

**BEFORE THE CITY COUNCIL OF THE CITY OF SALEM**

<b>IN THE MATTER OF APPROVAL OF</b>	)	<b>ORDER NO. 2022-6-SUB21-09</b>
<b>PHASED SUBDIVISION TENTATIVE</b>	)	<b>PHASED SUBDIVISION</b>
<b>PLAN CASE NO. SUB21-09</b>	)	<b>TENTATIVE PLAN</b>
	)	<b>CASE NO. SUB 21-09</b>
<b>4540 PRINGLE ROAD SE</b>	)	

This matter coming regularly for hearing before the City Council, at its April 25, 2022 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order modifying the decision of the Planning Administrator in Phased Subdivision Tentative Plan Case No. SUB21-09, and approving the application.

**PROCEDURAL FINDINGS:**

- (a)** On July 14, 2021, an application for a Phased Subdivision Tentative Plan was filed for a proposal to divide property approximately 29.68 acres in size into 138 single family lots in two phases of development, for property located at 4540 Pringle Road SE - 97302.
- (b)** On September 13, 2021, the applicant provided a response to staff's notification letter that the application was incomplete, including revised plans and written findings. The applicant indicated per ORS 227.178(2)(a) that all missing information had been provided and that the City is required to start the 120-day period for issuance of a final decision under ORS 227.178(1).
- (c)** The application was deemed complete for processing on September 13, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on September 17, 2021, and public notice was posted on the subject property on September 17, 2021, pursuant to SRC 300.520(b)(2).
- (d)** On October 25, 2021, the applicant provided updated application materials that include an adjustment to the phasing plan, inclusion of the existing homestead as a separate lot in the subdivision which increased the number of lots proposed from 138 to 139, an updated tree inventory, and additional written findings.
- (e)** On November 3, 2021, the Planning Administrator issued a decision approving the 139-lot phased subdivision tentative plan.
- (f)** On November 8, 2021, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for January 10, 2022.
- (g)** On January 10, 2022, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing but leave the record open for additional public comment. The City Council directed City staff to conduct a site visit of the subject property to verify the accuracy of the tree data provided by the applicant.

- (h) On February 2, 2022, the applicant provided an updated tree assessment correcting the number of significant trees located on the subject property and adjacent right-of-way.
- (i) On February 28, 2022, the City Council conducted deliberations and voted to reverse the Planning Administrator's decision and deny the phased subdivision tentative plan.
- (j) Following City Council's vote to deny the application, the applicant citing ORS 197.522, requested an opportunity to offer an amendment to the phased subdivision tentative plan and additional conditions of approval. On March 14, 2022, the City Council voted to reconsider the decision and to reopen the record in the proceeding to allow for additional public comment on the applicant's revised plan and proposed conditions.
- (k) On March 28, 2022, the City Council conducted deliberations to reconsider the application and voted to affirm the Planning Administrator's decision with the applicant's proposed modifications dated March 9, 2022 and proposed additional conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.
- (l) The 120-day State mandated deadline for final decision has been extended by the applicant to April 25, 2022.

**SUBSTANTIVE FINDINGS:**

The City Council adopts the following as findings for this decision:

- (a) The Phased Subdivision Tentative Plan application to develop approximately 29.68 acres into 146 lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.015(d).
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein. Additional findings provided by the applicant are incorporated herein as included as exhibit 2.
- (c) The City Council therefore APPROVES the application subject to the applicant's revised tentative plan dated March 9, 2022 and additional conditions of approval.

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

Section 1. The Planning Administrator's decision for Phased Subdivision Tentative Plan Case No. SUB21-09 is hereby modified to include the findings and facts in exhibit 1 and exhibit 2, and the following conditions of approval:

- Condition 1:** An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.
- Condition 2:** Lots accessing 12<sup>th</sup> Street SE shall comply with all applicable Fire Department access and fire prevention standards. Dwellings constructed on proposed lots 82-87 shall require installation of fire sprinklers.

**Condition 3:** The front property lines for corner lots shall be designated as follows:

<b>Lot Number</b>	<b>Front Lot Designation</b>
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln
81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter Pl

**Condition 4:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

**Condition 5:** Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

**Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.

**Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

**Condition 8:** Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.

**Condition 9:** 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).

- Condition 10:** Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- Condition 12:** All necessary (existing and proposed) access and utility easements must be shown on the final plat.
- Condition 13:** Construct Hilfiker Lane SE from the intersection with 12<sup>th</sup> Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.
- Condition 18:** Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.
- Condition 19:** Construct internal streets to Local street standards.
- Condition 20:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12<sup>th</sup> Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12<sup>th</sup> Street SE to local street standards except as follows:
- a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12<sup>th</sup> Street SE.

- b. The sidewalk may be located along the curb line abutting the open space area.

**Condition 21:** As proposed by the applicant, as a condition of Phase 1, the applicant shall construct speed humps on Albert Street SE to City standards in locations approved by the Public Works Department.

**Condition 22:** As a condition of Phase 2, the applicant shall install an all way stop at the intersection of 12<sup>th</sup> Street SE and Lansford Drive SE.

**Condition 23:** Final subdivision plats for the phased subdivision shall be in substantial conformance with the applicant's revised tentative plan dated March 9, 2022, and shall not include proposed lots 58-65 and 40-44 as development lots.

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

Exhibit 1: Findings for SUB21-09

Exhibit 2: Applicant's supplemental findings for SUB21-09

ADOPTED by the City Council this 25 day of April 2022.

ATTEST:

City Recorder

Checked by: Aaron Panko