

ISSUE: Partition No. 09-8

DATE OF DECISION: October 29, 2009

APPLICANT: Copper Creek MHP, LLC (Brian Fitterer)

PURPOSE OF REQUEST:

To divide approximately 36 acres into two (2) parcels, with Parcel 1 consisting of approximately 7.94 acres and Parcel 2 consisting of approximately 28.08 acres for property in an RM2 (Multiple Family Residential) zone and located in the 4300 Block of Kale Street NE and generally addressed as 5001 Copper Creek Loop NE (Marion County Assessor's Map and Tax Lot Number 062W31D / 1100, 1200, 1201).

ACTION:

IT IS HEREBY ORDERED

The Partition request to divide approximately 36 acres into two (2) parcels, with Parcel 1 consisting of approximately 7.94 acres and Parcel 2 consisting of approximately 28.08 acres for property in an RM2 (Multiple Family Residential) zone and located in the 4300 Block of Kale Street NE and generally addressed as 5001 Copper Creek Loop NE (Marion County Assessor's Map and Tax Lot Number 062W31D / 1100, 1200, 1201) is hereby GRANTED subject to SRC Chapters 63 and 148 and the following conditions prior to final plat approval, unless otherwise indicated:

- Condition 1:** Design and construct all utilities (sewer, water, and storm drainage) to serve each parcel and show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.
- Condition 2:** Pay all connection fees for water per SRC 21.230.
- Condition 3:** Design the storm drainage system for both parcels in compliance with the *Stormwater Management Design Standards* in sufficient detail to determine required discharge locations and easements as approved by the Public Works Director. All required easements shall be shown on the final plat.
- Condition 4:** Dedicate sufficient land for right-of-way along the entire frontage of the plat to equal a 36-foot half-width on the development side of centerline of Kale Street NE, adjacent to the subject property.
- Condition 5:** No additional street or driveway connections will be allowed onto Kale Street NE.
- Condition 6:** Any new internal streets shall be private streets within private easements.
- Condition 7:** The plat shall provide access easements to allow Parcel 1 access to the private streets within Parcel 2.

Application Deemed Complete: October 7, 2009
Decision Date: October 29, 2009
State Mandated Decision Date: February 4, 2010

Decision issued according to Salem Revised Code 63.047. This tentative decision is valid and remains in effect for two (2) years. Under SRC 63.047, this tentative decision is void after two (2) years if not completed.

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **November 13, 2009 by 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of

ADMINISTRATIVE

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

City of Salem
AT YOUR SERVICE

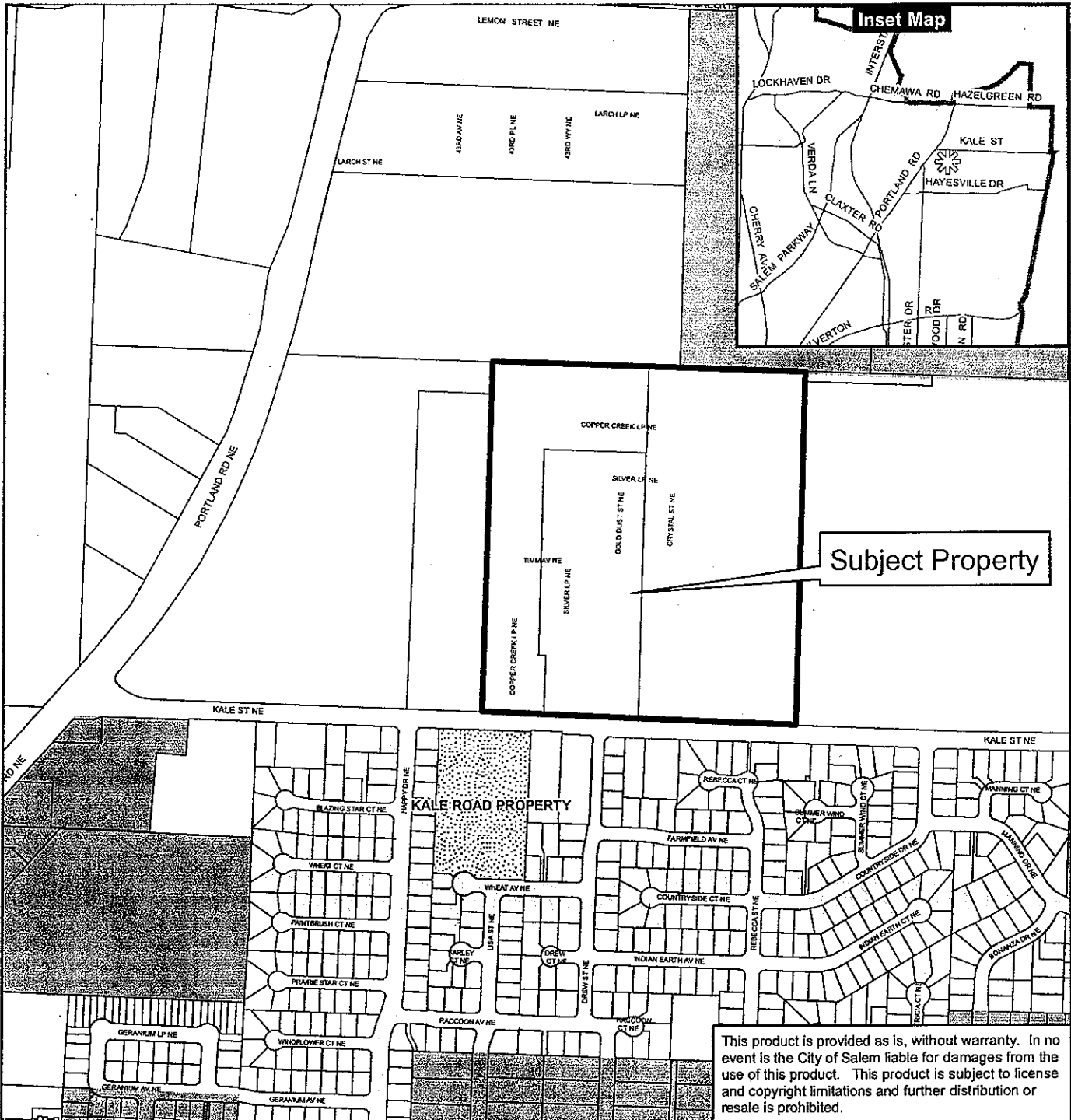
the subdivision ordinance (SRC Chapter 63). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

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

Case Planner: Lisa Anderson-Ogilvie, Associate Planner, 503-588-6173 Ext. 7581,
Imanderson@cityofsalem.net







LA-D

Vicinity Map - 5001 Copper Creek Loop NE (4300 Block Kale Street NE)

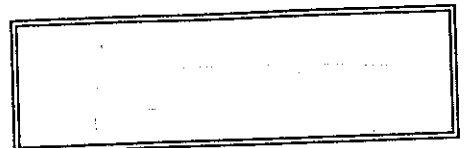


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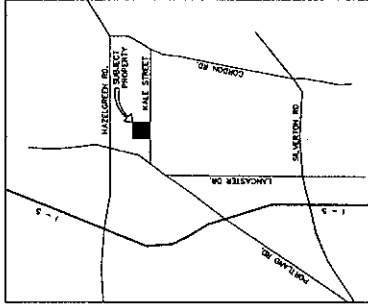
Legend

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

0 100 200 400 Feet



PROPOSED PARTITION PLAT

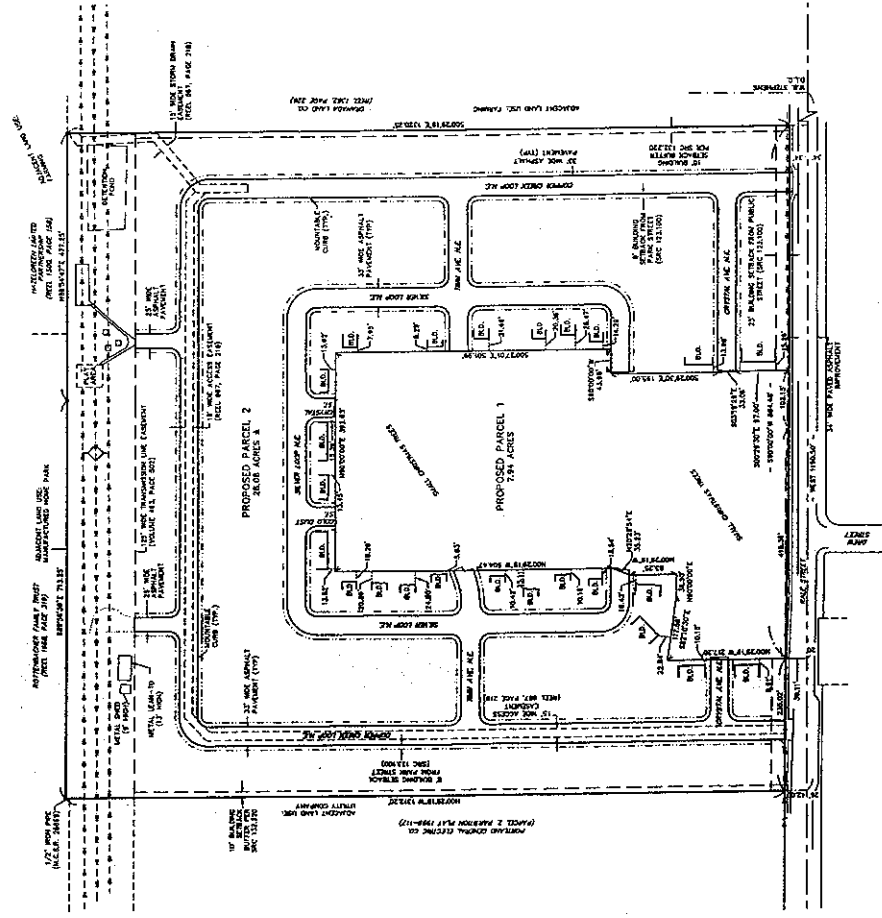


Owner: Copper Creek MHC LLC
 Brian Ritterer
 22 Markham Blvd. #200
 Independence, MO 64050
 (949) 440-2100

Applicant: Owner

Surveyor: Edward L. Query
 Barker Surveying / Wilson Surveying
 3637 Kuhnway Way S.E.
 Independence, MO 64050
 (949) 440-2100
 ed@barkersurvey.com

Site Address: 5001 Copper Creek Loop N.E.
 Assessor Map: 6-2w-31D Tax Lot 1100, 1200 & 1201
 Total Area: 36 Acres
 Zone: Multi Family Residential 2



REGISTERED LAND SURVEYOR	BRIAN RITTERER
EDWARD L. QUERY	
STATE OF MISSOURI	
NO. 00000000000000000000	
DATE: 04/17/2009	
SCALE: 1"=100'	
PROJECT: 00000000000000000000	
LOCATION: HARRISON COUNTY, MISSOURI	
SHEET 1 OF 1	

SUMMARY OF ACTION

1. **Case:** Partitioning Plat No. 09-8 for property located in the 4300 Block of Kale Street NE and generally addressed as 5001 Copper Creek Loop NE
2. **Summary of Issue:** To divide approximately 36 acres into two (2) parcels, with Parcel 1 consisting of approximately 7.94 acres and Parcel 2 consisting of approximately 28.08 acres for property in an RM2 (Multiple Family Residential) zone and located in the 4300 Block of Kale Street NE and generally addressed as 5001 Copper Creek Loop NE (Marion County Assessor's Map and Tax Lot Number 062W31D / 1100, 1200, 1201).
3. **Staff Recommendation:** Approve, subject to SRC Chapters 63, 148, and the conditions of approval contained in the findings and order.
4. **Neighborhood Association:** Northgate Salem Neighborhood Association.
Testimony: The Neighborhood Association was notified of the proposed partition and commented that they have no objections to the proposal.
5. **Interested Parties:** Neighboring property owners.
Testimony: Zero response sheets were returned. One neighbor called and commented that a manufactured dwelling park or a single-family subdivision would be a good fit and he had no objections to the proposal.
6. **Decision:** The partition was approved subject to the conditions of approval contained in the findings and order.
7. **Basis for Decision** The tentative partition plan meets SRC Section 63.047 approval criteria and complies with all SRC Section 63.051 land division standards. Approval does not adversely affect the safe and healthful development and access of the property or of any adjoining lands. The proposed partition complies with all applicable provisions of the Salem Revised Code. The partition does not create a flag lot or a flag lot accessway. The parcels appear suitable for the general purpose for which they are intended to be used, such as such as for manufactured dwelling park or as any of the uses permitted in the RS (Single Family Residential) zone (as allowed by their annexation and zone change in 1980). The parcels, as proposed and conditioned, appear to be of size and design as not to be detrimental to the public health, safety, or welfare.

Case Manager: Lisa Anderson-Ogilvie

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