

FACTS & FINDINGS

PHASED SUBDIVISION TENTATIVE PLAN, AND URBAN GROWTH AREA PRELIMINARY DECLARATION, CASE NO. 2022-13-SUB-UGA22-03

August 8, 2022

PROCEDURAL FINDINGS

- (a)** On December 19, 2021, a consolidated application for a Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration was filed for a proposal to divide approximately 14.5 acres located at 1374 Crowley Avenue SE into 46 single family lots in three phases of development.
- (b)** After receiving missing information, the consolidated application was deemed complete for processing on March 21, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 21, 2022, and public notice was posted on the subject property on March 21, 2022 pursuant to SRC 300.520(b)(2).
- (c)** On June 14, 2022 the 120-day state-mandated local decision deadline was extended by the applicant from July 19, 2022 to September 2, 2022.
- (d)** On June 2, 2022 the Planning Administrator issued a decision approving the 46-lot Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration.
- (e)** At the June 13, 2022 regularly scheduled meeting, the City Council voted to initiate review of the Planning Administrator's decision.
- (f)** On July 25, 2022, the City Council held a public hearing and received public testimony. The public hearing was closed and the City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration Case No. 2022-13-SUB-UGA22-03.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Urban Growth Policies: The subject property is located within 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: Developing Residential

South: Developing Residential & Multi-Family Residential

East: Single Family Residential

West: Single Family Residential

Relationship to Urban Service Area

The subject property is located outside the City's Urban Service Area. An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required public facilities.

Infrastructure

Water: The subject property is located within the S-2 and S-3 water service level.

A 6-inch water main is located in Crowley Avenue SE.

A 6-inch water main is located in Springer Avenue SE.

An 8-inch water main is located in Denali Street SE.

Sewer: An 8-inch sewer main is located in Crowley Avenue SE.

An 8-inch sewer main is located at the intersection of Springer Avenue SE and Textrum Court SE, approximately 125 feet west of the subject property.

An 8-inch sewer main is located in Denali Street SE.

Storm

Drainage: A 10-inch storm main is located in Springer Avenue SE.

A 12-inch storm main is located in Denali Street SE.

Streets: Crowley Avenue SE abuts the subject property along the western boundary and is designated as a local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has a varied 20-to-30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Springer Avenue SE abuts the subject property at the western boundary and is designated as a local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Denali Street SE abuts the subject property along the southern boundary and is designated as a local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Parks: The proposed development is served by Hilfiker Park, an undeveloped park site located less than one-half mile north of the subject property, and Woodmansee Park, a developed park site located approximately one-half mile west of the subject property.

2. Existing Conditions, Zoning, and Surrounding Land Use

The subject property (Attachment A) consists of two irregular shaped tax lots. Tax Lot 100 extends eastward, at its widest point, from the existing terminus of Crowley Avenue SE, approximately 778 feet and southeast approximately 584 feet to its existing boundary with Tax Lot 2800. At its eastern boundary, Tax Lot 100 is approximately 834 feet in depth. Tax Lot 2800 is approximately 659 feet wide and averages approximately 268 feet in depth. here is an existing single-family residence on Tax Lot 00100, that is proposed to be removed, while Tax Lot 2800 is vacant land. The abutting properties to the north include vacant land and single-family residences. The abutting properties to the east and west are developed with single-family residences. To the south is a multiple-family residential complex and an approved RS (Single Family Residential) zoned subdivision (SUB-UGA18-01).

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently vacant. The surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); single family dwelling and agricultural use

South: RA (Residential Agriculture) and RM-II (Multiple Family Residential); single family dwellings and senior care facility

East: RS (Single Family Residential); single family dwellings

West: RS (Single Family Residential); single family dwellings

3. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated that the proposal has a dead end that exceeds 150-feet and requires a Fire Department turnaround. In addition, the plans indicate street grades greater than 12% grade, which does not provide adequate Fire Department access.

Condition 1: Prior to final plat, Fire Department turnaround shall be provided for any dead end in excess of 150-feet.

Condition 2: No street shall exceed 12 percent grade for more than a 200-foot run or all dwellings shall contain fire sprinklers.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full in the Planning Administrator's decision.

4. Neighborhood Association Comments and Public Comments

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

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On December 17, 2021, the applicant contacted the Morningside Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Morningside Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The Morningside Neighborhood Association submitted comments and provide oral testimony at the July 25, 2022 hearing, which are summarized below.

- a) **Crowley Avenue Conditions:** Comments concerning the safety of Crowley Avenue and Commercial Street SE between Crowley Ave and Kuebler Blvd. Concerns about access Commercial Street and lack of signals at streets intersecting Commercial Street.
- b) **Overall Traffic Concerns:** comments expressed concerns for the additional traffic that will be created by the subdivision. Comments indicate that there are existing concerns about the safety and traffic on streets adjoining the proposed development. Including the pedestrian island crossing just south of Royvonne Street

Finding: The applicant submitted a shadow plat as required by SRC 205.030(h). The

redevelopment plan shows a future connection to Crowley Avenue SE through a potential second phase of development. The future connection to Crowley Avenue SE is required to meet street connectivity standards (SRC 803.030). Staff recommended conditions ensure that the design of the street will meet Local street standards if eventually constructed.

The applicant did not apply for a phased subdivision approval under SRC 205.015; therefore, future division impacts are not required to be completely evaluated and mitigated through this approval. At time of development for additional divisions, the applicant may be required to submit a Traffic Impact Analysis (TIA) and other studies that would address mitigation of impacts. Off-site improvements, to the existing segment of Crowley Street SE, may be required, these would be reviewed when an application was submitted.

The applicant was required to submit a Traffic Impact Analysis (TIA) to determine if they have an impact and if they need to mitigate the impact. The analysis focused on the full movement intersection of Commercial Street and Royvonne Avenue. The analysis shows the intersection of Commercial Street and Royvonne Avenue will operate within the City of Salem target mobility standards of Level of Service "E" in the AM and PM peak hours.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs, which are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding and running stop signs, noted in public comments, are not directly addressed by developers, but through law enforcement and other community measures.

The subject property is one of the few large parcels that has yet to develop within the developed portions of the City of Salem. The site is surrounded by either fully developed properties, or by a large vacant parcel. Access to this site is quite limited. There are only two public streets that provide connectivity. To the south Denali Street SE is a newly constructed residential street that connects to Boone Road SE. To the west, a short stub street, Springer Avenue SE, connects to Textrum Street SE.

Eventually traffic from this subdivision will reach one of two intersections with Commercial Street SE, or one connection with Kubler Boulevard SE. The connection to Kubler is from Stroh Lane SE via Boone Road SE and the street connection is limited to right-in/right-out/left-in. The southern connection to Commercial Street is from Boone Road but is restricted to right-in/right-out turn movements only because of the proximity to the traffic signal with Kuebler. The northern connection to Commercial Street is via Royvonne Avenue SE. The intersection with Royvonne Avenue does not have restricted turn movements, but in 2019, the City Council approved the installation of a pedestrian island and crossing with Rapid Flashing Beacons, making the left turn movements more difficult.

Royvonne Avenues is a substandard local street. It lacks a continuous pedestrian connection between Textrum Street and Commercial Street. It also has a significant grade of 15% and sight distance is restricted at the crest of the hill. There are warning signs and striping that alert drivers of the limited visibility over the crest of the hill.

Additionally, the TIA evaluated traffic signal warrants at the intersection of Commercial Street and Royvonne Avenue. The analysis showed the intersection did not meet the traffic signal warrant. Public Works would not support a traffic signal at this location because of the proximity to the existing signal at Keglers Lane SE that is located approximately 650 feet to the north. Traffic signals need to be spaced approximately ¼-mile (1320 feet) apart in order to be able to time them properly and achieve vehicle progression along the corridor.

Eventually as development continues to occur on the vacant properties to the north, a public street connection will be made to Crowley Avenue SE which is about 500 feet to the north, and eventually to the Hilfiker Lane Extension that will connect to both Battle Creek Road SE and to Commercial Street SE.

Public Comments: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and addresses within 250 feet of the subject property. Comments received from twelve individuals objecting to the proposal are summarized below.

- a) **Traffic:** Comments submitted expressed concerns for the ability of the existing street system to handle the traffic generated by the proposed development.

Finding: The applicant submitted a Traffic Impact Analysis (TIA) that evaluated the impacts of the proposed 46 single-family lots on the existing transportation system. The TIA found that “all studied intersections operate within the mobility standards with and without the development traffic” and that “the addition of development traffic does not substantially increase queuing conditions”. The Assistant City Traffic Engineer has reviewed the TIA and agrees with these findings.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs, which are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding and running stop signs, noted in public comments, are not directly addressed by developers, but through law enforcement and other community measures.

- b) **Tree Removal:** Comments submitted expressed concerns regarding the removal of additional trees from this property.

Finding: The applicant has submitted a Tree Conservation Plan (TCP22-04) pursuant to the City’s Tree Preservation Ordinance (SRC Chapter 808). The application proposes to preserve 221 of the 343 trees on the subject property, for a 64 percent

retention rate. On further review, an adjustment for the total number of trees and trees preserved has been made for any deceased trees, and any trees under ten inches diameter-at-breast-height (DBH) that were included in the tree inventory. With this adjustment, the applicant proposes to preserve 197 trees out of a total of 305 trees, maintain the 64 percent retention rate. The 64 percent retention of identified trees is well in excess of the 25 percent required under SRC Chapter 808. Future residential development on the proposed lots would be required to have at least two trees per lot (depending on square footage of lot) and can meet that requirement through any combination of existing trees and planting new trees (SRC 808.050).

- c) **Property Values**: Comments submitted about property values due to proposed subdivision.

Finding: Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The single-family dwelling parcels proposed within the partition range from approximately 4,629 square feet to 7,803 square feet, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the pattern of the surrounding neighborhood, which has predominantly been developed with single family residences.

- d) **Stormwater and Erosion**: Concerns were raised about the treatment facility and excavating on site.

Finding: Applicable development standards and conditions of approval require that the applicant design stormwater facilities in compliance with the Public Works Stormwater Management Design Standards prior to final plat approval, addressing feasibility for onsite drainage disposal and any necessary offsite facilities. The Stormwater Management Design Standards require the applicant's engineer to submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

The proposed development is subject to the requirements of Salem Revised Code Chapter 75 (Erosion Prevention and Sedimentation Control) and Chapter 82 (Clearing and Grading). Permits are required for grading work that exceeds minimum thresholds, and all grading work shall meet prescribed codes and standards.

- e) **Street Naming**: Comments received expressed concerns for how the new internal streets were being named.

Finding: The applicants tentative plan shows a north-south street named "Crowley Avenue" that would potentially connect to the existing Crowley Avenue SE that runs east-west at the western property line. Street names have not been approved. Final street names will be approved prior to final plat approval.

- f) **Noise**: Concerns about noise generated and impeding existing dwelling form the enjoyment of properties.

Finding: Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 also prohibits idling engines on motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Development Department enforces these noise regulations.

- g) Open Space and wildlife habitat:** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property as a subdivision.

Finding: In regard to impacts to wildlife habitat, the subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and incorporated limits of the City of Salem and has been designated on the City of Salem Comprehensive Plan Map as "Single Family Residential," which anticipates existing or future residential development similar to the subdivision proposed by the applicant. Loss of wildlife habitat that has not been identified as significant is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval.

Regarding impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as "Single Family Residential," and the site has been zoned RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

In regard to the property being developed as a park, Woodmansee Park is approximately one-half a mile from the development site, accessed through Springer Avenue SE. Additionally, Hilfiker Park may be accessible by the development through future development of the remainder lot and subsequent development of parcels to the north in the future.

5. Criteria for Granting a 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 approval of the final subdivision plat.

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the City Council's decision is based. The requirements of SRC 205.010(d) and 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 205.010(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.

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 RA portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final subdivision plat, 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:

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 14.5-acre property into 45 lots and street rights-of-way with one lot for

future development. The subject property is currently zoned 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
Street Frontage	40 feet

Proposed lots in the subdivision range from 4,629 square feet to 7,803 square feet. 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:

- 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

The northern portion of the subject property is primarily undeveloped with a single-family dwelling and will remain undeveloped until the applicant comes in for a new subdivision. The proposal indicates the dwelling and structures will remain as part of the subdivision.

Setbacks on the proposed lots will be evaluated at the time of building permit.

As conditioned, the proposal meets the requirements of SRC Chapter 511.

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 on the north portion property. The applicant is not proposing to retain the dwelling as part of the proposed development. Based on the proposed tentative subdivision layout the dwelling and accessory structure would remain within lot lines, and building envelopes.

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. There are no double frontage lot, no flag lots, and several corner lots proposed within the subdivision. The proposed subdivision has seven corner lots, none of which meet the minimum depth and width for each frontage. To ensure the designation of the front property lines are met the following condition applies:

Condition 3: The designated front lot for corner lots are as follows:

Lot Number	Front Lot Line
Lot 19	East
Lot 20	East
Lot 34	West
Lot 33	West
Lot 39	South
Lot 40	North
Lot 45	South

Flag Lots:

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan does not include any flag lot, which is less than the 15 percent maximum.

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 subdivision 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 submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative located of stormwater facilities.

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

Condition 4: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC Chapter 200 is found in Section 9 of this report.

SRC Chapter 205 (Land Division and Reconfiguration): SRC 205.035(f) provides that where facilities and common property, including but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available in the area surrounding 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 (Attachment D).

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 shows that each lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

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

SRC 803.015 (Traffic Impact Analysis): The proposed 46-lot subdivision generates more than 1,000 average daily vehicle trips to the local street system. Therefore, a TIA was required as part of the proposed subdivision submittal.

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): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

Findings: Proposed internal local streets, Denali Street, Brooke Street, Street A, Crowley Avenue and Springer Avenue comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025. Street A, Springer Avenue, Brooke Street and Crowley Street all exceed the maximum 12 percent grade allowed for a local street. The requested alternative street standard can be approved if the applicant can meet Fire Department Standards and condition 1 above.

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).

SRC 803.035 (Street Standards): All public and private streets are subject to the street standards in this section.

Finding: Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. With the exception of alternative street standards granted for connectivity identified above, as proposed and conditioned the phased subdivision provides for adequate street connectivity in compliance with 803.035(a).

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, except for two cul-de-sac bulb areas where the sidewalk shifts to curblines, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n).

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

SRC 803.040 (Boundary Streets): Denali Street SE and Springer Avenue SE are boundary streets, running along the southern and western frontage of the subject

property. Both streets are proposed to continue through the property and will meet standards as conditioned.

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

SRC Chapter 601 (Floodplain Overlay Zone): The Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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 single-family or two-family uses where trees are proposed for removal.

The Tree Conservation Plan for the subdivision identifies 221 trees (64%) for preservation and 343 trees (36%) for removal.

Of the 122 trees proposed for removal, no significant oaks were identified for removal.

The proposed tree conservation plan exceeds the minimum 25 percent preservation requirement under SRC Chapter 808.

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) shows that there are no wetland areas or hydric soils mapped on the property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report.

A Geotechnical Engineering Report, prepared by GeoPacific and dated March 23, 2021, was submitted to the City of Salem with the subdivision application. This report demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

Final Plat:

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and *Oregon Administrative Rules* 850-020-0015(4) & (10), 820-020-0020(2), and 820-020-0045(5).

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

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. 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, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition 6: Construct facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

As a condition of sewer service, all developments will be required to provide public sewer to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-ways across the property to adjoining properties, and across the street frontage of property to adjoining properties when the sewer main is located in the street right-of-way.

Condition 7: Extend a minimum 8-inch sewer main within Denali Avenue SE and Crowley Avenue SE to the northern line of the tentative subdivision.

The property is primarily located within the S-2 water service level; a small portion of the northern half of the property is located in the S-3 water service level. In accordance with the Salem Water System Master Plan, the applicant shall be required to extend watermains to adjoining undeveloped property to accommodate future development of adjacent parcels.

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 submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The applicant is conditioned above to meet SRC Chapter 71.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 8: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

As conditioned above, 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.

Finding: Denali Street SE and Springer Avenue SE meet pavement and right-of-way width requirements for their designations according to the Salem TSP. Crowley Avenue SE does not meet the improvement requirements of its classification according to the Salem TSP; however, this phase of development does not take access to Crowley Avenue SE. Development of Lot 46 may require a future connection to Crowley Street SE and require improvements.

The applicant's redevelopment plan within proposed Lot 46 indicates a connection to Crowley Avenue SE and the extension of Denali Street SE to the northern property line. The applicant submitted preliminary street profiles for these sections of streets, which need additional information to ensure these future street

alignments can be feasibly constructed to PWDS. The submitted street profiles show streets exceeding 12% grade allowed under SRC 803.035(c). Additionally, the grading plan and profiles show significant cuts into slopes that may not be feasible and require additional engineered design.

Condition 9: Prior to plat approval, provide an engineered design for the horizontal and vertical alignments of the following streets in compliance with PWDS for Lot 46:

- a. From the easterly terminus of existing Crowley Avenue SE to the northerly terminus of proposed Crowley Avenue SE.
- b. From the northerly terminus of proposed Denali Street SE to the north line of the subject property.

Condition 10: Construct internal streets to local street standards and in conformance with the City-approved design for future streets within Lot 46.

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.

Finding: Conditions above implement required improvements to the street system in and adjacent to the subject property. The proposed network of boundary and internal streets serving the subdivision provides for direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject 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 subject property is served by the future Hilfiker Park, an undeveloped park site located less than a half-mile north of the subject property, and by Woodmansee Park, a developed park site located approximately a half-mile west of the subject property. Access to the park is available through the existing transportation system from Springer Avenue SE. A future connection to Crowley Avenue SE will further support bike and pedestrian access to the park.

A future Bike/Ped alignment is shown in the Salem TSP on future Local streets in the vicinity of the proposed development. This alignment is part of the Family Friendly Bikeway according to the Salem TSP, which can be provided through the future interconnected Local street system.

The proposed subdivision is situated within one-half mile of four neighborhood activity centers:

- Commercial development located at the intersection of Royvonne Avenue SE and Commercial Street SE is approximately one-quarter mile west of the closest lots within the proposed subdivision and includes several offices, and commercial use buildings.
- Commercial development located at the intersection of Commercial Street SE and Boone Road SE approximately one-quarter mile southwest of the closest lots within the proposed subdivision and includes several retail buildings.

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 applicant submitted a Traffic Impact Analysis (TIA) as part of the submittal package. The TIA demonstrates that the proposed development will not significantly impact intersections affected by the proposed development. The TIA demonstrates existing intersections have sufficient capacity and can efficiently handle the additional traffic generated by the development; no mitigation is recommended in the TIA. The Assistant City Traffic Engineer has reviewed the TIA and agrees with the findings.

SRC 200.010(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. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property, as conditioned. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

SRC 200.010(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.

Finding: The tentative subdivision plan configures lots and streets to allow for residential development of the site while minimizing disruptions to topography, as conditioned. The City's tree preservation standards require that a minimum of 25 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more be preserved. All of the trees on the subject property have been previously removed, there are no trees proposed for removal with this request. The proposal meets this criterion.

The proposal meets this criterion.

SRC 200.010(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; therefore, an Urban Growth Preliminary Declaration has been included in the application. As conditioned, the tentative subdivision plan can is designed to accommodate required on-site and off-site improvements.

6. Criteria for Granting an Urban Growth Preliminary Declaration

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

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities.

A. *SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

(1) *The required facilities necessary to fully serve the development;*

(2) *The extent to which the required facilities are in place or fully committed.*

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

Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 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).

Denali Street SE and Springer Avenue SE meet the “Linking Street” requirements of SRC 200.055(b)). Crowley Avenue SE does not meet the improvement requirements for linking streets; however, this phase of development does not take access to Crowley Avenue SE. Because no access is being taken to Crowley, and the development is served by two adequate linking streets, no additional improvements are required at this time. A future connection to Crowley Street SE may trigger Linking Street requirements.

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 facilities are Crowley Avenue SE, Springer Avenue SE, and Denali Street SE. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

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 nearest available public storm system appears to be located in Springer Avenue SE and Denali Street SE. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The 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.

SRC 200.075—Standards for Park Sites

Findings: The proposed development is served by Hilfiker Park, an undeveloped park site located less than one-half mile north of the subject property. The nearest existing developed park is Woodmansee Park, approximately one-half mile west of the subject property.

CONCLUSION

Based upon review of SRC 205.010(d), and SRC 200.025(e) and the findings presented herein, the Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration as proposed and conditioned, complies with the requirements for an affirmative decision.

That Subdivision Tentative Plan, and Urban Growth Preliminary Declaration Case No. 2022-13-SUB-UGA22-03, which includes the following request:

A Tentative Subdivision Plan (Jackson Ridge) and Urban Growth Preliminary Declaration to divide approximately 14.5 acres into 46 lots ranging in size from 4,629 square feet to 7,803 square feet. The subject properties are zoned RA (Residential Agriculture), and located at 1374 Crowley Avenue SE (Marion County Assessor Map and Tax Lot Numbers: 083W11CC / 100 and 2800).

Shall be GRANTED as follows:

Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration Case No. 2022-13-SUB-UGA22-03 is hereby **APPROVED** subject to SRC Chapters 205 and 200, 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, Fire Department turnaround shall be provided for any dead end in excess of 150-feet.

Condition 2: No street shall exceed 12 percent grade for more than a 200-foot run or all dwellings shall contain fire sprinklers.

Condition 3: The designated front lot for corner lots are as follows:

Lot Number	Front Lot Line
Lot 19	East
Lot 20	East
Lot 34	West
Lot 33	West
Lot 39	South
Lot 40	North
Lot 45	South

- Condition 4:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 5:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 6:** Construct facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 7:** Extend a minimum 8-inch sewer main within Denali Avenue SE and Crowley Avenue SE to the northern line of the tentative subdivision.
- Condition 8:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 9:** Prior to plat approval, provide an engineered design for the horizontal and vertical alignments of the following streets in compliance with PWDS for Lot 46:
- a. From the easterly terminus of existing Crowley Avenue SE to the northerly terminus of proposed Crowley Avenue SE.
 - b. From the northerly terminus of proposed Denali Street SE to the north line of the subject property.
- Condition 10:** Construct internal streets to local street standards and in conformance with the City-approved design for future streets within Lot 46.