

FACTS & FINDINGS

**PLANNED UNIT DEVELOPMENT-SUBDIVISION TENTATIVE PLAN / PARTITION
TENTATIVE PLAN / URBAN GROWTH PRELIMINARY DECLARATION / CLASS 2
ADJUSTMENT CASE NO. PUD-SUB-PAR-UGA-ADJ24-01; 700 TO 800 BLOCKS OF
CREEKSIDE DRIVE SE**

OCTOBER 28, 2024

PROCEDURAL FINDINGS

1. On May 6, 2024, an application for a Partition Tentative Plan, Class 2 Adjustment, Planned Unit Development-Subdivision Tentative Plan, and Urban Growth Preliminary Declaration was submitted by Brandie Dalton, of Multi/Tech Engineering, on behalf of the applicant and property owner, Creekside Golf Course, LLC.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on July 8, 2024; and notice of the public hearing was subsequently sent, pursuant to SRC requirements, on July 16, 2024, and posted on the property by the applicant's representative on July 26, 2024.
3. On August 6, 2024, a public hearing was held before the Planning Commission. Subsequent to receiving public testimony and asking questions of the applicant and staff, the hearing was closed and the record subsequently left open until August 13, 2024, for any party to submit additional written evidence and testimony on the proposal; August 20, 2024, for rebuttal; and August 27, 2024, for final written argument from the applicant unless subsequently waived.
4. On August 20, 2024, a written request was received from the applicant's representative waiving the final seven-day period for final written argument. Having received the applicant's request to waive the seven-day period for final written argument, the Planning Commission proceeded with deliberations on the proposal at their August 20, 2024, meeting and voted to approve the Planned Unit Development-Subdivision, Partition, Urban Growth Preliminary Declaration, and Class 2 Adjustment subject to the conditions of approval recommended in the August 6, 2024, staff report and accompanying August 6, 2024, supplemental staff report; but as further recommended to be modified in staff's August 13, 2024, open record period memo and further revised by the Planning Commission during deliberations.
5. On September 11, 2024, a timely appeal of the Planning Commission's decision, meeting the requirements of SRC 300.1010 and SRC 300.1020, was filed by the applicant's representative.
6. On September 24, 2024, notice of the public hearing on the appeal was sent, pursuant to SRC requirements, and subsequently posted on the property on October 4, 2024.
7. On October 14, 2024, the City Council held a public hearing to consider the appeal of the Planning Commission's decision. Subsequent to receiving testimony, the Council closed the public hearing, deliberated, and voted to modify the Planning Commission's decision by removing Condition of Approval No. 14, which required construction of a 5-foot-wide

sidewalk on the north side of Creekside Drive SE along the frontage of the property.

8. The 120-day state mandated local decision deadline for the application is November 5, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal is a consolidated application for a Planned Unit Development, Subdivision Tentative Plan, Partition Tentative Plan, Urban Growth Preliminary Declaration and Class 2 Adjustment for property totaling approximately 13.7 acres in size and located in the 700 to 800 Blocks of Creekside Drive SE.

The requested Partition Plan Tentative Plan proposes to divide the 13.7-acre property into two parcels of approximately 10.64 acres and 3.37 acres in size, with the largest of the two parcels, proposed Parcel 1, remaining open space as part of the existing golf course fairway. The smaller of the two parcels, proposed Parcel 2, is proposed to be further divided as part of a Planned Unit Development-Subdivision Tentative Plan, which proposes to divide the parcel into 11 residential lots ranging in size from approximately 6,104 square feet to 9,287 square feet to accommodate the potential for two attached dwelling units per lot; together with approximately 18,100 square feet of additional open space.

The proposal also includes a Class 2 Adjustment requesting approval to increase the maximum allowed lot depth of proposed Parcel 1 from 1,021 ft. to approximately 1,573 ft., and an Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

2. Existing Conditions

Site and Vicinity

The property included with this proposal totals approximately 13.7 acres in size, is located in the 700 to 800 Blocks of Creekside Drive SE, and consists of an open space area and a fairway of the Creekside Golf Course.

The subject property abuts Creekside Drive SE on the south and Crooked Stick Loop SE on the east. Both Creekside Drive and Crooked Stick Loop are private streets within the Golf Club Estates at Creekside PUD. Vehicular access to the property is provided by these existing private streets. In addition, a new private street – Villa Loop, is proposed to be extended off Creekside Drive to serve lots within the proposed new PUD-Subdivision.

Salem Area Comprehensive Plan (SACP)

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

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
South	Single Family Residential
	Across Creekside Drive SE, Single Family Residential and Developing Residential
East	Single Family Residential
	Across Crooked Stick Loop SE, Single Family Residential
West	Single Family Residential

Relationship to Urban Service Area

The roughly eastern half of the property is located inside the City’s Urban Service Area while the corresponding western half of the property is located outside the Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Because the western half of the property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration is required for the proposed PUD-Subdivision to identify the necessary public facilities required to serve the proposed development. Analysis of the required Urban Growth Preliminary Declaration is included under Section 9 of this report.

Zoning Map Designation

The subject property is zoned RA (Residential Agriculture). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
South	RS (Single Family Residential)
	Across Creekside Drive SE, RS (Single Family Residential) and RA (Residential Agriculture)
East	RS (Single Family Residential)
	Across Crooked Stick Loop SE, RS (Single Family Residential)
West	RS (Single Family Residential)

City Infrastructure

- *Streets:* The existing conditions of streets abutting the subject property are described in the following table:

Existing Streets			
Street Name		Right-of-way Width	Improvement Width
Creekside Drive SE <i>(Private, Local)</i>	Standard	60 ft.	30 ft.
	Existing Condition	50 ft. to 60 ft.	30 ft.
Crooked Stick Loop SE <i>(Private, Local)</i>	Standard	60 ft.	30 ft.
	Existing Condition	40 ft.	30 ft.

As identified in the table above, the existing right-of-way widths of both Creekside Drive and Crooked Stick Loop fall below the minimum required widths under the City’s Transportation System Plan (TSP); however, the right-of-way widths of these private streets were established with the approval of Golf Club Estates at Creekside PUD Phase 1 and Phase 2 and are in conformance with those approvals.

- *City Utilities and Parks:* The existing conditions of city utilities and parks available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	<i>Water Service Level: S-2 and S-3</i>
	A 16-inch S-2 water main is located in Creekside Drive SE.
	A 16-inch S-2 water main is located in Crooked Stick Place SE.
	An 8-inch S-3 water main is located in Inverness Court SE, approximately 240-feet northwest of the subject property.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Creekside Drive SE, approximately 90-feet east of the subject property.
	An 8-inch sanitary sewer main is located in Creekside Drive SE, approximately 50-feet west of the subject property.
	An 8-inch sanitary sewer main is located in Crooked Stick Place SE.
	An 8-inch sanitary sewer main is located on the subject property in an easement.
Storm Drainage	An 18-inch storm main is located in Creekside Drive SE, approximately 330-feet east of the subject property.

	A 12-inch storm main is located in Creekside Drive SE, approximately 105-feet west of the subject property.
	An 18-inch storm main is located on the subject property in an easement.
Parks	The proposed development is served by Bryan Johnston Park, located approximately 0.43-miles northwest of the subject property.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Applicant Neighborhood Association Contact:

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On May 6, 2024, the applicant contacted the South Gateway Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments:

Notice of the application was provided to the South Gateway Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Notice was provided for both the initial public hearing on the proposal with the Planning Commission and the subsequent public hearing with the City Council on the appeal. No comments were received from the neighborhood association.

Homeowners' Association:

Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type III land use application. The majority of the subject property, with the exception of a portion of the property's frontage along Creekside Drive SE which is identified as open area in Golf Club Estates at Creekside PUD – Phase 2, is not located within a Homeowners' Association. However, the lots within the proposed PUD-subdivision will be served by the private streets within the Golf Club Estates at Creekside PUD. The Golf Club Estates at Creekside PUD includes a Homeowner's Association, the Creekside Homeowners Association (HOA), and, as such, notice of the proposal was provided to the HOA pursuant to SRC requirements. Notice was provided for both the initial public hearing with the Planning Commission and the subsequent public hearing with the City Council on the appeal.

Prior to the August 6, 2024, public hearing with the Planning Commission, written

comments were received from the HOA that are included in the record. Comments received by the HOA identified, in summary, the following issues:

- A. Impact of development on existing private streets; HOA maintenance responsibilities; and consistency of proposed development with overall Creekside development. The comments received indicated that if the proposed residential lots are created they will become an island surrounded by the Creekside HOA with access only available from Creekside Drive and other private streets that are owned and maintained by the HOA. Concern is expressed that homeowners of the new proposed lots will use Creekside HOA streets without compensating the HOA, who has the overall responsibility for their repair, maintenance, and replacement. The HOA indicates that allowing development of the proposed lots without an appropriate contribution to the long-term financial upkeep of the streets and common areas, from which they will use and benefit, should not be allowed and places an unfair burden on the Creekside HOA.

In addition, it is explained that under the proposed land use action, any home built on the newly constructed lots could be completely different in style, color, floor area, and height when compared with other homes in the neighborhood.

In order to address these identified issues the HOA indicates that the most equitable and fair solution is to require, as a condition of approval, that the residential lots become part of the Creekside HOA, which includes being subject to the Creekside Architectural Review Committee Guidelines, pay annual HOA dues, and pay a returnable deposit to cover damages during construction of each residence.

Staff Response: At the public hearing, it was requested that the option be given to the applicant to either join the Creekside HOA or provide a separate HOA meeting the standards that require perpetual maintenance of common areas. As identified in the conditions of approval, the applicant is required to demonstrate that either the property will be subject to the Creekside HOA's maintenance and operation provisions for common properties and facilities or submit separate a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, and common facilities. The articles of the Homeowners' Association shall conform to the provisions of SRC 210.055(b) and SRC 803.020(b)(3).

- B. Homeowners Association contact. The comments received indicated that the applicant notified the South Gateway Neighborhood Association of the proposed development but did not engage with the Creekside HOA prior to application submittal. It is explained that the applicant should be required to provide additional outreach prior to a decision by the City.

Staff Response: Staff provided notice to Creekside HOA, pursuant to SRC 300.

- C. Legibility of application materials. The comments received indicated that the application materials provided with the public notice were small and difficult to read in the printed

format mailed to surrounding households. Because of this the HOA requested that the public comment period remain open for two extra weeks and the decision on the application also be delayed.

Staff Response: All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 109994.

- D. Additional access connections to Creekside Drive. The comments received indicated that the applicant is proposing four new access connections to Creekside Drive which are not in harmony with the previously agreed upon CC&Rs of which the applicant was a party. The HOA indicates they are willing to consider allow additional connections to their private street if the applicant is willing to agree to the requested conditions in their comments.

Staff Response: The Planned Unit Development will establish a new private street, Villa Loop, to serve lots 3 through 11. Lot 2 will have frontage on Creekside Drive and Villa Loop. Lot 1 will only have frontage on Creekside Drive. The City of Salem does not enforce private CC&Rs that would restrict access onto Creekside Drive SE for Lots 1 and 2 nor can this decision condition the applicant to comply with the requested conditions in the Creekside HOA comments.

- E. Repair of damage to private streets and private facilities. The comments received indicated that construction of required utilities for the proposed development will result in damage to existing HOA streets and potential damage to adjacent HOA owned stairs and landscaping. The HOA indicates they expect the applicant will be required to repair any damage to the adjacent stairs; replace any affected landscaping; and repair any damage to streets from trenching by applying a curb-to-curb overlay to restore the pavement in any affected areas, including replacement of speed humps and associated pavement markings.

Staff Response: As shown on the applicant's preliminary utility plan and identified in the conditions of approval, the applicant is required to extend public utilities to serve the development in accordance with the Public Works Design Standards. These utility extensions will be within the private streets of Creekside Drive, Inverness Court, and on private property. The Public Works Design Standards will require the applicant to replace like-for-like stairways, landscaping, pavement markings, and other items disturbed by the construction. The Public Works Design Standards will also require that the provide Trench Surface Restoration for trenches required for the utility extensions. The Public Works Design Standards do not require a curb-to-curb overlay, and there are no standards in the Salem Revised Code which would require a curb-to-curb overlay for the utility trenches in Creekside Drive SE.

- F. Width of proposed private street. The comments received indicated that the width of the proposed new private street, Villa Loop, is only 26.5 feet, which is not sufficient to provide on-street parking and adequate travel lanes.

Staff Response: As identified in the conditions of approval, where on-street parking is provided on the new internal private street, the street is required to be a minimum of 28-feet in width to accommodate parking on one side of the private street. Where no on-street parking is provided, the private street will be a minimum of 22-feet which is adequate to provide two-way circulation.

Prior to the October 14, 2024, appeal hearing with the City Council, written comments were received from the HOA relating to the appeal indicating, in summary, that the HOA board has been working with the applicant and are in support of what has been proposed. They indicate that while the HOA is concerned with sidewalk connectivity and making sure there are safe and accessible sidewalks throughout Creekside, they don't believe the addition of sidewalks between the access points along the north side of Creekside Drive will provide a benefit to the HOA but will instead add costs, as the HOA will be the party responsible for the long-term maintenance of these sidewalks. They explain that they believe the applicant's proposed improvements will provide the community with pedestrian connections that will both improve pedestrian safety and provide a better pedestrian experience while avoiding the addition of sidewalks that will add cost for both the applicant and the HOA.

Public Comments:

In addition to providing notice to the neighborhood association and the Homeowners' Association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. Prior to the August 6, 2024, initial public hearing with the Planning Commission the following comment was received:

A. Impact of development on existing private streets and HOA maintenance responsibilities. The comment received indicates that the proposed building lots will be entirely within the HOA and will require the use of private streets owned by the HOA for ingress and egress not only for future owners but also construction crews. It is explained that HOA members pay for the maintenance of these streets, the street lighting and the associated electricity, and the maintenance of all the common areas. It is indicated that the HOA also has property maintenance and architectural compliance rules that help to keep the neighborhood an attractive place to live and to own a home. It is explained that it is a matter of equity and fairness that the new homes be brought into the HOA and their owners required to become members of the HOA before the proposed development can proceed.

The comment received indicates that this should also be applicable to the three houses being built on Crooked Stick Loop. It is explained that street penetrations for the extension of underground services have already taken place and it is not known whether there has been a commitment by either the developer or the City requiring these building lots to be brought into the HOA or for future owners to become HOA members.

Staff Response: As identified in this staff report, a condition of approval (Condition 4) is recommended requiring the residential lots within the proposed Planned Unit Development-Subdivision (Lots 1 to 11) to be included in the Creekside Homeowners

Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities within Golf Club Estates at Creekside PUD. A similar condition was included in the subdivision approval (*Case No. SUB-ADJ23-05*) for the three lots referenced in the public comment where homes are being constructed on Crooked Stick Loop; and those lots were also required to be included in the HOA for the purpose of requiring that development to contribute to ongoing operation and maintenance costs.

The recommended condition of approval is based on the requirements of Salem Revised Code (SRC) 210.055 and SRC 205.035(f) which require any private facilities and common property, including, but not limited to, common open space, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, included within a development to be perpetually operated and maintained by a homeowners' association. Because the proposed development will be served by private streets and facilities under the ownership of the Creekside HOA, the residential lots within the planned unit development-subdivision are required to be part of the HOA to ensure their contribution to the ongoing cost of maintenance and repair of such facilities.

The City is not able, however, to place a condition of approval on the planned unit development-subdivision requiring the residential lots to be subject to the property maintenance and architectural compliance rules of the HOA. This is because those guidelines are private conditions, covenants, and restrictions between private parties that the City is not a party to, and which are not enforceable by the City pursuant to SRC 110.060(b). In addition, pursuant to State law adopted with the passage of House Bill 2001 for middle housing, a City cannot establish requirements that would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

On August 6, 2024, the public hearing was held before the Planning Commission to consider the proposal. After receiving testimony on the proposed development, the Planning Commission voted to close the public hearing and leave the record open for the submittal of additional testimony, pursuant to SRC 300.970(b), based upon a request received from the Creekside Estates Homeowners Association.

The record was held open until the following dates and times as follows:

- August 13, 2024, at 5:00 p.m. for the submittal of additional written testimony;
- August 20, 2024, at 5:00 p.m. for the submittal of rebuttal to any additional evidence or testimony submitted during the first seven-day open record period; and
- The applicant waived by the applicant the final seven-day written rebuttal period.

The findings below and conditions of approval respond to written comments received and public testimony provided during the open record period.

Prior to the October 14, 2024, appeal hearing with the City Council, one written comment was received from an area property indicating support for the proposed development and support for the applicant's appeal to remove Condition of Approval

No. 14 requiring the construction of a 5-foot-wide sidewalk along the entire length of the property's Creekside Drive SE frontage.

4. City Department Comments

- A. The City of Salem Building and Safety Division reviewed the proposal and indicated they have no comments.
- B. The City of Salem Fire Department reviewed the proposal and indicated no comments.
- C. The City of Salem Development Services Division reviewed the proposal and provided comments pertaining to City infrastructure required to serve the property. Comments from the Development Services Division are included in the record.

5. Public Agency Comments

The Salem-Keizer School District reviewed the proposal and provided comments that are included in the record. The School District indicates, in summary, that the property is served by Sumpter Elementary School, Crossler Middle School, and Sprague High School. The School District identifies sufficient existing school capacity at Sumpter Elementary School, Crossler Middle School, and Sprague High School to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates that students will be eligible for school provided transportation to Sumpter Elementary School, Crossler Middle School, and Sprague High School.

6. Analysis of Partition Tentative Plan Approval Criteria

SRC 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:

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

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The property subject to the proposed partition

is zoned RA (Residential Agriculture).

The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RA zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

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

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition.

SRC Chapter 510 – RA Zone

The subject property is zoned RA (Residential Agriculture). Development within the RA zone must meet the applicable standards included under SRC Chapter 510. The standards of the RA zone that are applicable to the proposed partition are as follows:

▪ ***Uses (SRC 510.005(a)):***

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the existing golf course fairway of the Creekside Golf Club and proposed Parcel 2 will be further divided into an 11-lot planned unit development-subdivision with residential uses and open space.

Allowed uses within the RA zone are established under SRC 510.005, Table 510-1. Within the RA zone golf courses are allowed as a Special Use subject to the additional special use standards included under SRC 700.015, and detached single family dwellings and middle housing (e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters) are also allowed in the zone.

▪ ***Land Divisions in the RA Zone (SRC 510.010(a)):***

Pursuant to SRC 510.010(a), when land is subdivided in the RA zone that is at least 10 acres in size, includes or abuts an existing or planned collector or minor arterial street, and is located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones, neighborhood hub uses are required to be allowed on at least two of the lots that are created.

Because the standards of this section apply only to subdivisions of land that are at least 10 acres in size, the provisions of SRC 510.010(a) are not applicable to this component of the consolidated application because it involves a partition of land, rather than a subdivision, and because the property does not include or abut an existing or planned collector or minor arterial street.

▪ **Lot Standards (SRC 510.010(b)):**

Lot size and dimension standards within the RA zone are established under SRC 510.010(b), Table 510-2.

A summary of the lot size and dimension standards of the RA zone is provided in the following table:

RA Zone Lot Standards		
Lot Area	Min. 1,500 sq. ft	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to single family (<i>other than townhouses</i>), two family, and nonprofit shelters (<i>servicing victims of domestic violence</i>)
	Min. 5,000 sq. ft.	Applicable to three family
	Min. 7,000 sq. ft.	Applicable to four family and multiple family (<i>cottage clusters</i>)
	Min. 6,000 sq. ft.	Applicable to all other uses.
	Min. 5,500 sq. ft.	Applicable to infill lots (<i>flag lots</i>), unless a greater minimum lot area is required for the specific use
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to single family (<i>other than townhouses</i>), two family, three family, four family, and multiple family (<i>cottage clusters</i>)
	Min. 60 ft.	Applicable all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to all other uses
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	Applicable to all uses other than townhouses
	No Max.	Applicable to townhouses
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to single family (<i>other than</i>

RA Zone Lot Standards		
		<i>townhouses</i>), two family, three family, four family, and multiple family (<i>cottage clusters</i>)
	Min. 60 ft.	Applicable to all other uses

As shown on the partition tentative plan, the proposed partition divides the subject property into two parcels. Proposed Parcel 1 is approximately 463,478 square feet (10.64 acres) in size and proposed Parcel 2 is approximately 146,797 square feet (3.37 acres) in size. Both of the proposed parcels therefore exceed the minimum lot area standards of the RA zone.

Both proposed parcels similarly conform to the lot dimension and street frontage requirements of the RA zone with the exception of proposed Parcel 1 which will remain as the fairway for hole 13 of the golf course. Due to the existing long and comparatively narrow configuration of Parcel 1, the depth of this parcel exceeds the maximum allowed 300% of its average width. Because Parcel 1 exceeds maximum lot depth, the applicant has requested a Class 2 Adjustment to this standard to allow the depth of the parcel to exceed 300 percent of its average width. Analysis of the requested Class 2 Adjustment and findings demonstrating conformance with the applicable approval criteria are included under Section 9 of this report.

The parcels within the partition, as proposed and as otherwise recommended to be approved with the Class 2 Adjustment, conform to the applicable lot standards of the RA zone and are of sufficient size and dimension to permit development of uses allowed within the zone.

- **Dwelling Unit Density (SRC 510.010(c)):**

Dwelling unit density requirements for residential development within the RA zone are established under SRC 510.010(c). Within the RA zone, land that is subdivided that is at least five acres in size is required to have a minimum dwelling unit density of 5.5 dwelling units per acre and at least 15 percent of the dwelling units constructed on the lots shall be middle housing. Per SRC 510.010(c)(1)(A), accessory dwelling units may count toward the minimum density requirement.

Because the minimum dwelling unit density standards of this section apply only to subdivisions of land that are at least five acres in size, the provisions of SRC 510.010(c) are not applicable to this component of the consolidated application because it involves a partition of land, rather than a subdivision.

- **Setbacks (SRC 510.010(d)):**

Setbacks for buildings and accessory structures within the RA zone are established under SRC 510.010(d), Table 510-3.

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the existing golf course fairway of the Creekside Golf Club and proposed Parcel 2 will be further divided into an 11-lot planned unit

development-subdivision with residential uses and open space.

The existing golf course fairway on proposed Parcel 1 does not include any existing buildings or accessory structures that the setback requirements of the RA zone would apply to; and future development of the 11 residential lots within the proposed planned unit development-subdivision will be reviewed for conformance with applicable setback requirements when building permits are submitted for development on each lot. The proposed development conforms to the setback requirements of the RA zone.

▪ **Lot Coverage (SRC 510.010(e)):**

Maximum lot coverage requirements for buildings and accessory structures within the RA zone are established under SRC 510.010(e), Table 510-4.

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the existing golf course fairway of the Creekside Golf Club and proposed Parcel 2 will be further divided into an 11-lot planned unit development-subdivision with residential uses and open space.

Within the RA zone, the maximum lot coverage requirement for buildings and accessory structures associated with single family, two family, three family, and four family uses is 60 percent, and the maximum lot coverage for buildings and accessory structures associated with other uses (*including golf courses*) is 35 percent.

The existing golf course fairway on proposed Parcel 1 does not include any existing buildings or accessory structures that the maximum lot coverage requirements of the RA zone would apply to; and future development of the 11 residential lots within the proposed planned unit development-subdivision will be reviewed for conformance with lot coverage requirements when building permits are submitted for development on each lot. The proposed development conforms to the lot coverage requirements of the RA zone.

SRC Chapter 800 – General Development Standards

▪ **Designation of Lot Lines (SRC 800.020):**

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met. For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan.

The proposed partition includes the creation of two parcels (Parcel 1 and Parcel 2).

Both of these lots are considered interior lots. Pursuant to SRC 800.020(a)(1), the front lot line for an interior lot shall be the property line abutting the street. As such, the front lot line for proposed Parcel 1 is the east property line abutting Crooked Stick Loop SE and the front line for proposed Parcel 2 is the south property line abutting Creekside Drive SE.

(B) City Infrastructure Standards.

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

SRC Chapter 200 – Urban Growth Management

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the City's Urban Service Area are required to obtain an Urban Growth Preliminary Declaration (UGA) prior to development in order to determine the required public facilities necessary to fully serve the proposed development. As identified earlier in this report, the roughly western half of the subject property is located outside the City's Urban Service Area. However, pursuant to SRC 200.020 and SRC 200.005, partitions do not meet the definition of "development" under SRC Chapter 200. Therefore, an Urban Growth Preliminary Declaration is not required for the partition tentative plan component of this consolidated application.

SRC Chapter 802 – Public Improvements

▪ ***City Utilities (SRC 802.015):***

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Development Services Division, which is included in the record.

In summary, the Development Services Division indicates that the purpose of the proposed two-parcel partition is to create one parcel (Parcel 1) to remain as a fairway for the golf course and to create one additional parcel (Parcel 2) for future residential development through the consolidated planned unit development-subdivision application. Existing infrastructure is in place to serve the two-parcel partition.

Additional infrastructure improvements specific to the proposed future residential development of Parcel 2 are identified as recommended conditions of approval for the planned unit development-subdivision component of this consolidated application and detailed in Section 8 of this report.

SRC Chapter 803 – Street and Right-of-Way Improvements

The subject property abuts Creekside Drive SE on the south and Crooked Stick Loop SE on the east. Vehicular access to the proposed partition will be provided from Creekside Drive and Crooked Stick Loop. Both Creekside Drive and Crooked Stick Loop are classified as private local streets which meet the required improvement width but do not, however, meet the right-of-way width standards for local streets required under SRC 803.025(a), Table 803-1. These streets were established and constructed in their current configuration as part of the original approvals for Golf Club Estates at Creekside PUD Phases 1 and 2 (*Planned Unit Development Case Nos. PUD92-2 and PUD93-1*).

As identified on the partition tentative plan, no development is proposed on Parcel 1 abutting Crooked Stick Loop SE. Future residential development is, however, proposed on Parcel 2 abutting Creekside Drive SE as part of the planned unit development-subdivision included in this application. Additional recommended street improvements specific to the proposed planned unit development-subdivision on Parcel 2 are detailed in Section 8 of this report.

Pursuant to SRC 803.035(n), public utility easements, a minimum of 10 feet in width, may be required for all streets. In order to ensure sufficient space for the installation of any public utilities that may be needed in the future along the frontage of Parcel 1 abutting Crooked Stick Loop SE, the following condition of approval shall apply:

Condition 1: Prior to final plat, provide a 10-foot-wide public utility easement along the frontage of Crooked Stick Loop SE on the final plat.

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

SRC Chapter 601 (Floodplain)

SRC Chapter 601 establishes requirements for development within mapped floodplain areas in order to preserve and maintain the capability of the floodplain to convey flood water discharges and minimize danger to life and property.

The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 700 – Special Use Provisions

SRC Chapter 700 establishes additional standards for specific uses which, within certain

zones and overlay zones, are allowed as a Special Use. Within the RA zone, golf courses are specifically allowed as a Special Use subject to the following additional special use standards included under SRC 700.015:

- **Setbacks (SRC 700.015(a)):**

Within the RA zone, pursuant to SRC 700.015(a), additional setbacks are required for buildings, fairways and sports courts or fields (*if provided*), swimming pools, and off-street parking and loading areas associated with golf courses. A summary of the additional required setbacks is provided in the table below.

Additional Special Use Setback Standards for Golf Courses		
Buildings	Min. 100 ft.	Setback is applicable from every lot line.
Golf course fairways & associated recreation areas (<i>if provided</i>)	Min. 25 ft.	Setback is applicable from any abutting residentially or commercially zoned property or abutting property used for a residential or commercial use.
Swimming pools (<i>if provided</i>)	Min. 50 ft.	
Off-street parking & loading areas	Min. 5 ft	Setback is applicable from interior side and interior rear lot lines.

The proposed partition results in the division of the existing golf course fairway property into two parcels. There are no existing buildings, swimming pools, other associated recreation areas, or off-street parking or loading areas located on the property. As such, the additional special use setback standards applicable to those items are not applicable to the proposed development. The additional golf course fairway setback included under SRC 700.015(a) is, however, applicable to the proposed partition.

As shown on the partition tentative plan and the associated planned unit development-subdivision tentative plan, the proposed partition will result in the existing fairway being located abutting a proposed private street (Villa Loop) and designated open space within the PUD-subdivision. Because the fairway will be located adjacent to the proposed private street and the proposed open space, it will be located more than 25 feet from any of the residential lots within the proposed PUD-subdivision.

- **Screening (SRC 700.015(b)):**

Within the RA zone, pursuant to SRC 700.015(b), off-street parking and loading areas are required to be screened from adjacent uses by a sight-obscuring fence, wall, or hedge.

The existing golf course fairway does not include any off-street parking or loading areas. As such, this special use standard is not applicable to the proposed development.

SRC Chapter 805 – Vision Clearance (*if applicable*)

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. The proposed two-parcel partition does not include the addition of structures on the site. The proposal therefore not cause a vision clearance obstruction per SRC Chapter 805.

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more DBH, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees or trees within a riparian corridor are proposed for removal, the applicant must show there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees located on the subject property. However, because tree conservation plans are only required in conjunction with land division proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, a tree conservation plan is not required for Parcel 1 of the proposed partition, which will accommodate the fairway of the existing golf course rather than the development of residential uses. Proposed Parcel 2 of the partition, which is approximately 3.37 acres in size, will accommodate residential development but the residential development will specifically occur as part of the planned unit development-subdivision included as part this consolidated application. As such, a tree conservation plan is similarly not required for Parcel 2 of the partition but is required for the proposed planned unit development-subdivision. Pursuant to SRC 808.035, a tree conservation plan was submitted by the applicant for the proposed planned unit development-subdivision that is further discussed in Section 8 of this report.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate

mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

According to the Salem-Keizer Local Wetland Inventory (LWI), there are no mapped wetlands or waterways located on the subject property. In addition, the property is similarly not comprised of hydric (wetland-type) soils. As proposed, the partition tentative plan conforms to the applicable requirements of SRC Chapter 809.

SRC Chapter 810 – Landslide Hazards

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), the subject property is mapped with areas of two landslide hazard susceptibility points. The proposed partition adds two activity points to the proposal, which results in a total of four points. Pursuant to SRC 810, the cumulative total of four points indicates a low landslide hazard risk and therefore a geologic assessment is not required in conjunction with the proposed partition. The proposed planned unit development-subdivision will, however, be required to comply with the requirements of SRC Chapter 810.

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed partition divides the 13.7-acre property into two parcels. Proposed Parcel 1 will accommodate the existing golf course fairway of the Creekside Golf Club and proposed Parcel 2 will be further divided into an 11-lot planned unit development-subdivision with residential uses and open space. As illustrated by the proposed partition tentative plan and the corresponding planned unit development-subdivision tentative plan, the size and configuration of the proposed parcels within the partition accommodate the existing golf course fairway without impeding the further proposed division of Parcel 2.

Similarly, because abutting properties to the north, south, and west of the subject property are fully developed and do not depend upon the subject property for access, the proposed partition does not impede the future use or development of any adjacent land. This approval criterion is met.

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by city infrastructure.

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: The subject property is located adjacent to Creekside Drive SE and Crooked Stick Loop SE. Both of these streets are private local streets that were established and constructed in their current configuration as part of the original approvals for Golf Club Estates at Creekside PUD Phases 1 and 2 (*Planned Unit Development Case Nos. PUD92-2 and PUD93-1*).

The existing street system conforms to the Salem Transportation System Plan (TSP) for improvement widths. Additional improvements along the boundary streets, as detailed in Section 8 of this report, will be required for the proposed planned unit development-subdivision. This criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Access to the proposed partition will be provided by the network of existing private streets that surround the property. The street system in and adjacent to the partition will provide for the safe, orderly, and efficient circulation of traffic to and from the partition. This criterion is met.

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings included in this report, the parcel and street configuration established by the proposed partition meet applicable development standards; and the configuration of the proposed parcels makes logical use of the developable land. All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. The layout and configuration of the proposed partition allow for reasonable development of the parcels while minimizing the need for variances to the greatest extent practicable. This approval criterion is met.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: As explained in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also

of sufficient size and dimension to accommodate the existing golf course fairway while also allowing the further development of Parcel 2 in conformance with applicable development code standards. This approval criterion is met.

SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding: As indicated in the comments provided by the Development Services Section, sanitary sewer service is provided to the site by sewer mains located in Creekside Drive SE and Crooked Stick Loop SE, and by a sewer main located on the subject property within an easement. Because the subject property is not more than 300 feet from an available sewer main and because development of the property will be required to connect to City water and sewer, this approval criterion is not applicable to the proposed partition.

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant has requested a Class 2 Adjustment in conjunction with the proposed partition to increase the maximum allowed lot depth for Parcel 1 from 1,021 ft. to approximately 1,573 ft.

The underlying purpose of the maximum lot depth standard is to ensure efficient use of land and convenient access to lots. If the depth of a lot far exceeds its width, the resulting land area located at the rear of the lot has the potential to be of such size that it can be further divided to accommodate additional lots but based on the narrow width of the lot and the location of any existing structures on it, the rear portion of the lot may be difficult to access. As such, in order for the deep rear portions of lots to be further divided or developed, existing structures may need to be demolished, neighboring lots may need to be combined together in order to provide sufficient access width to reach the rear of the

lots, or access to the rear of the lots must be provided through private flat lot accessways rather than public streets.

In the case of the proposed partition, Parcel 1 will accommodate a fairway of the existing golf course and is proposed to remain as open space. The greater maximum depth of Parcel 1 is an existing nonconforming situation necessitated by the specific use that it serves, a fairway of a golf course, which generally requires land with a long and comparatively narrow configuration. The proposed partition will not make the depth of the parcel any more nonconforming and because the parcel is intended to remain as open space associated with a fairway of the golf course, the proposal does not undermine the underlying purpose of the maximum lot depth standard because the parcel is not intended for residential development. This approval criterion is met.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is zoned RA (Residential Agriculture) and located in a residential area surrounded by residentially zoned properties to the north, south, east, and west. The RA zone allows for the property to be partitioned and further divided, while providing additional opportunities for housing consistent with the Salem Area Comprehensive Plan and the ORS.

The greater depth of proposed Parcel 1 is generally necessitated due to an existing condition associated with the property resulting from both the approval and subsequent platting of abutting phases of the original Golf Club Estates at Creekside PUD and the intended functional purpose of the property providing land area for a golf course fairway. Parcel 1 is proposed to remain as the fairway for the golf course and will continue to serve as an open space amenity; thereby ensuring the proposed development will not detract from the livability or appearance of the residential area. This approval criterion is met.

SRC 250.005(d)(2)(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.

Finding: Only one adjustment has been requested in conjunction with the proposed development. Because more than one adjustment has not been requested, this approval criterion is not applicable to the proposed development.

8. Analysis of Planned Unit Development-Subdivision Approval Criteria

SRC 210.015 provides that if individual lots are to be created within a Planned Unit Development (PUD), a subdivision shall be required with the PUD tentative plan; and the consolidated PUD-subdivision tentative plan must meet the applicable approval criteria and development of the PUD ordinance, SRC Chapter 210.

SRC 210.025(d) sets forth the following criteria that must be met before approval can be granted to Planned Unit Development. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the criteria is grounds for denial

of the planned unit development-subdivision tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 210.025(d)(1): The PUD tentative plan conforms to the development standards of this Chapter.

The portion of the subject property proposed for development as a planned unit development-subdivision is zoned RA (Residential Agriculture). Pursuant to SRC 265.015, any land that is zoned RA (Residential Agriculture) that is subject to a subdivision approval shall automatically be rezoned to RS (Single Family Residential) on the date the subdivision plat is recorded. Because the portion of the property subject to the proposed planned unit development-subdivision is zoned RA and will be subject to a recorded PUD-subdivision plat, the provisions of SRC 265.015(a)(2) are applicable to the proposal and therefore the property will be automatically rezoned to RS upon the future recoding of the final PUD-subdivision plat.

Because the zoning of the property will be changed to RS with the recording of the final PUD-subdivision plat, the following analysis of the PUD-subdivision for conformance with applicable approval criteria and development standards of SRC Chapter 210 is based upon the future zoning of the property being RS.

The proposed development conforms to the standards applicable to Planned Unit Developments included under SRC Chapter 210 as follows:

SRC 210.005 – Zones/Overlay Zones Where PUDs are Allowed

SRC 210.005 establishes a list of zones and overlay zones where Planned Unit Developments are allowed. Pursuant to SRC 210.005(a)(1) & (2), PUDs are allowed within the both the RA (Residential Agriculture) and RS (Single Family Residential) zones. The proposed development conforms to this standard.

SRC 210.010 – Uses

Pursuant to SRC 210.010(a), uses allowed within the zone or overlay zone where the PUD is located are generally allowed within a PUD. In addition, SRC 210.010(b), Table 210-1, identifies additional uses which are allowed within a PUD regardless of whether they are allowed within the applicable zone or overlay zone.

The written statement provided by the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot. Within the RS zone both single-family detached dwellings and two family uses (*e.g. duplexes*) are permitted uses pursuant to SRC 511.005, Table 511-1. In addition, single family uses and two family uses are also specifically identified as permitted uses in a PUD pursuant to SRC 210.010(b), Table 210-1. The proposed development conforms to this standard.

SRC 210.045 – Planned Unit Development Standards

Planned unit developments must comply with the following development standards:

- **General Development Standards – Minimum Number of Dwelling Units within PUD (SRC 210.045(a) Table 210-2):**

SRC 210.045(a), Table 210-2, establishes requirements for the minimum number of dwelling units within a Planned Unit Development. Within the RS zone, the minimum number of dwelling units required in a PUD must conform to the minimum number of dwelling units required in the zone where the PUD is located.

Minimum residential density requirements within the RS zone are established under SRC 511.010(c). Within the RS zone, land that is subdivided that is at least five acres in size is required to have a minimum dwelling unit density of 5.5 dwelling units per acre and at least 15 percent of the dwelling units constructed on the lots shall be middle housing. Per SRC 511.010(c)(1)(A), accessory dwelling units may count toward the minimum density requirement.

As shown on the PUD-subdivision tentative plan, the proposal will divide a parcel of land that is approximately 3.37 acres in size into 11 residential lots ranging in size from approximately 6,104 square feet to 9,287 square feet; together with approximately 18,100 square feet of additional open space. As indicated in the written statement provided from the applicant, the 11 proposed residential lots have the potential for two attached dwelling units per lot; thereby resulting in a potential total of 22 dwelling units within the proposed PUD-subdivision.

Because the property proposed to be divided with the PUD-subdivision is less than 5 acres in size, the minimum dwelling unit density requirements of the RS zone are not applicable to the proposed development and there is therefore no minimum required number of dwelling units within proposed PUD-subdivision. The proposed development conforms to this standard.

- **General Development Standards – Maximum Number of Dwelling Units within PUD (SRC 210.045(a) Table 210-2):**

SRC 210.045(a), Table 210-2, establishes requirements for the maximum number of dwelling units allowed within a Planned Unit Development. Within the RS zone, the maximum number of dwelling units allowed within a PUD is based on a maximum dwelling unit density of 20 dwelling units per acre. The subject property totals approximately 3.37 acres in size. The resulting maximum number of dwelling units allowed within the proposed PUD-subdivision, based on the size of the subject property and the prescribed maximum density requirement of the RS zone, is therefore 67 dwelling units.

The written statement provided from the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot; thereby resulting in a potential total of 22 dwelling units within the proposed PUD-subdivision. The 22 dwelling units do not exceed the maximum allowed density of the RS zone. The proposed development conforms to this standard.

- **General Development Standards – Maximum Number of Dwelling Units within a Building (SRC 210.045(a) Table 210-2):**

SRC 210.045(a), Table 210-2, establishes requirements for the maximum number of dwelling units allowed within a single building in a Planned Unit Development. Within the RS zone there is no maximum limit on the number of dwelling units that may be located within a building; provided, however, the number of dwelling units within an individual building cannot exceed the overall maximum number of dwelling units allowed for the entire PUD.

The written statement provided from the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot. The proposed two attached dwellings units within a building on each of the 11 individual lots within the proposed PUD-subdivision do not cumulatively exceed the maximum number of dwelling units allowed within the PUD in the RS zone, and SRC 210.045(a), Table 210-2, allows for more than one dwelling unit to be located within a building. The proposed development conforms to this standard.

- **Setbacks (SRC 210.045(b)):**

SRC 210.045(b), Table 210-3, establishes minimum building and accessory structure setback requirements for Planned Unit Developments. A summary of the setbacks applicable to the proposed development is included in the table below:

Summary of Required PUD Setbacks		
Abutting Street (Perimeter of PUD)		
Buildings & Accessory Structures	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
Abutting Street (Interior of PUD)		
Buildings & Accessory Structures	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
Interior Side (Abutting Perimeter of PUD)		

Summary of Required PUD Setbacks		
Buildings	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	
Accessory Structures	Min. 5 ft.	
Interior Side (<i>Interior of PUD</i>)		
Buildings & Accessory Structures	None	
Interior Rear (<i>Abutting Perimeter of PUD</i>)		
Buildings	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or RS zoned lot located outside the PUD.
Accessory Structures	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Interior Rear (<i>Interior of PUD</i>)		
Buildings & Accessory Structures	None	
Abutting Waterway		

Summary of Required PUD Setbacks		
Buildings	Min. 100 ft.	Applicable to townhouses, two family, three family, four family, and multiple family

The written statement provided by the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot. A conceptual floor plan for the proposed duplex units has been submitted by the applicant and is included in the record.

The setback requirements of SRC Chapter 210 apply to future development on each of the individual proposed lots. The future development of the 11 residential lots within the proposed PUD-subdivision will be reviewed for conformance with applicable PUD setback requirements when building permits are submitted for development on each lot.

- **Height (SRC 210.045(c)):**

SRC 210.045(c), Table 210-4, establishes maximum allowable heights for buildings and accessory structures within a Planned Unit Development. Within the RS zone, maximum building height is limited to 35 feet and accessory structure height is limited to a maximum of 15 feet.

The written statement provided by the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot. Conceptual building elevations for the proposed duplex units have been submitted by the applicant and are and is included in the record.

The maximum building and accessory structure height requirements of SRC Chapter 210 apply to future development on each of the individual proposed lots. The future development of the 11 residential lots within the proposed PUD-subdivision will be reviewed for conformance with applicable maximum PUD building height requirements when building permits are submitted for development on each lot.

- **Parking (SRC 210.045(d)):**

SRC 210.045(d) establishes the following specific requirements for parking within Planned Unit Developments that apply in addition to the off-street parking requirements included in SRC Chapter 806:

Parking Location (SRC 210.045(d)(1)(A)):

SRC 210.045(d)(1)(A) requires parking for Planned Unit Developments to be within the PUD and located either on-street, off-street, or a combination thereof.

Parking for the proposed PUD-subdivision will provided by a combination of off-street parking spaces located in garages on the individual lots and on-street parking spaces on the proposed private street, Villa Loop. The proposed development conforms to this standard.

Garage/Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway (SRC 210.045(d)(1)(B)):

SRC 210.045(d)(1)(B) requires the vehicle entrance of a garage or carport facing a street or flag lot accessway to be setback a minimum of 20 feet from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curbline; or
- (iii) The edge of the sidewalk furthest from the street.

As shown on the conceptual floor plan for the proposed duplex units, off-street parking for the proposed dwelling units will be provided in garages. Based on the topography of the site and configuration of the proposed lots, the garages will face the proposed private street, Villa Loop, to the north. The future development of the 11 residential lots within the proposed PUD-subdivision will be reviewed for conformance with the applicable minimum garage setback requirements of SRC Chapter 210 when building permits are submitted for development on each lot.

Parking Space Dimensions (SRC 210.045(d)(1)(C)):

SRC 210.045(d)(1)(C) requires on-street parallel parking spaces to be a minimum of 7 feet in width and a minimum of 22 feet in length. Parking for the proposed PUD-subdivision will be provided by a combination of off-street parking spaces located in garages on individual lots and on-street parallel parking spaces on the proposed private street, Villa Loop. In order to ensure the parking spaces provided on Villa Loop conform to the requirements of SRC 210.045(d)(1)(C), the following condition of approval shall apply:

Condition 2: On-street parallel parking spaces on Villa Loop shall be a minimum of 7 feet in width and a minimum of 22 feet in length.

The proposed PUD-subdivision, as recommended to be conditioned, conforms to this standard.

Off-Street Parking Landscaping and Screening (SRC 210.045(d)(1)(D)):

SRC 210.045(d)(1)(D) requires all off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or carport, to be effectively landscaped, designed to minimize the effect of a large number of cars in one area, and screened with ornamental evergreens or architectural features such as fences and walls.

Parking for the proposed PUD-subdivision will be provided by a combination of off-street parking spaces located in garages on individual lots and on-street parallel parking spaces on the proposed private street, Villa Loop. As shown on the PUD-subdivision tentative plan, there are no areas included within the development that will be reserved as off-street parking lots. This standard is therefore not applicable to the proposed

development.

- **Side Lot Lines (SRC 210.045(e)):**

SRC 210.045(e) requires that, as far as practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

As shown on the PUD-subdivision tentative plan, proposed Lots 1 and 2 face Creekside Drive SE and the side lot lines of these lots run perpendicular to Creekside Drive. Proposed Lots 3 to 11 will face the proposed new private street, Villa Loop, and the side lot lines of these lots run perpendicular to that street. The proposed development conforms to this standard.

- **Limits on Common Open Space (SRC 210.045(f)):**

SRC 210.045(f) places limitations on what can be counted towards common open space within a Planned Unit Development. Pursuant to this section, streets, parking areas, traffic circles, and other similar transportation related improvements cannot be considered to be a part of common open space.

As shown on the PUD-subdivision tentative plan, an approximate 18,100 square-foot common open space area is included within the development to the north of Villa Loop. The proposed open space area abuts the open space included within the fairway of the golf course located on Parcel 1 of the proposed partition tentative plan included with this application. The proposed open space will provide a passive recreational and visual amenity and does not include any transportation related improvements such as streets, driveways, or parking areas. The proposed development conforms to this standard.

- **Utilities (SRC 210.045(g)):**

SRC 210.045(g) requires all utilities, except for stormwater management facilities to be underground. The proposed development will be served by underground utilities. The proposed development conforms to this standard.

SRC 210.050 – Design Standards for Multiple Family Buildings

SRC 210.050 establishes standards for multiple family buildings within Planned Unit Developments. The PUD-subdivision proposes the creation of 11 lots that the applicant indicates will have the potential to be developed with two attached dwellings units per lot. Pursuant to SRC 400.030(e), multiple family is characterized by five or more dwelling units on an individual lot. Because the proposed PUD-subdivision will not include five or more dwelling units on an individual lot, none of the proposed buildings included within the development will be classified a multiple family buildings. As such, this standard is not applicable to the proposed development.

SRC 210.055 – Homeowners' Association Required

The August 6, 2024, staff report included two recommended conditions of approval

requiring: 1) The applicant to establish a separate homeowners' association and covenants, conditions, and restrictions (CC&Rs) for the perpetual maintenance and operation of the common property and facilities included within the proposed PUD-Subdivision – including the proposed new private street (Villa Loop) and the proposed common open space area; and 2) The inclusion of the proposed PUD-Subdivision in the Creekside Homeowners Association for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities including with the greater Golf Club Estates at Creekside PUD.

In written comments received for the August 6, 2024, public hearing from the Creekside Estates Homeowners Association and the applicant's representative, the possibility of including the proposed PUD-Subdivision in the overall Creekside Estates HOA, without the need to establish a separate HOA specific to the proposed development, was identified.

Condition of approval No. 3 was originally recommended in the August 6, 2024, staff report based on the requirements of SRC 210.055, 205.035(f), and 803.020(b)(3), which require private streets and common private facilities within planned unit developments to be subject to a homeowners' association and CC&Rs for the purpose of ensuring their perpetual maintenance and operation; and an assumption that the new private street and open space area within the proposed PUD-Subdivision would need to be operated and maintained by a separate HOA created for the new development itself.

In response to testimony and based on the possibility that the proposed PUD-Subdivision can be incorporated into the overall Creekside Estates HOA without the need to establish a separate HOA, condition of approval No. 3 is as follows:

Condition 3: Prior to final plat approval, the applicant shall demonstrate that either the property will be subject to the Creekside HOA's maintenance and operation provisions for common properties and facilities or submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, and common facilities. The articles of the Homeowners' Association shall conform to the provisions of SRC 210.055(b) and SRC 803.020(b)(3).

The condition of approval ensures that the new private street and open space within the proposed PUD-Subdivision will be maintained and provides flexibility to allow the applicant and the Creekside HOA to agree upon how that should be achieved. Condition of approval No. 4 is also recommended to remain, which ensures the proposed development will be part of the Creekside HOA for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the overall Golf Club Estates at Creekside PUD.

SRC 205.035(f) requires that where facilities and common property, including but not limited to private streets are included within a development, such facilities shall be

perpetually operated and maintained by a property owners' association. Each property owner shall be a member of the association and the association shall have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities. Because the proposed development requires the utilization of the private streets within Golf Club Estates at Creekside PUD, and because that increased utilization results in additional impacts on these privately maintained facilities, the proposed PUD-subdivision is also required to be included in the existing Creekside Homeowners' Association for operation and maintenance of the private facilities within the community. In order to ensure the proposed development complies with SRC 205.035(f) and the development contributes to the shared costs of operation and maintenance of the private streets and facilities, the following condition of approval shall apply:

Condition 4: Pursuant to SRC 205.035(f), Lots 1 to 11 within the PUD-subdivision shall be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the Golf Club Estates at Creekside PUD. Prior to final plat approval, the documents incorporating the lots into the HOA shall be submitted for approval by the Planning Administrator.

SRC 210.060 – Outdoor Storage Area Development Standards

SRC 210.060 establishes standards for outdoor storage areas, when such areas are included within a Planned Unit Development. The proposed PUD-subdivision does not include any outdoor storage areas. This standard is therefore not applicable to the proposed development.

SRC 210.065 – Convenience Service Area & Retail Service Area Development Standards

SRC 210.065 establishes requirements for convenience service areas and retail service areas, when such areas are included within a Planned Unit Development. The proposed PUD-subdivision does not include a convenience service area or retail service area. This standard is therefore not applicable to the proposed development.

SRC 210.075 – Other Provisions

SRC 210.075 identifies other chapters of the Unified Development Code (UDC) that Planned Unit Developments must comply with.

- ***SRC Chapter 86 – Trees on City Owned Property***

SRC Chapter 86 requires a Street Tree Removal Permit when development proposes removal of City-owned Trees. The subject property is surrounded by a network of privately owned streets and does not include frontage on a public street. There are no impacts to existing City owned trees.

- ***SRC Chapter 802 – Public Improvements***

The Development Services Division reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

In summary, the planned unit development-subdivision tentative plan will be served adequately by City water, sewer, and stormwater infrastructure, as required by SRC Chapter 802, upon completion of the recommended conditions described in the following analysis provided for each utility type:

Water:

The subject property is located within the S-2 and S-3 water service levels. According to SRC 200.035 water facilities shall conform with existing City water service levels; each lot shall be served with water from its respective mapped water service level. The nearest available S-2 public water main appears to be located in Creekside Drive SE abutting the subject property. The nearest available S-3 public water main appears to be located approximately 240-feet northwest of the subject property in Inverness Court SE. Proposed lots within the S-2 water service level shall be provided service from the existing 16-inch water main in Creekside Drive SE. As a condition of approval to provide service to the lots within the S-3 water service level, the applicant shall provide linking water to the site from its existing terminus in Inverness Court SE. If the main will only provide domestic water service, the main shall be a 4-inch minimum. In accordance with the Public Works design Standards, if the main will provide domestic and fire service, the main shall be an 8-inch minimum. The main shall be extended in Creekside Drive SE across the property frontage of all lots to be served by the S-3 main. In order to ensure adequate water services are provided to serve the proposed PUD-subdivision as required under SRC Chapter 802, the following condition of approval shall apply:

Condition 5: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an S-3 public water main from the terminus of Inverness Court SE to the subject property and along the frontage of all lots to be served by the S-3 water main pursuant to Public Works Design Standards. The main shall be a minimum 4-inch if providing domestic only water service; if the main is required to provide domestic and fire service, the main shall be a minimum 8-inch.

Sanitary Sewer:

There are existing public sanitary sewer mains located in Creekside Drive SE approximately 90-feet east and 50-feet west of the subject property. Due to the topography of the site, lots 3 through 11 will be served by a main extension from the east and lots 1 and 2 will be served by a main extension from the west. As a condition of approval to serve the proposed Planned Unit Development, the applicant shall extend an 8-inch sewer main from approximately 90-feet east to serve proposed lots 3 through 11. Additionally, the applicant shall extend an 8-inch sewer main from approximately 50-feet west to serve proposed lots 1 and 2. The mains shall be extended across the property frontages of the lots to be served by the mains in accordance with the Public Works Design Standards. In order to ensure adequate sanitary sewer services are provided to serve the proposed PUD-subdivision as required under SRC Chapter 802, the following conditions of approval shall apply:

Condition 6: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an 8-inch public sanitary sewer main from approximately 90-feet east and along the frontage of all lots to be served by the main pursuant to Public Works Design Standards.

Condition 7: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an 8-inch public sanitary sewer main from approximately 50-feet west and along the frontage of all lots to be served by the main pursuant to Public Works Design Standards.

Stormwater:

The nearest available storm mains appear to be located in Creekside Drive SE approximately 330-feet east and 105-feet west of the subject property. The applicant has submitted a preliminary utility plan that does not identify the point of discharge for all lots. The preliminary utility plan shows an extension of a stormwater main from the west to serve the new private street; however, the plans do not indicate the point of discharge for proposed stormwater management planter boxes for each lot. As a condition of approval to provide stormwater service to the proposed lots, the applicant shall extend storm mains as needed to comply with the final stormwater management plan approved by Public Works. In order to ensure that adequate stormwater infrastructure is provided to serve the proposed PUD-subdivision as required under SRC Chapter 802, the following conditions of approval shall apply:

Condition 8: Prior to final plat approval, provide an updated utility plan that identifies an approved point of discharge for each lot per SRC 71.075.

Condition 9: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend stormwater mains from their existing terminus in Creekside Drive SE and across the frontage of the lots to be served by the mains, in accordance with the final stormwater management plan approved by Public Works and in accordance with the Public Works Design Standards.

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004 which requires the use of green stormwater infrastructure (GSI) to treat and detain stormwater generated by the development. The applicant has submitted a preliminary stormwater report that does not comply with SRC Chapter 71 and the PWDS. The proposed design does not include the use of GSI to the maximum extent feasible and requests a Design Exception from the City Engineer to use alternative methods. At this time, the Design Exception has not been approved and is not supported with the information provided.

The August 6, 2024, staff report included a recommended condition of approval (Condition No. 10) requiring the applicant to provide an engineered stormwater design meeting the requirements of SRC Chapter 71 and the Public Works Design Standards (PWDS) in order to accommodate new and impervious surfaces in the private street and future impervious surfaces on all proposed lots.

During the August 6, 2024, public hearing testimony was provided from the applicant's engineer indicating that, due to the topography of the site, provision of a stormwater system fully meeting the requirements of SRC Chapter 71 and the PWDS in all locations would not be possible without the approval of a design exception. Based on the current wording of Condition No. 10, the possibility of allowing an alternative design to be approved by the City Engineer is not identified and a revision to the condition of approval was requested. In response to the testimony received Condition No. 10 be as follows:

Condition 10: Prior to final plat approval, provide an engineered stormwater design meeting the requirements of SRC 71 and the Public Works Design Standards, or receive an approved Design Exception from the City Engineer, to accommodate new impervious surfaces in the private street and future impervious surfaces on all proposed lots.

The revised recommended condition of approval provides the applicant's engineer flexibility in designing the stormwater management system through a Design Exception Request, to serve the proposed development in recognition of the topographic challenges associated with the site while also ensuring the adequate provision of stormwater facilities as required under SRC Chapter 71 and the PWDS.

Condition 11: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Easements (SRC 802.020):

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval. As described above, public main extensions are required in Creekside Drive SE and the proposed Villa Loop SE, which are private streets. Easements may be needed outside of the private streets for the required water main extension. In order to ensure that all necessary easements for public infrastructure to serve the proposed development are provided as required under SRC 802.020, the

following conditions of approval shall apply:

Condition 12: Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 13: Prior to final plat, acquire or dedicate easements for existing public utility mains on the site and proposed public utility mains serving the site to current standards in Public Works Design Standards Section 1.8 (Easements).

▪ ***SRC Chapter 803 – Streets and Right-of-Way Improvements***

Boundary Street Improvements (SRC 803.040):

SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for subdivision applications.

The proposed planned unit development-subdivision abuts Creekside Drive SE along the southern property boundary which is classified as a private local street. Creekside Drive SE has adequate pavement improvement but inadequate right-of-way for a local street according to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). Creekside Drive SE was constructed through the original Creekside Planned Unit Development (PUD93-01) and was approved to be constructed to an Alternative Street Standard in its current configuration. Additional right-of-way dedications and pavement improvements are not required along Creekside Drive SE. However, streetscape improvements along Creekside Drive SE are required as described below:

Pursuant to SRC 803.035(l) sidewalks are required along both sides of streets. Sidewalks currently exist along the southern side of Creekside Drive SE, and the proposed development does not include the construction of sidewalks along northern side of Creekside Drive SE. This is consistent with the original PUD approval. However, the original PUD approval did not anticipate this portion of the property to be constructed with residential development, as it was originally dedicated as open space. Sidewalks are recommended to be provided on one side of the new internal private street (Villa Loop), as described below. During the August 20, 2024, Planning Commission deliberations, the Planning Commission required that sidewalks along the northern side of Creekside Drive SE be provided as part of the development proposal in order to provide adequate pedestrian access to the proposed development and comply with SRC 803.035(l). The Planning Commission determined that due to the topography of the site, the sidewalks along Creekside Drive may be constructed along the curblines pursuant to SRC 803.035(l)(2)(B). The Planning Commission therefore established the following condition of approval:

Condition 14: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a 5-foot curblines sidewalk along the frontage of the subject property abutting Creekside Drive SE.

The above condition of approval was the basis of the applicant's subsequent appeal of the Planning Commission decision to the City Council. At the October 14, 2024, appeal hearing, the City council received testimony, deliberated, and subsequently voted to modify the Planning Commission's decision to remove this condition of approval. Removal of this condition does not affect the development's conformance with the applicable approval criteria and standards of the Salem Revised Code and is consistent with purpose for Planned Unit Developments, included under SRC 210.001, which includes providing a means to develop real property with greater latitude in site development standards, common areas, and open space than is allowed through traditional zoning. In addition, SRC 803.065 provides that an alternative street standard may be authorized:

- (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
- (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or
- (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.

In the case of the proposed development, the criteria for approval of an alternative street standard to not require the construction of a sidewalk on the north side of Creekside Drive along the entire frontage of the property is met because:

- The original planned unit development approval for the property in 1993 (Case No. PUD93-1) included a variance that was approved to allow the portion of Creekside Drive that abuts the subject property to be developed without a sidewalk on the north side of the street;
- The sidewalk proposed along the new internal private street (Villa Loop), together with the recommended additional pedestrian connectivity improvements established in Condition No. 15 to link the existing sidewalks on the north and south sides of Creekside Drive to the new sidewalk along Villa Loop, otherwise provide for safe and convenient pedestrian access; and
- The resulting development pattern without sidewalks on the north side of Creekside Drive is consistent with the development pattern of the existing double frontage lots to the west of the site abutting Inverness Drive and Inverness Court, which was approved in subsequent phases of the PUD, where these lots also abut Creekside Drive, are characterized by steep topography, and have homes that face, and take driveway access from, the abutting street to the north rather than from Creekside Drive.

In order to connect the proposed sidewalks on the new private street and along the

frontage of Creekside Drive SE to the pedestrian system along Creekside Drive SE, the applicant shall provide pedestrian connectivity improvements as shown in **Attachment D**. Specifically, the applicant shall construct missing sidewalk along the northern side of Creekside Drive SE that will provide an easterly pedestrian connection to the development. The applicant shall provide ADA curb ramps on both sides of the Creekside Drive SE where the new internal street creates an intersection. Lastly, the applicant shall provide missing sidewalk along the southern side of Creekside Drive SE to provide a westerly pedestrian connection to the development.

Condition 15: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct pedestrian connectivity improvements as shown in **Attachment D** along the north and south sides of Creekside Drive SE.

SRC 803.035(k) requires street trees be provided along all streets. During the August 20, 2024, Planning Commission deliberations, the Planning Commission required a 4-foot landscape strip for street trees be placed behind the curblin sidewalk along Creekside Drive SE in order to comply with SRC 803.035(k). Because the street is a private street, the trees will be considered private street trees and maintained with the private street (SRC 803.020(b)(3)). Further, with the removal of Condition No. 14 a curblin sidewalk is no longer required along the entire length of the property's Creekside Drive frontage. The following condition therefore applies with the following modification to reflect the elimination of Condition No. 14:

Condition 16: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), establish a 4-foot-wide landscape strip and provide private street trees along the northern side of Creekside Drive SE along the entire property frontage ~~behind the curblin sidewalk~~.

New Internal Street Improvements:

All new public and private streets are required to be improved pursuant to the standards outlined in SRC 803.030 and 803.035 and the Public Works Design Standards.

The proposed PUD-subdivision tentative plan shows one new internal private street to be constructed within development. Pursuant to SRC 802.020(b)(2) private streets are required to conform to public street standards established in SRC Chapter 803 and the Public Works Design Standards. Local street standards require a 30-foot improvement width; eight-foot planter strips on both sides of the street, and five-foot sidewalks on both sides of the street (PWDS 6.2(a)).

The applicant's preliminary street plan shows a 26.5-foot "Street and parking area" with a 5-foot-wide sidewalk on one side of the street; landscape strips are not identified. The proposed private street does not conform to the standards established in SRC Chapter 803 and the Public Works Design Standards. As such, an Alternative Street Standard is required pursuant to SRC 803.065. In order to provide a minimum two-way width for passage of vehicles as well as dedicated on-street parking on one side of the street, the applicant shall be required to provide a 22-to-28-foot improvement width. The applicant

shall provide a curblin sidewalk on the south side of the new internal private street and shall provide a minimum 4-foot landscape strip and provide street trees along the northern line of the private street. Because the street is a private street, the trees will be considered private street trees and maintained with the private street (SRC 803.020(b)(3)). The proposal for an alternative cross section is approved through an Alternative Street Standard per SRC 803.065(a)(1) as the topography of the site and the in-fill nature of the development limits the ability and need to construct a street meeting local street standards through the site. In order to ensure the proposed internal private street within the development conforms to the applicable requirements of SRC 803, except as otherwise approved with the Alternative Street Standard, the following conditions of approval shall apply:

- Condition 17:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct the internal private street to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- a) The street shall have an improvement width of 22-to-28-feet;
 - b) Curblin sidewalks shall be allowed on one side of the street; and
 - c) No planter strips on the side of the street with the curblin sidewalk are required.
- Condition 18:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), establish a minimum 4-foot-wide landscape strip and provide private street trees along the northern side of the new internal private street, Villa Loop SE.

Public Utility Easements (SRC 803.035(n)):

SRC 803.035(n) requires dedication of a 10-foot-wide public utility easement (PUE) along all street rights-of-way, including private streets. In order ensure that required public utility easements are provided along all streets as required under SRC 803.035(n), the following condition of approval shall apply:

- Condition 19:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Creekside Drive SE and both sides of the new internal private street, Villa Loop SE.

▪ ***SRC Chapter 804 – Driveway Approaches***

SRC Chapter 804 establishes standards for driveway approaches onto public streets. Pursuant to SRC 804, driveway approach permits are not required for driveway approaches to private streets. Because the subject property is served by a network of private streets, the driveway approach standard of SRC Chapter 804 are not applicable to the proposal.

▪ ***SRC Chapter 805 – Vision Clearance***

SRC Chapter 805 establishes standards for vision clearance in order to ensure visibility and promote safety for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

The proposal includes an 11-lot planned unit development-subdivision. The applicant has not provided a site plan showing the location of proposed structures on the proposed lots. Vision clearance standards will be reviewed at time of building permit review for each lot.

- ***SRC Chapter 806 – Off-Street Parking, Loading, and Driveways***

SRC Chapter 806 establishes requirements for off-street parking, driveways, bicycle parking, and off-street loading. Under SRC Chapter 806, there are no minimum off-street vehicle parking requirements but there are, however, maximum off-street parking requirements included under SRC 806.015.

The written statement provided by the applicant indicates that the 11 proposed residential lots within the PUD-subdivision have the potential to be developed with two attached dwelling units per lot. Pursuant to SRC 806.015(a), Table 806-1, the maximum allowed number of off-street parking spaces for two family uses is 1.75 per dwelling unit and the maximum allowed number of off-street parking spaces for single-family uses is 3 spaces per dwelling unit. If duplexes are ultimately constructed on the proposed lots, the maximum number of off-street parking allowed on each of the proposed lots would be four spaces. As shown on the conceptual floor plan submitted by the applicant, each duplex unit would have what appears to be a two-car garage; therefore not exceeding maximum allowed parking requirements. Pursuant to SRC 806.015(a), driveways are not considered off-street parking spaces for purposes of calculating maximum allowed off-street parking.

- ***SRC Chapter 808 – Preservation of Trees and Vegetation***

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees or trees within a riparian corridor are proposed for removal, the applicant must show there are no reasonable design alternatives to enable

preservation of those trees.

There are existing trees located on the subject property. Pursuant to SRC 808.035, a tree conservation plan was submitted by the applicant. The tree conservation plan identifies a total of 10 trees on the property, none of which are significant trees. Of the 10 total trees, the proposed tree conservation plan identifies 10 trees (*100 percent*) for preservation and 0 trees (*0 percent*) for removal.

The proposed tree conservation plan meets the minimum preservation requirements of SRC Chapter 808. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the parcels until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

- ***SRC Chapter 809 – Wetlands***

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

According to the Salem-Keizer Local Wetland Inventory (LWI), there are no mapped wetlands or waterways located on the subject property. In addition, the property is similarly not comprised of hydric (wetland-type) soils. As proposed, the PUD-subdivision tentative plan conforms to the applicable requirements of SRC Chapter 809.

- ***SRC Chapter 810 – Landslide Hazards:***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), the subject property is mapped with areas of two landslide hazard susceptibility points. The proposed PUD-subdivision tentative plan adds three activity points to the proposal, which results in a total of five points. Pursuant to SRC 810, the cumulative total of five points indicates a moderate landslide hazard risk and therefore a geologic assessment is required in conjunction with the proposed PUD-subdivision tentative plan. Pursuant to SRC 810.025(b)(2), if the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer is required to be submitted.

In order to comply with SRC Chapter 810, the applicant provided a memorandum from the applicant's engineer which reviewed previous studies that have been completed for

the area; however, the applicant has not submitted a geologic assessment meeting the standards of SRC 810.030(a), or a geotechnical report meeting the standards of SRC 810.030(b). In order to ensure the proposed PUD-subdivision tentative plan and the future development of the proposed lots conform to the requirements of SRC Chapter 810, the following conditions of approval shall apply:

Condition 20: Prior to final plat approval, the applicant shall provide a current geological assessment and, if required under SRC 810.025(b)(2), a geotechnical report for the proposed planned unit development-subdivision. The geologic assessment and, if required, the geotechnical report shall meet the standards of SRC 810.030.

Condition 21: Prior to issuance building permits for any lot within the planned unit development-subdivision, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

As recommended to be conditioned, the proposed PUD-subdivision tentative plan conforms to the development standards of SRC Chapter 210.

▪ ***SRC 200.355 – Obligation to Pay Reimbursement Fee***

SRC 200.355 requires that prior to issuance of a development permit for property within a reimbursement district adopted by City Council Resolution, the applicable reimbursement district fee shall be assessed.

The subject property is located within the Lone Oak Road Reimbursement District. City Council approved the Lone Oak Road Reimbursement District under Resolution 2018-24. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE by establishing a policy that all benefited properties must pay a proportional share of the cost for street improvements. Pursuant to Resolution 2018-24 and SRC 200.355, the applicant is required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District. The fee is due at time of building permit for each residential building lot. In order to comply with Resolution No. 2018-24 and SRC 200.355, the following condition of approval shall apply:

Condition 22: Prior to issuance of a building permit for each residential lot, pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-24.

SRC 210.025(d)(2): The PUD tentative plan provides one or more of the following:

- (A) Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children’s play areas, picnic and barbecue facilities, and community gardens;***

- (B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;**
- (C) Common open space that will preserve significant natural or cultural features; or**
- (D) Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.**

As shown on the PUD-subdivision tentative plan, the proposed development includes an approximate 18,100 square-foot open space area located across Villa Loop to the north of the proposed lots. The proposed open space area abuts the open space associated with the fairway of the golf course on proposed Parcel 1 of the partition and provides a passive recreational and visual amenity for the proposed development. This criterion is met.

SRC 210.025(d)(3): If a retail service area or a convenience service area is proposed, the area is designed to:

- (A) Adequately provide for privacy and minimize excessive noise on adjacent uses;**
- (B) Provide for adequate and safe ingress and egress; and**
- (C) Minimize the impact of vehicular traffic on adjacent residential uses.**

As shown on the PUD-subdivision tentative plan, a retail service area or a convenience service area is not included within the proposed development. This criterion is therefore not applicable to the proposed development.

9. Analysis of Urban Growth Preliminary Declaration Approval Criteria

Pursuant to SRC 200.020, properties located outside the City's Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Because the portion of the subject property proposed for development of the 11-lot planned unit development-subdivision is located outside the Urban Service Area in an area without required facilities, an Urban Growth Preliminary Declaration is required for the proposed development.

SRC 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings of fact identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master

Plans and the Area Facility Plans and determine:

- (1) The required facilities necessary to fully serve the development;**
- (2) The extent to which the required facilities are in place or fully committed.**

SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Finding: Analysis of the development based on the relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055 – Standards for Street Improvements

An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property abuts Creekside Drive SE and Crooked Stick Loop SE. These streets are classified as private local streets and have an improvement width of 30-feet abutting the subject property. The streets abutting the subject property meet the minimum linking standards of SRC 200.055(b). Therefore, no additional linking street improvements are required.

SRC 200.060 – Standards for Sewer Improvements

The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Creekside Drive SE, approximately 90-feet east and 50-feet west of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

In order to serve the proposed planned unit development-subdivision, the applicant shall extend an 8-inch sewer main from approximately 90-feet east to serve proposed lots 3 through 11. Additionally, the applicant shall extend an 8-inch sewer main from approximately 50-feet west to serve proposed lots 1 and 2. Recommended conditions of approval for required sewer facilities in conformance with SRC 200.060 are established for the proposed planned unit development-subdivision and included in Section 8 of this report.

SRC 200.065 – Standards for Storm Drainage Improvements

The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are

necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Creekside Drive SE approximately 330-feet east and 105-feet west. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

In order to serve the proposed planned unit development-subdivision, the applicant shall extend public storm mains as needed to comply with the final stormwater management plan. Recommended conditions of approval for required storm drainage facilities in conformance with SRC 200.065 are established for the proposed planned unit development-subdivision and included in Section 8 of this report.

SRC 200.070 – Standards for Water Improvements

The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The subject property is located within the S-2 and S-3 water service levels. According to SRC 200.035 water facilities shall conform with existing City water service levels. The nearest available S-2 public water main appears to be located in Creekside Drive SE abutting the subject property. The nearest available S-3 public water main appears to be located approximately 240-feet northwest of the subject property in Inverness Court SE. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Proposed lots within the S-2 water service level shall be provided service from the existing 16-inch water main in Creekside Drive SE. In order to provide service to the lots within the S-3 water service level, the applicant shall provide linking water to the site from its existing terminus in Inverness Court SE. If the main will only provide domestic water service, the main shall be a 4-inch minimum. If the main will provide domestic and fire service, the main shall be an 8-inch minimum. Recommended conditions of approval for required water system improvements in conformance with SRC 200.070 are established for the proposed planned unit development-subdivision and included in Section 8 of this report.

SRC 200.075 – Standards for Park Sites

Pursuant to SRC 200.075(a), the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.

The proposed development is served by Bryan Johnston Park, located approximately 0.43-miles northwest of the subject property. The park is accessible through the existing transportation system. No additional park improvements are needed to serve the development.

CONCLUSION

Based on the facts and findings presented herein, Planned Unit Development-Subdivision

Tentative Plan, Partition Tentative Plan, Urban Growth Preliminary Declaration and Class 2 Adjustment Case No. PUD-SUB-PAR-UGA-ADJ24-01 is hereby **APPROVED** subject to SRC Chapters 200, 205, 210, and 250, the applicable standards of the Salem Revised Code, and the following conditions of approval together with the removal of Condition No. 14:

- Condition 1:** Prior to final plat, provide a 10-foot-wide public utility easement along the frontage of Crooked Stick Loop SE on the final plat.
- Condition 2:** On-street parallel parking spaces on Villa Loop shall be a minimum of 7 feet in width and a minimum of 22 feet in length.
- Condition 3:** Prior to final plat approval, the applicant shall demonstrate that either the property will be subject to the Creekside HOA's maintenance and operation provisions for common properties and facilities or submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, and common facilities. The articles of the Homeowners' Association shall conform to the provisions of SRC 210.055(b) and SRC 803.020(b)(3).
- Condition 4:** Pursuant to SRC 205.035(f), Lots 1 to 11 within the PUD-subdivision shall be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the Golf Club Estates at Creekside PUD. Prior to final plat approval, the documents incorporating the lots into the HOA shall be submitted for approval by the Planning Administrator.
- Condition 5:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an S-3 public water main from the terminus of Inverness Court SE to the subject property and along the frontage of all lots to be served by the S-3 water main pursuant to Public Works Design Standards. The main shall be a minimum 4-inch if providing domestic only water service; if the main is required to provide domestic and fire service, the main shall be a minimum 8-inch.
- Condition 6:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an 8-inch public sanitary sewer main from approximately 90-feet east and along the frontage of all lots to be served by the main pursuant to Public Works Design Standards.
- Condition 7:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend an 8-inch public sanitary sewer main from approximately 50-feet west and along the frontage of all lots to be served by the main pursuant to Public Works Design Standards.

- Condition 8:** Prior to final plat approval, provide an updated utility plan that identifies an approved point of discharge for each lot per SRC 71.075.
- Condition 9:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), extend stormwater mains from their existing terminus in Creekside Drive SE and across the frontage of the lots to be served by the mains, in accordance with the final stormwater management plan approved by Public Works and in accordance with the Public Works Design Standards.
- Condition 10:** Prior to final plat approval, provide an engineered stormwater design meeting the requirements of SRC 71 and the Public Works Design Standards, or receive an approved Design Exception from the City Engineer, to accommodate new impervious surfaces in the private street and future impervious surfaces on all proposed lots.
- Condition 11:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 12:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 13:** Prior to final plat, acquire or dedicate easements for existing public utility mains on the site and proposed public utility mains serving the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- ~~**Condition 14:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a 5-foot curblin sidewalk along the frontage of the subject property abutting Creekside Drive SE.~~
- Condition 15:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct pedestrian connectivity improvements as shown in Attachment D along the north and south sides of Creekside Drive SE.
- Condition 16:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), establish a 4-foot-wide landscape strip and provide private street trees along the northern side of Creekside Drive SE along the entire property frontage ~~behind the curblin sidewalk.~~
- Condition 17:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct the internal private street to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- a) The street shall have an improvement width of 22-to-28-feet;
 - b) Curblin sidewalks shall be allowed on one side of the street; and
 - c) No planter strips on the side of the street with the curblin sidewalk are required.

- Condition 18:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), establish a minimum 4-foot-wide landscape strip and provide private street trees along the northern side of the new internal private street, Villa Loop SE.
- Condition 19:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Creekside Drive SE and both sides of the new internal private street, Villa Loop SE.
- Condition 20:** Prior to final plat approval, the applicant shall provide a current geological assessment and, if required under SRC 810.025(b)(2), a geotechnical report for the proposed planned unit development-subdivision. The geologic assessment and, if required, the geotechnical report shall meet the standards of SRC 810.030.
- Condition 21:** Prior to issuance building permits for any lot within the planned unit development-subdivision, the developer shall provide a final 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 22:** Prior to issuance of a building permit for each residential lot, pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-24.