstate-5, Marion County UT (Urban Transition)
West	Across Battle Creek Road SE, RA (Residential Agriculture)
	Across Battle Creek Road SE, Marion County UT (Urban Transition)

Relationship to Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration.

6. Public and Private Agency Review

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated no objections. The Fire Department indicates that items including fire department access and water supply will be required at the time of construction.

- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment F**.
- D. Portland General Electric (PGE) reviewed the proposal and indicated no objections.
- E. The Oregon Department of Transportation (ODOT) reviewed the proposal and provided comments that are included in **Attachment G**. ODOT indicates that the site is adjacent to Pacific Highway, No. 001 (I-5), and is subject to state laws administered by ODOT. ODOT indicates that the proposal does not trigger any requirements from ODOT and ODOT has no objections to the proposal.

ODOT explains that they support the adjustment request to reduce the 120-foot lot depth to accommodate the potential for a future sound wall. They explain that while no decision has been made by ODOT regarding installation of a sound wall, the adjustment proposal sets the framework should a wall be constructed.

- F. The Salem-Keizer School District review the proposal and provided comments that are included in **Attachment H**. The School District indicates, in summary, that the property is served by Lee Elementary School, Judson Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Lee Elementary School and Judson Middle School to accommodate the projected increase in student enrollment resulting from the future development of the lots, but South Salem High School is overcapacity.

The School District indicates that students will be eligible for school provided transportation to Judson Middle School and South Salem High School. The School District also indicates that students will be eligible for school provided transportation to Lee Elementary School, unless a street and sidewalk connection from the proposed subdivision to existing Landon Street SE is provided. A street and sidewalk connection to existing Landon Street would result in the property being located within the walk zone of the elementary school.

Staff Response: As shown on the proposed tentative subdivision plan, all of the proposed internal public streets included within the subdivision include sidewalks on both sides and a street and sidewalk connection is provided between the proposed subdivision and existing Landon Street SE. Based on the School District's review, because the proposed subdivision will include a sidewalk and street connection to Landon Street, the subject property is located within the walk zone of Lee Elementary.

7. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association and is located adjacent to the Southeast Mill Creek Association (SEMCA) Neighborhood Association.

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On August 20, 2020, the applicant's representative contacted the South Gateway Neighborhood Association to provide details about the proposal and on November 19, 2020, the applicant's representative contacted the SEMCA Neighborhood Association to provide details about the proposal.

Neighborhood Association Comments

Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the South Gateway Neighborhood Association or the SEMCA Neighborhood Association.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Prior to the comment deadline four comments were received that are included as **Attachment I**. The comments received expressed concern and opposition regarding the following issues:

- A. Need for Survey to Verify Lot Lines and Setbacks. One of the comments received questioned whether independent surveying will be done prior to the start of construction to verify existing lot lines and setbacks due to potential concerns about the location of existing lot lines and encroachments.

Staff Response: State law, under ORS 92, and the Salem Revised Code (SRC) require the applicant to prepare a survey completed by a licensed surveyor. Upon submittal of the final plat of the subdivision, the boundaries will be reviewed by the City Surveyor for accuracy and compliance with Oregon Revised Statutes prior to recording with the county. A survey conducted by an additional independent third party is not required to be completed.

- B. Plans for Existing Fence Between Subject Property and Abutting Property to the North. One comment received questioned whether the existing fence between the subject property and the abutting property to the north will remain and what type of barrier will be provided between the properties.

Staff Response: Comments provided by the applicant's representative indicate that the applicant proposes to leave the property line fence in its current location.

- C. Proposed Erosion and Dust Control Measures. One of the comments received questioned what kind of erosion and dust management practices will be in place.

Staff Response: As a requirement of further development of the property the applicant will be required to obtain a 1200-C Permit from the Oregon Department of Environmental Quality (DEQ) as well as a grading permit from the City of Salem. These permits require measures to be implemented to manage dust and control erosion prior to, during, and after construction.

- D. Potential Impacts on Hydrology. One of the comments received questioned what types of hydrology and environmental impact studies have been conducted in order to determine that there will be no interruption or impacts to well water sources serving abutting properties.

Staff Response: The applicant is proposing to abandon the existing well on the subject property and will be required to connect to City water and sewer to serve the proposed lots within the subdivision. The Salem Revised Code does not require hydrologic studies in connection with the review of subdivision applications.

- E. Residential Density. One of the comments submitted expressed opposition to the proposed development based on the proposed residential density being too high. The comment explains, in summary, that the density of the development proposed with the application is even higher than that which has already been approved for adjacent property at the corner of Landau and Battle Creek Road. It is indicated that densities should not be any higher than those currently in existence in the adjoining neighborhood also zoned RS.

Staff Response: The subject property is zoned RS (Single Family Residential). Within the RS zone there is not a specific minimum or maximum residential density requirement, but there is, however, a minimum lot size requirement that contributes towards determining the number of lots that can be developed on a property. Within the RS zone the minimum lot area for single family lots is 4,000 square feet. As shown on the tentative subdivision plan (**Attachment B**), all of the proposed lots within the subdivision conform to the minimum lot area requirement.

In addition, the proposed subdivision results in 60 lots on 11.14 acres of land. The resulting density of 5.4 dwelling units per acre is slightly below General Development Policy No. 7 (*Optimal Use of the Land*) of the Salem Area Comprehensive Plan which, in part, states that the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.

- F. Traffic. Comments submitted express opposition to the proposed development due to the proposed density of the development and the resulting increase in the amount of traffic. It is explained that the densities proposed will bring further traffic to Battle Creek Road and to Landau Street, which is already suffering from overload. It is indicated that if the property in question is to be developed the City must widen Battle Creek Road from the I-5 overpass down to the intersection with Boone Road. It is also indicated that Fabry Road must also be widened and extended from Safeway through to a new signal-controlled intersection with Battle Creek Road. It is explained that without these improvements the traffic situation will be further exacerbated and will lead to increased accidents and injuries in the area.

Staff Response: The proposed subdivision has been reviewed by the City Traffic Engineer. As indicated in the comments provided by the City's Public Works Department (**Attachment F**), the proposed 60-lot subdivision will generate less than 1,000 average daily vehicle trips onto a Minor Arterial Street. Because the anticipated traffic volume resulting from the proposed subdivision does not meet the threshold requirement for requiring a traffic impact analysis, off-site transportation improvements such as the widening of Battle Creek Road from the I-5 overpass to Boone Road or the widening and extension of Fabry Road from the Safeway on Commercial Street SE to Battle Creek Road would not be warranted or proportional to the traffic impacts resulting from the development.

- G. Impact on Wildlife. Comments submitted express opposition to the proposed development due to its impact on existing wildlife. It is explained that there is wildlife living in the trees, such as owls, coyotes, and various birds of all sizes. It is indicated that the proposed development will greatly impact the area by negative means and destroying habitat.

Staff Response: The subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and the incorporated limits of the City of Salem. The subject property is also designated on the Salem Area Comprehensive Plan Map as "Developing Residential" and zoned RS (Single Family Residential), which anticipate existing or future residential development similar to the subdivision proposed in this case and the developed neighborhoods to the north of the subject property. Loss of wildlife habitat that has not been identified as significant is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval.

- H. School Capacity. One of the comments submitted expressed opposition to the proposed development based on the impact it will have on school capacity.

Staff Response: The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment H**. The comments from the School District indicate sufficient existing school capacity at Lee Elementary School and Judson Middle School to accommodate the projected increase in student enrollment resulting from the future development of the lots, but South Salem High School is overcapacity. In order for a subdivision to be approved it must meet the applicable approval criteria included under SRC 205.010(d). School capacity is not an identified criterion that can be applied to the approval or denial of a tentative subdivision plan.

- I. Low Income Housing and Decrease in Property Values. One of the comments submitted expressed opposition to the proposed development based on low income housing and a decrease in property values.

Staff Response: The proposed development is for a 60-lot residential subdivision. Because no plans have been submitted for development on the individual proposed lots, the type of housing that will be developed within the subdivision is unknown. The Residential Development Goal of the Salem Area Comprehensive Plan is to,

“...promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.”

The property's RS zoning implements this comprehensive plan goal by establishing the types of residential uses which are allowed in the zone. Single family dwellings are a permitted use in the RS zone. The income levels of individuals who reside in the dwellings, however, is not a consideration in terms of whether the use is allowed or not and is not an identified criterion that can be applied to the approval or denial of a tentative subdivision plan.

In regard to the proposed development's effect on property values, effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The proposal for single family residential development is consistent with the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone of the subject property. As described above, SACP goal E.b (Residential Development) aims to provide housing opportunities for a diverse population. As such, while SACP goals encourage a diversity of housing types, the Salem Revised Code neither directly nor indirectly regulates property values.

Homeowners Association

The subject property is not located within a Homeowners Association.

8. TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

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

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential). The proposed tentative subdivision plan, as

conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 205 (Land Division and Reconfiguration)

The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision.

SRC Chapter 511 (RS Zone)

The subject property is zoned RS (Single Family Residential). Development within the RS zone must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone that are applicable to the proposed subdivision are as follows:

▪ ***Lot Standards:***

Lot size and dimension standards within the RS zone are established under SRC 511.010(a), Table 511-2. A summary of the lot size and dimension standards applicable to single family dwellings within the RS zones is provided in the following table:

RS Zone Single Family Dwelling Lot Standards		
Lot Area	Min. 4,000 sq. ft.	
Lot Width	Min. 40 ft.	
Lot Depth	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed 60 lots within the subdivision range from 4,000 square feet to approximately 11,912 square feet; therefore, exceeding the minimum lot area standards of the RS zone.

All of the proposed lots within the subdivision also conform to the lot dimension and street frontage standards of the RS zone except for the following:

- **Maximum Lot Depth:** As identified in the above lot standards summary table, the maximum allowed lot depth for lots within the RS zone is 300 percent of their average lot width. As shown on the tentative subdivision plan, all of the lots within the subdivision conform to the maximum lot depth requirement with the exception of proposed Lots 1-8 and Lots 49-51, which slightly exceed 300 percent of their average lot width.

Because these proposed lots exceed maximum allowed lot depth, a Class 1 Adjustment to this standard has been requested as part of the application. Analysis of the Class 1 Adjustment request and findings demonstrating conformance with the Class 1 Adjustment approval criteria are included in Section 9 of this decision.

- **Minimum Double Frontage Lot Depth:** Within the RS zone the minimum required lot depth for double frontage lots, lots which have both a front and rear property line abutting a street, is 120 feet. As shown on the tentative subdivision plan, the proposed subdivision includes double frontage lots on the west side of the subdivision, which have frontage on both Battle Creek Road SE proposed B Street, and the east side of the subdivision, which have frontage on both Landon Street and Interstate-5. As proposed, all of the double frontage lots within the subdivision conform to the minimum double frontage lot standard of the RS zone.

However, because the double frontage lots along the eastern boundary of the subdivision abut Interstate-5, there is the potential for a sound wall to be constructed along the eastern boundary of the subdivision, similar to what has been constructed along the properties to the north, in conjunction with the widening of Interstate-5. If a sound wall were to be constructed it would require an approximate 6-foot right-of-way dedication or easement, which would reduce the minimum lot depth of Lots 1-10 below the minimum required 120-foot double frontage lot depth.

Comments from ODOT indicate that a project to widen Interstate-5 between Kuebler Boulevard and Delaney Road SE is being planned, but at this point in the design specific required right-of-way widths are not known and a noise study to determine whether the sound wall should be extended has not been completed.

In order to accommodate the potential for a future sound wall along the eastern boundary of the subject property abutting Interstate-5, a Class 1 Adjustment has been requested with the application to allow the minimum double frontage lot depth of Lots 1-10 to be reduced below 120 feet. Analysis of the Class 1 Adjustment request and findings demonstrating conformance with the Class 1 Adjustment approval criteria are included in Section 9 of this decision.

- **Minimum Street Frontage/Lot Width at Front Setback Line:** The minimum required street frontage for lots within the RS zone is 40 feet. The minimum required 40 feet of street frontage may be reduced, however, to a minimum of

30 feet for lots which front on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. When the minimum required street frontage on a curve is reduced to 30 feet, the width of the lot at the front building setback line is required to be a minimum of 40 feet.

As shown on the tentative subdivision plan, all of the proposed lots within the subdivision conform to the minimum street frontage requirement with the exception of proposed Lot 49. Lot 49 is located on the outside curve of proposed B Street. The frontage of the lot on the curve conforms to the minimum required 30-foot width, but the width of the lot at the front setback line is 32 feet, which does not conform to the minimum required 40-foot width. Because the width of Lot 49 at the front setback line is less than 40 feet, a Class 1 Adjustment has been requested to reduce the minimum required width of the lot at the front setback line from 40 ft. to 32 ft. Analysis of the Class 1 Adjustment request and findings demonstrating conformance with the Class 1 Adjustment approval criteria are included in Section 9 of this decision.

The lots within the subdivision, as proposed and as approved with the corresponding Class 1 Adjustment, conform to the applicable lot standards of the RS zone. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(b), Table 511-3. A summary of the required setbacks for single family dwellings within the RS zone is provided in the table below.

RS Zone Setbacks		
Abutting Street	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial ⁽¹⁾ streets.
Interior Side	Min. 5 ft.	
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Notes		
(1) Commercial Street SE is designated as a major arterial street within the City's TSP. As such a minimum 20-foot setback is required along this street.		
(2) "Infill Lot" is defined under SRC Chapter 111 (Definitions) as a residential flag lot created by the partition of land after February 8, 2006.		

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

The setback requirements of the RS zone apply to future development on each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are generally not applicable. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of building permit.

The subject property is, however, currently developed with a single-family dwelling and associated accessory structures. With the proposed subdivision of the property the existing single-family dwelling and accessory structures will be no longer be on their own lot but will instead be located over the proposed new lot lines and in the way of required street improvement within the subdivision. In order to ensure that the proposed subdivision conforms to the setback requirements of the RS zone and there will be no existing structures located over lot lines when the final plat of the subdivision is recorded, the following condition of approval shall apply:

Condition 1: Prior to final plat approval, obtain demolition permits and remove all existing structures located on the subject property.

City Infrastructure Standards (SRC Chapters 71, 802, and 803)

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

The Public Works Department indicates that existing stormwater facilities in the area include a 10-inch main located in Landon Street SE. They also indicate that at the northeast corner of the subject property a point of connection may be available through a 20-foot-wide easement adjacent to Interstate 5.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater report demonstrates the use of green stormwater infrastructure to the maximum extent feasible. However, the preliminary stormwater design appears to have

deficiencies that can likely be reconciled as part of the plan review process pursuant to Salem Revised Code Chapter 77.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following condition of approval shall apply:

Condition 2: Construct stormwater flow control and treatment facilities pursuant to Salem Revised Code Chapter 71 and PWDS.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Public Works Department (**Attachment F**).

In summary, the Public Works Department indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

The Public Works Department indicates that the subject property is currently served by the following existing water and sewer facilities:

Water: The subject property is located within the S-2 water service level. A 16-inch to 20-inch water line is located in Battle Creek Road SE and a 12-inch water line is located in Landon Street SE.

Sewer: An 8-inch sewer line is located in Landon Street SE and an 8-inch sewer line is located in Battle Creek Road SE approximately 700 feet north of the subject property.

In order to ensure that required City infrastructure is provided to serve the proposed subdivision, the following conditions of approval shall apply:

Condition 3: Construct a 12-inch S-2 public water main through the proposed development in accordance with the PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.

Condition 4: Extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.

Condition 5: Construct water, stormwater, and sewer systems to serve each lot.

Condition 6: Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.

Condition 7: Provide a 10-foot public utility easement along the street frontage of each lot.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 (Street and Right-of-Way Improvements): The subject property is located on Battle Creek Road SE and one existing dead-end street, Landon Street SE, which terminates at the northeastern corner of the subject property. Battle Creek Road is designated as a minor arterial under the City's Transportation System Plan (TSP) and Landon Street is designated as a local street.

The Public Works Department indicates that Battle Creek Road has an approximate 27-foot turnpike improvement within a 60-foot-wide right-of-way. The standard for a minor arterial street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Landon Street has an approximate 30-foot improvement within a 60-foot-wide right-of-way. The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

SRC Chapter 803 (Streets and Right-of-Way Improvements) establishes standards for the development of streets located within and adjacent to the proposed subdivision. In order to ensure that the proposed streets within and on the boundary of the proposed subdivision conform to the applicable provisions of SRC Chapter 803 and the City's Transportation System Plan (TSP), the following conditions of approval shall apply:

Condition 8: Convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE.

Condition 9: Construct a half-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide a northbound to westbound left-turn lane and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as a southbound to eastbound left-turn lane and tapers at the intersection of Battle Creek Road SE and the proposed "A" Street SE.

Condition 10: Construct internal streets to Local street standards.

As conditioned, the proposed subdivision meets the requirements of SRC Chapter 803.

SRC Chapter 808 (Preservation of Trees and Vegetation)

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or

parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 122 trees on the property, two of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 122 total trees existing on the property, the proposed tree conservation plan identifies 79 trees (*65 percent*) for preservation and 43 trees (*35 percent*) for removal.

Of the two significant oaks on the property, one is proposed for preservation located between Lots 58 and 59 and the other is proposed for removal due to the location of the tree in the alignment of the sidewalk on the north side of proposed A Street adjacent to Lot 17, and the amount of disturbance to the tree's critical root zone that will occur associated with the construction of the street.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808 and the one significant oak tree on the property proposed for removal is necessary due to its location in the alignment of the street and sidewalk improvement associated with proposed A Street. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

In addition to the trees located on the subject property, there are also 13 trees located within the existing right-of-way on the east side of Battle Creek Road SE, including one significant oak. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the subject property. Because the 13 trees located within the existing right-of-way of Battle Creek Road are not located on the subject property, they are not subject to the provisions of SRC Chapter 808 and are therefore not counted toward the total number of trees on the site. Trees located within existing public street rights-of-way are instead considered trees on City owned property and are subject to the provisions of SRC Chapter 86. Based on the current under-improved width of Battle Creek Road, the 13 trees within the existing right-of-way will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated

with the improvement of Battle Creek Road. Removal of trees from within the existing right-of-way of Battle Creek Road requires a separate removal permit under SRC Chapter 86.

SRC Chapter 809 (Wetlands)

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

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any mapped wetlands or waterways on the subject property. As proposed, the tentative subdivision plan conforms to the applicable requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a Geotechnical Investigation and Geologic Hazards Assessment, prepared by Redmond Geotechnical Services and dated December 27, 2019. The assessment demonstrates the subject property can be developed with the proposed single-family development without increasing the potential for slope hazard on the site or adjacent properties.

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed subdivision divides the entire 11.14-acre property into 60 lots with no remainder and the proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. In order to facilitate future development of abutting properties, the proposed subdivision extends one street connection to the north and two street connections to the south in order to satisfy the street spacing and connectivity requirements included under SRC 803.030 and SRC 803.035(a) and provide for the future extension of the City's transportation system. This approval criterion is met.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: The Public Works Department reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed subdivision subject to the conditions of approval established in this decision. This criterion is met.

SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The subject property is located adjacent to Battle Creek Road SE and Landon Street SE, a dead-end street, extends to the northeaster portion of the subject property. Battle Creek Road is designated as a minor arterial street under the City's Transportation System Plan (TSP) and Landon Street is designated as a local street.

Internal streets within the subdivision include public local streets serving the residential lots within the subdivision.

The identified street improvements and public street right-of-way dedications, as proposed by the applicant in the application materials and conditioned with this decision, ensure all streets within and adjacent the subdivision will conform to the TSP. This approval criterion is met.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Access to and within the proposed subdivision will be provided by a network of existing and proposed public streets. The proposed subdivision provides for required street connectivity to the surrounding area by extending one street connection to the abutting property to the north and two street connections to the abutting property to the south. These proposed street connections will facilitate the future further development of abutting properties to the north and south of the subject property while also ensuring the future extension of the City's transportation system in a safe, orderly, and efficient manner as required by this approval criterion.

In addition to providing for street connectivity to abutting properties, the proposed subdivision also provides for internal streets that are interconnected without dead-ends (*except where streets have been extended to the boundary of the property for future connectivity*) which ensures an orderly, safe, and efficient street system for circulation of traffic into, through, and out of the subdivision. This approval criterion is met.

SRC 205.010(d)(6): The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The subject property is located within one-half mile of Lee Elementary School and the nearest transit service available to the site is provided by Cherriots Route 6, with the nearest transit stop located approximately 0.8 miles away located near the intersection of Battle Creek Road and Boone Road.

The proposed subdivision is accessed by an existing minor arterial street (Battle Creek Road) and a local street (Landon Street). The proposed subdivision will provide internal streets with safe and convenient bicycle and pedestrian access and a boundary street improvement along the property's Battle Creek Road frontage that will include a sidewalk and bike lane. This approval criterion is met.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The Public Works Department reviewed the proposal and finds that the proposed 60-lot subdivision will generate less than 1,000 average daily vehicle trips onto Battle Creek Road SE, which is designated as a minor arterial street under the City's Transportation System Plan (TSP). Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed 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.

As described in findings above, the lot and street configuration established by the proposed subdivision meets applicable development standards, with adjustments to required lot standards for Lots 1-10 and Lots 49-51; and the configuration of the proposed lots makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. This approval criterion is met.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site while minimizing disruptions to topography and

vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property lies within the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration. This approval criterion is therefore not applicable to the proposed development.

9. CLASS 1 ZONING ADJUSTMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 250.005(d)(1) sets forth the following criteria that must be met before approval can be granted to an application for a Class 1 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the Planning Administrator's decision is based. Lack of compliance with the following criteria is grounds for denial of the Class 1 Adjustment, or for the issuance of certain conditions to ensure the criteria are met.

SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

The proposal includes a Class 1 Adjustment to three lot standards included in the RS zone. The Class 1 Adjustment requests approval to:

- 1) Allow the maximum lot depth of Lots 1-8 and Lots 49-51 to exceed 300% of their average lot width (SRC 511.010(a));
- 2) Reduce the minimum required 120-foot double frontage lot depth for Lots 1-10 in order to accommodate the potential for a future sound wall along the eastern boundary of the property abutting Interstate-5 (SRC 511.010(a)); and
- 3) Reduce the minimum required lot width at the front setback line for proposed Lot 49 from 40 feet to 32 feet (SRC 511.010(a)).

Adjustment to Maximum Lot Depth for Lots 1-8 and 49-51:

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that the project site is located between Battle Creek Road SE and I-5. The lots on the east and west sides of the proposed subdivision will be double frontage lots. Per SRC 511.010(a)(Table 511-2) double frontage lots must meet a minimum of 120 feet in

depth. The double-frontage lots have an average width of 40 feet. And therefore, 120 feet would be the maximum depth that these lots could have.

Per SRC 511.010(a)(Table 511-2) within a residential zone, double frontage lots shall not exceed a maximum of 300% of the average lot width and if it is a double frontage lot, the depth must meet a minimum of 120 feet. An adjustment is requested to adjust the allowed lot depth as eleven of the double-frontage lots on the east and west ends of the subdivision will slightly exceed the 3:1 ratio for lot depth.

The applicant explains that the intent of the 3:1 ratio for lot depth required per SRC 511.010(a)(Table 511-2) is to promote the livability and functionality of residential areas by providing an adequate lot size for development. The proposed Adjustment is requested because the lot depth on eleven of the lots located on the east and west sides of the development will exceed the 3:1 ratio.

Finding: Within the RS (Single Family Residential) zone, the maximum depth of a lot cannot exceed 300 percent of its average width pursuant to SRC 511.010(a), Table 511-2. The underlying purpose of this standard is to ensure efficient use of land and convenient access to lots. If the depth of a residential lot far exceeds its width, the resulting land area located at the rear of the lot has a greater potential to be of such size that it can be further divided to accommodate additional lots. However, based on the narrow width of the lot and the location of any existing structures on it, the rear portion of the lot may be difficult to access. As such, in order for the deep rear portions of lots to be further divided or developed, existing structures may need to be demolished, neighboring lots may need to be combined together in one land division application in order to provide sufficient access width to reach the rear of the lots, or access to the rear of the lots must be provided by private flat lot accessways rather than public streets.

By limiting the maximum depth of residential lots, the possibility of leaving additional developable land at the rear of a lot is minimized; thereby ensuring the efficient use of land and more efficient access to lots via public streets rather than flag lot accessways.

As shown on the tentative subdivision plan (**Attachment B**), proposed Lots 1-8 abutting I-5 and Lots 49-51 abutting Battle Creek Road SE are double frontage lots which have street frontage adjacent to both their front and rear property lines. Within the RS zone lots are required to meet both minimum and maximum lot depth standards. In the case of double frontage lots the minimum required lot depth is 120 feet, which is greater than the standard minimum lot depth of 70 feet for lots which are not double frontage lots. Based on the narrower proposed widths of Lots 1-8 and 49-51 (*generally 40 ft.*) the corresponding maximum lot depth for these lots, based on the 3:1 ratio, is generally 120 feet which is also the same as the minimum required lot depth for the lots because they're also double frontage lots.

As shown on the tentative subdivision plan, Lots 1-8 have depths of approximately 122 ft. and Lots 49-51 have depths ranging from approximately 121 ft. to 135 ft. The depths proposed for these lots conform to the minimum required double frontage lot depth and are only slightly over the maximum allowed 3:1 ratio for maximum lot depth. In no case are the depths of any of these proposed lots so great that they could be further divided

or result in the inefficient use of land. As such, the proposed depths of these lots maintain conformance with the underlying purpose of the maximum lot depth standard and that underlying purpose is clearly satisfied by the proposed development. This approval criterion is met.

Adjustment to Minimum Lot Depth for Lots 1-10:

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that an adjustment is requested to adjust the allowed minimum lot depth as ten of the lots on the east end of the subdivision will be reduced by 6 feet to allow for a sound wall between the subdivision and Interstate-5. The applicant explains that the intent of the 120-foot minimum lot depth is to promote the livability and functionality of residential areas by providing an adequate lot size for development. The decrease of lot depth by 6 feet to allow for a sound wall will not impact the livability of the lot once it is developed. This will enhance the livability by reducing the amount of road noise experienced by residents.

Finding: Within the RS (Single Family Residential) zone, double frontage lots with street frontage adjacent to both their front and rear property lines are required to have a minimum lot depth of 120 feet pursuant to SRC 511.010(a), Table 511-2. The underlying purpose of this standard is to ensure that lots that have street frontage adjacent to both their front and rear property lines have an increased lot depth to provide potential for additional privacy and separation from the street, which is of greater importance for lots abutting streets which convey greater levels of traffic.

As shown on the tentative subdivision plan, the proposed subdivision includes double frontage lots on the west side of the subdivision, which have frontage on both Battle Creek Road SE proposed B Street, and the east side of the subdivision, which have frontage on both Landon Street and Interstate-5. As currently proposed, all of the double frontage lots within the subdivision conform to the minimum double frontage lot standard of the RS zone. However, because the double frontage lots along the eastern boundary of the subdivision abut I-5, there is the potential for a sound wall to be constructed along the eastern boundary of the subdivision, similar to what has been constructed along the properties to the north, in conjunction with the widening of I-5. If a sound wall were to be constructed it would require an approximate 6-foot right-of-way dedication or easement, which would reduce the minimum lot depth of Lots 1-10 below the minimum required 120-foot double frontage lot depth.

Comments from ODOT indicate that a project to widen Interstate-5 between Kuebler Boulevard and Delaney Road SE is being planned, but at this point in the design specific required right-of-way widths are not known and a noise study to determine whether the sound wall should be extended has not been completed.

In order to accommodate the potential for a future sound wall along the eastern boundary of the subject property abutting Interstate-5, a Class 1 Adjustment has been requested to allow the minimum double frontage lot depth of Lots 1-10 to be reduced below 120 feet.

Because the underlying purpose of the minimum 120-foot double frontage lot depth standard is to provide for increased lot depth which in-turn provides for additional space for potential separation and privacy from streets on individual lots that abut streets at

both their front and rear, the proposed slightly reduced lot depths of Lots 1-10 in order to accommodate a potential future sound wall will continue to meet the underlying purpose of the double frontage lot depth standard because what is lost in privacy and separation abutting I-5 by an approximate 6-foot reduction to the depth of these lots will be compensated for by the construction of the wall which will provide a sound and visual buffer, as well as privacy, abutting I-5.

Conversely, if a sound wall is not ultimately constructed along the eastern boundary of the subdivision, the approximate 122-foot lot depths of Lots 1-10 will otherwise conform to minimum 120-foot double frontage lot depth standard. This approval criterion is met.

Adjustment to Minimum Street Frontage/Lot Width at Front Setback Line for Lot 49:

Finding: The minimum required street frontage for lots within the RS zone is 40 feet. The minimum required 40 feet of street frontage may be reduced, however, to a minimum of 30 feet for lots which front on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. When the minimum required street frontage on a curve is reduced to 30 feet, the width of the lot at the front building setback line is required to be a minimum of 40 feet.

As shown on the tentative subdivision plan, all of the proposed lots within the subdivision conform to the minimum street frontage requirement with the exception of proposed Lot 49. Lot 49 is located on the outside curve of proposed B Street. The frontage of the lot on the curve conforms to the minimum required 30-foot width, but the width of the lot at the front setback line is 32 feet, which does not conform to the minimum required 40-foot width. Because the width of Lot 49 at the front setback line is less than 40 feet, a Class 1 Adjustment has been requested to reduce the minimum required width of the lot at the front setback line from 40 ft. to 32 ft.

The underlying purpose of the minimum 40-foot lot width standard at the front building setback line for lots with 30 feet of frontage on the turnaround of a cul-de-sac street or the outside curve of a curved street is to ensure that in those circumstances when the minimum required street frontage of a lot is reduced from 40 feet to 30 feet when located on a curve, the width of the lot at the front setback line is sufficient to accommodate development on the lot and the width of the lot at that point otherwise meets the minimum required width for lots in the RS zone.

As measured on the tentative subdivision plan, the width of proposed Lot 49 at the minimum 12-foot front setback line is approximately 32 feet. The width of the lot increases, however, to the minimum required width of 40 feet a short distance beyond the 12-foot front setback line. Because the width of the majority of Lot 49 meets the minimum required 40-foot lot width and because the size, configuration, and dimensions of the lot are sufficient to permit future development of uses allowed within the zone, the underlying purpose of this standard is maintained and is clearly satisfied by the proposed development. This approval criterion is met.

SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that the subject property is within a residential zone. Property to the south is outside of

city limits and the property to the north is zoned as a residential zone and fully built out. The proposed subdivision is bordered on the east and west by Battle Creek Road and Interstate 5. The proposed adjustments will not unreasonably impact surrounding or potential uses or development.

Finding: Staff concurs with the applicant's written statement. The requested adjustments to maximum allowed lot depth, minimum required double frontage lot depth, and minimum lot width at the front setback line are minimal in nature and will not result in a development pattern that is inconsistent with that of the RS (Single Family Residential) zone. The size, dimensions, and configurations of the adjusted lots are suitable to permit future development of uses allowed within the zone and development of the lots, as adjusted, will not unreasonably impact surrounding existing or potential uses or development. This approval criterion is met.

10. Conclusion

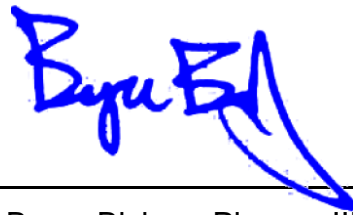
Based upon review of SRC 205.010 and SRC 250.005, the findings contained under Sections 8 and 9 above, and the comments described, the Tentative Subdivision Plan and Class 1 Adjustment comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Subdivision Plan and Class 1 Adjustment Case No. SUB-ADJ21-04, for property located at 5826 Battle Creek Road SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, obtain demolition permits and remove all existing structures located on the subject property.
- Condition 2:** Construct stormwater flow control and treatment facilities pursuant to Salem Revised Code Chapter 71 and PWDS.
- Condition 3:** Construct a 12-inch S-2 public water main through the proposed development in accordance with the PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.
- Condition 4:** Extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.
- Condition 5:** Construct water, stormwater, and sewer systems to serve each lot.
- Condition 6:** Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.

- Condition 7:** Provide a 10-foot public utility easement along the street frontage of each lot.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE.
- Condition 9:** Construct a half-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide a northbound to westbound left-turn lane and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as a southbound to eastbound left-turn lane and tapers at the intersection of Battle Creek Road SE and the proposed "A" Street SE.
- Condition 10:** Construct internal streets to Local street standards.

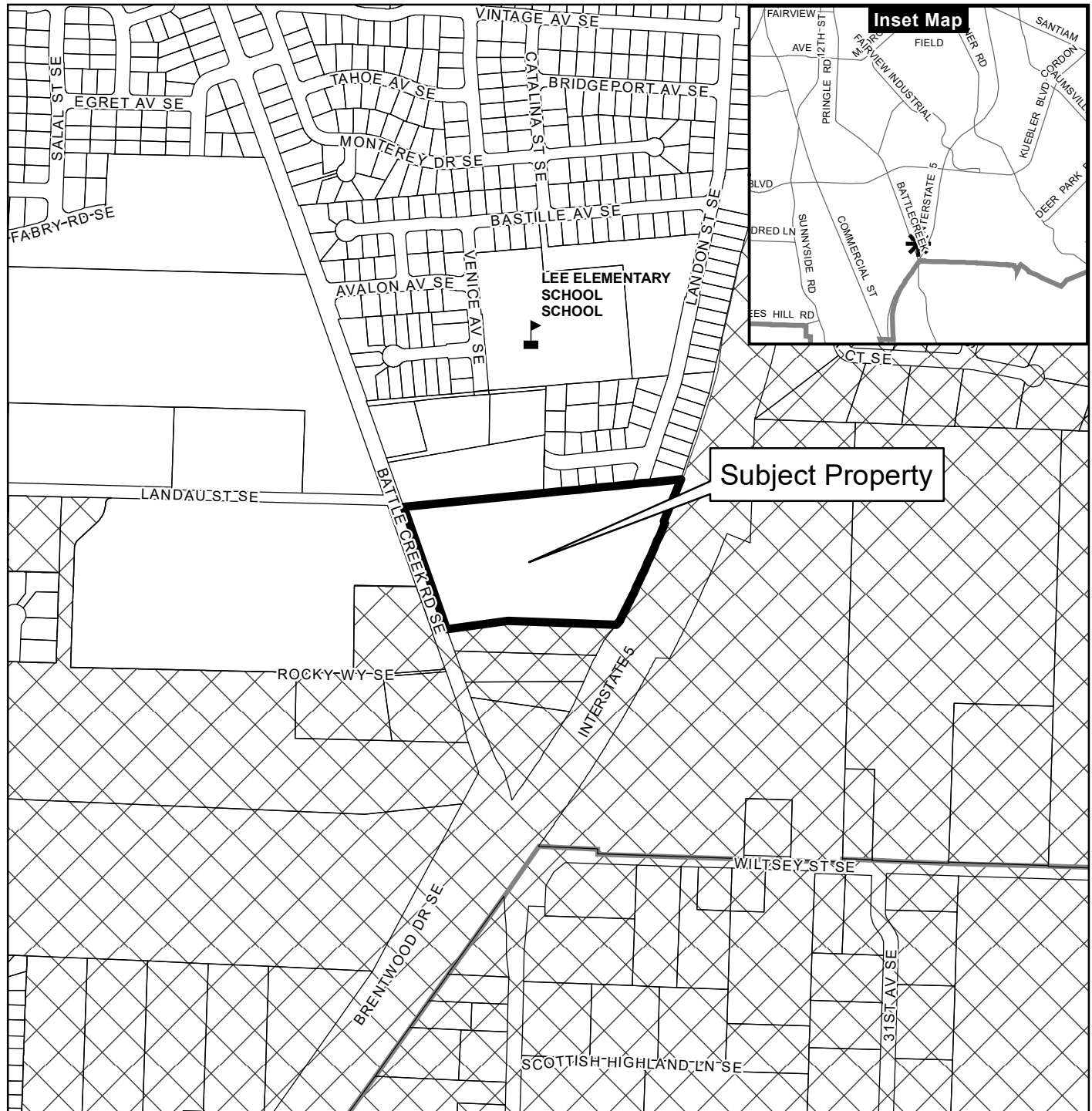


Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Tentative Subdivision Plan
 - C. Utility Plan
 - D. Grading Plan
 - E. Applicant's Written Statement
 - F. Public Works Department Comments
 - G. Oregon Department of Transportation Comments
 - H. Salem-Keizer School District Comments
 - I. Public Comments

Vicinity Map

5826 Battle Creek Road SE



Legend

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

- Parks

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SCALE ACCURATELY

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DRN.	JW	AK	1	DATE	NO.	DESCRIPTION
CKD.	JW	AK	1	DATE	NO.	DESCRIPTION

DATE: 02/20/2021

PROFESSIONAL
ENGINEER
REVIEW
WILLIAM J. KELLS
REV. 12/12/2019

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

STATE ST HOMES INC
THE RESERVE AT BATTLECREEK

OA SUBDIVISION PLAN

DRAWING
G-4

JOB NUMBER
3063.0000.0

Curve Table						Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	100.36	800.00	7.19	N33° 35' 40"E	100.29	C34	31.42	20.00	90.00	N23° 41' 48"E	28.28
C2	40.00	800.00	2.87	N28° 34' 05"E	40.00	C35	29.20	230.00	7.27	N17° 39' 58"W	29.18
C3	40.00	800.00	2.87	N25° 42' 11"E	40.00	C36	26.41	230.00	6.58	N10° 44' 23"W	26.39
C4	3.78	800.00	0.27	N24° 08' 07"E	3.78	C37	7.94	80.00	5.69	N4° 36' 27"W	7.94
C5	36.22	5506.54	0.38	N23° 48' 41"E	36.22	C38	30.18	80.00	21.61	N9° 02' 32"E	30.00
C6	40.00	5506.54	0.42	N23° 24' 54"E	40.00	C39	33.33	80.00	23.87	N31° 46' 58"E	33.08
C7	40.00	5506.54	0.42	N22° 59' 55"E	40.00	C40	34.56	80.00	24.75	N56° 05' 31"E	34.29
C8	40.00	5506.54	0.42	N22° 34' 57"E	40.00	C41	19.66	80.00	14.08	N75° 30' 31"E	19.61
C9	40.00	5506.54	0.42	N22° 09' 59"E	40.00	C42	31.42	20.00	90.00	N37° 32' 59"E	28.28
C10	40.00	5506.54	0.42	N21° 45' 00"E	40.00	C43	31.42	20.00	90.00	S52° 27' 01"E	28.28
C11	40.00	5506.54	0.42	N21° 20' 02"E	40.00	C44	29.37	180.00	9.35	N87° 13' 29"E	29.34
C12	40.00	5506.54	0.42	N20° 55' 04"E	40.00	C45	62.55	180.00	19.91	S78° 08' 44"E	62.23
C13	130.00	5506.54	1.35	N20° 02' 00"E	130.00	C46	31.66	20.00	90.71	N66° 27' 24"E	28.46
C14	5.21	5626.54	0.05	S20° 42' 08"W	5.21	C47	57.78	5446.54	0.61	N20° 48' 01"E	57.77
C15	40.88	5626.54	0.42	S20° 56' 13"W	40.88	C48	77.95	5446.54	0.82	N20° 05' 11"E	77.95
C16	40.88	5626.54	0.42	S21° 21' 12"W	40.88	C49	61.28	120.00	29.26	S82° 49' 14"E	60.62
C17	40.88	5626.54	0.42	S21° 46' 11"W	40.88	C50	31.54	20.00	90.35	S23° 00' 56"E	28.37
C18	40.88	5626.54	0.42	S22° 11' 09"W	40.88	C51	94.88	5446.54	1.00	S22° 39' 32"W	94.88
C19	40.88	5626.54	0.42	S22° 36' 08"W	40.88	C52	59.04	5446.54	0.62	S23° 28' 07"W	59.04
C20	40.88	5626.54	0.42	S23° 01' 07"W	40.88	C53	20.99	5446.54	0.22	S23° 53' 22"W	20.99
C21	40.88	5626.54	0.42	S23° 26' 06"W	40.88	C54	54.75	740.00	4.24	S26° 07' 10"W	54.74
C22	40.88	5626.54	0.42	S23° 51' 05"W	40.88	C55	30.14	20.00	86.34	S71° 24' 31"W	27.37
C23	46.13	5626.54	0.47	S24° 17' 40"W	46.13	C56	37.38	260.00	8.24	N69° 32' 27"W	37.35
C24	46.33	5626.54	0.47	S24° 45' 54"W	46.33	C57	43.17	260.00	9.51	N78° 25' 00"W	452.06
C25	12.72	5626.54	0.13	S25° 03' 57"W	12.72	C58	30.50	260.00	6.72	N86° 32' 04"W	451.03
C26	37.32	20.00	106.91	S16° 16' 05"E	32.14	C59	5.30	160.00	1.90	S89° 09' 24"W	5.30
C27	70.41	200.00	20.17	S79° 48' 35"E	70.05	C60	42.61	160.00	15.26	S80° 34' 46"W	42.48
C28	11.87	100.00	6.80	N86° 42' 17"E	11.86	C61	11.88	160.00	4.25	S70° 49' 26"W	11.88
C29	25.50	100.00	14.61	N76° 00' 03"E	25.43	C62	31.42	20.00	90.00	N66° 18' 12"W	28.28
C30	31.42	20.00	90.00	N23° 41' 48"E	28.28	C62	11.88	160.00	4.25	S70° 49' 26"W	11.88
C31	31.42	20.00	90.00	N66° 18' 12"W	28.28	C63	41.10	170.00	13.85	N14° 22' 36"W	41.00
C32	31.42	20.00	90.00	S23° 41' 48"W	28.28	C64	31.42	20.00	90.00	N37° 32' 59"E	28.28
C33	31.42	20.00	90.00	S66° 18' 12"E	28.28						

STATE ST HOMES INC
THE RESERVE AT BATTLECREEK

OA SUBDIVISION CURVE TABLE

DRAWING

G-5

JOB NUMBER

3063.0000.C



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

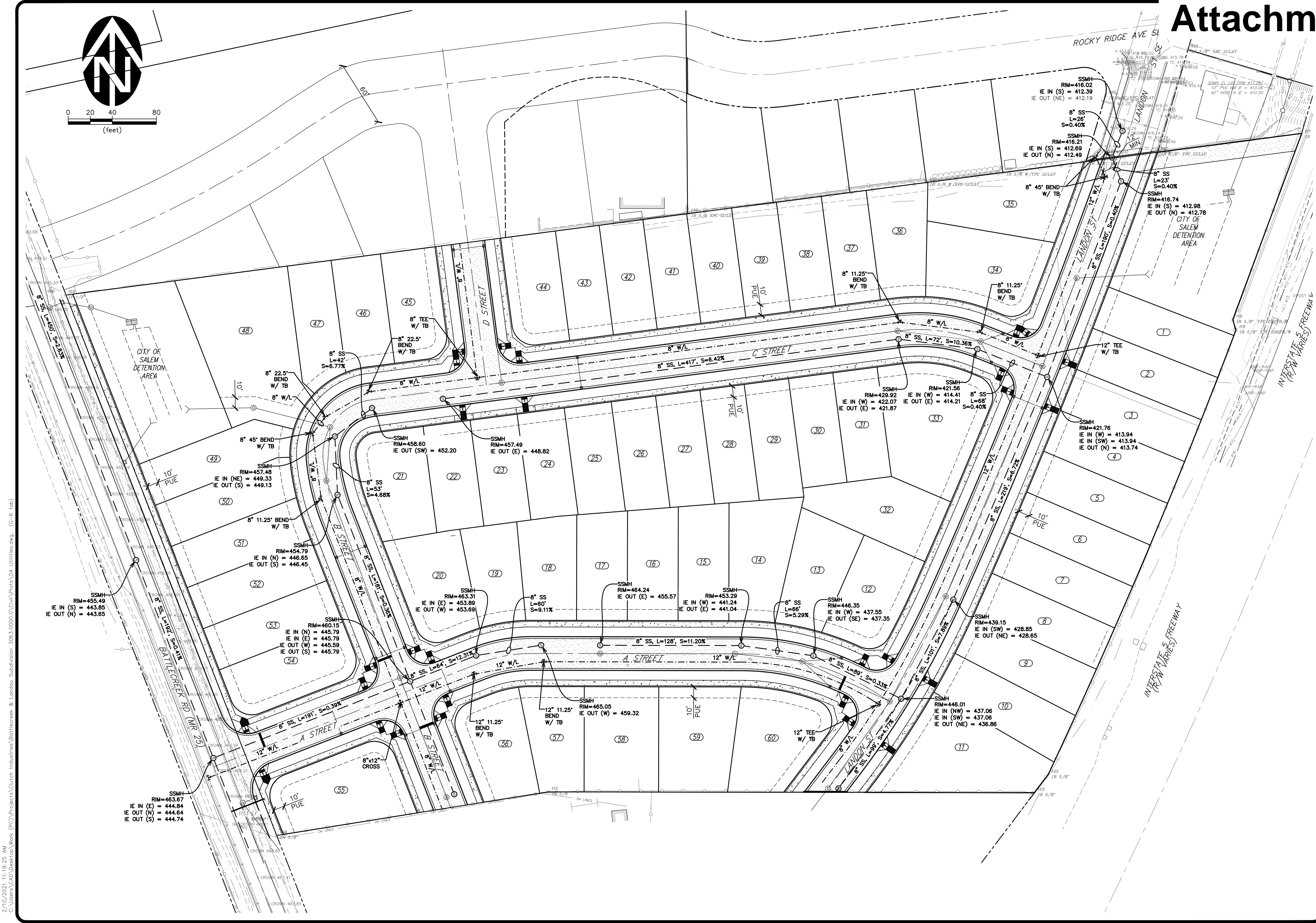
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VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING

0 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY 1"

DSN.	JW
DRN.	AK
CKD.	JW



VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS DRAWING, SCALE
ACCURATELY

1"

DSN.	DRN.	CKD.	NO.	DATE	DESCRIPTION	REVISIONS
JW	AK	JW	1	11/2020		

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

WE

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CLIENT

THE RESERVE AT BATTLECREK

OA UTILITY PLAN

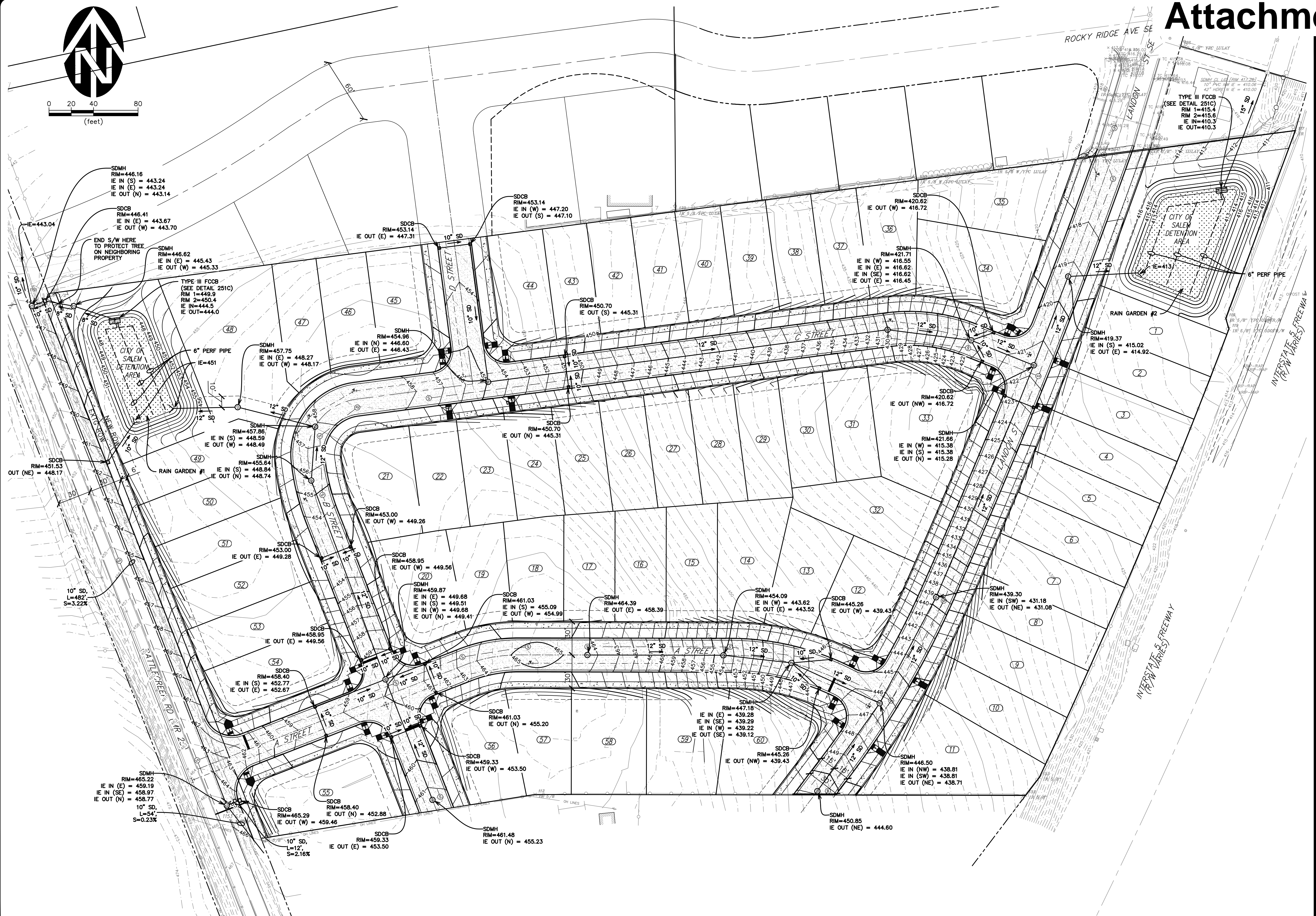
DRAWING

G-6

JOB NUMBER

3063.0000.0

Attachment D



VERIFY SCALE					
BAR IS ONE INCH ON ORIGINAL DRAWING					
D		1"			
THIS SCALE INCLUDES ALL DIMENSIONS AND SCALES ACCORDING TO THIS SCALE					
DSN.	JW				
DRN.	AK	1			
CKD.	JW		NO.	DATE	
					DESCRIPTION
					REVISIONS
DATE: 11/7/2020					

145

WESTECH ENGINEERING, INC.
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THE RESERVE AT BATTLECREEK

OA GRADING PLAN

CLIENT

DRAWING
G-7
JOB NUMBER
3063.0000.0

Tentative Subdivision Plan

Project: The Reserve at Battle Creek

General Information: The Reserve at Battle Creek project is proposing to construct a 60-lot subdivision.

Below is the required code section that must be addressed in order for a tentative subdivision plan to be approved. The relevant code sections are followed by the applicant's response in *italics*.

Salem City Code Chapter 205.010:

Sec. 205.010 (d) – Criteria. A tentative subdivision plan shall be approved if all of the following criteria are met:

1.) The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

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

Applicant's response: Lot standards comply with the standards of this chapter, with the exception of the lot depth for the double frontage lots. A request for an adjustment has been submitted for this standard.

B. City infrastructure standards.

Applicant's response: All infrastructure standards comply with the standards of this chapter.

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

Applicant's response: No special development standards are requested.

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

Applicant's response: The subdivision plan will not impede the future use or development of the property. The proposed project is to fully develop the land as a 60-lot subdivision. The subdivision plan will also not impede the development of the surrounding property. The property is bordered on the east and west by Interstate 5 and Battle Creek Road SE, respectively. The project site is bordered on the north by an existing subdivision and on the south by the city limits.

3.) Development within the tentative subdivision plan can be adequately served by city infrastructure.

Applicant's response: The subdivision will be accessible on the west side of the property by Battle Creek Road SE and on the north by Landon Street SE.

4.) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Applicant's response: The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

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

Applicant's response: The street system in the tentative subdivision plan allows for access from the west by Battle Creek Road SE and access from the north by Landon Street SE.

- 6.) The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Applicant's response: The tentative subdivision plan provides sidewalk along all streets within the subdivision. Lee Elementary School is located approximately 0.19 miles north of the subdivision; therefore, sidewalk is proposed along Landon Street SE for safe and convenient pedestrian access from the subdivision.

- 7.) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Applicant's response: There are no major impacts to the transportation system that are applicable.

- 8.) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Applicant's response: The need for variances has been minimized to the greatest extent practicable.

- 9.) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Applicant's response: The tentative subdivision plan takes into account the topography and vegetation of the site. Grading plans and tree conservation/removal plans have been provided for reference.

- 10.) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Applicant's response: The site is located within city limits and not located within the urban growth boundary.



The Reserve at Battle Creek Written Statement

Project Description:

The proposed project is to construct a single-family residential subdivision, consisting of 60 new single-family home lots and two lots reserved for stormwater management facilities (tax lot 083W13C 900). The project includes site preparation and construction of the facilities and associated improvements. Refer to the Civil Drawings submitted with the Land Use application for more details.

Purpose:

The project site is located between Battle Creek Road SE and I-5. The lots on the east and west sides of the proposed subdivision will be double frontage lots. Per SRC 532.030(a)(Table 532-3) double frontage lots must meet a minimum of 120 feet in depth. The double-frontage lots have an average width of 40 feet. And therefore, 120 feet would be the maximum depth that these lots could have.

Per SRC 532.030(a)(Table 532-3) within a residential zone, double frontage lots shall not exceed a maximum of 300% of the average lot width and if it is a double frontage lot, the depth must meet a minimum of 120 feet. An adjustment is requested to adjust the allowed lot depth as eleven (11) of the double-frontage lots on the east and west ends of the subdivision will slightly exceed the 3:1 ratio for lot depth.

Below is the Criteria in italics, followed by the applicant's response.

Review Criteria per SRC 250.005:

(d)(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

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

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

Response: The intent of the 3:1 ratio for lot depth required per SRC SRC 532.030(a)(Table 532-3) is to promote the livability and functionality of residential areas by providing an adequate lot size for development. The proposed Adjustment is requested because the lot depth on eleven (11) of the lots located on the east and west sides of the development will exceed the 3:1 ratio by a maximum of 6 feet. Therefore, the increase in lot depth will not impact the livability of the lot once it is developed. In addition, these lots are double-frontage lots and meet the minimum lot depth of 120 feet.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: The subject property is within a residential zone. Property to the south is outside of city limits and the property to the north is zoned as a residential zone and fully built out. The proposed subdivision is bordered on the east and west by Battle Creek Road and Interstate 5. The proposed adjusted lot depth will not unreasonably impact surrounding or potential uses or development. The proposed lot depths will only exceed the standard of the 3:1 ratio by a maximum of 6 feet.



The Reserve at Battle Creek Written Statement

Project Description:

The proposed project is to construct a single-family residential subdivision, consisting of 60 new single-family home lots and two lots reserved for stormwater management facilities (tax lot 083W13C 900). The project includes site preparation and construction of the facilities and associated improvements. Refer to the Civil Drawings submitted with the Land Use application for more details.

Purpose:

The project site is located between Battle Creek Road SE and I-5. The lots on the east and west sides of the proposed subdivision will be double frontage lots. Per SRC 532.030(a)(Table 532-3) double frontage lots must meet a minimum of 120 feet in depth. The double-frontage lots have an average width of 40 feet. And therefore, 120 feet would be the maximum depth that these lots could have.

Per SRC 532.030(a)(Table 532-3) within a residential zone, double frontage lots shall meet a minimum lot depth of 120 feet. An adjustment is requested to adjust the allowed minimum lot depth as ten (10) of the lots on the east end of the subdivision will be reduced by 6 feet to allow for an easement for a sound wall.

Below is the Criteria in italics, followed by the applicant's response.

Review Criteria per SRC 250.005:

(d)(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

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

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

Response: The intent of the 120 minimum lot depth required per SRC 532.030(a)(Table 532-3) is to promote the livability and functionality of residential areas by providing an adequate lot size for development. The proposed Adjustment is requested because the lot depth for ten (10) of the lots located on the east side of the development will not meet the minimum depth of 120 feet due to a requested easement for the construction of a sound wall between the subdivision and Interstate 5. The decrease of lot depth by 6 feet to allow for a sound wall will not impact the livability of the lot once it is developed. This will enhance the livability by reducing the amount of road noise experienced by residents.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: The subject property is within a residential zone. Property to the south is outside of city limits and the property to the north is zoned as a residential zone and fully built out. The proposed subdivision is bordered on the east and west by Battle Creek Road and Interstate 5. The proposed adjusted lot depth will not unreasonably impact surrounding or potential uses or development. The proposed lot depths will only be reduced to 115.7 feet which is below the standard of 120 feet by 4.3 feet.



The Reserve at Battle Creek Written Statement

Project Description:

The proposed project is to construct a single-family residential subdivision, consisting of 60 new single-family home lots and two lots reserved for stormwater management facilities (tax lot 083W13C 900). The project includes site preparation and construction of the facilities and associated improvements. Refer to the Civil Drawings submitted with the Land Use application for more details.

Purpose:

The project site is located between Battle Creek Road SE and I-5. Lot 49 is located on the outside of a curve on the local proposed street. Per SRC 511.010(a)(Table 511-2) shall the lot width be less than 40 feet at the front building setback line. The lot width at the front yard setback line of lot 49 is less than 40 feet. And therefore, we are requesting an adjustment to reduce this 40 feet minimum.

Per SRC 511.010(a)(Table 511-2) within an RS zone, shall the lot width be less than 40 feet at the front building setback line.

Below is the Criteria in italics, followed by the applicant's response.

Review Criteria per SRC 250.005:

(d)(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

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

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

Response: The intent of the 3:1 ratio for lot depth required per SRC 511.010(a)(Table 511-2) is to promote the livability and functionality of residential areas by providing an adequate lot size for development. The proposed Adjustment is requested because the lot width at the front building setback line of lot 49 is less than 40 feet. This lot is on the outside curve of the local proposed street and is designed to provide adequate spacing and functionality for this lot and the surrounding lots.


(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: The subject property is within a Single-family Residential (RS) zone. Property to the south is outside of city limits and the property to the north is zoned as a residential zone and fully built out. The proposed subdivision is bordered on the east and west by Battle Creek Road and Interstate 5. The proposed adjusted front yard lot width on lot 49 will not unreasonably impact surrounding or potential uses or development.



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

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

DATE: May 19, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-ADJ21-04 (20-117944-LD)
5826 BATTLE CREEK ROAD SE
60-LOT SUBDIVISION**

PROPOSAL

An application for a Subdivision to divide property located at 5826 Battle Creek Road SE into 60 lots ranging in size from 4,000 square feet to approximately 11,912 square feet. The property is zoned RS (Single Family Residential), approximately 11.14 acres in size, and located at 5826 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W13C00900).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE.
2. Construct a half-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide a northbound to westbound left-turn lane and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as a southbound to eastbound left-turn lane and tapers at the intersection of Battle Creek Road SE and the proposed "A" Street SE.
3. Construct internal streets to Local street standards.
4. Construct a 12-inch S-2 public water main through the proposed development in accordance with PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.

5. Extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.
6. Construct stormwater flow control and treatment facilities pursuant to SRC Chapter 71 and PWDS.
7. Construct water, stormwater, and sewer systems to serve each lot.
8. Provide a 10-foot public utility easement along the street frontage of each lot.
9. Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat.

FACTS AND FINDINGS

Water

1. Existing Conditions

- a. The subject property is located within the S-2 water service level.
- b. A 16- to 20-inch water line is located in Battle Creek Road SE. Mains of this size generally convey flows of 3,800 to 13,700 gallons per minute.
- c. A 12-inch water line is located in Landon Street SE. Mains of this size generally convey flows of 1,100 to 2,500 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer line is located in Landon Street SE.
- b. An 8-inch sewer line is located in Battle Creek Road SE approximately 700 feet north of the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Landon Street SE.
- b. At the northeast corner of the subject property, a point of connection may be available through a 20-foot-wide easement, adjacent to Interstate 5.

Streets

1. Battle Creek Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 27-foot turnpike improvement within a 60-foot-wide right-of-way abutting the subject property.

2. Landon Street SE

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

CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is

recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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

A 10-foot-wide public utility easement is required along the street frontage of each lot pursuant to SRC 803.035(n).

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2-point mapped landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide hazard risk and requires a geological assessment. A Geotechnical Investigation and Geologic Hazards Assessment, prepared by Redmond Geotechnical Services and dated December 27, 2019, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed with the proposed single-family development without increasing the potential for slope hazard on the site or adjacent properties.

SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are available to serve the proposed development.

The Salem Water System Master Plan shows a 12-inch water main connecting the existing 12-inch public water main located at the terminus of Landon Street SE to the existing 16-inch public water main in Battle Creek Road SE. As a condition of water service, the applicant shall construct a 12-inch S-2 public water main through the proposed development in accordance with PWDS to connect the existing 12-inch water main in Landon Street SE to the 16-inch water main in Battle Creek Road SE.

The nearest sewer main available to the property is located in Landon Street SE. In addition to extending a public sewer main from this location through the site, the applicant has proposed to extend an existing sewer main located in Battle Creek Road SE to serve westerly lots as well. Pursuant to PWDS, sewer mains shall be extended to serve upstream development. The applicant shall extend an 8-inch public sewer main in Battle Creek Road SE from the terminus of the existing 8-inch sewer main to the southern boundary of the subject property.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater report demonstrates the use of green stormwater infrastructure to the maximum extent feasible. However, the preliminary stormwater design appears to have deficiencies that can likely be reconciled as part of the plan review process pursuant to SRC Chapter 77.

As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Findings—Battle Creek Road SE abuts the subject property and does not meet the current standard for a Minor Arterial street pursuant to the Salem TSP. The applicant shall convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side of Battle Creek Road SE and construct a three-quarter-street improvement along the frontage of Battle Creek Road SE to Minor Arterial street standards, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The improvements shall include adequate width to provide left-turn lanes and tapers at the intersection of Battle Creek Road SE and Landau Street SE, as well as at the intersection of Battle Creek Road SE and the proposed "A" Street SE. Removal of street trees to accommodate the construction along the frontage of Battle Creek Road SE requires a street tree removal permit pursuant to SRC Chapter 86.

Construct internal Local streets in accordance with SRC Chapter 803 and PWDS. The preliminary plans provide adequate connectivity and block spacing. There is an existing 1-foot reserve strip at the southern terminus of Landon Street SE that is owned by the City of Salem. The reserve strip shall be dedicated as right-of-way by the City of Salem prior to final plat.

SRC 205.010(d)(6)—The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is located less than one-half mile from Lee Elementary School. Access to the school is available through the existing and proposed transportation system.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 60-lot subdivision generates less than 1,000 average daily vehicle trips to a Minor Arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

Prepared by: Jennifer Scott, Program Manager
cc: File

Bryce Bishop

From: KNECHT Casey <Casey.KNECHT@odot.state.or.us>
Sent: Monday, April 12, 2021 2:10 PM
To: Bryce Bishop
Cc: WALKER Andrew J
Subject: ODOT Comments for City of Salem Case SUB/ADJ21-04 - State Street Homes

Bryce,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposal at 5826 Battle Creek Road SE in Salem. Please include these comments in the public record and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is adjacent to Pacific Highway, No. 001 (I-5), and is subject to state laws administered by ODOT. This proposal does not trigger any requirements from ODOT and ODOT has no objections to the proposal.

ODOT supports the adjustment request to reduce the 120-foot lot depth to accommodate the potential for a future sound wall. While no decision has been made by ODOT regarding installation of a sound wall, the adjustment proposal sets the framework should a wall be constructed.

Casey Knecht, P.E.

Development Review Coordinator | ODOT Region 2

503-986-5170 | casey.knecht@odot.state.or.us



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

Christy Perry, Superintendent

April 13, 2021

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

RE: Land Use Activity Case No. SUB-ADJ21-04, 5826 Battle Creek Rd SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

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

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Lee	Elementary	262	462	57%
Judson	Middle	905	1,059	85%
South Salem	High	2,223	1,797	124%

Table 2

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

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

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	60	SF	0.194	12
Middle	60	SF	0.101	6
High	60	SF	0.143	9

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Lee	Elem.	262	94	12	106	462	80%
Judson	Mid.	905	46	6	52	1,059	90%
South Salem	High	2,223	59	9	68	1,797	128%

Table 4

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

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

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

School Name	School Type	Walk Zone or Eligible for School Transportation
Lee	Elementary	Eligible for School Transp. (Note 1)
Judson	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	12	\$60,840	\$730,080
Middle	6	\$72,735	\$436,410
High	9	\$84,630	\$761,670
TOTAL			\$1,928,160

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2020 Second Quarter.

Note 1: A street and sidewalk connection from the proposed subdivision to existing Landon St SE would change the Walk Zone and School Transportation analysis so the elementary school students would be located in a walk zone for Lee Elementary School.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation

Bryce Bishop

From: James Black <jwblack49@gmail.com>
Sent: Sunday, April 4, 2021 4:57 PM
To: Bryce Bishop
Subject: Proposed Development

Amanda Application: 20-117944-LD, 21-105659-20

Dear Mr Bishop:

I am a property owner on Landau St SE, immediately to the west of the proposed development. I write in opposition to the development as proposed in the planning documents for the following reasons:

1. The density of the development for this application is even higher than that already approved for the adjacent property at the corner of Landau and Battle Creek. This is inappropriate. These densities should not be any higher than those currently in existence in the adjoining neighborhoods, also zoned RS.
2. These densities will bring further traffic to the Battle Creek and Landau streets, the latter already suffering from overload. If the property in question is to be developed the City MUST widen Battle Creek from the I-5 overpass down to the intersection with Boone., Further, Fabry MUST be widened and extended from the Safeway through to a new light controlled intersection with Battle Creek. Short of these infrastructure developments you will be further exacerbating a situation that will no doubt lead to increased accidents and injuries in this area.

Respectfully,

James W. Black
2160 Landau St SE
Salem, OR 97306

Bryce Bishop

From: Glenda Hughes <glenda.h@drwillc.com>
Sent: Sunday, April 11, 2021 9:34 AM
To: Bryce Bishop
Subject: Proposed Develeopment at Case # SUB-ADJ21-04

Site address: 5826 Battlecreek RD SE, Salem, OR 97306

Dear Mr. Bishop,

My name is Glenda Hughes and I am the owner of the property at 5736 BattleCreek RD SE. The above-referenced proposed development is right next to my property.

I have questions and concerns regarding this development.

- 1) Will there be independent surveying done prior to the start of construction to verify lot lines and set-backs? There are concerns of what are the lots lines based on encroachments.
- 2) Will the fence which divides my property and the proposed site, remain? My family has cared for this fence for years. What type of barrier will be between the properties?
- 3) What kind of erosion and dust management will be in place?
- 4) My home has a well. What type of hydrology studies and environmental impact studies has been done so there is no interruption to my well-water? It is my understanding that the 5826 property also is being served by well water. Since wells typically get water from similar sources, I am deeply concerned about this impact on my water.

Thank you for your time.

Sincerely,

Glenda Hughes
5736 Battlecreek RD SE
Salem, OR 97306

503.754.4303

REQUEST FOR COMMENTS

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

REGARDING: Subdivision / Class 1 Adjustment Case No. SUB-ADJ21-04

PROJECT ADDRESS: 5826 Battle Creek Rd SE, Salem OR 97306

AMANDA Application No.: 20-117944-LD, 21-105659-ZO

COMMENT PERIOD ENDS: April 15, 2021

SUMMARY: An application for the development of a proposed 60-lot subdivision.

REQUEST: An application for a Subdivision to divide property located at 5826 Battle Creek Road SE into 60 lots ranging in size from 4,000 square feet to approximately 11,912 square feet; together with a Class 1 Adjustment to:

- Allow the maximum lot depth of Lots 1-8 and Lots 49-51 to exceed 300% of their average lot width (SRC 511.010(a));
- Reduce the minimum required 120-foot double frontage lot depth for Lots 1-10 in order to accommodate the potential for a future sound wall along the eastern boundary of the property abutting Interstate-5 (SRC 511.010(a)); and
- Reduce the minimum required lot width at the front setback line for proposed Lot 49 from 40 feet to 32 feet (SRC 511.010(a)).

The property is zoned RS (Single Family Residential), approximately 11.14 acres in size, and located at 5826 Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W13C00900).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

- please provide me the complete case file

Comments received by 5:00 p.m. Thursday, April 15, 2021, will be considered in the decision process. Comments received after this date will be not considered. ****PLEASE NOTE: City offices have very limited staffing due to COVID-19. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.****

CASE MANAGER: Bryce Bishop, Planner III, Phone: 503-540-2399; E-Mail: bbishop@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: 1 object!
there are wildlife living in the trees (owls, coyotes, various birds of all sizes). This plan would greatly impact the area by negative means, destroying habitat and increasing school capacity

Name/Agency: Emily C Dougherty

Address: 2854 Rocky Ridge Ave SE, Salem OR 97306

Phone: 503 559 6216

Email: emily.iphone5@yahoo.com

Date: 4/10/2021

RECEIVED

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

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APR 14 2021

COMMUNITY DEVELOPMENT

REQUEST FOR COMMENTS

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

REGARDING: Subdivision / Class 1 Adjustment Case No. SUB-ADJ21-04

PROJECT ADDRESS: 5826 Battle Creek Rd SE, Salem OR 97306

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For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: Low income housing
Increase property taxes, decrease in property value
Traffic, No green space, effects on wildlife,
I object to this, build somewhere else.

Name/Agency: David Masoner

Address: 2845 Rocky Ridge Ave SE

Phone: (503) 931-6882

Email: dmasoner357@hotmail.com

Date: 4-12-2021

RECEIVED

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

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APR 15 2021