

NOTICE OF DECISION

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



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

REVISED ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

CASE NO.: SUB-UGA-ADJ16-03MOD1
AMANDA NO.: 17-122939-LD
DATE OF DECISION : January 18, 2017
PROPERTY LOCATION: 2960 Michigan City Lane NW
APPLICANT: Pacific Northwest Land Company, LLC

REQUEST

Modification of the approval of SUB-UGA-ADJ16-03 (the "Whispering Heights" phased subdivision) to reconfigure street grades of Michigan City Lane. The request is to review an alternative street standard for 12% grade for the centerline slope of Michigan City Lane to for approximately 350 feet, where 8% grade is the maximum. The modification does not result in additional lots.

The subject property is zoned RA (Residential Agriculture) and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080 / 00400).

DECISION

The requested modification of the tentative subdivision plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the approval of Tentative Subdivision plan, Urban Growth Area Declaration and adjustment SUB-UGA-ADJ16-03, unless otherwise indicated. Amendment of Condition 7 of SUB-UGA-ADJ 16-03 to include the following:

Prior to final plat approval of Phase 1, the applicant shall:

- a. Construct a minimum 24-foot turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east west line of Bella Rosa Villa subdivision.
- b. Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
- c. Along the portion of Michigan City Lane abutting the Phase 1 boundary, construct a ~~23-foot-wide half-width~~ 29-foot-wide three-quarter boundary street improvement to equal a 17-foot-wide improvement to Collector B street standards with planting strip and

property line sidewalk on the south (abutting) side of the travel lanes, with a minimum 12-foot-wide travel lane and 1-foot gravel shoulder on the north (opposite) side. The maximum allowable grade of Michigan City Lane NW, a designated collector street, shall be 12 percent. Street lights shall be installed along the improvement boundary in a location approved by the Public Works Director.

BACKGROUND

On March 29, 2017, the Planning Administrator approved Tentative Subdivision plan, Urban Growth Area Declaration and Adjustment SUB-UGA-ADJ16-03 (“Whispering Heights”), which proposed to divide approximately 29 acres into 110 lots, to be developed in two phases.

Pursuant to the order approving SUB-UGA-ADJ16-03, the subdivision will expire on April 14, 2019.

PUBLIC COMMENT

Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary and middle school levels to serve future development within the proposed subdivision but not at the high school level. The school district indicated that the subject property is not within the “walk zone” of the schools but is eligible for transportation to the elementary, middle and high schools.

FINDINGS

The subject property is a 29 acre property addressed as 2960 Michigan City Lane NW (Attachment A). In 2017, the Planning Administrator approved the tentative subdivision plan for Whispering Heights, a 110-lot subdivision (SUB-UGA-ADJ16-03) located on the subject property and surrounding properties.

The subdivision 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 lots 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 subdivision plat.

A final plat has not been approved or recorded for the tentative subdivision as originally proposed. No changes to the configuration of internal streets are proposed, and points of access to the existing street network would remain the same. The centerline slope of Michigan City Lane will be increased from a required 8% grade to 12% grade for approximately 200 feet.

1. **Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):**

SRC 205.070(d) establishes the following approval criteria for modification of the approval of a tentative subdivision plan.

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

Finding: As originally approved, the proposed tentative subdivision plan would divide approximately 29 acres into 110 lots for single family residential development, to be developed in two phases. The Planning Administrator approved the application (Case No. SUB-UGA-ADJ16-03), subject to 12 conditions of final plat approval (Attachment B). In summary, conditions of approval relate to required improvements along Michigan City Lane and Christina Street and construction of utilities.

The Public Works Department has reviewed the proposed modification and submitted comments (Attachment D) finding that the proposed Alternative Street Standard meets SRC 803.065(a)(1) and (3). The topography of the existing Michigan City Lane NW right-of-way does not allow for the street system to meet minimum grades as specified in SRC 803.035. Public Works has reviewed the topography and site conditions and acknowledge that a street improvement with an eight percent grade will be difficult to construct. Meeting the standard would require large cuts and retaining walls which would alter the appearance and impacts on surrounding properties. The proposed alternative is to increase the grade to 12 percent for approximately 325 feet of the 1,050 foot frontage of the subject property would be minimal. An amended condition of approval requires the grade of Michigan City Lane NW to be limited to the local street maximum grade of twelve percent. The minimal section of Michigan City Lane constructed at 12 percent under SRC803.065 would allow for the boundary street to be constructed at grade accessible to emergency and maintenance vehicles.

Specified improvement widths and details have been included in the condition of approval to clarify allowable alternative street standards for construction of the three-quarter street boundary improvement. The modification does not inhibit the applicant from fulfilling other conditions incrementally, with amended Condition 7:

Prior to final plat approval of Phase 1, the applicant shall:

- a. Construct a minimum 24-foot turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
- b. Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
- c. Along the portion of Michigan City Lane abutting the Phase 1 boundary, construct a ~~23-foot-wide half-width~~ 29-foot-wide three-quarter boundary street improvement to equal a 17-foot-wide improvement to Collector B street standards with planting

strip and property line sidewalk on the south (abutting) side of the travel lanes with a minimum 12-foot-wide travel lane and 1-foot gravel shoulder on the north (opposite) side. The maximum allowable grade of Michigan City Lane NW, a designated collector street, shall be 12 percent. Street lights shall be installed along the improvement boundary in a location approved by the Public Works Director.

The proposal meets this criterion.

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

Finding: The applicant does not propose to change the use of the site, which would be subdivided into lots for single family residential development. The applicant has requested to increase the centerline slope of Michigan City Lane from a required eight percent grade to a twelve percent grade for approximately 325 feet, a short distance relative to the nearly 1,000 feet of development street frontage on Michigan City Lane NW. The remaining portion of Michigan City Lane NW can be constructed at the standard 8 percent grade without significant cuts and fills. Pursuant to SRC 803.065.

The Public Works Director may authorize the use of one or more alternative street standards:

- (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;

The existing development nor the physical constraints make development impracticable, this criterion is not applicable.

- (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

The existing grade of Michigan City Lane NW is currently greater than 12%. The topography of the existing right-of-way does not allow for the reconstruction to meet the minimum Collector street grades as specified in SRC 803.035. The reconstruction will be reducing the grade along Michigan City NW to at least 12 percent.

- (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.

The topography of the existing Michigan City Lane NW right-of-way does not allow for the street system to meet minimum Collector street grades as specified in SRC 803.035. Public Works has reviewed the topography and site conditions and acknowledge that constructing Michigan City Lane NW with an eight percent grade is undesirable. The construction will require significantly deeper cuts to the adjacent land and construction of

undesirable retaining walls. Local street standards allow for a maximum of 12 percent grade, so the proposed modification will not exceed a street grade standard that is established to meet emergency access needs. Therefore, the applicant's proposal of 12 percent maximum for a Collector street meets the Alternative Street Standards described in SRC 803.065(a)(3) while allowing for the boundary street to be constructed at grade accessible to emergency and maintenance vehicles. Public Works supports Michigan City Lane NW exceeding the eight percent grade maximum to accommodate existing topographic constraints.

An amended condition of approval that the grade of Michigan City Lane NW shall be limited to the located street maximum grade of twelve percent. Specified improvement widths and details have been included in the recommended condition of approval to clarify allowable alternative street standards for construction of the three-quarter street boundary improvement.

The modification does not result in reconfiguration of the existing subdivision plan and is in substantial conformance with the original approval conditions. The Tree Conservation Plan (TCP16-10) approved for the tentative subdivision plan have not altered by the requested modification and would remain in effect.

The physical appearance of the completed development would remain essentially the same as originally proposed, with no changes to the internal street system or lot configuration. Because of the identical configuration and use of the eventual completed subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties. The proposal meets this criterion.

2. Effect on Expiration Period of Original Approval:

Pursuant to SRC 205.070(e), "the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision."

Finding: Because the subject subdivision proposal has been modified to be implemented in phases, the applicable expiration period and extensions allowed for a Phased Tentative Subdivision Plan, as set forth in SRC Chapter 300, Table 300-3, shall apply to the proposal as follows:

Phase 1: Expires February 2, 2020. Up to 4 extensions are allowed, with a maximum period of 2 years for each extension.

Phase 2: Expires February 2, 2028. No extensions are allowed.

DECISION

The requested modification of the tentative subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings and conditions adopted in the approval of tentative subdivision plan SUB-UGA-ADJ16-03 and the following modified condition:

Amend Condition 7 of SUB-UGA-ADJ 16-03 to include the following:

1. Prior to final plat approval of Phase 1, the applicant shall:
 - a. Construct a minimum 24-foot turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
 - b. Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
 - c. Along the portion of Michigan City Lane abutting the Phase 1 boundary, construct a ~~23-foot-wide half-width~~ 29-foot-wide three-quarter boundary street improvement to equal a 17-foot-wide improvement to Collector B street standards with planting strip and property line sidewalk on the south (abutting) side ~~of the travel lanes~~ with a minimum 12-foot-wide travel lane and 1-foot gravel shoulder on the north (opposite) side. The maximum allowable grade of Michigan City Lane NW, a designated collector street, shall be 12 percent. Street lights shall be installed along the improvement boundary in a location approved by the Public Works Director.



Olivia Glantz, Planner II
Planning Administrator Designee

- Attachments:
- A. Vicinity Map
 - B. Planning Administrator decision approving SUB05-19A
 - C. Street Detail for Modified Subdivision
 - D. Public Works Memo

Application Deemed Complete:	<u>December 15, 2017</u>
Notice of Decision Mailing Date:	<u>January 18, 2018</u>
Decision Effective Date:	<u>February 2, 2018</u>
State Mandated Decision Date:	<u>April 14, 2018</u>

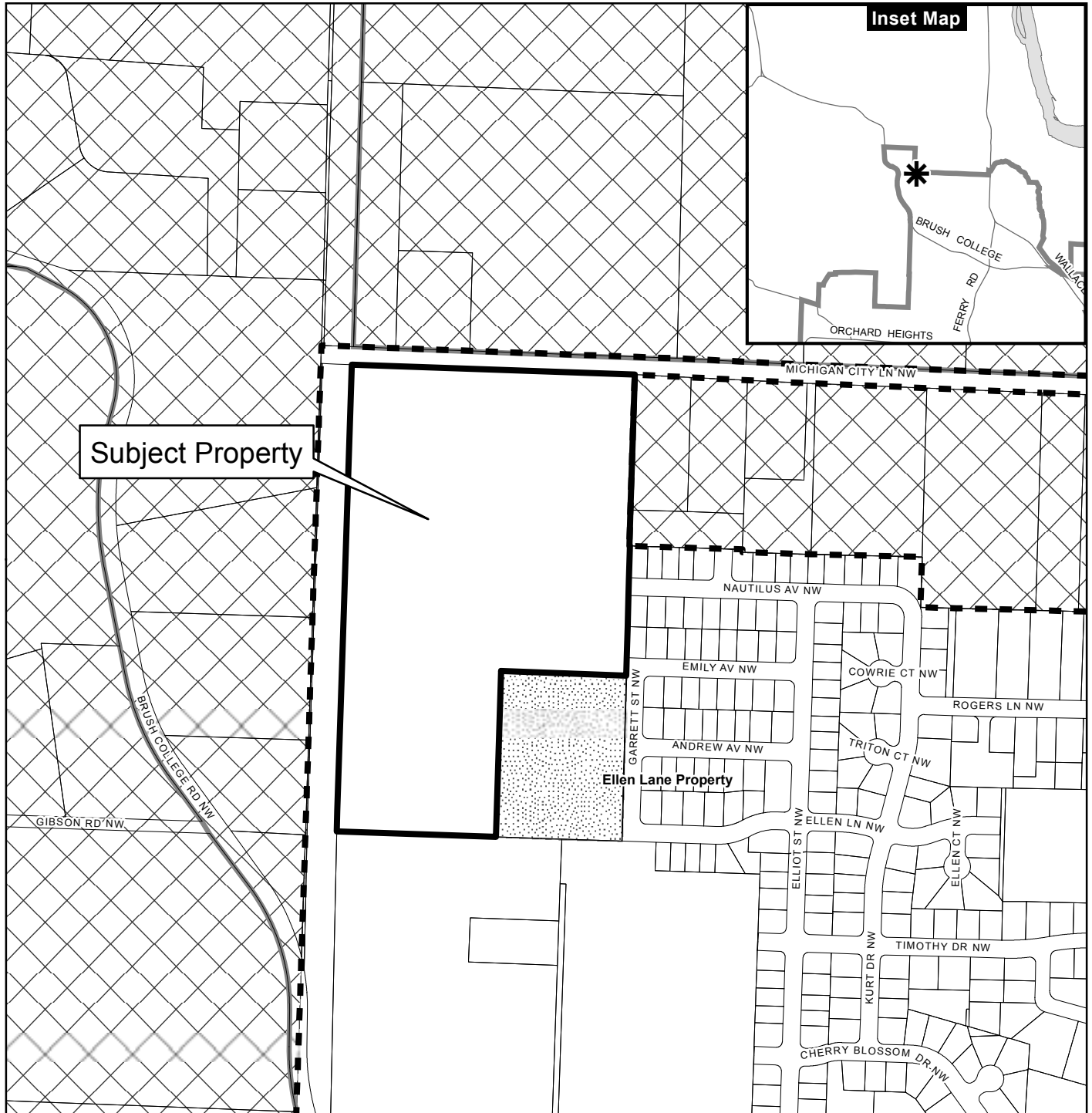
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

The rights granted by this decision must be exercised or extension granted by February 2, 2020 or this approval shall be null and void.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, February 1, 2018, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

Vicinity Map 2960 Michigan City Lane NW



Subject Property

Ellen Lane Property

Inset Map

Legend

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

Parks



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

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

DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION / URBAN GROWTH AREA PRELIMINARY DECLARATION /
CLASS 2 ADJUSTMENT CASE NO: SUB-UGA-ADJ16-03**

APPLICATION NO. : 16-120471-LD, 16-120473-LD & 16-122823-ZO

NOTICE OF DECISION DATE: MARCH 29, 2017

REQUEST: A consolidated application for a 110-lot phased subdivision ("Whispering Heights") near the northwest corner of the city limits, containing the following requests:

- 1) A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately 13.36 acres into 61 lots and Phase 2 dividing approximately 15.80 acres into 49 lots; and
- 2) An Urban Growth Preliminary Declaration to determine the public facilities required under the Urban Growth Management Program to develop the proposed subdivision.
- 3) A Class 2 Adjustment to:
 - a) Increase the maximum allowed grade of Christina Street NW, a designated collector, from 8 percent, as required under SRC 803.035(c), to 12 percent; and
 - b) Increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required under SRC 803.035(c), to 15 percent.

The subject property is approximately 29 acres in size, zoned RA (Residential Agriculture), and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080000400).

APPLICANT: Pacific Northwest Land Company LLC (Mark Vukanovich)

LOCATION: 2960 Michigan City Lane NW

CRITERIA: Subdivision SRC 205.010(d)
Urban Growth Area Preliminary Declaration SRC 200.025(d) and (e)
Class 2 Adjustment: SRC 250.005(d)(2)

FINDINGS: The findings are in the attached Order dated March 29, 2017

DECISION: The Planning Administrator **APPROVED** Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, Case No. SUB-UGA-ADJ16-03 subject to the following conditions of approval:

- A. The phased subdivision tentative plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Condition 1: Prior to final plat approval for Phase 2, obtain demolition permits and remove the existing buildings on the subject property.

Condition 2: Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

Condition 3: Pay the Brush College Reimbursement District fee of \$1,653.96 per lot.

Condition 4: Construct City infrastructure to serve each lot.\

Condition 5: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

Condition 6: Construct Christina Street NW within the subject property to Collector B standards as a 40-foot-wide improvement within a 60-foot-wide right-of-way. Christina Street NW may be reduced to a Local street section if its Collector street designation is eliminated from the Salem Transportation System Plan prior to the issuance of public construction permits for Phase 2.

B. The Urban Growth Area Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property is **APPROVED** subject to the applicable conditions of the Salem Revised Code, the findings contained herein, and the following conditions:

Condition 7: Prior to final plat approval of Phase 1, the applicant shall:

- a) Construct a minimum 24-foot-wide turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
- b) Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
- c) Along the portion of frontage on Michigan City Lane NW fronting Phase 1, construct a 23-foot-wide half-width boundary street improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.

Condition 8: Prior to final plat approval of Phase 2, along the portion of frontage on Michigan City Lane NW fronting Phase 2, construct a 23-foot-wide half-width boundary improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.

Condition 9: If topographic constraints require new impervious surfaces to discharge onto the southerly, neighboring property, the applicant shall, prior to final plat approval for Phase 2, either: (1) acquire public stormwater easements from the south line of the subject property to Brush College Road; or (2) enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.

Condition 10: Prior to final plat approval for Phase 1, construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue through the proposed development to Michigan City Lane NW at the east line of the subject property.


Condition 11: Prior to final plat approval for Phase 2, construct a W-2 pump station to serve the W-2 service level as specified by the Public Works Director.

Condition 12: Dedicate a water easement to accommodate the proposed W-2 pump station pursuant to Public Works Design Standards.

C. The Class 2 Adjustments are **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

The rights granted by this decision must be exercised or extension granted by **April 14, 2019** or this approval shall be null and void. A copy of the Order is attached.

Application Deemed Complete: December 8, 2016
Notice of Decision Mailing Date: March 29, 2017
Decision Effective Date: April 14, 2017
State Mandated Decision Date: April 27, 2017

Case Manager: Chris Green, cgreen@cityofsalem.net; 2503.540.2326 

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, April 13, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 16-03)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE)	
SUBDIVISION PLAT NO. 16-03;)	
2960 MICHIGAN CITY LANE NW)	MARCH 29, 2017

REQUEST

A consolidated application for a 110-lot phased subdivision (“Whispering Heights”) near the northwest corner of the city limits, containing the following requests:

- 1) A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately 13.36 acres into 61 lots and Phase 2 dividing approximately 15.80 acres into 49 lots; and
- 2) An Urban Growth Preliminary Declaration to determine the public facilities required under the Urban Growth Management Program to develop the proposed subdivision.
- 3) A Class 2 Adjustment to:
 - a) Increase the maximum allowed grade of Christina Street NW, a designated collector, from 8 percent, as required under SRC 803.035(c), to 12 percent; and;
 - b) Increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required under SRC 803.035(c), to 15 percent.

The subject property is approximately 29 acres in size, zoned RA (Residential Agriculture), and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080000400).

DECISION

- A. The phased subdivision tentative plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval for Phase 2, obtain demolition permits and remove the existing buildings on the subject property.

- Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.
- Condition 3:** Pay the Brush College Reimbursement District fee of \$1,653.96 per lot.
- Condition 4:** Construct City infrastructure to serve each lot.
- Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 6:** Construct Christina Street NW within the subject property to Collector B standards as a 40-foot-wide improvement within a 60-foot-wide right-of-way. Christina Street NW may be reduced to a Local street section if its Collector street designation is eliminated from the Salem Transportation System Plan prior to the issuance of public construction permits for Phase 2.

B. The Urban Growth Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development permit for the subject property is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions:

- Condition 7:** Prior to final plat approval of Phase 1, the applicant shall:
 - a) Construct a minimum 24-foot-wide turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
 - b) Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
 - c) Along the portion of frontage on Michigan City Lane NW fronting Phase 1, construct a 23-foot-wide half-width boundary street improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.
- Condition 8:** Prior to final plat approval of Phase 2, along the portion of frontage on Michigan City Lane NW fronting Phase 2, construct a 23-foot-wide half-width boundary improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.
- Condition 9:** If topographic constraints require new impervious surfaces to discharge onto the southerly, neighboring property, the applicant

shall, prior to final plat approval for Phase 2, either: (1) acquire public stormwater easements from the south line of the subject property to Brush College Road; or (2) enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.

Condition 10: Prior to final plat approval for Phase 1, construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue through the proposed development to Michigan City Lane NW at the east line of the subject property.

Condition 11: Prior to final plat approval for Phase 2, construct a W-2 pump station to serve the W-2 service level as specified by the Public Works Director.

Condition 12: Dedicate a water easement to accommodate the proposed W-2 pump station pursuant to Public Works Design Standards.

C. The requested Class 2 Adjustments are APPROVED, subject to the applicable standards of the Salem Revised Code and the findings contained herein.

PROCEDURAL FINDINGS

1. On November 8, 2016, a consolidated application for a Phased Subdivision Tentative Plan and Urban Growth Area Preliminary Application was filed for a proposal to divide an approximately 29 acre property at 2960 Michigan City Lane NW (Attachment B) into 110 lots over the course of two phases.
2. After the applicant submitted additional information identified by staff, the application was deemed complete for processing on December 8, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on December 12, 2016.
3. On December 21, 2016, the applicant submitted an application for Class 2 Adjustments to increase the maximum allowable street grades for Christina Avenue NW, a designated collector, and for local streets within the subdivision. A revised notice to surrounding property owners, including the requested adjustments, was mailed on December 21, 2016.
4. On February 17, 2017, the applicant submitted a Traffic Impact Analysis for the phased tentative subdivision plan, as required pursuant to SRC 803.015.
5. The applicant has granted one extension of the state-mandated local decision deadline, to April 27, 2017.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide 29 acres into 110 lots for residential development (Attachment B), with development taking place in two phases. Phase 1 would include 61 lots ranging in size from 5,400 square feet to 9,899 square feet, concentrated on the north and east portions of the subject property. Access to Phase 1 would be provided from Michigan City Lane NW at the north subdivision boundary, extension of east-west local streets from the existing Brush College Heights No. 1 subdivision to the east, and an internal network of streets. The proposal also includes a 9,123 square foot area near the southeast corner of the site for construction of a stormwater pond, which would be dedicated to the City.

Phase 2 would subdivide the remaining 15.8 acres into 48 lots ranging in size from 5,563 square feet to 9,899 square feet for residential development. Phase 2 would also include rights-of-way for internal streets, and an approximately 5.15-acre lot (Lot 110) taking up the relatively steep territory remaining at the southwest corner of the property. The Salem Transportation System Plan (TSP) shows Christina Avenue NW crossing the subject property as a future collector street. The proposal shows Christina Avenue as a collector street running north-south through Phase 2, from Michigan City Lane NW to the northern boundary of Lot 110, and intersecting with three proposed east-west internal streets. The majority of proposed lots face north-south streets which run parallel to the slope of the site. A transmission line right-of-way for Bonneville Power Administration (BPA) runs along the entire western boundary of the subject property at a width of 100 feet; no westerly stub streets are proposed for future crossings of this right-of-way.

2. Existing Conditions

Site and Vicinity

The subject property contains approximately 29 acres and consists of a single tax lot, which extends approximately 1,560 feet southward from Michigan City Lane NW and approximately 950 feet eastward from the BPA transmission line right-of-way. The 5-acre, undeveloped Ellen Lane Park site forms the southeast corner of this larger rectangle. One single-family dwelling is currently located near the western edge of the site, along with two barns, a wood cabin, and other outbuildings. The applicant plans to remove these buildings prior to development of Phase 2. The property is near the far northwest corner of the urbanized area of Salem; the western city limit is approximately 100 feet to the west, across the BPA right-of-way. Abutting properties on the northern portion of the eastern boundary remain unincorporated at this time. Lands to the north of Michigan City Lane are outside of the Urban Growth Boundary and are currently farmed.

The northern portion of the subject property consists of a hillside which peaks at approximately 432 feet in elevation near the southwest corner of Phase 2 to 352 in

elevation at the southeast corner of Phase 1. The downhill grade runs north to south on the southernmost 500-600 feet of the subject property (Lot 110) and the Ellen Lane Park site and is significantly steeper, falling more than 100 feet at the steepest point. The subject property is primarily open and grassy, with a concentration of deciduous trees and shrubs on the southern portion of the property.

The Brush College Heights No. 1 subdivision was platted abutting property to the east in 2005, and developed with single family residences. Two local streets from Brush College Heights, Nautilus Avenue NW and Emily Avenue NW stub to the east boundary of the subject property. The abutting property to the south is sparsely developed, and continues the downhill slope found on the subject property, dropping an additional 140 feet from north to south.

Salem Area Comprehensive Plan (SACP) Designation

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

Comprehensive Plan Map: The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

- North: (Across Michigan City Lane NW; in Polk County; outside of Urban Growth Boundary) Farm/Forest
- South: Developing Residential
- East: Developing Residential
- West: Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

- North: (Across Michigan City Lane NW; in Polk County) FF (Polk County Farm/Forest zone); agriculture
- South: RA (Residential Agriculture); rural residential, vacant, Ellen Lane Park property (undeveloped)
- East: (From north to south)
 - SR (Polk County Suburban Residential zone); rural residential
 - RS (Single Family Residential); single family dwellings

RA (Residential Agriculture) Ellen Lane Park property (undeveloped).

West: RA (Residential Agriculture); BPA transmission line right-of-way

Relationship to Urban Service Area

The subject property is outside of the City's Urban Service Area. An Urban Growth Preliminary Declaration was previously approved for the subject property in 2007 but the decision has since expired. The applicant has requested an Urban Growth Preliminary Declaration for the proposed phased subdivision as part of this consolidated application.

Infrastructure

Water: The subject property is within two water service levels, W-1 and a small area of W-2. The highest water service elevation for W-1 is 412 feet.

There are existing W-1 water lines recently constructed within the Brush College Heights Phase 1 development to the east of the subject property.

There is no existing water service available to serve the W-2 area.

Sewer: An 8-inch sanitary sewer line is located in Emily Avenue NW that terminates at the east line of the subject property.

Storm Drainage: The subject property is located within the Glenn Gibson Drainage Basin. The drainage on the site is split to the northeast and south.

There are existing storm drain lines recently constructed within the Brush College Heights Phase 1 Development to the east of the subject property.

Streets: Michigan City Lane NW currently abuts the subject property along the north boundary. This segment of Michigan City Lane NW is designated as a Collector street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 34-foot improvement within a 60-foot-wide right-of-way.
- The abutting portion of Michigan City Lane NW currently has an approximately 20-foot-wide with gravel ("turnpike") shoulders within a 60-foot-wide right-of-way.

3. Land Use History

- **Polk County Partition Plat No. 2004-0028:** A two-parcel partition enacted in Polk County, prior to the annexation of the subject property. The partition divided approximately 38.41 acres into two parcels, with Parcel 1 consisting of the subject property for the subdivision, plus Bonneville Power Administration (BPA) transmission line right-of-way, and Parcel 2 forming the approximate boundary of what is now the Ellen Lane Park property.
- **Annexation Case No. ANXC-614:** A City-initiated annexation of territory approximately 36.14 acres in size (34.8 acres petition and 1.34 acres of right-of-way), rezoning the territory from Polk County SR (Suburban Residential) to City of Salem RA (Residential Agriculture), and withdrawing the territory from the Spring Valley Rural Fire Protection District.
- **Annexation Case No. ANXC-652:** A petitioner-initiated annexation for territory approximately 29.4 acres in size, rezoning from Polk County SR (Suburban Residential) to City of Salem RA (Residential Agriculture), and withdrawal from Spring Valley Rural Fire Protection District.
- **Urban Growth Preliminary Declaration Case No. UGA06-08:** An Urban Growth Preliminary Declaration to determine the public facilities required by the Urban Growth Management Program to develop a 120-lot single-family subdivision within 29.40 acres of a 33.01-acre site located at 2960 Michigan City Lane NW. UGA Preliminary Declaration No. UGA06-08 expired on October 2, 2009.

4. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment F.

Fire Department - The Salem Fire Department submitted comments noting that fire hydrants shall be provided within 600 feet of all structures.

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary and middle school levels to serve future development within both phases of the proposed subdivision but not at the high school level. The school district indicated that the subject property is outside of the “walk zone” of the assigned elementary, middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

5. Neighborhood Association Comments

The subject property is within the West Salem Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” West Salem Neighborhood Association submitted two sets of comments (Attachment G); one set of comments on January 3, 2017 and supplemental comments on March 2, 2017 following review of the applicant’s Traffic Impact Analysis (TIA). Comments from WSNA raise the following issues:

- **Issue #1 – System Development Charges for Ellen Lane Park:** WSNA proposes that all Park System Development Charges (SDCs) from the development be applied to improve the adjacent Ellen Lane park site.

Staff Response: The City will budget and expend SDCs received from the development in accordance with state law and SRC Chapter 41. The specific allocation of SDC funds does not relate to approval criteria for any of the approvals sought in the application and will not be stipulated in this land use decision.

- **Issue #2 – Turnpike Segment of Michigan City Lane NW:** WNSA suggests that the “turnpike” street section proposed for improvements between the east boundary of the subject property and the west boundary of Bella Rose Vista may not satisfy approval criterion SRC 205.010(d)(6), which requires that the subdivision provide safe and convenient bicycle and pedestrian access to residential areas and activity centers within one-half mile.

Staff Response: As described in further detail in findings below on SRC 205.010(d)(6), there are no activity centers or transit stops within one-half mile to the east of the subject property. Proposed extensions of Nautilus Street NW and Emily Avenue NW provide safe and direct access to residential areas in the immediate easterly vicinity. Therefore, construction of separate bicycle and pedestrian facilities on the off-site portion of Michigan City Lane NW is not necessary to meet criterion (d)(6) at this time.

- **Issue #3 – Demolition of Existing Structures:** WSNA proposes a condition requiring the applicant to demolish existing structures on the property prior to the issuance of public construction permits.

Staff Response: The applicant has expressed interest in maintaining the existing residence and accessory structures until the construction of Phase 2. Staff notes that all existing structures are within the boundaries of Phase 2. However, the existing structures will cross proposed lot lines and rights-of-way within the plat of Phase 2. Therefore, Condition 1 of tentative subdivision plan approval requires the applicant to obtain demolition permits and remove existing buildings prior to recording the final plat for Phase 2.

- **Issue #4 – Distribution of Trips Estimated in TIA:** WSNA asserts that the allocation of estimated trip counts between Michigan City Lane (40%), Rogers Lane NW (35%), and Conner Street NW (25%) is not supported by evidence in the TIA. WSNA expresses concern that if a higher percentage of trips in fact used Michigan City Lane, the level of service at the intersection of Michigan City Lane and Wallace Road would decline to Level of Service F.

Staff Response: In conducting a TIA, traffic engineers must rely on reasonable assumptions as to trip distribution based upon where they believe vehicles from a proposed development will be traveling. The Assistant City Traffic Engineer has reviewed the applicant's TIA and finds that it is reasonable to assume some traffic from the proposed subdivision will have destinations that do not require travel on Wallace Road NW, such as Brush College Elementary School (2623 Doaks Ferry Road NW), West Salem High School (1776 Titan Drive NW), and West Salem Safeway (1445 Edgewater Street NW).

However, even if 100% of traffic generated by the subdivision accessed the arterial street network at the intersection of Michigan City Lane NW and Wallace Road NW, this intersection would still operate at Level of Service E. This is because the controlling movement (most delayed) at this intersection is the westbound left turn lane from West View Estates Mobile Home Park, on the opposite (west) side of Wallace Road. This turning movement is not impacted by the proposed development.

- **Issue #5 – TIA Does Not Address Cumulative Impacts to West Salem Street System:** WSNA's comments focus extensively on cumulative impacts to the street system in West Salem from ongoing residential development. WSNA contends that the analysis contained in the TIA fails to consider impacts to other intersections in West Salem, particularly the intersections with Wallace Road of Michigan City Lane, Brush College Road, Orchard Heights Road, and Glen Creek Road.

Staff Response: The proposed phased subdivision and single family residential development conforms to the "Developing Residential" Comprehensive Plan designation and RA (Residential Agriculture) zoning for the subject property. Case law restricts governments in the United States from exacting mitigation that is not proportional to the impact of the individual development under consideration. In order to collect a proportionate share of funds for improvements along Wallace Road NW, a state facility, the Oregon Department of Transportation and City of Salem would first need to identify potential improvements within the corridor and document these improvements in the State Transportation Improvement Plan and the Salem TSP.

The criteria used for analysis of individual developments is listed in the City of Salem Street Design Standards. For unsignalized intersections, the operational standard is Level of Service E and a total delay of less than 50 seconds. As noted in the staff response to Issue #4 above, the controlling (most delayed) movement at the

intersection of Michigan City Lane and Wallace Road is the westbound left turn lane on the opposite side of Wallace Road. This turning movement is not impacted by the proposed development.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Two property owners in the vicinity of the site submitted comments prior to the comment deadline. Mr. David Foster submitted supplemental comments following the submittal of the applicant's Traffic Impact Analysis (TIA). One comment indicated general support for the proposal with no concerns. Mr. Foster's comments expressed concerns with the following issues:

- **Issue #1 – Double Frontage Lots:** Mr. Foster contends that double-frontage lots such as the 12 proposed along Michigan City Lane at the north edge of the subdivision “are rarely maintained and eventually blight a neighborhood.” Mr. Foster instead encourages the applicant and staff to consider exceptions to the maximum block length of 600 feet established in SRC 803.030 in order to allow the applicant to reduce the number of double frontage lots in this area.

Staff Response: The Unified Development Code establishes minimum lots depths of 120 feet for double frontage lots used for single family residential development in certain zones, including the RS (Single Family Residential) zone. This additional required depth provides more room on the parcel to site a house to mitigate potential impacts from abutting street frontages.

- **Issue #2 – Location of Stub Street Connection to East:** Mr. Foster expresses concern about whether the proposed alignment of Witchhazel Lane, which stubs at the east property line, provides adequate access to future development on properties to the east.

Staff Response: Due to the topography of the site, the applicant has designed a subdivision layout to minimize site grading and steep grades on internal streets. The constraints presented by topography sometimes preclude street configurations that would be ideal in a flatter area. Although not part of the proposed development, the applicant has included a future division plan for abutting properties to the east. The future division plan shows that the proposed extension of Witchhazel Lane to the east property line would allow for development consistent with the “Developing Residential” designation of these properties in the Comprehensive Plan.

- **Issue #3 – Stormwater Detention:** Mr. Foster requests that, due to aesthetic issues he has observed in stormwater detention ponds similar to the one proposed by the applicant, off-site disposal of stormwater should be allowed for the subdivision.

Staff Response: The development is required to construct stormwater facilities in compliance with SRC Chapter 71, which includes on-site green stormwater infrastructure such as the detention pond. A code revision to the green stormwater standards adopted in SRC Chapter 71 would be required to process stormwater from the subdivision in the matter described by Mr. Foster.

- **Issue #4 – Water and Sewer Mains in Michigan City Lane NW right-of-way:** Mr. Foster’s comments inquire as to whether water and sewer mains should be constructed in the segment of Michigan City Lane NW east of the subject property.

Staff Response: Condition 12 requires the applicant to extend a 12-inch water main to the east line of the subject property, allowing future development on properties to the east to be served by further extension of this main. Sewer service is available to the subject property from existing sewer mains within local streets which dead-end at the boundary of the subject property. Undeveloped properties to the east will be served by the extension of an 8-inch main extended from Bella Rosa Villa Subdivision to the east as shown in the *Wastewater Management Master Plan*.

7. Criteria for Granting a Phased Subdivision Tentative Plan

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 subdivision 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 lots 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 subdivision plat for each respective phase.

SRC Chapter 205.015(d) sets forth the criteria that must be met before approval can be granted to a phased subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator’s decision is based. The requirements of SRC 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.015(d)(1): The tentative phased subdivision meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

Finding: Compliance with the criteria for tentative subdivision plan approval, as set forth in SRC 205.010(d), is addressed within the findings below.

SRC 205.010(d)(1): The tentative subdivision complies with all 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.

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 29-acre property into 110 lots and a public facility for stormwater treatment, with no remainder. The subject property is currently zoned RA (Residential Agriculture). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double frontage lots)	120 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 5,400 square feet to 12,804 square feet in size. Twelve proposed lots are double frontage lots; each of these lots meets the minimum 120-foot lot depth set forth in SRC Chapter 511, Table 511-2.¹ The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

¹ Proposed lots 12-21, 82, and 83 are double frontage lots, with northern boundaries fronting on Michigan City Lane NW and southern boundaries fronting on Witchhazel Lane.

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

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

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is primarily undeveloped, except for a single family residence near the northwest corner of the property, and various out buildings along the western boundary. Relative to the tentative subdivision plan, the existing structures would cross proposed lot lines and internal street rights-of-way proposed for Phase 2. The applicant intends to retain the existing residence as a rental property during the development of Phase 2. In order to ensure that the Phase 2 of the subdivision complies with this SRC 800.015(a) upon recording of the plat, the following condition shall apply:

Condition 1: Prior to final plat approval for Phase 2, obtain demolition permits and remove the existing buildings on the subject property.

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Twenty-two of the proposed lots in the phased subdivision are corner lots.² Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant.

² Proposed lots 1, 3, 11, 16, 17, 31, 39, 43, 44, 51, 52, 57, 61, 62, 66, 70, 72, 73, 81, 83, 84 and 105 are corner lots.

Double frontage lots have frontage on two streets that do not intersect at the lot's boundaries. Twelve lots at the north boundary of the subject property, along Michigan City Lane NW, are double frontage lots. As described in findings above, each of the proposed double frontage lots meets the applicable minimum lot depth for double frontage lots in the RS (Single Family Residential) zone. Therefore, the front lot line for these lots shall be the property line abutting a street provided by the building permit applicant.

As conditioned, the proposal conforms to the requirements of SRC Chapter 800.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

Pursuant to SRC 71.085, all proposed lots shall be designed and constructed with green stormwater infrastructure. In order to ensure that the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

Condition 2: Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to subdivision of property outside of the Salem Urban Service Area. The subject property is located outside the Urban Service Area and an application for an Urban Growth Preliminary Declaration for the subject property is included as part of the consolidated application. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. Pursuant to SRC 200.025(e), the developer must construct these

improvements as a condition of approval for the phased subdivision tentative plan.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. However, there are no unserved upstream parcels abutting the subject property. The subject property is located within the Brush College Reimbursement District and is therefore subject to a reimbursement district fee. In order to ensure that the reimbursement district fee is paid pursuant to SRC 200.355, the following condition shall apply:

Condition 3: Pay the Brush College Reimbursement District fee of \$1,653.96 per lot.

This fee is due at the time of final plat and is reimbursable from System Development Charge credits at the time of building permit issuance.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated March 10, 2017 (Attachment F).

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. The Schematic Utility Plan included in the proposal as application Exhibit C shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

In order to ensure that appropriate public infrastructure is provided to each of the new lots created by the subdivision, the following condition shall apply:

Condition 4: Construct City infrastructure to serve each lot.

As conditioned, and subject to the requirements of the corresponding Urban Growth Preliminary Declaration, the proposal is consistent with City infrastructure standards.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): Because the proposed phased subdivision is projected to more than 1,000 daily trips onto Michigan City Lane NW, a Minor Arterial street, the applicant is required to perform a Traffic Impact Analysis (TIA) pursuant to subsection (b)(1). The applicant submitted a Traffic Impact Analysis, prepared by Lancaster Engineering, Inc. and dated February 17, 2017.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): Standard width of rights-of-way and improved curb-to-curb pavement width are set forth in SRC Table 803-1 and Table 803-2.

Applicant Statement: As shown on the Tentative Phased Subdivision Plans, rights-of-way will be dedicated in conformance with Table 803-1. Michigan City Lane NW and Christina Street NW are designated as Collector Streets. The existing Michigan City Lane NW right-of-way is 60 feet wide, and 60 feet of right-of-way will be dedicated for Christina Street NW in Phase 2. Extensions of Nautilus Street NW and Emily Avenue NW, as well as the new internal streets, are designated as Local Streets and will receive dedication of 60 feet of right-of-way. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. Condition 6 requires construction of Christina Avenue NW to Collector B standards. Conditions 7 and 8 of the Urban Growth Preliminary Declaration require improvements to Michigan City Lane NW consistent with the standards set forth in SRC 803.025 and with plans submitted by the applicant. Local streets within the subdivision meet right-of-way and pavement width standards. As conditioned, the proposal meets this requirement.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

Applicant Statement: As shown on the Tentative Phased Subdivision Plans, all blocks will meet the spacing standards, except for the long block on the west side of Christina Street NW [...] Along its western boundary, the subject property abuts a 100-foot-wide BPA transmission line right-of-way. The far side of the BPA right-of-way marks the City limits, across which the elevation drops from ± 420 feet to an elevation of ± 270 feet over a distance of ± 675 feet. This represents a grade of more than 20%. The BPA right-of-way and transmission lines constitute existing development and the steep slopes represent physical conditions, both of which preclude street connections to the west of the subject property. Therefore, the criteria are met to justify an increase in the street spacing standard.

Staff Response: Staff concurs with the applicant's statement and finds that due to existing development, in the form of the BPA transmission line and right-of-way, and steep topography, the proposed subdivision is precluded from making connections to adjacent properties to the west within 600-foot

intervals, and is excepted from this requirement along the western boundary of the subject property, pursuant to SRC 803.030(a)(2).

SRC 803.035 (Street Standards): Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property.

Applicant Statement: The project will include the extension of Nautilus Street NW and Emily Avenue NW from the east. The extension of Emily Avenue NW will enhance connectivity to the semi-developed park (Ellen Lane Property). The subject property fronts Michigan City Lane NW, which intersects Wallace Road NW (Hwy 221) 0.5 miles to the east of the subject property. New internal streets will increase connectivity, extend to the adjoining properties, and provide access to Michigan City Lane NW. Christina Street NW is a Collector Street envisioned in the TSP that will extend from Michigan City Lane NW through the subject property until it stubs into the southern property boundary.

Connections to existing or planned streets and adjoining undeveloped properties will be provided at least every 600 feet, except along the western boundary of the subject property. Along the western boundary, the subject property abuts a 100-foot-wide BPA transmission line right-of-way. The far side of the BPA right-of-way drops from an elevation of ± 420 feet to an elevation of ± 270 feet over a distance of ± 675 feet. This represents a grade of more than 20%. The BPA right-of-way constitutes existing development and the steep slopes represent physical conditions, both of which preclude street connections to the west of the subject property. Therefore, the criteria are met to justify street connections at greater than 600-foot intervals.

Staff Response: Staff concurs with the applicant's statement. Although the BPA transmission line right-of-way does not in itself completely preclude street connections, the steep topography just to the west of the right-of-way make an east-west connection in the vicinity impracticable. The proposed street system provides logical connections to abutting properties and neighborhoods to the north, south, and east. The proposal complies with the requirements of subsection (a).

Subsection (c) establishes maximum grades for streets, based on TSP classification. The applicant has requested Class 2 Adjustments to increase the maximum allowable grade of Christina Avenue NW, designated as a collector, as well as local streets within the subdivision. The adjustments are granted based on the findings contained in Section 10 of this order.

The proposal includes two extensions of dead-end streets to serve abutting undeveloped areas, as required under Subsection (d). Witchhazel Lane is proposed to dead-end at the east property line, abutting undeveloped residential

property along the south side of Michigan City Lane. Christina Avenue NW, which follows the approximate path of a proposed collector street in the TSP, extends southward to the boundary of Lot 110. This dead-end allows Christina Avenue to be extended to serve Lot 110 and other properties to the south, and to further extend along the path designated in the TSP. The proposal complies with the requirements of subsection (d).

Subsection (f) establishes standards for the maximum length, distance from intersections, and radius of cul-de-sacs. Lilac Court is proposed as a cul-de-sac and meets all applicable dimensional requirements set forth in subsection (f).

Subsection (m) requires streets identified in the Salem Transportation System Plan (TSP) Bicycle System Map as requiring a bicycle facility to conform to the designation of the TSP and Public Works Design Standards.

Applicant Statement: The Bicycle System Element within the Salem TSP proposes a bicycle lane for Michigan City Lane NW and an uphill bike lane/downhill shared lane for Christina Street NW. Both of these streets are identified as Collector Streets in the Salem TSP. The planned 34-foot improved surface will accommodate bicycle facilities as required by the TSP and PWDS. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. Design of collector streets, as proposed and conditioned, will conform to the Bicycle System Map adopted in the TSP.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Portland General Electric, the franchise utility provider of electricity for the subject property, typically requests a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 5: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Michigan City NW is a boundary street, running along the entire northern frontage of the subject property.

Finding: Michigan City Lane NW abuts the subject property and does not meet the current right-of-way or improvement width standards for a Collector street. Following dedication of adequate right-of-way, half-street improvements along this frontage can be constructed in conformance with the subdivision phasing proposed by the applicant. Conditions 7 and 8 of the consolidated Urban Growth Preliminary Declaration ensure that boundary street improvements on Michigan City Lane NW are implemented prior to final plat of each phase, and constructed

in compliance with the Transportation System Plan and Public Works Design Standards.

As conditioned, the proposal conforms to applicable boundary street requirements.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP16-10) was submitted in conjunction with the phased subdivision tentative plan. TCP16-10 identifies 59 trees on the subject property, with 33 trees proposed for removal, including 4 significant Oregon White Oaks. Trees proposed for removal are located within presumed building envelopes, street rights-of-way, and utility easements. As described in the applicant's written statement, the topography of the subject property requires grading in several areas to provide adequate home sites and streets. The extent of required grading will necessitate removal of certain additional trees on the subject property.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

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

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

SRC Chapter 810 (Landslide Hazards): 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, there are areas on the subject property assigned 4 landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of 7 points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment, prepared by Redmond Geotechnical Services and dated August 22, 2016, was submitted to the City of Salem. This assessment demonstrates that the site could be subdivided and developed without increasing the potential for slope hazards on the site or adjacent properties.

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

Applicant Statement: The subdivision will divide a single tax lot of ± 29.16 acres into 109 subdivision lots for future single-family homes and one ± 5.1-acre lot for future division. The Future Division Plan for Lot 110 is included with Exhibit C. As shown on the Tentative Phased Subdivision Plans, future lots will meet or exceed minimum dimensional standards for the RS zone, have adequate frontage on a public road, and be sized as to allow future residential uses as allowed in the RS zone.

The area to the southeast of the subject site is fully developed as a residential subdivision. Across the BPA right-of-way, property to the west slopes down to Brush College Road NW and is significantly constrained for future development based on topography. Abutting properties to the north and south are rural residential in nature. The planned subdivision layout and improvements will provide street connectivity and utility infrastructure supportive of potential future development on adjacent land. The Future Division Plan also shows that Tax Lots 100 and 200 to the east can accommodate future lots meeting applicable RS zoning and land division standards. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. Although some revisions may need to be made to the future division plan for proposed Lot 110 (including pedestrian access to the Ellen Lane park property), the applicant has demonstrated that future development could take place on abutting properties in conformance with underlying Comprehensive Plan designations, zoning, and applicable development standards.

The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding

properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

Finding: Water and sewer infrastructure is available along the perimeter of the site. The concurrent Urban Growth Area Preliminary Declaration specifies water, storm, and street system improvements required to serve the proposed development, including a 12-inch W-1 water main extension through the property and construction of a W-2 pump station. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The City Fire Marshal has indicated that an additional fire hydrant shall be provided in Michigan City Lane NW near the east line of the subject property.

Conditions of approval require construction of water and sewer systems to serve each lot, an engineered stormwater design to accommodate future impervious surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by a semi-developed park, the Ellen Lane park property, which abuts the subject property at the southeast corner. The proposed network of internal streets provides direct vehicle, pedestrian, and bicycle access to the park site. No park-related improvements are required as a condition of development.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Applicant Statement: Michigan City Lane NW is designated as a Collector Street in the Salem TSP. The portion of Michigan City Lane NW abutting the subject property consists of a ± 20-foot-wide turnpike improvement within a 60-foot-wide right-of-way. Half-street improvements to Michigan City Lane NW will be made along the property's frontage. Michigan City Lane NW will also receive an interim widening with an additional ± 8 feet of pavement to Local Street design standards from the eastern boundary of the subject property to the western

boundary of the Bella Rosa Villa Subdivision, enhancing its functionality as a linking street turnpike.

Christina Street NW is identified in the Salem TSP as a collector street running north/south within the subject property. The project includes dedication of land and full-street improvements from Christina Street NW. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. These frontage and off-site improvements will bring the street system adjacent to the planned parcels in conformance with the Salem TSP.

Staff Response: Conditions 7 and 8 of the Urban Growth Preliminary Declaration require the applicant to dedicate right-of-way and construct half-street improvements on the Michigan City Lane frontage consistent with TSP standards for a collector street. The TSP currently proposes for Christina Street NW to cross through subject property as a north-south collector, then gradually turn to the southeast to connect with the existing portion of Christina Street NW near its intersection with Elliot Street NW. As described in the discussion of existing site conditions above, the topography of the subject property steepens across the southernmost 500-600 feet of the subject property (the approximate location of Lot 110). This steep slope continues across the abutting property to the south. These topographic conditions may prevent Christina Street from connecting as a collector street in the approximate path currently shown in the TSP. Accordingly, there is a possibility that the TSP may be amended to downgrade the classification of the proposed portion of Christina Street within the subdivision from a collector street to a local street prior to the development of Phase 2. In that event, the proposed segment of Christina Street could be constructed to local street standards.

In order to ensure that the segment of Christina Street NW proposed to cross through Phase 2 of the phased subdivision is constructed in conformance with TSP standards, the following condition shall apply:

Condition 6: Construct Christina Street NW within the subject property to Collector B standards as a 40-foot-wide improvement within a 60-foot-wide right-of-way. Christina Street NW may be reduced to a Local street section if its Collector street designation is eliminated from the Salem Transportation System Plan prior to the issuance of public construction permits for Phase 2.

As proposed and conditioned, the internal street extensions serving the subdivision conform to the TSP. The proposal meets this criterion.

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

Applicant Statement: The subject property fronts Michigan City Lane NW, designated as a Collector Street in the Salem TSP. As described above, the project will provide half-street improvements along the property's frontage on Michigan City Lane NW with \pm 8 feet of pavement from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision. Christina Street NW is designated as a Collector Street by the Salem TSP and runs north/south within the subject property. The project includes dedication of land and full-street improvements for Christina Street NW.

The project includes the extension of Nautilus Street NW and Emily Avenue NW from the east. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. These on-site and off-site improvements are designed to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. Conditions of approval of the Urban Growth Preliminary Declaration ensure that the abutting portion of Michigan City Lane NW and proposed internal streets will be constructed to meet applicable development standards. Widening of Michigan City Lane between the west boundary of the subject property and the Bella Rosa Villa subdivision provides for safe two-way vehicle travel to and from the subdivision and the arterial street network. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The Brush College Estates No. 1 subdivision was platted along the southern half of the east boundary of the subject property in 2005, and has been developed with single family residences since that time. Nautilus Street NW and Emily Avenue NW currently extend through Brush College Estates No. 1 to the east boundary of the subject property. The proposed subdivision would extend these streets along their current alignment, crossing westward through the subject property to provide a direct connection to the adjacent residential area. Witchhazel Lane and Christina Street are proposed to dead-end at the boundary

of the proposed subdivision, providing direct connections to future residential development to the east and south.

The proposed subdivision is situated within one-half mile of one neighborhood activity center, the Ellen Lane park property, an approximately 5.4-acre undeveloped park site abutting the proposed subdivision to the south and east, and located at 3101 Garrett Street NW.

The proposed subdivision would extend Emily Avenue NW along the northern boundary of the park site. Christina Street, Elder Terrace, and Tupelo Terrace are all proposed to run north-south through the proposed subdivision, and each intersects with Emily Avenue. The extension of Emily Avenue would also provide direct access to the park for existing residential neighborhoods to the east. Pedestrian access will be provided by sidewalks on all streets, and bicycle circulation will be provided through a combination of local streets and bicycle facilities on designated collectors.³

The proposal meets this criterion.

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

Finding: The Assistant City Traffic Engineer has reviewed the applicant's Traffic Impact Analysis, as prepared by Lancaster Engineering and dated February 17, 2017, and has determined that the findings listed in the Executive Summary of the analysis are valid. The analysis summarizes that no operational mitigations are necessary with the completion of the proposed development.

The proposal meets this criterion.

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

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. A number of existing natural and built conditions on the subject property are considered in the street and lot configuration proposed by the applicant. Limiting factors include steep slopes, the BPA transmission right-of-way, abutting residential developments, and the Urban Growth Boundary just to the north of the subject property.

³ The Bicycle System Element within the Salem TSP proposes a bicycle lane for Michigan City Lane NW and an uphill bike lane/downhill shared lane for Christina Street NW.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with the adjustments for maximum street grade as requested. No existing conditions of topography or vegetation have been identified on the site which would necessitate further variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

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

Applicant Statement: The subject property generally slopes up from \pm 295 feet in elevation at the southern boundary and \pm 350 feet at the southeast corner abutting Emily Avenue NW to high points of \pm 425 feet at the northwest corner and \pm 432 feet near the middle of the western boundary. Vegetation consists primarily of deciduous trees and small shrubs at the south end of the property, primarily within the planned \pm 5.1-acre Lot 110, which is reserved for future division. Streets have been designed to align with existing and planned streets, and the lots have been oriented in relation to these streets with the least amount of disruption to the site. Therefore the criteria are met.

Staff Response: Staff concurs with the applicant's statement. The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. In particular, the shift from the east-west oriented block pattern of developments to the east to a north-south block orientation within the proposed subdivision allows streets and lot configuration to align more closely with the slope across the subject property.

The proposal meets this criterion.

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

Finding: The subject property is located outside of the Urban Service Area. To assure that major public facilities such as sewers, water, and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program, an Urban Growth Preliminary Declaration is required prior to

development of the subject property. An application for an Urban Growth Preliminary Declaration is included as part of this consolidated application. The tentative subdivision plan has been designed in a manner that ensures that the conditions requiring construction of on-site infrastructure in the approved Urban Growth Preliminary Declaration will occur, as conditioned in Section 9 below.

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Applicant Statement: As shown on the Phasing Plan, Phase 1 will extend streets and utilities from the existing subdivision to the east and provide a local street connection to Michigan City Lane NW to the north. Phase 2 will extend Emily Avenue NW and construct Christina Street NW to connect to Michigan City Lane NW. The Schematic Utility Plan shows that all City utilities will be extended within rights-of-way. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from Phase 1 and Phase 2 in a logical and efficient manner.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Applicant Statement: As shown on the Phasing Plan and Schematic Utility Plan, Phase 1 will function as a self-contained and self-sustained subdivision, with full utilities, the stormwater facility, and street connections to Michigan City Lane NW, Nautilus Street NW, and Emily Avenue NW. Phase 2 will fully connect to Phase 1, including the temporary pump station for the few lots fronting Christina Street NW in the W-2, and add another connection to Michigan City Lane NW via Christina Street NW. Therefore, the criteria are met.

Staff Response: Staff concurs with the applicant's statement. The proposed phasing boundary provides for Phase 1 to function as a standalone subdivision, while retaining logical connections to future development of Phase 2.

SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.

Applicant Statement: Phase 1 and Phase 2 are designed to support the infrastructure requirements for the subdivision as a whole, as described above in the responses to SRC 205.010(d). Therefore, the criteria are met.

Staff Response: The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure from Phase 1 to Phase 2. Because there are only two phases proposed, a design which

supports the orderly and efficient extension of utilities to Phase 2 effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

9. Urban Growth Area Preliminary Declaration

The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Preliminary Declaration must be obtained prior to development of property outside the Salem Urban Service Area. An application for an Urban Growth Preliminary Declaration is included as part of this consolidated application. The Urban Growth Preliminary Declaration addresses only those facility requirements necessary to link the development to adequate facilities and boundary requirements abutting the property. All internal facility improvement requirements are addressed under approval criteria for the proposed tentative subdivision plan.

Consistent with SRC 200.025(e), construction of facilities required under SRC Chapter 200 are adopted as conditions of approval for the associated tentative subdivision plan, as described in findings regarding compliance of the proposal with SRC 205.010(d)(10).

SRC 200.025(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 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.**

Standards related to required improvements for streets, water, sewer, storm drainage, and park sites are addressed within the specific findings which determine the required facilities necessary to serve the proposed subdivision.

SRC 200.055 – Standards for Street Improvements

Finding: An adequate linking street is defined in SRC 200.055(b) as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot-wide improvement for local streets, or a minimum 34-foot improvement for major streets, such as a designated collector. 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 is abutted by Nautilus Avenue and Emily Avenue, which are adequate linking streets. The narrow improved width of the abutting portion of Michigan City Lane NW does not meet the requirements for an adequate linking street. The applicant shall dedicate and construct the Salem

Transportation System Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

- Condition 7:** Prior to final plat approval of Phase 1, the applicant shall:
- a) Construct a minimum 24-foot-wide turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
 - b) Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
 - c) Along the portion of frontage on Michigan City Lane NW fronting Phase 1, construct a 23-foot-wide half-width boundary street improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.

- Condition 8:** Prior to final plat approval of Phase 2, along the portion of frontage on Michigan City Lane NW fronting Phase 2, construct a 23-foot-wide half-width boundary improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.

SRC 200.060 – Standards for Sewer Improvements

Finding: Standards for sewer improvements specify that 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. The nearest available sewer facility is located east of the subject property in Emily Avenue NW.

The applicant shall link the site to existing facilities that are defined as adequate under SRC 200.005(a).

SRC 200.065 – Standards for Storm Drainage Improvements

Finding: Standards for storm drainage improvements specify that 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 subject property is located within the Glenn Gibson drainage basin. The drainage on the site is split to the northeast and south. The nearest available public storm system for the northeast portion is located within the Brush College Heights Phase 1 development to the east of the subject property. The applicant's tentative drainage plan for proposed Phase 1 and Phase 2 shows a discharge to existing facilities to the east of the subject property. The southern portion of the site is not being developed as part of the proposed subdivision and the vacant land

there will continue to drain to its historical location. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

Condition 11: If topographic constraints require new impervious surfaces to discharge onto the southerly, neighboring property, the applicant shall, prior to final plat approval for Phase 2, either: (1) acquire public stormwater easements from the south line of the subject property to Brush College Road; or (2) enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.

SRC 200.070 – Standards for Water Improvements

Finding: Standards for water improvements specify that the proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pump stations that connect to such existing water service facilities. 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. The subject property is within two water service levels, W-1 and a small area of W-2. The W-1 water system in the vicinity of the subject property is adequate to serve the W-1 portion of the site through construction of water mains to existing facilities within the Brush College Heights Phase 1 development.

The applicant's proposed utility plan demonstrates that the proposed lots in the W-2 water service level will be served by construction of parallel W-1 and W-2 water lines within the Christina Street NW right-of-way, and a temporary pump station located within a 40-foot easement on proposed Lot 110. These improvements will be constructed with Phase 2 of the subdivision.

The applicant is required to construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue through the proposed development to Michigan City Lane at the east line of the subject property. Construction of this water main is eligible for Systems Development Charge (SDC) reimbursement for the portion of main that exceeds the standard 8-inch improvement.⁴ The temporary pump station is not eligible for SDC reimbursement.

The applicant shall construct the *Water System Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

Condition 9: Prior to final plat approval for Phase 1, construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue through the proposed development to Michigan City Lane NW at the east line of the subject property.

⁴ Eligible costs are described in SRC 200.350.

Condition 10: Prior to final plat approval for Phase 2, construct a W-2 pump station to serve the W-2 service level as specified by the Public Works Director.

Condition 11: Dedicate a water easement to accommodate the proposed W-2 pump station pursuant to Public Works Design Standards.

SRC 200.075 – Standards for Park Sites

Finding: Standards for park sites specify that the applicant shall reserve for dedication prior to development property necessary for an adequate neighborhood park, access to such park, or recreational routes based upon the *Salem Comprehensive Park System Master Plan* (CPSMP). The CPSMP establishes park policies and requirements consistent with SRC 200.075. City Council adopted an update to the CPSMP on May 13, 2013. The Master Plan update shows that the subject property is served by a semi-developed park, the Ellen Lane park property, which abuts the southeastern portion of the subject property. The applicant's proposal shows the internal network of streets within the subdivision provides direct street access to the park site, including pedestrian and bicycle facilities. Future development on Lot 110 will also be required to provide pedestrian and bicycle access to the park site. No park-related improvements are warranted as a condition of phased tentative subdivision approval.

Consistent with SRC 200.025(e), construction of the facilities described in this declaration are required as conditions of approval for the associated tentative subdivision plan in findings regarding compliance of the proposal with SRC 205.010(d)(10).

10. Class 2 Zoning Adjustment

The applicant has requested adjustments to increase the maximum grade allowed grade of Christina Street NW, a designated collector, from 8 percent, as required under SRC 803.035(c), to 12 percent; and to increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required under SRC 803.035(c), to 15 percent.

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, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

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 requested adjustments meet criterion (ii). The underlying purpose of the street grade standards set forth in SRC 803.035(c) is to ensure that streets are designed to allow safe movement for a variety of vehicle types and to minimize the impact of cut and fill from construction of roads across relatively steep portions of a site. As described in findings above, relatively steep topography extends across the entire site.

While the street grade standards are clearly applicable to the proposed development, and the request is not justified by criterion (i), the residential uses to be served by the streets and the location of the proposed development near the perimeter of the urbanized area of West Salem are important considerations in the evaluation of whether the underlying purpose is equally or better met under criterion (ii). Christina Avenue NW is designated as a collector street in the TSP, with a proposed alignment meant to serve existing and future residential neighborhoods at the northwest edge of the city. Proposed local streets subject to the requested adjustment would only serve nearby areas of single family residential development. No streets subject to the adjustments are expected to carry significant truck traffic or vehicles traveling at higher speeds.

In this residential context, slightly steeper street grades better meet the intent of the standard than development relying on the massive site grading that would be necessary to construct streets meeting the standard. The proposed street layout balances goals of minimizing topography and providing the most gradual incline possible on streets within the subdivision.

The requested adjustments meet this criterion.

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: Upon recording of the final plat, the proposed development will be located within an RS (Single Family Residential) zone. As described in findings above, the requested adjustment would allow development of the subject property into buildable residential lots, served by internal streets that meet standards for connectivity and reasonably direct access. Given the topographic constraints on the subject property, development of the site without the requested adjustments is much more likely to detract from the livability and appearance of the residential area than the slightly steeper streets that the adjustments would allow.

The requested adjustments meet this criterion.

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: The two adjustments requested by the applicant both relate to maximum street grades, and would have a similar effect of increasing the maximum grade allowed to accommodate steep slopes in the vicinity. The adjustments allow the subject property to be developed with an internal network of local and collector streets with a single family residential subdivision. Therefore, the cumulative effect of the adjustments is to allow development which is consistent with the overall purpose of the RS (Single Family Residential) zone.

The requested adjustments meet this criterion.

11. Conclusion

Based upon review of SRC 205.005, the findings contained under Sections 8, 9, and 10 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

That consolidated Subdivision, Urban Growth Preliminary Declaration, and Class 2 Adjustment Case No. 16-03, which includes the following requests:

1. A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately 13.36 acres into 61 lots and Phase 2 dividing approximately 15.80 acres into 49 lots; and
2. An Urban Growth Preliminary Declaration to determine the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property; and
3. Class 2 Adjustments to:
 - a. Increase the maximum allowed grade of Christina Street NW, a designated collector, from 8 percent, as required under SRC 803.035(c), to 12 percent; and
 - b. Increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required under SRC 803.035(c), to 15 percent.

On property zoned RA (Residential Agriculture), and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080000400), shall be GRANTED as follows:

- A. The phased subdivision tentative plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:


- Condition 1:** Prior to final plat approval for Phase 2, obtain demolition permits and remove the existing buildings on the subject property.
- Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.
- Condition 3:** Pay the Brush College Reimbursement District fee of \$1,653.96 per lot.
- Condition 4:** Construct City infrastructure to serve each lot.\
- Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 6:** Construct Christina Street NW within the subject property to Collector B standards as a 40-foot-wide improvement within a 60-foot-wide right-of-way. Christina Street NW may be reduced to a Local street section if its Collector street designation is eliminated from the Salem Transportation System Plan prior to the issuance of public construction permits for Phase 2.

B. The Urban Growth Area Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property is **APPROVED** subject to the applicable conditions of the Salem Revised Code, the findings contained herein, and the following conditions:

- Condition 7:** Prior to final plat approval of Phase 1, the applicant shall:
 - a) Construct a minimum 24-foot-wide turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
 - b) Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
 - c) Along the portion of frontage on Michigan City Lane NW fronting Phase 1, construct a 23-foot-wide half-width boundary street improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.
- Condition 8:** Prior to final plat approval of Phase 2, along the portion of frontage on Michigan City Lane NW fronting Phase 2, construct a 23-foot-wide half-width boundary improvement to Collector B standards, with the planting strip and property line sidewalk on the south (abutting) side of the travel lanes.

- Condition 9:** If topographic constraints require new impervious surfaces to discharge onto the southerly, neighboring property, the applicant shall, prior to final plat approval for Phase 2, either: (1) acquire public stormwater easements from the south line of the subject property to Brush College Road; or (2) enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.
- Condition 10:** Prior to final plat approval for Phase 1, construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue through the proposed development to Michigan City Lane NW at the east line of the subject property.
- Condition 11:** Prior to final plat approval for Phase 2, construct a W-2 pump station to serve the W-2 service level as specified by the Public Works Director.
- Condition 12:** Dedicate a water easement to accommodate the proposed W-2 pump station pursuant to Public Works Design Standards.

C. The Class 2 Adjustments are **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



Christopher Green, AICP, Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Phased Tentative Subdivision Plan
C. Proposed Phasing Plan
D. Applicant's Written Statement on Consolidated Application
E. Traffic Impact Study – Executive Summary
F. City of Salem Public Works Department Comments
G. West Salem Neighborhood Association Comments

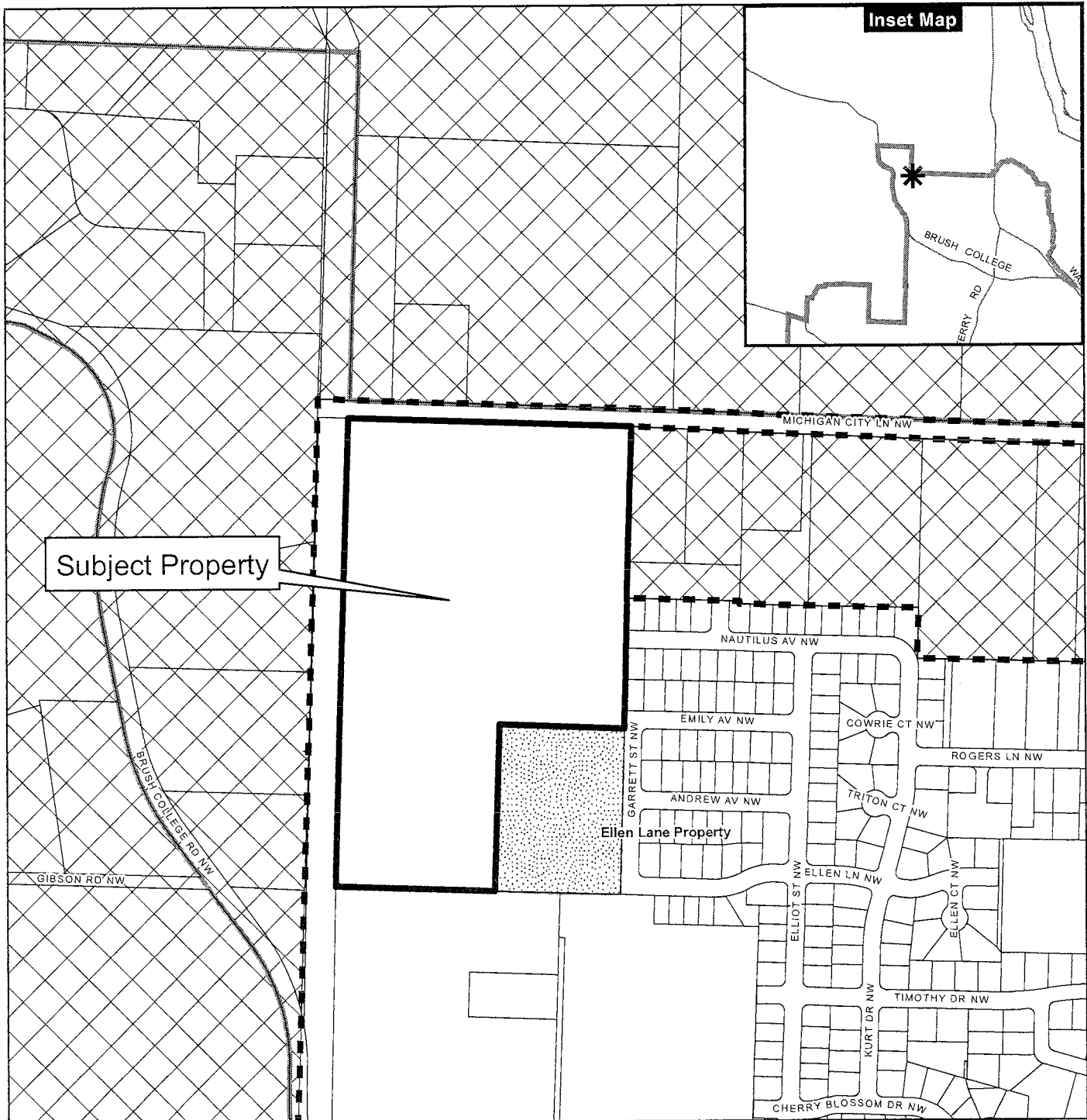
Application Deemed Complete: December 8, 2016
Notice of Decision Mailing Date: March 29, 2017
Decision Effective Date: April 14, 2017
State Mandated Decision Date: April 27, 2017

The rights granted by this decision must be exercised or extension granted by April 14, 2019 or this approval shall be null and void.


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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, April 13, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 2960 Michigan City Lane NW

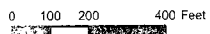


Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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



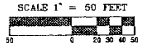


CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	
C1	20.00	89.4045	31.30	54.3141'E 28.21'	
C2	20.00	90.1414	31.50	54.8421'W 28.34'	
C3	20.00	89.4800	31.35	54.31750'E 28.23'	
C4	20.00	90.1200	31.49	54.8421'W 28.33'	
C5	20.00	90.0000	31.42	54.3150'E 28.28'	
C6	20.00	90.0000	31.42	54.8421'W 28.28'	
C7	20.00	89.4600	31.35	54.31750'W 28.23'	
C8	20.00	90.1200	31.49	54.8421'W 28.33'	
C9	20.00	89.4800	31.35	54.31750'E 28.23'	
C10	20.00	90.1200	31.49	54.8421'W 28.33'	
C11	20.00	89.4800	31.35	54.31750'W 28.23'	
C12	20.00	90.0000	31.42	54.3150'E 28.28'	
C13	30.00	425000	22.43	566.5850'E 21.91'	
C14	39.88	412021	28.77	563.4723'E 28.15'	
C15	45.00	521336	41.02	671.5213'E 35.61'	
C16	45.00	419207	34.68	623.0450'W 33.83'	
C17	45.00	443920	34.88	620.7830'W 33.83'	
C18	45.00	521326	41.02	668.2953'W 35.61'	
C19	39.88	412021	28.77	566.5847'W 28.15'	
C20	30.00	425000	22.43	570.1101'W 21.91'	
C21	20.00	90.0000	31.42	54.3150'W 28.28'	
C22	20.00	90.1200	31.49	54.8421'W 28.33'	
C23	20.00	89.4811	31.35	54.3141'E 28.21'	
C24	20.00	90.118	31.48	54.8419'W 28.33'	
C25	20.00	89.4812	31.35	54.3141'E 28.21'	
C26	20.00	90.1914	31.53	54.84547'E 28.36'	
C27	20.00	89.4946	31.30	54.3141'E 28.21'	
C28	20.00	90.1914	31.53	54.84547'E 28.36'	
C29	20.00	89.5246	31.37	54.30813'E 28.25'	
C30	20.00	89.5919	31.41	54.84749'W 28.28'	
C31	20.00	89.3459	31.27	54.32509'E 28.18'	
C32	20.00	90.0000	31.42	54.8421'W 28.28'	
C33	20.00	90.0000	31.42	54.3150'E 28.28'	
C34	20.00	90.0714	31.46	54.85147'W 28.31'	
C35	30.00	90.0000	42.12	54.3150'E 42.43'	
C36	30.00	90.0000	42.12	54.8421'W 42.43'	
C37	30.00	90.0000	42.12	54.3150'W 42.43'	
C38	30.00	90.0000	42.12	54.8421'W 42.43'	

NOTE:
THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.

EASEMENT LEGEND
PUBLIC UTILITY EASEMENT PUE

NAUTILUS STREET NW			LILAC COURT			WITCHHAZEL LANE			TUPELO TERRACE			ELDER TERRACE			CHRISTINA STREET NW			MAGNOLIA LANE					
LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION			
L5	225.501	N88°12'08.31"W	L21	162.000	N88°23'50.17"W	L1	130.055	N88°11'50.37"W	L16	268.063	N1°36'09.83"E	L1	130.055	N88°11'50.37"W	L12	280.000	S1°48'09.63"W	L16	267.207	N1°36'09.83"E	L12	280.000	S1°48'09.63"W
L6	407.002	N88°11'50.37"W				L2	297.523	N88°11'50.37"W	L19	265.103	N1°36'09.83"E	L13	567.836	S1°48'09.63"W	L3	191.480	N88°11'50.37"W	L13	567.836	S1°48'09.63"W	L13	567.836	S1°48'09.63"W
L7	282.502	N88°11'50.37"W				L3	191.480	N88°11'50.37"W	L20	282.646	N1°36'09.83"E	L14	266.651	S1°48'09.63"W	L4	260.520	N88°11'50.37"W	L14	266.651	S1°48'09.63"W	L14	266.651	S1°48'09.63"W
						L4	260.520	N88°11'50.37"W				L15	271.620	S1°48'09.63"W				L15	271.620	S1°48'09.63"W	L15	271.620	S1°48'09.63"W



AKS
AKS ENGINEERING & FORESTRY, LLC
4300 CHEROKEE LANE, SE
DUBLIN, GA 30146
P: 504.406.6828
F: 504.406.7722
www.aks.com

WHISPERING HEIGHTS SUBDIVISION

TENTATIVE PHASED SUBDIVISION PLAN (NORTH)

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

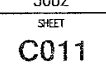
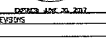
OREGON SALEM (MAY 07/2008)

DESIGNED BY: DMK
DRAWN BY: KBF/JAZ
CHECKED BY: DMK
SCALE: AS NOTED
DATE: 08/25/2011

NOT FOR CONSTRUCTION

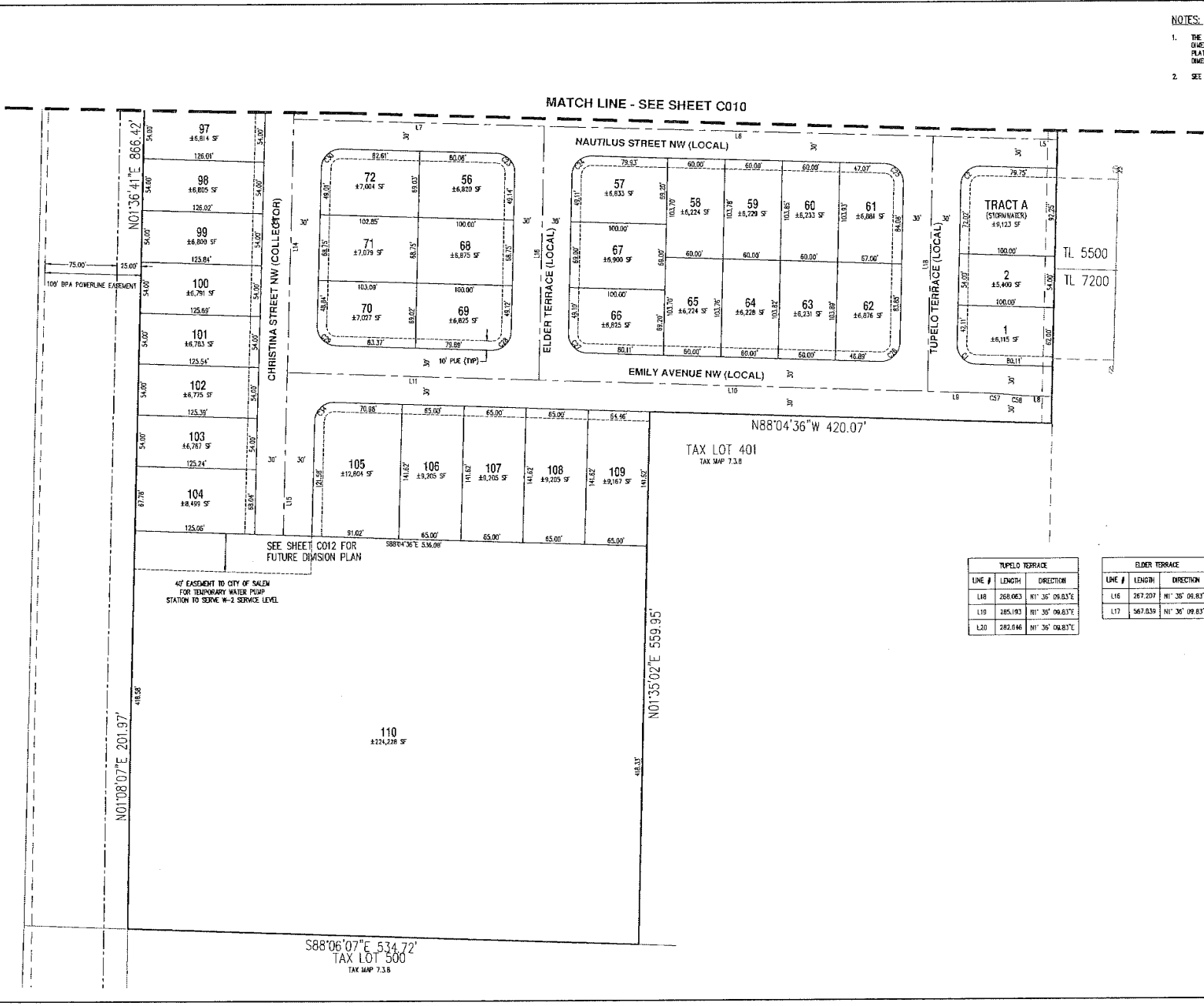
REVISIONS:

JOB NUMBER: 5082
SHEET: C010



- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAN AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.
 2. SEE SHEET C010 FOR RIGHT-OF-WAY CURVE TABLE.

EASEMENT LEGEND
 PUBLIC UTILITY EASEMENT PUE



EMILY AVE NW

LINE #	LENGTH	DIRECTION
C57	22.57'	N85°23'25.97\"W
C58	23.555	N86°26'57.46\"W
L9	59.691	N86°04'36.43\"W
L10	407.006	N85°04'36.43\"W
L31	293.435	N85°04'36.43\"W

NAUTILUS STREET NW

LINE #	LENGTH	DIRECTION
LS	229.801	N86°12'00.31\"W
L6	407.002	N85°11'50.37\"W
L7	262.502	N85°11'50.37\"W

TUPELO TERRACE

LINE #	LENGTH	DIRECTION
L18	268.063	N1°35'09.63\"E
L19	285.193	N1°35'09.63\"E
L20	282.646	N1°35'09.63\"E

ELDER TERRACE

LINE #	LENGTH	DIRECTION
L16	267.207	N1°35'09.63\"E
L17	567.635	N1°35'09.63\"E

CHRISTINA STREET NW

LINE #	LENGTH	DIRECTION
L12	299.000	S1°48'09.63\"W
L13	567.636	S1°48'09.63\"W
L14	266.651	S1°48'09.63\"W
L15	271.620	S1°48'09.63\"W



S88°06'07\"E 534.72'
 TAX LOT 500
 TAX MAP 7.3.8

NOT 36.41\"E 866.42'
 NOT 08.07\"E 201.97'

MATCH LINE - SEE SHEET C010

SEE SHEET C012 FOR FUTURE DIVISION PLAN

40' EASEMENT TO CITY OF SALEM FOR TEMPORARY WATER PUMP STATION TO SERVE W-2 SERVICE LEVEL

100' BPA POWERLINE EASEMENT

CHRISTINA STREET NW (COLLECTOR)

NAUTILUS STREET NW (LOCAL)

EMILY AVENUE NW (LOCAL)

TUPELO TERRACE (LOCAL)

TL 5500
 TL 7200

TAX LOT 401
 TAX MAP 7.3.8

NOT 35.02\"E 559.95'

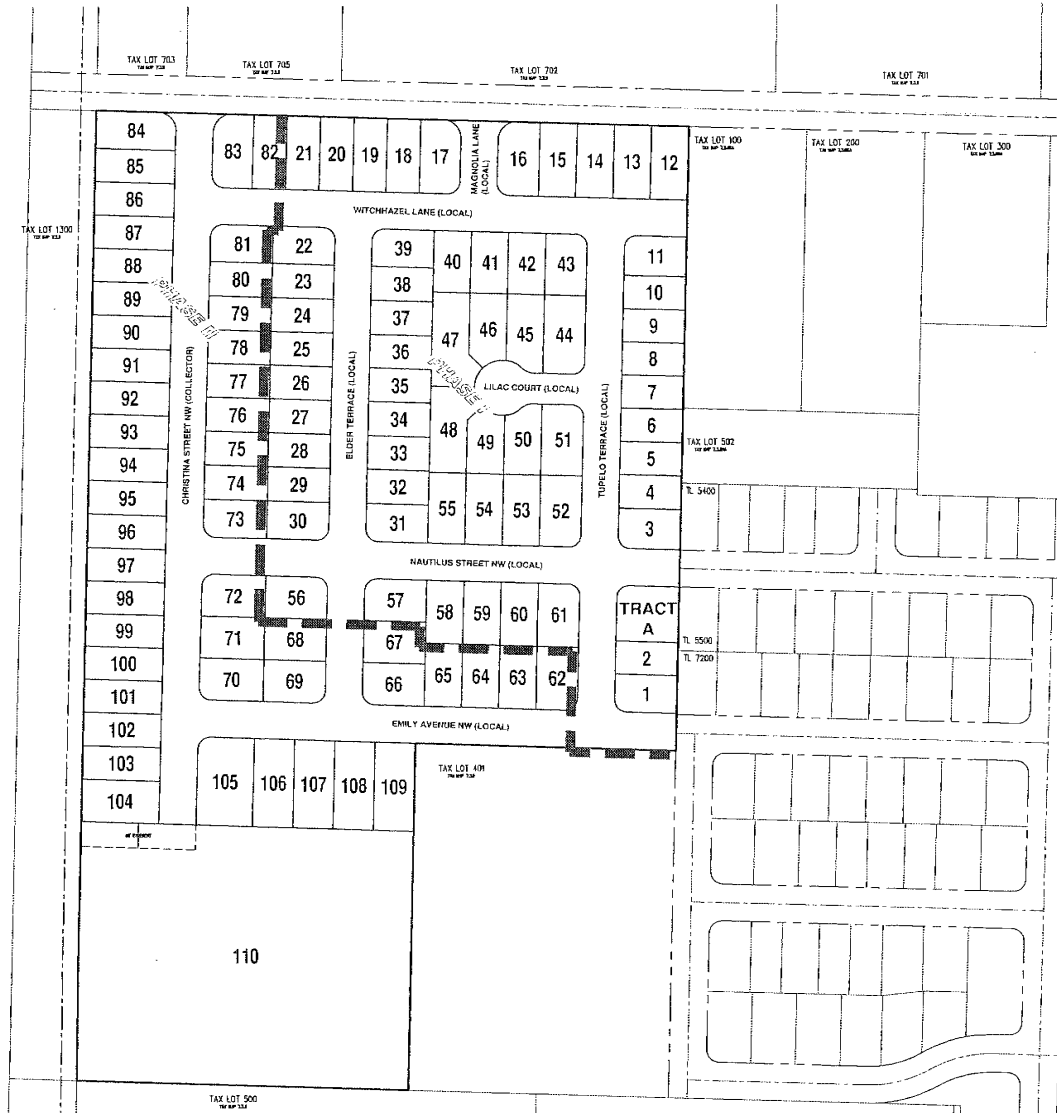
110
 224,228 SF

- 97 16,814 SF
- 98 16,805 SF
- 99 16,800 SF
- 100 16,791 SF
- 101 16,783 SF
- 102 16,775 SF
- 103 16,767 SF
- 104 16,759 SF

- 72 17,804 SF
- 71 17,079 SF
- 70 17,027 SF
- 56 16,820 SF
- 68 16,875 SF
- 69 16,825 SF

- 57 16,833 SF
- 58 16,824 SF
- 59 16,729 SF
- 60 16,733 SF
- 61 16,868 SF
- 62 16,876 SF
- 63 16,731 SF
- 64 16,728 SF
- 65 16,724 SF

- TRACT A (STORMWATER)
- 2 15,400 SF
- 1 16,715 SF



PHASE SUMMARY

PHASE	LOTS	AREA
1	81	13.36 ACRES
2	49	15.80 ACRES
TOTAL	110	29.16 ACRES

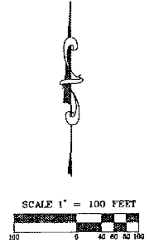


WHISPERING HEIGHTS
 SUBDIVISION
 SALEM OREGON
 (TAX LOT 40H)

PHASING PLAN

DESIGNED BY: DMK
 DRAWN BY: KEF/JLJ
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 10/20/2017
 PROFESSIONAL ENGINEER
 STATE OF OREGON
 NO. 10000
 KATEL, J. A.
 10/20/2017
 REVISIONS:

JOB NUMBER
 5032
 SHEET
 C013



Land Use Application for Whispering Heights Subdivision

Date: November 3, 2016

Submitted to: City of Salem
555 Liberty Street SE, Room 305
Salem, OR 97301

Applicant: Pacific Northwest Land Company, LLC
5 Centerpointe Drive, Suite 150
Lake Oswego, OR 97035



4300 Cherry Avenue NE
Keizer, OR 97303
(503) 400-6028

Table of Contents

I. Executive Summary	2
II. Site Description/Setting	2
III. Applicable Review Criteria	3
<u>Salem Revised Code</u>	<u>3</u>
Title VII – Permits, Streets and Public Ways	3
CHAPTER 86 TREES ON CITY OWNED PROPERTY	3
86.065 Planting Trees on City Property.....	3
Title X - Zoning	4
CHAPTER 205 LAND DIVISION AND RECONFIGURATION	4
205.010. Subdivision Tentative Plan.....	4
205.015. Phased Subdivision Tentative Plan.....	8
CHAPTER 265 ZONE CHANGES	10
265.015. Zone Changes by Operation of Law.....	10
CHAPTER 511 RS – SINGLE- FAMILY RESIDENTIAL	10
511.005. Uses.....	10
511.010. Development Standards.....	11
CHAPTER 800 GENERAL DEVELOPMENT STANDARDS	13
800.015. Lot Standards, Generally.....	13
800.020. Designation of Lot Lines.....	14
800.025. Flag Lots.....	15
800.035. Setbacks.....	15
800.040. Special Setbacks.....	15
800.045. Height.....	15
CHAPTER 802 PUBLIC IMPROVEMENTS	15
802.015. Development to be served by City Utilities.....	15
802.020. Easements.....	16
802.025. Utilities to be Placed Underground.....	16
CHAPTER 803 STREETS AND RIGHT-OF-WAY IMPROVEMENTS	16
803.010. Streets, Generally.....	16
803.020. Public and Private Streets.....	16
803.025. Right-of-Way and Pavement Widths.....	17
803.030. Street Spacing.....	17
803.035. Street Standards.....	18
803.040. Boundary Streets.....	23
CHAPTER 804 DRIVEWAY APPROACHES	23
804.015. Driveway Approach Permit Required.....	23

CHAPTER 805	VISION CLEARANCE	23
805.005.	Vision Clearance Areas.	23
CHAPTER 806	OFF-STREET PARKING, LOADING, AND DRIVEWAYS.....	24
806.015.	Amount Off-Street Parking.	24
806.030.	Driveway Development Standards for Single Family and Two Family Uses or Activities.	24
CHAPTER 808	PRESERVATION OF TREES AND VEGETATION	25
808.030.	Tree and Vegetation Removal Permits.	25
808.035.	Tree Conservation Plans.	25
808.050.	Tree Planting Requirements.	27
CHAPTER 810	LANDSLIDE HAZARDS.....	28
810.020.	Landslide Hazard Construction Permit.	28
810.025.	Landslide Hazard Risk Assessment.	29
810.030.	Standards for Geological Assessments and Geotechnical Reports.....	30
IV. Conclusion		31

Exhibits

- Exhibit A:** Application Form and Checklists
 - Exhibit B:** Recorded Deeds and Title Report
 - Exhibit C:** Tentative Phased Subdivision Plans
 - Exhibit D:** Trip Generation Estimate Form
 - Exhibit E:** Geologic Assessment and Geotechnical Report
 - Exhibit F:** Approved Subdivision Name
 - Exhibit G:** Vicinity Map
 - Exhibit H:** Pre-Application Conference Reports
 - Exhibit I:** Design Exception Requests
-

Land Use Application For Whispering Heights Subdivision

Submitted to: City of Salem
Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Applicant: Pacific Northwest Land Company, LLC
5 Centerpointe Drive, Suite 150
Lake Oswego, OR 97035

Property Owners: B & D Rivett Living Trust, et al.
624 Canal Street
Placerville, CA 95667

Applicant's Consultant: AKS Engineering & Forestry, LLC
4300 Cherry Avenue NE
Keizer, OR 97303
Contact: David Karr
Email: Davidk@aks-eng.com
Phone: (503) 400-6028 Fax: (503) 400-7722

Site Location: 2960 Michigan City Lane NW

Site Size: ± 29.40 acres per Polk County Assessor's Map
± 29.16 acres per AKS Survey

Assessor's Tax Map: 073W08 Tax Lot 400

Land Use Districts: RA (Residential Agriculture) to become RS (Single-Family Residential) automatically upon recording of the subdivision plat



I. Executive Summary

The applicant is pleased to submit this Subdivision application to divide a ± 29.16-acre site into 110 lots for the future construction of detached, single-family homes. The subject property is zoned RA (Residential Agriculture) and designated Developing Residential in the City of Salem Comprehensive Plan. The plans and narrative necessary for an Urban Growth Area Development Permit are provided concurrently with the Subdivision application.

The essential components of the Whispering Heights Subdivision application include:

- Phase 1 will consist of ± 61 lots across ± 13.36 acres, and Phase 2 will consist of ± 49 lots across ± 15.80 acres.
- 109 lots that meet or exceed City standards for future detached, single-family homes, and one lot (Lot 110) reserved for future division.
- Integrated on-site stormwater management, including a ± 9,123-square-foot stormwater facility located on Tract A and street side swales along Michigan City Lane NW and Emily Avenue NW.
- An inter-connected public street system with sidewalks and landscaping strips.
- Half-street improvements along the Michigan City Lane NW frontage.
- Interim widening of Michigan City Lane NW with an additional 8 feet of pavement from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision.
- Dedication of land and full-street improvements along the City-approved Christina Street NW alignment within the subject property.
- Extension of Nautilus Street NW and Emily Avenue NW from the east.
- Enhanced connection to the semi-developed park (Ellen Lane Property) via the extension of Emily Avenue NW.
- A Tree Conservation Plan.

This written narrative, together with the Tentative Phased Subdivision Plans and other documentation included in the application materials, establishes that the application is in compliance with all applicable approval criteria. As detailed throughout, this documentation represents substantial evidence and provides the basis for approval of the application by the City of Salem.

II. Site Description/Setting

The subject property is located in the northwestern corner of the City of Salem, on the south side of Michigan City Lane NW. The subject site consists of a single tax lot and is addressed as 2960 Michigan City Lane NW. Per the Polk County Assessor's Map, the site area is ± 29.40 acres. A survey commissioned by the applicant found the site area to be ± 29.16 acres. This narrative assumes the ± 29.16-acre surveyed area is most accurate and, therefore, this is the figure used in the Tentative Phased Subdivision Plans and throughout this analysis.

The subject property generally slopes up from ± 295 feet in elevation at the southern boundary and ± 350 feet at the southeast corner abutting Emily Avenue NW to high points of ± 425 feet at the northwest

corner and ± 432 feet near the middle of the western boundary. Vegetation consists primarily of deciduous trees and small shrubs at the southern end of the property.

Properties to the north are outside the Salem City Limits and Urban Grown Boundary (UGB). A block of tax lots to the east – including Tax Lots 100, 200, 300, and 502 – are also outside the City Limits. Properties to the southeast are zoned RS (Single-Family Residential), have been subdivided, and contain single-family homes. Properties to the south are designated RA (Residential Agriculture). To the west, the subject property abuts a 100-foot-wide Bonneville Power Administration (BPA) transmission line right-of-way, the City Limits, and then steep downward slopes to Brush College Road NW.

III. Applicable Review Criteria

SALEM REVISED CODE

Title VII – Permits, Streets and Public Ways

CHAPTER 86 TREES ON CITY OWNED PROPERTY

86.065 Planting Trees on City Property.

- (a) Except as provided in this Chapter the City shall be responsible for planting City trees.
- (b) Any person required to or desiring to plant trees on City property must file a permit application with the City. Upon receipt of an application under this section, the Director shall investigate the location where the tree or trees are to be planted and may grant a permit only if the location will allow for the normal growth and development of each tree. The permit shall specify the location, variety, and grade of each tree and method of planting. The permit shall be valid for 180 days from date of issue.
- (c) Every property owner whose property abuts upon any street shall plant City trees conforming to the provisions of this Chapter as a condition of final occupancy for construction of any building located upon the property. Applications for tree planting shall be made at the time of application for building permits. An inspection shall be made to verify that trees have been planted at the time of the final inspection. In lieu of planting City trees, the applicant may elect to pay a fee for the City to install any required trees as set by resolution of the City Council.
- (d) Upon passing final inspection, trees planted on City property shall become the property of the City.

RESPONSE: As shown on the Tentative Phased Subdivision Plans, construction of internal and boundary streets is planned to be consistent with the applicable provisions of the Salem Revised Code (SRC) and the Public Works Design Standards (PWDS). Applications for street tree plantings will be submitted at the same time as building permit applications. Therefore, the criteria are met.

CHAPTER 205 LAND DIVISION AND RECONFIGURATION

205.010. Subdivision Tentative Plan.

- (a) **Applicability.** No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.
- (b) **Procedure Type.** A tentative subdivision plan is processed as a Type II procedure under SRC Chapter 300.
- (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.

RESPONSE:

The project involves dividing the ± 29.16-acre site into 109 lots for the future construction of detached, single-family homes and one lot for future division. Tentative Phased Subdivision Plans are included with this narrative as Exhibit C, along with other submittal requirements and the application required under SRC Chapter 300 and SRC 205.030. Therefore, the criteria are met.

- (d) **Criteria.** A tentative subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

RESPONSE:

Each lot (except for Lot 110, which is intended for future division) will be suitable for a single-family home. Upon recordation of the final subdivision plat, the zoning of the subject property will change automatically to RS – Single-Family Residential. As shown on the Tentative Phased Subdivision Plans, lots will meet the applicable provisions of the Unified Development Code (UDC). Lot standards, including dimensions and area, are further addressed below in the responses to Chapter 511 RS – Single-Family Residential.

- (B) City infrastructure standards.

RESPONSE:

The subject property is located outside the Urban Service Area, and an Urban Growth Area Development Permit is necessary. The City of Salem Public Works Recommendations for Pre-App No. 16-04 (16-101823-PA) identified the following issues, which are addressed in the Tentative Phased Subdivision Plans:

- Michigan City Lane NW is designated as a Collector Street in the Salem Transportation System Plan (TSP). The portion of Michigan City Lane NW abutting the subject property consists of a ± 20-foot turnpike improvement within a 60-foot right-of-way. Half-street improvements to Michigan City Lane NW will be made along the property's frontage. Michigan City Lane NW will also be widened with an additional 8 feet of pavement from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision, enhancing its functionality as a linking street turnpike.

- Christina Street NW is identified in the Salem TSP as a Collector Street running north/south within the subject property. Dedication of land for Christina Street NW will be made, along with full-street improvements.
- An on-site stormwater system will be designed and constructed in compliance with the applicable provisions of the 2014 PWDS. There are existing storm drain lines in the Brush College Heights No. 1 Subdivision, east of the subject property.
- The subject property is located primarily within the W-1 water service level, with a small area above 412 feet in elevation in the W-2 water service level. Two parallel water lines will be located in the Christina Street NW right-of-way, and a temporary pump station will be located within a 40-foot easement on Lot 110 to serve the lots in the W-2 water service level. Adequate water facilities will be provided in accordance with the applicable provisions of the Water System Master Plan.
- A sanitary sewer system will be linked to adequate facilities in compliance with the applicable provisions of the Salem Wastewater Master Plan. There is an 8-inch line located in Emily Avenue NW, terminating at the eastern boundary of the subject property.

With the existing infrastructure and planned improvements, the project will comply with City infrastructure standards.

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

RESPONSE: The Geologic Assessment and Geotechnical Report, prepared by a licensed engineering geologist, is included as Exhibit E and concludes that the site is stable and suitable for a new single-family subdivision. According to the Salem-Keizer Local Wetland Inventory (LWI), there are no mapped wetlands or waterways located on the subject property. The City did not identify any other special development standards in the Pre-Application Report for PRE-AP16-04/16-101823-PA. Therefore, the criteria are met.

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

RESPONSE: The subdivision will divide a single tax lot of ± 29.16 acres into 109 subdivision lots for future single-family homes and one ± 5.1-acre lot for future division. The Future Division Plan for Lot 110 is included within Exhibit C. As shown on the Tentative Phased Subdivision Plans, future lots will meet or exceed minimum dimensional standards for the RS zone, have adequate frontage on a public road, and be sized to allow future residential uses as allowed in the RS zone.

The area to the southeast of the subject site is fully developed as a residential subdivision. Across the BPA right-of-way, property to the west slopes down to Brush College Road NW and is significantly constrained for future development based on topography. Abutting properties to the north and south are rural residential in nature. The planned subdivision layout and improvements will provide Local and Collector Street connections to the north, east, and south. These public improvements will provide street connectivity and utility

infrastructure supportive of the potential future development of adjacent land. The Future Division Plan also shows that Tax Lots 100 and 200 to the east can accommodate future lots meeting applicable RS zoning and land division standards. Therefore, the criteria are met.

- (3) Development within the tentative subdivision plan can be adequately served by City infrastructure.

RESPONSE:

The subject property is located outside the Urban Service Area, and an Urban Growth Area Development Permit is necessary. The City of Salem Public Works Recommendations for Pre-App No. 16-04 (16-101823-PA) identified the following issues, which are addressed in the Tentative Phased Subdivision Plans:

- Michigan City Lane NW is designated as a Collector Street in the Salem TSP. The portion of Michigan City Lane NW abutting the subject property consists of a ± 20-foot-wide turnpike improvement within a 60-foot-wide right-of-way. Half-street improvements to Michigan City Lane NW will be made along the property's frontage. Michigan City Lane NW will also be widened with an additional ± 8 feet of pavement from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision, enhancing its functionality as a linking street turnpike.
- Christina Street NW is identified in the Salem TSP as a Collector Street running north/south within the subject property. Dedication of land for Christina Street NW will be made, along with full-street improvements.
- An on-site stormwater system will be designed and constructed in compliance with the applicable provisions of the 2014 PWDS. There are existing storm drain lines in the Brush College Heights No. 1 Subdivision, east of the subject property.
- The subject property is located primarily within the W-1 water service level, with a small area above 412 feet in elevation in the W-2 water service level. Two parallel water lines will be located in the Christina Street NW right-of-way, and a temporary pump station will be located within a 40-foot-wide easement on Lot 110 to serve the lots in the W-2 water service level. Adequate water facilities will be provided in accordance with the applicable provisions of the Water System Master Plan.
- A sanitary sewer system will be linked to adequate facilities in compliance with the applicable provisions of the Salem Wastewater Master Plan. There is an 8-inch line located in Emily Avenue NW, terminating at the eastern boundary of the subject property.

With the existing infrastructure and planned improvements, the project can be adequately served by City infrastructure.

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

RESPONSE:

Michigan City Lane NW is designated as a Collector Street in the Salem TSP. The portion of Michigan City Lane NW abutting the subject property consists of a ± 20-foot-wide turnpike improvement within a 60-foot-wide right-of-way. Half-street improvements to Michigan City Lane NW will be made along the property's frontage. Michigan City Lane

NW will also receive an interim widening with an additional ± 8 feet of pavement to Local Street design standards from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision, enhancing its functionality as a linking street turnpike.

Christina Street NW is identified in the Salem TSP as a Collector Street running north/south within the subject property. The project includes dedication of land and full-street improvements for Christina Street NW. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. These frontage and off-site improvements will bring the street system adjacent to the planned parcels into conformance with the Salem TSP.

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

RESPONSE:

The subject property fronts Michigan City Lane NW, designated a Collector Street in the Salem TSP. As described above, the project will provide half-street improvements along the property's frontage on Michigan City Lane NW as well as an interim widening of Michigan City Lane NW with ± 8 feet of pavement from the eastern boundary of the subject property to the western boundary of the Bella Rosa Villa Subdivision. Christina Street NW is designated as a Collector Street by the Salem TSP and runs north/south within the subject property. The project includes dedication of land and full-street improvements for Christina Street NW.

The project includes the extension of Nautilus Street NW and Emily Avenue NW from the east. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. These on-site and off-site improvements are designed to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision. Therefore, the criteria are met.

- (6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

RESPONSE:

All boundary and internal streets will be designed and improved in conformance with the Salem TSP to provide safe bicycle and pedestrian access within the subdivision and connecting to adjacent residential areas and the semi-developed park (Ellen Lane Property). Therefore, the criteria are met.

- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

RESPONSE: Improvements to the transportation system are described above in the responses to SRC 205.010(d)(1) through (6). The interim widening of Michigan City Lane NW will mitigate impacts to the transportation system, per City staff. No Traffic Impact Analysis is required.

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

RESPONSE: No variances are planned. Therefore, the criteria do not apply.

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

RESPONSE: The subject property generally slopes up from ± 295 feet in elevation at the southern boundary and ± 350 feet at the southeast corner abutting Emily Avenue NW to high points of ± 425 feet at the northwest corner and ± 432 feet near the middle of the western boundary. Vegetation consists primarily of deciduous trees and small shrubs at the southern end of the property, primarily within the planned ± 5.1-acre Lot 110, which is reserved for future division. Streets have been designed to align with existing and planned streets, and the lots have been oriented in relation to these streets with the least amount of disruption to the site. Therefore, the criteria are met.

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

RESPONSE: An Urban Growth Area Development Permit is necessary in conjunction with the planned subdivision. Infrastructure conditions and planned improvements are described above in the responses to SRC 205.010(d)(1) through (5). The interim widening of Michigan City Lane NW is a planned off-site improvement. Therefore, the criteria are met.

205.015. Phased Subdivision Tentative Plan.

- (a) **Applicability.** The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.
- (b) **Procedure Type.** A tentative phased subdivision plan is processed as a Type II procedure under SRC Chapter 300.
- (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative phased subdivision plan shall include:
- (1) The information required in SRC 205.030; and

-
- (2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.

RESPONSE: The Tentative Phased Subdivision Plans included as Exhibit C contain the information required in SRC 205.030. A Phasing Plan is included in Exhibit C. The Phasing Plan shows Phase 1 consisting of ± 61 lots across ± 13.36 acres and Phase 2 consisting of ± 49 lots across ± 15.80 acres. Phase 1 aligns with the logical westward extension of infrastructure from Brush College Heights No. 1. Phase 2 will include construction of Christina Street NW and the temporary pump station to serve the lots in the W-2 service area. Therefore, the criteria are met.

- (d) Approval Criteria. A tentative phased subdivision plan shall be approved if all of the following criteria are met:

- (1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

RESPONSE: SRC 205.010(d) is addressed in detail above. The criteria are met.

- (2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

RESPONSE: As shown on the Phasing Plan, Phase 1 will extend streets and utilities from the existing subdivision to the east and provide a local street connection to Michigan City Lane NW to the north. Phase 2 will extend Emily Avenue NW and construct Christina Street NW to connect to Michigan City Lane NW. The Schematic Utility Plan shows that all City utilities will be extended within the rights-of-way. Therefore, the criteria are met.

- (3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

RESPONSE: As shown on the Phasing Plan and Schematic Utility Plan, Phase 1 will function as a self-contained and self-sustained subdivision, with full utilities, the stormwater facility, and street connections to Michigan City Lane NW, Nautilus Street NW, and Emily Avenue NW. Phase 2 will fully connect to Phase 1, include the temporary pump station for the few lots fronting Christina Street NW in the W-2 service area, and add another connection to Michigan City Lane NW via Christina Street NW. Therefore, the criteria are met.

- (4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

RESPONSE: Phase 1 and Phase 2 are designed to support the infrastructure requirements for the subdivision as a whole, as described above in the responses to SRC 205.010(d). Therefore, the criteria are met.

CHAPTER 265 ZONE CHANGES

265.015. Zone Changes by Operation of Law.

- (a) Applicability. A zone change by operation of law is a zone change that occurs automatically upon the satisfaction of certain conditions. There are two types of zone changes by operation of law:
 - (1) The application of zoning designations to a territory at the time the territory is annexed into the City; and
 - (2) The automatic conversion of property zoned Residential Agricultural (RA) to Single Family Residential (RS) upon either of the following, when the property is subject to an approved tentative subdivision plan or manufactured dwelling park permit:
 - (A) The date of the recording of the final subdivision plat with the county clerk; or
 - (B) Issuance of a final occupancy permit for a manufactured dwelling park permit issued pursuant to SRC Chapter 235.
- (b) Procedure Type. Zone changes by operation of law are exempt from SRC Chapter 300.

RESPONSE: The subject property is currently zoned RA (Residential Agriculture). Upon recordation of the subdivision plat, the subject property will automatically be rezoned to RS (Single-Family Residential). Because the zone change occurs automatically and is not subject to the provisions of SRC Chapter 300, the project is analyzed for conformance with applicable requirements of the SRC based on the property being rezoned RS. Compliance with the RS zone is addressed in the responses to Chapter 511, below.

CHAPTER 511 RS – SINGLE- FAMILY RESIDENTIAL

511.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

Table 511-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: <ul style="list-style-type: none"> ▪ Manufactured home, subject to SRC 700.025. ▪ Townhouse, subject to SRC 700.080. ▪ Zero side yard dwelling, subject to SRC 700.090.
	N	All other Single Family.

RESPONSE:

The project involves the creation of lots for the future construction of detached, single-family homes, a permitted use in the RS zone. Therefore, the criteria are met.

511.010. Development Standards.

Development within the RS zone must comply with the development standards set forth in this section.

- (a) Lot Standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.

Table 511-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 4,000 sq. ft.	Applicable to two family shared housing.
	Min. 7,000 sq. ft.	Applicable to all other Two Family.
All Other Uses	Min. 6,000 sq. ft.	
Infill Lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
LOT WIDTH		
All Uses	Min. 40 ft.	
LOT DEPTH		
	Min. 70 ft.	
Single Family and Two Family	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
	Min. 40 ft.	
Single Family	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

RESPONSE:

The project involves the creation of lots for the future construction of detached, single-family homes. As shown on the Tentative Phased Subdivision Plans, the planned lots will be more than 4,000 square feet in area, wider than 40 feet, deeper than 70 feet, and the depth of each lot will be less than 300% of its average width. The double frontage lots abutting the south side of Michigan City Lane NW will be at least 120 feet deep. All lots will have the required minimum street frontage, including the lots fronting the lone cul-de-sac. Therefore, the criteria are met.

- (b) Setbacks. Setbacks within the RS zone shall be provided as set forth in Table 511-3.



Table 511-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Uses	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.080	Applicable to townhouses.
	Per SRC 700.090	Applicable to zero side yard dwellings.
INTERIOR REAR		
Buildings		
All Uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

RESPONSE: Setbacks will be reviewed with each application for a building permit for a single-family dwelling on each lot within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable standards can be met.

- (c) Lot Coverage; Height. Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

Table 511-4: Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family and Two Family	Max 60%	
All Other Uses	Max 35%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	
HEIGHT		
Buildings		
Single Family and Two Family	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.



RESPONSE:

Lot coverage and height will be reviewed with each application for a building permit for a single-family dwelling on each lot within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable standards can be met.

(e) Garages Required.

- (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006 within the RS zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this paragraph shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
- (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.

RESPONSE:

Garages will be reviewed with each application for a building permit for a single-family dwelling on each lot within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable standards can be met.

CHAPTER 800 GENERAL DEVELOPMENT STANDARDS

800.015. Lot Standards, Generally.

- (a) Buildings to be on a Lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC Chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.
- (b) Side Lot Lines. As far as is 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.

RESPONSE:

The subdivision is designed to accommodate a single-family home on each individual lot. The location of each home on a lot will be reviewed with building permit applications.

As shown on the Tentative Phased Subdivision Plans, side lot lines will run at right angles to the street each lot fronts, as far as practicable. Side lot lines for lots on the cul-de-sac will be radial to the curve of the cul-de-sac. Therefore, the criteria are met.

800.020. Designation of Lot Lines.

- (a) Front Lot Line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).
 - (1) Interior Lot. For an interior lot, the front lot line shall be the property line abutting the street.
 - (2) Corner Lot. For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant, provided, however, that lot dimension standards are met.
 - (3) Double Frontage Lot. For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant, provided, however, that lot dimension requirements are met.
 - (4) Flag Lot. For a flag lot, the front lot 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 of the plat, which shall be recorded on deeds conveying lots.
 - (5) Other Lots. In the case of any lot not covered by paragraphs (1) through (4) of this subsection, the front lot line shall be the property line that the architecturally designed front of the building faces.

RESPONSE: Front lot lines will be designated as set forth in this Section. For each corner and double frontage lot within the subdivision, the front lot line will be the property line abutting a street designated by the building permit applicant. No flag lots are planned.

- (b) Rear lot line. The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).
 - (1) Generally. For all lots, except those identified in paragraph (2) of this subsection, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.
 - (2) Trapezoidal, Triangular, Diamond, or Other Shaped Lots. For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than 10 feet, the rear lot line for purposes of determining required setbacks shall be a line 10 feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).
- (c) Side Lot Line. A side lot line is any lot line which is not a front or rear lot line.

RESPONSE: Rear and side lot lines will be designated as set forth in this Section. For cul-de-sac Lots 44–47, the rear lot line will be the northernmost lot line. For cul-de-sac Lots 48–51, the rear lot line will be the southernmost lot line.

800.025. Flag Lots.

Flag lots are allowed subject to the standards set forth in this section.

- (a) Lot Area. The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) Lot Dimensions. The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.
- (c) Flag Lot Accessways. Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

RESPONSE: No flag lots are planned. Therefore, the criteria do not apply.

800.035. Setbacks.

- (a) Setbacks to be Unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.
- (b) Permitted Projections into Required Setbacks. Permitted projections into required setbacks are set forth in Table 800-2.

RESPONSE: Setbacks will be evaluated with building permit applications. However, the lots have been designed to meet applicable dimensional standards and will accommodate single-family dwellings in compliance with applicable setback standards. Therefore, the criteria are met.

800.040. Special Setbacks.

- (a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.

RESPONSE: No special setback requirements have been identified on the subject property. All required dedication of land for streets will be perfected upon recordation of the final subdivision plat. Therefore, the special setback criteria do not apply.

800.045. Height.

- (a) Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC Chapter 112.

RESPONSE: No buildings are planned at this time. The heights of single-family homes will be evaluated with building permit applications. Therefore, the height criteria do not apply.

CHAPTER 802 PUBLIC IMPROVEMENTS

802.015. Development to be served by City Utilities.

Except as provided under SRC 802.035 and SRC 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

RESPONSE: As shown on the Schematic Utility Plan in Exhibit C, the subdivision and each individual lot will be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS. Therefore, the criteria are met.

802.020. Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than 10 feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

RESPONSE: As shown on the Schematic Utility Plan in Exhibit C, 10-foot-wide public utility easements will be provided abutting street-side property lines. Therefore, the criteria are met.

802.025. Utilities to be Placed Underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above-ground and below-ground facilities.

RESPONSE: As shown on the Schematic Utility Plan in Exhibit C, all utility service will be provided underground, except for the stormwater system, which will include above-ground and below-ground facilities. Therefore, the criteria are met.

CHAPTER 803 STREETS AND RIGHT-OF-WAY IMPROVEMENTS

803.010. Streets, Generally.

Except as otherwise provided in this Chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

RESPONSE: As shown on the Tentative Phased Subdivision Plans, rights-of-way will be dedicated and streets improved to include facilities in conformance with Table 803-1, below, and the PWDS. Therefore, the criteria are met.

803.020. Public and Private Streets.

- (a) Public Streets. Except as provided in subsection (b) of this section, all streets shall be public streets.

RESPONSE: All boundary and internal streets of the Whispering Heights Subdivision are planned to be public streets. Therefore, the criteria are met.

803.025. Right-of-Way and Pavement Widths.

- (a) Except as otherwise provided in this Chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

Right-of-Way	Width	Limitations & Qualifications
Collector	Min. 60 ft.	
Local Street	Min. 60 ft.	
Cul-de-sac	Min. 50 ft.	Applicable to the stem of the cul-de-sac.
	Min. 45 ft. radius	Applicable to the turnaround of the cul-de-sac.

RESPONSE:

As shown on the Tentative Phased Subdivision Plans, rights-of-way will be dedicated in conformance with Table 803-1. Michigan City Lane NW and Christina Street NW are designated as Collector Streets. The existing Michigan City Lane NW right-of-way is 60 feet wide, and 60 feet of right-of-way will be dedicated for Christina Street NW in Phase 2. Extensions of Nautilus Street NW and Emily Avenue NW, as well as the new internal streets, are designated as Local Streets and will receive dedication of 60 feet of right-of-way. Therefore, the criteria are met.

- (b) Except as otherwise provided in this Chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

Street Type	Width	Limitations & Qualifications
Collector	Min. 34 ft.	Applicable to a Type A collector.
	Min. 40 ft.	Applicable to a Type B collector.
	Min. 34 ft.	Applicable to a Type C collector.
Local Street	Min. 30 ft.	
Cul-de-sac	Min. 30 ft.	Applicable to the stem of the cul-de-sac.
	Min. 38 ft. radius	Applicable to the turnaround of the cul-de-sac.

RESPONSE:

As shown on the Tentative Phased Subdivision Plans, half-street improvements based on the appropriate Collector Street standard will be constructed along the Michigan City Lane NW frontage. Christina Street NW will be constructed with a 34-foot pavement width, and the local streets and cul-de-sac will be constructed with the appropriate pavement widths. Therefore, the criteria are met.

803.030. Street Spacing.

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

RESPONSE:

As shown on the Tentative Phased Subdivision Plans, all blocks will meet the spacing standards, except for the long block on the west side of Christina Street NW. The allowed exception to street spacing is addressed in the response to (b), below.

- (b) Street spacing may be increased where one or more of the following exist:
 - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
 - (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
 - (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.
 - (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

RESPONSE:

Along its western boundary, the subject property abuts a 100-foot-wide BPA transmission line right-of-way. The far side of the BPA right-of-way marks the City Limits, across which the elevation drops from ± 420 feet to an elevation of ± 270 feet over a distance of ± 675 feet. This represents a grade of more than 20%. The BPA right-of-way and transmission lines constitute existing development and the steep slopes represent physical conditions, both of which preclude street connections to the west of the subject property. Therefore, the criteria are met to justify an increase in the street spacing standard.

803.035. Street Standards.

All public and private streets shall be improved as follows:

- (a) Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one half mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
 - (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.

-
- (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
 - (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

RESPONSE: The project will include the extension of Nautilus Street NW and Emily Avenue NW from the east. The extension of Emily Avenue NW will enhance connectivity to the semi-developed park (Ellen Lane Property). The subject property fronts Michigan City Lane NW, which intersects Wallace Road NW (Hwy 221) 0.5 miles to the east of the subject property. New internal streets will increase connectivity, extend to adjoining undeveloped properties, and provide access to Michigan City Lane NW. Christina Street NW is a Collector Street envisioned in the TSP that will extend from Michigan City Lane NW through the subject property until it stubs into the southern property boundary.

Connections to existing or planned streets and adjoining undeveloped properties will be provided at least every 600 feet, except along the western boundary of the subject property. Along the western boundary, the subject property abuts a 100-foot-wide BPA transmission line right-of-way. The far side of the BPA right-of-way drops from an elevation of ± 420 feet to an elevation of ± 270 feet over a distance of ± 675 feet. This represents a grade of more than 20%. The BPA right-of-way constitutes existing development and the steep slopes represent physical conditions, both of which preclude street connections to the west of the subject property. Therefore, the criteria are met to justify street connections at greater than 600-foot intervals.

- (b) **Improvements.** All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- (c) **Alignment and Grade.** All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed 6 percent. No grade of a collector street shall exceed 8 percent. No grade of a local street shall exceed 12 percent.

RESPONSE: Street improvements can and will conform to the applicable provisions of the SRC and PWDS. Design Exceptions to the collector and local street grade standards are requested, and included in Exhibit I. Therefore, the criteria are met.

- (d) **Dead-End Streets.** When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.

RESPONSE: Dead-end streets will be provided at the eastern and southern boundaries of the subject property in order to provide future connectivity to abutting undeveloped properties. Therefore, the criteria are met.

(***)

(f) Cul-de-sacs.

- (1) Cul-de-sacs shall not exceed 800 feet in length.
- (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
- (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.

RESPONSE: As shown on the Tentative Phased Subdivision Plans, one cul-de-sac is planned. The cul-de-sac will comply with the applicable criteria.

(g) Intersections; Property Line Radius.

- (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.
- (2) The property line radius at intersections shall be not less than the curb line radius as set forth in the Public Works Standards.

RESPONSE: As shown on the Tentative Phased Subdivision Plans, intersections conform or can conform to the applicable PWDS. Therefore, the criteria are met.

(h) Cut and Fill Slopes. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

(i) Slope Easements. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.

(j) Street Alignment. Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including but not limited to mature trees.

RESPONSE: The subject property generally slopes up from \pm 295 feet in elevation at the southern boundary and \pm 350 feet at the southeast corner abutting Emily Avenue NW to high points of \pm 425 feet at the northwest corner and \pm 432 feet near the middle of the western boundary. The streets within the subdivision have been designed to extend surrounding street stubs and avoid natural obstacles – including topography and mature trees – as far as possible.

Cut and fill slopes abutting sidewalks will not exceed two horizontal to one vertical, unless a qualified geological engineer certifies that slopes will remain stable at greater ratios.

The Geologic Assessment and Geotechnical Report is included as Exhibit E and concludes that “the site is presently stable and suitable for the proposed new single-family residential development and its associated site improvements provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.”

Vegetation consists primarily of deciduous trees and small shrubs clustered at the northwest corner and southern end of the property. Streets have been generally aligned to avoid these trees. Construction of the north/south segment of Christina Street NW, shown on the Salem TSP as a future Collector Street, will require removal of ± 10 trees. The alignment of Christina Street NW is the only planned alignment that will require the removal of trees. None of the other internal street alignments will require the removal of trees. Therefore, the criteria are met.

- (k) **Street Trees.** Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC Chapter 86.

RESPONSE: Street trees are addressed in the response to SRC Chapter 86, above. Applications for street tree planting will be submitted with building permit applications. Therefore, the criteria are met.

- (l) **Sidewalks.**
 - (1) **Sidewalk Construction Required.** Sidewalks conforming to this Chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC Chapter 78 shall be constructed as a part of street improvement projects.
 - (2) **Sidewalk Location; Width.**
 - (A) Sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this paragraph, all sidewalks shall be a minimum of 5 feet in width.
 - (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of 8 feet in width along the right-of-way for a distance of 600 feet from the point of connection.
 - (E) Sidewalks shall have an unobstructed 4-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

RESPONSE: Sidewalk locations and widths are shown on the Schematic Utility Plan included in Exhibit C. Sidewalk design and construction will conform to the applicable provisions of the SRC,

PWDS, the Americans with Disabilities Act (ADA), and the Salem TSP. Therefore, the criteria are met.

- (m) **Bicycle Facility Standards.** Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

RESPONSE: The Bicycle System Element within the Salem TSP proposes a bicycle lane for Michigan City Lane NW and an uphill bike lane/downhill shared lane for Christina Street NW. Both of these streets are identified as Collector Streets in the Salem TSP. The planned 34-foot improved surface will accommodate bicycle facilities as required by the TSP and PWDS. Therefore, the criteria are met.

- (n) **Utility Easements.** Public utility easements may be required for all streets. Unless otherwise specified by the Public Works Director, public utility easements shall be a minimum of 10 feet in width on each side of the right-of-way.

RESPONSE: The Tentative Phased Subdivision Plan and Schematic Utility Plan show a 10-foot-wide public utility easement abutting all streets. Therefore, the criteria are met.

- (o) **Street Lights.** All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.
- (p) **Landscape Strips.** Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.

RESPONSE: Underground infrastructure for street lights will be provided. Landscape strips are shown on the Schematic Utility Plan. Therefore, the criteria are met.

- (q) **Landscaping.** Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.

RESPONSE: The vast majority of right-of-way within and bounding the subdivision will contain improved surface area. Street tree planting and other landscaping measures will be reviewed with building permit applications. Therefore, the criteria are met.

- (r) **Urban Growth Area Street Improvements.** Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC Chapter 66.

RESPONSE: An Urban Growth Area Development Permit is requested concurrently with the subdivision. While SRC Chapter 66 is not a chapter of the SRC listed on the City of Salem

website, street improvements and dedication will meet all applicable provisions of the SRC and PWDS. Therefore, the criteria are met.

803.040. Boundary Streets.

- (a) Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
- (1) Subdivisions;
 - (2) Partitions;
 - (3) Planned unit developments;
 - (4) Manufactured dwelling parks; and
 - (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC Chapter 56.

RESPONSE: The Tentative Phased Subdivision Plans include the dedication of required right-of-way and construction of half-street improvements along the site's Michigan City Lane NW frontage. Michigan City Lane NW is designated as a Collector Street, and right-of-way and improvement widths will comply with SRC 803.025.

CHAPTER 804 DRIVEWAY APPROACHES

804.015. Driveway Approach Permit Required.

- (a) Except as otherwise provided in this Chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

RESPONSE: Driveway approaches will be reviewed with building permit applications for single-family dwellings on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable driveway standards can be met.

CHAPTER 805 VISION CLEARANCE

805.005. Vision Clearance Areas.

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

- (a) Street Intersections. Vision clearance areas at street intersections shall comply with the following:
- (1) Uncontrolled Intersections. At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).
 - (2) Controlled Intersections. At controlled intersections, the vision clearance area shall have a 10-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).

- (3) One-Way Streets. Notwithstanding paragraphs (1) and (2) of this subsection, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

RESPONSE: As shown on the Tentative Phased Subdivision Plans, street intersections have been designed to comply with vision clearance standards. Upon development of the subdivision streets and infrastructure, vision clearance areas will be kept free of prohibited obstructions from 2.5 feet to 8.5 feet above curb level. Therefore, the applicable criteria are met.

CHAPTER 806 OFF-STREET PARKING, LOADING, AND DRIVEWAYS

806.015. Amount Off-Street Parking.

- (a) **Minimum Required Off-Street Parking.** Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

Use	Minimum Number of Spaces Required	Limitations & Qualifications
Single Family	2	Applicable to all Single Family, unless noted below.
	1	Applicable to all Single Family located within the CSDP area.

RESPONSE: Off-street parking will be reviewed with building permit applications for single-family dwellings on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable off-street parking standards can be met.

806.030. Driveway Development Standards for Single Family and Two Family Uses or Activities.

Unless otherwise provided under the UDC, driveways for Single Family and Two Family uses or activities shall be developed and maintained as provided in this section.

- (a) **Location.** Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route shall be permitted within yards abutting streets.
- (b) **Dimensions.** Driveways shall conform to the minimum dimensions set forth in Table 806- 4. The minimum width of a driveway serving more than one parking space must meet the standard set forth in Table 806-4 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to 10 feet.

Number of Parking Spaces Served	Width	Depth
1 space	10 ft.	20 ft.
2 spaces	16 ft.	20 ft.
3 or more spaces	22 ft.	20 ft.

(c) Surfacing.

- (1) All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.
- (2) Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards when such access is being utilized for parking.

RESPONSE: Driveways will be reviewed with building permit applications for single-family dwellings on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable driveway standards can be met.

CHAPTER 808 PRESERVATION OF TREES AND VEGETATION

808.030. Tree and Vegetation Removal Permits.

(a) Applicability.

- (1) Except as provided in paragraph (2) of this subsection, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a Tree and Vegetation Removal Permit has been issued pursuant to this section.
- (2) Exceptions. A Tree and Vegetation Removal Permit is not required for the removal of trees or native vegetation protected under SRC 808.015 SRC 808.020, or SRC 808.025 when the removal is:

(***)
 - (O) Undertaken pursuant to a Tree Conservation Plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for Single Family or Two Family uses or activities, approved under SRC 808.035;

RESPONSE: The planned subdivision will create lots for future single-family homes. A Tree Conservation Plan meeting the requirements of SRC 808.035 is included with the Tentative Phased Subdivision Plans in Exhibit C. Therefore, a Tree and Vegetation Removal Permit is not required.

808.035. Tree Conservation Plans.

- (a) Applicability. A Tree Conservation Plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for Single Family or Two Family uses, if the development proposal will result in the removal of trees.
- (b) Procedure Type. A Tree Conservation Plan is processed as a Type I procedure under SRC Chapter 300.

-
- (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for a Tree Conservation Plan shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at 2-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, and location of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.

RESPONSE: A Tree Conservation Plan meeting the requirements listed above is included with the Tentative Phased Subdivision Plans in Exhibit C. Therefore, the site plan standards are met.

- (2) In addition to the information required by paragraph (1) of this subsection, when a riparian corridor is located on the property, the tree conservation plan shall include:
- (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

RESPONSE: No riparian corridor has been identified on the property. Therefore, these requirements do not apply.

- (d) **Approval Criteria.** An application for a Tree Conservation Plan shall be granted if the following criteria are met:



-
- (1) No heritage trees are designated for removal;

RESPONSE: As shown on the Tree Conservation Plan, no heritage trees are designated for removal. Therefore, the criterion is met.

- (2) No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees;

RESPONSE: Significant trees are defined in SRC 808.005 as "Rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater." As shown on the Tree Conservation Plan, there are three Oregon white oaks with diameters at breast height (dbh) of 24 inches or greater located on and around Lots 103 and 104 that are designated for removal. Two of these trees are located within ± 10 feet of the Christina Street NW right-of-way and will need to be removed for grading and construction of the street and installation of public utilities within the 10-foot public utility easement (PUE). The third tree is located at the northwest corner of Lot 104 and will need to be removed for grading and construction of homes on Lots 103 and/or 104. Based on the slopes in this area, and the logical alignment of the new Collector Street required by the Salem TSP (Christina Street NW), there is no reasonable design alternative that would enable preservation of these three trees. Approximately 26 trees will be preserved on the subject property. Therefore, the criteria are met.

- (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation;

RESPONSE: No riparian corridor has been identified on the property. Therefore, these requirements do not apply.

- (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.

RESPONSE: As shown on the Tree Conservation Plan, 59 on-site trees have been inventoried and ± 26 trees ($\pm 44\%$) are designated for preservation. Therefore, the criteria are met.

808.050. Tree Planting Requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for Single Family or Two Family uses, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5 inch caliper.

Table 808-1: Tree Planting Requirements	
Lot or Parcel Size	Minimum Trees Required
6,000 ft. or less	2
6,001 ft. to 7,000 ft.	3
7,001 ft. to 8,000 ft.	4
8,001 ft. to 9,000 ft.	5
Greater than 9,000 ft.	6

RESPONSE:

As shown on the Tentative Phased Subdivision Plans, the planned lots for single-family homes range in size from ± 5,400 square feet to ± 12,800 square feet. No heritage trees are designated for removal. Landscaping and tree planting requirements for individual lots will be reviewed with building permit applications for single-family dwellings on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the RS zone, and, therefore, the applicable tree planting standards can be met.

CHAPTER 810 LANDSLIDE HAZARDS

810.020. Landslide Hazard Construction Permit.

(a) Applicability.

- (1) Except as provided in paragraph (2) of this subsection, no person shall engage in any of the following activities in areas designated as moderate or high total landslide hazard risk without first obtaining a landslide hazard construction permit.
 - (A) Excavation or fill, as independent activity, exceeding 2 feet in depth or 25 cubic yards of volume;
 - (B) Installation or construction of any structure greater than 500 square feet in area;
 - (C) Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation;
 - (D) Land division, planned unit development, or manufactured dwelling park; or
 - (E) Tree removal, as an independent activity, on regulated slopes greater than 60%.

(***)

RESPONSE:

The planned subdivision is a land division, and none of the referenced exceptions in paragraph (2) apply. Therefore, a Landslide Hazard Construction Permit is necessary for any part of the subdivision located in an area designated as moderate or high total landslide hazard risk. The submitted Geologic Assessment and Geotechnical Report (Exhibit E) concludes that “the site is presently stable and suitable for the proposed new single-family residential development and its associated site improvements provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.”

-
- (b) Procedure Type. A landslide hazard construction permit is processed as a Type I procedure under SRC Chapter 300.
 - (c) Submittal Requirements. In lieu of the application submittal requirements under SRC Chapter 300, an application for a landslide hazard construction permit shall include the following:
 - (1) A completed application form.
 - (2) A geological assessment, geotechnical report, or both, as applicable.

RESPONSE: A completed application form is included as Exhibit A and the Geologic Assessment and Geotechnical Report is provided as Exhibit E. Therefore, the requirements are met.

- (d) Criteria. A landslide hazard construction permit shall be granted if:
 - (1) The geological assessment, geotechnical report, or both, as applicable, meets the standards of this chapter; and
 - (2) The geological assessment, geotechnical report, or both, as applicable:
 - (A) Indicates the development can proceed without a risk of landslide hazard; or
 - (B) Sets forth mitigation measures that will reduce or eliminate the risk of landslide hazard.

RESPONSE: The submitted Geologic Assessment and Geotechnical Report meets the standards of this Chapter and concludes that “the site is presently stable and suitable for the proposed new single-family residential development and its associated site improvements provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.” Therefore, the criteria are met.

810.025. Landslide Hazard Risk Assessment.

- (a) Graduated Response Tables. The Graduated Response Tables set forth in this subsection are used to determine the total landslide hazard risk and required level of site investigation for regulated activities under this Chapter. To determine the total landslide hazard risk, follow the steps set forth in this subsection. Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.
 - (1) Step One: Earthquake Induced Landslide Susceptibility. Select one assigned point value from Table 810-1A and proceed to step two.
 - (2) Step Two: Water-Induced Landslide Susceptibility. Select one assigned point value from Table 810-1B and proceed to step 3.
 - (3) Step Three: Activity Susceptibility Ratings. Select one assigned point value from Table 810-1C and proceed to step four.
 - (4) Step Four: Cumulative Score. Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

-
- (5) Step Five: Total Landslide Risk. Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.
- (b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:
 - (1) Low Landslide Hazard Risk. If application of Table 810-1E indicates a Low Landslide Hazard Risk, all regulated activities may proceed without further investigation, permitting, or approval required by this Chapter.
 - (2) Moderate Landslide Hazard Risk. If application of Table 810-1E indicates a Moderate Landslide Hazard Risk, a geological assessment shall be submitted for all regulated activities. 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 shall be submitted.
 - (3) High Landslide Hazard Risk. If application of Table 810-1E indicates a High Landslide Hazard Risk, a geotechnical report prepared by a Certified Engineering Geologist and Geotechnical Engineer shall be submitted for all regulated activities.

RESPONSE:

The Pre-Application Report provided by the City of Salem Planning Division (PRE-AP16-04/16-101823-PA) identifies that the subject property is mapped with 2 to 5 landslide hazard susceptibility points, and there are 3 points associated with a subdivision. The resulting total of 5 to 8 points indicates a moderate landslide risk. Therefore, the Geologic Assessment and Geotechnical Report is provided as Exhibit E.

810.030. Standards for Geological Assessments and Geotechnical Reports.

Geological assessments and geotechnical reports required under this Chapter shall include the information required by this section.

- (a) Geological Assessment. A geological assessment shall include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site; and conclusions regarding the effect of geologic conditions on the proposed development. The geological assessment shall bear the stamp of a Certified Engineering Geologist.
- (b) Geotechnical Report. A geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; an opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific requirements for plan modification, corrective grading, and special

techniques and systems to facilitate a safe and stable development. The report shall provide other recommendations, as necessary, commensurate with the project grading and development. The geotechnical report shall bear the stamp of a Certified Engineering Geologist and Geotechnical Engineer.

RESPONSE: The Geologic Assessment and Geotechnical Report includes the required information and concludes that “the site is presently stable and suitable for the proposed new single-family residential development and its associated site improvements provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.”

IV. Conclusion

The required findings have been made, and this written narrative along with accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial and supports approval of the application. Therefore, the applicant respectfully requests that the City of Salem approve the Whispering Heights Subdivision application and concurrent Urban Growth Area Development Permit application.



EXECUTIVE SUMMARY

1. A subdivision is proposed on Michigan City Road NW in Salem, Oregon. The development includes 109 single-family homes as well as connections to many local streets to the south and east of the subdivision.
2. The proposed development is projected to result in a total of 82 site trips during the morning peak hour, with 21 site trips entering and 61 exiting the site, and 109 site trips during the evening peak hour, with 69 site trips entering and 40 exiting the site.
3. Based on the review of crash data, no safety mitigations are recommended.
4. Left turn lane and traffic signal warrants were examined and were found not to be met under year 2019 traffic conditions, with or without the addition of site trips from the proposed development.
5. The results of the capacity and queuing analyses show that the study intersection are projected to operate within the city's standards through year 2019 with completion of the proposed development. Accordingly, no operational mitigations are necessary or recommended.

RECEIVED

ATTACHMENT F

MAR 10 2017



COMMUNITY DEVELOPMENT

MEMO

TO: Chris Green, Planner II
Community Development Department

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

DATE: March 10, 2017

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PHASED SUBDIVISION PLAT NO. SUB-UGA-ADJ16-03 (16-120471)
2960 MICHIGAN CITY LANE NW
110-LOT PHASED SUBDIVISION

PROPOSAL

A consolidated application for a 110-lot phased subdivision Whispering Heights near the northwest corner of the city limits, containing the following requests:

1. A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately 13.36 acres into 61 lots and Phase 2 dividing approximately 15.80 acres into 49 lots; and
2. An Urban Growth Preliminary Declaration to determine the public facilities required under the Urban Growth Management Program to develop the proposed subdivision.
3. A Class 2 Adjustment to:
 - a. Increase the maximum allowed grade of Christina Street NW, a designated Collector, from 8 percent, as required under SRC 803.035(c), to 12 percent; and
 - b. Increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required under SRC 803.035(c), to 15 percent.

The subject property is approximately 29 acres in size, zoned RA (Residential Agriculture), and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080000400).

RECOMMENDED CONDITIONS FOR UGA PRELIMINARY DECLARATION

1. As a condition of development in Phase 1:

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

- a. Along the entire site frontage of Michigan City Lane NW, convey land for dedication of right-of-way to equal 30-feet from centerline.
 - b. Along the Michigan City Lane NW frontage abutting Phase 1, construct a 23-foot half-width boundary improvement to Collector B street standards.
 - c. Construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue NW through the proposed development to Michigan City Lane NW at the east line of the subject property.
2. As a condition of development in Phase 2:
- a. Along the Michigan City Lane NW frontage abutting Phase 2, construct a 23-foot half-width boundary improvement to Collector B street standards.
 - b. Construct a W-2 pump station to provide domestic water service to the W-2 service level as specified by the Public Works Director.
 - c. If topographic constraints require new impervious surfaces to discharge onto the southerly neighboring property, the applicant shall either:
 - i. acquire public stormwater easements from the south line of the subject property to Brush College Road NW; or
 - ii. enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.

RECOMMENDED CONDITIONS OF FINAL PLAT APPROVAL

1. As a condition of all phases:
 - a. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
 - b. Construct City infrastructure to serve each lot.
 - c. Pay the Brush College Reimbursement District fee of \$1,653.96 per lot.
2. As a condition of development in Phase 1:
 - a. Widen Michigan City Lane NW to a minimum of 24 feet wide from the east line of the subject property to the west line of Bella Rosa Villa Subdivision. The structural section of the new pavement widening shall meet local street standards. Modification of the existing pavement is not required except for minor surface preparation as needed to accommodate the pavement widening.

3. As a condition of development in Phase 2:
 - a. Construct Christina Street NW within the subject property to Collector B standards as a 40-foot-wide improvement within a 60-foot-wide right-of-way. Christina Street NW may be reduced to a Local street section if its Collector street designation is eliminated from the Salem Transportation System Plan prior to issuance of construction permits.
 - b. Dedicate a water easement to accommodate the proposed W-2 pump station pursuant to PWDS.

CRITERIA AND FINDINGS—Urban Growth Area (UGA)

Analysis of the development based on relevant criteria in SRC 200 is as follows:

SRC 200.055—Standards for Street Improvements

Findings—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 is abutted by Nautilus Avenue NW and Emily Avenue NW, which are adequate linking streets. Michigan City Lane NW abutting the subject property does not meet the requirements for an adequate linking street.

SRC 200.060—Standards for Sewer Improvements

Findings—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 facility is located east of the subject property in Emily Avenue NW.

The applicant shall link the site to existing facilities that are defined as adequate under 200.005(a).

SRC 200.065—Standards for Storm Drainage Improvements

Findings—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 subject property is located within the Glenn Gibson drainage basin. The drainage on the site is split to the northeast and south. The nearest available public storm system for the northeast portion is located within the Brush College Heights Phase 1 development to the east of the subject property. The applicant's tentative drainage plan for proposed Phase 1 and Phase 2 shows a discharge to existing facilities to the east of the subject property. The

southern portion of the site is not being developed as part of the proposed subdivision and will drain to its historical location.

If topographic constraints require new impervious surfaces to discharge onto the southerly neighboring property, the applicant shall either:

1. Acquire public stormwater easements from the south line of the subject property to Brush College Road NW; or
2. Enter into a stormwater maintenance agreement with the City regarding acceptance and disbursement of the additional stormwater discharge.

SRC 200.070—Standards for Water Improvements

Findings—The proposed development shall be linked to existing adequate facilities by the construction of pump stations, reservoirs, and water mains which are necessary to connect to such existing water system facilities. The subject property is within two water service levels, W-1 and a small area of W-2. The W-1 water system in the vicinity of the subject property is adequate to serve the W-1 portion of the site through construction of water mains to existing facilities within the Brush College Heights Phase 1 development.

The applicant's proposed utility plan demonstrates the proposed lots in the W-2 water service level will be served by construction of parallel W-1 and W-2 water lines within the Christina Street NW right-of-way, and a temporary pump station located within a 40-foot easement on proposed Lot 110. These improvements will be constructed with Phase 2 of the subdivision.

The applicant is required to construct a minimum 12-inch W-1 water line from the west line of Nautilus Avenue NW through the proposed development to Michigan City Lane NW at the east line of the subject property. Construction of this water main is eligible for System Development Charges (SDC) reimbursement for the portion of main that exceeds the standard 8-inch improvement. Eligible costs are described in SRC 200.350. The temporary pump station is not eligible for SDC reimbursement.

SRC 200.075—Standards for Park Improvements

The Comprehensive Parks Master Plan Update shows that the subject property is served by a semi-developed park—the Ellen Lane NW property. Pedestrian sidewalk connections shall be made available from the subject property to the park. No park-related improvements are recommended as a condition of development.

CRITERIA AND FINDINGS—SUBDIVISION

SRC 205.010(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

- 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.

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes (ORS)* and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are category four landslide hazard areas mapped on the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of seven points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services, and dated August 22, 2016, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed, without increasing the potential for slope hazards on the site or adjacent properties.

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

Findings—Water and sewer infrastructure is available along the perimeter of the site. Water system improvements are required to serve the proposed development as specified in the Preliminary Declaration for UGA Permit, including a 12-inch W-1 water main extension through the property and construction of a W-2 pump station. The applicant's preliminary utility plan appears to comply with PWDS, except for a 12-inch W-1 water main extension in Michigan City Lane NW to the east line of the subject property.

As a condition of water service, all developments will be required to provide public water mains of sufficient size for fire protection to adjacent properties. This shall include the extension of water mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. The City Fire Marshal has indicated that an additional fire hydrant shall be provided in Michigan City Lane NW near the east line of the subject property.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. However, there are no unserved upstream parcels abutting the subject property. The subject property is located within the Brush College Reimbursement District and is subject to a reimbursement district fee of \$1,653.96 per lot. This fee is due at the time of final plat and is reimbursable from SDC credits at the time of building permit issuance.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

Finding—Michigan City Lane NW abuts the subject property and does not meet the current standard for a Collector street, nor does it provide safe two-way traffic. In order to provide safe two-way traffic into and out of the proposed development, the applicant shall widen Michigan City Lane NW to a minimum of 24 feet wide from the east line of the subject property to the west line of Bella Rosa Villa Subdivision. The structural section of the new pavement shall meet Local street standards. Modification of the existing pavement is not required except for minor surface preparation as needed to accommodate the pavement widening.

Along the frontage of the subject property, the applicant is required to construct a 23-foot half-width boundary improvement to Collector B standards. This improvement can be phased as described in the conditions of approval.

The street system in the vicinity of the proposed development does not meet Local street connectivity requirements of SRC 803.035(a). The applicant has proposed a local street connection to the east property line and the north/south Collector street extension within the subject property. Christina Street NW is identified in the Salem TSP as a north/south *Type B* Collector street within the subject property. As described in the conditions of approval, Christina Street NW shall be built as an offset 40-foot-wide improvement within a 60-foot-wide right-of-way.

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

Findings—The Assistant City Traffic Engineer has reviewed the applicant's Traffic Impact Analysis, as submitted by Lancaster Engineering February 17, 2017, and has determined that the findings listed in the Executive Summary of the analysis are valid. The analysis summarizes that no operational mitigations are necessary with the completion of the proposed development.

CRITERIA AND FINDINGS—CLASS 2 ADJUSTMENT

Analysis of the development based on relevant criteria in SRC 250.005(d)(2) is as follows:

Criteria—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

Finding—The applicant has requested a Class 2 Adjustment to increase the maximum allowed grade of Christina Street NW, a designated Collector, from 8 percent, as required under SRC 803.035(c), to 12 percent. The applicant has also requested to increase the maximum allowed grade of local streets within the subdivision from 12 percent, as required by SRC 803.035(c), to 15 percent.

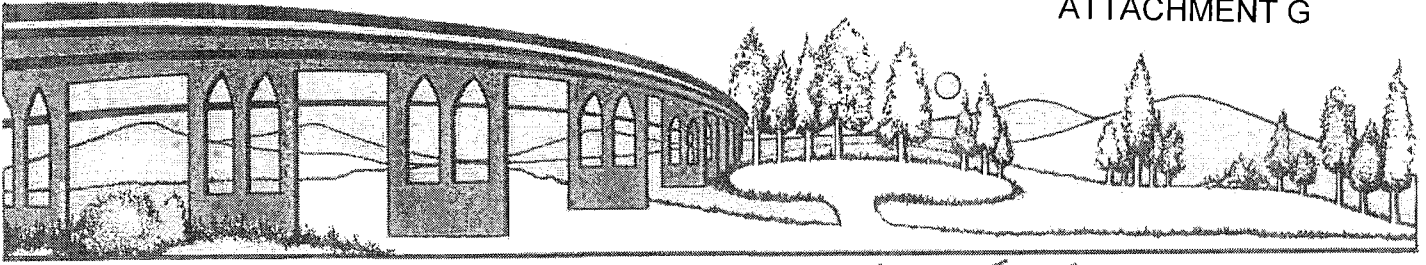
The topography of the subject property does not allow for the street system to meet minimum grades as specified in SRC 803.035. The applicant's proposal of 15 percent maximum for Local streets and 12 percent maximum for Collector streets meets the Class 2 adjustment criteria because it meets local street connectivity standards while allowing for streets to be constructed at grades accessible to emergency and maintenance vehicles.

RESPONSES TO CITIZEN COMMENTS

Staff received comments from the West Salem Neighborhood Association (WSNA) and one local resident regarding potential impacts from the proposed subdivision. The following information is provided in response to the citizen concerns.

1. **Traffic Impact Analysis**—The WSNA and a citizen expressed concerns about cumulative impacts on the Wallace Road NW corridor. The applicant's TIA meets the provisions of SRC 803.015, and improvements to the Wallace Road NW corridor are not warranted as a condition of the proposed development.
2. **Local Street System**—A citizen objected to the configuration of local streets within the development. The proposed street system meets connectivity, safety, and block length standards.
3. **Storm Water Management**—A citizen objected to the negative visual impacts resulting from installation of green stormwater infrastructure. The development is required to construct stormwater facilities in compliance with SRC Chapter 71, which includes green stormwater infrastructure. A code revision to SRC 71 would be required to accommodate the citizen's concerns.
4. **Domestic Water Service**—A citizen questioned whether a water main should be constructed within Michigan City Lane NW east of the subject property. Water service is available from existing water mains within local streets abutting the subject property. A 12-inch water main will be extended to the east line of the subject property, which will be extended to the east in the future as properties to the east are developed.
5. **Sanitary Sewer Service**—A citizen questioned whether a sewer main should be constructed within Michigan City Lane NW east of the subject property. Sewer service is available from existing sewer mains within local streets abutting the subject property. Properties east of the proposed development will be served by an 8-inch main extended from Bella Rosa Villa Subdivision to the east as shown in the *Wastewater Management Master Plan*.

Prepared by: Curtis Pellatz, Project Coordinator
cc: File



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

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

January 3, 2017

Re: 2960 Michigan City Lane NW. Case No. SUB-UGA 16-03
Whispering Heights Tentative Phased Subdivision

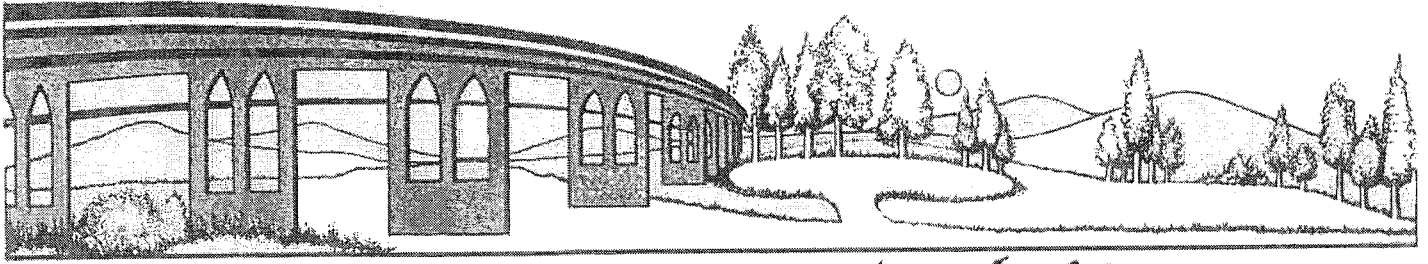
The West Salem Neighborhood Association has reviewed the application for 110-lot phased subdivision and Urban Growth Preliminary Declaration and offers the following requests and comments.

- 1) Apply all Park Systems Development Charges received from this development to improve Ellen Lane Park.
- 2) Among the subdivision approval criteria, findings must support **“the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact analysis where applicable. ”**

The applicant’s response to this criterium is **“The interim widening of Michigan City Lane NW will mitigate impacts to the transportation system, per City Staff. No Traffic Impact Analysis is Required.”**

The West Salem Neighborhood Association has been advised by City Staff in numerous meetings that the Oregon Department of Transportation will not allow development that increases traffic on Highway 221 without mitigation of traffic impact.

Common sense tells us 110 homes will have an impact on the transportation system which is not limited to immediately adjacent streets and roads. A Traffic Impact Analysis should be required, and impacts to Highway 221 acknowledged. In any case, roughed out at 110 homes at a trip generation rate of 10 trips per home results in 1110 trips per day for the entire neighborhood addition. Even presuming equal dispersion this would seem to meet thresholds. Additionally, traffic would be expected to predominate in AM and PM peaks onto Rogers and Michigan City Lane as those provide direct access and egress to Wallace Road.



West Salem Neighborhood Association

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

Although it may not be financially feasible to extract further Transportation System Impact mitigation from this development, the City may need to plan to for improving the intersections at Rogers Lane and Wallace Road, and Michigan City Lane and Wallace Road for alignment, vision clearance and control signals, and resolving the Sprint temporary use of right-of-way issues, to assure safe vehicular access.

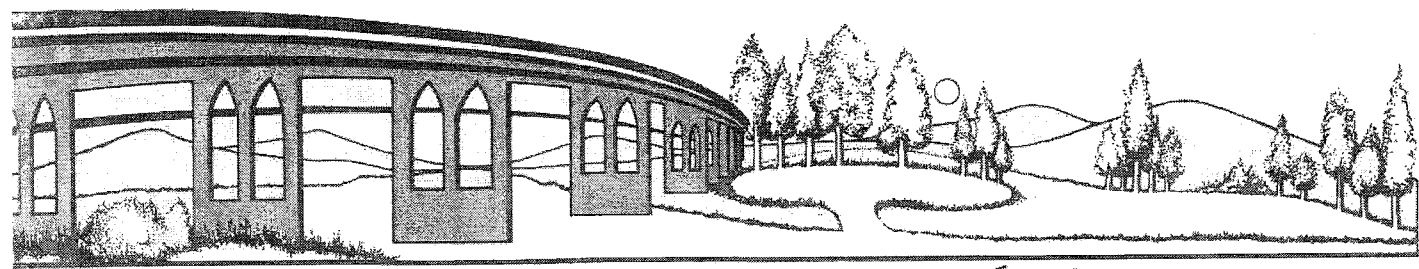
The proposed "turnpike" (without curb) and without sidewalk improvements from the east boundary of Whispering Heights to the west Boundary of Bella Rosa Villa Subdivision, may not satisfy the criteria of safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

Mitigation of Highway 221 (Wallace Road) congestion should be the city's highest priority if meeting residential housing demand is to include development in West Salem. Acquisition and development of Marine Drive from Riverbend Road to 5th Street and/or Cameo to Glen Creek as a local access street with bike pedestrian boulevard should be the highest priority mitigation project.

- 3) Add a further subdivision condition requiring the developer to secure demolition permits for each of the building on the property and to execute those permits prior to the issuance of public construction permits.
- 4) When a subdivision application is consolidated with an Urban Growth Preliminary Declaration, the content of the Urban Growth Preliminary Declaration should be set apart from the content of the subdivision application so the elements of the needed infrastructure are apparent.

Respectfully Submitted,

West Salem Neighborhood Association
Land Use Committee Chair



West Salem Neighborhood Association

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

WSNA Land Use Committee
Whispering Heights Traffic Impact Study

March 2, 2017

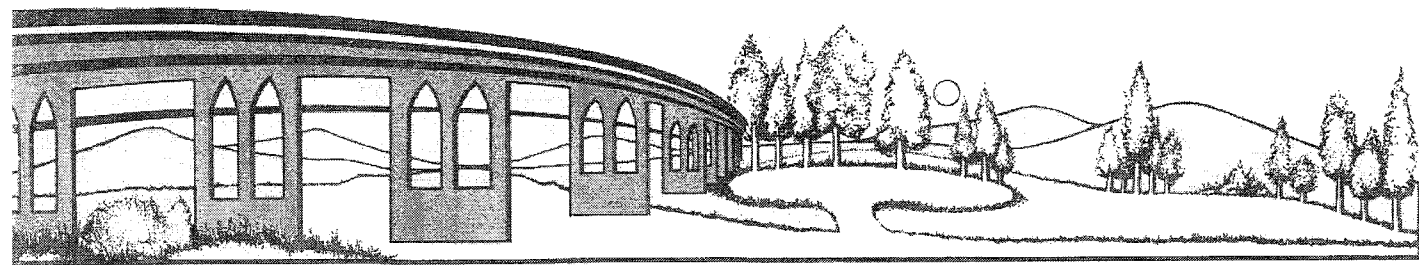
The West Salem Neighborhood Land Use Committee reviewed the Traffic Impact Analysis prepared by Lancaster Engineering for the Whispering Heights subdivision.

The committee noted that the allocation of traffic counts among Michigan City Lane 40%, Rogers Lane 35%, and Conner Street 25% was by assumption. The assumption is not supported by any apparent reasoning. The route to Conner Street is long and circuitous involving many residential street intersections. Michigan City Lane is short and direct. Until Christina is fully developed as a collector, 25% of the trips via Conner could be significantly overstated. At 40%, Michigan City Lane reaches Level of Service E at evening peak hours. If most trips (60% -80%) into and from the subdivision were via Michigan City Lane, the most direct route to Wallace Road, could Level of Service F be reached? Level of Service F indicates a significant amount of congestion and delay. What operational mitigation would be deemed necessary at Level of Service F at Michigan City Lane and Wallace Road?

The Traffic Impact Study does not address impacts on Wallace Road. The West Salem Neighborhood Association and its Land Use Committee have repeatedly heard that new development along Wallace Road and even redevelopment in the West Salem Urban Renewal Area is constrained by the Oregon Department of Transportation until actions to mitigate Wallace Road Congestion are taken.

Traffic Impact Analyses that do not address traffic impact on Wallace Road must be deemed deficient. The Whispering Heights Subdivision is not an isolated case. Land at Linwood and Orchard Heights recently rezoned from RM1 to RM2, Trinity Estates Subdivision, proposed redevelopment at 9th and Glen Creek, redevelopment in West Salem's Urban Renewal areas, are projects that will add to the traffic load in the Wallace Road corridor. Additional developments currently adding to the load include Nature's View, Wallace Hills, Bella Rosa Villa, Brush College Estates, Brush College Hills, Dream Valley Estates, West Meadows Estates, Cascade Overview, Kingwood Heights and Eagle View Phase IV, to name a few.

In a letter to the Planning Commission from the Director of Public Works, dated March 18, 2014, the City's Policy on Level of Service was clearly stated:



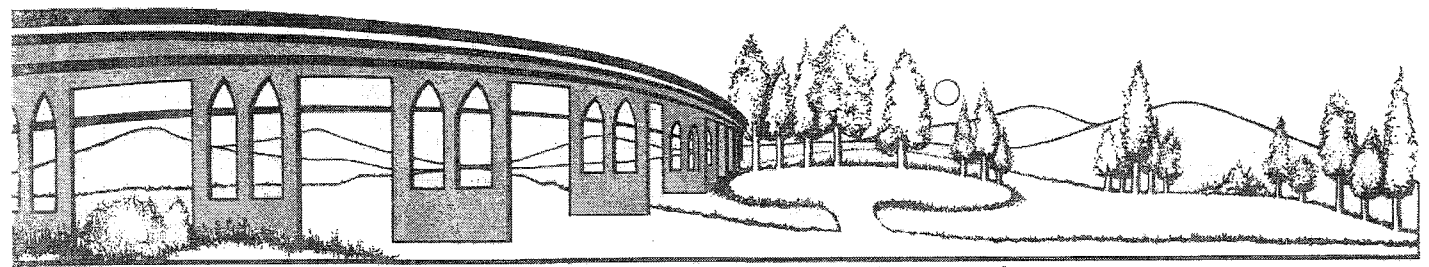
West Salem Neighborhood Association

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

Policy 2.5 Capacity Efficient Design and Level of Service (LOS) Standards

The City of Salem shall apply the street design standard that most safely and efficiently provides motor vehicle capacity respective to the functional classification of the street. The City shall design its streets and intersections to the following LOS criteria:

1. **Definition of Capacity Deficient.** A street or intersection shall be determined to be capacity deficient when traffic volumes exceed its peak hour design LOS. A street or intersection shall be determined to be over-capacity when traffic volumes exceed its effective peak hour capacity.
2. **Peak Travel Periods**
 - a. The City shall design its streets and intersections to function at the lower end of LOS D (where traffic volumes approach 90 percent of the street's effective capacity) during the peak hour.
 - b. When the peak hour LOS exceeds LOS D on existing streets and intersections, the City shall first employ transportation system management measures, where feasible, to alleviate congestion. (See Transportation System Management Element.)
 - c. The City shall allow its existing streets and intersections to function at LOS E (where traffic volumes generally are approaching or at 100 percent of the street's effective capacity) during the morning and evening peak travel hours. However, traffic impacts created by new development, as identified in a traffic impact analysis, must be mitigated to maintain peak hour LOS D or better.
 - d. When existing streets and intersections experience, or are expected to experience, extended periods of LOS E or instances where the street is at LOS F (where traffic volumes exceed the effective capacity of the street) despite the aggressive use of transportation system management measures, the City shall consider designing and constructing additional physical capacity.



West Salem Neighborhood Association

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

Although the proximal impact of the Whispering Heights subdivision is at Michigan City Lane at Wallace Road and Rogers Lane at Wallace Road, with some contribution at Brush College and Wallace Road, increasing congestion on Wallace Road brings awareness to Glen Creek and Orchard Heights intersections with Wallace Road. The committee suggested Level of Service Analyses at these intersections would help define the challenges in the Wallace Road Corridor.

Systemic mitigation efforts on the Wallace Road corridor should be implemented to accommodate the currently planned single family and multi-family subdivisions and redevelopment projects. Traffic congestion mitigation projects include but may not be limited to:

- Acquisition of Right of Way and development of Marine Drive from Harritt to 5th Street as a local access collector with Bike Ped Boulevard.
- Murlark Patterson Edgewater circuit.
- Improvements to Rosemont/Eola interchange.
- Improvements to Doaks Ferry Hwy 22 interchange.
- Improvements to signaling to enhance traffic flow.
- Improvements to bridge ramps to enhance traffic flow.
- Grade separation of bicycle pedestrian facilities for safety and enhanced traffic flow.

Few recent developments appear to have met the threshold for Traffic Impact Analyses. Nevertheless, the cumulative impacts on the West Salem transportation system structure are apparent and significant. The committee respectfully requests Traffic Impact Studies with new development reasonably address impact on the Wallace Road Corridor.

Respectfully submitted,

Kathleen Dewoina
West Salem Neighborhood Association
Land Use Committee

AK
AKS ENGINEERING & FORESTRY, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
TEL: 503.400.6028
F: 503.400.7722
aks-eng.com
ENGINEERING • SURVEYING • NATURAL RI
FORESTRY • PLANNING • LANDSCAPE ARCH

WHISPERING HEIGHTS
SUBDIVISION
SALEM
TAXLOT 0400

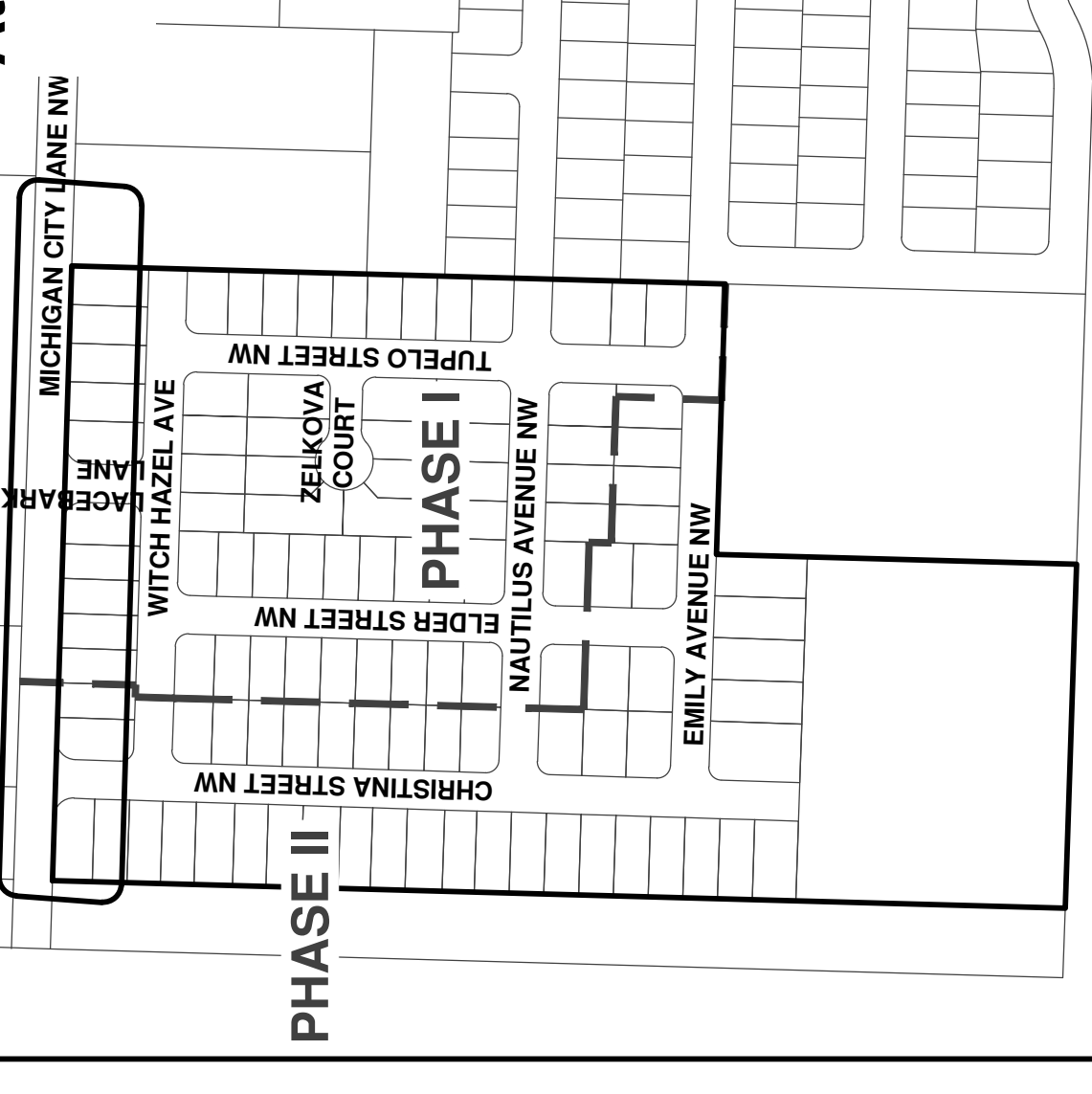
MICHIGAN CITY LANE NW
PLAN AND PROFILE

DESIGNED BY: DMK/MWL
DRAWN BY: MWL
CHECKED BY: DMK
SCALE: AS NOTED
DATE: 05/17/2017

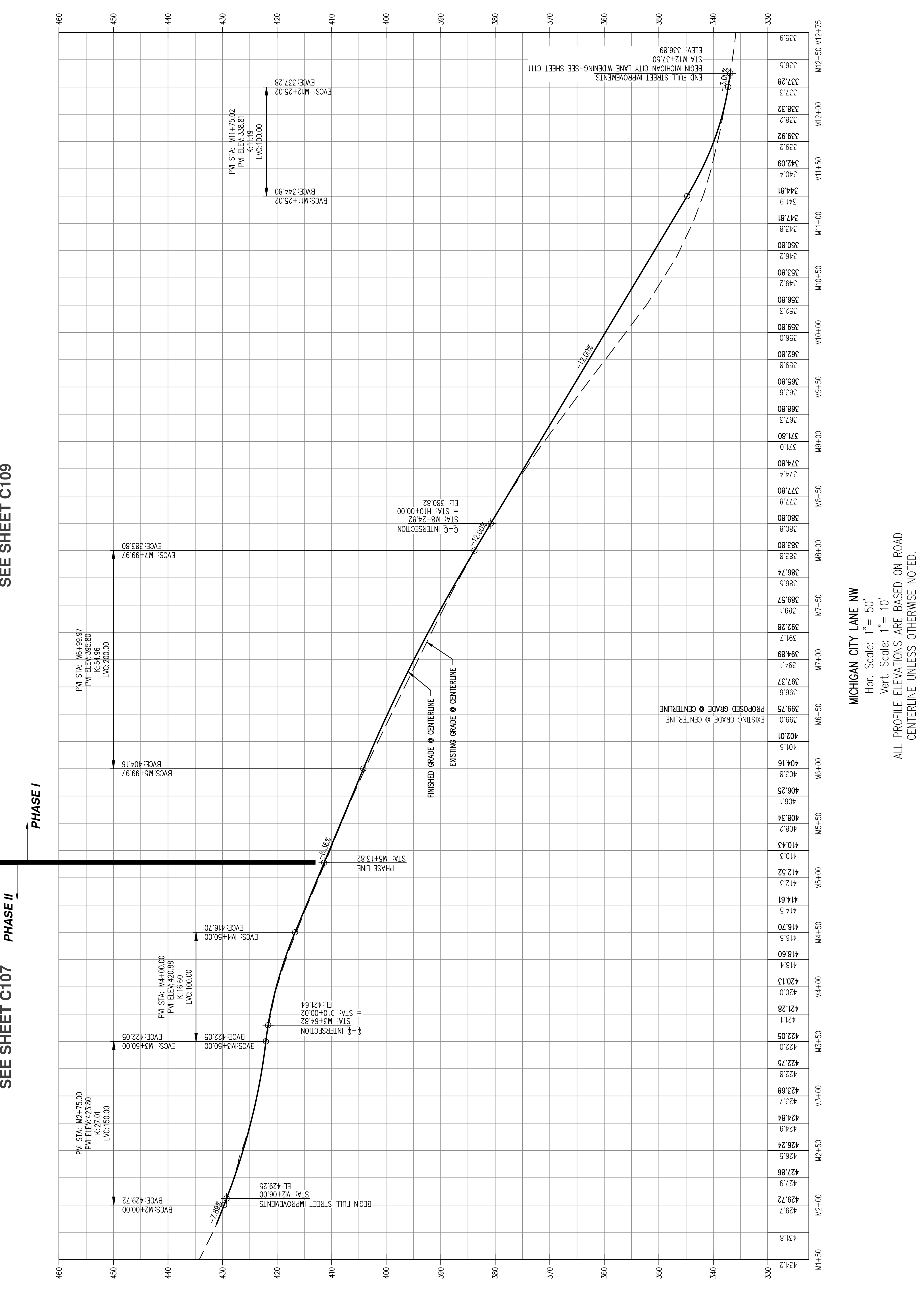
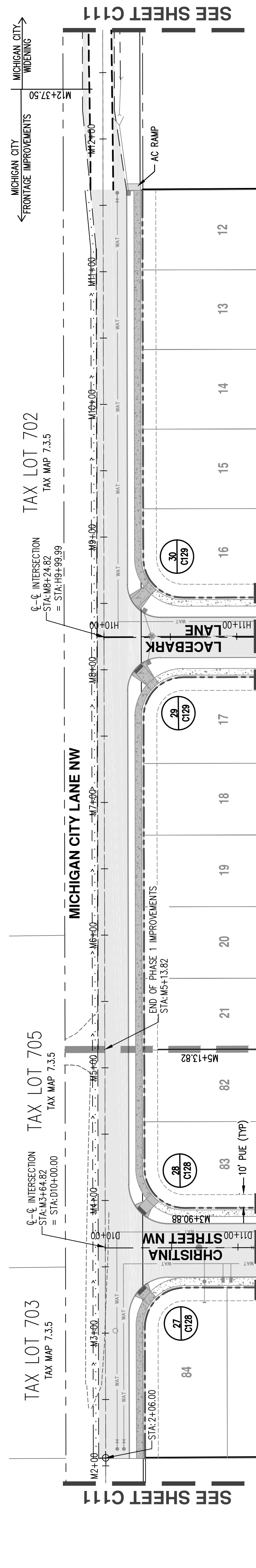
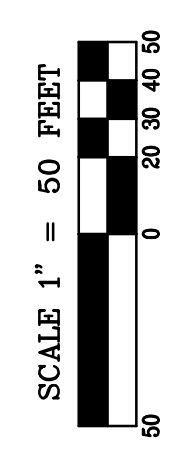
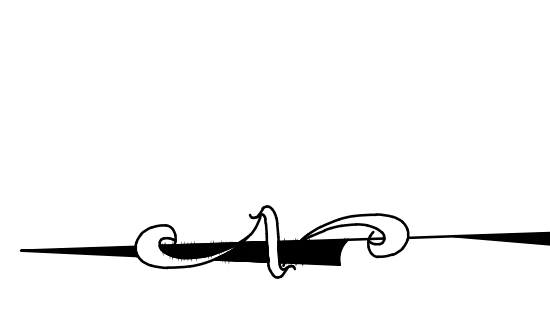
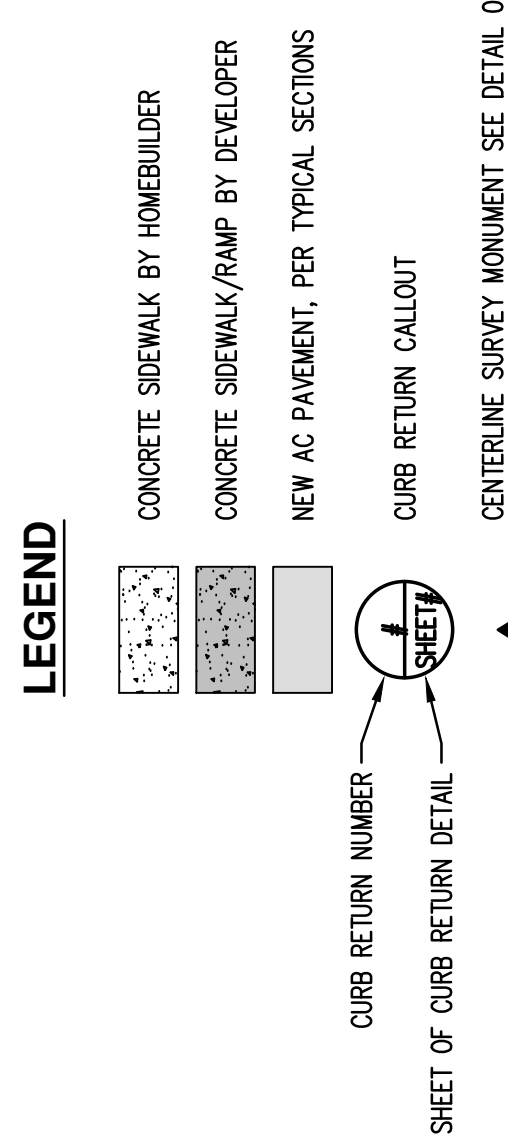
REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
NO. 11000
M. KAYE
NOT FOR CONSTRUCTION

REVISIONS:
09/10/2017
09/25/2017

JOB NO. 50
SHE C1



- NOTES**
1. CONTRACTOR SHALL INSTALL ADA RAMPS, ALL ADA RAMPS AND SIDEWALKS ALONG ENTIRE CURB RETURNS SHALL BE CONSTRUCTED AS PART OF THIS PROJECT.
 2. DRY UTILITY CROSSINGS SHALL BE PLACED PRIOR TO PROOF ROLL TEST FOR CURB INSTALLATION. THE NUMBER OF CROSSINGS, EXACT LOCATION, DEPTH, CONDUIT, ETC., SHALL BE SPECIFIED BY THE PRIVATE UTILITY CARRIERS. CONTRACTOR SHALL COORDINATE.
 3. CONTRACTOR SHALL INSTALL CENTERLINE SURVEY MONUMENT BOXES AT ALL INTERSECTIONS, P.C.'S, AND P.T'S.
 4. CONTRACTOR TO INSTALL TYPE 3 BARRICADE 2' PAST END OF PHASE 1 STREET IMPROVEMENTS. BARRICADE TO BE REMOVED IN ORDER TO EXTEND STREET AS PART OF PHASE 2.



MICHIGAN CITY LANE NW
Hor. Scale: 1" = 50'
Vert. Scale: 1" = 10'
ALL PROFILE ELEVATIONS ARE BASED ON ROAD CENTERLINE UNLESS OTHERWISE NOTED.



MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: January 18, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-UGA-ADJ16-03 MODIFICATION (17-122939-LD)
2960 MICHIGAN CITY LANE NW
SUBDIVISION MODIFICATION**

PROPOSAL

A modification of the approval of SUB-UGA-ADJ16-03 (the Whispering Heights phased subdivision) to reconfigure street grades of Michigan City Lane NW. The request is to adjust the centerline slope of Michigan City Lane NW from a required 8 percent grade to 12 percent grade for approximately 325 feet. The modification does not result in additional lots.

The subject property is zoned RA (Residential Agriculture) and located at 2960 Michigan City Lane NW (Polk County Assessor Map and Tax Lot Number: 073W080 / 00400).

RECOMMENDATED CONDITIONS OF MODIFICATION APPROVAL

Amend Condition 7 of SUB-UGA-ADJ 16-03 to include the following:

1. Prior to final plat approval of Phase 1, the applicant shall:
 - a. Construct a minimum 24-foot turnpike improvement along Michigan City Lane NW from the east boundary of the subject property to the east line of Bella Rosa Villa subdivision.
 - b. Along the entire frontage of the subject property on Michigan City Lane NW, convey land for dedication of right-of-way equal to 30 feet from centerline.
 - c. Along the portion of Michigan City Lane abutting the Phase 1 boundary, construct a 29-foot-wide three-quarter boundary street improvement to equal a 17-foot-wide improvement to Collector B street standards with planting strip and property line sidewalk on the south (abutting) side with a minimum 12-foot-wide travel lane and 1-foot gravel shoulder on the north (opposite) side. The maximum

allowable grade of Michigan City Lane NW, a designated Collector street, shall be 12 percent. Street lights shall be installed along the improvement boundary in a location approved by the Public Works Director.

Public Works staff does not recommend any additional modifications to the existing conditions of approval for SUB-UGA-ADJ Case No. 16-03.

CRITERIA AND FINDINGS

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

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

Finding—The proposed modification includes a request to reconfigure street grades of Michigan City Lane NW to a grade that is more feasible for design and construction. The applicant has requested to increase the centerline slope of Michigan City Lane NW from a required 18 percent grade to a 12 percent grade for approximately 325 feet, a short distance relative to the nearly 1,000 feet of development street frontage on Michigan City Lane NW. The remaining portion of Michigan City Lane NW can be constructed at the standard 8 percent grade without significant cuts and fills.

The topography of the existing Michigan City Lane NW right-of-way does not allow for the street system to meet minimum Collector street grades as specified in SRC 803.035. Public Works has reviewed the topography and site conditions and acknowledge that constructing Michigan City Lane NW with an 8 percent grade is undesirable because it will require significantly deeper cuts to the adjacent land and construction of retaining walls. The Local street standards allow for a maximum of 12 percent grade, so the proposed modification will not exceed a street grade standard that is established to meet emergency access needs. Therefore, the applicant's proposal of 12 percent maximum for a Collector street meets the qualifying Alternative Street Standards described in SRC 803.065(a)(3) while allowing for the Boundary street to be constructed at grade accessible to emergency and maintenance vehicles. Public Works supports Michigan City Lane NW exceeding the 8 percent grade maximum to accommodate existing topographic constraints.

As specified in the proposed amended condition of approval, the grade of Michigan City Lane NW shall be limited to the located street maximum grade of 12 percent. Specified improvement widths and details have been included in the recommended condition of approval to clarify allowable alternative street standards for construction of the three-quarter street boundary improvement.

The modification does not result in reconfiguration of the existing subdivision plan and is in substantial conformance with the original approval conditions.

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

Finding—The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties. Additional construction on the north side of Michigan City Lane NW will be required to accommodate the modified street grade; however, the improvements will be contained within the existing right-of-way. The proposed modification will reduce significant changes to the physical appearance of the development and impacts on surrounding properties by eliminating the need for deeper cuts and retaining walls to accommodate the standard Collector street grade of 8 percent.

Prepared by: Curt Pellatz, Project Coordinator
cc: File