

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

Modification of Tentative Phased Subdivision Plan Case No. SUB-PLA14-02MOD1

APPLICATION NO. : 17-102749-LD

NOTICE OF DECISION DATE: March 19, 2018

SUMMARY: Modification of phases 3 and 4 of the Brush College Hills subdivision.

REQUEST: A modification of the approval of SUB-PLA14-02 (the "Brush College Hills" phased subdivision) to reconfigure street intersection grades within phases 3 and 4 of the subdivision to comply with American with Disabilities Act (ADA) requirements. The required reconfiguration of street intersection grades within these phases consequently requires modification of the alignment of the internal streets and the configuration of lots. The modification results in two additional lots within phase 3; no additional lots are created in phase 4.

The subject property is zoned RA (Residential Agriculture) and located at 2825 Brush College Road NW (Polk County Assessor Map and Tax Lot Number: 073W080000600).

APPLICANT: West Coast Home Solutions, LLC (Eugene V. Labunsky)

LOCATION: 2825 Brush College Road NW

CRITERIA: Salem Revised Code Chapter 205.070(d)

FINDINGS: The Findings are in the attached Order dated March 19, 2018.

DECISION: The Planning Administrator **APPROVED** Case No. SUB-PLA14-02 subject to the following conditions:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit- Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of ~~Lots 88, 89, 96, and 97~~ Lots 91, 92, and 102 shall be a minimum of 20 feet wide.

- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 7:** Amend phasing plan so that the 20-foot-wide access easement currently crossing the subject property becomes part of Phase 4 exclusively. Prior to recording of the final plat for Phase 4, either:
- a) Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or
 - b) Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 8:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.
- Condition 9:** Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 10:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 11:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.
- Condition 12:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.
- Condition 13:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of

their width.

Condition 14: Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.

Condition 15: Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.

The following conditions must be completed prior to final plat approval for Phase 3:

Condition 16: Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.

Condition 17: Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.

Condition 18: Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.

Condition 19: The centerline radius of "~~F~~" Street Blake Street along ~~Lot 80~~ Lot 83 shall be a minimum of 125 feet.

~~**Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.~~

Condition 21: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.

Condition 22: Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.

Condition 23: Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.

Condition 24: Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.

~~**Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead-end of "D" Street with Phase 3.~~

Condition 25: Either provide a turnaround, approved by the Salem Fire Department, at the dead-end sections of the following streets within Phase 3:

- a) Natasha Avenue, west of Anastasia Street;
- b) Christina Street, west of Blake Street;
- c) Benjamin Street, west of Blake Street; and
- d) Benjamin Street, east of Blake Street.

-OR-

Not provide a turnaround, but instead equip the homes on the lots served by these dead-end streets with an automatic fire suppression system, as approved by the Salem Fire Department.

Condition 26: Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.

Condition 27: Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:

- a) Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
- b) Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

The following condition must be completed prior to final plat approval for Phases 3 and 4:

Condition 28: Construct internal streets within Phases 3 and 4 prior to final plat approval of their respective phase according to the alignments shown on Exhibit A to the March 19, 2018, Public Works comments memo, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(I)(2)(A).

The rights granted by the attached decision must be exercised, or an extension granted, by **August 11, 2026** or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete:	<u>December 5, 2017</u>
Notice of Decision Mailing Date:	<u>March 19, 2018</u>
Decision Effective Date:	<u>April 4, 2018</u>
State Mandate Date:	<u>April 4, 2018</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Tuesday, April 3, 2018.** 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. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the 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 at the Planning Division office, 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
(CASE NO. SUB-PLA14-02MOD1)**

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

IN THE MATTER OF THE MODIFICATION)	FINDINGS AND ORDER
OF TENTATIVE PHASED SUBDIVISION)	
PLAN CASE NO. SUB-PLA14-02MOD1;)	
2825 BRUSH COLLEGE ROAD NW)	MARCH 19, 2018

REQUEST

A modification of the approval of SUB-PLA14-02 (the "Brush College Hills" phased subdivision) to reconfigure street intersection grades within phases 3 and 4 of the subdivision to comply with American with Disabilities Act (ADA) requirements. The required reconfiguration of street intersection grades within these phases consequently requires modification of the alignment of the internal streets and the configuration of lots. The modification results in two additional lots within phase 3; no additional lots are created in phase 4.

The subject property is zoned RA (Residential Agriculture) and located at 2825 Brush College Road NW (Polk County Assessor Map and Tax Lot Number: 073W080000600).

DECISION

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings adopted in the approval of tentative subdivision plan SUB-PLA14-02, and the following conditions of approval, as amended by this decision, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit- Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of ~~Lots 88, 89, 96, and 97~~ Lots 91, 92, and 102 shall be a minimum of 20 feet wide.

- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 7:** Amend phasing plan so that the 20-foot-wide access easement currently crossing the subject property becomes part of Phase 4 exclusively. Prior to recording of the final plat for Phase 4, either:
- a) Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or
 - b) Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 8:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.
- Condition 9:** Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 10:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 11:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.
- Condition 12:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.

- Condition 13:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.
- Condition 14:** Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.
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The following conditions must be completed prior to final plat approval for Phase 3:

- Condition 16:** Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.
- Condition 17:** Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
- Condition 18:** Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.
- Condition 19:** The centerline radius of "~~F~~" Street Blake Street along ~~Lot 80~~ Lot 83 shall be a minimum of 125 feet.
- ~~**Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.~~
- Condition 21:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
- Condition 22:** Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
- Condition 23:** Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.

Condition 24: Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.

~~**Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.~~

Condition 25: Either provide a turnaround, approved by the Salem Fire Department, at the dead-end sections of the following streets within Phase 3:

- a) Natasha Avenue, west of Anastasia Street;
- b) Christina Street, west of Blake Street;
- c) Benjamin Street, west of Blake Street; and
- d) Benjamin Street, east of Blake Street.

-OR-

Not provide a turnaround, but instead equip the homes on the lots served by these dead-end streets with an automatic fire suppression system, as approved by the Salem Fire Department.

Condition 26: Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.

Condition 27: Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:

- a) Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
- b) Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

The following condition must be completed prior to final plat approval for Phases 3 and 4:

Condition 28: Construct internal streets within Phases 3 and 4 prior to final plat approval of their respective phase according to the alignments shown on Exhibit A to the March 19, 2018, Public Works comments memo, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A).

PROCEDURAL FINDINGS

1. An application for a modification of the tentative plan approval of Tentative Phased Subdivision Plan Case No. SUB-PLA14-02 was submitted by Multi/Tech Engineering on behalf of the applicant and property owner West Coast Home Solutions, LLC. SUB-

PLA14-02 proposed to divide property located at 2825 Brush College Road NW (**Attachment A**) into 140 lots in four phases.

Subsequent to the initial review of the proposal and identification of additional information needed in order to review the application, the applicant provided the requested additional information and the application was deemed complete on December 5, 2017.

2. On December 6, 2017, notice of the proposal was sent to pursuant to SRC requirements to owners of property located within 250 feet of the subject property, the West Salem Neighborhood Association, and others entitled to notice under SRC 300.520(b)(1)(B).
3. The state-mandated local decision deadline for this case is April 4, 2018.

SUBSTANTIVE FINDINGS

1. Proposal

The subject property is located at 2825 Brush College Road NW (**Attachment A**). On August 11, 2014, tentative approval was issued for the Brush College Hills Subdivision (Subdivision Case No. SUB-PLA14-02) (**Attachment B**) to subdivide the subject property into 140 lots in four phases and to allow some of the streets grades within the subdivision to exceed 12 percent.

The requested modification seeks to reconfigure street intersection grades within phases 3 and 4 of the subdivision to comply with American with Disabilities Act (ADA) requirements. The required reconfiguration of street intersection grades within these phases consequently requires modification of the alignment of the internal streets and the configuration of lots. The modification results in two additional lots within phase 3; no additional lots are created in phase 4. The applicant's proposed reconfigured tentative subdivision plan is included as **Attachment C**.

2. Neighborhood Association Comments

The subject property is located within the West Salem Neighborhood Association. Notice of the proposed subdivision modification was provided to the neighborhood association. No comments were received.

3. Public Comments

Notice of the proposed subdivision modification was also sent to property owners within 250 feet of the subject property on December 6, 2017. One comment was received indicating they had reviewed the proposal and had no objections to it.

4. City Department Comments

A. The Salem Fire Department reviewed the proposal and indicated that Fire department access, fire flow, and fire hydrant locations shall be in accordance with the Salem Fire Prevention Code (SRC 58). The Fire Department explains that developments of one-family or two-family dwellings where the number of dwelling units exceeds 30 shall be

provided with separate and approved fire apparatus access roads. The Fire Department indicates that this access requirement, along with fire hydrant locations, and dead-end access exceeding 150', shall be addressed as part of the project phasing plan. The Fire Department indicates that Fire apparatus access roadway grades shall not exceed 12% percent, except for short lengths not exceeding 15% with adequate approach, unless approved by the Fire Code Official.

Staff Response: The modified tentative phased subdivision plan as proposed with conditions, conforms to the applicable standards of the Salem Fire Prevention Code. Fire hydrant locations to serve the lots within the modified tentative subdivision will be determined as part of the review of public construction plans for streets and City utilities to serve the development. Public construction plans for each phase of the subdivision are reviewed, and all required public facilities to serve the subdivision are required to be substantially completed and installed, prior to approval of the final plat for each phase.

In regards to Fire Department access, Phase 3 includes a total of 64 lots and Phase 4 includes a total of 20 lots. The 64 lots within Phase 3 will include three points of access in conformance with Fire Department access requirements. The three points of access to this phase will be provided from Brush College Road, Christina Street, and Anastasia Street.

In regards to the dead-end streets within the modified subdivision exceeding 150 feet in length, these streets are necessary to provide for both internal street connectivity between individual phases within the subdivision and external street connectivity to properties abutting the property which can be further divided. In order to meet Fire Department requirements, Condition 25 of the original tentative phased subdivision approval is modified by this decision to require that either a turnaround be provided at the end of these dead-end streets or the homes on the lots served by these streets include fire sprinklers.

In regards to street grade, the Fire Department has reviewed the street grade plan for the proposed modified subdivision and indicated that the proposed street grades meet the requirement which allows street grades to exceed a maximum of 12 percent for short lengths not exceeding 15 percent.

- B. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development in conformance with the Salem Revised Code. Comments from the Public Works Department are included as **Attachment D**.

5. Tentative Phased Subdivision Plan Modification Approval Criteria.

SRC 205.070(d) sets forth the following criteria that must be met before approval can be granted to a modification of a tentative phased subdivision plan approval. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification, or for the issuance of certain conditions to ensure the criteria are met.

A. SRC 205.070(d)(1): *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*

Finding: On August 5, 2014, the Salem Planning Commission approved the final decision on the subdivision subject to this modification request (**Attachment B**). The decision included a total of 27 conditions. Two conditions were established specific to Phase 1 of the subdivision; six conditions were established specific to Phase 2; twelve conditions were established specific to Phase 3; and the remaining seven conditions applied generally to the subdivision and were not specific to a particular phase.

The modification requested by the applicant seeks to modify street grades within phases 3 and 4 in order to allow for street intersection grades to conform to American Disabilities Act (ADA) requirements. As a result of the required revision to the street and intersection grades, the alignment of streets and the configuration of lots within phases 3 and 4 also need to be reconfigured.

In order to allow for the proposed modification, revisions to four of the conditions established in the original decision are necessary. The four conditions that need to be revised in conjunction with the proposed modification included the following:

- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 19:** The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.
- Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.
- Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.

Condition 3 is required to be revised because the proposed modification results in a reconfiguration of the lots which include the 20-foot-wide sanitary sewer and storm drainage easement along their western side. The proposed lot reconfiguration reduces the number of lots which include this easement from four to three and also renumbers the affected lots. As such, Condition 3 of the original decision shall be revised as follows:

- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of ~~Lots 88, 89, 96, and 97~~ Lots 91, 92, and 102 shall be a minimum of 20 feet wide.

The identified revision to Condition 3 does not change what is required by the condition, but instead only revised it to apply to the affected reconfigured lots. The easement, as

show on the modified tentative plan, is still 20 feet in width and maintains conformance with the original condition of approval.

Condition 19 is required to be revised because the proposed modification includes a renumbering of the lots within the subdivision and some of the street names have been changed from what was included in the original approval. Condition 19 refers to the centerline radius of "F" Street along Lot 80. Under the proposed modification, Lot 80 has been renumbered as Lot 80 and "F" Street has been renamed Blake Street. In order to reflect the changes to lot numbering and street naming within the modified subdivision, Condition 19 shall be revised as follows:

Condition 19: The centerline radius of ~~"F" Street~~ Blake Street along ~~Lot 80~~ Lot 83 shall be a minimum of 125 feet.

The identified revision to Condition 19 does not change what is required by the condition, but instead only revises it to apply to the correct renumbered lot and renamed street. As such, the proposal remains in conformance with the original condition of approval.

Condition 20 of the original subdivision approval required the centerline radius of "B" Street along Lot 62 to be a minimum of 110 feet. Under the proposed modified subdivision, the section of "B" Street referred to in the original approval has been removed and instead replaced with a different street connection, Benjamin Street. The new proposed Benjamin Street is in a different than the original "B" Street. Benjamin Street intersects Blake Street and crosses the subject property east to west to allow for future street connectivity and extension into abutting properties at the time of their future development. Due to the proposed alignment of Benjamin Street, a condition of approval is not required establishing a minimum centerline radius. Because "B" Street has been removed under the proposed subdivision modification and the alignment of Benjamin Street does not require a condition of approval establishing a minimum centerline radius, Condition 20 shall be deleted.

The deletion of Condition 20 is necessary because it is no longer needed based on the proposed reconfigured street alignment within the modified subdivision. The original condition of approval was established in order to ensure "B" street conformed to minimum street centerline radius standards. Because "B" street has been replaced by the relocated Benjamin Street, which meets centerline radius requirements, the original condition is no longer necessary or applicable and the proposal maintains substantial conformance with the original decision and its conditions.

Condition 25 of the original approval required a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3. Under the proposed modification, "D" street has been renamed Natasha Avenue. The requirement to include a turnaround for the Fire Department at the end of this street is still applicable under the modified subdivision. However, in addition to the turnaround at the end of "D" Street/Natasha Avenue, the proposed modified subdivision requires turnarounds at the dead ends of the following additional streets:

- **Benjamin Street:** Applicable to the section lying west of Blake Street.
- **Benjamin Street:** Applicable to the section lying east of Blake Street.
- **Christina Avenue:** Applicable to the section lying west of Blake Street.

The necessity for these turnarounds is based on the requirements of SRC 803.035(d) which requires dead-end streets to include a turnaround when the Planning Administrator finds that a turnaround is necessary. As identified earlier in this decision, the Fire Department reviewed the proposal and indicated that access to the subdivision is required in accordance with the Salem Fire Prevention Code (SRC Chapter 58). Pursuant to these requirements, dead-end streets exceeding 150 feet are required to include a turnaround or, as an alternative, the homes on the lots served by the dead-end street must include fire sprinklers. Because the sections of Benjamin Street, east and west of Blake Street; Christina Street, west of Blake Street; and Natasha Avenue, west of Anastasia Street, all are dead-end streets exceeding 150 feet in length, conformance with the requirements of SRC 58 and SRC 803.035(d) is required. As such, Condition 25 shall be revised as follows:

~~**Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of “D” Street with Phase 3.~~

Condition 25: Either provide a turnaround, approved by the Salem Fire Department, at the dead-end sections of the following streets within Phase 3:

- a) Natasha Avenue, west of Anastasia Street;
- b) Christina Street, west of Blake Street;
- c) Benjamin Street, west of Blake Street; and
- d) Benjamin Street, east of Blake Street.

-OR-

Not provide a turnaround, but instead equip the homes on the lots served by these dead-end streets with an automatic fire suppression system, as approved by the Salem Fire Department.

The identified revision to Condition 25 expands the original condition to apply to additional streets within phase 3 of the subdivision and adds an option to provide sprinkler systems within the homes served by the dead-end streets rather than providing a turnaround. The purpose of the original Condition 25 was to ensure the streets within the subdivision conformed to Fire Department Access requirements. The proposed revised Condition 25 maintains this same purpose. While it applies to more streets than the original approval and adds the alternative for fire sprinklers in lieu of turnarounds, the revised condition achieves the same intent of the original condition of ensuring conformance with Fire Department Standards. As such, the proposed revised condition substantially conforms to the original condition of approval.

As previously discussed, the applicant’s engineer has recommended a modification to the previously approved street alignments because the original street configuration

cannot reasonably be constructed pursuant to the Public Works Design Standards (PWDS) due to topographic constraints. As part of the revised street design, the applicant's engineer requested a design exception from the City Engineer regarding vertical curve standards, which has been approved as depicted on Exhibit A to the March 19, 2018, comments from the public Works Department (**Attachment D**), except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A). In order to ensure the proposed modified streets within the subdivision are constructed as approved by the City Engineer, the following additional new condition of approval is established:

Condition 28: Construct internal streets within Phases 3 and 4 prior to final plat approval of their respective phase according to the alignments shown on Exhibit A to the March 19, 2018, Public Works comments memo, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A).

As evidenced by the findings above, only four of the original 27 conditions of approval are in need of revision, and only one additional condition is needed, in connection with the proposed subdivision modification. The four conditions that have been revised needed to be updated in order to reflect new street names and lot numbering within the subdivision, and to meet applicable requirements of the development code. The additional condition of approval that has been established is needed in order to ensure the internal streets within the modified subdivision will conform to the alignment and configuration approved by the City Engineer. Because the remaining applicable original conditions of the tentative phased subdivision plan approval will continue to apply, and because the proposed changes to the conditions of approval are substantially consistent with the original conditions, the proposed subdivision modification is not substantially inconsistent with the conditions of the original approval. The proposed modification, as conditioned, meets this approval criterion.

B. SRC 205.070(d)(2): *The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

Finding: The need for the proposed modification to phases 3 and 4 of the original phased subdivision approval is based on a requirement to bring the street intersection grades within these phases into compliance with the American with Disabilities Act (ADA). As a result of this required change, the configuration, alignment, and grade of streets, and the configuration of lots, within these phases of the subdivision are required to be modified. In comparison between the original and modified tentative subdivision plans, the modified plan, in summary:

Former "F" Street (now Benjamin Street):

- Slightly modifies the alignment of "F" Street (now Benjamin Street);

- Establishes a new section of Benjamin Street which extends east past Blake Street to the east property line for future extension. The proposed new extension of Benjamin Street replaces the elimination of the section of “B” Street lying south of Christina Street.

Former “E” Street (now Blake Street):

- Relocates the section of “E” Street (now Blake Street) lying south of Christina Street by shifting it further to the east;
- Eliminates the section of former “E” Street lying between Christina Street and “D” Street (now Natasha Avenue);

Christina Street:

- Slightly modifies the alignment of Christina Street.

Former “B” Street (now Anastasia Street):

- Eliminates the dead-end street section of former “B” Street lying south of Christina Street which extended to the east property line for future extension; and

Lot Layout:

- Reconfigures and renumbers lots within phases 3 and 4 in response to the required changes to street grade and alignment. The reconfigured lot layout results in the creation of two additional lots within phase 3; no additional lots are created in phase 4.

Though the proposed modification changes the configuration of lots and the alignment and grades of streets within phases 3 and 4 of the tentative subdivision approval, the changes are necessitated based on ADA requirements and the topography of the site. As illustrated on modified tentative phased subdivision plan, the reconfigured lots maintain conformance with minimum lot size, dimension, and street frontage requirements and only two additional lots are added to the overall total of 140 lots included in the original approval.

Due to the modified street layout and lot configurations, additional trees will be required to be removed in connection with the modified subdivision. However, such removal is necessary in order to accommodate the reconfigured subdivision layout and the grading associated with constructing the streets and development of homes on the lots. Due to the topography of the site, there are no reasonable design alternatives which would enable preservation of those additional trees identified for removal.

Under the original phased subdivision approval, streets exceeding maximum grade were approved due to the topography of the site. Under the proposed modification, sections of Christina Street, Benjamin Street, Blake Street, and Cherry Blossom Drive will also need to exceed maximum allowed street grade. Christina Street is designated as a collector street under the City’s Transportation System Plan (TSP) and Benjamin Street, Blake Street, and Cherry Blossom Drive are designated as local streets.

Pursuant to SRC 803.035(c), the maximum grade for a collector street is eight percent and the maximum grade for a local street is 12 percent.

SRC 803.065(a) allows for the utilization of alternative street standards in situations where a street may not be able to meet applicable standards. Pursuant to SRC 803.065(a)(1) and (3), alternative street standards may be utilized where existing development or physical constraints make compliance with the standard impracticable and where topography or other conditions make construction that conforms to the standards impossible or undesirable. In the case of the proposed modification, the Public Works Department indicates that alternative streets standards are authorized for street grades within the proposed subdivision modification due to the topography of the site.

As proposed and conditioned, the modified subdivision will not result in significant changes to the physical appearance of the development, the use of the site, or impacts on surrounding properties. The proposed modification is necessitated by a requirement to change street intersection grades to meet ADA requirements. The internal street configuration within the subdivision, while modified, generally remains consistent overall with the original approval; thereby not resulting in significant changes to traffic circulation within the subdivision and to the surrounding area. Under the proposed modification only two additional lots within phase 3 are added to the overall original 140-lot total for the entire subdivision; thereby ensuring the modification will not result in a significant change to the use of the site. The proposed modifications to phases 3 and 4 have been kept to the minimum necessary to meet ADA intersection requirements and still maintain overall general conformance with the original tentative phased subdivision approval. This criterion is met.

6. Effect on Expiration Period of Original Approval:

The final decision on Subdivision Case No. SUB-PLA14-02 was originally issued on August 11, 2014. Pursuant to SRC 300.850, Table 300-3, the phased subdivision approval is set to expire 10 years from the date of issuance of the original approval on August 11, 2024, unless the final plat for the final phase of the subdivision is recorded within that time.

Pursuant to SRC 205.070(e), when a subdivision decision is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision. Consistent with the two-year initial deadline established under SRC 300.850 for recording the final plat for a tentative subdivision plan, the expiration date of the modified phased subdivision is hereby extended by two years to August 11, 2026.

IT IS HEREBY ORDERED

The requested tentative phased subdivision plan modification of the Brush College Hills subdivision affecting for property zoned RA (Residential Agriculture), and located at 2825 Brush College Road NW (Polk County Assessor Map and Tax Lot Number: 073W080000600) is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings adopted in the approval of tentative subdivision plan

SUB-PLA14-02, and the following conditions of approval, as amended by this decision, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit- Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of ~~Lots 88, 89, 96, and 97~~ Lots 91, 92, and 102 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 7:** Amend phasing plan so that the 20-foot-wide access easement currently crossing the subject property becomes part of Phase 4 exclusively. Prior to recording of the final plat for Phase 4, either:
- a) Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or
 - b) Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 8:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.

Condition 9: Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 10:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 11:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.
- Condition 12:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.
- Condition 13:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.
- Condition 14:** Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.
- Condition 15:** Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.

The following conditions must be completed prior to final plat approval for Phase 3:

- Condition 16:** Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.
- Condition 17:** Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
- Condition 18:** Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.
- Condition 19:** The centerline radius of "~~F~~" Street Blake Street along ~~Lot 80~~ Lot 83 shall be a minimum of 125 feet.
- ~~**Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.~~

- Condition 21:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
- Condition 22:** Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
- Condition 23:** Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.
- Condition 24:** Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
- ~~**Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.~~
- Condition 25:** Either provide a turnaround, approved by the Salem Fire Department, at the dead-end sections of the following streets within Phase 3:
- a) Natasha Avenue, west of Anastasia Street;
 - b) Christina Street, west of Blake Street;
 - c) Benjamin Street, west of Blake Street; and
 - d) Benjamin Street, east of Blake Street.
- OR-
- Not provide a turnaround, but instead equip the homes on the lots served by these dead-end streets with an automatic fire suppression system, as approved by the Salem Fire Department.
- Condition 26:** Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.
- Condition 27:** Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:
- a) Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.

- b) Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

The following condition must be completed prior to final plat approval for Phases 3 and 4:

Condition 28: Construct internal streets within Phases 3 and 4 prior to final plat approval of their respective phase according to the alignments shown on Exhibit A to the March 19, 2018, Public Works comments memo, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A).



Bryce Bishop, Planner II
Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Decision Approving Tentative Phased Subdivision Plan SUB-PLA14-02
C. Applicant's Modified Tentative Phased Subdivision Plan
D. Public Works Department Comments

Application Deemed Complete: December 5, 2017
Notice of Decision Mailing Date: March 19, 2018
Decision Effective Date: April 4, 2018
State Mandated Decision Date: April 4, 2018

The rights granted by this decision must be exercised or extension granted by **August 11, 2026** or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, April 3, 2018, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The

Tentative Phased Subdivision Plan Modification Case No. SUB-PLA14-02MOD1

March 19, 2018

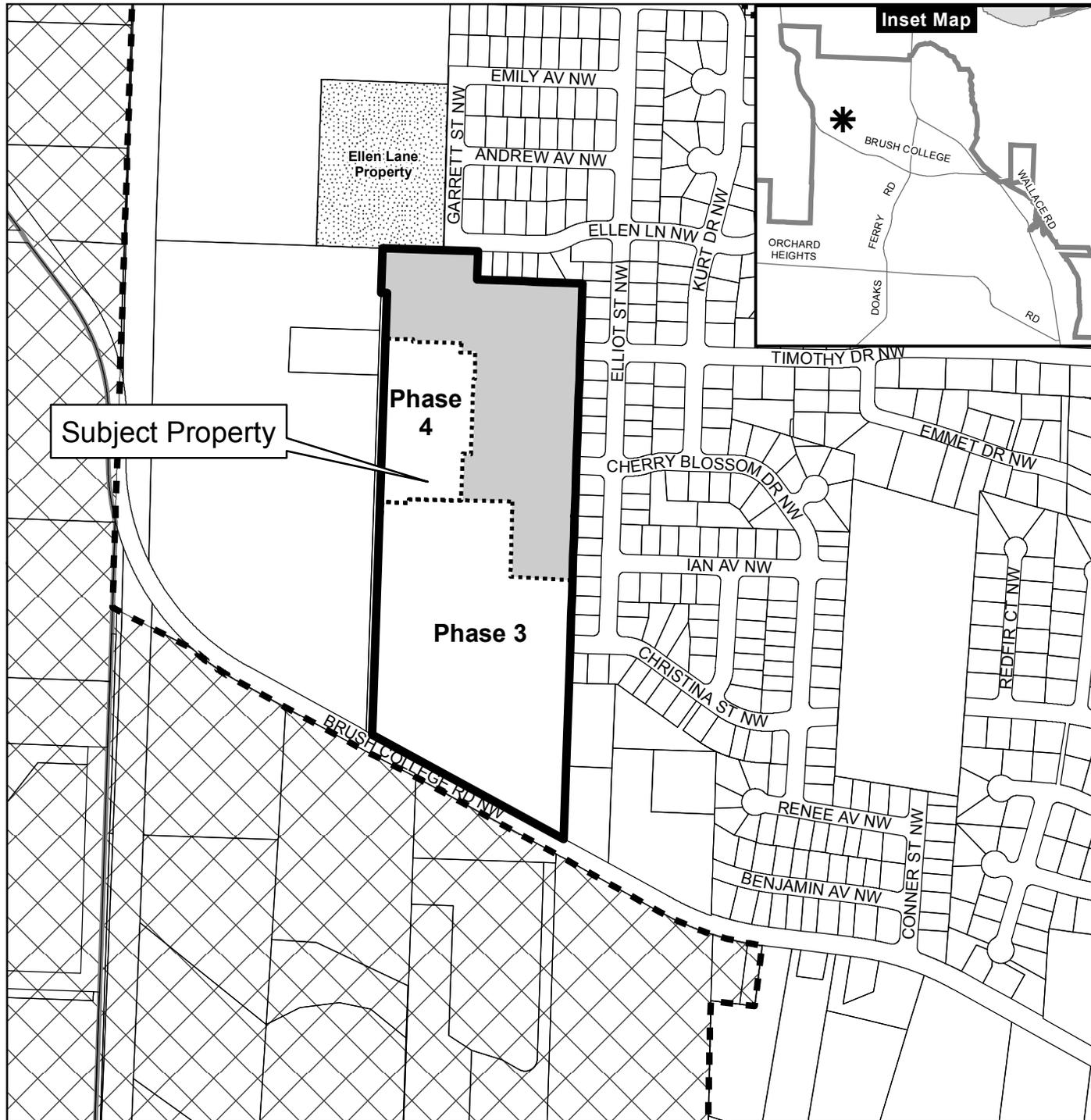
Page 17

Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

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Vicinity Map 2825 Brush College Road NW

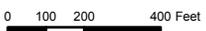


Legend

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.





August 11, 2014

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

**NOTICE OF FINAL LAND USE DECISION SUBDIVISION / PROPERTY LINE ADJUSTMENT Case
No. SUB-PLA14-02 for Property located at 2825 Brush
College Rd NW & 3161 Elliot St NW**

YOU ARE HEREBY NOTIFIED that the Salem Planning Commission, at their August 5, 2014 session, adopted findings modifying the Planning Administrator's decision.

The Planning Administrator's decision approving Consolidated Property Line Adjustment-Subdivision-Class 2 Adjustment Case No. 14-02 is hereby modified to remove original Condition 15 and add new Condition 7, as set forth below:

- A. The request for property line adjustment is APPROVED.
- B. The subdivision request with street grade adjustment is APPROVED subject to the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 7:** Amend phasing plan so that the 20-foot-wide access easement currently crossing the subject property becomes part of Phase 4 exclusively. Prior to recording of the final plat for Phase 4, either:

COMMUNITY DEVELOPMENT

- a. Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or
- b. Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 78:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.
- Condition 89:** Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 910:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 4011:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.
- Condition 4112:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.
- Condition 4213:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.
- Condition 4314:** Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.
- Condition 4415:** Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.
- ~~**Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.~~

The following conditions must be completed prior to final plat approval for Phase 3:

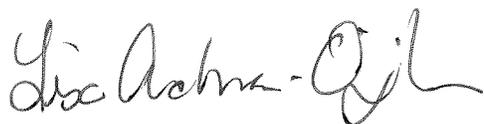
- Condition 16:** Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.
- Condition 17:** Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
- Condition 18:** Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.

- Condition 19:** The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.
- Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.
- Condition 21:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
- Condition 22:** Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
- Condition 23:** Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.
- Condition 24:** Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
- Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.
- Condition 26:** Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.
- Condition 27:** Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:
- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
 - b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after August 11, 2014**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.



Lisa Anderson-Ogilvie,
Urban Planning Administrator

Prior to recording of the final plat for phase 4, either:

- a. Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or
 - b. Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.
- (e) The intent of the Salem Subdivision Code is to provide for orderly development through the application of appropriate standards and regulations (SRC 63.020). The proposed subdivision plan shows the existing access easement running along the west side of the development site, providing Brush College Road access for the neighboring property to the west. The easement runs through the rear and side yards of the lots proposed along the west side of the subdivision. Leaving an access easement and gravel driveway running through a new subdivision to provide access to an adjacent acreage property would not be orderly development because it would unnecessarily cloud the titles of the newly created lots and create the potential disputes between the future owners of the subdivision lots encumbered with the easement. The existing access easement with 1,471-foot-long gravel driveway also doesn't meet current standards for private accessways, which limit the length of an access easement such as this to a maximum of 150 feet, and require a 15-foot-wide paved driveway instead of gravel. In addition, proposed Lots 52 and 53 do not meet minimum lot size requirements and Lots 118, 88, and 89 do not meet minimum lot frontage requirements with the easement left in place.
- (f) The subdivision plan proposes to eventually vacate this existing 20-foot-wide access easement and re-route the neighbor's access to the internal street system of the new subdivision. The proposed removal of the access easement and re-routing of access through the new subdivision is a logical and orderly way to provide continued access to the neighboring property once this new subdivision is built and more direct public street access becomes available. The Planning Administrator's original Condition 15 ensured that the access easement is removed prior to recording of those phases that the easement passes through (Phase 2, 3, & 4).
- (g) An alternative approach to the handling of the existing access easement is to adjust the western property line so that the easement is no longer part of the subdivision property. This would result in the neighboring property owner acquiring ownership of their access easement and gravel driveway to Brush

College Road, and would place the gravel driveway outside the scope of review for this subdivision.

- (h) Based on the above, the Planning Commission's new condition is intended to give the applicant the flexibility to remove the access easement from the site either by terminating the easement or through a property line adjustment of the site's western boundary.
- (i) The Planning Commission's new condition also allows the subdivision developer the flexibility to amend the phase boundaries so that the access easement is not located within Phases 2 or 3, and only located within Phase 4, thereby allowing the applicant to move forward with Phases 2 and 3 before having to deal with the access easement issue.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Administrator's decision approving Consolidated Property Line Adjustment-Subdivision-Class 2 Adjustment Case No. 14-02 is hereby modified to remove original Condition 15 and add new Condition 7, as set forth below:

- A. The request for property line adjustment is APPROVED.
- B. The subdivision request with street grade adjustment is APPROVED subject to the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.

Condition 6: At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

Condition 7: Amend phasing plan so that the 20-foot-wide access easement currently crossing the subject property becomes part of Phase 4 exclusively. Prior to recording of the final plat for Phase 4, either:

a. Remove the existing driveway and access easement to 2831 Brush College Road NW and provide a new driveway access; or

b. Complete a property line adjustment, which moves the west property line so that the 20-foot-wide access easement currently crossing the subject property is made part of the property abutting to the west. The subdivision layout must conform to all applicable development standards at time of final plat.

The following conditions must be completed prior to final plat approval for Phase 1:

Condition 78: Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.

Condition 89: Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

Condition 910: A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

Condition 1011: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.

Condition 1112: Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.

Condition 1213: Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.

Condition 1314: Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.

Condition 1415: Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.

~~**Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.~~

The following conditions must be completed prior to final plat approval for Phase 3:

Condition 16: Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.

Condition 17: Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.

Condition 18: Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.

Condition 19: The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.

Condition 20: The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.

Condition 21: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.

Condition 22: Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.

Condition 23: Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.

Condition 24: Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.

Condition 25: Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.

Condition 26: Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.

Condition 27: Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:

- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
- b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

Section 2. This order constitutes the final local land use decision and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the Commission this 11th day of August, 2014.

ATTEST:



Rich Fry, Planning Commission President

Checked by: B. Colbourne

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NOTICE OF DECISION

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



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

AMENDED DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / PROPERTY LINE ADJUSTMENT CASE NO. SUB-PLA14-02

APPLICATION NOS. : 13-120021-LD & 13-120020-LD

NOTICE OF DECISION DATE: APRIL 30, 2014

REQUEST: A consolidated application for a proposed 140-lot phased subdivision, containing the following requests:

1. A property line adjustment to relocate and reconfigure the common property line between 2825 Brush College Rd NW & 3161 Elliot St NW, which are equal to a combined size of 27.9 acres. The property line adjustment will result in properties that are approximately 0.22 acres and 27.7 acres in size
2. A subdivision of approximately 27.7 acres into 140 lots ranging in size from 4,500 square feet to 10,528 square feet, to be built in four phases, with a variance request to allow some streets to exceed 12-percent grade

The property is zoned RA (Residential Agriculture) and RS (Single Family Residential), and is located at 2825 Brush College Rd NW & 3161 Elliot St NW - 97304 (Polk County Assessor's Map and Tax Lot Nos. 073W08 00600 & 073W08BA10300).

APPLICANTS: BRUSH COLLEGE LLC (MICHAEL J. GEMMET & GEORGE HALE)
AND ALLAN & JOSHELENE A. POLLOCK

LOCATION: 2825 BRUSH COLLEGE RD NW & 3161 ELLIOT ST NW

CRITERIA: Salem Revised Code Chapters 63 & 250

DECISION:

The Planning Administrator **GRANTED** Subdivision / Property Line Adjustment Case No. SUB-PLA14-02 subject to the following conditions of approval:

- A. The request for property line adjustment is APPROVED. The Planning Administrator certifies that the property line adjustment is in conformance with the zoning code, providing compliance occurs with any applicable items noted in this decision.
- B. The subdivision request with street grade adjustment is APPROVED subject to the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

Condition 1: Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.

Condition 2: Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.

- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 7:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.
- Condition 8:** Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 9:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 10:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.
- Condition 11:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.
- Condition 12:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.
- Condition 13:** Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.
- Condition 14:** Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.
- Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.

The following conditions must be completed prior to final plat approval for Phase 3:

- ~~**Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.~~
- Condition 16:** Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.

- Condition 17:** Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
- Condition 18:** Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.
- Condition 19:** The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.
- Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.
- Condition 21:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
- Condition 22:** Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
- Condition 23:** Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.
- Condition 24:** Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
- Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.
- Condition 26:** Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.
- Condition 27:** Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:
- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
 - b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

(There are no phase-specific conditions for Phase 4.)

The Property Line Adjustment does not have an expiration date.

For Phase I of the subdivision: The rights granted by this decision must be exercised by May 16, 2016 or this approval shall be null and void.

For the remaining phases of the subdivision: The rights granted by this decision must be exercised by May 16, 2024 or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete:

February 18, 2014

Notice of **Amended** Decision Mailing Date: April 30, 2014
Decision Effective Date: May 16, 2014
State Mandate Date: June 18, 2014

Case Manager: Bryan Colbourne, Planner III, bcolbourne@cityofsalem.net

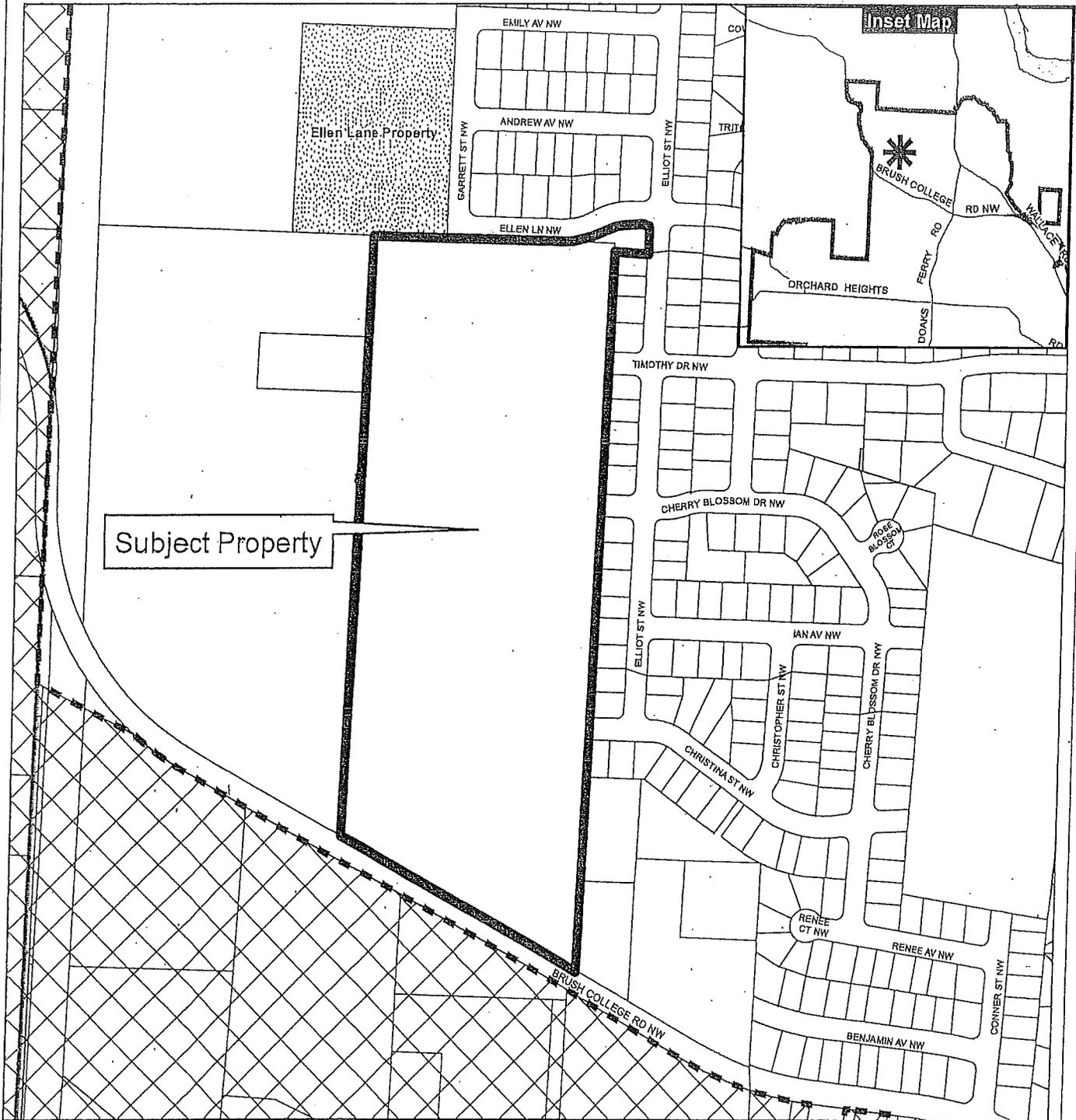
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., May 15, 2014**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 62 and 250. 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, the 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

Vicinity Map

2825 Brush College Road NW & 3161 Elliot Street NW



Legend

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

CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

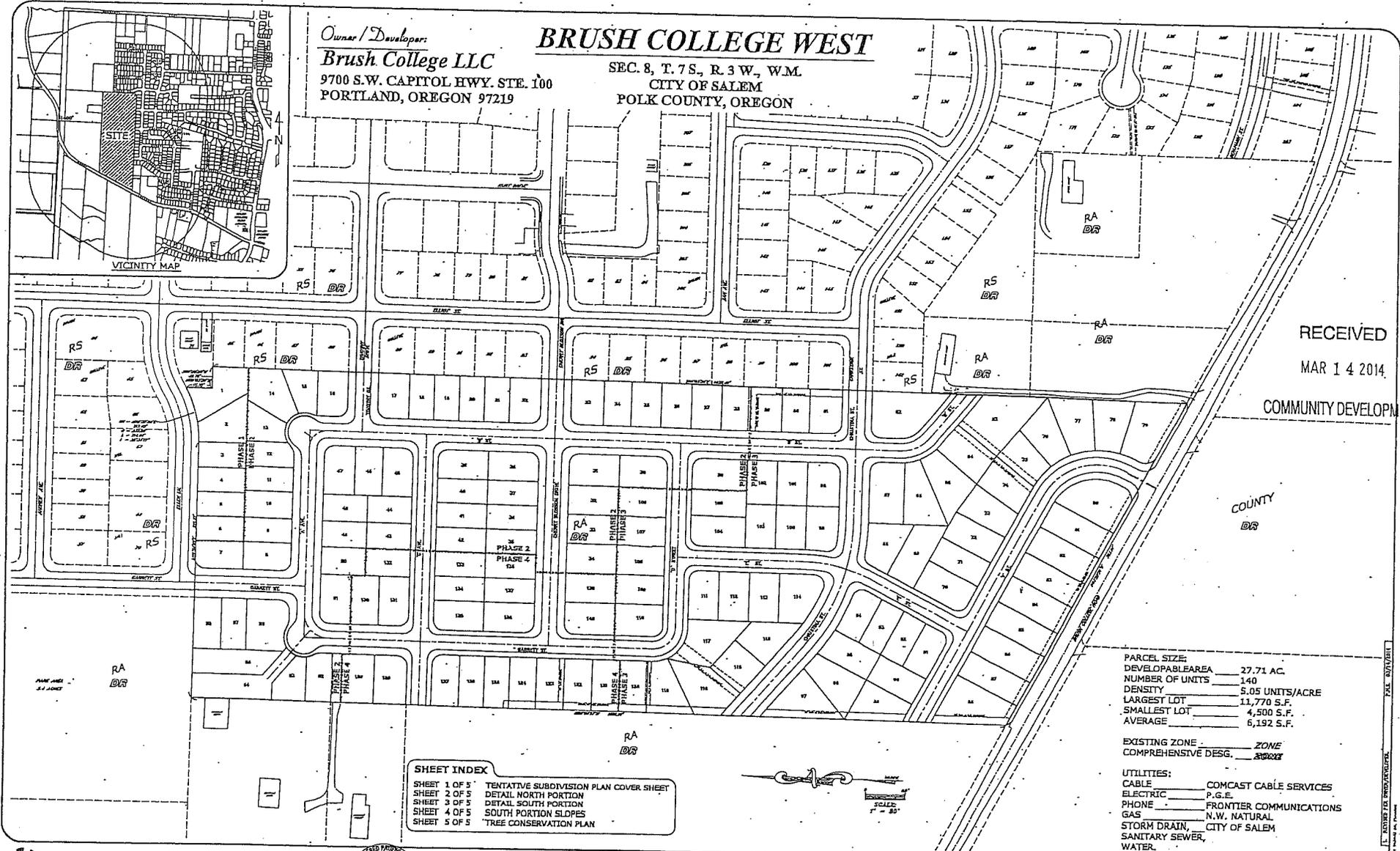
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



Owner/Developer:
Brush College LLC
 9700 S.W. CAPITOL HWY. STE. 100
 PORTLAND, OREGON 97219

BRUSH COLLEGE WEST

SEC. 8, T. 7 S., R. 3 W., W.M.
 CITY OF SALEM
 POLK COUNTY, OREGON



RECEIVED
 MAR 14 2014
 COMMUNITY DEVELOPMENT

PARCEL SIZE _____
 DEVELOPABLE AREA _____ 27.71 AC.
 NUMBER OF UNITS _____ 140
 DENSITY _____ 5.05 UNITS/ACRE
 LARGEST LOT _____ 11,770 S.F.
 SMALLEST LOT _____ 4,500 S.F.
 AVERAGE _____ 6,192 S.F.

EXISTING ZONE _____ ZONE
 COMPREHENSIVE DESS. _____

UTILITIES:
 CABLE _____ COMCAST CABLE SERVICES
 ELECTRIC _____ P.G.E.
 PHONE _____ FRONTIER COMMUNICATIONS
 GAS _____ N.W. NATURAL
 STORM DRAIN _____ N.W. NATURAL
 SANITARY SEWER _____ CITY OF SALEM
 WATER _____

SHEET INDEX

SHEET 1 OF 5	TENTATIVE SUBDIVISION PLAN COVER SHEET
SHEET 2 OF 5	DETAIL NORTH PORTION
SHEET 3 OF 5	DETAIL SOUTH PORTION
SHEET 4 OF 5	SOUTH PORTION SLOPES
SHEET 5 OF 5	TREE CONSERVATION PLAN



MULTI/TECH
 ENGINEERING SERVICES, INC.
 1185 SW 21ST AVE. SALEM, OR 97302
 PH: 503-325-1100 FAX: 503-325-1101
 WWW.MULTITECHOR.COM

NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE



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

DESIGNED BY: D.A.S.
 DRAWN BY: D.E.G.
 CHECKED BY: M.D.G.
 DATE: DEC 2011
 SCALE: AS SHOWN
 AS-BUILT:

BRUSH COLLEGE WEST

TENTATIVE SUBDIVISION PLAN COVER SHEET

Project Number
5872
 Sheet Number
1 of 5

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(TENTATIVE SUBDIVISION PLAT & PROPERTY LINE ADJUSTMENT DECISION NO. 14-02)**

IN THE MATTER OF CONSOLIDATED)
TENTATIVE SUBDIVISION PLAT &)
PROPERTY LINE ADJUSTMENT CASE NO. 14-02)
2825 BRUSH COLLEGE RD & 3161 ELLIOT ST NW)

**FINDINGS AND ORDER
APRIL 30, 2014**

REQUEST

A consolidated application for a proposed 140-lot phased subdivision, containing the following requests:

1. A property line adjustment to relocate and reconfigure the common property line between 2825 Brush College Rd NW & 3161 Elliot St NW, which are equal to a combined size of 27.9 acres. The property line adjustment will result in properties that are approximately 0.22 acres and 27.7 acres in size
2. A subdivision of approximately 27.7 acres into 140 lots ranging in size from 4,500 square feet to 11,770 square feet, to be built in four phases, with a class 2 adjustment request to allow some streets to exceed 12-percent grade

The property is zoned RA (Residential Agriculture) and RS (Single Family Residential), and is located at 2825 Brush College Rd NW & 3161 Elliot St NW – 97304 (Polk County Assessor's Map and Tax Lot Nos. 073W08 00600 & 073W08BA10300).

AMENDED DECISION

- A. The request for property line adjustment is APPROVED. The Planning Administrator certifies that the property line adjustment is in conformance with the zoning code, providing compliance occurs with any applicable items noted in this decision.
- B. The subdivision request with street grade adjustment is APPROVED subject to the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 7:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC)

Chapter 21.

Condition 8: Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

Condition 9: A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

Condition 10: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.

Condition 11: Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.

Condition 12: Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.

Condition 13: Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.

Condition 14: Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.

Condition 15: The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.

The following conditions must be completed prior to final plat approval for Phase 3:

~~**Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.~~

Condition 16: Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.

Condition 17: Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.

Condition 18: Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.

Condition 19: The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.

Condition 20: The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.

Condition 21: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.

Condition 22: Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.

Condition 23: Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.

- Condition 24:** Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
- Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.
- Condition 26:** Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.
- Condition 27:** Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:
- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
 - b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

(There are no phase-specific conditions for Phase 4)

PROCEDURAL FINDINGS

1. On December 20, 2013, a consolidated application for a property line adjustment and subdivision was submitted to the Community Development Department. After additional information was provided by the applicant the application was deemed complete for processing on February 13, 2014.
2. On February 13, 2014, notification of filing for the proposal was sent to the owners of all property located within 250 feet of the subject property and to the West Salem Neighborhood Association. City staff and the applicant met several times to discuss the original subdivision design and the applicant subsequently prepared a revised tentative subdivision plan. The revised plan was submitted to the City on March 14, 2014, and necessitated a revised notice of filing, which was sent to the surrounding property owners and neighborhood association on March 21, 2014. At the time of preparing this decision, the applicants have granted the City one 45-day extension of the 120-day state-mandated deadline for final local decision. The deadline for final local decision is July 28, 2014.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated as "Developing Residential" on the Salem Area Comprehensive Plan (SACP) Map.

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

Growth Management: The subject property is outside of the City's Urban Service Area. Preliminary Declaration for Urban Growth Area Development Permit No. 09-2 was issued on March 25, 2009, and remains valid for development of the subject property. The conditions of development in UGA 09-2 are consistent with the conditions of subdivision approval.

2. Zoning and Land Uses

The subject property is zoned RA (Residential Agriculture). Zoning and uses of surrounding properties include:

North: RS (Single Family Residential); existing single family residential subdivision.

South: Across Brush College Road NW, Polk County UR (Urban Reserve); acreage lots with single family dwellings.

East: RS (Single Family Residential) and RA (Residential Agriculture); existing single family

residential subdivision and acreage lots.
West: RA (Residential Agriculture); acreage lots with agricultural uses and single family dwelling.

3. Existing Site Conditions

Trees: Pursuant to the requirements of the City's Tree Preservation Ordinance, SRC Chapter 68.100(a), a tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for the construction of single family dwelling units or duplex dwelling units if the development proposal will result in the removal of trees. Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation in riparian corridors, and a minimum of 25 percent of the remaining existing trees on the property.

The applicant has submitted a tree conservation plan in conjunction with this subdivision application (TCP Case No 14-03). The tree plan is being reviewed and approved separately and concurrent with the subdivision application. Based on review of the proposed tree plan, staff has determined that streets and lots are designed to preserve trees to the extent possible, in compliance with SRC Chapter 63, 68, and 132 requirements. The tree plan proposes the removal of 435 of the 500 trees existing at the site, which equals a 13 percent tree preservation rate. SRC 68.100(d)(2) provides that when a tree conservation plan preserves less than 25 percent of the existing trees on the site, "only those trees reasonably necessary to accommodate the development proposal shall be designated for removal. Heritage trees shall not be designated for removal, and significant trees and trees in riparian corridors shall not be designated for removal unless there are no reasonable design alternatives that would enable reservation of such trees." In this case, most of the trees on the site are located within the site's steep southern half. The steep topography of the southern part of the site necessitates significant grading and clearing of the area where most trees are located.

Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) does not show wetland area(s) mapped on the property.

Landslide Hazards: The proposed development is identified as a moderate landslide risk per SRC Chapter 69. The applicant's engineer submitted a geological assessment as part of this application. As specified in the conditions of approval, at the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

4. Site Analysis and Lot Layout

Proposal: The subject property is made up of a 27.7 acre vacant property, and a second, much smaller property, which is a 0.2 acre lot within an abutting subdivision developed with a single family dwelling. A 140-lot subdivision, to be built in four phases, is proposed on the larger property. Prior to subdividing, however, the owners of the larger property have entered into an agreement with the owners of the smaller property to complete a relatively small property line adjustment that creates a more orderly common boundary between the two properties. The property line adjustment is being processed together with the subdivision as a matter of convenience, on the condition that the property line adjustment will need to be separately surveyed and recorded prior to recordation of the subdivision plat.

The minimum lot size and dimensional standards for subdivisions are established under SRC Chapter 63 (Subdivisions) and within the zoning district that the property is located. The subject property is currently zoned RA (Residential Agriculture). However, SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the subject property. Because the zoning of the property will be changed to RS with the recording of the plat, the following analysis of the subdivision for conformance with the requirements of the subdivision and zoning codes is based upon the property being rezoned to RS (Single Family Residential).

Phasing: The applicant's tentative plan proposes a 140-lot subdivision to be built in four phases. The first phase contains 11 lots located at the north side of the property. The second phase contains 52 lots located in the north and east sides of the property. Phase 3 contains 61 lots located at the south side of the property. Phase 4 contains 21 lots located at the west side of the site.

The Salem Fire Prevention Code (SRC Chapter 58) requires at least two points of access to

subdivisions containing more than 30 dwelling units. All phases will satisfy this requirement as proposed. The Fire Prevention Code also requires turnarounds for dead-end fire apparatus access roads that exceed 150 feet. In the interim between the recording of Phase 2 and Phase 4, "C" Avenue and Cherry Blossom Drive will be dead-end streets exceeding 150 feet in length and approved Fire Department turnarounds will be needed, as required in Subdivision Condition 11. Also, in the interim between the recording of Phase 3 and Phase 4, "D" Street will be a dead-end exceeding 150 feet in length and an approved Fire Department turnaround will be needed, as required in Subdivision Condition 25.

Minimum Lot Area and Maximum Number of Flag Lots: SRC 63.145(c) and SRC 146.070(a) require a minimum lot area of 4,000 square feet for a single family dwelling. SRC 146.070(a) requires a minimum lot area of 7,000 square feet for a duplex on a corner lot. For flag lots in subdivisions, SRC Chapter 63.295(c) requires a minimum lot area of 4,000 square feet, exclusive of the accessway serving the lots. In addition, SRC Chapter 63.295(a) requires that no more than 15 percent of the lots within a subdivision can be flag lots.

All of the proposed lots within the subdivision exceed minimum lot area requirements. The proposed areas of the lots within the subdivision range from 4,500 square feet to 11,770 square feet. Two flag lots are proposed (Lots 54 and 55), which are both provided street access by a common flag lot accessway to Garrett Street. The proposal satisfies the maximum 15 percent flag lot standard.

Minimum Lot Dimensions: SRC 63.145(a) and (b) and SRC 146.070(b) require a minimum lot width of 40 feet and a minimum average lot depth of 70 feet. Double frontage lots must have a minimum 120 foot lot depth. All of the proposed lots within the subdivision satisfy minimum lot width and depth requirements.

SRC 63.145(b) and SRC 146.070(b) also establish a maximum lot depth requirement of 300 percent of the average lot width. Lots 54 and 55 do not comply with the maximum lot depth requirement. Condition 12 requires the redesign of lots 54 and 55 to meet the maximum 300 percent lot depth to width rule.

Street Frontage: SRC 63.145(d) establishes a minimum frontage requirement of 40 feet for lots adjacent to streets. Lots along cul-de-sac turnarounds and on the outside of curves having a radius of 200 feet or less and a direction change of 60-degrees or more may have a minimum of 30 feet street frontage on the curve, but provided that in no case shall the lot width be less than 40 feet at the front building setback line. Lot 53 does not meet minimum lot frontage standards.

Front Lot Line Designation: SRC Chapter 63.145(e) establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots.

Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Where corner lots have depth and width dimensions that would allow either street frontage to be designated as the front lot line, the front lot line shall be the property line that has frontage on a street designated by the building permit applicant and approved by the Planning Administrator (SRC 63.145(e)(1)).

For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street (SRC 63.145(e)(4)).

Double frontage lots have street frontage at two ends. For double frontage lots, the front lot line shall be that having frontage on a street designated by the applicant, and approved by the Planning Administrator. Nine double frontage lots are proposed in this case (Lots 80 through 88). Lot 80 could also be considered a corner lot. These nine lots have frontage on Brush College Road and "F" Street. The designated front lot line for these lots will be on "F" Street, where driveway access will be allowed.

Setback Requirements: For development within an RS (Single Family Residential) zone, SRC Chapter 146 establishes the following setback standards:

Front Yards and Yards Adjacent to Streets:

-Minimum 12 feet (Minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway'); and

-Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Garages and Setbacks:

SRC146.130 establishes requirements for the provision of garages for single family dwellings and the setbacks for those garages. SRC 146.130 specifically requires that:

Each dwelling constructed after February 8, 2006, within an RS district shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling, and that may be attached or detached from the dwelling.

Setback requirements to the required garages are included under SRC 146.130(c), which establishes the following:

Garages for single family dwellings, or garages or carports for manufactured homes on individual lots, having a vehicle entrance facing a street or accessway shall be set back at least 20 feet from one of the following lines, whichever is closest to the proposed entrance of the garage or carport:

- (1) The right-of-way line, property line abutting an accessway, or most interior access easement line;
- (2) The outside curbline; or
- (3) The edge of the sidewalk furthest from the street.

Setbacks and garage requirements for the lots within the proposed subdivision will be reviewed for compliance with all applicable code requirements at the time of application for building permits on the individual lots.

Block Lengths and Widths: SRC 63.135 requires that blocks shall be a maximum of 600 feet between street centerlines unless the Planning Administrator determines that the adjacent layout or special conditions justify greater length. In addition, block widths shall not be less than 120 feet and not more than 400 feet, except where topographical or other physical features dictate otherwise.

The applicant's tentative plan proposes several internal blocks with lengths greater than 600 feet.

The purpose of block length and width standards is to ensure an orderly development and adequate street connections. The 600-foot maximum is best suited to the central flat areas of Salem that are part of the original grid street layout. Areas away from the original city core, such as the subject property, may have topographical or other physical limitations that make strict adherence to the 600-foot maximum impractical.

The subject property generally slopes downhill from north to south. The northern part of the property is relatively flat, while the center and south parts of the site contain steeper topography. This site's limitations are most pronounced at the southern end where "F" Street must make a long, curved, and steep approach to its proposed intersection with Brush College Road. No street intersections were possible along this curved section of "F" Street due to the steep terrain.

Despite these challenges, the applicant's plan provides street connections and block lengths and widths in compliance with the standards wherever possible. Considering the above topographical and site design issues, the Planning Administrator grants approval of block lengths greater than 600 feet in this case.

5. Transportation Facilities

Street standards for subdivisions are set forth in SRC 63.225, SRC 63.235, the Salem Area Transportation System Plan (TSP), and the City's Public Works Design Standards. Adequate street

system access for all lots must be provided and sufficient boundary and connecting streets must be provided or improved, if they already exist, in order to provide sufficient multi-modal transportation connectivity.

Access and Circulation: The proposal includes five points of connectivity to existing surrounding streets, including a local street connecting to Brush College Road. In addition, four points of access are provided to surrounding properties that are not yet developed, providing opportunities for future perimeter street connections. When surrounding lands are developed, the subdivision will take access via nine street connections to surrounding lands in all directions.

Internal east-west and north-south streets provide circulation between the different parts of the development and logical connections to future perimeter street connections.

There's a 20-foot-wide access easement that currently runs across the west side of the property. There is an existing gravel driveway within this easement. The access easement was established in 1964. It provides the owners of the farmhouse to the west (2831 Brush College Road NW) with the right to use the driveway across the subject property. At that time there was a farmhouse also located on the subject property, so the driveway was the shared access for both farmhouses. The house on the subject property has since been removed, leaving the neighboring property at 2831 Brush College Road NW as the only user of a driveway that is built across the subject property. Condition 15 requires that the access easement must be removed prior to recording of the final subdivision plat. That means that it will be the responsibility of the owner of the subdivision property to legally remove the access easement, presumably through negotiations and agreement with the owners to the west that currently use that easement to access their house.

Street Improvements: City of Salem Public Works Department comments (Attachment 6) address applicable street improvement requirements for the level of development proposed by the subdivision. The street standards of SRC 63.225 set forth standards for street improvements for all streets, both public and private. Street right-of-way and pavement widths standards are set forth in SRC 63.235. In general, local streets shall have a minimum right-of-way width of 60 feet, with a curb-to-curb improved width of 30 feet with parking on both sides. The development, as proposed and conditioned, can meet the applicable standards. Review of the final street design will take place at time of public construction plans review.

Street Width: The Salem Subdivision Code prescribes a minimum local street width of 60 feet, but local streets may be reduced to 50 feet in width when "the existing cross slope is 8 percent or greater, or the standard right-of-way would result in lot depths of 80 feet or less." (SRC 63.235[f][2]). The subdivision plan proposes 50-foot-wide local streets at several locations where the existing cross slope of the land exceeds 8 percent, as allowed by the Subdivision Code.

Connectivity: SRC 63.225(p) states that:

Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one half mile of development and shall provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning administrator determines that one or more of the following conditions exist:

- (1) Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or
- (2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- (3) Streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

The tentative plan includes multiple stubbed streets at its perimeter, which provide connectivity to existing development and yet to be developed surrounding lands in compliance with this provision. The Planning Administrator has determined that strict adherence to the 600-foot maximum connectivity spacing standard is not possible due to existing development and topography concerns.

Street Grade: SRC 63.225(b) requires that no street grade shall exceed 12 percent grade without an adjustment or variance. The proposal includes a zoning adjustment request for street grades of greater than 12 percent slope. The steeper street grades are necessary in this case due to site's topography. The applicant and City staff have worked together to achieve a street layout that responds to existing topography so as to minimize street grade where possible. No streets will exceed 15 percent grade. Complete findings in support of the street grade adjustment are included in Section 12, below.

Bicycle System Map: SRC 63.235(g) states that:

Streets identified in the Salem Transportation System Plan Bicycle Map as requiring a bicycle facility must meet the designation of the Salem Transportation System Plan and the City of Salem Public Works Street Design Standards.

The TSP Bicycle Map proposes bike lanes on Brush College Road in the area of the subject property and proposes "uphill bike lanes and downhill shared lane markings" on Christina Street through the subject property. Bike lanes will be constructed along the property's Brush College Road frontage and on Christina Street through the property in conjunction with this development, pursuant to Conditions 17 and 18.

6. Neighborhood Association Comments

The subject property is located within the West Salem Neighborhood Association. The Neighborhood Association was notified of the proposed subdivision plan and the revised subdivision plan. The neighborhood submitted a letter in support of the proposal after the initial notice was sent. The neighborhood submitted no additional comments regarding the revised plan (Attachment 9).

7. Citizen Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision plan on February 13, 2014, and mailed notice of the revised subdivision plan on March 21, 2014. Most comments received from surrounding property owners apply equally to the original and revised plans. All comments received by the comment deadlines for both the original and revised subdivision plans are considered together in this decision. A total of five surrounding property owners submitted comments by the comment deadline. Four submitted comments listing concerns about the proposal. One submitted comments in support of the proposal.

All comments from surrounding property owners are summarized below, with a staff response as needed.

i. Chris and Lynne Hawkins

Chris and Lynne Hawkins reside on land within Brush College Heights No. 1 to the north of the development site. They reviewed the proposal and submitted a letter stating the following concerns:

- Lot sizes are too small compared to the typical lot sizes within surrounding subdivisions
- Increased traffic generated by the proposed subdivision
- The proposed development's potential negative effect on surrounding property values

Staff Response: *Lot Sizes* - SRC 63.145(c) and SRC 146.070(a) require a minimum lot area of 4,000 square feet for a single family dwelling. SRC 146.070(a) requires a minimum lot area of 7,000 square feet for a duplex on a corner lot. The proposed areas of the lots within the subdivision range from 4,500 square feet to 11,770 square feet. All of the proposed lots within the subdivision exceed minimum lot area requirements, and are comparable to the range of lot sizes found within surrounding subdivisions to the north and east of the site.

Traffic - This development will add approximately 1,333 new vehicle trips to the traffic on Brush College Road NW. A Traffic Impact Analysis performed by the developer's engineer in 2006 showed the proposed subdivision will add approximately a 6.3 percent (all phases) increase in traffic to the intersection of Brush College Road NW and Wallace Road NW. The mitigation required for the transportation impacts is a \$25,200 contribution (total all phases) toward the future traffic signal at the intersection. This contribution is roughly proportional to the impacts of the development on the City's transportation system.

Property Values - City staff reviews all proposed subdivisions to ensure that each proposal does not "adversely affect the safe and healthful development of the remainder [of the property] or any adjoining land or access thereto," and that the applicant provides required services, access and safety measures. This application has met this criterion. With respect to property values, Goal E.b. (Residential Development) of the Salem Area Comprehensive Plan (SACP) states that "residential development shall provide housing opportunities for Salem's diverse population." As such, while the SACP encourages a diversity of housing property values, the Salem Revised Code neither directly nor indirectly regulates such property values.

ii. Helen Knieling

Helen Knieling owns 2831 Brush College Road NW, which is the abutting property to the west of the development site. She reviewed the proposal and submitted letters in opposition to both the original and the revised plans. Ms. Knieling's property is accessed by a private gravel driveway located within an access easement that runs through the development site. The access easement is located along the west line of the development site. Ms. Knieling opposes the subdivision because the plan assumes that the access easement will become part of the rear and side yards of lots within the new development, and the plan assumes the re-routing of access to Ms. Knieling's property through the new subdivision streets. Because there are agricultural activities still taking place on her property, Ms. Knieling also expressed concerns that the residents of the new subdivision could object to farm machinery traveling on their residential streets.

Staff Finding: The access easement was established in 1964, providing Ms. Knieling's property with the right to use the driveway across the development property. At that time there was a dwelling located on the development site, so the driveway was the shared access for that dwelling and the dwelling on Ms. Knieling's land. The dwelling on the development site has since been removed, leaving Ms. Knieling as the only user of this driveway. Condition 15 requires removal of the access easement prior to recording of the ~~Phase 3~~ Phase 2 final subdivision plat. That means that it is the responsibility of the owner of the subdivision property to legally remove the access easement, presumably through negotiations and agreement with Ms. Knieling, prior to development of the third phase of the subdivision. The access easement runs across the proposed second, third and fourth phases.

iii. Larry and Susan Brewer

Larry and Susan Brewer are area residents who submitted comments expressing the following concerns about the subdivision proposal:

- Street grades will be too steep
- Unsafe vision clearance at the proposed "F" Street/Brush College Road intersection
- Lot sizes are too small compared to the typical lot sizes within surrounding subdivisions
- Increased traffic generated by the proposed subdivision

Staff Response: *Street Grades* - City street standards require that no street grade shall exceed 12 percent grade without an adjustment or variance. The proposal includes a zoning adjustment request for street grades of greater than 12 percent slope. The steeper street grades are necessary in this case due to site's topography. The applicant and City staff have worked together to achieve a street layout that responds to existing topography so as to minimize street grade where possible. No streets will exceed 15 percent grade. Complete findings in support of the street grade adjustment are included in Section 12, below.

Vision Clearance at New Intersection with Brush College Road - The developer is required to widen and improve Brush College Road where it fronts the subdivision property. The frontage improvements will include additional street width with curbs and sidewalk on the development side. The City Traffic Engineer has reviewed the location of the proposed intersection of "F" Street and Brush College Road and determined that sufficient vision clearance will be available at the intersection when Brush College Road is widened and improved.

The concerns raised about residential density and increased traffic are addressed under Section 7.i., above.

iv. Coleen Clemente

Coleen Clemente owns property at 3130 Elliot Street NW, which is located one block to the east of the development site. Ms. Clemente reviewed the proposal and submitted the following comments expressing concern about the subdivision proposal:

- Some street widths will be too narrow to allow for street trees or adequate sidewalks
- Stop signs are needed at the Ellen/Elliot, Timothy/Elliot, Cherry Blossom/Elliot, and Christina/Elliot intersections
- How will stormwater from the subdivision site be handled?
- Concern over landslide risk at the site
- The developer should contribute towards the development of Ellen Lane Park
- Are there sufficient Police Department, Fire Department, and public school resources in place to support this new development?
- Concern that the property owner to the west, Ms. Knieling, will have continued access to her property at 2831 Brush College Road NW

Staff Response: *Street Width and Street Trees* - The Salem Subdivision Code prescribes a minimum local street width of 60 feet, but local streets may be reduced to 50 feet in width when "the existing cross slope is 8 percent or greater, or the standard right-of-way would result in lot depths of 80 feet or less." (SRC 63.235[f][2]). The subdivision plan proposes 50-foot-wide local streets at several locations where the existing cross slope of the land exceeds 8 percent, as allowed by the Subdivision Code. Street trees within reduced width planter strips will be required wherever possible, pursuant to SRC 63.235(k).

Stop Signs - The City will not be requiring the installation of any "STOP" signs at the intersections of local streets in this vicinity. The purpose of a stop sign is to establish which street has the right-of-way. On local residential street intersections a stop sign may only be installed when the "major" street exceeds 200 vehicles per hour in any four hours of the day, or when there is a documented safety issue that cannot be corrected by other means. This warrant is not met in most residential neighborhoods and the City does not want to install unwarranted traffic control devices. Unwarranted stop signs can lead to speeding and can create behavior where drivers will "roll" through the intersection that may lead to other unintended consequences.

At uncontrolled intersections the Oregon Vehicle Code (ORS 811.275) requires a driver to give right of way to the vehicle on their right, and at a "T" intersection (ORS 811.276) requires the driver on the stem of the "T" to give right of way to the vehicle at the top of the "T". This law does a very good job of slowing traffic by not assigning the right of way to any particular direction of travel.

Stormwater - At the time of development, the applicant's engineer is required to design and construct the stormwater utility systems in conformance with the conditions of the Urban Growth Area Permit, Public Works Design Standards, and the conditions of development. The storm water accumulated on the site will be collected into storm water facilities within the subdivision and will be conveyed safely to approved points of disposal.

Landslide Risk - The proposed development is identified as a moderate landslide risk per SRC Chapter 69. The applicant's engineer submitted a geological assessment as part of this application. As specified in the conditions of approval, at the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

Development of Ellen Lane Park - Development of public parks is primarily funded by System Development Charges (SDC), which are paid at time of building permit for the individual homes in the subdivision.

Police Department, Fire Department, and Public School Service - Comments of the Salem Police Department, Fire Department, and Salem-Keizer School District are summarized in Sections 8 and 9, below. All of these agencies reviewed the proposal and did not express concern over lack of capacity to serve the proposed development.

Access Easement to Ms. Knieling's property at 2831 Brush College Road NW - Access to Ms. Knieling's land to the west of the subdivision property is addressed in Section 7.ii., above.

v. Joshlene Pollock

Joshlene Pollock resides at 3161 Elliot Street NW. Ms. Pollock is one of the applicants for the property line adjustment part of this consolidated application. She submitted comments regarding the subdivision proposal, stating that she supports the revised street layout of the March 21 revised subdivision plan.

8. City Department Comments

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

The Public Works Department, Development Services Section, reviewed the proposal and submitted comments which are included as Attachment 6.

The Public Works Department, Parks Section, reviewed the proposal and submitted comments which conclude that the new subdivision will be adequately served by the existing Ellen Lane Park, located to the north, and that the proposed street and sidewalk connections from the development to the park provide sufficient access to the park. The Parks Section Memorandum is included as Attachment 7.

The Salem Fire Department has reviewed the proposal and submitted the following comments:

Fire Department access, fire flow, and fire hydrant locations shall be in accordance with the Salem Fire Prevention Code (SRC Chapter 58).

Secondary access shall be provided where there are more than 30 dwelling units accessed from a single fire apparatus access road. Secondary access requirements shall be addressed by the phasing plan. Dead-end fire apparatus access roads that exceed 150 feet in length shall be provided with approved turnarounds. Turnaround requirements shall be addressed by the phasing plan.

Fire hydrant spacing shall be in accordance with fire code requirements and shall be addressed by the phasing plan.

Fire apparatus access roadway grades shall not exceed 12 percent, except for short lengths not exceeding 15 percent with adequate approach, unless approved by the Fire Code Official at time of construction plans review.

Staff Response: The Salem Fire Prevention Code (SRC Chapter 58) requires turnarounds for dead-end fire apparatus access roads that exceed 150 feet. In the interim between the recording of the proposed plat phases there will be dead-end streets exceeding 150-feet in length where an approved Fire Department turnaround will be needed, as required in Conditions 11 and 25. As conditioned, the proposal can meet all applicable Fire Prevention Code requirements.

9. Public Agency Comments

The Salem-Keizer Public School District reviewed the proposal and submitted a letter outlining their comments (Attachment 8). In summary, the School District's analysis concludes that sufficient school capacity exists to serve the proposed subdivision at the assigned elementary, middle, and high schools. Students residing within the future subdivision will be eligible for school transportation services to the assigned schools.

10. Property Line Adjustment

The subject property is made up of a 27.7 acre vacant property, and a second, much smaller property, which is a 0.2 acre lot within an abutting subdivision developed with a single family dwelling. A 140-lot subdivision, to be built in four phases, is proposed on the larger property. Prior to subdividing, however, the owners of the larger property have entered into an agreement with the owners of the smaller property to complete a relatively small property line adjustment that creates a more orderly common boundary between the two properties. The property line adjustment is being processed together with the subdivision as a matter of convenience, on the condition that the property line adjustment will need to be separately surveyed and recorded prior to recordation of the subdivision plat.

A property line adjustment to relocate and reconfigure the common property line between 2825 Brush

College Rd NW & 3161 Elliot St NW is proposed. The two properties involved in the line adjustment equal a combined size of 27.9 acres. The property line adjustment will result in properties that are approximately 0.22 acres and 27.7 acres in size

Based on conformance with the following requirements, the proposal to move the common property line between the two units of land (Attachment 2) has been found to comply with the applicable Salem Revised Code (SRC) standards, including the requirements of SRC 63.147 pertaining to Property Line Adjustments as stated below:

Subdivision Code Compliance

SRC 63.147(a) provides that:

A property line adjustment relocates one common property line between two abutting units of land. Property line adjustments shall not be used to create an additional unit of land, and may not reduce an existing unit of land below the minimum size allowed under the zoning code.

Property line adjustments shall only be used to relocate common property lines between units of land which were created through partition, subdivision, deed, or other legal instrument which has been recorded.

The proposed property line adjustment reconfigures the northeast corner of the larger property (2825 Brush College Rd NW) and reconfigures the western side of the smaller property (3161 Elliot St NW). The reconfiguration moves the boundary in an attempt to trade equal areas of land between the two sites with almost no net change in their resultant lot sizes. Approximately 1 square foot of land will be transferred from the larger property (Brush College Rd NW) to the smaller property (3161 Elliot St NW).

The proposed property line adjustment does not create an additional unit of land, and does not reduce an existing unit of land below the minimum size, dimensions, or frontage allowed under the Salem Zoning Code.

Zoning Code Compliance

The affected properties are zoned RA (Residential Agriculture) and RS (Single Family Residential). The proposed line location satisfies all applicable development standards of the Salem Revised Code. Development of the properties is subject to the provisions of the RA and RS zones and all other applicable provisions of the Salem Revised Code. The property line adjustment does not affect zone boundaries.

Recording the Property Line Adjustment Deeds and Survey

The applicant is required to have a field survey and legal descriptions prepared and recorded per SRC 63.147(d) and (e). The surveyor of record takes the survey and legal descriptions to the appropriate county for recording. Please note that it is the owner/developer's responsibility to record all necessary documentation with the appropriate county.

11. Criteria for Granting Approval to Tentative Subdivision

Salem Revised Code (SRC) Chapter 63.046(b) and 63.051 set forth the criteria that must be met before approval can be granted to a subdivision request. This staff report addresses the approval criteria of SRC 63.046 (decision of the Planning Administrator for a Subdivision) and evaluates the considerations of SRC 63.051 (Purpose of Tentative Plan Review; Requirements and Conditions).

The following subsections are organized with approval criteria shown in **bold**, followed by findings of fact upon which the Planning Administrator bases his findings. The requirements of SRC 63.051 are addressed within the specific findings which evaluate the proposal's conformance with the criteria of SRC 63.046. Lack of compliance with the following land division standards is grounds for denial of tentative plan approval or for the issuance of certain conditions necessary to more fully satisfy such standards. The applicant's proposed subdivision, for the purpose of dividing the subject property as described above, was reviewed for compliance with the following standards, and as detailed in the facts and findings of this staff report, including all attachments hereto, the following approval criteria have been sufficiently addressed to warrant approval of the tentative subdivision plan, subject to

conditions.

Note: A second review will occur for the created lots at the time of building permit application to assure compliance with the zoning ordinance. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to City staff signing the final subdivision plat.

- i. **SRC 63.046(b)(1): Approval of the tentative subdivision plan does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto:**

Finding: The proposed subdivision divides the 27.7 acre subject property into 140 lots in four phases, with no remainder. The abutting properties to the west, south and southeast of the site are rural acreage lots with single family dwellings. There are single family residential subdivisions abutting to the north and northeast. The design provides local street connections in all directions, which will allow the abutting lands to the west and southeast to be connected into the local street system if those lands develop in the future.

The proposed subdivision includes internal streets that provide east-west and north-south streets for circulation between the different parts of the development and logical connections to future perimeter street connections.

The following condition is required in order to mitigate impacts of the proposal on the surrounding properties and transportation system during construction:

- Condition 9:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

There's a 20-foot-wide access easement that currently runs across the west side of the property. There is an existing gravel driveway within this easement. The access easement was established in 1964. It provides the owners of the farmhouse to the west (2831 Brush College Road NW) with the right to use the driveway across the subject property. At that time there was a farmhouse also located on the subject property, so the driveway was the shared access for both farmhouses. The house on the subject property has since been removed, leaving the neighboring property at 2831 Brush College Road NW as the only user of a driveway that is built across the subject property. Condition 15 requires that the access easement must be removed prior to recording of the final subdivision plat. That means that it will be the responsibility of the owner of the subdivision property to legally remove the access easement, presumably through negotiations and agreement with the owners to the west that currently use that easement to access their house.

- Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.

Removal and re-routing of the access easement will not create an adverse affect on the property owner to the west because an equally orderly, logical, and direct route to the public street system within the new subdivision will be provided. As conditioned, the proposal satisfies this criterion.

- ii. **SRC 63.046(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan:**

Finding: The Water System Master Plan, Wastewater Management Master Plan, Stormwater Master Plan, and the Salem Transportation System Plan (STSP) identify specific projects needed to mitigate deficiencies in the water, sewer, and storm drainage systems. At the time of development, the applicant's engineer shall design and construct the utility systems in conformance with the conditions of the UGA Permit, Public Works Design Standards, and the conditions of subdivision development.

The following condition is required in order to mitigate impacts of the proposal on the surrounding properties and transportation system during construction:

- Condition 9:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

The right-of-way along Brush College Road NW does not meet the STSP standard for a minor arterial street. Right-of-way dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW is required to meet this standard:

Condition 16: Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.

Likewise, Brush College Road fronting the subject property shall be improved to minor arterial street standards on the development side:

Condition 17: Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.

Christina Street is classified as a collector street through the subject property, and shall be improved to collector street standards:

Condition 18: Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.

The street curves of the proposed local streets do not meet street design standards in two locations, and shall be redesigned at time of final plat:

Condition 19: The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.

Condition 20: The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.

To ensure compliance with the City's public facility plan requirements, the following conditions shall apply:

Condition 3: The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.

Condition 7: Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.

Condition 8: Provide water, sewer, and storm service connections to each lot within Phase 1.

Condition 10: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.

Condition 21: Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.

Condition 22: Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.

Condition 23: Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.

Condition 24: Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.

This development will add approximately 1,333 new vehicle trips to the traffic on Brush College Road

NW. A Traffic Impact Analysis performed by the developer's traffic engineer showed the proposed subdivision will add approximately a 6.3 percent (all phases) increase in traffic to the intersection of Brush College Road NW and Wallace Road NW. The mitigation required for the transportation impacts is a \$25,200 contribution (total all phases) toward the future traffic signal at the intersection. This contribution is roughly proportional to the impacts of the development on the City's transportation system.

Condition 4: Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.

As conditioned, this criterion is met.

iii. 63.046(b)(3): The tentative subdivision plan complies with all applicable provisions of the Salem Revised Code, including the Salem Zoning Ordinance:

Finding: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP, and the Water, Sewer and Storm Drainage System Master Plans, and adopted design documents applicable to residential development. A second review occurs for the created lots at the time of building permit application to assure compliance with the zoning ordinance. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat. The proposed subdivision meets all applicable provisions of the Salem Revised Code, as detailed below:

SRC Chapter 58 (Fire Code): The Salem Fire Prevention Code (SRC Chapter 58) requires turnarounds for dead-end fire apparatus access roads that exceed 150 feet. In the interim between the recording of the proposed plat phases there will be dead-end streets exceeding 150-feet in length where an approved Fire Department turnaround will be needed. The following conditions shall apply:

Condition 11: Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.

Condition 25: Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.

SRC Chapter 63 (Subdivisions): The intent of SRC Chapter 63, Subdivision Code, is to provide for orderly development through the application of appropriate standards and regulations. The applicant met all application submittal requirements necessary for adequate review of the proposed land division. As conditioned, the subdivision conforms to SRC Chapter 63 land division standards as follows:

Property Line Adjustment: The subject property is made up of a 27.7 acre vacant property, and a second, much smaller property, which is a 0.2 acre lot within an abutting subdivision developed with a single family dwelling. The 140-lot subdivision is proposed on the larger property. Prior to subdividing, however, the owners of the larger property have entered into an agreement with the owners of the smaller property to complete a relatively small property line adjustment that creates a more orderly common boundary between the two properties. The findings under Section 10 of this report describe the property line adjustment proposal in greater detail. The property line adjustment is being processed together with the subdivision as a matter of convenience, on the condition that the property line adjustment will need to be separately surveyed and recorded prior to recordation of the subdivision plat:

Condition 5: The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.

Lot Configuration: SRC 63.145(a) and (b) and SRC 146.070(b) require a minimum lot width of 40 feet and a minimum average lot depth of 70 feet. All of the proposed lots within the subdivision satisfy minimum lot width and depth requirements.

SRC 63.145(b) and SRC 146.070(b) also establish a maximum lot depth requirement of 300 percent of the average lot width. Lots 54 and 55 do not comply with the maximum lot depth requirement. Condition 12 requires the redesign of lots 54 and 55 to meet the maximum 300 percent lot depth to

width rule:

Condition 12: Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.

SRC 63.145(d) establishes a minimum frontage requirement of 40 feet for lots adjacent to streets. Lots along cul-de-sac turnarounds and on the outside of curves having a radius of 200 feet or less and a direction change of 60-degrees or more may have a minimum of 30 feet street frontage on the curve, but provided that in no case shall the lot width be less than 40 feet at the front building setback line. Lot 53 does not meet minimum lot frontage standards and needs to be redesigned as follows:

Condition 13: Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.

SRC 63.145(c) and SRC 146.070(a) require a minimum lot area of 4,000 square feet for a single family dwelling. SRC 146.070(a) requires a minimum lot area of 7,000 square feet for a duplex on a corner lot. For flag lots in subdivisions, SRC Chapter 63.295(c) requires a minimum lot area of 4,000 square feet, exclusive of the accessway serving the lots. In addition, SRC Chapter 63.295(a) requires that no more than 15 percent of the lots within a subdivision can be flag lots.

All of the proposed lots within the subdivision exceed minimum lot area requirements. The proposed areas of the lots within the subdivision range from 4,500 square feet to 11,770 square feet. Two flag lots are proposed in this application (Lots 54 and 55), which are both provided street access by a common flag lot accessway at the corner of Garrett Street and "A" Avenue. The proposal satisfies the maximum 15 percent flag lot standard.

Block Lengths and Widths: SRC 63.135 requires that blocks shall be a maximum of 600 feet between street centerlines unless the Planning Administrator determines that the adjacent layout or special conditions justify greater length. In addition, block widths shall not be less than 120 feet and not more than 400 feet, except where topographical or other physical features dictate otherwise.

The applicant's tentative plan proposes several internal blocks with lengths greater than 600 feet.

The purpose of block length and width standards is to ensure an orderly development and adequate street connections. The 600-foot maximum is best suited to the central flat areas of Salem that are part of the original grid street layout. Areas away from the original city core, such as the subject property, may have topographical or other physical limitations that make strict adherence to the 600-foot maximum impractical.

The subject property generally slopes downhill from north to south. The northern part of the property is relatively flat, while the center and south parts of the site contain steeper topography. This site's limitations are most pronounced at the southern end where "F" Street must make a long, curved, and steep approach to its proposed intersection with Brush College Road. No street intersections were possible along this curved section of "F" Street due to the steep terrain.

Despite these challenges, the applicant's plan provides street connections and block lengths and widths in compliance with the standards wherever possible. Considering the above topographical and site design issues, the Planning Administrator grants approval of block lengths greater than 600 feet in this case.

Street Connectivity: SRC 63.225(p) states that:

Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one half mile of development and shall provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning administrator determines that one or more of the following conditions exist:

- (1) Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or

- (2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- (3) Streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

The tentative plan includes multiple stubbed streets at its perimeter, which provide connectivity to existing development and yet to be developed surrounding lands in compliance with this provision. The Planning Administrator has determined that strict adherence to the 600-foot maximum connectivity spacing standard is not possible due to existing development and topography concerns.

Street Grade: SRC 63.225(b) requires that no street grade shall exceed 12 percent grade without an adjustment or variance. The proposal includes a zoning adjustment request for street grades of greater than 12 percent slope. The steeper street grades are necessary in this case due to site's topography. The applicant and City staff have worked together to achieve a street layout that responds to existing topography so as to minimize street grade where possible. No streets will exceed 15 percent grade. Complete findings in support of the street grade adjustment are included in Section 12, below.

Adequate Utilities: The subdivision, as conditioned, can be adequately served with water supply, sewage disposal, and storm drainage facilities, as detailed in the Public Works Department memo incorporated herein as Attachment 6. The subdivision can also be served with other utilities appropriate to the nature of the development. Costs for the installation and extension of adequate utilities to serve the subject property, without impeding service to the surrounding area, are the responsibility of the developer. SRC Chapter 63.165 requires provision of public construction and maintenance easements for maintenance of all public utilities.

Flag Lot Accessways: The tentative plan proposes two flag lots served by an accessway in the northwest corner (Lots 54 and 55). Condition 14 requires the developer to pave the accessway pursuant to SRC Table 63-1, and requires no parking signage to be posted:

Condition 14: Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessways shall be privately maintained.

Access and Circulation: The proposal includes five points of connectivity to existing surrounding streets, including a local street connecting to Brush College Road. In addition, four points of access are provided to surrounding properties that are not yet developed, providing opportunities for future perimeter street connections. When surrounding lands are developed, the subdivision will take access via nine street connections to surrounding lands in all directions.

Internal east-west and north-south streets provide circulation between the different parts of the development and logical connections to future perimeter street connections.

There's a 20-foot-wide access easement that currently runs across the west side of the property. There is an existing gravel driveway within this easement. The access easement was established in 1964. It provides the owners of the farmhouse to the west (2831 Brush College Road NW) with the right to use the driveway across the subject property. At that time there was a farmhouse also located on the subject property, so the driveway was the shared access for both farmhouses. The house on the subject property has since been removed, leaving the neighboring property at 2831 Brush College Road NW as the only user of a driveway that is built across the subject property. Condition 15 requires that the access easement must be removed prior to recording of the final subdivision plat. That means that it will be the responsibility of the owner of the subdivision property to legally remove the access easement, presumably through negotiations and agreement with the owners to the west that currently use that easement to access their house.

Hazards, Site Disruption, and Limitations to Development: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site, in order that no additional variances from the Salem Zoning Code are required for development of the lots created, that buildings may be reasonably sited thereon, and the least disruption of the site, topography, and vegetation will result from development of the lots.

SRC Chapter 64 (Comprehensive Planning): The subdivision, as conditioned, conforms to the Salem Area Wastewater Management Master Plan, the Stormwater Master Plan, the Water System Master Plan, and the Salem Transportation System Plan, adopted under SRC 64.230, as detailed in the findings of this report.

SRC Chapter 65 (Excavations and Fills): Prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way or adjoining or within an easement (or future right-of-way or easement) or within or adjoining a designated waterway or within a floodplain overlay zone (SRC 65.040).

SRC Chapter 66 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to subdivision of property outside of the Salem Urban Service Area (USA), an Urban Growth Area (UGA) Development Permit must be obtained. The subject property is outside of the City's Urban Service Area. Preliminary Declaration for Urban Growth Area Development Permit No. 09-2 was issued on March 25, 2009, and remains valid for development of the subject property. The conditions of development in UGA 09-2 are consistent with the conditions of subdivision approval.

Condition 1: Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.

Condition 2: Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.

The following conditions are specifically required with Phase 3:

Condition 26: Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.

Condition 27: Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:

- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
- b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

SRC Chapter 68 (Preservation of Trees and Vegetation): Pursuant to the requirements of the City's Tree Preservation Ordinance, SRC Chapter 68.100(a), a tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for the construction of single family dwelling units or duplex dwelling units if the development proposal will result in the removal of trees. Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation in riparian corridors, and a minimum of 25 percent of the remaining existing trees on the property.

The applicant has submitted a tree conservation plan in conjunction with this subdivision application (TCP Case No 14-03). The tree plan is being reviewed and approved separately and concurrent with the subdivision application. Based on review of the proposed tree plan, staff has determined that streets and lots are designed to preserve trees to the extent possible, in compliance with SRC Chapter 63, 68, and 132 requirements. The tree plan proposes the removal of 435 of the 500 trees existing at the site, which equals a 13 percent tree preservation rate. SRC 68.100(d)(2) provides that when a tree conservation plan preserves less than 25 percent of the existing trees on the site, "only those trees reasonably necessary to accommodate the development proposal shall be designated for removal. Heritage trees shall not be designated for removal, and significant trees and trees in riparian corridors shall not be designated for removal unless there are no reasonable design alternatives that would enable reservation of such trees." In this case, most of the trees on the site are located within the site's steep southern half. The steep topography of the southern part of the site necessitates

significant grading and clearing of the area where most trees are located.

SRC Chapter 69 (Landslide Hazards): The proposed development is identified as a moderate landslide risk per SRC Chapter 69. The applicant's engineer submitted a geological assessment as part of this application. At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot. The following condition shall apply:

Condition 6: At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

SRC Chapter 140 (Floodplain Overlay Zones): No floodplains are located on the subject property.

SRC Chapter 145 (Residential Agriculture Zone) & SRC Chapter 146 (Single Family Residential Zone): The subject property is currently zoned RA (Residential Agriculture). However, SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. Because the property is zoned RA and is proposed to be subdivided, the provisions of SRC 265.015 apply and the zoning of the property will automatically be changed to RS upon the date of recording the approved subdivision plat. Because the zoning of the property will be changed to RS with the recording of the plat, the following analysis of the subdivision for conformance with the requirements of the subdivision and zoning codes will be based upon the property being rezoned to RS (Single Family Residential).

The Subdivision Code, SRC 63.145(i), requires that lots be suitable for the general purpose for which they are likely to be used. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare; or sanitary needs of users of the lot. The proposed lots are of sufficient size and dimensions to permit the future development of one single family dwelling each, or development of other SRC Chapter 146 "permitted," "special," or "conditional" uses. A complete analysis of the applicable development standards of SRC Chapter 146 is contained in Section 4 of this report.

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

iv. 63.046(b)(4): The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

Finding: The proposed subdivision is accessed by an existing minor arterial street, Brush College Road NW. The subdivision will provide internal streets with safe and convenient pedestrian and bicycle access, and provide boundary street improvements along Brush College Road that will include a sidewalk and bike lanes.

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

12. Criteria for Granting Approval to Class 2 Adjustment

The applicant has requested a Class 2 Adjustment in order to build proposed "E" Street at an approximately 14 percent street grade, where a maximum 12 percent street grade is required under SRC 63.225(b). Additionally, the applicant's engineer anticipates that portions of "B" street, Garrett Street, "F" Street, and "D" Street will have street grades of approximately 10 to 12 percent, but exact finished grade for these streets will be determined when the final engineered plans for public street construction are prepared, and their final design could be more than 12 percent grade. In no case will any of these streets exceed 15 percent grade

The purpose of the Adjustment Chapter is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the prescribed standard, will continue to meet the intended purpose of the standard. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

SRC 250.005(a)(1)(B) states that:

A Class 2 zoning adjustment is an adjustment to any development standard in the Unified Development Code (UDC) other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

SRC 250.005(d)(2) states that an application for a Class 2 adjustment shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is either:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The intent of the maximum 12 percent street grade standard is to ensure that typical vehicles using the proposed street can conveniently climb and descend the street under most normal weather conditions. However, the Subdivision Code does anticipate the need to exceed 12 percent street grade in some areas throughout the City that may be designated for residential development yet contain steep natural slopes. Another factor affecting street grade requirements is the Fire Department's standard for fire truck access of no more than 15 percent grade.

The southern half of the subject property contains steep topography, with some natural slopes exceeding 20 percent. In order for the development to provide a needed street connection with Brush College Road and also incorporate the extension of Christina Street through the site as planned in the Salem Transportation System Plan (STSP), "E" Street requires an approximately 14 percent street grade. The applicant's engineer also anticipates that portions of "B" street, Garrett Street, "F" Street, and "D" Street will have street grades of approximately 10 to 12 percent. Exact finished grade for these streets will be determined when the final engineered plans for public street construction are prepared, and their final design could be over than 12 percent grade standard. In no case will any of these streets exceed 15 percent grade, thereby allowing fire truck and emergency services access to all parts of the subdivision.

Also, the subdivision contains multiple access points to the north and east, which provide alternate access options to residents in the event that the steeper streets are inaccessible due to inclement weather conditions or other challenges.

Considering the above findings, Staff concludes that the proposal equally meets the intent of the maximum street grade standard to provide convenient and safe access to all parts of the subdivision. The proposed streets will be typical of a residential development in Salem on a site that contains steep natural topography, and it will not detract from the livability or appearance of its surroundings. The adjustment proposal satisfies criteria (A) and (B).

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

Findings: The applicant is not requesting more than one adjustment. Therefore, Criterion (C) is not applicable.

13. Conclusion

Based upon review of SRC 63.046(b) and the findings contained herein, the property line adjustment, tentative subdivision plan, and adjustment proposals comply with the applicable provisions of the Salem Subdivision Code and the Salem Zoning Code, and conform to the purpose expressed in SRC 63.020 and the Salem Area Comprehensive Plan.

IT IS HEREBY ORDERED

That Consolidated Property Line Adjustment & Subdivision Case No. 14-02, which contains the following requests:

1. A property line adjustment to relocate and reconfigure the common property line between 2825 Brush College Rd NW & 3161 Elliot St NW, which are equal to a combined size of 27.9 acres. The property line adjustment will result in properties that are approximately 0.22 acres and 27.7 acres in size
2. A subdivision of approximately 27.7 acres into 140 lots ranging in size from 4,500 square feet to 11,770 square feet, to be built in four phases, with a class 2 adjustment request to allow some streets to exceed 12-percent grade

On property zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 2825 Brush College Rd NW & 3161 Elliot St NW – 97304 (Polk County Assessor's Map and Tax Lot Nos. 073W08 00600 & 073W08BA10300), shall be GRANTED as follows:

- A. The request for property line adjustment is APPROVED. The Planning Administrator certifies that the property line adjustment is in conformance with the zoning code, providing compliance occurs with any applicable items noted in this decision.
- B. The subdivision request with street grade adjustment is APPROVED subject to the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Requirements (Not Phase-Specific):

- Condition 1:** Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described in the phase-specific conditions included in this decision.
- Condition 2:** Pay the Brush College Reimbursement District fee as a condition of plat approval based on the number of lots contained in that phase.
- Condition 3:** The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
- Condition 4:** Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
- Condition 5:** The property line adjustment must be recorded prior to approval of the final plat for any phase of the subdivision.
- Condition 6:** At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

The following conditions must be completed prior to final plat approval for Phase 1:

- Condition 7:** Pay water and sewer connection fees as specified in Salem Revised Code (SRC) Chapter 21.
- Condition 8:** Provide water, sewer, and storm service connections to each lot within Phase 1.

The following conditions must be completed prior to final plat approval for Phase 2:

- Condition 9:** A construction entrance shall be constructed from Brush College Road NW as part of Phase 2, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
- Condition 10:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in

Gibson Creek in accordance with SRC and PWDS.

- Condition 11:** Provide turnarounds, approved by the Salem Fire Department, at the dead ends of "C" Avenue and Cherry Blossom Drive with Phase 2.
- Condition 12:** Redesign Lots 54 and 55 so that their depth is no more than 300 percent of their width.
- Condition 13:** Redesign Lot 53 so that it has a minimum of 30 feet lot frontage at its frontage on the street corner bulb and no less than 40 feet width at the minimum front yard setback line. Alternatively, redesign Lot 53 as a flag lot with no street frontage.
- Condition 14:** Pave the proposed flag lot accessway serving Lots 54 and 55 to a minimum width of 15 feet. "NO PARKING" signs shall be posted along the accessway. If Lot 53 takes access from the accessway, then pave the accessway to a minimum width of 20 feet. The accessway shall be privately maintained.
- Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.

The following conditions must be completed prior to final plat approval for Phase 3:

- ~~**Condition 15:** The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.~~
- Condition 16:** Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.
- Condition 17:** Construct a 23-foot half-width improvement on the development side and a 17 foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
- Condition 18:** Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.
- Condition 19:** The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.
- Condition 20:** The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.
- Condition 21:** Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
- Condition 22:** Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
- Condition 23:** Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.
- Condition 24:** Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
- Condition 25:** Provide a turnaround, approved by the Salem Fire Department, at the dead end of "D" Street with Phase 3.
- Condition 26:** Construct a pavement widening along the north side of Brush Collège Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.

Condition 27: Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:

- a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.
- b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.

(There are no phase-specific conditions for Phase 4)

This decision includes a property line adjustment decision and tentative decision for a phased subdivision. The property line adjustment decision does not have an expiration date. The tentative decision for phase subdivision is valid and remains in effect for ten years, provided that the first phase is recorded within two years of this decision date. Under SRC 63.049 and 300.860, this tentative decision is void after ten years if not completed. The applicant must complete the conditions listed above and prepare a final plat for approval by the Planning Division, per SRC 63.051 and ORS 92.080, before recordation. Approval of the final plat does not relieve the applicant of complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

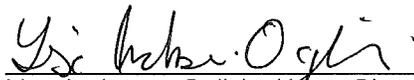
Application Deemed Complete: February 13, 2014
Notice of AMENDED Decision Mailing Date: April 30, 2014
Decision Effective Date: May 16, 2014
State Mandated Decision Date: July 28, 2014

For Phase 1: The rights granted by this decision must be exercised by May 16, 2016 or this approval shall be null and void.

For the remaining phases: The rights granted by this decision must be exercised by May 16, 2024 or this approval shall be null and void.

Decision Issued According to Salem Revised Code 63.046 and 63.051

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 May 15, 2014 by 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.



Lisa Anderson-Ogilvie, Urban Planning Administrator

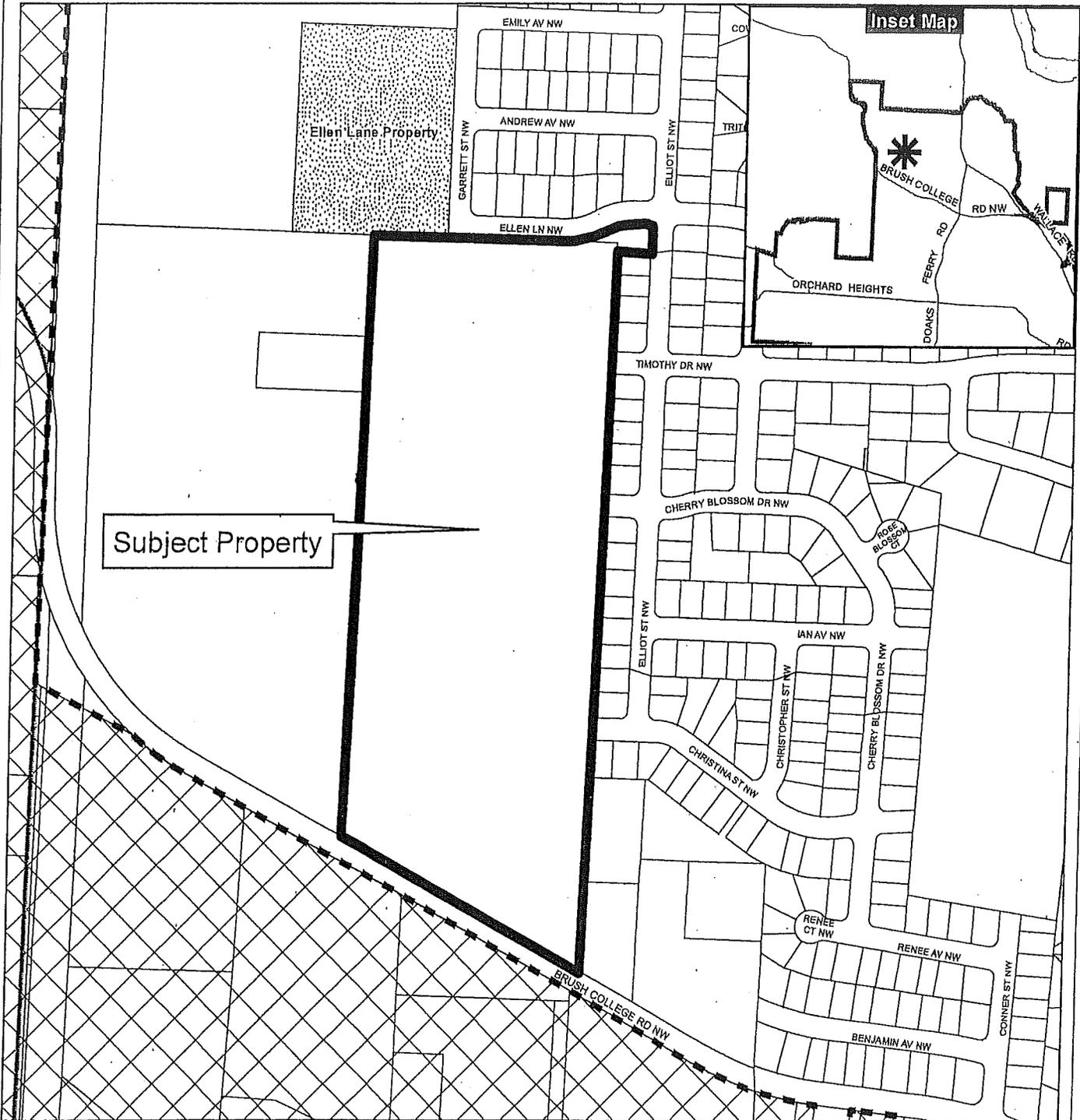
- Attachments:
1. Vicinity Map
 2. Applicant's Property Line Adjustment Plan
 3. Applicant's Written Statement for Property Line Adjustment
 4. Applicant's Tentative Subdivision Plan (Revised March 14, 2014)
 5. Applicant's Written Statement for Subdivision
 6. Public Works Development Services Comments
 7. Public Works Parks Section Comments
 8. Salem-Keizer School District Comments
 9. West Salem Neighborhood Association Comments

Prepared by Bryan Colbourne, Planner III

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Vicinity Map

2825 Brush College Road NW & 3161 Elliot Street NW



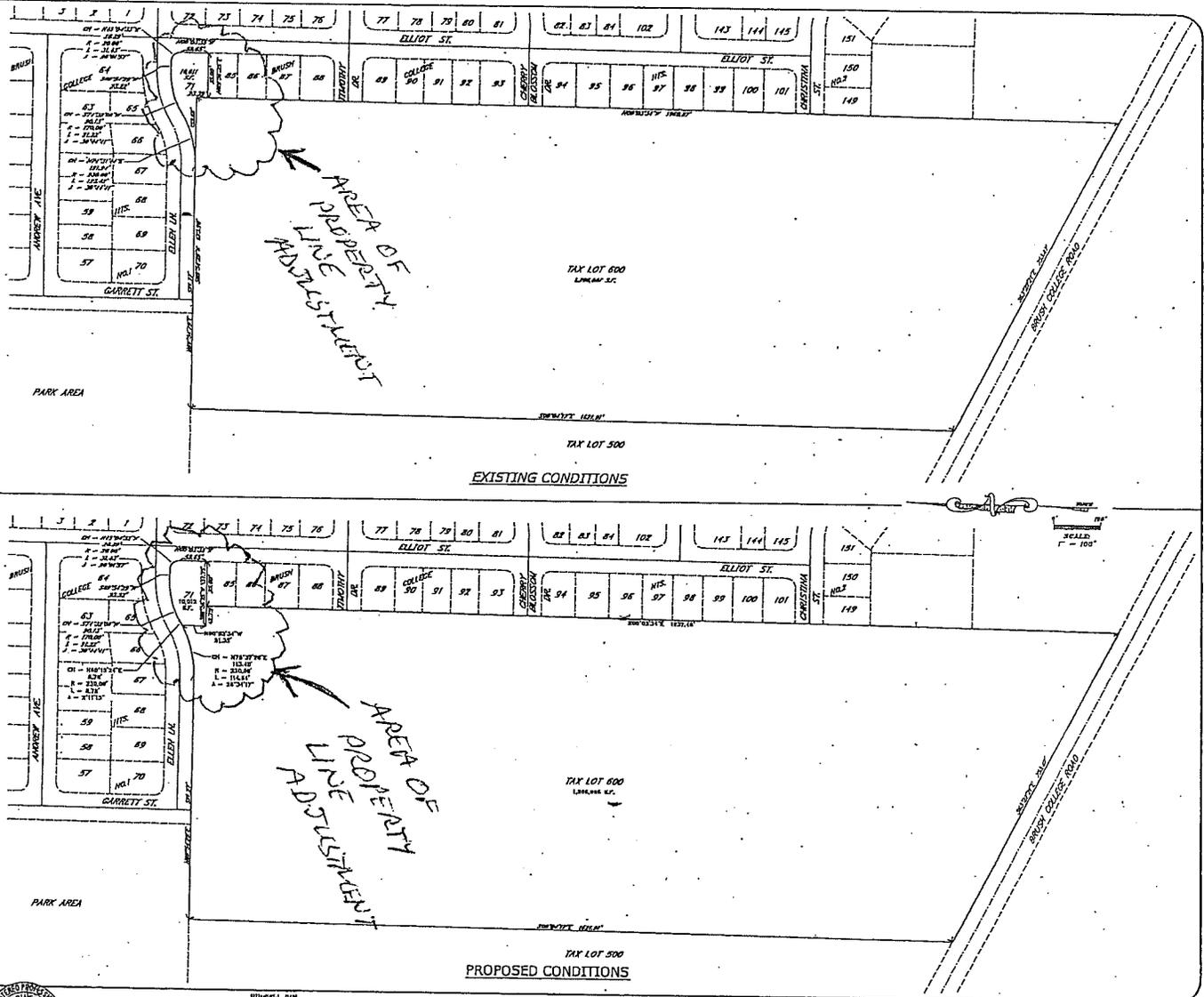
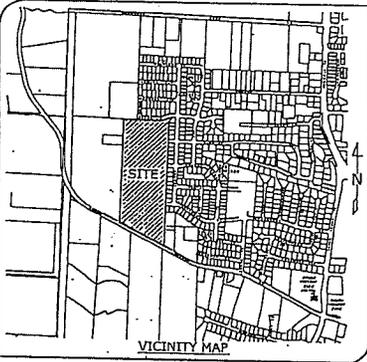
Legend

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

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ATTACHMENT 1

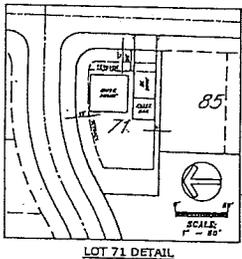


BRUSH COLLEGE WEST

SEC. 8, T. 7 S., R. 3 W., W.M.
CITY OF SALEM
POLK COUNTY, OREGON

Owner of Lot 71:
Allan & Joshlene Pollock
3161 ELLIOT ST. N.W.
SALEM, OREGON 97304

Owner of Tax Lot 600:
Brush College LLC
9700 S.W. CAPITOL HWY. STE. 100
PORTLAND, OREGON 97219



ATTACHMENT 2

MULTI/TECH
ENGINEERING SERVICES, INC.
1118 SW 10TH ST., SUITE 100, SALEM, OR 97305
TEL: (503) 325-1118 FAX: (503) 325-1119

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Design: M.D.G.
Drawn: R.G.G.
Checked: J.B.G.
Date: DEC 2013
Scale: AS SHOWN
As-Built

BRUSH COLLEGE WEST

PROPERTY LINE ADJUSTMENT

Project Number
5872
Sheet Number
1 of 1

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DEC 20 2013

COMMUNITY DEVELOPMENT

PROPERTY LINE ADJUSTMENT

Proposal:

The subject properties total approximately 27.65 acres in size (7.3.8 Tax Lot 600=27.42 acres/7.3.8BA Tax Lot 10300=0.23 acres) and located on the north side of Brush College Road. The properties are addressed as 2825 Brush College Road NW (7.3.8/600) and 3161 Elliot Street NW (7.3.8BA/10300).

The applicant is proposing to reconfigure the northeast corner of 7.3.8 Tax Lot 600 and the southwest portion of 7.3.8BA Tax Lot 10300 (Lot 71 of Brush College). (See attached maps).

Applicants' Reasons Addressing the Criteria:

SRC 63.147 (a) Property Line Adjustments states:

"A property line adjustment relocates one common property line between two abutting units of land. Property line adjustments shall not be used to create an additional unit of land, and may not reduce an existing unit of land below the minimum size allowed under the zoning code. Property line adjustments shall only be used to relocate common property lines between units of land which were created through partition, subdivision, deed, or other legal instrument which has been recorded."

The applicants are proposing reconfiguring the lot line to incorporate a portion of Tax Lot 600 into Tax Lot 10300 (Lot 71 of Brush College) as shown on the site plan. The proposed site plan indicates the existing and proposed dimensions of the tax parcels.

Tax Lot 600:

Existing-1,206,887 square feet
Proposed-1,206,887 square feet

Tax Lot 10300:

Existing- 10,011 square feet
Proposed-10,012 square feet

SRC 63.145 © states:

"Each lot shall comprise a minimum of 4,000 square feet, exclusive of any accessway serving one or more flag lots, except for an infill lot in the RA and RS zones, which shall have a minimum lot area of 5,500 square feet, exclusive of any accessway serving one or more flag lots, or as otherwise stipulated in the zoning district where it is located."

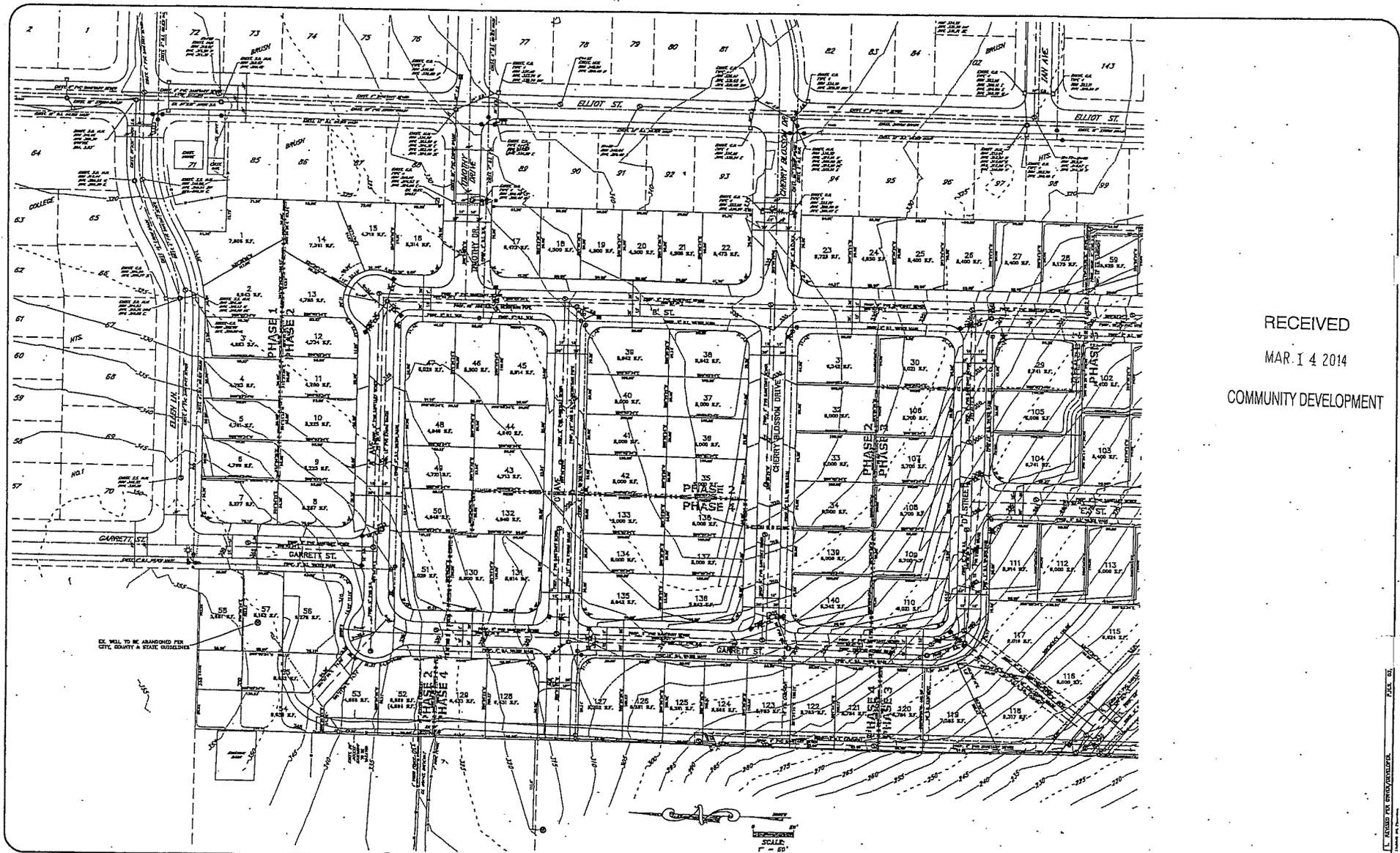
The subject properties are zoned RS (Residential Single Family) and RA (Residential Agriculture). The proposal is not an infill lot because there is no proposal to create a new lot. Because of this, the impact on abutting dwellings is eliminated. The existing lot and proposed lot size are in compliance with lot size requirements as stated in SRC Chapter 146. There is an existing house on Tax Lot 10300. All building setbacks have been identified on the site plan to show that the exiting house will be in compliance with Code.

The applicant has no plans of removing any existing trees on the subject property.

ATTACHMENT 3

This concludes the applicants' summary addressing the requirements of the code for a property line adjustment. If you have any questions or need additional information, please call Mark Grenz, P.E., at Multi/Tech Engineering, Inc., Salem, OR at (503) 363-9227.

File: #5872



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 MAR. 14 2014
 COMMUNITY DEVELOPMENT

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 ENGINEERING SERVICES, INC.
 10000 W. 10th Ave., Suite 100, Denver, CO 80202
 TEL: (303) 750-1100 FAX: (303) 750-1101
 WWW.MULTITECHINC.COM

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DESIGNED BY: H.S.G.
 DRAWN BY: D.S.G.
 CHECKED BY: H.S.G.
 DATE: OCT. 2012
 SCALE: AS SHOWN
 AS-BUILT:

**BRUSH COLLEGE
 WEST**

**DETAIL PLAN
 NORTH PORTION**

Project Number
5872
 Sheet Number
2 of 5

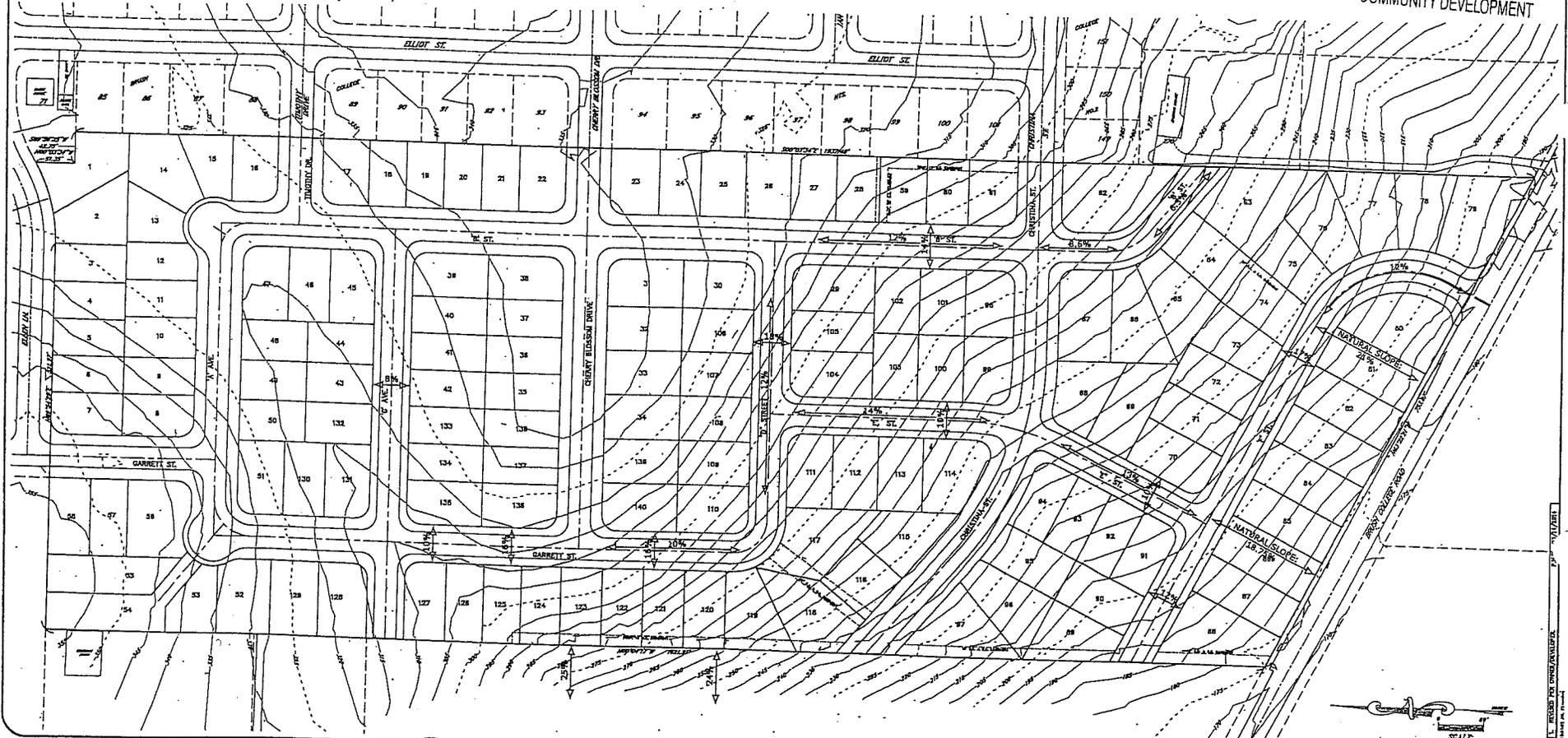
BRUSH COLLEGE WEST

SEC. 8, T. 7 S., R. 3 W., W.M.
CITY OF SALEM
POLK COUNTY, OREGON

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MAR. 14 2014

COMMUNITY DEVELOPMENT



MULTI / TECH
ENGINEERING SERVICES, INC.
13400 S.W. 10TH AVE., SUITE 200, SALEM, OR 97305
PH: (503) 325-1100 FAX: (503) 325-1101
WWW.MULTITECH-OR.COM

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DESIGNED BY
[Signature]
DATE: 06-30-2013

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

DESIGNED BY: M.O.G.
DRAWN BY: P.H.S.
CHECKED BY: M.O.G.
DATE: 06/13/13
SCALE: AS SHOWN
AS-BUILT:

BRUSH COLLEGE WEST

STREET GRADE & CROSS SLOPE

Project Number
5872
Sheet Number
4 of 5

DATE PLOTTED: 06/13/13 10:00 AM

Brush College West Subdivision

BACKGROUND:

The subject property is approximately 27.71 acres in size and located on the north side of Brush College Road and addressed as 2825 Brush College Road NW. The subject property is zoned RA (Residential Agriculture). The subject property is designated as "Developing Residential" on the Salem Area Comprehensive Plan (SACP) Map.

The subject property is located inside the Salem Urban Growth Boundary and in the corporate city limits. The subject property is outside the Urban Service Area. The applicant has an issued Urban Growth Area Development Permit (UGA No. 09-02). The UGA approval is valid until March 2015.

PROPOSAL:

The proposal is to subdivide the subject property into 140 single family lots. The subject property consists of 27.71 acres. The subdivision will be constructed in 4 Phases. See attached site plan.

SITE VICINITY and CHARACTERISTICS:

The subject property is located on the north side of Brush College Road. The vicinity map is attached as shown. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: RS (Single Family Residential); existing single family dwellings
RA (Residential Agriculture); park land
East: RS (Single Family Residential); existing single family dwellings
South: Across Brush College Road, Polk County SR (Suburban Residential)
West: Polk County SR (Suburban Residential)

EXISTING SITE CONDITIONS:

The subject property is approximately 27.71 acres in size. The subject property is currently vacant.

Trees: The subject property is zoned RA and the proposal is for single family development. The applicant has submitted an Exhibit M and a Tree Conservation Plan for staff review.

Do to the grading that will need to be done on the site to accommodate development, the applicant's proposal will preserve less than the 25% required under SRC 68.100(d). There are 500 trees located on the site with 426 trees designated for removal. These trees are designated for removal due to their location within a potential building envelope and within the right-of-way. Other trees will need to be removed due to the level of grading that will need to be done on the site. See attached grading plan. The applicant will be preserving 15% (74 trees) of the trees on the site. The trees designated for removal are not heritage trees or trees within a riparian corridor. There is no riparian corridor on the site.

There are no Oregon White Oaks located on the subject property that are 24" in diameter or greater. See attached tree plan.

Wetlands: There are no mapped wetlands on the subject property.

Landslide Susceptibility: According to the City's adopted landslide hazard susceptibility maps, a geological assessment is required. A geological assessment has been done for the site and has been provided in the packet of application materials.

ACCESS AND CIRCULATION:

General Circulation: The proposed subdivision will result in the creation of 140 lots. Vehicular access to the proposed lots will be taken from proposed internal streets. All lots will have access onto Brush College Road to the south and access through the existing subdivision to the north and south. Stub streets have been provided along the west property line for future development of the property to the west. The internal streets will provide safe and efficient access to the lots and the existing street system, by providing direct access to the site and to Brush College Road. The internal streets will also provide connections (stub streets) to the west and southeast properties for future development.

Boundary Streets: There is one street abutting the subject property, Brush College Road to the south, which is designated as a 'minor arterial' street in the Salem Transportation System Plan (TSP). Improvements to this street have been made as outlined in the UGA 09-02. Pedestrian and bicycle connections are provided by the existing network of sidewalks and streets.

Internal Streets: The proposed subdivision will have direct access onto Brush College Road via proposed internal streets. All internal streets are designed to Public Works street standards.

COMPLIANCE WITH THE SALEM AREA COMPREHENSIVE PLAN (SACP):

Citizen involvement is provided via the City of Salem notification process necessary for the subdivision application which allows public comment. The City's Plan is acknowledged to be in compliance with State Land Use Goals. The public notice process is implemented written notification to all property owners with 300 feet of the subject property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal and participate in the decision.

The Statewide Planning Goals are implemented by the adopted goals and policies of the SACP and its implementing ordinances and facility plans. The proposal accommodates the Statewide Goals by being located within an adopted Urban Growth Boundary.

The SACP Residential Development Goal requires the promotion of ". . . a variety of housing opportunities for all income levels and the adequate supply of developable land to support such housing." The SACP is implemented by the zone and subdivision codes which subdivisions under the provisions of SRC Chapter 63. The proposal is for a single family development.

The proposal meets SACP General Development Polices 7, 10, 12 and 13 which encourage structures and their siting in all residential developments to optimize the use of land. The cumulative effect of all new residential development in the Salem urban area is encouraged to average 6.5 dwelling units per gross acre of residential development. The proposed of the subdivision falls within the parameters of the code as shown on the site plan.

The subject property is within the Urban Growth Boundary and outside Urban Services Area, however, the applicant has an issued UGA (UGA Case No. 09-2), thus meeting the SACP Growth Management Goal.

CRITERIA AND APPLICANT'S REASONS ADDRESSING SRC 63.046(B):

SRC 63.046 (b) states the criteria that the Planning Administrator must find before issuing an affirmative decision for a subdivision:

- "(1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and*
- (2) Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan; and*
- (3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter; and*
- (4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development."*

SRC 63.046 (b) is addressed as follows:

- (1) The proposed subdivision is for the entire property. Approval of the proposed subdivision does not impede future use of the subject property. Adjacent properties to the north and east are developed. The properties to the south, and west are located outside of the city limits. The adjoining properties have improved access and frontage on abutting public streets. Stub streets have been provided to properties to the southeast, and west for future development.

Street connections to the existing subdivision to the north and east are provided. The proposal provides for development of the site consistent with current zoning standards. The proposal meets the criterion.

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

The property is outside the Urban Services Area (USA) and the applicant has and issued UGA (UGA 09-02). Public facilities are available to serve the property resulting from prior development in the subject area.

UGA 09-02 outlines all the needed linking requirements and improvements to get services to the site.

- (3) The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed subdivision meets all applicable provisions of the Salem Revised Code.

The proposed lots meet SRC Chapter 63 (Subdivision) and Chapter 145 (Residential Agriculture) minimum lot size, dimension, and street frontage standards. All 140 lots

as proposed in the tentative plan are suitable for the general purpose for which they are intended to be used, such as for the development SRC Chapters 145 and 146 permitted uses. The lots are of size and design as not to be detrimental to the public health, safety, or welfare. The range in size from 4,500 square feet to 10,528 square feet.

The lots can be adequately served with water, sanitary sewer and storm drainage facilities. The subdivision can also be served with other utilities appropriate to the nature of the development.

The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to development of property outside of the Salem Urban Service Area; an Urban Growth Area (UGA) Development Permit must be obtained. The subject property is located outside the Urban Service Area. UGA 09-02 was issued on March 25, 2009.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat.

- (4) The proposal provides for hard-surfaced vehicle, bicycle and pedestrian access from the subdivision to the existing internal streets. Bicycle paths are proposed for this area.

Transportation Planning Rule Review:

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

- (a) Mass Transit: The nearest transit service available to the site is provided via Route 12, located on Brush College Road to the south of the site and Wallace Road to the east of the site.
- (b) Pedestrian Connectivity: Improved pedestrian access is indicated on the site plan and will be provide via proposed sidewalks along the internal streets onto the existing sidewalk on Brush College Road.

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

The comments provided by the Public Works Department in the UGA (UGA 09-02), indicated there are adequate public facilities to serve the proposed development. Compliance with the requirements identified in the memo satisfies this criterion.

See Conditions attached to UGA 09-02.

CRITERIA AND APPLICANT'S REASONS ADDRESSING SRC 63.051 (a):

“(1) The proposal conforms to the requirements of this chapter.”

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in SRC 63.046 and 63.051(a). The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities.

“(2) The proposed street system in and adjacent to a subdivision or partition conforms to the Salem Transportation System Plan adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.”

Findings for supporting this criterion are found in UGA 09-02. The major street network in the area has been identified as having been established and is consistent with the Salem Transportation System Plan. Improvements and linking requirements will have to be made as outlined in UGA 09-02. The subdivision is served with adequate transportation infrastructure and the street system adjacent to the property will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property.

The proposed subdivision will result in the creation of 140 lots. Vehicular access to the proposed lots will be taken from proposed internal streets on to Brush College Road running along the south side of the property. The internal streets will provide safe and efficient access to the lots, adjacent existing subdivisions, and the existing street system, by providing direct access to the site and to Brush College Road. The internal streets will also provide connections (stub streets) to the southeast and west properties for future development.

The proposed subdivision will have direct access onto Brush College Road via proposed internal streets. The subdivision will have access onto Brush College Road via an access way located along the south property line. All internal streets are designed to Public Works street standards.

A TIA is being worked on and will be submitted to the City of Salem when finished.

“(3) That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.”

The property is outside the Urban Services Area (USA) and the applicant has an issued UGA (UGA 09-02). Public facilities are available to serve the property resulting from prior development in the subject area.

“(4) That the layout of lots, and their size and dimensions take into account topography and vegetation of the site so as not to require variances from the Salem Zoning Code in order that buildings may be reasonably sited thereon, and that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.”

The subdivision code, SRC 63.145(i), requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot. The minimum standards in this subsection are meant for residential lots, not lots zoned commercial or industrial. SRC 63.155 (b) permits the Administrator to authorize relaxation of the lot size, dimension, and frontage requirements as set forth in SRC 63.145 and SRC Chapter 146.

The proposed lots are of sufficient size and dimensions to permit future development of the subject property as shown in the findings and site plan provided. The proposed lots range in size 4,500 to 10,528

square feet in size. The proposed lots provide sufficient lot area in order for the developments to meet the minimum setbacks and lot coverage requirements for the existing single family dwelling and new single family dwellings on the site.

"(5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC chapter 65."

SRC Chapter 65 pertains to excavation and fill permits needed for development within public right-of-ways, public utility easements and flood plains. If needed, permits are required at the time of construction. Applicable subdivision improvements will conform the proposed subdivision to any applicable requirements of SRC Chapter 65 concerning cuts and fills.

If granted, construction on the site requires the builder to meet the development standards and height restrictions of the Salem Zoning Code. Applicable subdivision improvements will conform to any applicable requirements of SRC Chapter 65 concerning cuts and fills. Construction plans for all public facilities in the partition will be submitted, reviewed and approved for compliance with standards before development.

"(6) If the tentative plan is for a subdivision subject to SRC 66.050(a), that a UGA Development Permit has been issued and will be complied with."

The property and development are outside the Urban Service Area (USA). A preliminary declaration is needed due to subdividing the subject property because the facilities needed to serve the site are available. On March 25, 2009, UGA 09-02 was issued.

"(7) Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback. For development in wetlands and unstable areas, the following measures shall apply:

- A. *For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.*
- B. *For unstable areas these measures shall be documentation, as approved by the department of public works, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected."*

There are no identified wetlands on the subject property.

According to the City's adopted landslide hazard susceptibility maps there are landslide hazards on the site. Therefore, a geological assessment is required. A Geological Assessment has been provided as part of this application packet.

This concludes the applicant's summary addressing the requirements of the code for the proposed Subdivision. If you have any questions or need additional information, please call Mark Grenz, P.E., at Multi/Tech Engineering, Inc., Salem, OR at (503) 363-9227.

cc: File

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APR 10 2014

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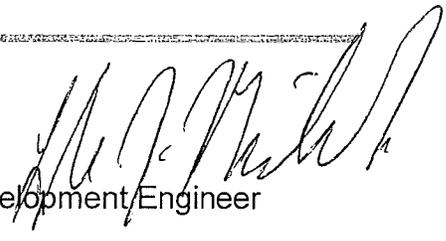
COMMUNITY DEVELOPMENT

TO: Bryan Colbourne, Case Manager
Community Development Department

FROM: Lyle Misbach, P.E., C.F.M., Assistant Chief Development Engineer
Public Works Department

DATE: April 10, 2014

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUBDIVISION-PLA NO. 14-02 (13-120021)
2825 BRUSH COLLEGE ROAD NW
140-LOT SUBDIVISION



PROPOSAL

A consolidated application for a proposed 140-lot phased subdivision, containing the following requests:

1. A property line adjustment to relocate and reconfigure the common property line between 2825 Brush College Road NW and 3161 Elliot Street NW, which are equal to a combined size of 27.9 acres. The property line adjustment will result in properties that are approximately 0.22 acres and 27.7 acres in size.
2. A subdivision of approximately 27.7 acres into 140 lots ranging in size from 4,500 square feet to 10,528 square feet, to be built in four phases, with a variance request to allow some streets to exceed a 12 percent grade.

The property is zoned RA (Residential Agriculture) and RS (Single Family Residential), and is located at 2825 Brush College Road NW and 3161 Elliot Street NW.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

Urban Growth Area Development (UGA) Permit - Comply with the conditions of UGA Preliminary Declaration 09-2, issued March 25, 2009. Development requirements shall be phased as described below:

General

1. The property line adjustment must be processed prior to approval of the final plat for the subdivision.

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

2. Contribute \$180 per subdivision lot toward the future traffic signal at the intersection of Brush College Road NW and Wallace Road NW. Contributions for the lots in each platted phase will be paid prior to plat approval of said phase.
3. The combined sanitary sewer and storm sewer easement along the west side of Lots 88, 89, 96, and 97 shall be a minimum of 20 feet wide.
4. Pay the Brush College Reimbursement District fee as condition of plat approval based on the number of lots contained in that phase.
5. At the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

Phase 1

1. Pay water and sewer connection fees as specified in SRC Chapter 21.
2. Provide water, sewer, and storm service connections to each lot within Phase 1.

Phase 2

1. A construction entrance shall be constructed from Brush College Road NW as part of this phase, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.
2. Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 2 and downstream to the approved point of disposal in Gibson Creek in accordance with SRC and PWDS.

Phase 3

1. Construct a pavement widening along the north side of Brush College Road NW including curb, gutter, and sidewalks to provide pedestrian connectivity from the east property line of Brush College Estates No. 3 to Doaks Ferry Road NW in accordance with PWDS.
2. Construct a linking street improvement along Brush College Road NW from the west line of the development to the west line of Brush College Heights Subdivision approximately 600 feet to the east as follows:
 - .a. Widen the pavement to a 34-foot total width. The structural section of the pavement widening shall be equal to or greater than the existing structural section of Brush College Road NW.

- b. Provide a 2-inch pavement overlay across the entire width of Brush College Road NW after the installation of the trunk sewer main.
3. Construct a 23-foot half-width improvement on the development side and a 17-foot-wide turnpike improvement on the opposite side of the centerline of Brush College Road NW, along the entire frontage of the subject property.
4. Construct the extension of Christina Street NW as a Collector "B" street standard as specified in the Salem TSP.
5. Construct the sewer trunk main in Brush College Road NW as specified in the Wastewater Management Master Plan from its current westerly terminus to the west line of the development.
6. Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW along the entire frontage of the subject property.
7. The centerline radius of "F" Street along Lot 80 shall be a minimum of 125 feet.
8. The centerline radius of "B" Street along Lot 62 shall be a minimum of 110 feet.
9. Extend the G-0 water line within Brush College Road NW to the western property boundary as specified in the Water System Master Plan. Along the linking street improvement specified in Phase 2 requirements above, provide an additional minimum 2-inch overlay along the entire street width after installation of the water main.
10. Extend the W-1 water line in Christina Street NW as specified in the Water System Master Plan.
11. Demonstrate adequate capacity and provide City easements for storm drainage facilities both within Phase 3 and downstream to the approved point of disposal in Gibson Creek in accordance with Stormwater Management Design Standards.
12. The existing driveway to 2831 Brush College Road NW shall be removed, a new driveway provided, and the existing access easement removed.

Phase 4—No phase-specific conditions.

FACTS

Urban Growth Area Development Permit

Preliminary Declaration for Urban Growth Area Development Permit No. 09-2 was issued on March 25, 2009, and remains valid for development of the subject property.

The conditions of development in UGA 09-2 are consistent with the conditions of subdivision approval.

Streets

1. Brush College Road NW

- a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—There is an approximate 22-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property. There is approximately 30 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite the centerline.

2. Christina Avenue NW

- a. Standard—This street is designated as a Collector "B" street in the Salem TSP. The standard for this street is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—There is a 40-foot improvement within a 60-foot-wide right-of-way at the terminus of the roadway at the eastern boundary of the property.

3. Ellen Lane NW

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—There is a 30-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property. There is approximately 30 feet of right-of-way adjacent to the subject property and 30 feet of right-of-way opposite centerline.

4. Cherry Blossom Drive NW

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—There is a 30-foot improvement within a 60-foot-wide right-of-way connecting to the subject property.

5. Timothy Lane NW

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—There is a 30-foot improvement within a 60-foot-wide right-of-way connecting to the subject property.

6. Garrett Street NW

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. Because the existing street named Garrett Street NW ends at "A" Avenue, the proposed north-south street through Phase 4 may require a different street name.
- b. Existing Conditions—There is a 30-foot improvement within a 60-foot-wide right-of-way connecting to the subject property.

Storm Drainage

Existing Conditions—A 10-inch public storm drain line is located in Ellen Lane NW. This public storm line may be adequate to serve a portion of the subject property.

Water

Existing Condition

- a. A 12-inch G-0 water main is located in Brush College Road NW, approximately 550 feet to the east. This main can be extended to adequately serve the G-0 portion of this site. This line extension is a condition of UGA Preliminary Declaration 09-2.
- b. There are 8-inch public W-1 water lines in Christina Avenue NE, Cherry Blossom Drive NW, Timothy Drive NW, and Ellen Street NE that abut the site and can adequately serve the W-1 portion of the site.

Sanitary Sewer

Existing Condition

- a. There is a 21-inch public sanitary sewer line in Brush College Road NW (approximately 550 feet to the east of the subject property) that is 23 feet deep and is adequate to serve the site. This line extension is a condition of previous UGA Preliminary Declaration 05-19.

- b. There is an 8-inch public sanitary sewer line in Christina Avenue NW that is approximately 10.5 feet deep and is adequate to serve a portion of the site.
- c. The property is located within the Brush College Reimbursement District.

CRITERIA AND FINDINGS

SRC 63.046(b) and 63.051 indicate the criteria that must be found to exist before an affirmative decision may be made. These criteria and the corresponding findings are as follows:

SRC 63.046(b)(1): Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto.

Finding—The tentative plan does not impede the future use of the property.

SRC 63.046(b)(2) Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan.

Finding— The *Water System Master Plan*, *Wastewater Management Master Plan*, *Stormwater Master Plan*, and the Salem TSP identify specific projects needed to mitigate deficiencies in the water, sewer, and storm drainage systems. At the time of development, the applicant's engineer shall design and construct the utility systems in conformance with the conditions of the UGA Permit, Public Works Design Standards, and the recommended conditions of development.

All boundary and internal streets shall comply with the street designations in the Salem TSP or will be in compliance once the conditions of development are constructed.

The right-of-way along Brush College Road NW does not meet the current standard for this street classification identified in the Salem TSP. As specified in the conditions of approval, right-of-way dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of Brush College Road NW is required to meet this standard.

This development will add approximately 1,333 new vehicle trips to the traffic on Brush College Road NW. A Traffic Impact Analysis performed by the developer's engineer in 2006 showed the proposed subdivision will add approximately a 6.3 percent (all phases) increase in traffic to the intersection of Brush College Road NW and Wallace Road NW. The mitigation required for the transportation impacts is a \$25,200 contribution (total all phases) toward the future traffic signal at the intersection. This contribution is roughly proportional to the impacts of the development on the City's transportation system.

SRC 63.046(b)(3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.

Findings—Public Works staff has analyzed the proposed development for compliance with applicable provisions of SRC Chapters 21, 63, 65-66, 69-70, 72-78, 80, and 140. Any Code provisions found to be out of compliance are shown in the recommended conditions of development.

The applicant shall provide the required field survey and partition plat as per the statute and code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If the said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC 63.060(a), the approval of the subdivision by the City Surveyor may be delayed or denied based on the non-compliance violation.

SRC 63.046(b)(4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

Findings—All internal streets will be constructed at widths specified in the Salem TSP to provide safe vehicular, bicycle, and pedestrian access within and abutting the subdivision.

SRC 63.051(a)(2) The proposed street system in and adjacent to a subdivision or partition conforms to the *Salem Transportation System Plan* adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.

Findings— All boundary and internal streets will be constructed at widths specified in the Salem TSP to provide safe vehicular, bicycle, and pedestrian access within and abutting the subdivision. The street system in the vicinity of the proposed development is inadequate to provide safe and convenient bicycle and pedestrian access, and the requirements are addressed in the recommended conditions of development.

SRC 63.051(a)(3) That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.

Findings—The Public Works Department has reviewed the applicant's preliminary plan for this site. The improvements required to ensure that the water, sewer, and storm infrastructure is adequate to serve the proposed development are identified in the conditions of approval for each phase of the subdivision.

SRC 63.051(a)(5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC Chapter 65.

Findings—Prior to any ground disturbing activity, permits shall be required and obtained from the director for any excavation work adjoining a public right-of-way or

Bryan Colbourne, Planner III

April 10, 2014

Page 8

MEMO

adjoining or within an easement (or future right-of-way or easement) or within or adjoining a designated waterway or within a floodplain overlay zone (SRC 65.040).

SRC 63.051(a)(7) Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback.

Findings—The applicant's engineer submitted a geological assessment as part of this application. As specified in the conditions of approval, at the time of final acceptance

The applicant's engineer submitted a geological assessment as part of this application. As specified in the conditions of approval, at the time of final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

cc: File

TO: Bryan Colbourne, Case Manager
THROUGH: Keith Kever, Park Superintendent
FROM: Jan Staszewski, Urban Forester
DATE: March 6, 2014
SUBJECT: Development Adjacent to Future Ellen Lane Neighborhood Park: SUB-PLA 14-02, Amanda 13-120021-LD & 13-120020-LD, 2825 Brush College Rd NW and 3161 Elliot St NW

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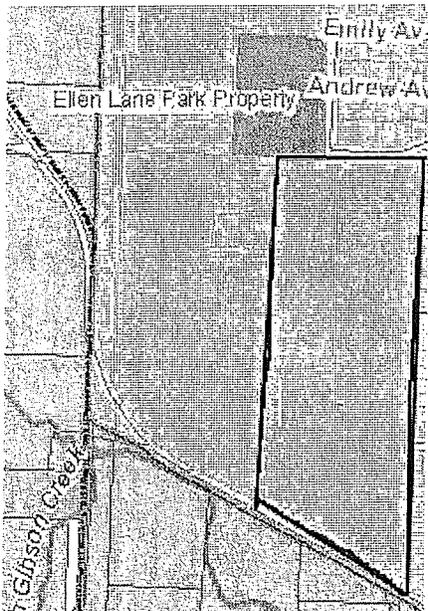
MAR 25 2014

COMMUNITY DEVELOPMENT

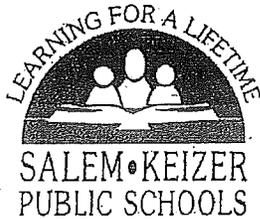
Park Service and Pedestrian Access:

This development is adjacent to a future neighborhood park: Ellen Lane Property at 5.4 acres. The Comprehensive Park System Master Plan Update of 2013 (CPSMP) recommends a level of service for neighborhood parks of 2.25 acres per 1,000 population (p. 47 Table 4.1 Neighborhood Parks). After an assessment of the service area around Ellen Lane Property, it is determined there is sufficient property to serve this proposed development. Therefore, no additional property is required.

The CPSMP also recommends that the development serviced by the park provide access using streets and sidewalk (p. 42 Park Access Analysis & Master Plan Policies p.67, 1.7 & 3.4, 3.5). The proposed development plan shows that the internal street network will provide direct access to the park. No additional connectivity is required.



ATTACHMENT 7



DAVID FRIDENMAKER, Manager
Facilities and Planning Department
Planning and Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301
503-399-3290 • Mobile: 503-932-4727 • FAX: 503-375-7847
E-mail: fridenmaker_david@salkreiz.k12.or.us

Paula Radlich, Interim Superintendent

February 24, 2014

Bryan Colbourne, Case Manager
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity
Salem Case No. SUB-PLA14-02, 2825 Brush College Rd. NW

SUMMARY OF COMMENTS

School Assignment: Subject property is served by Brush College Elementary School, Straub Middle School and West Salem High School.

School Capacity: Sufficient school capacity currently exists at the assigned schools to serve the proposed development.

School Transportation Services: Students residing at the subject property location will be eligible for school transportation services to the assigned schools.

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Brush College Elementary
2. Estimated change in student enrollment due to proposed development: 39
3. Current school capacity: 501
4. Estimate of school enrollment including new development: 372
5. Ratio of estimated school enrollment to total capacity including new development: 74%.
6. Walk Zone Review: Eligible for transportation due to hazard.
7. Estimate of additional students due to previous 2013 land use applications: 8
8. Estimate of additional students due to previous 2014 land use applications: 0
9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 76% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Straub Middle School
2. Estimated change in student enrollment due to proposed development: 18
3. Current school capacity: 840
4. Estimate of school enrollment including new development: 757
5. Ratio of estimated school enrollment to total capacity including new development: 90%
6. Walk Zone Review: Eligible for transportation to Middle School.
7. Estimate of additional students due to previous 2013 land use applications: 8

8. Estimate of additional students due to previous 2014 land use applications: 0
9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 91% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: West Salem High School
2. Estimated change in student enrollment due to proposed development: 23
3. Current school capacity: 1,734
4. Estimate of school enrollment including new development: 1,702
5. Ratio of estimated school enrollment to total capacity including new development: 98%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2013 land use applications: 9
8. Estimate of additional students due to previous 2014 land use applications: 0
9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 99% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

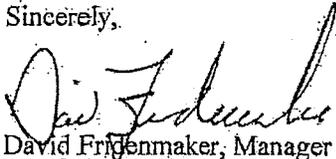
1. Total estimated change in student enrollment: 80
2. Total estimated student enrollment over capacity: 0
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: \$ 0
4. Total estimated additional income to District for new facilities due to change in student enrollment: \$ 0

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

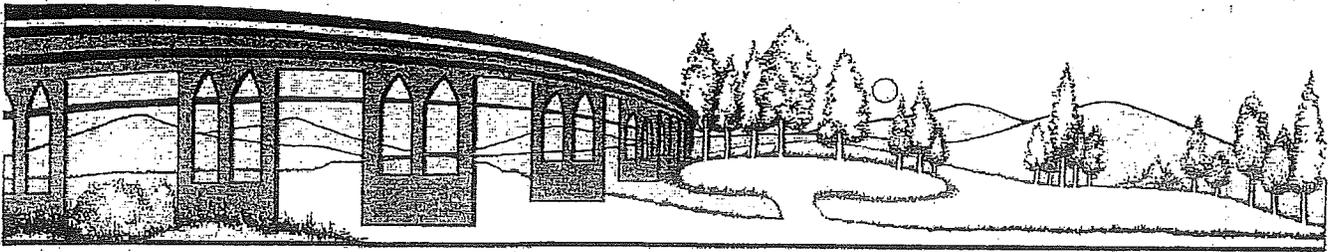
1. When land use request is granted, 140 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2009-11 biennium facilities grant funding for the District was \$20,802.
7. General Fund Budget Amount for the 2011-12 school year is \$8,848 per student (ADM). The State School Fund Revenue for 2011-12 is estimated to be \$6,214 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

- c:
- Mike Wolfe, Chief Operations Officer
 - Jim Jenney, Manager – Custodial and Property Services
 - Kelly Carlisle, Director of Secondary Education
 - Melissa Cole, Director of Secondary Education
 - Sandra Price, Director of Elementary Education
 - Meera Kreitzer, Director of Elementary Education
 - William White, Manager - Risk Management
 - Michael Shields, Manager - Transportation



West Salem Neighborhood Association

555 Liberty Street SE, Room 305, Salem, Oregon 97301 • 503-588-6207

March 4, 2014

To: Planning Commission
From: West Salem Neighborhood Association ("WSNA")
Re: Subdivision/Property Line Adjustment Case No. SUB-PLA 14-02
2835 Brush College Rd NW and 3161 Elliot St. NW, Salem
Amanda Application No: 13-120021-LD & 13-120020-LD

WSNA Recommendation: Approved as presented by majority vote of the members present on March 3, 2014.

Summary: The West Salem Neighborhood Association received the Notice of Filing Dated February 13, 2014, was too late to place on our agenda for discussion in February. Therefore, we were not able to meet the February 27, 2014 written public comment deadline. However, we did place it on our public notice agenda for the March 3, 2014 meeting. Consequently, the above referenced matter, regarding "[a] consolidated application for a proposed 140-lot phased subdivision, was discussed, deliberated, and voted upon. The two below listed requests were approved by majority vote without any proposed changes or additions.

1. Property line adjustment to reconfigure the common property line between 2825 Brush College Rd. NW (zoned RA, residential agricultural) and 3161 Elliot St. NW (zoned RS, single family residential), which result in properties that are approximately 0.22 and 27.7 acres in sized. (Tax Lot Nos. 073W08 00600 [Brush College Property] and 073W08BA 10300 [Elliot Street Property]).
2. A subdivision of approximately 27.7 acres into 140 lots ranging in size from 4,500 square feet to 10,528 square feet, to be built in four phases, with a variance request to allow some streets to exceed 12-percent grade, due to the site topography.

Despite not having met the written public comment deadline of February 27, 2014, we respectfully ask that you consider the West Salem Neighborhood Association's support of this project as proposed.

Kenji Sugahara, Chair, on behalf of the WSNA.
(503) 302-4935
kenji@obra.org

ATTACHMENT 9



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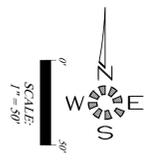
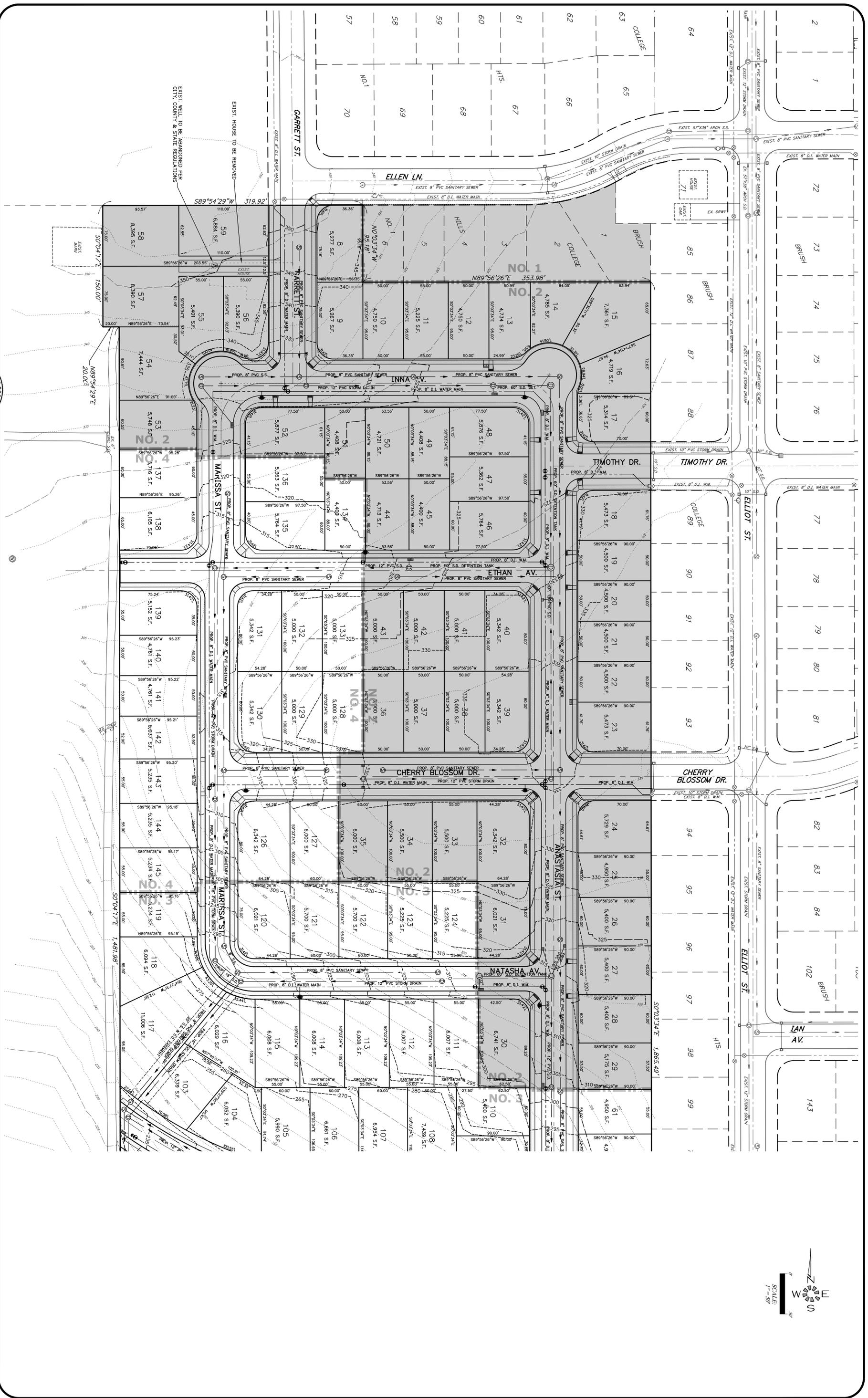
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**BRUSH COLLEGE
HILLS**

**DETAIL PLAN
NORTH PORTION**

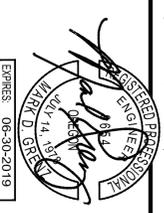
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Sheet Number
201





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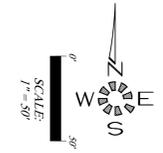
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**BRUSH COLLEGE
HILLS**

**DETAIL PLAN
SOUTH PORTION**

Project Number
6204
Sheet Number
202





MEMO

TO: Bryce Bishop, Planner II
Community Development Department

FROM: ^{FDP} Glenn J. Davis, PE, CFM, Chief Development Engineer ^{Crunch}
Public Works Department

DATE: March 19, 2018

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
SUB-PLA14-02MOD1 (17-102749-LD)
2825 BRUSH COLLEGE ROAD NW
SUBDIVISION MODIFICATION

PROPOSAL

A modification of the approval of SUB-PLA14-02 (the "Brush College Hills" phased subdivision) to reconfigure street intersection grades within phases 3 and 4 of the subdivision to comply with American with Disabilities Act (ADA) requirements. The required reconfiguration of street intersection grades within these phases consequently requires modification of the alignment of the internal streets and the configuration of lots. The modification results in two additional lots within phase 3; no additional lots are created in phase 4.

The subject property is zoned RA (Residential Agriculture) and located at 2825 Brush College Road NW (Polk County Assessor Map and Tax Lot Number: 073W080000600).

RECOMMENDED CONDITIONS OF MODIFICATION APPROVAL

The conditions of approval from SUB-PLA14-02 are for modification as follows:

1. Amend Condition 3 to read, "The combined sanitary sewer and storm sewer easement along the west side of Lots ~~88, 89, 96, and 97~~ 91, 92, and 102 shall be a minimum of 20 feet wide."
2. Amend Condition 19 to read, "The centerline radius of "F" Blake Street along Lot ~~80~~ 83 shall be a minimum of 125 feet."
3. Delete Condition 20.
4. Add Condition 28 to read, "Construct internal streets according to the alignments shown on Exhibit A, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A)."

CRITERIA AND FINDINGS

SRC 205.070(d) indicates the criteria for a modification that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(1)—The proposed modification is not substantially inconsistent with the conditions of the original approval

Finding—The applicant's engineer has recommended a modification to the previously approved street alignments because the original street configuration cannot reasonably be constructed pursuant to PWDS due to topographic constraints. As part of the revised street design, the applicant's engineer requested a design exception from the City Engineer regarding vertical curve standards, which has been approved as depicted on Exhibit A, except that the sidewalks along Blake Street and Christina Street shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 03.035(l)(2)(A). The proposed modification provides street connectivity and block lengths consistent with the conditions of original approval.

Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. The applicant's proposed street configuration includes streets that exceed the maximum grade for local and collector streets. Because of topographic constraints, the Director authorizes street grades not exceeding 15 percent for streets as depicted in Exhibit A.

SRC 205.070(d)(2)—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties

Finding – The modified street configuration requires much less excavation and fill work than would have been required under the original configuration because the street alignments better conform to the existing topography. The proposed modification provides street connectivity consistent with the conditions of original approval and does not significantly change the physical appearance, use of site, or impacts on surrounding properties.

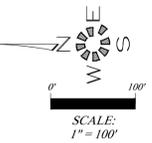
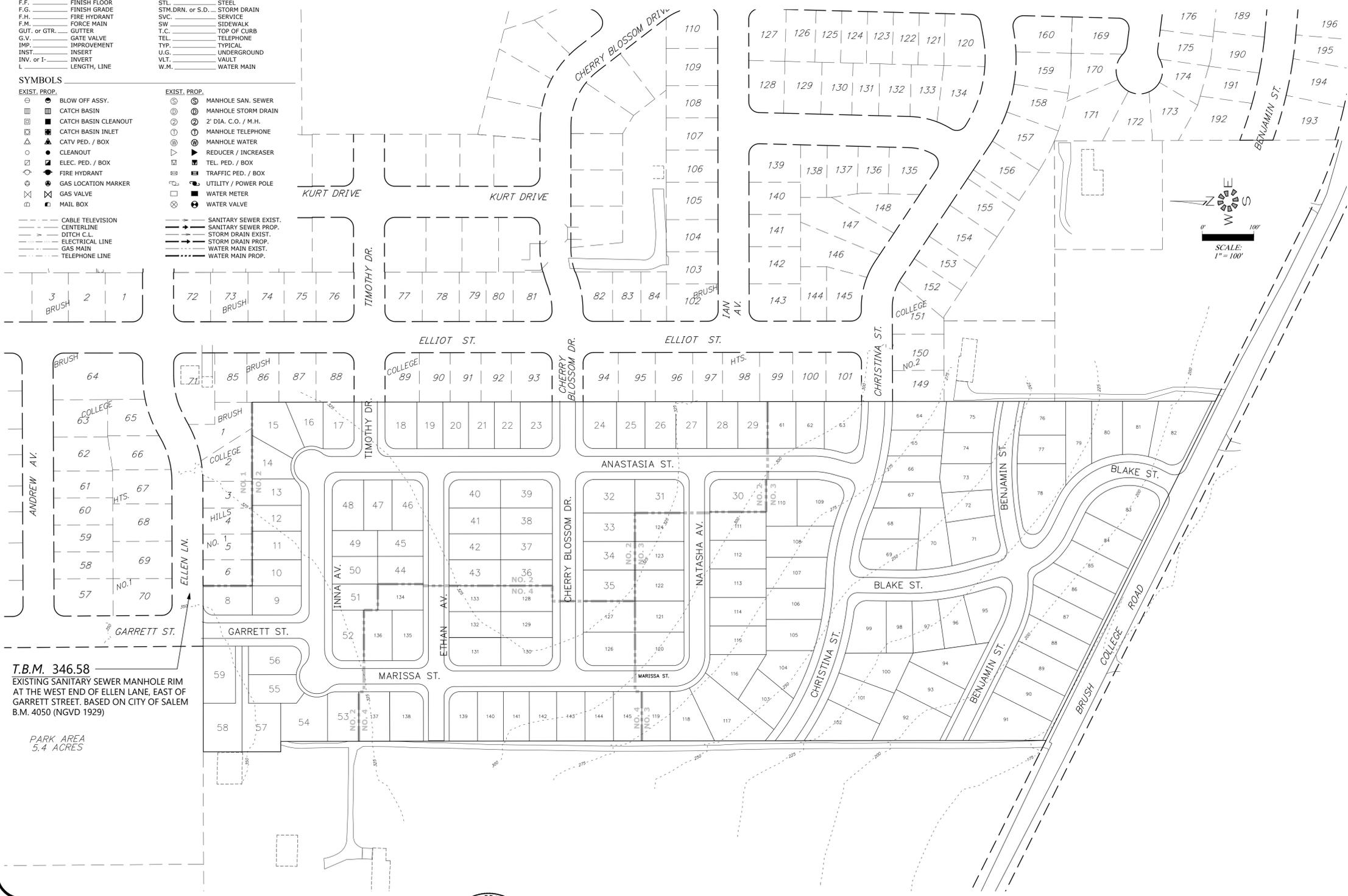
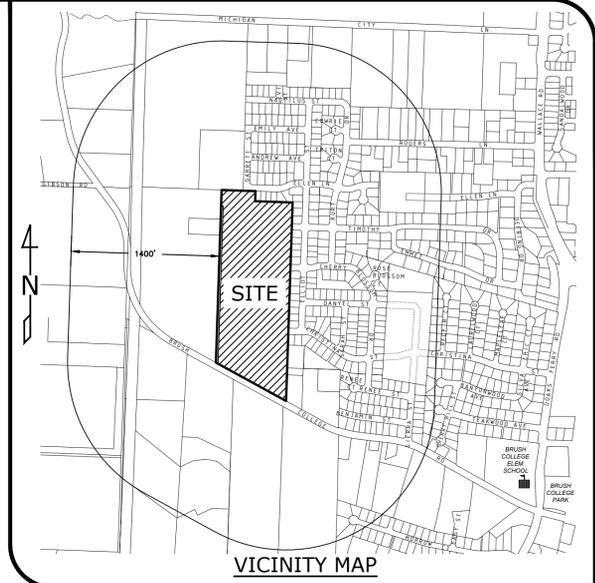
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- ABBREVIATIONS**
- | | | | |
|---------------|-----------------------|------------------|---------------------------|
| A.C. | ASPHALTIC CONCRETE | L.P. | LIGHT POLE |
| ACMP | ALUMINIZED CMP | M | METER, MAIN |
| ASSY. | ASSEMBLY | M.H. | MANHOLE |
| B.O. | BLOW OFF | MTL | METAL |
| B.F.V. | BUTTERFLY VALVE | O.H. | OVERHEAD |
| C & G | CURB & GUTTER | PC | POINT OF CURVE |
| CATV | CABLE TELEVISION | PCC | POINT OF CONTINUING CURVE |
| C.B. | CATCH BASIN | PE | PEDESTAL |
| C.B.C.O. | CATCH BASIN CLEANOUT | PRC | POINT OF REVERSE CURVE |
| C.B.I. | CATCH BASIN INLET | PROP. | PROPOSED |
| C.L. | CENTERLINE | PT | POINT OF TANGENCY |
| CMP | CORRUGATED METAL PIPE | PUB. | PUBLIC |
| C.O. | CLEANOUT | PUE | PUBLIC UTILITY EASMT. |
| CONC. | CONCRETE | PVC | POLYVINYL CHLORIDE |
| CONST. | CONSTRUCT | PVT | PRIVATE |
| D.I. | DUCTILE IRON | P.P. | POWER POLE |
| DIA. | DIAMETER | P.L. | PROPERTY LINE |
| DWG. | DRAWING | R | RADIUS |
| EASMT. | EASEMENT | R- | RIM |
| E.G. | EXIST. GRADE / GROUND | RD | ROOF DRAIN |
| EOP, E.P. | EDGE OF PAVEMENT | R.O.W. | RIGHT-OF-WAY |
| ELEC. | ELECTRIC | SAN.S. or S.S. | SANITARY SEWER |
| ELEV. or EL. | ELEVATION | S | SLOPE |
| EX. or EXIST. | EXISTING | STA. | STATION |
| FT. | FEET | STD. | STANDARD |
| F.F. | FINISH FLOOR | STL | STEEL |
| F.G. | FINISH GRADE | STL.DRN. or S.D. | STORM DRAIN |
| F.H. | FIRE HYDRANT | SVC. | SERVICE |
| F.M. | FORCE MAIN | SW | SIDEWALK |
| GUT. or GTR. | GUTTER | T.C. | TOP OF CURB |
| G.V. | GATE VALVE | TEL | TELEPHONE |
| IMP. | IMPROVEMENT | TYP. | TYPICAL |
| INST. | INSERT | U.G. | UNDERGROUND |
| INV. or I- | INVERT | VLT | Vault |
| L | LENGTH, LINE | W.M. | WATER MAIN |

- SYMBOLS**
- | | | |
|--------------|-----|-----------------------------|
| EXIST. PROP. | ● | BLOW OFF ASSY. |
| | ■ | CATCH BASIN |
| | ■ | CATCH BASIN CLEANOUT |
| | ■ | CATCH BASIN INLET |
| | ▲ | CATCH BASIN CLEAN |
| | ▲ | CATV PED. / BOX |
| | ○ | CLEANOUT |
| | □ | ELEC. PED. / BOX |
| | ● | FIRE HYDRANT |
| | ⊗ | GAS LOCATION MARKER |
| | ⊗ | GAS VALVE |
| | ⊗ | MAIL BOX |
| | --- | CABLE TELEVISION CENTERLINE |
| | --- | DITCH C.L. |
| | --- | ELECTRICAL LINE |
| | --- | GAS MAIN |
| | --- | TELEPHONE LINE |
| EXIST. PROP. | ⊙ | MANHOLE SAN. SEWER |
| | ⊙ | MANHOLE STORM DRAIN |
| | ⊙ | 2' DIA. C.O. / M.H. |
| | ⊙ | MANHOLE TELEPHONE |
| | ⊙ | MANHOLE WATER |
| | ⊙ | REDUCER / INCREASER |
| | ⊙ | TEL. PED. / BOX |
| | ⊙ | TRAFFIC PED. / BOX |
| | ⊙ | UTILITY / POWER POLE |
| | ⊙ | WATER METER |
| | ⊙ | WATER VALVE |
| | --- | SANITARY SEWER EXIST. |
| | --- | SANITARY SEWER PROP. |
| | --- | STORM DRAIN EXIST. |
| | --- | STORM DRAIN PROP. |
| | --- | WATER MAIN EXIST. |
| | --- | WATER MAIN PROP. |

BRUSH COLLEGE HILLS

SEC. 8, T. 7 S., R. 3 W., W.M.
CITY OF SALEM
POLK COUNTY, OREGON
136 LOTS - 26.25 ACRES



Owner / Developer:
Brush College LLC
9700 S.W. CAPITOL HWY. STE. 100
PORTLAND, OREGON 97219

EXHIBIT A

T.B.M. 346.58
EXISTING SANITARY SEWER MANHOLE RIM
AT THE WEST END OF ELLEN LANE, EAST OF
GARRETT STREET, BASED ON CITY OF SALEM
B.M. 4050 (NGVD 1929)

PARK AREA
5.4 ACRES

SHEET INDEX

SHEET 101	COVER SHEET
SHEET 201	DETAIL PLAN NORTH PORTION
SHEET 202	DETAIL PLAN SOUTH PORTION
SHEET 301	SOUTH PORTION STREET SLOPES
SHEET 302	STREET PLAN & PROFILES
SHEET 303	STREET PLAN & PROFILES
SHEET 304	STREET PLAN & PROFILES
SHEET 305	STREET PLAN & PROFILES
SHEET 306	STREET PLAN & PROFILES
SHEET 307	STREET PLAN & PROFILES
SHEET 401	MODIFIED TREE CONSERVATION PLAN NORTH PORTION
SHEET 402	MODIFIED TREE CONSERVATION PLAN SOUTH PORTION

4.	REVISED PER CITY.	C.F.S.	2017-12-19
3.	REVISED PER CITY.	D.G.G.	2017-11-09
2.	REVISED PER CITY.	D.G.G.	2017-11-01
1.	REVISED PER CITY.	D.G.G.	2017-06-06

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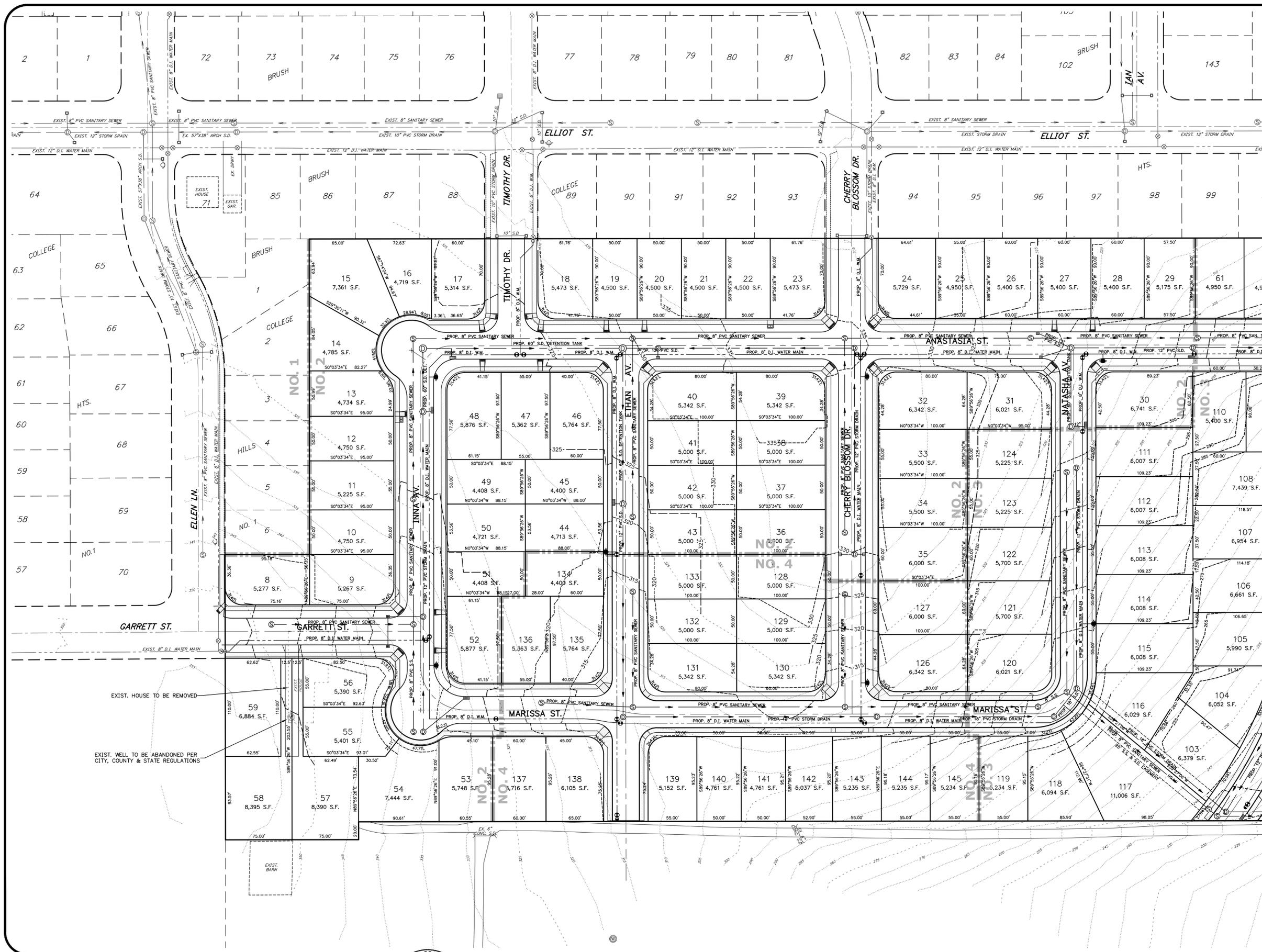
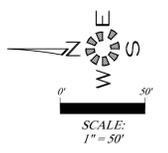
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**BRUSH COLLEGE
HILLS**

**MODIFIED TENTATIVE SUBDIVISION PLAN
COVER SHEET**

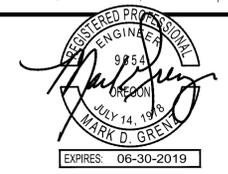
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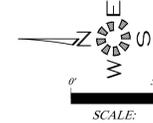
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BRUSH COLLEGE HILLS

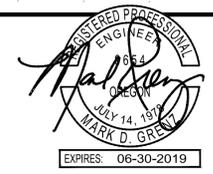
DETAIL PLAN NORTH PORTION

Project Number **6204**
 Sheet Number **201**



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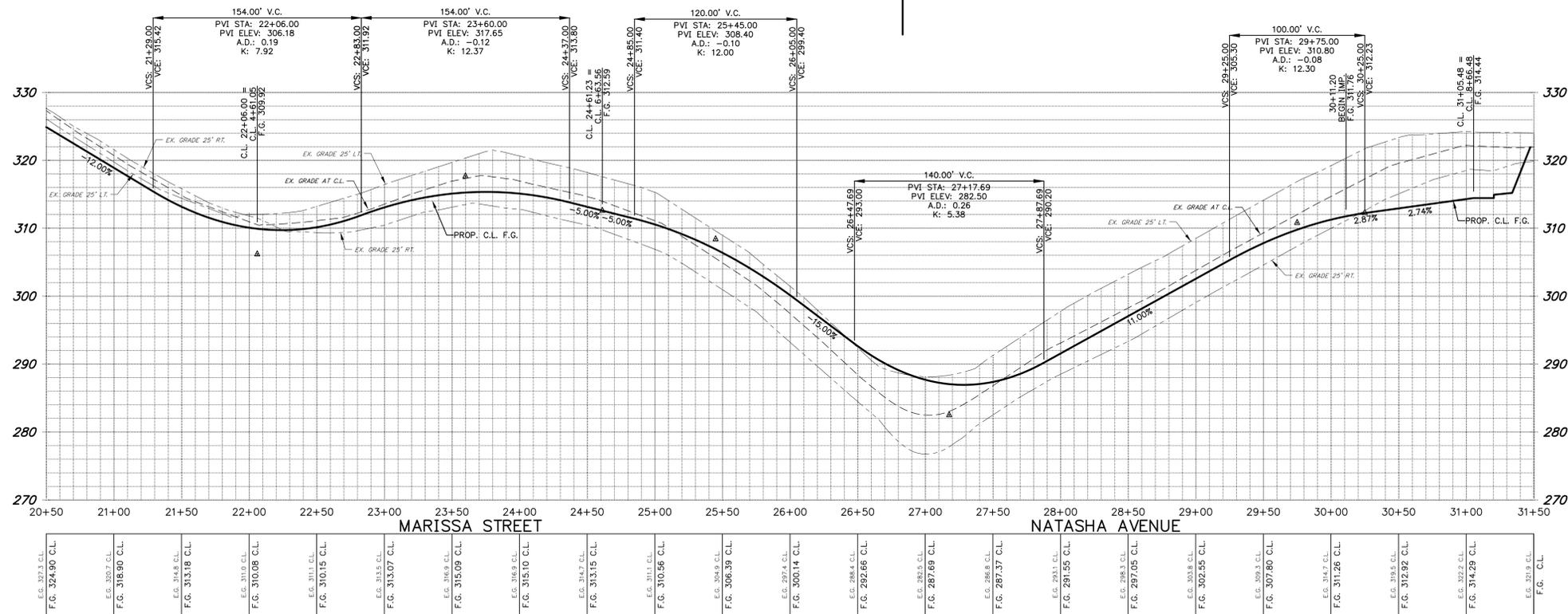
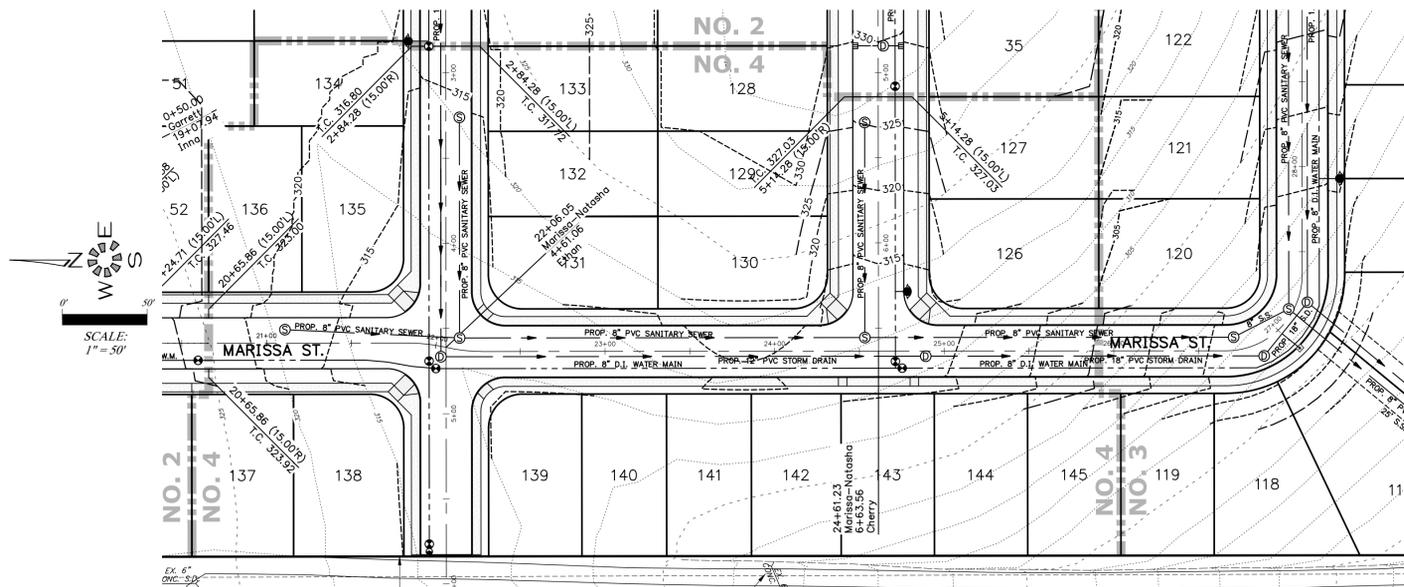
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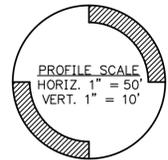
BRUSH COLLEGE HILLS

DETAIL PLAN SOUTH PORTION

Project Number **6204**
 Sheet Number **202**



APPROVED
dwhitehurst 03/15/2018



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REGISTERED PROFESSIONAL ENGINEER
MARK D. GREVIL
EXPIRES: 06-30-2019

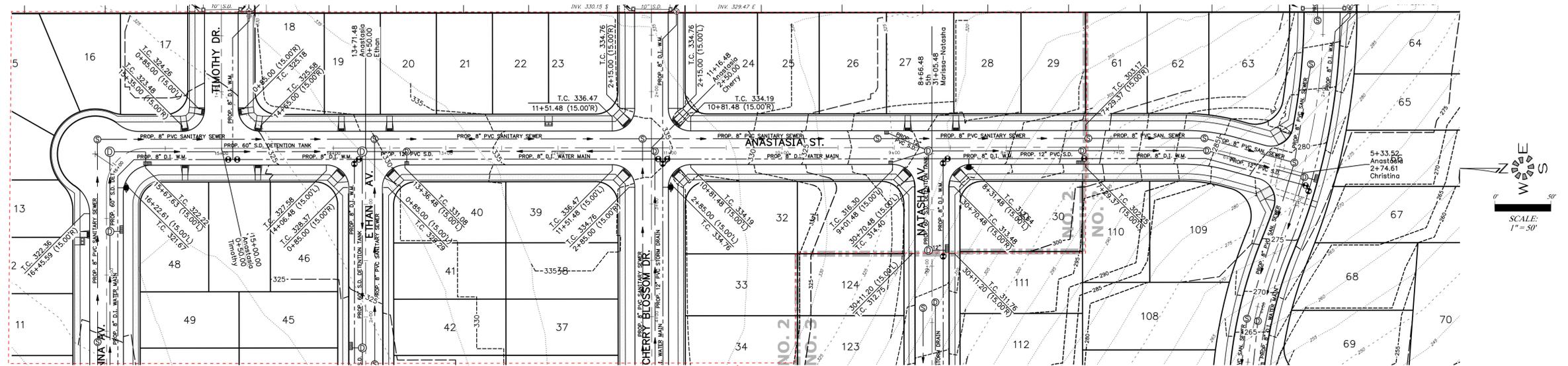
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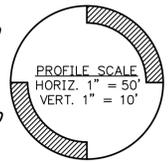
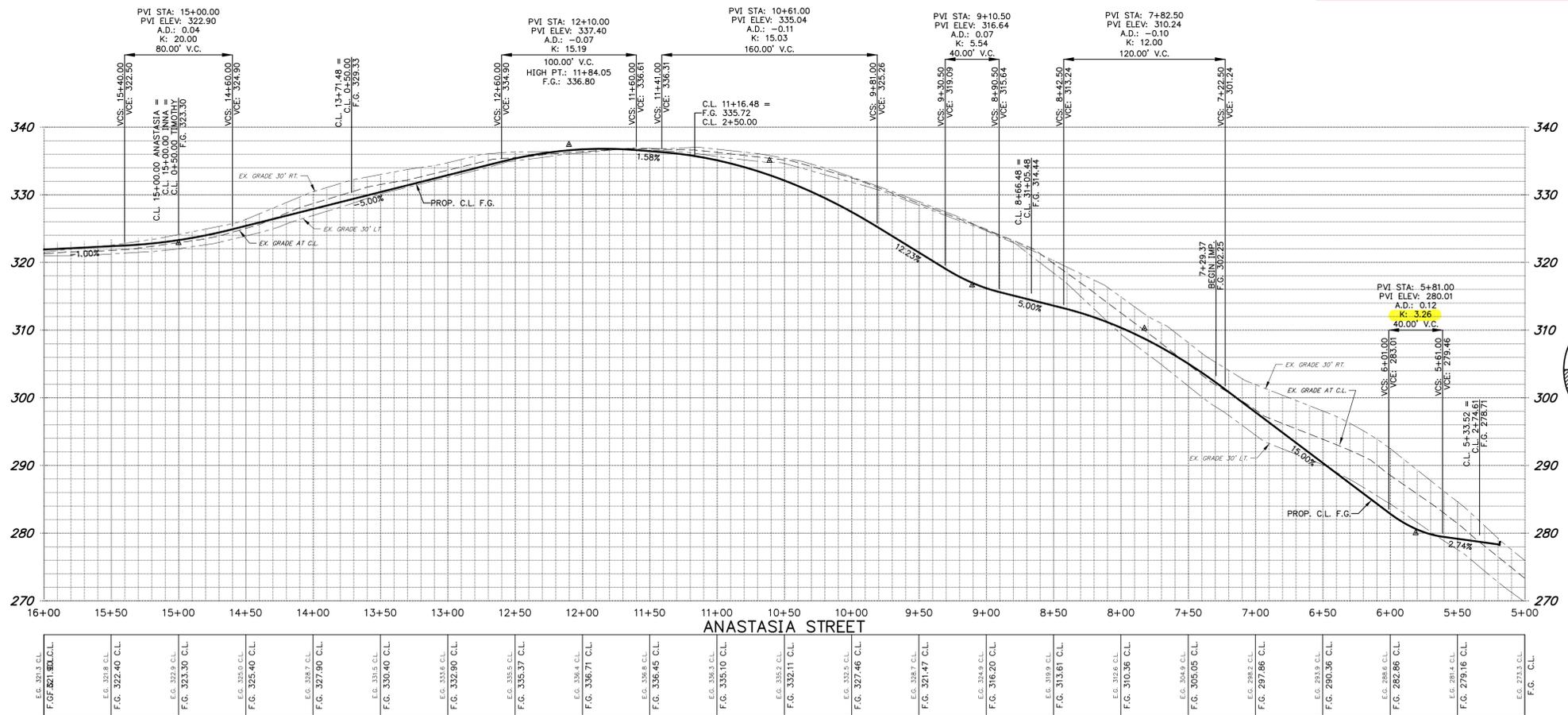
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Sheet Number **302**



Phase 2 is already approved

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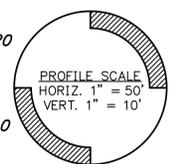
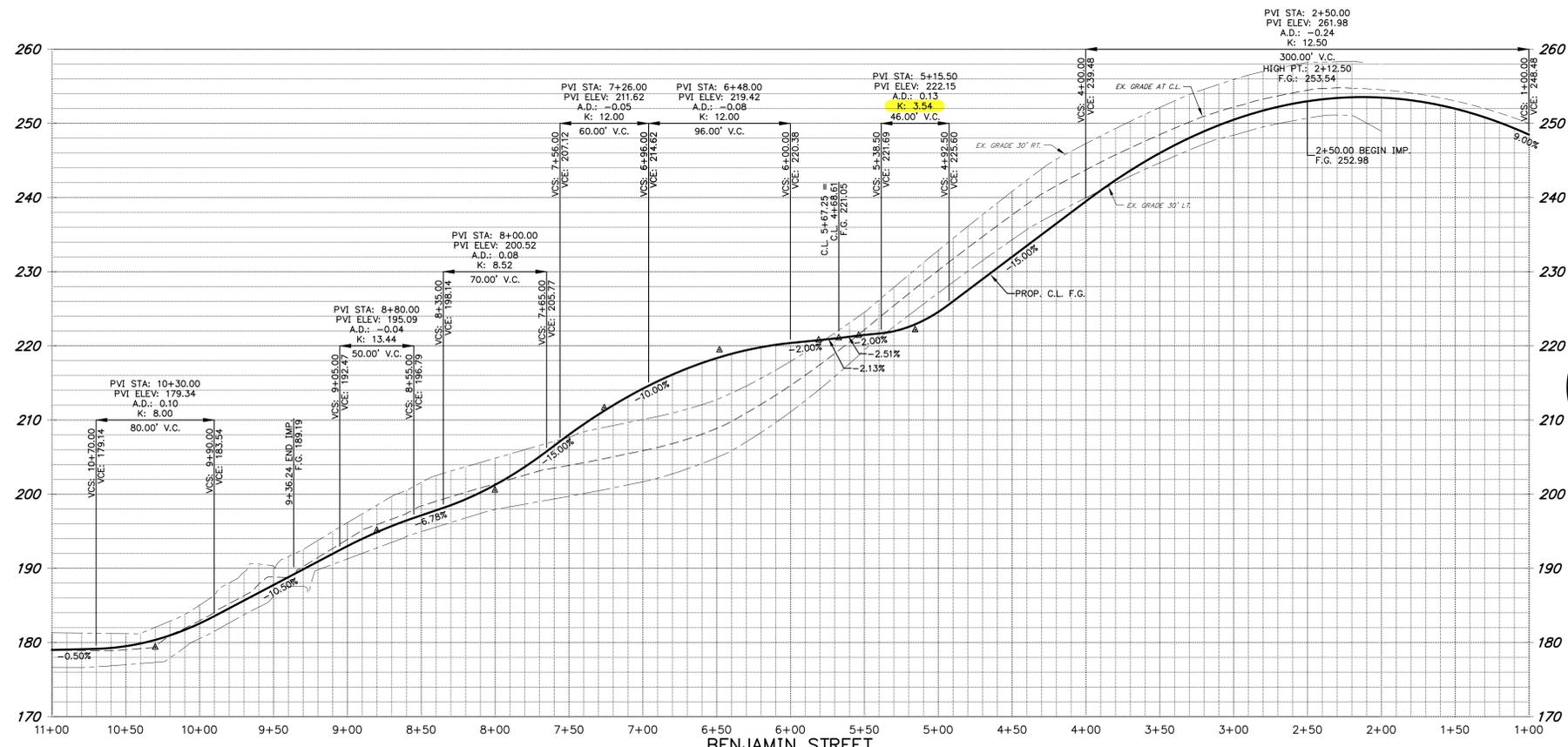
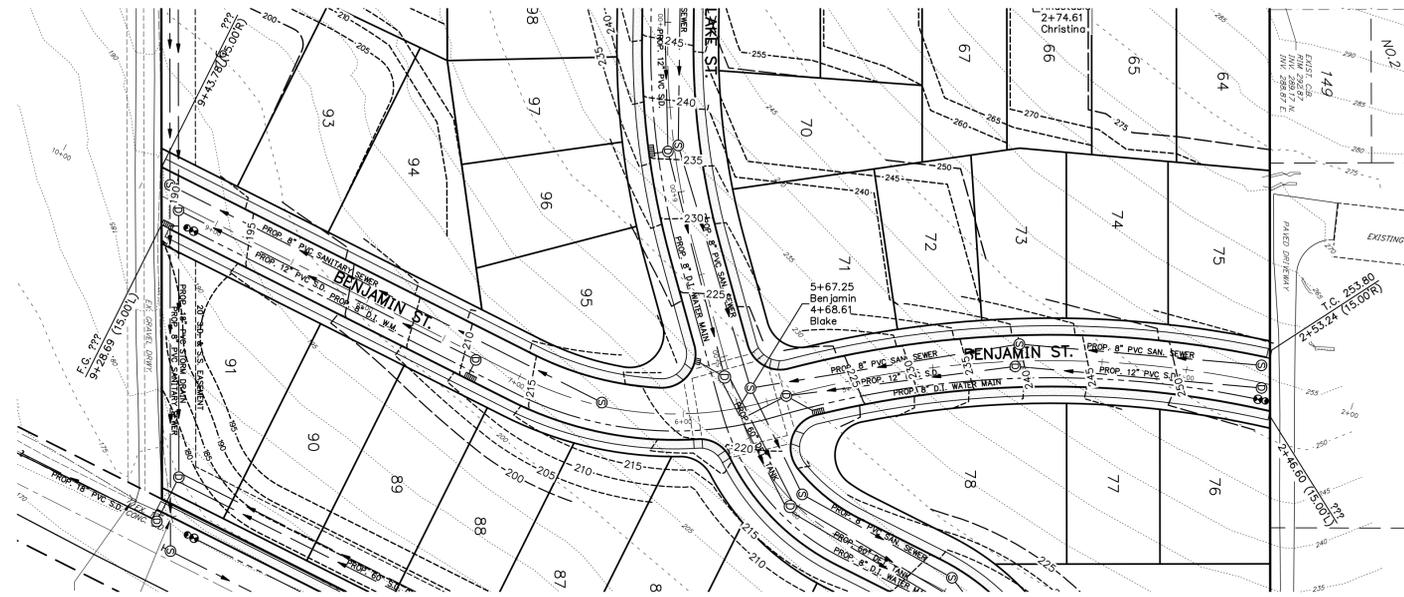
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Project Number **6204**
Sheet Number **303**

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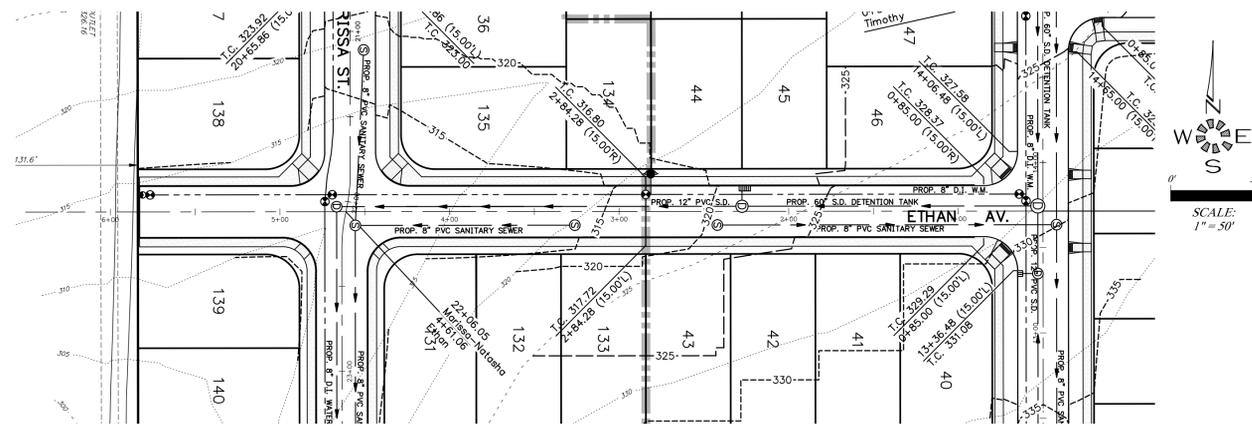
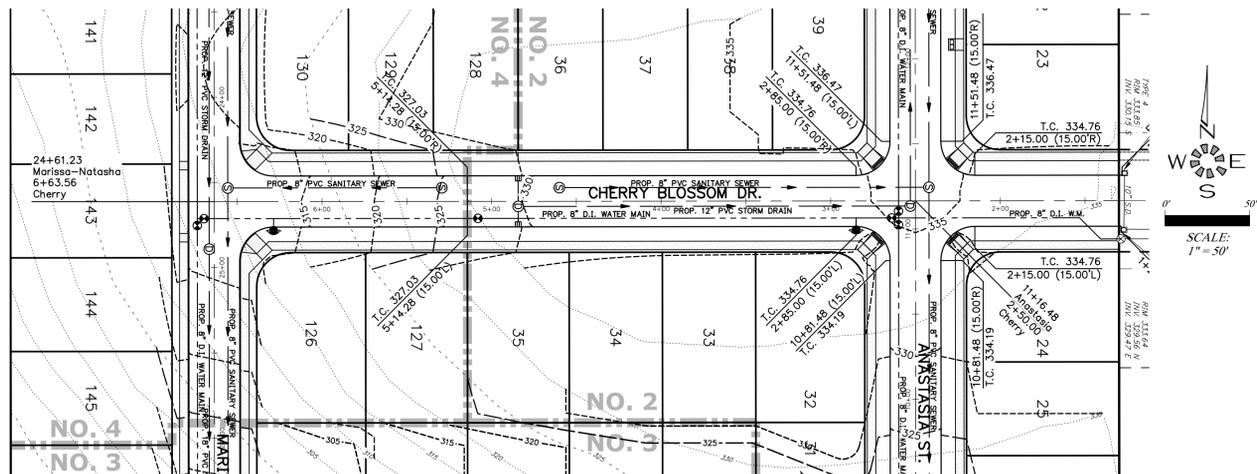
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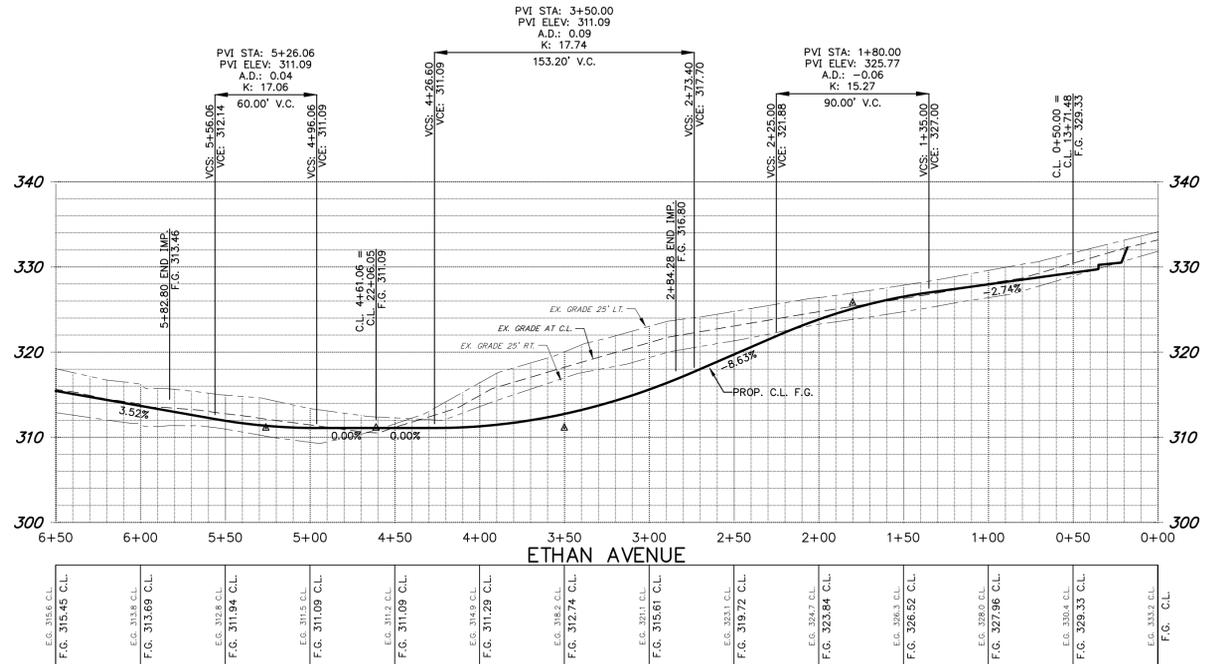
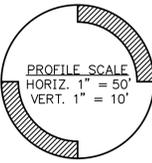
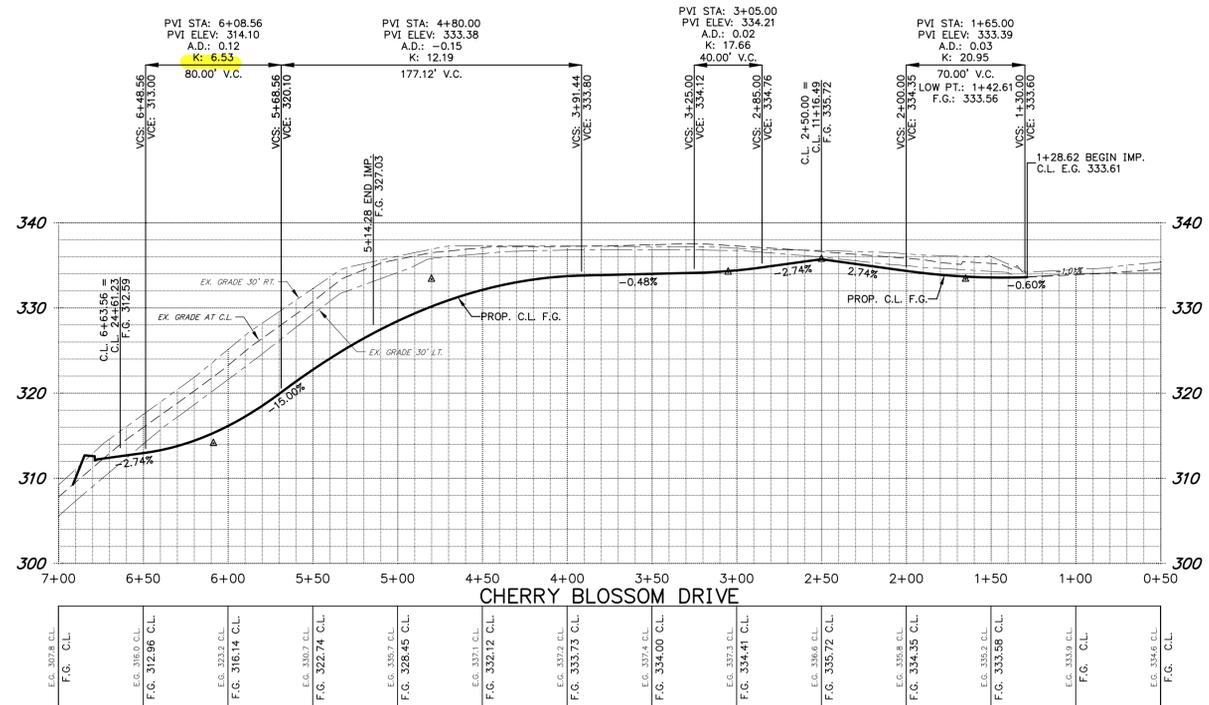
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STREET PROFILES

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REGISTERED PROFESSIONAL ENGINEER
MARK D. GIBSON
EXPIRES: 06-30-2019

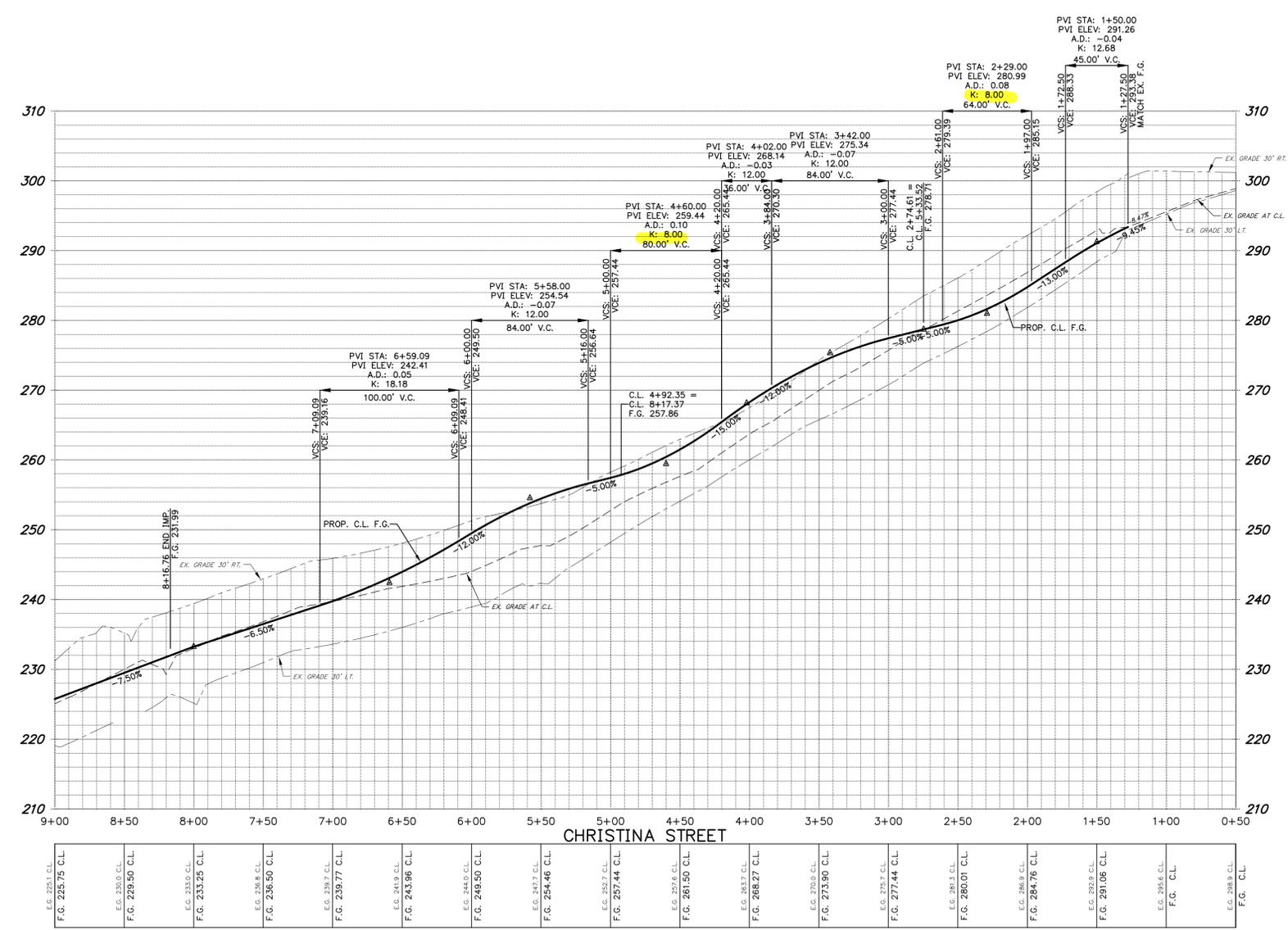
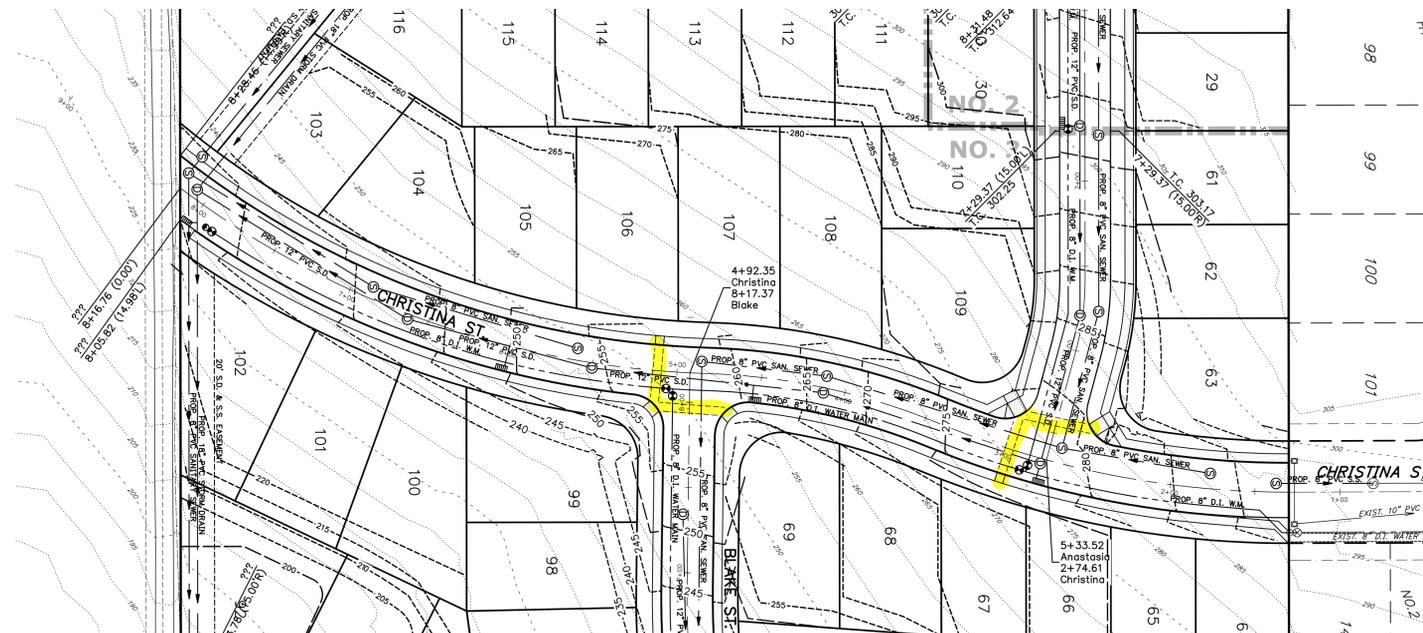
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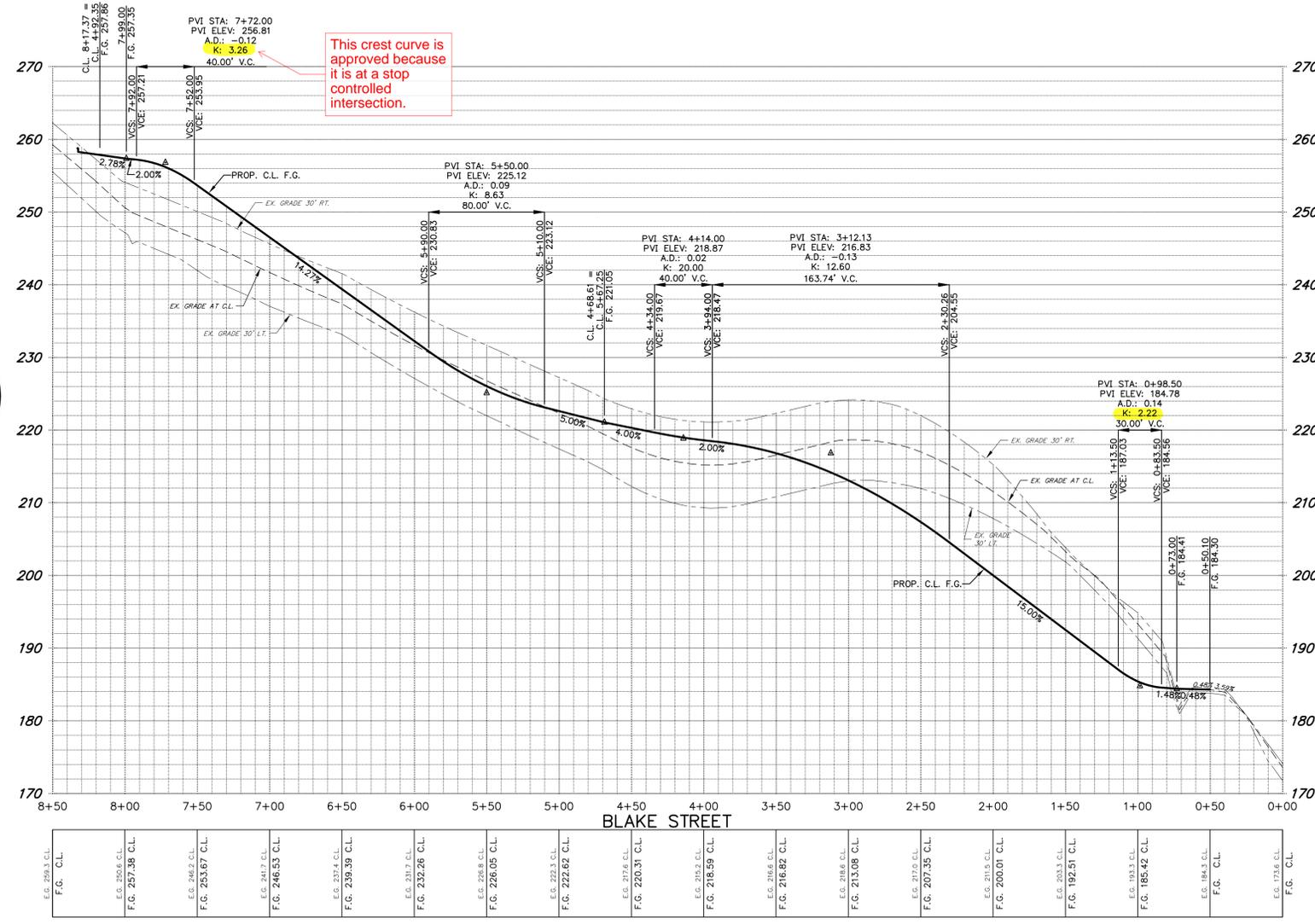
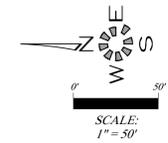
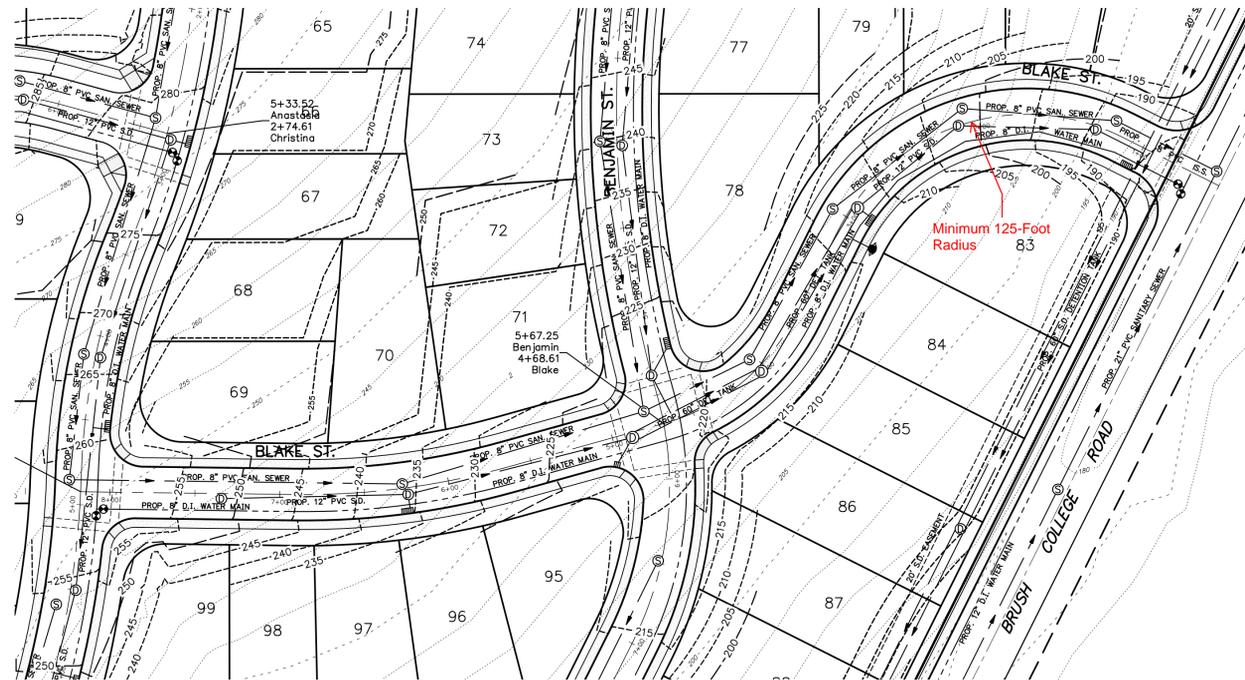
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STREET PROFILES

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Sheet Number **306**

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 Sheet Number **307**

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