

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

DECISION OF THE PLANNING ADMINISTRATOR

**PHASED SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT CASE NO.:
SUB-ADJ21-10**

APPLICATION NO.: 21-111069-LD / 21-111070-ZO

NOTICE OF DECISION DATE: December 7, 2021

SUMMARY: A consolidated application to create 238-lots for single family development and open space lots (Headwaters Subdivision).

REQUEST: A phased subdivision tentative plan to divide approximately 68 acres into 238 lots, 222-lots for new development, one lot with an existing single-family dwelling and 15 lots for open space, pedestrian paths and stormwater. The lots for new development range in size from approximately 5,500 square feet to approximately 12,923 square feet, including an Alternative Street Standards request to decrease a portion of the paved width of Fabry Road SE from 46-feet to 36-feet, and leave the sidewalk abutting the curb along the northern portion of Reed Road in order to preserve Oregon White Oak Trees, increase block length on several streets beyond 600-feet, decrease the street spacing on Fabry from 370-ft to 200-feet and 300-ft; reduce street widths, eliminate landscaping for proposed private Street I, reduce street width, eliminate landscaping and add on street parking for Street J;

1) Class 2 Zoning Adjustment application to:

- a. Reduce the size of Open Space Lot 9 from 6,000 sq. ft to 4,479 sq. ft, and reduce the minimum depth from 80 ft to 28 ft.
- b. Reduce the size of Lot 38 for a pedestrian access from 6,000 sq. ft to 1,699 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 760-percent.
- c. Reduce the size of Lot 110 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.
- d. Reduce the size of Lot 69 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.
- e. Reduce the size of Lot 86 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733%.
- f. Reduce the size of Lot 166 for pedestrian access from 6,000 sq. ft to 4,460 sq. ft, reduce the minimum width and street frontage from 60 ft to 20 ft and increase the maximum lot depth 300% the width to 1,125%.
- g. Reduce the size of Lot 203 for pedestrian access from 6,000 sq. ft to 1,1995 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 887 percent.
- h. Reduce the 60-foot street frontage requirement to 52-feet for Lot 174

NOTICE OF DECISION

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



The subject properties are approximately 68 acres, zoned RA (Residential Agriculture) and RS (Single Family Residential) and located on the 5600 Block of Reed Lane SE and Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14 / 200, 204, 205, 206 and 400).

APPLICANT: Pahlisch Homes INC

5600 Block of Reed Road SE and Battle Creek Road SE

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 205.015(d) – Phased Subdivision Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated December 6, 2021.

DECISION: The Planning Administrator APPROVED Tentative Phased Subdivision Plan subject to the following conditions of approval:

Prior to final any subdivision plat:

Condition 1: Prior to construction on Lot 18, the applicant shall obtain a favorable conditional use permit or develop a use permitted in the zone.

Condition 2: The front property lines are designated below:

Corner Lot	Front Property Line
2	West Property line abutting Terra Cotta Drive SE
17	South Property line abutting 'D' Street
26	South Property line abutting 'A' Street
27	South Property line abutting 'A' Street
55	West Property line abutting Reed Lane SE
61	South Property line abutting Landau Street SE
75	South Property line abutting 'A' Street
76	South Property line abutting 'A' Street
80	South Property line abutting 'A' Street
81	West Property line abutting 'A' Street
98	North Property line abutting 'F' Street
101	South Property line abutting 'F' Street
104	West Property line abutting 'E' Street
125	North Property line abutting 'B' Street
126	East Property line abutting 'F' Street
129	South Property line abutting 'F' Street
153	North Property line abutting 'C' Street
159	North Property line abutting 'C' Street
173	North Property line abutting 'B' Street
178	West Property line abutting 'A' Street
192	South Property line abutting 'B' Street

208	West Property line abutting 'D' Street
227	South Property line abutting 'C' Street
238	North Property line abutting 'B' Street

- Condition 3:** Lots 55 and 56 shall take access from Reed Lane SE.
- Condition 4:** Lot 61 shall have no access to Reed Lane SE.
- Condition 5:** Lots 22-32 & 75-78 shall take access from Street 'A', no access to Fabry Road is allowed.
- Condition 6:** Lots 13-17 shall take access from Street 'D', no access to Fabry Road is allowed.
- Condition 7:** Lots 19-21 shall take access from Street 'I', no access to Fabry Road is allowed.
- Condition 8:** Lots 10-12 shall take access from Street 'J', no access to Fabry Road is allowed.
- Condition 9:** Lots 8, 197-208 & 210 shall take access from Street 'D', no access to Battle Creek Road SE is allowed.
- Condition 10:** Paved width of accessway serving Lot 134 shall be 15-feet wide within a minimum of a 20-foot-wide easement.
- Condition 11:** Paved width of accessway serving Lot 138-141 shall be 20-feet wide within a minimum of a 25-foot-wide easement.
- Condition 12:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 13:** Prior to final plat, construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 14:** Dedicate to City or record a public access easement on the subject lots (lots 46 and 66) for the public path connecting to Pringle Elementary School.
- Condition 15:** Construct internal streets to local street standards and pursuant to the following alternative street standards and design exceptions included as part of the land use application materials:
- Reduction in the 50' required tangent leg length to 19' at the intersection of Fabry Road and Street G. The 90° (±5°) intersection angle will be held.
 - Fabry Road to have standard minor arterial design speed reduced from 45 miles per hour to 35 miles per hour and Fabry Road minimum centerline radius to be reduced from a 1040' centerline radius to a ±510' centerline

radius (varies from 498' to 510' due to existing dedicated ROW along Woodscape Meadows).

- c. Fabry Road paved width to decrease from standard 46' width to 34' at wetland crossing to minimize wetland fill limits. 12' double left turn lane to be removed at crossing.
- d. Landscape planter strip to west of Salal Street to be reduced from 6' to $\pm 4'$ to accommodate existing widened sidewalk and to maintain 72' ROW.
- e. K values of Street H to have minimum values lowered below the 15-mph minimum design speed.
- f. Salal Street side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub.

Condition 16: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets, with the exception of the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55.

Condition 17: All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.

Condition 18: Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.

Condition 19: Lots proposed for open space (Lots 1, 9, and 174) shall remain as natural open areas and shall not be developed for any use other than monument signs, irrigation systems or trail access.

Condition 20: No tree designated for preservation on Lots 1, 18, and 174 shall be removed unless an approved Tree Conservation Plan Adjustment is approved for a tree that is dead/dying or is hazardous.

Condition 21: Lots 48-59 shall be served by 22-foot accessway/shared driveway easement to Reed Lane, similar to shown in Attachment B. No more than three lots shall be served by a single accessway/shared driveway easement and no more than five driveway approaches shall access Reed Lane.

Condition 22: Minimum 20-ft driveway required measured to the accessway/shared driveway easement.

Condition 23: No parking allowed within accessway/shared driveway easement and shall be recorded in the shared driveway easement.

- Condition 24:** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
- Condition 25:** 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 26:** 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 27:** Demonstrate at least two means of adequate Fire Department access prior to final plat of each phase.

Prior to plat of Phase 1:

- Condition 28:** Prior to final plat for Phase 1, along Fabry Road from Battle Creek Road to the approximate boundary line of Lots 32 & 78, convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement.
- Condition 29:** Prior to final plat of Phase 1, Install a pedestrian island crossing in the vicinity of Street H and Salal pursuant to PWDS.
- Condition 30:** Prior to final plat of Phase 1, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal and based on final recommendations from Cherriots.
- Condition 31:** Prior to final plat of Phase 1, the frontage of Battle Creek Road abutting Phase 1 shall be conveyed for dedication of right-of-way to equal a minimum of 36 feet from centerline and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to PWDS.
- Condition 32:** Prior to final plat for Phase 1, construct a water main within the Phase 1 portion of Fabry Road, as specified in the Water System Master Plan.
- Condition 33:** Prior to final plat of Phase 1, construct a 12-inch water main within Street H and the Phase 1 portion of Street A.
- Condition 34:** Prior to plat of Phase 1, the applicant shall provide Fire Department turnaround near Lot 32 or show adequate Fire Department Access.

Prior to plat of Phase 2:

- Condition 35:** Prior to final plat of Phase 2, along Fabry Road approximately from the boundary line of Lots 32 and 78 to Reed Lane, convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement.

- Condition 36:** Prior to final plat of Phase 2, Install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS.
- Condition 37:** Prior to final plat of Phase 2, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.
- Condition 38:** Prior to plat of Phase 2, Landau St SE shall have five-foot property line sidewalks along the frontage of Lots 61 through approximately the mid-point of Lot 62, five-foot curb line sidewalks along the mid-point of Lot 62 to the northern portion of Lot 65, and five-foot property line sidewalks from the northern portion of Lot 65 to Street E, as generally shown on the Lots 61-65 in Attachment B.
- Condition 39:** Prior to final plat of Phase 2, Reed Lane SE sidewalks shall be five-foot property line sidewalks along lots 54 through 61 and eight-foot curb line sidewalks along lots 48 through 53, except as modified under a City tree removal permit pursuant to SRC Chapter 86.
- Condition 40:** Prior to final plat of Phase 2, construct the intersection of Landau and Street E to accommodate future closure of Landau Street with Phase 3, as shown on the applicant's preliminary street Plan.
- Condition 41:** Prior to final plat of Phase 2, construct a water main within the Phase 2 portion of Fabry Road as specified in the Water System Master Plan.
- Condition 42:** At the time of final plat of Phase 2, construct a natural area park within proposed Lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan Update.

Prior to plat of Phase 3:

- Condition 43:** Prior to final plat for Phase 3, the applicant shall be required to close Landau Street between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street. Existing asphalt shall be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D).
- Condition 44:** Prior to final plat of Phase 3, construct a 12-inch water main within Street A from the north line of Phase 3 to Street C.
- Condition 45:** Prior to final plat of Phase 3, the applicant shall convey Lot 47 and Lot 66 to the City of Salem.

Prior to plat of Phase 4:

- Condition 46:** Prior to final Plat of Phase 4, convey land for dedication of right-of-way for the entire Phase 4 frontage of Landau Street equal to 30 feet from centerline and construct or complete a 15-foot-wide half-street improvement.
- Condition 47:** Prior to final plat of Phase 4, construct a 12-inch water main within Street C from Street A to Kase Street and in Kase Street from Street C to Landau Street.

Prior to plat of Phase 5:

- Condition 48:** Prior to final plat of Phase 5, conveyed for dedication of right-of-way of the frontage abutting Battle Creek Road to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement.
- Condition 49:** Prior to final plat of Phase 5, the intersection of Landau and Battle Creek shall be constructed with a 90-degree intersection angle and a minimum 35 lineal foot tangent from face of curb on Battle Creek Road westerly along the centerline of Landau Road.
- Condition 50:** Prior to final plat of Phase 5, extend the existing 8-inch sewer main to the south line of the subject property in Battle Creek Road SE.

The Planning Administrator APPROVED Class 2 Adjustment subject to the following conditions of approval:

- Condition 51:** Lot 9, Lot 38, Lot 110, Lot 69, Lot 86, Lot 166, Lot 203 shall be used for open space, monument sign (Lot 9) and multi-use path (pedestrian access) only. These lot shall not be used for single family development.

The rights granted by the attached decision must be exercised, or an extension granted, by December 22, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>October 25, 2021</u>
Notice of Decision Mailing Date:	<u>December 7, 2021</u>
Decision Effective Date:	<u>December 23, 2021</u>
State Mandate Date:	<u>February 22, 2022</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, December 22, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning

Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
DECISION**

IN THE MATTER OF THE APPROVAL OF) FINDINGS AND ORDER
CONSOLIDATED PHASED SUBDIVISION)
TENTATIVE PLAN AND CLASS 2 ADJUSTMENT)
CASE NO. SUB-ADJ21-10)
)
5600 BLOCK REED LANE SE &)
5600 BLOCK BATTLE CREEK ROAD SE) DECEMBER 7, 2021

REQUEST

Summary: A consolidated application to create 238-lots for single family development and open space lots (Headwaters Subdivision).

Request: A subdivision tentative plan to divide approximately 68 acres into 238 lots, 222-lots for new development, one lot with an existing single-family dwelling and 15 lots for open space, pedestrian paths and stormwater. The lots for new development range in size from approximately 5,500 square feet to approximately 12,923 square feet, including an "Alternative Street Standards" request to decrease a portion of the paved width of Fabry Road SE from 46-feet to 36-feet, and leave the sidewalk abutting the curb along the northern portion of Reed Road in order to preserve Oregon White Oak Trees, increase block length on several streets beyond 600-feet, decrease the street spacing on Fabry from 370-ft to 200-feet and 300-ft; reduce street widths, eliminate landscaping for proposed private Street I, reduce street width, eliminate landscaping and add on street parking for Street J;

1) Class 2 Zoning Adjustment application to:

- a. Reduce the size of Open Space Lot 9 from 6,000 sq. ft to 4,479 sq. ft, and reduce the minimum depth from 80 ft to 28 ft.
- b. Reduce the size of Lot 38 for a pedestrian access from 6,000 sq. ft to 1,699 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 760-percent.
- c. Reduce the size of Lot 110 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.
- d. Reduce the size of Lot 69 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.
- e. Reduce the size of Lot 86 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733%.
- f. Reduce the size of Lot 166 for pedestrian access from 6,000 sq. ft to 4,460 sq. ft, reduce the minimum width and street frontage from 60 ft to 20 ft and increase the maximum lot depth 300% the width to 1,125%.

- g. Reduce the size of Lot 203 for pedestrian access from 6,000 sq. ft to 1,1995 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 887 percent.
- h. Reduce the 60-foot street frontage requirement to 52-feet for Lot 174.

The subject properties are approximately 68 acres, zoned RA (Residential Agriculture) and RS (Single Family Residential) and located on the 5600 Block of Reed Lane SE and Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14 / 200, 204, 205, 206 and 400).

PROCEDURAL FINDINGS

1. On June 16, 2021, a consolidated application for a Tentative Subdivision Plan and Class 2 Adjustments was filed, proposing to divide 68-acres at 5600 Block of Reed Lane SE and Battle Creek Road SE (**Attachment A**) into 238 lots.
2. After additional information was submitted the subdivision and adjustment applications were deemed complete for processing on October 25, 2021. Notice to surrounding property owners and tenants was mailed pursuant to Salem Revised Code on October 28, 2021.
3. The state-mandated local decision deadline for the subdivision and adjustment applications is to February 22, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide the property into 238 lots with 222 lots for residential development (**Attachment B**), with lots ranging in size from 5,500 square feet to approximately 12,923 square feet. All lots within the subdivision are proposed to take access directly from internal public or private streets. The applicant's written findings are included as **Attachment C**.

The applicant has proposed five phases for the subdivision or residential development. The subject property is inside of the Urban Service Area.

2. Existing Conditions

Site and Vicinity

The subject property consists of five tax lots, approximately 68 acres in size. The subject property was created by a replat and Property Line Adjustments reconfiguring the three legal units of land. Property line adjustments reconfigured the subject property. The proposal is to subdivide approximately 68 acres located on the west of Battle Creek Road SE and east of Reed Lane SE. The abutting portion of Battle Creek Road is designated in the Salem Transportation System Plan (TSP) as a Minor Arterial, Reed Lane SE is designated a Collector, Fabry Road SE, which will be built through the property, is a Minor Arterial and Landau Street SE to the south is a Local street.

The site is mostly a rectangle, approximately 2,600 feet in width from west to east, and approximately 1,000 feet from north to south. The site currently has a single-family dwelling and is used for farm use. The site slopes uphill from the northwest boundary, to the east with a steeper slope near the southern property line. The property rises from approximately 414 feet to 492 feet above sea level at the southern property line. Environmental resource and natural hazard maps show wetlands on the portion of the property. The site does not have any floodplains on the subject property. An area of steeper slopes, indicating possible landslide hazard susceptibility, is shown on hazard maps near the existing dwelling on the property.

The subject properties were annexed into the City of Salem in April 1969.

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” & “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: (Across Fabry Road SE) Single Family Residential
South: (Across Landau Street SE) Developing Residential
East: (Across Battle Creek Road SE) Developing Residential
West: (Across Reed Road SE); Single Family Residential

Zoning and Surrounding Land Use

The subject properties are zoned RA (Residential Agriculture) and RS (Single Family Residential) and contains a single-family dwelling. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential) and RA (Residential Agriculture); single family dwelling and Pringle Elementary School
South: RS (Single Family Residential) and RA (Residential Agriculture); single family dwelling
East: RS (Single Family Residential) and RA (Residential Agriculture); single family dwelling
West: RS (Single Family Residential) and RA (Residential Agriculture); single family dwelling

Relationship to Urban Service Area

The subject property is inside of the City's Urban Service Area.

Infrastructure

Water: The subject property is located in the S-2 water service level.

An 8-inch water main is located in Fabry Road SE near the intersections with Salal Street SE and Bellflower Court SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

A 20-inch water main is located in Battle Creek Road SE. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.

An 8-inch water main is located in Landau Street SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

An 8-inch and 10-inch water mains are located in Reed Lane SE. Mains of this size generally convey flows of 900 to 2,200 and 1,500 to 3,400 gallons per minute.

Sewer: A 8-inch public sewer main is located in Fabry Road SE near the intersections with Salal Street SE and Bellflower Court SE.

An 8-inch sewer main is located in Battle Creek Road SE.

An 8-inch and 24-inch sewer main is located in Reed Lane SE.

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

Storm Drainage: A 10-inch, 12-inch, and 15-inch storm main is located in Fabry Road SE.

A 10-inch storm main is located in Battle Creek Road SE. This main extends across the subject property and connects to Landau Street SE.

A 12-inch storm main is located in Reed Road SE.

A 15-inch storm main is located in Landau Street SE.

Streets: Fabry Road SE abuts the north boundary of the subject property. Fabry Road SE is designated as a Minor Arterial street in the Salem TSP.

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- A portion of Fabry Road SE curb and sidewalk was constructed along the boundary of Woodscape Meadows Phase 6 subdivision adjacent to the subject property. This underimproved portion of Fabry Road SE is located within a 34-foot-wide portion of right-of-way within the subject property.

Battle Creek Road SE abuts the east boundary of the subject property. Battle Creek Road SE is designated as a Minor Arterial street in the Salem TSP.

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The abutting portion of Battle Creek Road SE currently has an approximately 27-foot to 37-foot-wide improvement within a 60-foot to 72-foot-wide right-of-way.

Reed Lane SE abuts the west boundary of the subject property. The Salem TSP designates the abutting portion of Reed Lane is designated as a Collector in the Salem TSP.

- The standard for a Collector street is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 30-foot improvement within a 60-to-66-foot-wide right-of-way abutting the subject property.

Landau Street SE abuts the southern boundary of the subject property. The Salem TSP designates the abutting portion of Landau Street is designated as a Local in the Salem TSP.

- The standard for a Local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 20-to-30-foot improvement within a 40-to-60-foot-wide right-of-way abutting the subject property.

Parks:

The proposed development is served by Wes Bennett Park approximately 0.25 miles northwest of the subject property. As shown on the applicant's preliminary plans, a natural area park is proposed on Lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan update.

3. Summary of Record

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

4. Land Use History

- **Annexation Ordinance 40-69 (1669):** The annexation of the subject property, which a total of 200-acre territory. The annexation became effective on April 8, 1969.
- **PAR87-19M:** A tentative partition plan to divide approximately 82.14 acres into two parcels, with Parcel 1 consisting of five acres in size, and Parcel 2 consisting of 77 acres.
- **SUB97-19:** Subdivide 22.83 acres into 103 residential lots.
- **CPC01-07:** Comprehensive Plan Designation change from Multi-Family to Single Family Residential.
- **PLA16-05:** Relocation of a property line between two properties containing Tax Lots 200, 205 and 206, resulting in 52.9 acres and 27.73 acres.

5. 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 D**.

Fire Department – The Salem Fire Department commented that access and water supply will be required per the Oregon Fire Code. The proposed phases appear to create dead end Fire Department access roads that will need approved turnarounds, and phases that will require two separate and approved means of Fire Department access unless all buildings are provided with approved fire sprinkler systems.

Staff Response: Phase 1 will make the connection to three streets, Battle Creek Road, Salal Street and Terra Cotta Drive, which does not result in greater than 30 dwelling units being served by a single fire apparatus road. Phase 2 will make the connection of Fabry Road between Battle Creek Road and Reed Lane, which will not result in more than 30 dwelling units on a single fire road. Prior to final Plat adequate access will need to be provided to the satisfaction of the Fire Marshal.

Building and Safety Division – The Salem Community Development Department, Building and Safety Division, submitted comments indicating no concerns with the proposal at this time.

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. The comments indicate that the high school is currently over capacity. The subject property is within the 'walk zone' of the assigned elementary school, which has direct access to the southeast and southwest corners of the school property. The school district indicated that the subject property is outside of the "walk zone" of the assigned middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

Cherriots – Cherriots was contacted by the developer to discuss inclusion of bus stops along Fabry Road SE. The applicant has agreed to provide bus stops, meeting Cherriots standards along either side of Fabry Road SE.

6. Neighborhood Association Comments and Public Comments

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

Applicant Neighborhood Association Contac: 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 October 8, 2020, the applicant attended the South Gateway meeting informing them of the proposed project.

Homeowners Association

The subject property is not located within a Homeowners Association.

Neighborhood Association and Public Comment: Notice of the application was provided to SGNA 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. Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property, posted notice was also provided on each street frontage during the comment period pursuant to SRC 300.520(b)(2). Staff received 23 public comments prior to the comment period ending, which are summarized below:

- A. Lack/Loss of Wildlife Habitat and Open Space:** 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, the proposed development is served by Wes Bennett Park approximately 0.25 miles northwest of the subject property. As shown on the applicant’s preliminary plans, a natural area park is proposed on Lots 47 and 66.

- B. School Overcrowding:** Comments were submitted that the additional lots will create overcrowding in the schools and that more land should be provided to the school.

Finding: The Salem Keizer Public Schools has reviewed the proposal and provided a memo, which is summarized above, outlining the impact of the proposed development on the Salem-Keizer School District.

- C. Fabry Road SE:** Concerns about the location of Fabry Road SE, if the street will contain bike lanes, landscaping, be safe for pedestrians and/or vehicles. Comments discuss relocation of Fabry to the shown location of ‘B Street’. Comments are concerned the street will be busy with no driveways and act like a parkway.

Finding: Fabry Road and its extension are designated as a Minor Arterial in the City of Salem Transportation System plan. The City design standard for a Minor Arterial has a three-lane cross section with bike lanes and sidewalks. The alignment for the Minor Arterial was established in the TSP and with dedication of right-of-way from the previous subdivision, Woodscape Meadows. The design speed of Fabry Road will be reduced by 10 miles per hour to accommodate the planned alignment. Speed bumps or other traffic control measures are not appropriate for a Minor Arterial.

- D. Impact of Increased Traffic:** Several comments received express concern with increased traffic in the vicinity as a result of construction of Fabry Street. Specific concerns raised regarding traffic and impacts on adjacent streets include the following:

- Salal Street should terminate in a cul-de-sac at Fabry Road;
- Fabry Road connection to Bellflower Court SE;
- Overall increase in traffic in neighborhoods;
- Increased Costco Traffic;
- Parking near Pringle Elementary
- Drivers may run stop sign at Fabry Road and Reed Lane

Finding: In regard to the connections of Bellflower Court and Salal Street to Fabry Road, the previous subdivision SUB97-19, as a condition of approval, required the connections to Fabry Road to be installed. These connections were completed with the previous subdivision plat to ensure adequate block length, appropriate street connectivity and better traffic circulation throughout the neighborhood.

Reed Lane allows for on-street parking along the boundary of this project up to Pringle Elementary School. Parking is prohibited along the school frontage to make it safer for parents to pick up and drop off.

Bellflower Court SE is currently a cul-de-sac, which is not proposed to change. The connection to Fabry Road already exists in this location and was dedicated with the previous development. These streets will align with existing streets which will eventually fill in gaps within the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

Among the required improvements to address their impacts, the Costco project will be required to add a second northbound left-turn lane and lengthen the westbound left-turn lane storage at the Battle Creek Road/Kuebler Boulevard intersection. With these improvements this intersection can accommodate the forecast traffic demand with the approved Costco, approved Landau Heights Subdivision and the Headwater Subdivision without exceeding the City's performance standards. The Costco project is also required to install a traffic signal at the Battle Creek Road/Boone Road intersection. A roundabout option may have been considered as a potential mitigation option, but the signal was the approved mitigation. With the close proximity to the Battle Creek Road/Kuebler Boulevard intersection, the signals will likely be coordinated during the peak morning and evening periods to maximize traffic flow and avoid long queues trapped between the intersections. The traffic analysis shows the traffic signal can accommodate the future demand with moderate delays.

The intersection of Fabry Road and Reed Lane has been determined to require an all-way stop by the City Traffic Engineers.

- E. Closing Landau Street:** Comments submitted that Landau Street should not be closed, since traffic will then filter through neighborhoods.

Finding: The Assistant City Traffic Engineer provided comments addressing the above concerns. In summary, the City will close a section of Landau Street SE with this subdivision proposal as conditioned below.

As a condition of approval, the applicant is required to close Landau Street between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street. Existing asphalt will be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D). If Landau Street SE were to

remain open and functional, the vertical grade would need to be lowered to meet the City of Salem standards. To meet the 25 MPH design speed required, the roadway would need to be lowered over 20 feet, significantly affecting existing development and making the adjacent properties unusable.

F. Crime:

Staff Response: Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for a tentative subdivision plan do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed subdivision would exceed what would otherwise occur from any other legal development of property within the City.

G. Adjustments to Lot Standards for open space lots and size of lots: Comments submitted express concern for the adjustments to lot standards requested by the applicant, questioning if adjustments allow for more density and not providing adequate park space. Comments also address that the lots are too small.

Staff Response: Complete findings addressing the applicant's request for adjustments to lot standards are found in Section 7 of this report. In summary, the request to reduce the lot standards are to allow the creation of private lots for pedestrian access and open space lots. Each lot is sufficient to allow for proposed development in compliance with applicable development and street connectivity standards. As conditioned below Lot 9, Lot 38, Lot 110, Lot 69, Lot 86, Lot 166, Lot 203 shall be used for open space, monument sign (Lot 9) and multi-use path (pedestrian access) unless additional land use applications are subsequently approved. These lot shall not be used for single family development.

H. Tree Removal and Oak Trees: Comments submitted expressed concern for the removal of trees on the subject property. Particularly, several large Oak Trees.

Staff Response: The applicant has provided a tree conservation plan identifying all trees on the subject property. The applicant submitted a Tree Conservation Plan in conjunction with the proposed subdivision identifying a total of 693 trees on the subject properties, 32 of which are significant oaks. There are several riparian corridor trees on the subject property. There are no heritage trees the property. The Tree Conservation Plan for the remainder of the subdivision identifies 270 trees (39%) for preservation and 423 trees (61%) for removal.

Of the 423 trees proposed for removal, three are significant oaks which the applicant has identified for removal based on their location needing to be removed. Two of the three trees being removed are to accommodate Fabry Road SE alignment and the third tree to accommodate the installation of sidewalks along Landau Street SE. As conditioned below, trees within natural open areas shall be preserved unless a Tree Conservation Plan Adjustment is approved for trees which are dead or dying and/or hazardous.

- I. **Archaeological impacts:** Comments submitted raise concerns about artifacts on the subject property and comment that an archaeological study should be completed.

Staff Response: A portion of the property is within Salem's Cultural Resource Protection Zone, therefore development involving ground disturbing activity may require an Inadvertent Discovery Plan, Archaeological Testing, Monitoring or additional Historic Clearance Review.

7. Criteria for Granting Tentative Subdivision Plan Approval

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 Planning Administrator signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision 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) 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 proposed subdivision would divide the approximately 68-acre property into 238 lots, rights-of-way for internal streets, open space lots and a public stormwater facility, 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 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:

Use Standards for RS Zone (See SRC Chapter 511, Table 511-1)

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

Staff Response: The applicant is proposing 222-lots for single family development, which is a permitted use in the RS zone. The remaining lots, other than Lot 18, are for open space and pedestrian standards which are a permitted use in the zone. Lot 18 is proposed for a community center, which is classified as Recreational and cultural community services. Recreational and cultural community services is a conditional use permit in the zone. Prior to construction of a community center the applicant shall obtain an approved conditional use permit.

Condition – Prior to construction on Lot 18, the applicant shall obtain a favorable conditional use permit or develop a use permitted in the zone.

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

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Area (All Other uses)	6,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (All Other uses)	80 feet
Lot Depth (Double Frontage Lots)	120 feet
Street Frontage	40 feet

After notice of filing was sent out the applicant has provided an updated plan for 'P15' and 'P50'. These plans have been incorporated and reviewed for lot standards (Attachment B).

The applicant has applied for 8 adjustments, to create eight lots for open space and pedestrian paths. The adjustments are addressed below. The remaining lots for single family development meet the standards above.

With the exception of the above-mentioned lots, which is address below, the proposed lots meet or exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision, as conditioned, 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

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

The proposal conforms to the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

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. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. 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.

The lots in the table below are corner lots, which do not meet lot depth requirement abutting both streets, which dictates which property line must be the front property line. As conditioned below those lots not meeting the lot depth from both streets, therefore, the front lot line for the lots below are as follows:

Condition – The front property lines are designated below:

Corner Lot	Front Property Line
2	West Property line abutting Terra Cotta Drive SE
17	South Property line abutting 'D' Street
26	South Property line abutting 'A' Street
27	South Property line abutting 'A' Street
55	West Property line abutting Reed Lane SE
61	South Property line abutting Landau Street SE

75	South Property line abutting 'A' Street
76	South Property line abutting 'A' Street
80	South Property line abutting 'A' Street
81	West Property line abutting 'A' Street
98	North Property line abutting 'F' Street
101	South Property line abutting 'F' Street
104	West Property line abutting 'E' Street
125	North Property line abutting 'B' Street
126	East Property line abutting 'F' Street
129	South Property line abutting 'F' Street
153	North Property line abutting 'C' Street
159	North Property line abutting 'C' Street
173	North Property line abutting 'B' Street
178	West Property line abutting 'A' Street
192	South Property line abutting 'B' Street
208	West Property line abutting 'D' Street
227	South Property line abutting 'C' Street
238	North Property line abutting 'B' Street

These lots abut a local street and a higher classification street (i.e. Collector or Arterial), therefore the lots are required to take access to the local (interior) street or Collector Street. Therefore, the following condition applies:

Condition – Lots 55 and 56 shall take access from Reed Lane SE.

Condition – Lot 61 shall have no access to Reed Lane SE.

Condition – Lots 22-32 & 75-78 shall take access from Street 'A', no access to Fabry Road is allowed.

Condition – Lots 13-17 shall take access from Street 'D', no access to Fabry Road is allowed.

Condition – Lots 19-21 shall take access from Street 'I', no access to Fabry Road is allowed.

Condition – Lots 10-12 shall take access from Street 'J', no access to Fabry Road is allowed.

Condition – Lots 8, 197-208 & 210 shall take access from Street 'D', no access to Battle Creek Road SE is allowed.

Lots 133-134 and 138-141 are flag lots. SRC 800.020(a)(4) sets forth that, unless otherwise provided by the Planning Administrator, the front lot line for a flag lot 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. Each lot meets the applicable lot dimensions if either the north or west property lines are

designated as the front property line. Therefore, the front property line for each lot will be designated by the building permit applicant.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 1 to 2 lots must be a minimum of 20 feet in overall width and must be paved to a minimum width of 15 feet. Flag lot accessways serving 3 to 4 lots must be a minimum of 25 feet in overall width and must be paved to a minimum width of 20 feet. Plans submitted by the applicant show a 20-foot-wide access easement serving Lot 134 and a 25-foot-wide access easement serving Lots 138-141, exceeding the standard set forth in subsection (c) and providing sufficient width for the required paved improvement. To ensure the accessways are adequately paved prior to plat the following condition applies:

Condition – Paved width of accessway serving Lot 134 shall be 15-feet wide within a minimum of a 20-foot-wide easement.

Condition – Paved width of accessway serving Lot 138-141 shall be 20-feet wide within a minimum of a 25-foot-wide easement.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

Condition – "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Subsection (e) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The proposed subdivision includes six flag lots (Lots 133-134 and 138-141), or less than three percent of the total single family proposed lots, therefore meeting the standard provided in SRC 800.025(e).

SRC Chapter 602 (Airport Overlay Zone):

The property is within the "Horizontal Surface" section and "conical surface" section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane of 150 feet above the airport elevation. Within the Conical Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane of 150 feet above the airport elevation. The maximum height for structures within the RS (Single Family Residential) zone is 35 feet. The Salem Airport elevation is 210 feet above sea level. The highest elevation on the subject property is approximately 449 feet, which exceeds the 150-foot elevation limit within the "Horizontal Surface" and "Conical Surface" overlay for the airport. Pursuant to SRC 602.025, an Airport Overlay Zone height variance is required to erect or increase the height in excess of the height limitations listed above. Each structure within the proposed subdivision will exceed the allowable elevation within the "Horizontal Surface" and "Conical Surface", the applicant

has been granted an Airport Overlay zone height variance (AVAR21-03) for both areas.

(A) 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 (PWDS) 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 lots. The applicant's engineer submitted a preliminary stormwater design to accommodate future impervious surfaces and a request for two design exceptions related to the flow control requirement and treatment for Lots 48-65. Prior to final plat approval, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets. The requested design exceptions have not been approved but will be reviewed by the City Engineer at the time of final design.

Prior to final plat of all subdivision phases, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

Condition – Prior to final plat, construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.

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 inside the Urban Service Area, therefore an application for an Urban Growth Preliminary Declaration is not required. 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 tentative subdivision plan.

Subject to the conditions of approval of the corresponding Urban Growth Preliminary Declaration, the proposal meets the requirements of SRC Chapter 200.

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 (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 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 and extended to adjacent upstream parcels.

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

SRC 803.015 (Traffic Impact Analysis): The proposed subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials, Collector and Local streets. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The applicant submitted a TIA from Lancaster Mobley on July 2, 2021. The TIA recommended:

- Improve the Kuebler Boulevard and Battle Creek Road SE intersections as part of the Kuebler Gateway Shopping Center project.
- Widen Battle Creek Road SE to a 3-lane cross-section with a center left-turn lane at the Fabry Road SE intersection.

These mitigations requirements are currently under construction by the PacTrust/Costco development; no other mitigation is recommended. The Assistant City Traffic Engineer has determined that additional mitigation measures are not necessary based on the volume of traffic being generated by the development.

SRC 803.020 (Public and Private Streets): The applicant proposes for internal streets within the subdivision to be public and private streets. The proposed two private streets have been approved for an alternative street design to accommodate the subdivision.

SRC 803.025 (Right-of-Way and Pavement Widths):

Fabry Road SE abuts the north boundary of the subject property. Fabry Road SE is designated as a Minor Arterial street in the Salem TSP. A portion of Fabry Road SE curb and sidewalk was constructed along the boundary of Woodscape Meadows Phase 6 subdivision adjacent to the subject property. This underimproved portion of Fabry Road SE is located within a 34-foot-wide portion of right-of-way within the subject property. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The improvement shall decrease from 46 feet to 34 feet at the wetland crossing to minimize wetland fill limits. The applicant shall construct up to two pedestrian islands and two transit stops as determined by the Public Works Director with consultation from the City Traffic Engineer and Cherriots staff. Other alternative standards and design exceptions are described below.

As a condition of Phase 1, the applicant is required to convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement along Fabry Road from Battle Creek Road to the approximate boundary line of Lots 32 & 78.

Cherriots commented for the need for transit stops along Fabry Road. As a condition of Phase 1, the applicant shall install a transit stop, consistent with Cherriots design standards, on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal and based on final recommendations from Cherriots. As a condition of Phase 2, the applicant is required to convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement along Fabry Road SE to Reed Lane SE. The applicant shall install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS. The applicant shall install a transit stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.

Condition – Prior to final plat for Phase 1, along Fabry Road from Battle Creek Road to the approximate boundary line of Lots 32 & 78, convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement.

Condition – Prior to final plat of Phase 1, Install a pedestrian island crossing in the vicinity of Street H and Salal pursuant to PWDS.

Condition – Prior to final plat of Phase 1, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal and based on final recommendations from Cherriots.

Condition – Prior to final plat of Phase 2, along Fabry Road approximately from the boundary line of Lots 32 and 78 to Reed Lane, convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement.

Condition – Prior to final plat of Phase 2, install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS.

Condition – Prior to final plat of Phase 2, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.

Battle Creek Road SE abuts the east boundary of the subject property. Battle Creek Road SE is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The abutting portion of Battle Creek Road SE currently has an approximately 27-foot to 37-foot-wide improvement within a 60-foot to 72-foot-wide right-of-way. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of each abutting street.

Since Battle Creek road abutting the subject property does not currently meet the standard for a Minor arterial, Phase 1 will be conditioned to convey land for dedication of right-of-way to equal a minimum of 36 feet from centerline and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to Public Works Design Standards (PWDS). The applicant's Traffic Impact Analysis requires widening of Battle Creek as mitigation for the development. The additional width is required to accommodate the five-lane section for mitigation.

Condition – Prior to final plat of Phase 1, the frontage of Battle Creek Road abutting Phase 1 shall be conveyed for dedication of right-of-way to equal a minimum of 36 feet from centerline and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to PWDS.

Along the entire Phase 5 frontage of Battle Creek Road SE, the applicant is required to convey land for dedication of right-of-way to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement. A previously approved subdivision (Landau Heights Subdivision) has been conditioned to construct the intersection of Landau Street and Battle Creek Road with a 90-degree intersection angle and a minimum 35 lineal foot tangent from face of curb on Battle Creek Road westerly along the centerline of Landau Road, if not already constructed the same condition applies to this development.

Condition – Prior to final plat of Phase 5, conveyed for dedication of right-of-way of the frontage abutting Battle Creek Road to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement.

Condition – Prior to final plat of Phase 5, the intersection of Landau and Battle Creek shall be constructed with a 90-degree intersection angle and a minimum 35 lineal foot tangent from face of curb on Battle Creek Road westerly along the centerline of Landau Road.

Reed Lane SE abuts the west boundary of the subject property. The Salem TSP designates the abutting portion of Reed Lane is designated as a Collector in the Salem TSP. The standard for a Collector street is a 40-foot-wide improvement within a 60-foot-wide right-of-way. This street has an approximate 30-foot improvement within a 60-to-66-foot-wide right-of-way abutting the subject property. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of each abutting street.

Reed Lane SE has an existing curb with non-conforming sidewalks. Reed Lane SE sidewalks will be five-foot property line sidewalks along Lots 54 through 61 and eight-foot curb line sidewalks along Lots 48 through 53 except as modified under a City tree removal permit pursuant to SRC Chapter 86. The driveways serving lots along Reed Lane are approved less than 200 feet from Fabry pursuant to SRC Chapter 803.

Condition – Prior to final plat of Phase 2, Reed Lane SE sidewalks shall be five-foot

property line sidewalks along lots 54 through 61 and eight-foot curb line sidewalks along lots 48 through 53, except as modified under a City tree removal permit pursuant to SRC Chapter 86.

Landau Street SE abuts the southern boundary of the subject property. The Salem TSP designates the abutting portion of Landau Street as a Local street in the Salem TSP. The standard for a Local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. This street has an approximate 20-to-30-foot improvement within a 40-to-60-foot-wide right-of-way abutting the subject property. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of each abutting street. The section of Landau Street which does not meet standards is proposed for closure as conditioned below. The remaining sections of Landau Street currently meet the standard or are conditioned below to meet standards of SRC 803.

Condition – Prior to final plat of Phase 2, construct the intersection of Landau and Street E to accommodate future closure of Landau Street with Phase 3, as shown on the applicant's preliminary street Plan.

Condition – Prior to final plat for Phase 3, the applicant shall be required to close Landau Street between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street. Existing asphalt shall be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D).

Condition – Prior to final Plat of Phase 4, convey land for dedication of right-of-way for the entire Phase 4 frontage of Landau Street equal to 30 feet from centerline and construct or complete a 15-foot-wide half-street improvement.

Several significant oak trees abut the right of way of Landau Street, which are proposed for preservation. The applicant has proposed to eliminate the standard landscape strip between the curb/gutter and the adjacent sidewalk for a portion of the planned Landau Street improvements, in order to preserve significant White Oak trees and other trees in this vicinity. Significant trees and their associated root zone are located within the future front yard of Lots 62 and 64. Eliminating the planter strip and shifting the sidewalk south toward the street will allow a reduced impact to the root zone of these trees and will promote their survival. Similarly, an existing stormwater outfall is located approximately midway between Lots 62 and 63. Relocating and reconstructing this stormwater facility to accommodate a planter strip in this area would necessitate additional impacts from grading and new outfall controls that would adversely impact the significant and other preservation trees in the natural area/open space immediately north of this facility. An alternative street standard is approved to allow the preservation of trees within this area. If the relocation of the sidewalk during public construction will not result in these trees being preserved, the sidewalk shall be located consistent with the standards of the Salem Revised Code.

Condition – Prior to plat of Phase 2, Landau St SE shall have five-foot property line sidewalks along the frontage of Lots 61 through approximately the mid-point of Lot 62, five-foot curb line sidewalks along the mid-point of Lot 62 to the northern portion of Lot

65, and five-foot property line sidewalks from the northern portion of Lot 65 to Street E, as generally shown on the Lots 61-65 in Attachment B.

The applicant is proposing mid-block pedestrian access from A Street to B Street (Lots 38 and 110), from A Street to E Street (Lot 86), from B Street to C Street (Lot 166) and a path to the proposed open space (Lot 69, leading to Lot 66) abutting Reed Lane SE. Due to the slope in the area, wetlands and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a) with a pedestrian only access. The applicant shows a paved path through Lot 66 and Lot 46 connecting to Pringle Elementary School. To ensure the path is open to the public the following condition applies:

Condition – Dedicate to City or record a public access easement on the subject lots (lots 46 and 66) for the public path connecting to Pringle Elementary School.

Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees. Portions of future streets K, M, and N (as shown on the Slope Exception Areas plan) are approved as an alternative street standard pursuant to SRC 803.065 with required right-of-way width to equal 52 feet and a four-foot-wide planter strip to accommodate street trees. The remainder of the subdivision streets meet street standards.

Condition – Construct internal streets to local street standards and pursuant to the following alternative street standards and design exceptions included as part of the land use application materials:

- a. Reduction in the 50' required tangent leg length to 19' at the intersection of Fabry Road and Street G. The 90° (±5°) intersection angle will be held.
- b. Fabry Road to have standard minor arterial design speed reduced from 45 miles per hour to 35 miles per hour and Fabry Road minimum centerline radius to be reduced from a 1040' centerline radius to a ±510' centerline radius (varies from 498' to 510' due to existing dedicated ROW along Woodscape Meadows).
- c. Fabry Road paved width to decrease from standard 46' width to 34' at wetland crossing to minimize wetland fill limits. 12' double left turn lane to be removed at crossing.
- d. Landscape planter strip to west of Salal Street to be reduced from 6' to ±4' to accommodate existing widened sidewalk and to maintain 72' ROW.
- e. K values of Street H to have minimum values lowered below the 15-mph minimum design speed.
- f. Salal Street side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub.

Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception

- o Landscape planter strip to west of Salal Street to be reduced from 6' to ±4' to accommodate existing widened sidewalk and to maintain 72' ROW. (City of Salem Public Works Design Standards Sec. 6.2.a.5)

- K values of Street H to have minimum values lowered below the 15-mph minimum design speed. (City of Salem Public Works Design Standards Sec. 6.9.c)
- Salal Street side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub. (City of Salem Public Works Design Standards Sec. 6.5.(c)(1)).

As conditioned, the proposal meets this requirement.

SRC 803.030 (Street Spacing): The applicant is proposing mid-block pedestrian access from A Street to B Street (Lots 38 and 110), from A Street to E Street (Lot 86), from B Street to C Street (Lot 166) and a path to the proposed open space (Lot 69, leading to Lot 66) abutting Reed Lane SE. Due to the slope in the area, wetlands and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a) with a pedestrian only access. As conditioned above, an alternative street standard is approved. There remainder of the subdivision meets SRC 803.030.

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. Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts Pringle Elementary School and a developed subdivision to the north, the remaining property lines abut existing streets. The subdivision plan proposes to provide street connectivity to all adjacent properties, with a series of internal streets providing connectivity within the subject property.

As conditioned, the proposal meets the requirements of subsection (f). Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. An exception is being made to preserve existing mature trees on the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55. Franchise utilities are existing on the west side of Reed Road SE and will be extended in service crossings at the time of development to unserved lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition – Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets, with the exception of the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Fabry Street SE and Battle Creek Road SE are designated as a Minor Arterial street in the TSP. Landau Street SE, a local street, abuts the property to the south and Reed Lane, a Collector Street, abuts the property to the west. Reed Lane SE abuts the western boundary of the subject property and Battle

Creek Road SE the eastern property line. Currently, Battle Creek Road SE and Fabry Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard. Landau Street and Reed Lane do not meet minimum standards and are required to convey land for dedication and construct appropriate improvements.

Each street is detailed above with existing conditions, conditioned improvements and dedication. The applicant has requested several alternative street standards, which are outlined above in order to preserve existing trees and have less of an impact on the existing wetland on the subject property. Boundary street improvements may be modified pursuant to SRC 803.065 as needed to avoid impacts to street trees.

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

(B) 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 (SRC Chapter 808) 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. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant submitted a Tree Conservation Plan in conjunction with the proposed subdivision identifying a total of 693 trees on the subject properties, 32 of which are significant oaks. There are several riparian corridor trees on the subject property. There are no heritage trees the property.

The Tree Conservation Plan for the remainder of the subdivision identifies 270 trees (39%) for preservation and 423 trees (61%) for removal.

Of the 423 trees proposed for removal, three are significant oaks which the applicant has identified for removal based on their location needing to be removed. Two of the three trees being removed are to accommodate Fabry Road SE alignment and the third tree to accommodate the installation of sidewalks along Landau Street SE.

Condition – All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a

circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.

The proposed tree conservation plan, as conditioned, preserves 39 percent of the existing trees on the property and designating three trees as future street trees, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though three of the 32 existing significant oaks on the property are to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. The applicant has provided the following findings regarding the three significant trees which need to be removed.

Tree #111130 is located near the property line at the intersection of Fabry Road SE and Reed Lane SE. This tree needs to be removed so the new intersection can be constructed and associated infrastructure can be installed as required by the subdivision. The intersection needs to be installed at this location so that Fabry Road SE can be extended along the alignment planned for in the TSP. and the City's Public Works Design standards. Therefore, there are no reasonable alternatives that would enable its preservation.

Tree #111262 is located in the future Fabry Road SE right-of-way and needs to be removed for the construction of the street. The Fabry Road SE alignment is determined by the location of the existing intersection with Reed Lane SE, the existing right-of-way along the northern property boundary, and the alignment planned for in the TSP. Therefore, there are no design alternatives within these parameters that would enable the preservation of this tree.

Tree #104623 is located adjacent to the Landau Street SE and needs to be removed to install a new sidewalk along the development frontage. The sidewalk is located as far away from the tree as practicable. Therefore, there are no design alternatives that would enable the preservation of this tree.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots. Lots dedicated to the City of Salem will not be subject to the tree conservation plan once the subdivision is recorded. Those trees will be subject to SRC 86 which has a robust process for preservation for city owned trees.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along Battle Creek Road, Reed Lane, and Landau Road. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. All boundary streets (Reed Road, Battle Creek Road and Strong Road) are approved for an alternative street standard to meander the sidewalk to accommodate for street trees to be preserved. Lots dedicated to the City of Salem are not subject to a

Tree Conservation Plan Adjustment. To ensure that the street trees are reviewed under SRC 86, the following condition applies:

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

To ensure the majority of the trees within the riparian area, several significant oak trees and large stands of trees proposed for preservation on open space lots, not dedicated to the City of Salem, will remain the following conditions applies:

Condition – Lots proposed for open space (Lots 1, 9, and 174) shall remain as natural open areas and shall not be developed for any use other than monument signs, irrigation systems or trail access.

Condition – No tree designated for preservation on Lots 1, 18, and 174 shall be removed unless an approved Tree Conservation Plan Adjustment is approved for a tree that is dead/dying or is hazardous.

The applicant has proposed for Lots 48-55 access Reed Lane with three shared driveways in order to preserve several groves of trees along Reed Lane. To ensure the groves of trees are preserved, the following conditions apply:

Condition – Lots 48-59 shall be served by 22-foot accessway/shared driveway easement to Reed Lane, similar to shown in Attachment B. No more than three lots shall be served by a single accessway/shared driveway easement and no more than five driveway approaches shall access Reed Lane.

Condition – Minimum 20-ft driveway required measured to the accessway/shared driveway easement.

Condition – No parking allowed within accessway/shared driveway easement and shall be recorded in the shared driveway easement.

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 identify wetlands and hydric soils on the proposed subdivision site. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. The applicant shall obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).

Condition – Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).

As conditioned, 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 and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are two mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of five points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by GeoPacific Engineering, Inc and dated May 11, 2021, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard 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.

Finding: The subdivision provides suitable lots for development of allowed uses in the RS zone and is generally precluded by existing and planned development from providing street connections to adjacent properties. The proposal is providing access and utilities to surrounding properties. The proposal meets this criterion.

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 and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Conditions of approval require construction of water, sewer, and storm connections to serve each lot, street and cul-de-sac improvements, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure. 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).

The Water System Master Plan specifies that an east-west 20-inch water main is to be located within Fabry Road between Battle Creek Road SE and Landau Street SE and that a north-south 12-inch water main is to be located within the subject property between Fabry Road and Landau Street. Those mains can be constructed in phases consistent with the applicant's phasing plan.

Pursuant to PWDS, sewer mains are to be extended within and abutting the

development for the benefit of adjacent unserved properties. A sewer main is needed in Battle Creek Road abutting Phase 5 to serve undeveloped properties east of Battle Creek Road SE near Landau.

There are adequate water mains is located in Reed Lane SE, Landau Street, Battle Creek Road and Fabry Road, abutting the subject property. The applicant shall be required to construct a water main with each phase of Fabry Road as specified in the Water System Master Plan. A minimum 12-inch water main within Street H and Street A shall be constructed. A 12-inch main is required within Street C from Street A to Kase Street and in Kase Street from Street C to Landau Street. To ensure adequate mains are extended to adequately serve the property and properties abutting the following condition applies:

Condition – Prior to final plat for Phase 1, construct a water main within the Phase 1 portion of Fabry Road, as specified in the Water System Master Plan.

Condition – Prior to final plat of Phase 1, construct a 12-inch water main within Street H and the Phase 1 portion of Street A.

Condition – Prior to final plat of Phase 2, construct a water main within the Phase 2 portion of Fabry Road as specified in the Water System Master Plan.

Condition – Prior to final plat of Phase 3, construct a 12-inch water main within Street A from the north line of Phase 3 to Street C

Condition – Prior to final plat of Phase 4, construct a 12-inch water main within Street C from Street A to Kase Street and in Kase Street from Street C to Landau Street.

Condition – 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 – 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 – Prior to final plat of Phase 5, extend the existing 8-inch sewer main to the south line of the subject property in Battle Creek Road SE.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update. The proposed development is served by West Bennett Park located to the northwest of the subject property. The Comprehensive Parks System Master Plan shows that Bennett Park serves the subject property. The applicant has proposed to construct and convey Lots 47 and 65 to the city as a natural area park in order to preserve the natural functions of the existing riparian area and wetlands on the subject property. Since the applicant has proposed to preserve and convey to the City Lot 47 and 66 the following condition applies:

Condition – At the time of final plat of Phase 2, construct a natural area park within proposed Lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan Update.

Condition – Prior to final plat of Phase 3, the applicant shall convey Lot 47 and Lot 66 to the City of Salem.

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.

Staff Response: As conditioned above the proposed street system meets TSP requirements. As proposed and conditioned, the tentative subdivision plan 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.

Staff Response: As conditioned above, boundary street improvements along the abutting portions of Battle Creek Road, Reed Lane, Fabry Road and Landau Street are required. In addition to the boundary improvement, internal circulation would be provided by new internal streets. The proposed network of boundary and internal streets serving the subdivision provides direct connections between all lots within the subdivision to the existing street network.

Comments from the Salem Fire Department indicate that more than 30 lots proposed for development of single-family residential dwellings are provided with one fire access road. Under the applicable section of the Oregon Fire Code, more than 30 dwellings on a single public or private fire apparatus access road can only be approved under an exception in which all dwelling units are equipped throughout with an approved automatic sprinkler system.

In order to ensure that the subdivision is designed to provide for safe and efficient fire apparatus access, the following condition shall apply:

Condition – Demonstrate at least two means of adequate Fire Department access prior to final plat of each phase.

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.

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

- Pringle Elementary School, a public elementary school located at 5500 Reed Lane SE, approximately one-half mile southwest of the closest lots within the proposed subdivision. Wes Bennett Park, a 4.43-acre neighborhood park located at 2200 Baxter Road SE, abuts the elementary school campus to the north.
- Commercial development located at the intersection of Boone Road SE and Battle Creek Road SE is approximately one-half mile northeast of the closest lots within the proposed subdivision and includes several office and mixed-use buildings.
- Wes Bennett Park, a 4.43-acre neighborhood park located at 2200 Baxter Road SE, abuts the elementary school campus to the north approximately 900 feet from the subject property.
- Commercial development located at the intersection of Commercial Street and Fabry Road SE is approximately 1,900-feet southwest of the closest lots within the proposed subdivision and includes several retail buildings.

The subject property is currently served by Wes Bennett Park.

The nearest transit service available to the subject property near the corner of Baxter Road SE and Sugar Plum Street SE, by way of Salem Keizer Transit's Route 6 bus line. The existing transit stop can be accessed by the existing sidewalk system, but is almost one-half mile away from the subject property and over one-half mile from the furthers proposed lot. The local transit provider, Cherriots, has provided comments that bus service along the newly constructed Minor Arterial (Fabry Road SE) would be advantageous for Routh 6 and to serve the south Salem area. Transit stops are conditioned above along Fabry Road.

The subject property will provide internal streets with safe and convenient bicycle and pedestrian access and provide boundary street improvements along the north of the subject property, connecting existing multi-modal transportation facilities with the internal street system of the subdivision. Although the immediate vicinity of the subject property includes sloping topography and large undeveloped properties, existing bicycle and pedestrian access to neighborhood activity centers is safe and convenient. The bicycle and pedestrian network in the vicinity is likely to improve as development occurs

on surrounding properties. Conditioned above the applicant is required to construct several multi-modal paths.

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 proposed 238-lot subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials, Collector and Parkway streets. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

The applicant provided a TIA dated July 2, 2021, prepared by Lancaster Mobley, that included the following traffic recommendations to mitigate the impact to the transportation system to improve the Kuebler Boulevard and Battle Creek Road SE intersections as part of the Kuebler Gateway Shopping Center project and widen Battle Creek Road SE to a 3-lane cross-section with a center left-turn lane at the Fabry Road SE intersection, items not currently under construction are conditions of approval.

The criterion is met.

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 applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 693 trees on the property, 32 of which are significant oaks. There are no heritage trees and several riparian corridor trees and vegetation located on the property.

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The applicant submitted a Tree Conservation Plan in conjunction with the proposed subdivision identifying a total of 693 trees on the subject properties, 32 of which are significant oaks. There are several riparian corridor trees on the subject property. There are no heritage trees the property.

The Tree Conservation Plan for the subdivision identifies 270 trees (39%) for preservation and 423 trees (61%) for removal.

Of the 423 trees proposed for removal, three are significant oaks which the applicant has identified for removal based on their location needing to be removed. Two of the

three trees being removed are to accommodate Fabry Road SE alignment and the third tree to accommodate the installation of sidewalks along Landau Street SE.

The proposed tree conservation plan, as conditioned, preserves 39 percent of the existing trees on the property and designating three trees as future street trees, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though three of the 32 existing significant oaks on the property are to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. The applicant has provided the following findings regarding the three significant trees which need to be removed.

Tree #111130 is located near the property line at the intersection of Fabry Road SE and Reed Lane SE. This tree needs to be removed so the new intersection can be constructed, and associated infrastructure can be installed as required by the subdivision. The intersection needs to be installed at this location so that Fabry Road SE can be extended along the alignment planned for in the TSP. and the City's Public Works Design standards. Therefore, there are no reasonable alternatives that would enable its preservation.

Tree #111262 is located in the future Fabry Road SE right-of-way and needs to be removed for the construction of the street. The Fabry Road SE alignment is determined by the location of the existing intersection with Reed Lane SE, the existing right-of-way along the northern property boundary, and the alignment planned for in the TSP. Therefore, there are no design alternatives within these parameters that would enable the preservation of this tree.

Tree #104623 is located adjacent to the Landau Street SE and needs to be removed to install a new sidewalk along the development frontage. The sidewalk is located as far away from the tree as practicable. Therefore, there are no design alternatives that would enable the preservation of this tree.

The applicant identifies a total of 95 oak trees on the property, which 81 of the trees are designated for preservation.

The applicant is proposing to remove riparian trees to the extent to construct Fabry Road, which will also be reviewed by the Department of State Lands. The remainder or the riparian area will be located within an open space lot not proposed for development.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along Battle Creek Road, Reed Lane, Fabry Road and Landau Road. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the

provisions of SRC Chapter 86. All boundary streets (Reed Road, Battle Creek Road and Strong Road) are approved for an alternative street standard to meander the sidewalk to accommodate for street trees to be preserved. To ensure that the street trees are reviewed under SRC 86, a condition above requires a permit for removal of street trees.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards without 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. 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.

Staff Response: There are two mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of five points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by GeoPacific Engineering, Inc and dated May 11, 2021, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

The streets and lots within the proposed subdivision have been arranged to preserve the natural topography and vegetation of the site to the maximum extent possible.

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 inside of the Urban Service Area. As described above, required facilities to serve the development have already been constructed. Therefore, an Urban Growth Area Preliminary Declaration is not required, and this criterion does not apply.

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.

Finding: The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended between phases in a logical and efficient manner. When Phase 1 is completed, there would be more than 150-feet between Fire Department turnarounds. To ensure Fire Department access, a Fire Department turnaround is needed near Lot 32:

Condition – Prior to plat of Phase 1, the applicant shall provide Fire Department turnaround near Lot 32 or show adequate Fire Department Access.

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

Finding: The proposed phasing boundaries provide that each phase as platted in the order conditioned above will function as a standalone subdivision, while retaining logical connections to future development of the remaining phases. The conditions listed above are required based on phasing of the development, to ensure that each phase is substantially and functionally self-contained.

Based on the proposed phasing the following is the timing of each condition:

Prior to final any subdivision plat:

Condition 1: Prior to construction on Lot 18, the applicant shall obtain a favorable conditional use permit or develop a use permitted in the zone.

Condition 2: The front property lines are designated below:

Corner Lot	Front Property Line
2	West Property line abutting Terra Cotta Drive SE
17	South Property line abutting 'D' Street
26	South Property line abutting 'A' Street
27	South Property line abutting 'A' Street
55	West Property line abutting Reed Lane SE
61	South Property line abutting Landau Street SE
75	South Property line abutting 'A' Street
76	South Property line abutting 'A' Street
80	South Property line abutting 'A' Street
81	West Property line abutting 'A' Street
98	North Property line abutting 'F' Street
101	South Property line abutting 'F' Street
104	West Property line abutting 'E' Street
125	North Property line abutting 'B' Street
126	East Property line abutting 'F' Street
129	South Property line abutting 'F' Street
153	North Property line abutting 'C' Street
159	North Property line abutting 'C' Street
173	North Property line abutting 'B' Street

178	West Property line abutting 'A' Street
192	South Property line abutting 'B' Street
208	West Property line abutting 'D' Street
227	South Property line abutting 'C' Street
238	North Property line abutting 'B' Street

- Condition 3:** Lots 55 and 56 shall take access from Reed Lane SE.
- Condition 4:** Lot 61 shall have no access to Reed Lane SE.
- Condition 5:** Lots 22-32 & 75-78 shall take access from Street 'A', no access to Fabry Road is allowed.
- Condition 6:** Lots 13-17 shall take access from Street 'D', no access to Fabry Road is allowed.
- Condition 7:** Lots 19-21 shall take access from Street 'I', no access to Fabry Road is allowed.
- Condition 8:** Lots 10-12 shall take access from Street 'J', no access to Fabry Road is allowed.
- Condition 9:** Lots 8, 197-208 & 210 shall take access from Street 'D', no access to Battle Creek Road SE is allowed.
- Condition 10:** Paved width of accessway serving Lot 134 shall be 15-feet wide within a minimum of a 20-foot-wide easement.
- Condition 11:** Paved width of accessway serving Lot 138-141 shall be 20-feet wide within a minimum of a 25-foot-wide easement.
- Condition 12:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 13:** Prior to final plat, construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 14:** Dedicate to City or record a public access easement on the subject lots (lots 46 and 66) for the public path connecting to Pringle Elementary School.
- Condition 15:** Construct internal streets to local street standards and pursuant to the following alternative street standards and design exceptions included as part of the land use application materials:

- a. Reduction in the 50' required tangent leg length to 19' at the intersection of Fabry Road and Street G. The 90° (±5°) intersection angle will be held.
- b. Fabry Road to have standard minor arterial design speed reduced from 45 miles per hour to 35 miles per hour and Fabry Road minimum centerline radius to be reduced from a 1040' centerline radius to a ±510' centerline radius (varies from 498' to 510' due to existing dedicated ROW along Woodscape Meadows).
- c. Fabry Road paved width to decrease from standard 46' width to 34' at wetland crossing to minimize wetland fill limits. 12' double left turn lane to be removed at crossing.
- d. Landscape planter strip to west of Salal Street to be reduced from 6' to ±4' to accommodate existing widened sidewalk and to maintain 72' ROW.
- e. K values of Street H to have minimum values lowered below the 15-mph minimum design speed.
- f. Salal Street side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub.

- Condition 16:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets, with the exception of the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55.
- Condition 17:** All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 18:** Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.
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than three lots shall be served by a single accessway/shared driveway easement and no more than five driveway approaches shall access Reed Lane.

- Condition 22:** Minimum 20-ft driveway required measured to the accessway/shared driveway easement.
- Condition 23:** No parking allowed within accessway/shared driveway easement and shall be recorded in the shared driveway easement.
- Condition 24:** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
- Condition 25:** 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 26:** 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 27:** Demonstrate at least two means of adequate Fire Department access prior to final plat of each phase.

Prior to plat of Phase 1:

- Condition 28:** Prior to final plat for Phase 1, along Fabry Road from Battle Creek Road to the approximate boundary line of Lots 32 & 78, convey land for dedication of right-of-way to equal 72 feet and construct a full minor arterial street improvement.
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- Condition 30:** Prior to final plat of Phase 1, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal and based on final recommendations from Cherriots.
- Condition 31:** Prior to final plat of Phase 1, the frontage of Battle Creek Road abutting Phase 1 shall be conveyed for dedication of right-of-way to equal a minimum of 36 feet from centerline and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to PWDS.
- Condition 32:** Prior to final plat for Phase 1, construct a water main within the Phase 1 portion of Fabry Road, as specified in the Water System Master Plan.

Condition 33: Prior to final plat of Phase 1, construct a 12-inch water main within Street H and the Phase 1 portion of Street A.

Condition 34: Prior to plat of Phase 1, the applicant shall provide Fire Department turnaround near Lot 32 or show adequate Fire Department Access.

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Condition 36: Prior to final plat of Phase 2, Install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS.

Condition 37: Prior to final plat of Phase 2, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.

Condition 38: Prior to plat of Phase 2, Landau St SE shall have five-foot property line sidewalks along the frontage of Lots 61 through approximately the mid-point of Lot 62, five-foot curb line sidewalks along the mid-point of Lot 62 to the northern portion of Lot 65, and five-foot property line sidewalks from the northern portion of Lot 65 to Street E, as generally shown on the Lots 61-65 in Attachment B.

Condition 39: Prior to final plat of Phase 2, Reed Lane SE sidewalks shall be five-foot property line sidewalks along lots 54 through 61 and eight-foot curb line sidewalks along lots 48 through 53, except as modified under a City tree removal permit pursuant to SRC Chapter 86.

Condition 40: Prior to final plat of Phase 2, construct the intersection of Landau and Street E to accommodate future closure of Landau Street with Phase 3, as shown on the applicant's preliminary street Plan.

Condition 41: Prior to final plat of Phase 2, construct a water main within the Phase 2 portion of Fabry Road as specified in the Water System Master Plan.

Condition 42: At the time of final plat of Phase 2, construct a natural area park within proposed Lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan Update.

Prior to plat of Phase 3:

- Condition 43:** Prior to final plat for Phase 3, the applicant shall be required to close Landau Street between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street. Existing asphalt shall be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D).
- Condition 44:** Prior to final plat of Phase 3, construct a 12-inch water main within Street A from the north line of Phase 3 to Street C.
- Condition 45:** Prior to final plat of Phase 3, the applicant shall convey Lot 47 and Lot 66 to the City of Salem.

Prior to plat of Phase 4:

- Condition 46:** Prior to final Plat of Phase 4, convey land for dedication of right-of-way for the entire Phase 4 frontage of Landau Street equal to 30 feet from centerline and construct or complete a 15-foot-wide half-street improvement.
- Condition 47:** Prior to final plat of Phase 4, construct a 12-inch water main within Street C from Street A to Kase Street and in Kase Street from Street C to Landau Street.

Prior to plat of Phase 5:

- Condition 48:** Prior to final plat of Phase 5, conveyed for dedication of right-of-way of the frontage abutting Battle Creek Road to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement.
- Condition 49:** Prior to final plat of Phase 5, the intersection of Landau and Battle Creek shall be constructed with a 90-degree intersection angle and a minimum 35 lineal foot tangent from face of curb on Battle Creek Road westerly along the centerline of Landau Road.
- Condition 50:** Prior to final plat of Phase 5, extend the existing 8-inch sewer main to the south line of the subject property in Battle Creek Road SE.

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.

Staff Response: The proposed configuration of lots and streets within each phase, as conditioned above, are designed to provide for efficient connection of utilities and other infrastructure. The design with phasing conditioned above, will support the orderly and efficient extension of utilities to remaining phases 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.

7. Criteria for granting a Class 2 Adjustment

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.**

Criterion 1:

A change in the circumstances has occurred which has the effect of making the list of required public facilities inappropriate or inadequate.

Finding:

Reduce the size of Open Space Lot 9 from 6,000 sq. ft to 4,479 sq. ft, and reduce the minimum depth from 80 ft to 28 ft.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 9 is not planned to be developed in the future for uses other than open space with subdivision sign. These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 38 for a pedestrian access from 6,000 sq. ft to 1,699 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 760-percent.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 38 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 110 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 110 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 69 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 69 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 86 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733%.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 86 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 166 for pedestrian access from 6,000 sq. ft to 4,460 sq. ft, reduce the minimum width and street frontage from 60 ft to 20 ft and increase the maximum lot depth 300% the width to 1,125%.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 166 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Reduce the size of Lot 203 for pedestrian access from 6,000 sq. ft to 1,1995 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 887 percent.

The purpose underlying the standards are clearly inapplicable to the proposed development. The applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, Lot 203 is not planned to be developed in the future for uses other than multi-use path (pedestrian access). These lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development.

Since all the above adjustments are based on the development standard being inapplicable due to the lots being unbuildable, the following condition applies:

Condition 51: Lot 9, Lot 38, Lot 110, Lot 69, Lot 86, Lot 166, Lot 203 shall be used for open space, monument sign (Lot 9) and multi-use path (pedestrian access) only. These lot shall not be used for single family development.

Criterion 2:

The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.

Finding: As described above, the adjustments are to allow for open space and pedestrian accessways to be constructed on lots in a manner that would alleviate future need to reduce setbacks. The adjustment would allow the lot to be used to support the developed on the surrounding properties, meeting this criterion.

Criterion 3:

The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.

Finding: The adjustment requested by the applicant are to allow smaller lots for open space and pedestrian accessway. The adjustment allows the subject property to be developed in a manner that is consistent with the remaining lots being proposed. The effect of the adjustment is to allow development which is consistent with the overall purpose of the RS (Single Family Residential) zone.

Any future development, beyond what is shown in the proposed plans, needs to meet all applicable development standards of Salem Revised code, unless adjusted through a future land use action.

10. Conclusion

Based upon review of SRC Chapter 205.005, SRC 250.005, the findings contained under Sections 8 and 9 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That consolidated Subdivision, and Class 2 Adjustment No. SUB-ADJ21-06, which includes the following requests:

- 1) A subdivision tentative plan to divide approximately 68 acres into 238 lots, 222-lots for new development, one lot with an existing single-family dwelling and 15 lots for open space, pedestrian paths and stormwater. The lots for new development range in size from approximately 5,500 square feet to approximately 12,923 square feet, including an "Alternative Street Standards" request to decrease a portion of the paved width of Fabry Road SE from 46-feet to 36-feet, and leave the sidewalk abutting the curb along the northern portion of Reed Road in order to preserve Oregon White Oak Trees, increase block length on several streets beyond 600-feet, decrease the street spacing on Fabry from 370-ft to 200-feet and 300-ft; reduce street widths, eliminate landscaping for proposed private Street I, reduce street width, eliminate landscaping and add on street parking for Street J;
- 2) Class 2 Zoning Adjustment application to:
 - a. Reduce the size of Open Space Lot 9 from 6,000 sq. ft to 4,479 sq. ft, and reduce the minimum depth from 80 ft to 28 ft.
 - b. Reduce the size of Lot 38 for a pedestrian access from 6,000 sq. ft to 1,699 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 760-percent.
 - c. Reduce the size of Lot 110 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.
 - d. Reduce the size of Lot 69 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733-percent.

- e. Reduce the size of Lot 86 for pedestrian access from 6,000 sq. ft to 1,648 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 733%.
- f. Reduce the size of Lot 166 for pedestrian access from 6,000 sq. ft to 4,460 sq. ft, reduce the minimum width and street frontage from 60 ft to 20 ft and increase the maximum lot depth 300% the width to 1,125%.
- g. Reduce the size of Lot 203 for pedestrian access from 6,000 sq. ft to 1,199 sq. ft, reduce the minimum width and street frontage from 60 ft to 15 ft and increase the maximum lot depth 300% the width to 887 percent.
- h. Reduce the 60-foot street frontage requirement to 52-feet for Lot 174

The subject properties are approximately 68 acres, zoned RA (Residential Agriculture) and RS (Single Family Residential) and located on the 5600 Block of Reed Lane SE and Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14 / 200, 204, 205, 206 and 400).

- A.** The 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 below.

Prior to final any subdivision plat:

Condition 1: Prior to construction on Lot 18, the applicant shall obtain a favorable conditional use permit or develop a use permitted in the zone.

Condition 2: The front property lines are designated below:

Corner Lot	Front Property Line
2	West Property line abutting Terra Cotta Drive SE
17	South Property line abutting 'D' Street
26	South Property line abutting 'A' Street
27	South Property line abutting 'A' Street
55	West Property line abutting Reed Lane SE
61	South Property line abutting Landau Street SE
75	South Property line abutting 'A' Street
76	South Property line abutting 'A' Street
80	South Property line abutting 'A' Street
81	West Property line abutting 'A' Street
98	North Property line abutting 'F' Street
101	South Property line abutting 'F' Street
104	West Property line abutting 'E' Street
125	North Property line abutting 'B' Street
126	East Property line abutting 'F' Street
129	South Property line abutting 'F' Street
153	North Property line abutting 'C' Street
159	North Property line abutting 'C' Street

173	North Property line abutting 'B' Street
178	West Property line abutting 'A' Street
192	South Property line abutting 'B' Street
208	West Property line abutting 'D' Street
227	South Property line abutting 'C' Street
238	North Property line abutting 'B' Street

- Condition 3:** Lots 55 and 56 shall take access from Reed Lane SE.
- Condition 4:** Lot 61 shall have no access to Reed Lane SE.
- Condition 5:** Lots 22-32 & 75-78 shall take access from Street 'A', no access to Fabry Road is allowed.
- Condition 6:** Lots 13-17 shall take access from Street 'D', no access to Fabry Road is allowed.
- Condition 7:** Lots 19-21 shall take access from Street 'I', no access to Fabry Road is allowed.
- Condition 8:** Lots 10-12 shall take access from Street 'J', no access to Fabry Road is allowed.
- Condition 9:** Lots 8, 197-208 & 210 shall take access from Street 'D', no access to Battle Creek Road SE is allowed.
- Condition 10:** Paved width of accessway serving Lot 134 shall be 15-feet wide within a minimum of a 20-foot-wide easement.
- Condition 11:** Paved width of accessway serving Lot 138-141 shall be 20-feet wide within a minimum of a 25-foot-wide easement.
- Condition 12:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 13:** Prior to final plat, construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 14:** Dedicate to City or record a public access easement on the subject lots (lots 46 and 66) for the public path connecting to Pringle Elementary School.
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Condition 33: Prior to final plat of Phase 1, construct a 12-inch water main within Street H and the Phase 1 portion of Street A.

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Condition 37: Prior to final plat of Phase 2, install a transit stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.

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Condition 42: At the time of final plat of Phase 2, construct a natural area park within proposed Lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan Update.

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- Condition 45:** Prior to final plat of Phase 3, the applicant shall convey Lot 47 and Lot 66 to the City of Salem.

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- Condition 46:** Prior to final Plat of Phase 4, convey land for dedication of right-of-way for the entire Phase 4 frontage of Landau Street equal to 30 feet from centerline and construct or complete a 15-foot-wide half-street improvement.
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- Condition 48:** Prior to final plat of Phase 5, conveyed for dedication of right-of-way of the frontage abutting Battle Creek Road to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement.
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- Condition 50:** Prior to final plat of Phase 5, extend the existing 8-inch sewer main to the south line of the subject property in Battle Creek Road SE.

- B.** The Class 2 Adjustment applications are **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:

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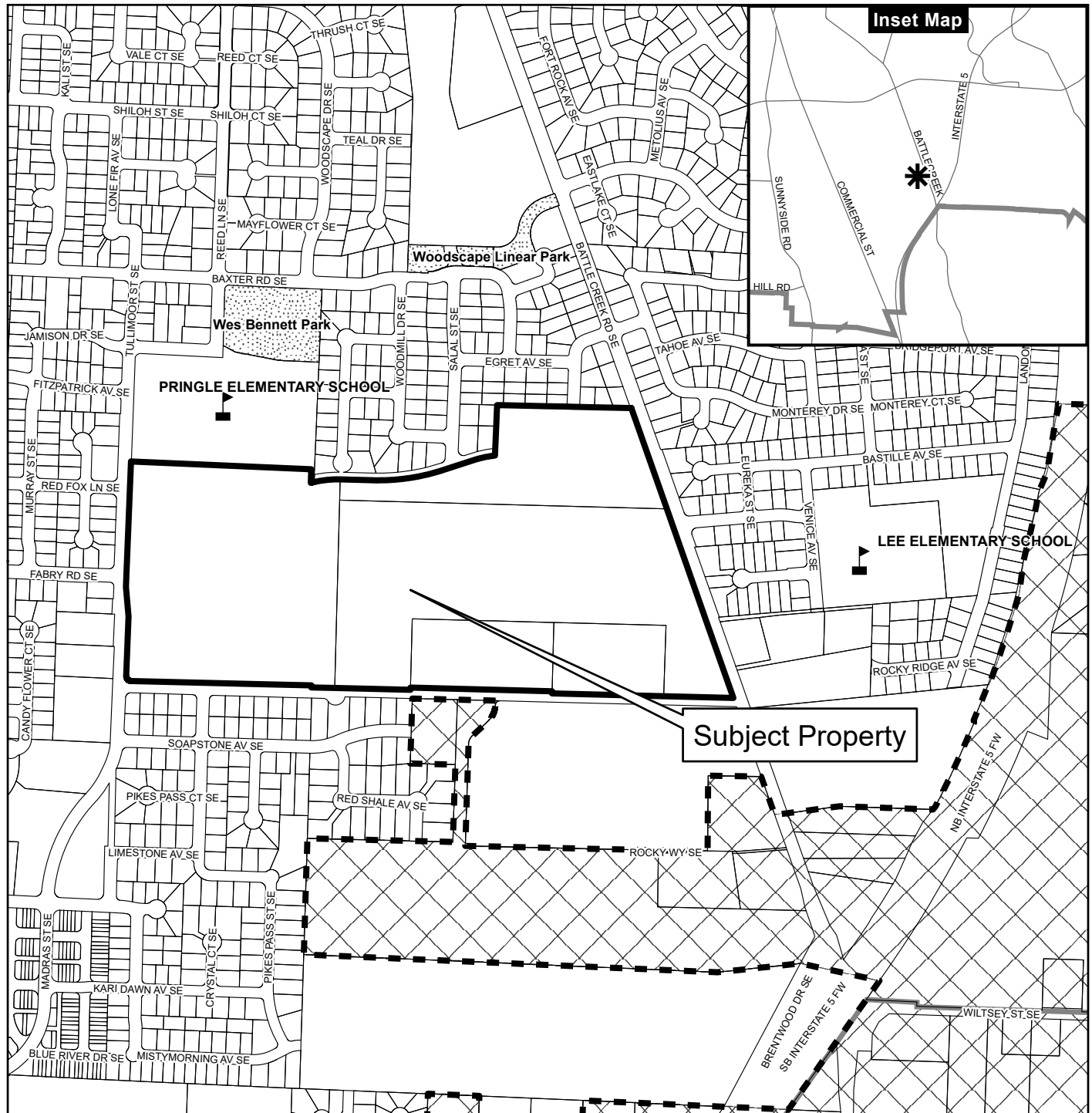


Olivia Dias, Current Planning Manager, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Tentative Subdivision Plan
C. Applicant's Written Statement on the Consolidated Application
D. City of Salem Public Works Department Comments

Vicinity Map

5600 Block of Reed LANE SE & Battle Creek Road SE



Legend

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

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Community Development Dept.

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PAHLISCH HOMES
210 SW WALSON AVE #100
SALEM, OR 97302
WWW.PAHLISCHHOMES.COM

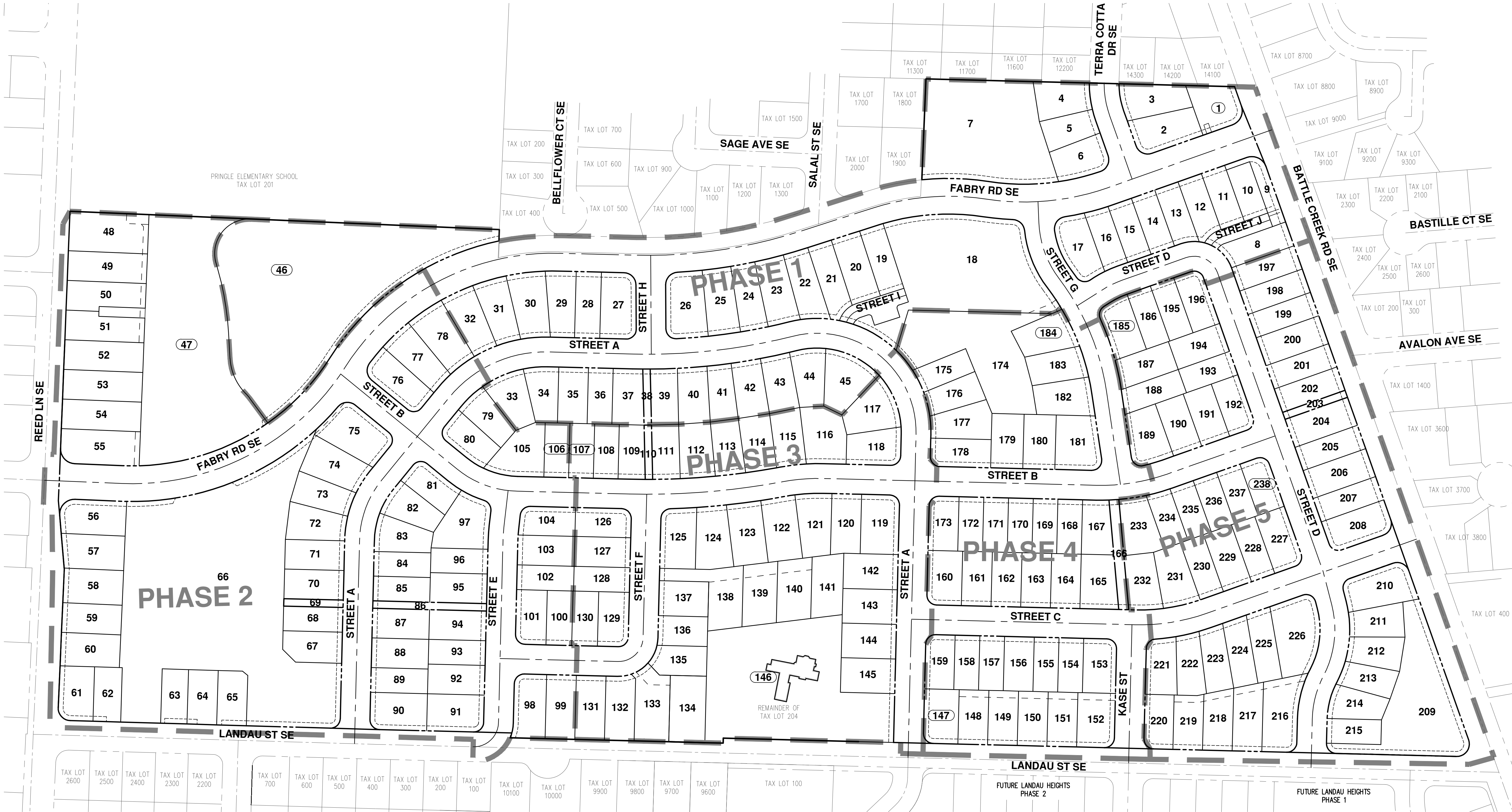
PROPERTY DESCRIPTION
LANDOWNERS:
LANDAU SVF, LLC (TL 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, SITE 200
SALEM, OR 97302
JOHN MILLER (TL 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

PRELIMINARY OVERALL PLAT PLAN
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

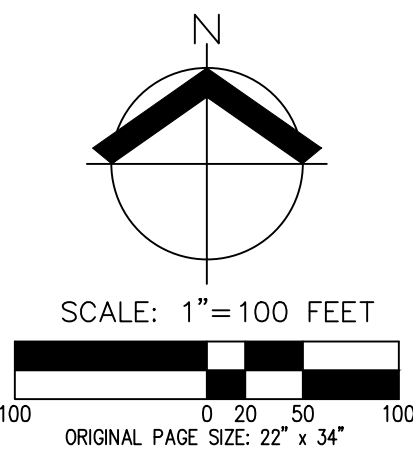
PRELIMINARY
NOT FOR
CONSTRUCTION

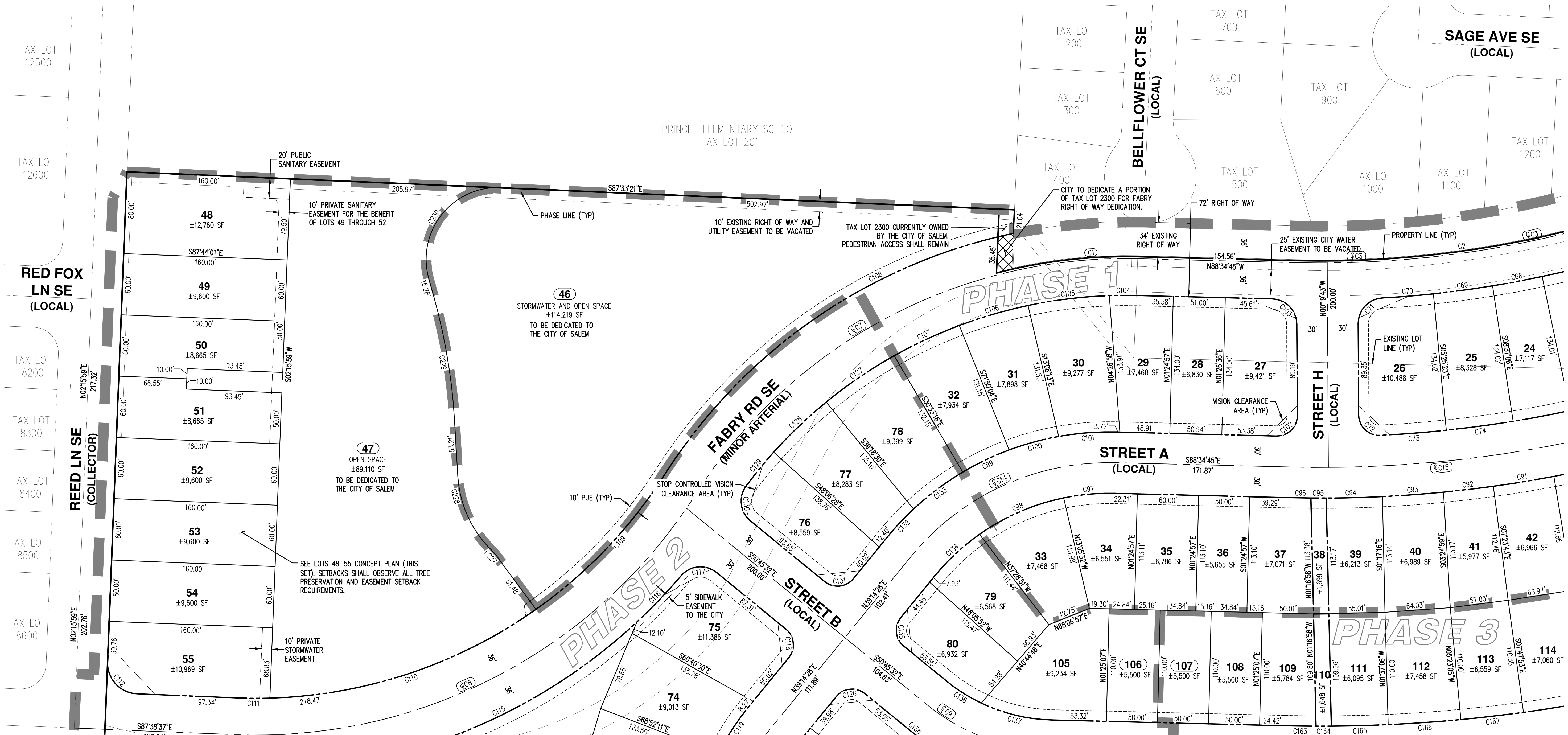
JOB NUMBER: 7858
DATE: 9/30/2021
DESIGNED BY: BTW
DRAWN BY: MJM
CHECKED BY: MTA

P11



RA/RS ZONE LOT STANDARDS		
REQUIREMENT	STANDARD	LIMITATIONS AND QUALIFICATIONS
LOT AREA		
SINGLE FAMILY	MIN. 4,000 SQ FT	
LOT WIDTH		
ALL USES	MIN. 40 FT	
LOT DEPTH		
SINGLE FAMILY AND TWO FAMILY	MIN. 70 FT	
	MIN. 120 FT	APPLICABLE TO DOUBLE FRONTAGE LOTS
STREET FRONTAGE		
SINGLE FAMILY	MIN. 40 FT	





CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	500.00'	16°00'33"	139.71'	N83°24'59"E 139.25'
C2	1000.00'	19°09'33"	334.39'	S81°50'30"W 332.83'
C68	1038.00'	2°43'30"	49.37'	N79°20'23"E 49.36'
C69	1038.00'	3°13'26"	58.41'	N82°18'51"E 58.40'
C70	1038.00'	2°46'12"	50.18'	N85°18'40"E 50.18'
C71	25.00'	87°01'27"	37.97'	S43°11'03"W 34.43'
C72	20.00'	93°16'47"	32.56'	S46°58'26"E 29.08'
C73	1170.00'	3°10'00"	64.66'	N85°35'08"E 64.65'
C74	1170.00'	3°13'34"	65.88'	N82°23'21"E 65.87'
C91	1230.00'	2°47'41"	59.99'	N80°44'23"E 59.99'
C92	1230.00'	2°17'27"	49.18'	N83°16'57"E 49.18'
C93	1230.00'	2°47'14"	59.84'	N85°49'18"E 59.83'
C94	1230.00'	2°33'44"	55.00'	N88°29'47"E 55.00'
C95	1230.00'	0°41'56"	15.00'	S89°52'23"E 15.00'
C96	1230.00'	0°57'27"	20.55'	S89°02'42"E 20.55'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C97	220.00'	13°02'19"	50.06'	S84°54'06"W 49.96'
C98	220.00'	23°31'33"	90.33'	S66°37'10"W 89.70'
C99	280.00'	10°17'47"	50.32'	S64°26'19"W 50.25'
C100	280.00'	10°17'08"	50.27'	S74°43'47"W 50.20'
C101	280.00'	11°32'54"	56.44'	S85°38'48"W 56.34'
C102	20.00'	91°44'58"	32.03'	N45°32'46"E 28.71'
C103	25.00'	88°15'02"	38.51'	N44°27'14"W 34.81'
C104	462.00'	3°21'07"	27.03'	S89°44'42"W 27.02'
C105	462.00'	9°58'53"	80.08'	S83°06'11"W 79.98'
C106	462.00'	8°42'05"	70.16'	S73°47'12"W 70.10'
C107	462.00'	8°43'28"	70.35'	S65°04'26"W 70.28'
C108	534.00'	45°40'13"	425.65'	N55°21'18"E 414.47'
C109	474.00'	22°13'09"	183.82'	N43°37'46"E 182.67'
C110	474.00'	33°39'41"	278.47'	N71°34'10"E 274.49'
C111	474.00'	3°57'22"	32.73'	S89°37'18"E 32.72'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C112	30.00'	89°54'35"	47.08'	S42°41'19"E 42.39'
C115	546.00'	44°13'59"	421.52'	N69°07'17"E 411.13'
C116	546.00'	6°33'46"	62.54'	N43°43'24"E 62.51'
C117	25.00'	88°47'55"	38.75'	N84°50'31"E 34.98'
C118	20.00'	90°00'00"	31.42'	S5°45'32"E 28.28'
C119	230.00'	13°21'00"	53.59'	N32°33'58"E 53.47'
C126	20.00'	90°00'00"	31.42'	N84°14'28"E 28.28'
C127	462.00'	9°59'57"	80.63'	S55°42'43"W 80.53'
C128	462.00'	8°48'18"	71.00'	S46°18'36"W 70.93'
C129	462.00'	5°16'55"	42.59'	S39°15'59"W 42.58'
C130	25.00'	87°23'03"	38.13'	S70°40'00"E 34.54'
C131	20.00'	90°00'00"	31.42'	N84°14'28"E 28.28'
C132	280.00'	7°42'55"	37.70'	S43°05'55"W 37.67'
C133	280.00'	12°20'03"	60.28'	S53°07'24"W 60.16'
C134	220.00'	15°36'56"	59.96'	S47°02'56"W 59.77'

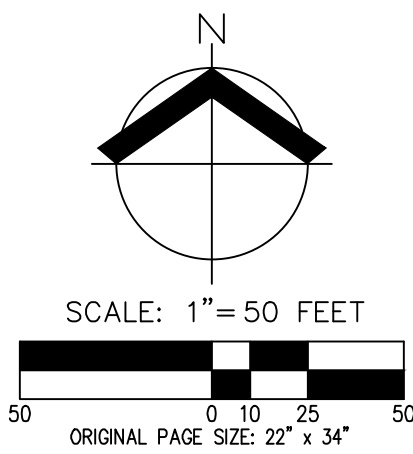
CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C135	20.00'	90°00'00"	31.42'	S5°45'32"E 28.28'
C136	170.00'	13°44'12"	40.76'	S57°37'38"E 40.66'
C137	170.00'	24°05'18"	71.47'	S76°32'23"E 70.95'
C138	230.00'	8°35'47"	34.51'	S55°03'25"E 34.48'
C163	1455.00'	1°12'43"	30.77'	S89°11'24"E 30.77'
C164	1455.00'	0°35'27"	15.00'	N89°54'32"E 15.00'
C165	1455.00'	2°11'30"	55.66'	N88°31'03"E 55.65'
C166	1455.00'	2°48'23"	71.27'	N86°01'06"E 71.26'
C167	1455.00'	2°25'43"	61.67'	N83°24'03"E 61.67'
C227	90.00'	8°11'18"	12.86'	S40°33'51"E 12.85'
C228	110.00'	41°17'13"	79.27'	S24°00'53"E 77.56'
C229	590.00'	12°18'06"	126.68'	S9°31'20"E 126.43'
C230	70.00'	108°0'702"	132.09'	S38°23'08"W 113.35'

CURVE TABLE: ALIGNMENTS				
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION
QC3	1002.00	19°09'33"	335.06	S81°50'29.60"W 335.059
QC7	498.00	58°54'04"	511.95	S61°58'13.16"W 511.953
QC8	510.00	59°50'12"	532.62	S62°26'17.17"W 532.617
QC9	200.00	37°49'31"	132.03	S69°40'17.22"E 132.035
QC14	250.00	52°10'47"	227.68	N65°19'51.64"E 227.677
QC15	1200.00	15°34'13"	326.10	N83°38'08.67"E 326.103

TRACT NOTES:

- LOT 47 IS A NATURAL AREA/OPEN SPACE AND WILL BE DEDICATED TO THE CITY OF SALEM UPON PHASE 2 PLAT. IT SHALL BE OWNED AND MAINTAINED BY THE CITY OF SALEM.
- LOT 46 IS A STORMWATER FACILITY AND OPEN SPACE. IT IS SUBJECT TO A PUBLIC ACCESS, AND HOMEOWNER'S ASSOCIATION ACCESS AND MAINTENANCE EASEMENT OVER ITS ENTIRETY. IT SHALL BE OWNED AND MAINTAINED BY THE CITY OF SALEM.
- LOTS 38 AND 110 ARE PEDESTRIAN PATHS AND ARE SUBJECT TO A PUBLIC ACCESS AND MAINTENANCE EASEMENT OVER THEIR ENTIRETY. THEY SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.



PRELIMINARY PLAT
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER: 7858
DATE: 9/30/2021
DESIGNED BY: BTW
DRAWN BY: MJM
CHECKED BY: MTA

PROPERTY DESCRIPTION
LANDOWNERS:
LANDAU SPV, LLC (L 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, STE 200
SALEM, OR 97302
JOHN MILLER (L 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

AKS
AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD S, STE 1
KEIZER, OR 97302
503.400.6028
WWW.AKS-ENG.COM

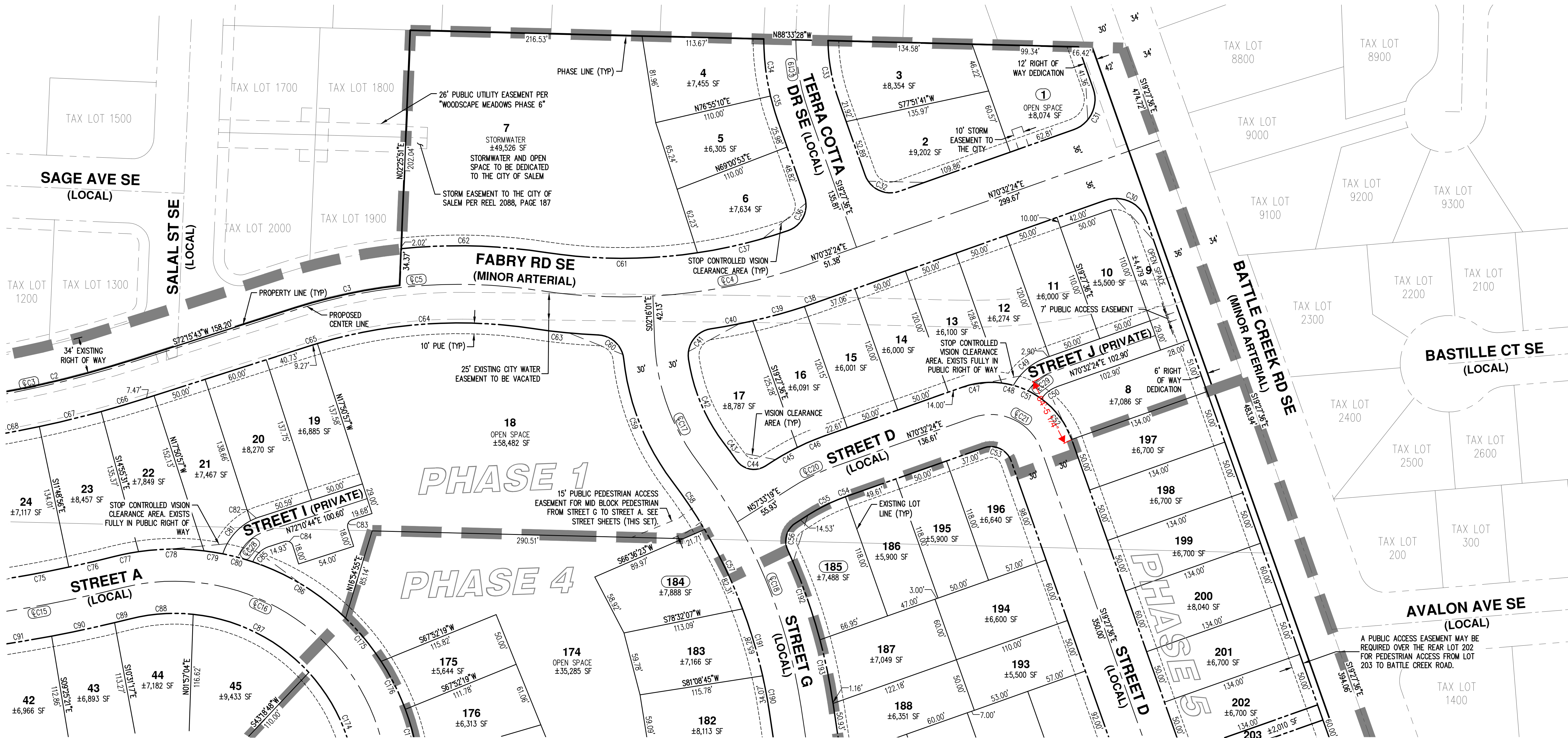
pahlisch
HOMES
PAHLISCH HOMES
210 SW WALSON AVE #100
BEND, OR 97702
WWW.PAHLISCHHOMES.COM

**PRELIMINARY PLAT
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON**

**PRELIMINARY
NOT FOR
CONSTRUCTION**

JOB NUMBER: 7858
DATE: 9/30/2021
DESIGNED BY: BTW
DRAWN BY: MJM
CHECKED BY: MTA

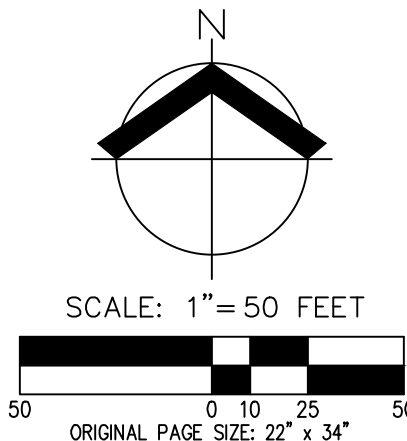
P13



TRACT NOTES:

- LOT 7 IS A STORMWATER FACILITY AND SHALL BE OWNED AND MAINTAINED BY THE CITY OF SALEM.
- LOT 18 IS A COMMUNITY AMENITY AREA. IT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- LOTS 1 AND 9 ARE OPEN SPACES. THEY SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- LOT 203 IS A PEDESTRIAN PATH AND IS SUBJECT TO A PUBLIC ACCESS AND MAINTENANCE EASEMENT OVER ITS ENTIRETY. IT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- STREETS I AND J ARE PRIVATE STREETS AND ARE SUBJECT TO A PRIVATE ACCESS AND MAINTENANCE EASEMENT OVER THEIR ENTIRETY. THEY SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- LOT 174 IS AN OPEN SPACE LOT AND IS SUBJECTED TO A PUBLIC ACCESS EASEMENT OVER ITS ENTIRETY. IT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

**THE PURPOSE OF THIS
PRELIMINARY PLAT IS TO SHOW
THE PROPOSED LOT DIMENSIONS
AND AREAS FOR PLANNING
PURPOSES. THIS IS NOT AN
OFFICIAL PLAT AND IS NOT TO BE
USED FOR SURVEY PURPOSES.**



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C2	1000.00'	19°09'33"	334.39'	S81°50'30"W 332.83'
C3	500.00'	11°24'40"	99.58'	S77°58'03"W 99.42'
C30	30.00'	84°47'42"	44.40'	N67°03'45"W 40.46'
C31	30.00'	89°59'55"	47.12'	N25°32'22"E 42.43'
C32	25.00'	90°00'00"	39.27'	N64°27'36"W 35.36'
C33	170.00'	18°51'44"	55.97'	N10°01'44"W 55.71'
C34	230.00'	13°22'52"	53.71'	S6°45'33"E 53.59'
C35	230.00'	6°00'36"	24.13'	S16°27'18"E 24.12'
C36	25.00'	90°27'41"	39.47'	N25°46'15"E 35.50'
C37	474.00'	10°31'58"	87.14'	N76°16'04"E 87.01'
C38	545.93'	1°21'31"	12.95'	N71°13'08"E 12.95'
C39	546.00'	5°15'41"	50.14'	N74°31'46"E 50.12'
C40	546.00'	4°09'25"	39.61'	N79°14'19"E 39.60'
C41	25.00'	89°39'33"	39.12'	S36°29'04"W 35.25'
C42	170.00'	28°50'37"	85.58'	S22°46'11"E 84.68'
C43	530.00'	2°10'51"	20.17'	N36°06'03"W 20.17'
C44	20.00'	87°26'03"	30.52'	S78°43'39"E 27.64'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C45	230.00'	6°08'45"	24.67'	S60°37'42"W 24.66'
C46	230.00'	6°50'20"	27.45'	S67°07'14"W 27.44'
C47	80.00'	26°44'37"	37.34'	N83°54'43"E 37.00'
C48	80.00'	7°53'59"	11.03'	S78°45'59"E 11.02'
C49	57.00'	4°18'31"	41.10'	S49°53'09"W 40.21'
C50	28.00'	37°36'11"	18.38'	N51°44'19"E 18.05'
C51	80.00'	20°58'08"	29.28'	S64°19'55"E 29.11'
C52	80.00'	34°23'16"	48.01'	S36°39'14"E 47.30'
C53	20.00'	90°00'00"	31.42'	S64°27'36"E 28.28'
C54	170.00'	0°07'51"	0.39'	S70°28'29"W 0.39'
C55	170.00'	12°51'14"	38.14'	S63°58'56"W 38.06'
C56	20.00'	82°07'22"	28.67'	S16°29'38"W 26.27'
C57	470.00'	10°02'04"	82.31'	N25°37'29"W 82.21'
C58	470.00'	6°32'58"	53.72'	N33°55'00"W 53.70'
C59	230.00'	31°05'30"	124.81'	S21°38'44"E 123.28'
C60	25.00'	81°30'09"	35.56'	N46°51'03"W 32.64'
C61	474.00'	17°12'34"	142.37'	S89°51'40"E 141.84'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C62	534.00'	14°30'43"	135.25'	N88°30'44"W 134.89'
C63	546.00'	6°20'45"	60.47'	S84°25'45"E 60.44'
C64	462.00'	25°19'54"	204.26'	S86°04'40"W 202.60'
C65	462.00'	1°09'00"	9.27'	S72°50'13"W 9.27'
C66	1038.00'	2°26'13"	44.15'	N73°28'50"E 44.14'
C67	1038.00'	3°16'42"	59.39'	N76°20'17"E 59.38'
C68	1038.00'	2°43'30"	49.37'	N79°20'23"E 49.36'
C75	1170.00'	2°47'02"	56.85'	N79°23'03"E 56.84'
C76	1170.00'	2°08'26"	43.71'	N76°55'19"E 43.71'
C77	230.00'	5°43'54"	23.01'	S78°42'59"W 23.00'
C78	230.00'	15°17'38"	61.39'	S89°13'46"W 61.21'
C79	230.00'	4°24'01"	17.66'	N80°55'25"W 17.66'
C80	230.00'	7°15'20"	29.13'	N75°05'44"W 29.11'
C81	54.00'	43°54'20"	41.38'	N40°11'25"E 40.38'
C82	54.00'	10°02'08"	9.46'	N67°09'39"E 9.45'
C83	6.00'	90°00'00"	9.42'	S27°10'44"W 8.49'
C84	6.00'	90°00'00"	9.42'	N62°49'16"W 8.49'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C85	25.00'	50°03'36"	21.84'	N47°08'56"E 21.15'
C86	230.00'	25°27'32"	102.20'	N58°44'18"W 101.36'
C87	170.00'	41°38'50"	123.57'	N63°18'01"W 120.87'
C88	170.00'	20°00'51"	59.38'	S85°52'08"W 59.08'
C89	1230.00'	0°41'44"	14.93'	N76°11'49"E 14.93'
C90	1230.00'	2°47'52"	60.06'	N77°56'36"E 60.05'
C91	1230.00'	2°47'41"	59.99'	N80°44'23"E 59.99'
C174	170.00'	38°52'00"	115.32'	N23°02'36"W 113.12'
C175	230.00'	13°01'44"	52.30'	N39°29'40"W 52.19'
C176	230.00'	12°31'14"	50.26'	N26°43'11"W 50.16'
C190	470.00'	4°09'13"	34.07'	N10°34'22"W 34.06'
C191	470.00'	7°57'29"	65.28'	N16°37'43"W 65.23'
C192	530.00'	9°38'45"	89.23'	N19°44'40"W 89.12'
C193	530.00'	6°25'33"	59.44'	N11°42'32"W 59.41'

CURVE TABLE: ALIGNMENTS				
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION
©C3	1002.00'	19°09'33"	335.06'	S81°50'29.60"W 335.059
©C4	510.00'	28°12'13"	251.04'	S84°38'30.67"W 251.045
©C5	498.00'	26°28'54"	230.17'	S85°30'10.10"W 230.172
©C15	1200.00'	15°34'13"	326.10'	N83°38'08.67"E 326.103
©C16	200.00'	105°34'29"	368.53'	S51°21'43.42"E 368.525
©C17	200.00'	34°55'28"	121.91'	S19°43'44.88"E 121.909
©C18	500.00'	28°41'44"	250.41'	S22°50'37.06"E 250.415
©C19	200.00'	21°55'32"	76.53'	N8°29'49.55"W 76.535
©C20	200.00'	12°58'05"	45.33'	N64°02'51.82"E 45.325
©C21	50.00'	90°00'00"	78.54'	S64°27'35.70"E 78.540
©C28	39.50'	58°41'11"	40.46'	N42°50'08.32"E 40.459
©C29	42.50'	45°00'00"	33.38'	N48°02'24.30"E 33.379

AKS DRAWING FILE: 7858 20211119 PRELIM PLAT.DWG | LAYOUT: P13



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C158	1515.01'	2°38'51"	70.01'	N82°39'37"E 70.00'
C159	1515.01'	1°53'30"	50.02'	N80°23'26"E 50.02'
C160	370.00'	3°06'16"	20.05'	N80°59'49"E 20.05'
C161	370.00'	8°52'34"	57.32'	N86°59'14"E 57.26'
C162	20.00'	90°00'00"	31.42'	S43°34'29"W 28.28'
C168	1455.00'	2°30'10"	63.55'	N80°56'07"E 63.55'
C169	1455.00'	0°14'21"	6.07'	N79°33'51"E 6.07'
C170	430.00'	7°14'01"	54.29'	N83°03'41"E 54.25'
C171	430.00'	4°44'49"	35.63'	N89°03'06"E 35.61'
C172	20.00'	90°00'00"	31.42'	N46°25'31"E 28.28'
C173	170.00'	5°02'07"	14.94'	N1°05'33"W 14.94'
C177	230.00'	12°20'52"	49.57'	N14°17'08"W 49.47'
C178	230.00'	9°32'13"	38.28'	N3°20'35"W 38.24'
C180	20.00'	90°00'00"	31.42'	S46°25'31"W 28.28'
C181	20.00'	90°00'00"	31.42'	S43°34'29"E 28.28'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C182	20.00'	90°00'00"	31.42'	N46°25'31"E 28.28'
C183	20.00'	90°00'00"	31.42'	N43°34'29"W 28.28'
C184	20.00'	90°00'00"	31.42'	S43°34'29"E 28.28'
C185	20.00'	89°50'37"	31.36'	S46°20'48"W 28.25'
C186	20.00'	89°59'59"	31.42'	N43°34'29"W 28.28'
C187	20.00'	84°26'31"	29.48'	S43°38'46"W 26.88'
C188	370.00'	8°46'00"	56.61'	S87°02'31"W 56.56'
C189	20.00'	99°55'16"	34.88'	N41°27'53"E 30.62'
C194	20.00'	9°44'7'25"	33.09'	S55°53'28"E 29.44'
C195	430.00'	3°28'07"	26.03'	N89°41'28"E 26.03'
C196	430.00'	2°39'59"	20.01'	N86°37'25"E 20.01'
C197	430.00'	7°24'02"	55.54'	N81°35'24"E 55.50'
C198	430.00'	6°40'56"	50.15'	N74°32'55"E 50.12'
C199	430.00'	0°40'03"	5.01'	N70°52'26"E 5.01'
C200	20.00'	90°00'00"	31.42'	S64°27'36"E 28.28'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C201	20.00'	90°00'00"	31.42'	S25°32'24"W 28.28'
C202	370.00'	0°17'04"	1.84'	S70°40'56"W 1.84'
C203	370.00'	1°15'02"	76.42'	S76°44'30"W 76.28'
C204	430.00'	5°35'15"	41.93'	N83°04'24"E 41.92'
C205	430.00'	6°20'32"	47.60'	N77°06'30"E 47.57'
C206	430.00'	3°23'50"	25.50'	N72°14'19"E 25.49'
C207	20.00'	95°00'00"	33.16'	S61°57'36"E 29.49'
C208	170.00'	42°12'32"	125.24'	S6°38'40"W 122.42'
C209	230.00'	2°27'17"	9.85'	S26°25'32"W 9.85'
C210	230.00'	23°46'22"	95.43'	S13°18'43"W 94.75'
C211	20.00'	90°00'00"	31.42'	S46°25'31"W 28.28'
C212	20.00'	90°00'00"	31.42'	S43°34'29"E 28.28'
C213	25.00'	110°53'07"	48.38'	N35°58'58"E 41.18'
C214	170.00'	0°43'20"	2.14'	S14°7'11"W 2.14'
C215	170.00'	24°16'54"	72.05'	S14°17'19"W 71.51'

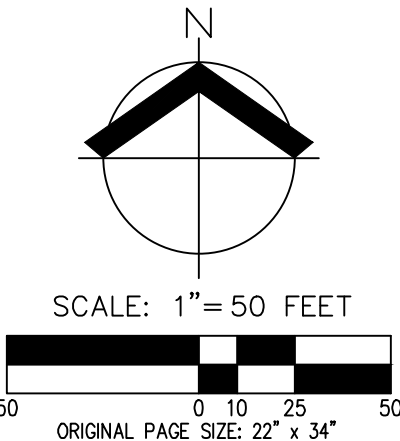
CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C216	170.00'	1°15'51"	3.75'	S27°03'42"W 3.75'
C217	230.00'	1°13'32'37"	46.34'	N21°55'19"E 46.26'
C218	230.00'	12°28'49"	50.10'	N9°54'36"E 50.00'
C219	230.00'	12°21'20"	49.60'	N2°30'28"W 49.50'
C220	230.00'	5°46'27"	23.18'	N11°34'22"W 23.17'
C221	20.00'	85°00'00"	29.67'	S28°02'24"W 27.02'
C222	25.00'	90°00'00"	39.27'	N64°27'36"W 35.36'
C223	25.00'	90°00'00"	39.27'	N25°32'24"E 35.36'
C224	20.00'	90°00'00"	31.42'	S64°27'36"E 28.28'
C225	20.00'	90°00'00"	31.42'	S25°32'24"W 28.28'
C226	370.00'	6°10'26"	39.87'	N73°37'37"E 39.85'

CURVE TABLE: ALIGNMENTS				
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION
Ⓒ10	1485.00	11°58'17"	310.27	N85°25'49.08"E 310.274
Ⓒ11	400.00	11°58'50"	83.64	N85°26'05.79"E 83.640
Ⓒ12	400.00	20°53'48"	145.89	N80°58'36.85"E 145.886
Ⓒ16	200.00	105°34'29"	368.53	S51°21'43.42"E 368.525
Ⓒ22	200.00	41°56'23"	146.40	S6°43'24.67"W 146.398
Ⓒ23	200.00	26°16'05"	91.69	S14°33'33.82"W 91.693
Ⓒ24	400.00	20°53'48"	145.89	N80°58'36.85"E 145.886

TRACT NOTES:

- LOT 209 IS A STORMWATER FACILITY AND SHALL BE OWNED AND MAINTAINED BY THE CITY OF SALEM.
- LOTS 203 AND 166 ARE PEDESTRIAN PATHS AND ARE SUBJECT TO A PUBLIC ACCESS AND MAINTENANCE EASEMENT OVER THEIR ENTIRETY. THEY SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- LOT 146 IS A SINGLE FAMILY LOT CREATED TO ENCUMBER THE EXISTING RESIDENCE. PUBLIC SEWER AND WATER SERVICES SHALL BE PROVIDED.

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.



PRELIMINARY PLAT
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	7858
DATE:	11/30/2021
DESIGNED BY:	BTW
DRAWN BY:	MJM
CHECKED BY:	MTA

P15

PROPERTY DESCRIPTION

LANDOWNERS:
LANDAU SV, LLC (LT 200, 205, 206, 400)
4885 BATTLE CREEK RD SE, SITE 200
SALEM, OR 97302
JOHN MILLER (LT 204)
4885 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
SECTION: 14

pahlisch
HOMES

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210 SW WILSON AVE #100
BEND, OR 97702
WWW.PAHLISCHHOMES.COM

AKS
AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97302
503.600.6028
WWW.AKS-ENG.COM



LEGEND

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

FINISHED GRADE CONTOUR (1 FT)

FINISHED GRADE CONTOUR (5 FT)

EXISTING CONIFEROUS TREE

EXISTING DECIDUOUS TREE

TREE REMOVAL

TREE PROTECTION/CONSTRUCTION FENCE
(TREE PROTECTION AREA)

149

150

149

150

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CERTIFIED ARBORIST  
PRELIMINARY  
NOT FOR  
CONSTRUCTION  
ISA®

BRUCE R. BALDWIN  
CERTIFICATE NUMBER: PN-6666A  
EXPIRATION DATE: 12/31/23

N

SCALE: 1"= 50 FEET

50

0

10

25

50

ORIGINAL PAGE SIZE: 22" x 34"

PRELIMINARY TREE CONSERVATION PLAN

HEADWATERS SUBDIVISION

PAHLISCH HOMES

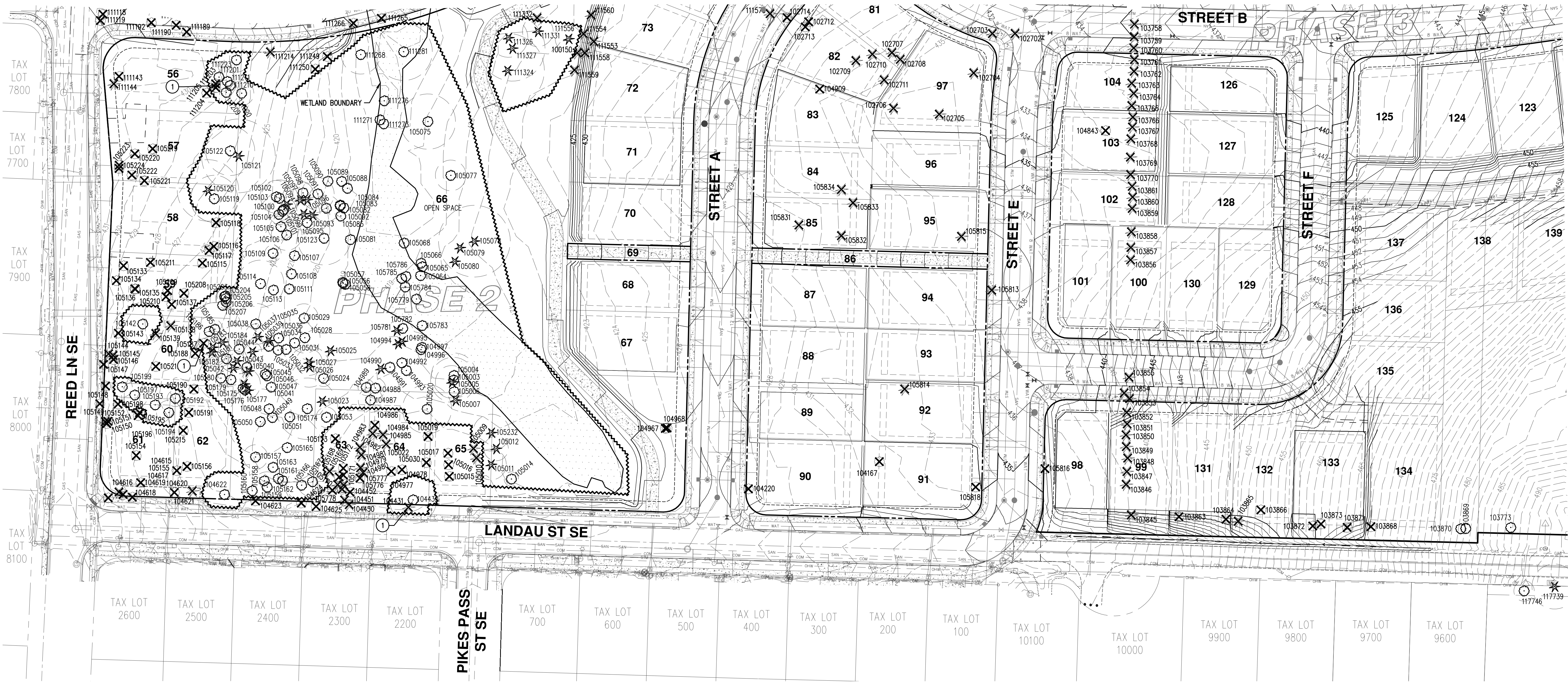
SALEM, OREGON

PRELIMINARY  
NOT FOR  
CONSTRUCTION

|              |           |
|--------------|-----------|
| JOB NUMBER:  | 7858      |
| DATE:        | 9/30/2021 |
| DESIGNED BY: | BK        |
| DRAWN BY:    | BK        |
| CHECKED BY:  | BB        |



AKS DRAWING FILE: 7858 TREE PLANNING | LAYOUT: P20



**ARBORIST KEYED NOTES:**  
1. ARBORIST OBSERVATION REQUIRED FOR TREE REMOVAL BEHIND TREE PROTECTION FENCE.

**NOTE:**  
ADDITIONAL TREES MAY NEED TO BE REMOVED DURING HOME CONSTRUCTION. A CERTIFIED ARBORIST SHOULD BE CONSULTED WHEN PLANNING BUILDING LOCATION AND DESIGN.

LEGEND

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

FINISHED GRADE CONTOUR (1 FT)

FINISHED GRADE CONTOUR (5 FT)

EXISTING CONIFEROUS TREE

EXISTING DECIDUOUS TREE

TREE REMOVAL

TREE PROTECTION/CONSTRUCTION FENCE  
(TREE PROTECTION AREA)

149

150

149

150

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CERTIFIED ARBORIST

PRELIMINARY NOT FOR CONSTRUCTION

ISA

BRUCE R. BALDWIN

CERTIFICATE NUMBER: PN-6566A

EXPIRATION DATE: 12/31/23

N

SCALE: 1" = 50 FEET

ORIGINAL PAGE SIZE: 22" x 34"

AKS

AKS ENGINEERING & FORESTRY, LLC

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KEIZER, OR 97302

503.400.6028

WWW.AKS-ENG.COM

pahlisch

HOUSES

PAHLISCH HOMES

210 SW WILSON AVE #100

BEAD, OR 97002

WWW.PAHLISCHHOMES.COM

PROPERTY DESCRIPTION

LANDOWNERS:
LANDAU SFV, LLC (TL 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, STE 200
SALEM, OR 97302
JOHN MILLER (TL 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

PRELIMINARY TREE CONSERVATION PLAN

HEADWATERS SUBDIVISION

PAHLISCH HOMES

SALEM, OREGON

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER: 7858

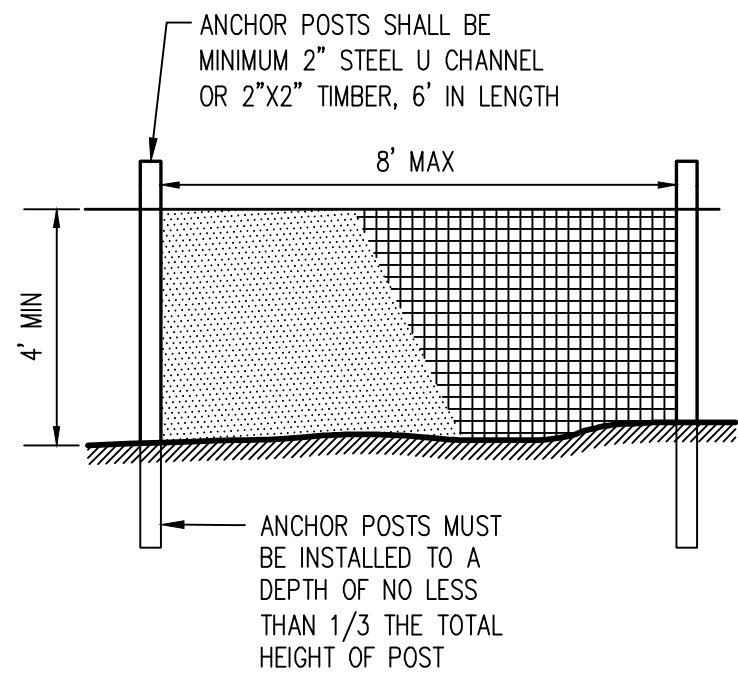
DATE: 9/30/2021

DESIGNED BY: BK

DRAWN BY: BK

CHECKED BY: BB

P23



- NOTES:
1. BLAZE ORANGE PLASTIC MESH FENCE FOR TREE PROTECTION DEVICE OR APPROVED EQUAL.
 2. AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
 3. DEVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION / CONSTRUCTION FENCE

LEGEND

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

FINISHED GRADE CONTOUR (1 FT)

FINISHED GRADE CONTOUR (5 FT)

EXISTING CONIFEROUS TREE

EXISTING DECIDUOUS TREE

TREE REMOVAL

TREE PROTECTION/CONSTRUCTION FENCE (TREE PROTECTION AREA)

149

150

149

150

149

150

149

150

The figure shows a north arrow pointing upwards and a scale bar indicating a scale of 1 inch equals 50 feet. The scale bar is marked with 0, 10, 25, and 50 feet.

CERTIFIED ARBORIST

ISA

PRELIMINARY

NOT FOR CONSTRUCTION

BRUCE R. BALDWIN

CERTIFICATE NUMBER: PH-6666A

EXPIRATION DATE: 12/31/23

PRELIMINARY TREE CONSERVATION PLAN

HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

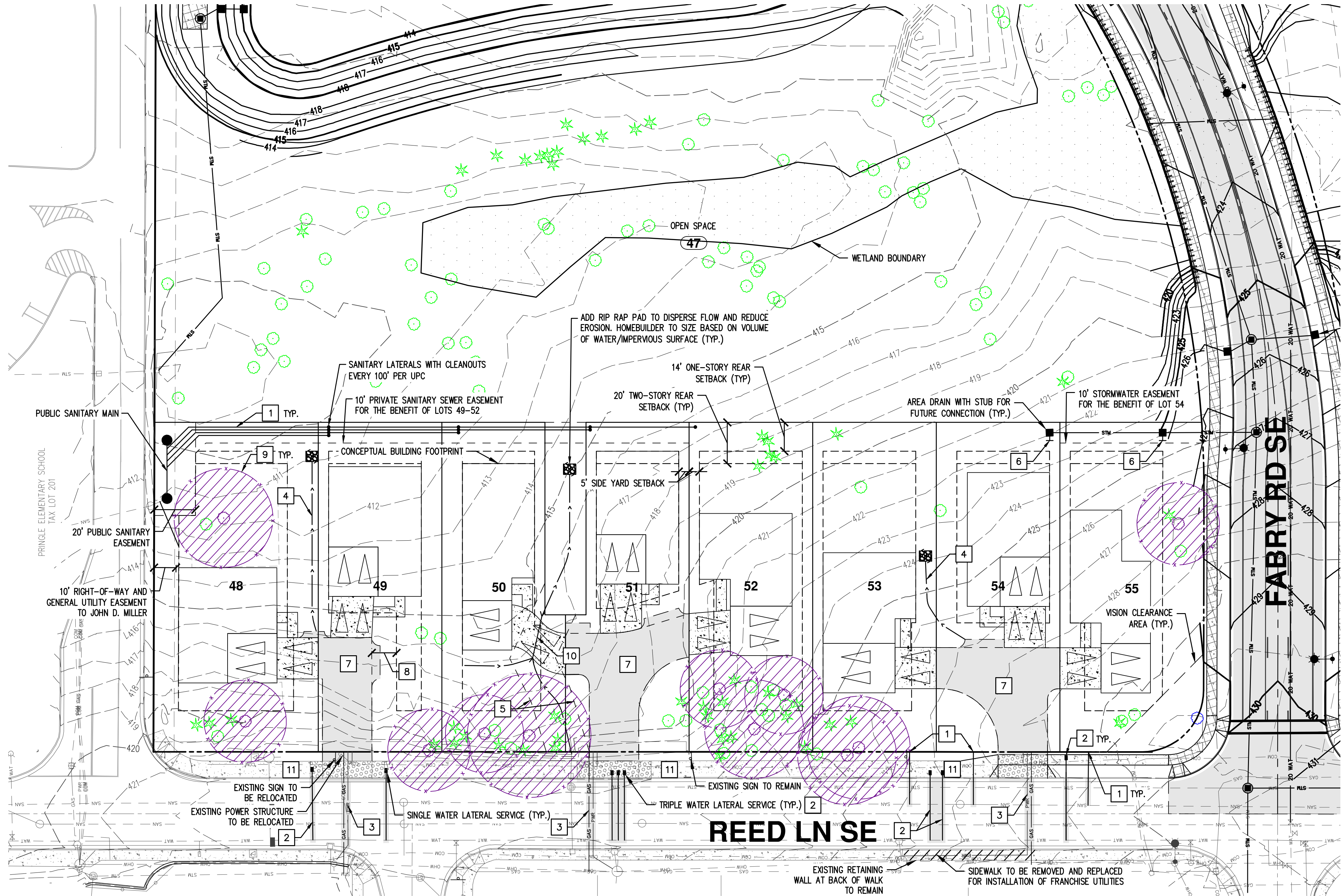
JOB NUMBER:	7858
DATE:	9/30/2021
DESIGNED BY:	BK
DRAWN BY:	BK
CHECKED BY:	BB

P24

PROPERTY DESCRIPTION
LANDOWNERS:
LANDAU SVF, LLC (TL 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, STE 200
SALEM, OR 97302
JOHN MILLER (TL 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

AKS
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HOMES
PAHLISCH HOMES
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GENERAL NOTE: x

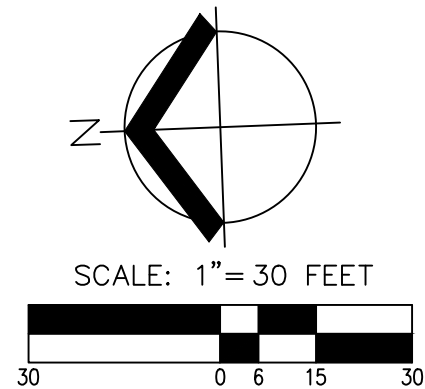
1. THE BUILDER AND PROJECT PLUMBER SHALL COORDINATE THE CONTINUATION OF THE PRIVATE SANITARY LINE TO AVOID CRITICAL TREE ROOT ZONES.
2. THE BUILDER AND PROJECT PLUMBER SHALL COORDINATE THE CONTINUATION OF THE PRIVATE WATER SERVICES TO AVOID CRITICAL TREE ROOT ZONES.
3. FRANCHISE UTILITY CROSSINGS SHALL BE PROVIDED WHERE STANDARD PUE EASEMENTS WOULD REQUIRE REMOVAL OF SIGNIFICANT OAKS. FINAL DESIGN TO BE COORDINATED WITH UTILITY PROVIDERS. EXTRA SLEEVES SHALL BE INSTALLED AT EACH STREET CROSSING.
4. FLOW LINE OF SWALE IN 5' PRIVATE DRAINAGE SWALE, EASEMENT.
5. DRAINAGE SWALE FOR CITY RUNOFF FROM REED ROAD.
6. IMPERVIOUS RUNOFF FROM LOTS 54 AND 55 SHALL BE DIRECTED TO A REAR LOT AREA DRAIN AND STORM STUB. ALL PROPOSED IMPERVIOUS SURFACES SHALL DRAIN TO THE PRIVATE STORM SYSTEM TO DISCHARGE AT PUBLIC STORM CONNECTIONS.
7. STORMWATER FROM NEW IMPERVIOUS AREAS TO BE DIRECTED TO SIDEYARD SWALES. PROJECT STORMWATER PONDS SHALL BE OVERDETAINED TO MITIGATE FLOW CONTROL REQUIREMENTS FOR THESE LOTS. HOMEBUILDER SHALL PROVIDE WATER QUALITY VIA WATER QUALITY SWALES OR CITY APPROVED ALTERNATIVE.
8. 12' SETBACK TO SHARED ACCESS EASEMENT.
9. TREE CRITICAL ROOT ZONE ESTABLISHED BY: 1-FT OF ROOT ZONE FOR EVERY 1-IN OF DBH. BUILDINGS SETBACKS AND TREE ROOT ZONES SHOULD BE TAKEN INTO ACCOUNT WHEN PLANNING BUILDING LOCATION/DESIGN.
10. CULVERT UNDER DRIVEWAY.
11. CURB TIGHT SIDEWALK ALONG OPEN SPACE TO MINIMIZE DAMAGE TO CRITICAL TREE ROOT ZONES.

ASSUMPTIONS:

1. THE HOUSE FOOT PRINTS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE. A MINIMUM SQUARE FOOTAGE OF 1800 SF WAS SET FOR THE BUILDING FOOT PRINT.
2. GARAGES WERE ASSUMED TO BE A MINIMUM OF 24X24 FT
3. THE SECOND STORY OF THE BUILDINGS ARE 400 SF LESS THAN THE FIRST STORY FOOTPRINT.

LEGEND:

- SHARED ACCESS BY HOMEBUILDER
- PRIVATE DRIVEWAY BY HOMEBUILDER
- OAKS TO REMAIN
- DECIDUOUS TREE TO REMAIN
- CONIFEROUS TREE TO REMAIN
- PROPOSED PARKING STALL



LOTS 48-55 CONCEPT PLAN
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

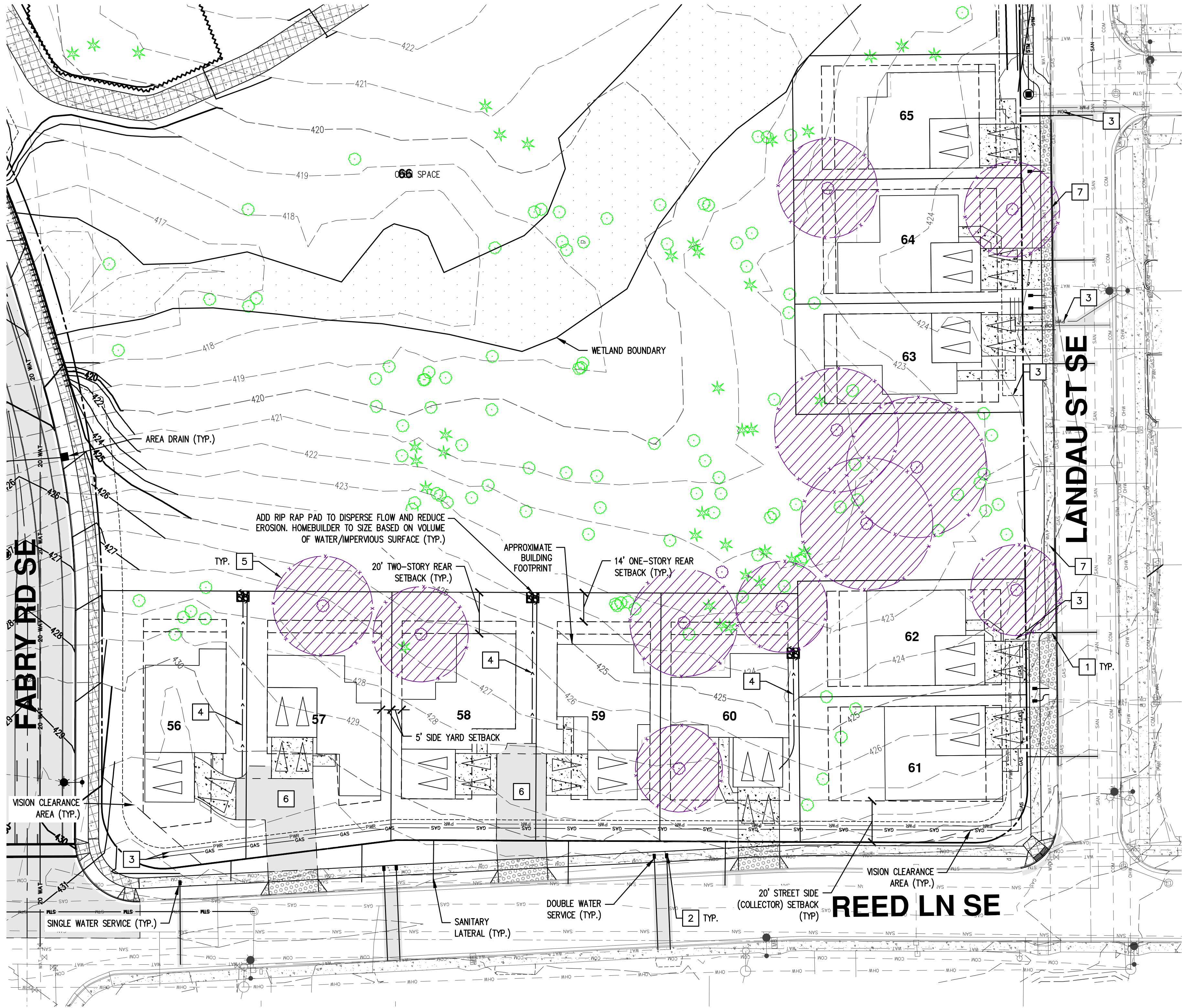
PRELIMINARY
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CONSTRUCTION

JOB NUMBER:	7858
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DESIGNED BY:	BTW
DRAWN BY:	MJM
CHECKED BY:	MTA

PROPERTY DESCRIPTION
LANDOWNERS:
LANDAU SV, LLC (TL 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, STE 200
SALEM, OR 97302
JOHN MILLER (TL 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

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KEIZER, OR 97302
503.400.6028
WWW.AKS-ENG.COM



NOTES:

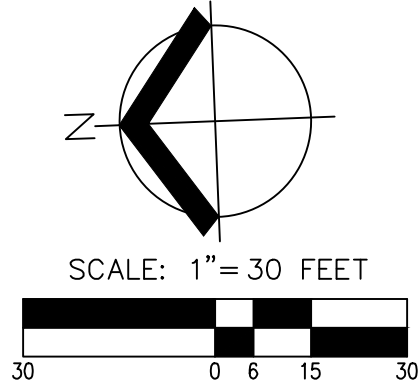
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2. GARAGES WERE ASSUMED TO BE A MINIMUM OF 24X24 FT
3. THE SECOND STORY OF THE BUILDINGS ARE 400 SF LESS THAN THE FIRST STORY FOOTPRINT.

LEGEND:

- SHARED ACCESS BY HOMEBUILDER
- DRIVEWAY BY HOMEBUILDER
- OAKS TO REMAIN
- DECIDUOUS TREE TO REMAIN
- CONIFEROUS TREE TO REMAIN
- PROPOSED PARKING STALL



LOTS 56-65 CONCEPT PLAN
HEADWATERS SUBDIVISION
PAHLISCH HOMES
SALEM, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	7858
DATE:	9/30/2021
DESIGNED BY:	BTW
DRAWN BY:	MJM
CHECKED BY:	MTA

P54

PROPERTY DESCRIPTION
LANDOWNERS:
LANDAU SVF, LLC (TL 200, 205, 206, 400)
4985 BATTLE CREEK RD SE, STE 200
SALEM, OR 97302
JOHN MILLER (TL 204)
4985 BATTLE CREEK RD, SE
SALEM, OR 97302
TOWNSHIP: 3 WEST
RANGE: 8
SECTION: 14

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PAHLISCH HOMES
210 SW WILSON AVE #100
BEND, OR 97702
WWW.PAHLISCHHOMES.COM

AKS
AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD SE, STE 1
KEIZER, OR 97302
503.400.6028
WWW.AKS-ENG.COM

Headwaters Tentative Phased Subdivision Application

Date: October 2021

Submitted to: City of Salem
Community Development Department
555 Liberty Street SE #305
Salem, OR 97301

Applicant: Pahlisch Homes, Inc.
210 SW Wilson Avenue, Suite 100
Bend, OR 97702

AKS Job Number: 7858



3700 River Road, Suite 1
Keizer, OR 97303
(503) 400-6028

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Exhibits

- Exhibit A:** Tentative Phased Subdivision Plans
 - Exhibit B:** Application Forms
 - Exhibit C:** Preliminary Title Report and Current Deeds
 - Exhibit D:** Neighborhood Contact
 - Exhibit E:** Pre-application Summary Report
 - Exhibit F:** Preliminary Geologic Assessment & Geotechnical Engineering Report
 - Exhibit G:** Preliminary Stormwater Report
 - Exhibit H:** Traffic Impact Analysis
 - Exhibit I:** Airport Overlay Zone Height Variance Approval
 - Exhibit J:** Marion County Surveyor Subdivision Name Approval
 - Exhibit K:** Lot 18 Amenity-Conceptual Site Plans and Photos
 - Exhibit L:** Design Exceptions
 - Exhibit M:** Vegetation Assessment
-

Headwaters Tentative Phased Subdivision

Submitted to:	City of Salem Community Development Department 555 Liberty Street SE/# 305 Salem, OR 97301
Applicant:	Pahlisch Homes, Inc. 210 SW Wilson Avenue, Suite 100 Bend, OR 97702
Property Owners:	Landau SFV, LLC (Tax Lots 200, 205, 206, 400) 4985 Battle Creek Road SE, Suite 200 Salem, OR 97302 John D. Miller Trust (Tax Lot 204) 4985 Battle Creek Road SE Salem, OR 97302-9683
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Zach Pelz, AICP Email: pelzz@aks-eng.com Phone: (503) 400-6028
Site Location:	5600 block of Battle Creek Road SE Northwest of the intersection of Battle Creek Road SE and Landau Street SE in Salem, OR
Marion County Assessor's Map:	Marion County Assessor's Map 08 3W 14; Tax Lots 200, 204, 205, 206, and 400
Site Size:	±68.09 acres
Land Use Districts:	Residential Agriculture (RA)/Single Family Residential (RS)

I. Executive Summary

AKS Engineering & Forestry, LLC is submitting this application on behalf of Pahlisch Homes, Inc. (Applicant) for Tentative approval of a Phased Subdivision that would create 222 new residential lots (and 16 additional lots for pedestrian access, open space, and stormwater facilities) within the City of Salem's Single Family Residential (RS)- and Residential Agriculture (RA) zoning districts.

Applicant has partnered with the property owner, John Miller, in the design and execution of a new residential Subdivision that implements several of the partnership's mutual objectives for the site and the City's goals for new residential subdivisions:

1. **Create a high-quality residential neighborhood that will satisfy demand for new housing and that will be a desirable place to live for decades to come.** The project includes 222 new single-family residential home lots that range in size from $\pm 5,500$ square feet to $\pm 12,760$ square feet. The plan intends to implement these lots, alongside new public streets and other public and private infrastructure necessary to support them, across five discrete phases beginning in Spring/Summer 2022.

The exact configuration of new residential lots and the planned street network were carefully designed to promote safe and convenient access for vehicles, pedestrians, and bicyclists, while simultaneously promoting the City's goals of mobility. Ample street intersections, mid-block pedestrian crossings, and a street network that discourages cut-through neighborhood traffic, allows for all modes of travel to move easily and safely within the neighborhood while encouraging extra-neighborhood travel to use higher classification streets such as Fabry Road SE, Battle Creek Road SE, and Reed Lane SE.

2. **Create and preserve the forested wetland at the site's west end for passive and active recreation and for educational purposes.** John Miller has resided at this site for decades and has many special memories of exploring the property with his daughter when she was a child. John's passion and commitment to environmental stewardship and his fond memories of time spent with his children "tromping around in the woods" was the impetus behind the creation of a ± 8.3 -acre Natural Area/Open space preserve around this forested wetland.

Designed to be dedicated to the City of Salem as a Public Natural Area upon its completion, the Natural Area Open space is planned to include a multi-use pathway connecting Landau Street SE to Pringle Elementary School and will provide a highly attractive route for students and residents to walk and bike through the area. Additionally, turf lawn areas, picnic benches, interpretive/educational signage, and an outdoor classroom will provide opportunities for both active and passive recreation, and structured and unstructured opportunities to learn about the native plant and animal communities on the site.

3. **Provide convenient options for passive and active recreation in several open spaces throughout the Subdivision.** A second large open space is planned at the center of the site and celebrates a mature Oregon white oak with a long history of facilitating surveying and reconnaissance efforts in this part of Salem. A passive open space and community clubhouse are planned in this area. A pocket open space is planned at the site's northeast entrance and will serve as an attractive gateway into the neighborhood as well as a quiet place to rest for folks walking and biking within the Battle Creek and Fabry Road corridors.

-
4. **Provide a central community hub, in the form of a pool and clubhouse, to promote social interaction and recreation¹.** Another feature that will set this neighborhood apart from other residential development in the area, is a new community clubhouse and pool that will be accessible to residents of the neighborhood. The clubhouse/pool will accommodate birthday parties, neighborhood social gatherings, and other events, as well as provides a cool oasis for residents to unwind on a hot summer day. The benefits of this amenity go beyond physical and recreational and serve to promote genuine interactions among neighbors that will strengthen community bonds and improve community safety, education, awareness, and build lasting friendships.
 5. **Promote safe and convenient walking and bicycling within the neighborhood and to adjacent residential development.** Pedestrian and bicycle-only shared use paths are strategically located throughout the site to encourage and improve safety for walkers and bicyclists. Shared use pathways are planned to be paved and 10 feet wide.
 6. **Connect Fabry Road SE from Reed Lane SE to Battle Creek Road SE.** This project will implement an important transportation improvement that is identified as a priority in the City's Transportation System Plan (TSP). The extension of Fabry Road SE to Battle Creek Road SE extends the network of minor arterial roadways from Commercial Street SE to Kuebler Boulevard and will reduce pressure on Kuebler Boulevard for northbound traffic from Commercial Street SE that is destined for the Kuebler/I-5 Interchange. Additionally, this extension of Fabry Road SE will allow the City to realize the closure of Landau Street SE, to through traffic, and address a significant and long-standing traffic safety issue that is the result of an unsafe vertical curve on Landau Street SE at about the mid-point between Reed Lane SE and Battle Creek Road SE. This connection is planned to be completed during Phase 2 of the planned Subdivision.
 7. **Complete important public infrastructure improvements.** On top of those items listed above, the subdivision will implement important improvements to the City's water, sanitary sewer, stormwater (green stormwater infrastructure), and transportation systems that are necessary to serve Salem's growing population.

The planned Subdivision relies on important exceptions to the City's Public Works Standards, alternative street/block standards, and adjustments to achieve the above-mentioned goals. While detailed more fully in the following application narrative and accompanying exhibits, the rationale and justification for this requested flexibility is summarized below:

- **Design Exceptions.**

- A. The application seeks an exception to the design speed and minimum centerline radius for the planned Fabry Road SE alignment. Such exceptions, along with corresponding exceptions to other geometric standards, are necessary to continue the existing terminus of Fabry Road at the site's west end, along an alignment that minimizes impacts to the wetlands and significant trees, minimizes impacts to site topography, and achieves the appropriate spacing and intersection angle for new intersecting streets.

¹ This application preserves space for a future community clubhouse that will be reviewed and approved under a separate/concurrent Conditional Use-/Site Plan Review application

-
- B. A design exception is requested to reduce the width of Fabry Road SE, from 46-feet to 34-feet, at the wetland crossing, to minimize impacts to the wetland. The application proposes to eliminate the 12-foot center turn lane to achieve this narrowed cross-section.
 - C. An exception from the 370-foot minimum spacing along a minor arterial is requested for the intersections of Terra Cotta Drive SE/Fabry Road SE and Street G/Fabry Road SE. This exception is necessary to accommodate the planned alignment of Fabry Road (as justified earlier) and the existing terminus of Terra Cotta Drive SE, and the block length and intersection alignment requirements for blocks and intersections south of this area.
 - D. An exception to stormwater quality treatment requirements for lots along Reed Road in order to preserve existing trees.
 - E. An alternate street standard and related design exception to allow the existing curb line sidewalk walk to remain on Reed Lane SE and to preserve trees
- **Alternative Street/Block Standards.** The application includes new Private Streets at Streets I and J to provide on street parking for homes along Fabry Road SE. Additionally, several mid-block pedestrian and bicycle accessways are used to satisfy the City's block length/street spacing requirements for new residential subdivisions due to site topography challenges.
 - **Adjustments.** The application plans for several new open space areas that will be privately owned by the Homeowners' Association. Certain of these open space areas do not meet one or more of the lot dimensional standards (e.g., lot width, lot depth, minimum street frontage, etc.) for new lots in the RA/RS zoning districts and therefore the application includes a request for adjustments to such standards. As outlined in the accompanying narrative below, these adjustments reflect the Applicant's commitment to encumber these lots so that they may not be used outside of the express purposes herein defined.

This application narrative and accompanying exhibits include the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

This application is a "needed housing" application under Oregon Revised Statute (ORS) 197.303(1)(a) as it provides housing within an urban growth boundary. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the creation of needed housing, and such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an Applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development," *Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998) aff'd, 158 Or App 1 (1999). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive the right to assert that the needed housing statutes apply to this application. The exceptions in ORS 197.307(4)(a) and 197.307(5) do not apply to this application.

ORS 197.307(7)(a) is controlled by ORS 197.307(4). The City has not taken an exception under ORS 197.303(3).

II. Site Description/Setting

The subject site is located on Tax Lots 200, 204, 205, 206, and 400 of Marion County Assessor's Map 08 3W 14, northwest of the intersection of Battle Creek Road SE and Landau Street SE in Salem, OR. The site is a large, primarily agricultural property with a forested wetland at the site's west end, a vineyard at the center of the property, and a commercial nursery along the site's Battle Creek Road SE frontage. A single-family residence is located on Tax Lot 204. The City's Transportation Systems Plan identifies a future extension of Fabry Road SE through the site, connecting Reed Lane SE to Battle Creek Road SE. Site topography is characterized by rolling hills with elevations ranging between ±410 – 485 feet. The western portion of the site includes a delineated wetland that is designated for preservation and enhancement with open space amenities.

Similar to the subject site, abutting properties to the north are in the RS and RA zoning districts and are improved with single-family homes and the Pringle Elementary School. The site is also located within the Airport Overlay Zone. Abutting properties to the east and west are in the RS and RA zoning districts are improved with single-family homes. The abutting properties to the south are in the RS and RA zoning districts. The portion to the south in the RS zoning district, is improved with single-family homes. The portion to the south in the RA zoning district is currently in agricultural use; however, a 93-lot subdivision (Landau Heights) was approved in this area in September 2019.

III. Applicable Review Criteria

SALEM REVISED CODE

TITLE X: UNIFIED DEVELOPMENT CODE

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.

Response: This application involves a phased subdivision to create more than four lots. The tentative subdivision requirements apply.

- (b) *Procedure type.* A tentative subdivision plan is processed as a Type II procedure under SRC chapter 300.

Response: This tentative subdivision plan will be processed as a Type II procedure.

- (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 application requirements in SRC 205.030 are addressed in Section 205.030 below. This requirement is met.

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

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- (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: The project is planned to meet standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines. Please refer to Chapter 510.010 of this narrative for specific responses describing how the subdivision will meet the applicable lot standards in the RA zoning district. Please refer to Chapter 511.010 of this narrative for specific responses describing how the subdivision will meet the applicable lot standards in the RS zoning district, which will be applied as a matter of law to the RA zoned portion of the site upon approval of the subdivision application. The site includes several areas that will be used as community accessible accessways and/or open space. Adjustments to certain lot standards are requested to permit these areas. Moreover, these lots will be encumbered with restrictive covenants that ensures their use for common access and open space, and recreation, or other use, in perpetuity. This criterion is met.

- (B) City infrastructure standards.

Response: Please refer to Chapter 802 and 803 for specific responses addressing how the project will meet the applicable City infrastructure standards. The project plans to extend Fabry Road SE from its current terminus at the intersection with Reed Lane SE, through the site, to Battle Creek Road SE, along the conceptual alignment indicated in the City of Salem Transportation System Plan. The rest of the on-site network will consist of local and private streets. Alternative street standards are requested for the private streets in order to minimize disturbance to the natural features, topographical constraints, and to meet expected demand for on street parking. This criterion is met.

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

Response: The project is not located in a floodplain. The project plans to dedicate the necessary right-of-way required for the existing boundary streets where they front the development. With the right-of-way dedication shown on the Preliminary Plat in Exhibit A, the special setbacks along these streets will no longer apply to the site. A Geologic Assessment & Geotechnical Report is included in Exhibit F in accordance with the applicable requirements in Chapter 810. Vision clearance areas are identified on the Tentative Phase Subdivision Plans in Exhibit A. This criterion is met.

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

Response: As shown on the Tentative Phased Subdivision Plans in Exhibit A, the subdivision includes street connections to adjacent development that allow for the continued and future use of these properties. The subdivision's streets will connect to Battle Creek Road SE, Landau

Street SE, Salal Street SE, and Terra Cotta Drive SE to the north, and Reed Lane SE to the west. This criterion is met.

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

Response: The project is inside the Urban Service Area and will be served with City infrastructure, as shown on the Preliminary Composite Utility Plan and the Preliminary Street Improvement Plan in Exhibit A. Each Phase of the project has been designed to include all necessary infrastructure required for that phase, including transportation, public services, and emergency access. This criterion is met.

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

Response: The street system in and adjacent to the project is planned to conform to the Salem Transportation System Plan (TSP), as shown in the Preliminary Circulation Plan and Preliminary Overall Street Plan in Exhibit A. The project plans to extend Fabry Road SE, a Minor Arterial Street, from its current terminus at the intersection with Reed Lane SE, through the site, to Battle Creek Road SE, along the conceptual alignment indicated in the City of Salem Transportation System Plan. The rest of the on-site network will consist of local and private streets. Alternative street standards are requested for the private streets in order to minimize disturbance to the natural features, topographical constraints, and to meet expected demand for on street parking. The additional on street parking is necessary, in part, because on street parking is not allowed on Fabry Road SE due to its classification as a Minor Arterial in the City of Salem TSP. The project also includes boundary frontage improvements to Battle Creek Road SE. The project includes limited boundary frontage improvements to the sidewalk and landscape median (no curb or street changes) to Reed Lane SE, and along Landau Street SE where applicable. The project also included local street extensions at the periphery of the site to connect them with the existing street network according to the City of Salem's street classification system and basic design guidelines in the TSP. This criterion is met.

- (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 street system in and adjacent to the tentative subdivision plan is designed so as to provide safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision, as shown in the Preliminary Circulation Plan and Preliminary Overall Street Plan in Exhibit A. The street system is designed to provide safe circulation of traffic with a new extension of a Minor Arterial street (Fabry Road SE) designed consistent with City standards for Minor Arterial streets, local streets designed consistent with City of Salem standards for local streets, and boundary street frontage improvements consistent with City of Salem standards for Collector streets (Reed Lane SE), Minor Arterial streets (Battle Creek Road SE), and Local streets (Landau Street SE) where applicable. The street system is designed to provide orderly circulation of traffic with streets that allow traffic to pass through the site in an orderly fashion and private streets that provide additional on street parking. The street system is designed to provide efficient circulation of traffic. The

efficiency of the layout is further enhanced with mid-block multiuse accessways and multiuse paths that allow users to connect to destinations within the development, such as the open spaces and amenities, and to offsite destinations such as Pringle Elementary School and Wes Bennett Park, without the need to travel by vehicle. This criterion is 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: The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops (the plan prepares two new transit stops along Fabry Road SE), and to neighborhood activity centers within one-half mile of the development, as shown in the Preliminary Neighborhood Connectivity Plan in Exhibit A. This criterion is met.

- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Response: According to the conclusions contained in the Traffic Impact Analysis (TIA) in Exhibit H, no further mitigation beyond the planned improvement to Fabry Road SE per the TSP, which are implemented as part of this application, is required to address impacts to the transportation system. The only intersection identified that is not currently operating within safety standards is the Kuebler Boulevard and Battle Creek Road intersection. As noted in the TIA, this intersection will be improved as part of the operational improvements made by the nearby Kuebler Gateway Shopping Center project. These improvements are anticipated to reduce congestion at the intersection, potentially reducing the rate of future collisions of all types. This criterion is met.

- (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: The Tentative Phased Subdivision Plan in Exhibit A takes into account the topography of the site with a landslide hazard construction permit. Please refer to Chapter 810 for specific responses to these standards and criteria. Per the requirements of this Chapter, future development of the project will comply with the recommendations contained within the Preliminary Geologic Assessment & Geotechnical Engineering Report in Exhibit F. The vegetation on site will be accounted for, as shown on the Tree Conservation Plan in Exhibit A. Other than an Airport Overlay Height Variance, which has been approved, this application does not include a variance, therefore the need for variances is minimized to the maximum extent practicable. The site layout balances the need to implement major transportation improvements, wetland protections, tree preservation, and site topography. Streets and intersections were designed with attention to existing topography. This criterion is met.

- (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 Tentative Phased Subdivision Plan in Exhibit A takes into account the topography of the site with a landslide hazard construction permit. Please refer to Chapter 810 for specific responses to these standards and criteria. Per the requirements of this Chapter, future development of the project will comply with the recommendations contained within the Geologic Assessment & Geotechnical Engineering Report in Exhibit F. The vegetation on site will be accounted for, as shown on the Tree Conservation Plan in Exhibit A.

There are two primary significant natural features on the site that are accounted for in the preliminary project design—the wetland on the western portion of the site and the significant Oregon White Oak within Lot 174. Both features are planned to be preserved and improved as open space and enhanced with amenities, as shown on the Tentative Phased Subdivision Plans in Exhibit A. This criterion is 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: This tentative subdivision plan does not require an Urban Growth Preliminary Declaration under SRC chapter 200. This criterion does not apply.

- (e) Expiration. Tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Response: The expiration date for the tentative subdivision plan is understood. This criterion can be 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.

Response: This tentative subdivision is planned to be completed in five phases. Therefore, the provisions of this section apply.

- (b) Procedure type. A tentative phased subdivision plan is processed as a Type II procedure under SRC chapter 300.

Response: This application seeks approval of a tentative phased subdivision plan through a Type II procedure.

- (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 Preliminary Phasing Plan in Exhibit A indicates the tentative boundaries of each phase, the sequencing of the phases, and the tentative configuration of lots in each phase. The Preliminary Overall Composite Utility Plan and the Preliminary Overall Street Plan show plans for the construction of all required city infrastructure in each phase. These requirements 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: Please refer to Section 205.010(d) of this narrative for a specific response to SRC 205.010(d). This criterion is 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: Connectivity for streets between each phase is shown on the Preliminary Overall Street Plan in Exhibit A. Each phase ensures the orderly and efficient construction of required public improvements among all phases.

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

Response: Each phase is planned to be self-contained and self-sustaining with regard to required public improvements, as shown in the Tentative Phased Subdivision Plans.

- Phase 1 will take access from new intersections at Battle Creek Road SE and will include the first segment of Fabry Road SE. This segment will connect to the Woodscape Green Subdivision to the north at Salal Street SE and Terra Cotta Drive SE. Street stubs are planned that will connect to Phase 2 to the west and Phases 3, 4, and 5 to the south.
- Phase 2 will construct the next segment of Fabry Road SE that will connect to the intersection at Reed Lane to the west and include street connections to Landau Street SE to the south.
- Phase 3 will take access from street stubs provided in Phase 1 and Phase 2.
- Phase 4 will take access from Battle Creek Road SE and Landau Street SE as well as connect to street stubs provided in Phase 1.
- Phase 5 will complete the project.

Please refer to the Preliminary Overall Street Plan and the Preliminary Overall Composite Utility Plan in Exhibit A for more information.

This criterion is 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: As shown on the Preliminary Overall Street Plan and the Preliminary Overall Composite Utility Plan in Exhibit A, each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole. This criterion is met.

- (e) **Modification pursuant to final plat approval.** If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

Response: The Applicant understands that if a phase of the subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan will need to be modified prior to approval of the final plat. This criterion can be met.

- (f) **Expiration.** Tentative phased subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted for each phase within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Response: The application includes a subdivision planned to be phased in five parts. If approved, Applicant anticipates that the deadline to complete Phase 1 will be late-2023 (two years following tentative approval) and that the deadline to complete all Phases will be late-2031. Based on current market trends, the Applicant expects to complete all phases ahead of these deadlines. The expiration deadline for the tentative phased subdivision plan approval is understood. This requirement can be met.

205.030. Additional submittal requirements.

Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:

- (a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
- (1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;
 - (2) Scale and north arrow;
 - (3) The location of all property lines within 50 feet of the perimeter of the subject property;
 - (4) The boundaries, dimensions, and area of each proposed lot or parcel;
 - (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
 - (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;
 - (7) The location of all existing and proposed easements;
 - (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;

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- (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;
 - (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;
 - (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
 - (12) For subdivisions and phased subdivisions, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;

Response: The Tentative Phased Subdivision Plans in Exhibit A include the information required in subsections (1) through (12) above as applicable. Additionally, the project involves the following easements which are planned to be either vacated or relocated as follows:

1. Title Report Exceptions 31, 32 (10-ft PUE at NE Corner of Tax Lot 400): This easement will be absorbed by ROW dedication and a future PUE established during the Headwaters – Phase 1 Plat.
2. Title Report Exception 26 (Water Pipeline Easement to City of Salem): This easement will be vacated/relocated with the Headwaters - Phase 1 Plat.
3. Title Report Exception 21 (10-ft Sanitary Sewer Easement to City of Salem): This easement will be vacated at time of Headwaters - Phase 1 Plat.
4. Title Report Exception 22 (10-ft Sanitary Sewer Easement to City of Salem): This easement will be vacated at time of Headwaters - Phase 1 Plat.
5. Title Report Exception 23 (10x20-ft Sanitary Sewer Easement to City of Salem): This easement will be vacated at time of Headwaters - Phase 1 Plat.
6. Title Report Exception 24 (10x20-ft Storm Drain Easement to City of Salem): This easement will be vacated at time of Headwaters - Phase 1 Plat.
7. Title Report Exception 20 (5-ft Slope Easement to City of Salem): This easement will be vacated at time of Headwaters - Phase 1 and/or Phase 2 Plat.
8. Title Report Exception 19 (10-ft Utility Easement to John Miller): This easement will be vacated at time of Headwaters - Phase 1 Plat.
9. Title Report Exception 18 (On site Sanitary Sewer Easement to benefit the State of Oregon): This easement will be vacated at or prior to Phase 3 Plat.

These requirements are met.

- (b) A current title report for the property;

Response: A current title report for the property is included in Exhibit C. This requirement is met.

- (c) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808 a tree conservation plan;

Response: The Tree Conservation Plan application form in Exhibit B includes a completed tree inventory. A detailed inventory is included in the Tree Conservation Plan in Exhibit A. This requirement is met.

(d) A geological assessment or geo-technical report, if required by SRC chapter 810;

Response: A Geologic Assessment & Geotechnical Report is included in Exhibit F.

(e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

Response: The Preliminary Stormwater Report in Exhibit G includes a description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards. This requirement is met.

(f) A schematic plan showing the location of existing and proposed city infrastructure;

Response: The Tentative Phased Subdivision Plans in Exhibit A include an Existing Conditions Plan showing the location of existing City infrastructure and a Preliminary Overall Composite Utility Plan showing the location of proposed City infrastructure. This requirement is met.

(g) A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;

Response: The Tentative Phased Subdivision Plans in Exhibit A include a Preliminary Grading Plan. This requirement is met.

(h) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

Response: The remaining portion of Tax Lot 204 (Lot 146) will be ±75,236 square feet in area. A Future Division Plan is included in Exhibit A and demonstrates how this lot could be divided consistent with applicable standards in the UDC. This requirement is met.

(i) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:

(1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the comprehensive plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.

(2) The approximate location of city infrastructure following full development to the urban densities allowed by the comprehensive plan.

Response: The project is not located more than 300 feet from an available sewer main and will connect to City water and sewer as shown on the Preliminary Composite Utility Plan in Exhibit A. This requirement does not apply.

(j) For subdivisions and phased subdivisions:

(1) A completed trip generation estimate on forms provided by the City;

Response: A completed Trip Generation Estimate form is included in Exhibit B. This requirement is met.

(2) A traffic impact analysis, if required under SRC chapter 803; and

Response: A TIA is included in Exhibit H. This requirement is met.

(3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision.

Response: The County Surveyor's approval of the name Headwaters is included in Exhibit J. This requirement is met.

CHAPTER 250. ADJUSTMENTS

250.001. Purpose.

The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Response: This application requests Adjustments to lot development standards in the RA and RS zoning districts. The Adjustments are needed to permit some of the planned open space areas. The City of Salem has not established specific code criteria or standards that apply to this situation. Therefore, these Adjustments are requested in response to this unusual circumstance, and as directed by City Staff.

250.005. Adjustments.

(a) Applicability.

(1) Classes.

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

Response: This application involves one Class 1 Adjustment to decrease the required street frontage for the open space Lot 174 from 60 feet to 52.30 feet. The adjustment involves reducing the applicable standard by less than 20% ($60 - 52.30 = 7.7/60 = .128 * 100 = 12.8\%$).

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

Response: Class 2 Adjustments are requested to adjust the open space lots and the lots containing the multi-use paths as follows:

Open Space Lot 9:

- Reduce the minimum lot size from 6,000 square feet for "all other uses" to 4,479 square feet
- Reduction to the minimum required depth from 80 feet to 28 feet.
- Reduce the minimum lot depth for double frontage lots.

Lot 38:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to $\pm 1,699$ square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 15 feet
- Increase the maximum lot depth of 300% of average lot width to 760% of average lot width

Lot 110:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to $\pm 1,648$ square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 15 feet
- Increase the maximum lot depth of 300% of average lot width to 760% of average lot width

Lot 69:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to $\pm 1,800$ square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 15 feet
- Increase the maximum lot depth of 300% of average lot width to 733% of average lot width

Lot 86:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to $\pm 3,449$ square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 15 feet
- Increase the maximum lot depth of 300% of average lot width to 2300% of average lot width

Lot 166:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to $\pm 4,460$ square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 20 feet
- Increase the maximum lot depth of 300% of average lot width to 1,125% of average lot width

Lot 203:

- Reduce the minimum lot size from 6,000 square feet for “all other uses” to ±1,995 square feet
- Reduce the minimum lot width and street frontage requirements from 60 feet for “all other uses” to 15 feet
- Increase the maximum lot depth of 300% of average lot width to 887% of average lot width

(2) **Prohibition.** Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: This application does not include an Adjustment request for any of the standards included in subsections (A) through (K) above.

(b) **Procedure type.** Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Response: The Class 1 and Class 2 Adjustments included in this application are being processed as part of a consolidated Type II application.

(c) **Submittal requirements.** In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment 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 all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

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- (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: The Tentative Phased Subdivision Plans in Exhibit A include the required information as applicable. These requirements are met.

- (2) An existing conditions 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) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Response: The Existing Conditions Plan in Exhibit A includes the required information as applicable. These requirements are met.

(d) Criteria.

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.

Response: A Class 1 Adjustment is requested to decrease the required street frontage for the Open Space Lot 174 from 60 feet to ± 52.30 feet. The Applicant understands that the underlying purpose of street frontage requirement to be to provide adequate vehicular access from a street to a lot while maintaining adequate access spacing between adjacent lots. The lot is proposed to be open space contiguous with a neighboring open space lot (Lot 18) that will be platted in Phase 1 and will be accessed by a private street with on street parking spaces. The proposed development clearly satisfies the underlying purpose of this standard with the shared street frontage and vehicular access that is planned to be developed on the contiguous lot in Phase 1. This criterion is met.

- (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: As previously discussed, Open Space Lot 174 will function as a contiguous open space area with Open Space Lot 18 to the north and provide open areas for the enjoyment of the

future residents of the subdivision. The open space area shown on the plans is being proposed for its positive impacts to surrounding development and will not unreasonably impact surrounding development. This criterion is met.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

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

Response: Regarding the requested Adjustments on Lots 9, 38, 69, 86, 110, 166, and 203; the purpose underlying the standards are clearly inapplicable to the proposed development. The Applicant understands the underlying purpose of the lot standards are to ensure that the future lots provide sufficient buildable area to accommodate planned and future development. However, these lots are not planned to be developed in the future for uses other than open space and multi-use paths, and a monument sign planned on Open Space Lot 9. The Applicant understands, based on their correspondence with City staff, that the SRC does not have a mechanism for approving tracts for privately owned common open or multi-use paths as part of a subdivision. Therefore, these lots are required to meet the lot development standards, even though they will not contain future development. The future use of these lots will be regulated by covenants, conditions, and restrictions that will encumber future use of these lots. Therefore, the underlying purpose of the development standards are clearly inapplicable to the proposed development. This criterion is met.

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

Response: As previously discussed, the open space areas and multi-use paths are planned to enhance the livability and appearance of the planned residential area. Therefore, the requested adjustments will not detract from the livability or appearance of the residential area. This criterion is met.

(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.

Response: The stated purpose of the RA zoning district is to implement the developing residential designation for the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The stated purpose of the RS zoning district is to implement the developing single family residential designation for the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. Taken together, these adjustments accommodate shared open spaces that will be an asset for this community in the long-term. This criterion is met.

(e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Response: The Applicant understands the adjustments will run with the land.

CHAPTER 510. RA – RESIDENTIAL AGRICULTURE

510.005. 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 510-1.

Table 510-1. Uses		
Uses	Status	Limitations and Qualification
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• Manufactures 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 700.085• Zero side yard dwelling, subject to SRC 700.095
	N	All other Single Family.
Recreation, Entertainment, and Cultural Service and Facilities		
Parks and Open Space	P	All other parks and open space

Response: The Headwaters Subdivision will create 238 lots for future single-family homes, stormwater facilities, open space, and multi-use paths. The future amenity on Open Space Lot 18 will be reviewed as part of a future Conditional Use application. The portions of the site that are within the RA zoning district will be added to the RS zoning district as an operation of law upon the approval of this tentative subdivision plan. This standard is met.

- (b) Continued uses. Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made nonconforming by this chapter, is hereby deemed a continued use.
- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(f).
 - (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

Response: This application does not involve existing cottage housing within the RA zone constructed prior to May 15, 1979. This provision is not relevant to this application.

510.010. Development standards.

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

- (a) Lot standards. Lots within the RA zone shall conform to the standards set forth in Table 510-2.

Table 510-2. Lot Standards		
Requirement	Standard	Limitations and Qualification
Lot Area		
Single family	Min. 4000 sq. ft.	
All other uses	Min. 6000 sq. ft.	
Lot Width		
Single family and two family	Min. 40 ft.	
All other uses	Min. 60 ft.	
Lot Depth		
Single family and two family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max 300% of average lot width	
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max 300% of average lot width	
Street Frontage		
Single family and two family	Min. 40 ft.	
	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.
All other uses	Min. 60 ft.	

Response: The lots are planned to conform to the lot standards, as shown in the Tentative Phased Subdivision Plans in Exhibit A. This application includes Adjustments to these standards as described in Chapter 250 of this narrative.

- (b) Setbacks. Setbacks within the RA zone shall be provided as set forth in Table 510-3

Table 510-3. Setbacks		
Requirement	Standard	Limitations and Qualification
Abutting Street		
Buildings		
All uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Interior Front		

Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory Structures	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 12 ft. in height.
Interior Side		
Buildings		
Single family	Min. 5 ft.	
	Min. 3 ft.	
	Per SRC 700.085	Applicable to townhouses
	Per SRC 700.095	Applicable to zero side yard dwellings
Two Family	Min. 5 ft	
All other uses	Min. 5 ft	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Infill lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA and RS.
	Min. 10 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Interior Rear		
Buildings		
All uses	Min. 14 ft.	
	Min. 20 ft.	
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.

	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
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Response:

Conceptual building setbacks are provided for each of the new lots on the Preliminary Setback Plans in Exhibit A, showing how each lot can comply with the applicable setbacks in the RA and RS zoning districts. Compliance with the setback requirements will be reviewed as part of the building permit for the future homes on each of the individual lots created by this tentative phased subdivision plan. These standards can be met.

- (c) Lot coverage; height. Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.

Table 510-4. Lot Coverage; Height		
Requirement	Standard	Limitations and Qualification
Lot Coverage		
Buildings and Accessory Structures		
Single family and two family	Max. 60%	
Nonprofit shelters	Max. 60%	Applicable to nonprofit shelters serving victims of domestic violence.
	Max. 35%	Applicable to all other nonprofit shelters.
All other uses	Max. 35%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	
Accessory to all other uses	No Max.	
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.
All other uses	Max. 50 ft.	
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

Response:

Compliance with the lot coverage and height requirements will be reviewed as part of the building permits for the future homes on each of the individual lots created by this Tentative Phased Subdivision Plan. At that time, all the lots will be part of the RS zoning district and these standards will not apply. The corresponding standards within the RS zoning district will be met.

- (d) Maximum square footage for all accessory structures. In addition to the maximum coverage requirements established in Table 510-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 510-5.

Response: Compliance with the maximum square footage requirements will be reviewed as part of the building permit for the future homes on each of the individual lots created by this Tentative Phased Subdivision Plan. At that time, all the lots will be part of the RS zoning district and these standards will not apply. The corresponding standards within the RS zoning district will 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 RA 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 subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.

Response: Garages are planned for the future homes on the lots created by this Tentative Phased Subdivision Plan. At that time, all the lots will be part of the RS zoning district and these standards will not apply. The corresponding standards within the RS zoning district will be met.

- (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 are planned for the future homes on the lots created by this Tentative Phased Subdivision Plan. At that time, the lots will be part of the RS zoning district and these standards will not apply. The corresponding standards within the RS zoning district will be met.

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		
Uses	Status	Limitations and Qualification
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• Manufactures 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 700.085 • Zero side yard dwelling, subject to SRC 700.095
	N	All other Single Family.
Recreation, Entertainment, and Cultural Service and Facilities		
Parks and Open Space	P	All other parks and open space

Response: The Headwaters Subdivision will create 238 lots for future single-family homes, stormwater facilities, open space, and multi-use paths. The future amenity on Open Space Lot 18 will be reviewed as part of a future Conditional Use application. This standard is met.

- (b) Continued uses. Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made nonconforming by this chapter, is hereby deemed a continued use.
- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(f).
- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

Response: This application does not involve existing cottage housing within the RS zone constructed prior to May 15, 1979. This provision is not relevant to this application.

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 and Qualification
Lot Area		
Single family	Min. 4000 sq. ft.	
Lot Width		
All Uses	Min. 40 ft.	
Lot Depth		
Single family and two family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max 300% of average lot width	
Street Frontage		
Single Family	Min. 40 ft.	

	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.
All other uses	Min. 40 ft.	

Response: The lots are planned to conform to the lot standards, as shown in the Tentative Phased Subdivision Plans in Exhibit A. This standard is 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 and Qualification
Abutting Street		
Buildings		
All uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Interior Front		
Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Side		
Buildings		
Single family	Min. 5 ft.	
	Min. 3 ft.	
	Per SRC 700.085	Applicable to townhouses
	Per SRC 700.095	Applicable to zero side yard dwellings
Two Family	Min. 5 ft	
All other uses	Min. 5 ft	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Infill lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA and RS.

	Min. 10 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS
Accessory Structures		
	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Interior Rear		
Buildings		
All uses	Min. 14 ft.	
	Min. 20 ft.	
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

Response: Conceptual building setbacks are provided for each of the new lots on the Preliminary Setback Plans in Exhibit A, showing how each lot can comply with the applicable setbacks in the RS zoning district. Compliance with the setback requirements will be reviewed as part of the building permit for the future homes on each of the individual lots created by this tentative phased subdivision plan. These 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. Lot Coverage; Height		
Requirement	Standard	Limitations and Qualification
Lot Coverage		
Buildings and Accessory Structures		
Single family and two family	Max. 60%	
Nonprofit shelters	Max. 60%	Applicable to nonprofit shelters serving victims of domestic violence.
	Max. 35%	Applicable to all other nonprofit shelters.
All other uses	Max. 35%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	

Accessory to all other uses	No Max.	
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.
All other uses	Max. 50 ft.	
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

Response: Compliance with the lot coverage and height requirements will be reviewed as part of the building permit for the future homes on each of the individual lots created by this Tentative Phased Subdivision Plan. These standards can be met.

- (d) Maximum square footage for all accessory structures. In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.

Response: Compliance with the lot coverage and height requirements will be reviewed as part of the building permit for the future homes on each of the individual lots created by this Tentative Phased Subdivision Plan. This standard 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 subsection 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 are planned for the future homes on the lots created by this Tentative Phased Subdivision Plan. This standard will be met.

- (f) Development standards for continued uses. Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:
- (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.

-
- (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
 - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 511-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

Response: This Tentative Phased Subdivision Plan application does not include structural alterations to buildings or structures housing a continued use. These standards do not apply.

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.

Response: The future homes are planned to be located entirely on the lots created within this subdivision.

- (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: As shown on the Tentative Phased Subdivision Plans in Exhibit A, the side lot lines are planned to run at right angles to the street upon which the lots face. This standard is met.

800.025. Flag lots.

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

Response: The Preliminary Plat in Exhibit A includes five flag lots (Lots 134, 138, 139, 140, 141) 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.

Response: The lot areas for Lot 134 and 141 shown on the Preliminary Plat in Exhibit A are calculated exclusive of the flag lot accessways that will serve them. Lot 138 will be ±6,875 square feet in area and Lots 139 and 140 will be ±6,873 square feet exclusive of the flag lot accessway serving lots 138 through 141. Lot 133 will provide ±8,398 square feet of area exclusive of the access easement benefitting Lot 134.

All the lots discussed above conform to the lot area standards (minimum ±4,000 square feet) in the RA and future RS zoning districts. This standard is met.

- (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.

Response: The lot dimensions provided on the scaled Preliminary Plat in Exhibit A show that Lots 134, 138, 139, 140, and 141 meet the lot dimension requirements of the RA and future RS zoning districts, exclusive of the flag lot accessways. This standard is met.

-
- (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: The planned accessway serving Lots 133 and 134 will serve two lots and will be less than 150 feet in length, as allowed for under Table 800-1. The planned accessway serving Lots 138, 139, 140, and 141 will serve four lots and will be less than 400 feet in length, as allowed for under Table 800-1. This standard is met.

- (1) **Maximum number of lots served by flag lot accessway.** A maximum of four lots may be served by a flag lot accessway.

Response: As discussed above, the planned flag lot accessways will serve no more than four lots. This standard is met.

- (2) **Flag lot accessway grade.** Flag lot accessway grade shall conform to the Salem Fire Prevention Code.

Response: The planned flag lot accessways are intended to conform to all applicable standards of the Salem Fire Prevention Code. This standard can be met.

- (3) **Fire Department access and flag lot accessway turnarounds.**

(A) **Unobstructed fire apparatus access** shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

(B) **Flag lot accessways greater than 150 feet in length** shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

Response: The flag lot accessways is planned to be less than 150 feet in length and therefore will provide unobstructed fire apparatus access to within 150 feet of a future home on Lot 125. A fire turnaround is not required. This standard is met.

- (d) **Parking prohibited on flag lot accessways.** Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.

Response: The flag lot accessway can be posted with no parking signs, as necessary.

- (e) **Maximum percentage of flags lots within a subdivision.** Within a subdivision, up to 15 percent of the lots may be flag lots.

Response: This Tentative Phased Subdivision Plan includes 222 lots, 5 of which will be flag lots. The percentage of flag lots is approximately 2 percent, below the maximum allowable 15 percent. This standard is met.

CHAPTER 802. PUBLIC IMPROVEMENTS
802.015. Development to be served by city utilities.

Except as provided under SRC 802.035 and 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: The new lots are planned to be served by City utilities, as shown on the Preliminary Composite Utility Plan in Exhibit A. This standard is 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 ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Response: The easements required by this section are necessary for the City utilities serving the future lots and are shown on the Tentative Phased Subdivision Plans in Exhibit A. Buildings, structures, trees, or other obstructions are not planned to be located within these easements. This requirement is 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.

Response: As shown on the Preliminary Composite Utility Plan in Exhibit A, all utility service is planned to 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.

Response: This project is not located in an industrial and employment or commercial zone. This standard does not apply.

- (c) Stormwater management shall be provided by above ground and below ground facilities.

Response: As shown on the Preliminary Composite Utility Plan in Exhibit A, stormwater management is planned to be provided by above ground and below ground facilities. This standard is met.

802.030. Watercourses.

- (a) Any modification to a watercourse shall conform to SRC chapter 601 and the Public Works Design Standards.
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.

Response: The project does not involve modification of a watercourse. The provisions under this Section do not apply.

802.035. Partitions in areas unserved by city wastewater system.

A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC chapter 205 are met.

Response: This application does not involve a partition located more than 300 feet from an available sewer. This provision does not apply.

802.040. Private stormwater, wastewater, and water systems.

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- (a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- (b) If the system is a water system:
 - (1) The water system conforms to the water distribution standards of the City;
 - (2) Except as authorized by state law, water from the system is not submetered or resold to other parties;
 - (3) Each building under separate ownership has a separate water meter; and
 - (4) The properties served are located within a commercial or an industrial and employment zone.
- (c) If the system serves multiple properties under separate ownership:
 - (1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.
 - (2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
 - (A) The system serving the property is private;
 - (B) The City has no responsibility to maintain the system;
 - (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
 - (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
 - (E) Persons served by the system assume responsibility for any repairs required for the City.

Response: Private stormwater, wastewater, and water systems are not planned for the project. The provisions under this section do not apply.

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: The public streets shown on the Tentative Phased Subdivision Plans in Exhibit A are planned to conform to all applicable Public Works Design Standards. Alternative street standards are requested as follows:

- Streets I to provide on street parking to serve Lots 19, 20, and 21.
- Street J will provide on street parking to serve Lots 10, 11, and 12.
- Reed Lane SE on the development side to allow for the existing curb tight sidewalk to remain and to preserve existing trees along this frontage.

803.015. Traffic impact analysis.

- (a) Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:
 - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

Response: A TIA is required as the Tentative Phased Subdivision is expected to generate more than 1,000 ADT at full buildout. A TIA is provided in Exhibit H. This requirement is met.

- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

Response: According to the conclusions contained in the TIA in Exhibit H, no offsite mitigation is required to address impacts to the transportation system. The only intersection identified that is not currently operating within standards is the Kuebler Boulevard and Battle Creek Road intersection. As noted in the TIA, this intersection will be improved as part of the operational improvements made by the nearby Kuebler Gateway Shopping Center

project. These improvements are anticipated to reduce congestion at the intersection, potentially reducing the rate of future collisions of all types.

- (d) Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Response: An exception to this requirement is not requested. This provision does not apply.

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: Streets A, B, C, D, E, F, G, H, Terra Cotta Drive SE, Kase Street SE, and Fabry Road SE shown in the Tentative Phased Subdivision Plans in Exhibit A are planned to be public streets. Streets I and J are planned to be private streets as provided in Subsection (b) of this section. This standard is 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.

Table 803-1. Right-of-way		
Right-of-way	Width	Limitations and Qualification
Minor Arterial	Min. 72 ft.	
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 turnaround of the cul-de-sac.
Alley	Min. 10 ft.	
	Max. 20 ft.	

Response: As shown on the Preliminary Street Sections in Exhibit A, the new public streets include Fabry Road SE, a Minor Arterial planned with 72 feet of right-of-way width, and Local Streets planned with 60 feet of right-of-way width. The application includes a request for alternative street standards for the remaining private streets.

Existing boundary streets include Reed Lane SE, a Collector Street with variable right-of-way width of 60-65 feet; Landau Street SE, a Local Street with 60 feet of right-of-way width; and Battle Creek Road SE, a Minor Arterial with 72 feet of right-of-way width.

Please see Chapter 803.065 for specific responses to the alternative street standards. This standard is 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.

Table 803-2. Pavement width		
Street Type	Width	Limitations and Qualification
Minor Arterial	Min. 46 ft.	
Collector	Min. 34 ft.	Applicable to Type A collector
	Min. 40 ft.	Applicable to Type B collector
	Min. 34 ft.	Applicable to 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 turnaround of the cul-de-sac.

Response: As shown on the Preliminary Street Sections in Exhibit A, the new public streets include Fabry Road SE, a Minor Arterial planned with 46 feet of pavement width, and Local Streets planned with 30 feet of pavement width. The application includes a request for alternative street standards for private streets I and J, and reduced paved width for the portion of Fabry Road SE crossing the wetland.

Existing boundary streets include Reed Lane SE, a Collector Street with 34 feet of paved width; Landau Street SE, a Local Street with 30 feet of paved width; and Battle Creek Road SE, a Minor Arterial with 46 feet of paved width. This application includes an alternative Street standard request to allow this paved width to be provided with 36 feet of width for vehicular travel plus 10 feet with a multi-use path. The east frontage of Landau Street SE will be improved to provide 15 feet of pavement on the development side of the street centerline to provide one-half of the required pavement width.

Please see Chapter 803.065 for specific responses to the alternative street standards. This standard is met.

- (c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.

Response: The provisions under this section are understood.

- (d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.

Response: The preliminary design of the right-of-way and roadway improvements at the intersections has been informed by input received from the City of Salem Public Works Department, in accordance with Public Works Design Standards. Additional right-of-way and roadway improvements at the intersections are not anticipated to be necessary.

- (e) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

Response: This subdivision does not involve an area set aside for commercial or industrial uses. This section does not apply.

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: There are several where the maximum spacing of 600 feet is exceeded. The reasons for the increase in spacing at these locations is discussed below. The minimum spacing requirement of 120 feet is met between all streets as shown on the Preliminary Street Improvement Plan in Exhibit A.

(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.

Response: Street spacing is increased at the following locations due to physical conditions as follows:

- Fabry Road SE between Reed Lane SE and Street B: Spacing of ± 660 feet is planned at this location so this new section of Fabry Road SE can span the wetland with minimal disruption to the wetland habitat and provide space for natural area amenities such as the pedestrian path.
- Fabry Road SE between Street B and Street H: Spacing of ± 604 feet is planned between these intersections. This spacing is also the result of the wetland to the west and provides intersection spacing at a reasonable interval between Reed Lane SE and Street H that accommodates the wetland and the designated open space.
- Fabry Road SE between Street H and Street G. Spacing of ± 734 feet is planned along this length. In order to provide reasonably spaced intersections for the entire length of Fabry Road SE between Reed Lane SE to Battle Creek Road SE
- Street A between Landau Street SE and Street B. Spacing of ± 614 feet is planned at this location. This spacing is also the result of the wetland to the west. Another street connection within this block would result in a second wetland crossing. Therefore, these unnecessary impacts are avoided with the proposed spacing.

This request is further detailed in the response to the Alternate Street Standards in SRC 803.065.

- (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.

Response: Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, such as the Woodscape lots and Pringle Elementary School lots to the north and the Landau Heights to the south restrict the location and number of existing streets entering the development that would otherwise be available to meet the spacing requirements. The street spacing shown has been designed to work within these existing conditions while maximizing 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.

Response: Existing public streets terminating at the boundary of the development site restrict the number location and number of existing streets entering the development that would otherwise be available to meet the spacing requirements. The street spacing shown has

been designed to work within these existing conditions while maximizing the potential for redevelopment.

- (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: Street spacing is increased at the following locations due to this condition as follows:

Two new intersections on Battle Creek Road SE: The property has approximately 1,440 feet of frontage on Battle Creek Road SE. Strict application of the standard to these intersections would require a minimum of 2 new intersections along this frontage ($1,440 / 600 = 2.4$). The Applicant understands the benefit of the maximum street spacing requirement to be connectivity. Because the proposal provides the same number of public street intersections on Battle Creek Road SE as would be required under strict application of the standard, the proposal provides the same level of vehicular connectivity required by the standard. Additionally, this street segment includes two pedestrian accessways to further enhance connectivity at this location. Therefore, strict application of the spacing requirements would result in a street network that is less beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network.

The south side of Street A from Street B to Street B: Spacing of $\pm 1,123$ feet is planned at this location. This length of street is planned with a pedestrian accessway that will connect Street B with Street A to the north and provides the same number of connections along this length as would be provided under strict application of the standards. The accessway will provide enhanced facilities for pedestrian and bicycle travel without reducing connectivity for vehicles. Therefore, strict application of the spacing requirements will result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed network. The increased benefit to bicycle and pedestrian traffic will help facilitate the City's long term goals to promote pedestrian and bicycle travel. This condition is satisfied.

The north side of Street B from Street A to Street A: Spacing of ± 967 feet is planned at this location. This length of street is planned with a pedestrian accessway that will connect Street B with Street A to the north and provides the same number of connections along this length as would be provided under strict application of the standards. The accessway will provide enhanced facilities for pedestrian and bicycle travel without reducing connectivity for vehicles. Therefore, strict application of the spacing requirements will result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed network. The increased benefit to bicycle and pedestrian traffic will help facilitate the City's long-term goals to promote pedestrian and bicycle travel. This condition is satisfied.

The east side of Street D from Street J to Street C: Spacing of ± 661 feet is planned due to topography. This length of street is planned with two pedestrian accessways that will connect Street D with Battle Creek Road SE to the east and provides the same number of vehicular connections along this length as would be provided under strict application of

the standards. The accessway will provide enhanced facilities for pedestrian and bicycle travel without reducing connectivity for vehicles. Therefore, strict application of the spacing requirements would result in a street network that is less beneficial to vehicular, pedestrian, or bicycle traffic than the proposed network. The increased benefit to bicycle and pedestrian traffic will help facilitate the City's long-term goals to promote pedestrian and bicycle travel. The unnecessary additional intersection will preserve the functional classification of Battle Creek Road as a Minor Arterial street. This condition is satisfied.

The south side of Street B from Street A to Street D: Spacing of ±696 feet is planned at this location. This length of street is planned with a pedestrian accessway that will connect Street B with Street C to the south and provides the same number of connections along this length as would be provided under strict application of the standards. The accessway will provide enhanced facilities for pedestrian and bicycle travel without reducing connectivity for vehicles. Therefore, strict application of the spacing requirements will result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed network. The increased benefit to bicycle and pedestrian traffic will help facilitate the City's long-term goals to promote pedestrian and bicycle travel. This condition is satisfied.

The north side of Street C from Street A to Street D: Spacing of ±780 feet is planned at this location. This length of street is planned with a pedestrian accessway that will connect Street C with Street B to the north and provides the same number of connections along this length as would be provided under strict application of the standards. The accessway will provide enhanced facilities for pedestrian and bicycle travel without reducing connectivity for vehicles. Therefore, strict application of the spacing requirements will result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed network. The increased benefit to bicycle and pedestrian traffic will help facilitate the City's long-term goals to promote pedestrian and bicycle travel. This condition is satisfied.

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:

Response: The project will connect to schools, parks, and shopping areas within one-half mile of the development by providing connections to the street network shown on the Connectivity Plan in Exhibit A. These connections include extending and connecting to existing local streets serving the existing development to the north of the property and completing an extension of Fabry Road SE between Reed Lane SE and Battle Creek Road. New intersections with Landau Street SE are provided that align with existing intersections to

the maximum extent practicable. The 600-foot interval requires at least two new intersections on Battle Creek Road SE. This requirement is met with the two intersections shown on the plans.

- (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.

Response: Street spacing is increased between two new intersections with Landau Street SE (Streets E/A) because the segment of Landau Street SE between these locations is planned to be discontinued in the future, with the street routed into the subdivision at each end. This configuration will improve safety due to the sight limitations on Landau Street SE as it crests the hill at this location and has been planned by the City for some time.

- (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or

Response: As previously discussed, the project is planned to connect with the existing development surrounding the site.

- (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 streets and public accessways shown in the Tentative Phased Subdivision Plans in Exhibit A are not in violation of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995.

- (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.

Response: All the street improvements shown in the Preliminary Street Plan, including sub-base, base, pavement, curbs, sidewalks, and surface drainage are intended to conform to all provisions of the Salem Revised Code and the Public Works Design Standards. This standard is met.

- (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 six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.

Response: As shown on the Preliminary Street Profiles in Exhibit A, the grade of Fabry Road SE (a minor arterial) does not exceed six percent. The grade of the remaining local streets does not exceed 12 percent.

- (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: As shown in the Tentative Phased Subdivision Plans in Exhibit A, several streets will temporarily end as dead ends and will be extended in subsequent phases of the subdivision. In such instances, temporary or permanent emergency vehicle access and

turnarounds will be provided, if necessary, until the permanent street extension is made and the dead-end street is no longer in place. The standard is met.

(e) **Reserve blocks.** Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:

- (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
- (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
- (3) To prevent access to land abutting a street of the development, but not within the development itself.
- (4) To prevent access to land unsuitable for development.
- (5) To prevent access prior to payment of street improvement assessments or connection charges.
- (6) To prevent access to an arterial or collector street.

Response: Reserve blocks are not necessary or included in this application.

(f) **Cul-de-sacs.**

- (1) Cul-de-sacs shall not exceed 800 feet in length.

Response: As shown in the Tentative Phased Subdivision Plans in Exhibit A, the project does not include a cul-de-sac. This standard is met.

- (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.

Response: As shown in the Tentative Phased Subdivision Plans in Exhibit A, no cul-de-sac is called for. This standard is met.

- (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: The project does not include cul-de-sacs, other than the conceptual cul-de-sac shown on the conceptual future division plan for TL 204. This standard is met.

(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.

Response: The preliminary design of the intersections shown in the Preliminary Street Plan in Exhibit A are intended to conform to the Public Works Design Standards. The project does not involve high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites or office complexes and the City has not indicated to the Applicant that additional right-of-way and roadway improvements at or adjacent to the intersections is necessary to accommodate such high traffic generators.

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- (2) The property line radius at intersections shall be not less than the curbline radius as set forth in the Public Works Standards.

Response: The property line radius at intersections shown on the Preliminary Street Plans are designed per the City's Public Works Standards. The standard is 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.

Response: As shown on the Preliminary Grading Plan in Exhibit A, the fill slopes where necessary begin no closer than two feet from the rear edge of the sidewalk or curb. Cut and fill slopes, where needed, do not exceed two horizontal to one vertical. This standard is met.

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

Response: The Grading Plan in Exhibit A demonstrates that slope easements are not necessary to comply with 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: Although this standard is not clear and objective (as is required for this needed housing application) because it uses subjective and value laden terms, such as "so far as possible," the planned street alignment(s) meet this requirement.

As shown in Exhibit A, some significant tree removal is required to accommodate the extension of Fabry Road SE from Reed Lane to Battle Creek Road SE. The planned alignment of this important Minor Arterial improvement was developed after careful consideration of the existing pattern of development in the area, the City's safety and operational requirements for this new roadway, minimizing impacts to the on site wetland, and intersection spacing. The planned alignment strikes the optimum balance between these objectives while minimizing impacts to trees and natural areas. The standard is 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: The Preliminary Street Plan in Exhibit A notes that street trees will be installed per the standards and specifications set forth in SRC chapter 86. The standard can be 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.

Response: Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 are planned as shown on the Preliminary Street Plan in Exhibit A. This standard is met.

(2) Sidewalk location; width.

- (A) Sidewalks shall be located parallel to and one 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.

Response: The sidewalks shown in the Preliminary Street Plan in Exhibit A are planned in the right-of-way consistent with City of Salem standards with the exception of the streets where design exceptions have been requested herein.

- (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.

Response: Sidewalks are planned as shown on the Preliminary Street Plan in Exhibit A. Topography or other conditions do not make the construction of these sidewalks impossible or undesirable in the locations required by this subsection. This standard is met.

- (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.

Response: Sidewalks are planned with five feet of minimum width as shown on the Preliminary Street Plan in Exhibit A. There are existing sidewalks on Reed Lane to Pringle Elementary to the north. This standard is met.

- (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.

Response: The nearest sidewalk connection in front of Pringle Elementary School with direct access to the primary entrance of the school Reed Lane SE right-of-way is ±268 feet north of the property. The existing sidewalk along Reed Lane SE has been improved with eight feet of width along this right-of-way for a distance of 600 feet south of this connection. This standard is met.

Additionally, as shown in Exhibit A, a sidewalk along the north side of Fabry Road and a multiuse pathway in the wetland corridor provide direct access to the east side of Pringle Elementary School. The Applicant has been and will continue to be in close contact with the School District on the design of this connection.

- (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

Response: The final design of the sidewalks shown on the Preliminary Street Plan in Exhibit A will include an unobstructed four-foot-wide clearance around street lights, signs, mailboxes, and other streetscape facilities. This standard will be 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: As shown on the Preliminary Street Sections in Exhibit A, Fabry Road SE and Battle Creek Road SE are planned with bicycle facilities as identified in the Salem Transportation

System Plan Bicycle System Map and according to its designation as a Minor Arterial roadway in the Salem Transportation System Plan and the Public Works Design Standards.

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

Response: Public utility easements are planned for all streets with the exception of Fabry where it crosses the wetland, as shown on the Preliminary Plat in Exhibit A. This standard is 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.

Response: Street lights with underground electric service, light standards, wiring, and lamps that conform to the Public Works Design Standards can be provided in a future development permit application and will be constructed prior to the approval of the final plats for each phase. This standard will be met.

- (p) **Landscape strips.** Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.

Response: As shown on the Preliminary Street Sections in Exhibit A, landscape strips for signs, street lights, and shade trees are planned in accordance with Public Works Design Standards. This standard is 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: As shown on the Preliminary Street Sections in Exhibit A, the area within the new right-of-way is planned to be improved in accordance with Public Works Design Standards. This includes landscape strips containing street trees, street lights, shrubs and other plantings.

- (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 200.

Response: The subdivision is located in the Urban Growth Area. The street improvements and dedications shown on the Preliminary Street Plan in Exhibit A are planned to meet the applicable requirements of SRC chapter 200, as necessary.

803.040. **Boundary streets.**

- (a) **General.** 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;

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- (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: As shown in Exhibit A, the application includes boundary street improvements to Fabry Road SE, Landau Street SE, and Battle Creek Road SE. This requirement is met.

- (b) Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.

Response: As shown in Exhibit A, three-quarter street improvements are not applicable to this application. This requirement is met.

- (c) Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:
 - (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
 - (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
 - (3) Additional area is required for stormwater facilities located within the right-of-way.

Response: Dedication and improvement of streets with widths in accordance with SRC 803.025 are shown on the Preliminary Plat in Exhibit A. Additional improvements to Fabry Road SE along the abutting Woodscape Green frontage are proposed. None of conditions (1) through (3) above apply to the project. Therefore, greater widths than those provided in SRC 803.025 are not proposed.

- (d) Exceptions. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:
 - (1) Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;
 - (2) The erection or construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;
 - (3) The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;
 - (4) The erection, construction, or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales; or
 - (5) The erection, construction, or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.

Response: None of the exceptions listed above apply to the project.

(e) Improvement.

- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.

Response: As shown on the Preliminary Street Plan in Exhibit A, boundary street improvements are planned to conform to this chapter and the Public Works Design Standards. This standard is met.

- (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.

Response: As shown on the Preliminary Street Plan in Exhibit A, boundary street improvements are planned along the full length of the site boundary. This standard is met.

- (3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:

(A) Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.

(B) Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:
$$\text{Frontage of Required Street Improvement} = \frac{\text{Proposed Area of Development}}{\text{Area of Undeveloped Site}} \times \text{Total Street Frontage of Entire Development Site or Complex}.$$

(C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

Response: As shown on the Street Plan in Exhibit A, boundary street improvements are planned along the full length of the site boundary. This standard is met.

803.050. Public accessways.

- (a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.

Response: As shown on the Preliminary Street Plan in Exhibit A, pedestrian accessways (Lots 38, 110, 69, 86, 166, 203) are planned at select locations to provide connectivity through some of the longer blocks in accordance with this section. The accessways include:

Phase 1:

- Through Lot 9 from Street J to Battle Creek Road SE
- Lot 38 from Lot 110 to Street A

-
- Multiuse path connecting Fabry Road SE to Pringle Elementary School

Phase 2:

- Lot 69 from Street A to the multiuse path in the wetland corridor
- Lot 86 from Street A to Street E
- Multiuse wetland corridor path

Phase 3:

- Lot 110 from Street B to Lot 38

Phase 4:

- Accessway 203 from Street D to Battle Creek Road SE

Phase 5:

- Lot 166 from Street B to Street C
- Multiuse path from Street A to Street G

This standard is met.

- (b) **Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.**

Response: The public accessways shown on the Preliminary Street Plan in Exhibit A are planned to conform to applicable Public Works Design Standards. These accessways are planned to be dedicated on the plat. This standard is met.

803.055. **Traffic control, parking regulation, and street signs and pavement markings.**

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.

Response: Traffic control, parking regulation, and street signs and pavement markings can be provided in accordance with Public Works Design Standards and will be included in future development permits. This standard can be met.

803.060. **Conveyance by dedication.**

All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

Response: As shown on the Preliminary Street Plan in Exhibit A, all streets within the subdivision will be dedicated to the City other than private streets allowed under SRC 803.020. This standard is met.

803.065. **Alternative street standards.**

Response: Alternative street standards are requested as follows:

- Streets I to provide on street parking to serve Lots 19, 20, and 21.
 - Street J will provide on street parking to serve Lots 10, 11, and 12.
 - Reed Lane SE on the development side to allow for the existing curb tight sidewalk to remain and to preserve existing trees along this frontage.
- (a) **The 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;**

Response: Alternative street standards for street spacing is requested at the following locations due to physical conditions that make compliance with the standards set forth in this chapter impracticable as follows:

- Fabry Road SE between Reed Lane SE and Street B: Spacing of ± 660 feet is planned at this location so this new section of Fabry Road SE can span the wetland with minimal disruption to the wetland habitat and provide space for natural area amenities such as the pedestrian path.
- Fabry Road SE between Street B and Street H: Spacing of ± 604 feet is planned between these intersections. This spacing is also the result of the wetland to the west and provides intersection spacing at a reasonable interval between Reed Lane SE and Street H that accommodates the wetland and the designated open space.
- Fabry Road SE between Street H and Street G. Spacing of ± 734 feet is planned along this length. In order to provide reasonably spaced intersections for the entire length of Fabry Road SE between Reed Lane SE to Battle Creek Road SE
- Street A between Landau Street SE and Street B. Spacing of ± 614 feet is planned at this location. This spacing is also the result of the wetland to the west. Another street connection within this block would result in a second wetland crossing. Therefore, these unnecessary impacts are avoided with the proposed spacing.
- Local Streets E and A intersecting Landau Street SE: Spacing of ± 770 feet is planned between these intersections because this segment of Landau Street SE between these locations is planned to be discontinued, with the street rerouted into the subdivision at each end, due to the sight distance limitations on Landau Street SE as it crests the hill at this location.

Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, such as the Woodscape lots and Pringle Elementary School lots to the north and the Landau Heights to the south restrict the location and number of existing streets entering the development that would otherwise be available to meet the spacing requirements. The street spacing shown has been designed to work within these existing conditions while maximizing the potential for redevelopment.

The alternative street standard for the portion of Fabry Road SE crossing the wetland responds to the physical constraint of the wetland.

Street L will provide on street parking to serve Lots 19 through 21 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE. Street J will provide on street parking to serve Lots 10 through 12 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE.

- (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

Response: Street I will provide on street parking to serve Lots 19 through 21 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE. Street J will provide on street parking to serve Lots 10 through 12 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE. While Fabry Road SE is not an existing street, it has been planned along this alignment for some time and its classification as a Minor Arterial Street does not allow on street parking.

An alternative street standard is requested for Reed Lane SE on the development side to allow for the existing curb tight sidewalk to remain and to preserve existing trees along this frontage.

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

Response: The alternative street standards are requested to address two primary constraints of the development:

1. The wetland on the western portion of the site, and
2. The fact that on street parking will not be allowed on Fabry Road SE because it will be a Minor Arterial street. The alternative standards will maximize parking availability across the site.

Street I will provide on street parking to serve Lots 19 through 21 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE. Street J will provide on street parking to serve Lots 10 through 12 to satisfy on street parking demand that would otherwise be provided on Fabry Road SE.

- (b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

Response: The streets where alternative street standards are requested are planned to be private streets, provided for, and maintained by the Homeowners' Association. This requirement is satisfied.

CHAPTER 808. PRESERVATION OF TREES AND VEGETATION

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.

Response: This proposal involves creation of lots or parcels to be used for single-family or two-family uses. A tree conservation plan is required and included in this application.

- (b) Procedure type. A tree conservation plan is processed as a Type I procedure under SRC chapter 300.

Response: The tree conservation plan is being processed as part of a consolidated Type II application and is therefore being processed under a Type II procedure.

- (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 two-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: The Tentative Phased Subdivision Plans in Exhibit A provides the required information as applicable. These requirements are met.

- (2) In addition to the information required by subsection (c)(1) of this section, 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: The site does not contain a riparian corridor. A portion of the West Middle Fork of Pringle Creek is mapped on the western portion of the property. However, the creek does not contain water that would otherwise be used to identify the ordinary high-water mark or

the top of bank of the waterway. Therefore, this feature does not have a riparian corridor associated with it that meets the definition of a riparian corridor in Chapter 111 of the SRC. These requirements do not apply. Nevertheless, an assessment of vegetation in the wetland corridor is included in Exhibit M.

(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 in the Tree Conservation Plan in Exhibit A, no heritage trees are designated for removal. This 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: The Applicant's design team made a concerted effort to preserve significant trees on site, however three significant trees are planned for removal as shown on the Tree Conservation Plan in Exhibit A.

Tree #111130 is located near the property line at the intersection of Fabry Road SE and Reed Lane SE. This tree needs to be removed so the new intersection can be constructed and associated infrastructure can be installed as required by the subdivision. The intersection needs to be installed at this location so that Fabry Road SE can be extended along the alignment planned for in the TSP. and the City's Public Works Design standards. Therefore, there are no reasonable alternatives that would enable its preservation.

Tree #111262 is located in the future Fabry Road SE right-of-way and needs to be removed for the construction of the street. The Fabry Road SE alignment is determined by the location of the existing intersection with Reed Lane SE, the existing right-of-way along the northern property boundary, and the alignment planned for in the TSP. Therefore, there are no design alternatives within these parameters that would enable the preservation of this tree.

Tree #104623 is located adjacent to the Landau Street SE and needs to be removed to install a new sidewalk along the development frontage. The sidewalk is located as far away from the tree as practicable. Therefore, there are no design alternatives that would enable the preservation of this tree.

This criterion is 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: The site does not contain a riparian corridor. A portion of the West Middle Fork of Pringle Creek is mapped on the western portion of the property. However, the creek does not contain water that would otherwise be used to identify the ordinary high-water mark or the top of the bank of the waterway. Therefore, this feature does not have a riparian corridor associated with it the meets the definition of riparian corridor in Chapter 111 of the SRC. Because the site does not have a riparian corridor, this criterion does 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 in Exhibit A, the site contains 693 on site trees. The project plans to preserve 270 trees or $\pm 38.9\%$ of trees on site ($268/693 = .389 * 100 = 38.9\%$). This criterion is met.

(e) Conditions of approval.

- (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.

Response: The Applicant understands the City may apply reasonable conditions to ensure compliance with applicable criteria.

- (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:

- (A) All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a notice of final completion for the single family dwelling or two family dwelling.

Response: All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction as shown on the Tree Conservation Plan in Exhibit A. The Tree Conservation Plan includes several additional notes and details intended to direct construction activities that will ensure tree preservation/protection.

- (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

Response: At the time of building permit submittal, builders will ensure that each lot or parcel within the development proposal complies with the tree planting requirements set forth in SRC 808.050. A conceptual exhibit demonstrating how these requirements can be met is included on the Preliminary Street Tree Plan in Exhibit A.

- (d) Expiration. A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Response: The Applicant understands that the tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

CHAPTER 810. LANDSLIDE HAZARDS

810.020. Landslide hazard construction permit.

(a) Applicability.

- (1) Except as provided in subsection (a)(2) of this section, 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 two 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 percent.

Response: This application includes a land division. According to the provisions of SRC 810.025, the project has a moderate landslide hazard risk. Therefore, this application includes request for a landslide hazard permit.

(2) Exemptions. A landslide hazard construction permit is not required for the following:

- (A) Excavation and fill exceeding two feet in depth or 25 cubic yards of volume within a public right-of-way or public utility easement.
- (B) Activities otherwise identified in subsection (a)(1) of this section which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property; provided, however:
 - (i) The person undertaking such emergency activity shall notify the Director within one working day following the commencement of the activity.
 - (ii) If the Director determines that the activity, or any part thereof, is beyond the scope of allowed emergency activity, enforcement action may be taken.

(b) Procedure type. A landslide hazard construction permit is processed as a Type I procedure under SRC chapter 300.

Response: This application includes a landslide hazard construction permit that is being processed as part of this consolidated Type II application.

(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 in Exhibit B. A Geologic Assessment & Geotechnical Engineering Report is included in Exhibit F. These 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

Response: The Geologic Assessment & Geotechnical Engineering Report in Exhibit F was prepared by GeoPacific Engineering, Inc. in accordance with both the standards for the Geotechnical Assessment and Geotechnical Report under this section. This criterion is met.

- (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 Geologic Assessment & Geotechnical Engineering Report in Exhibit F was prepared by GeoPacific Engineering, Inc. in accordance with both the standards for the Geotechnical Assessment and Geotechnical Report under this section. The Conclusions and Recommendations beginning on Page 8 of the report indicate that the proposed development is geotechnically feasible and there are no geologic conditions at the property that would adversely affect the stability of the development. The recommendations set forth measures that will reduce or eliminate the risk of landslide hazard. This criterion is met.

- (e) Director may have report re reviewed. The Director may, at the City's expense, elect to have an independent certified engineering geologist or geotechnical engineer, selected from a list of prequalified consultants, review the report or its conclusions.
- (f) Conclusions and recommendations. Conclusions and recommendations set forth in an approved geological assessment or geotechnical report shall be incorporated as conditions of approval of the landslide hazard construction permit. The landslide hazard construction permit shall be incorporated into any land use approval connected with the regulated activity.

Response: These provisions are understood.

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.

Table 810-1A. Earthquake-Induced Landslide Susceptibility Ratings	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under very low or low categories on IMS-17 or IMS-18	0 points
Property identified under a moderate category on IMS-17 or IMS-18.	2 points
Property identified under a high category on IMS-17 or IMS-18	3 points
<u>References:</u> Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18)	

Response: The Interactive Map Series 18 (IMS-18) map includes West Salem and a portion of the Eola Hills in Polk County. IMS-17 includes the western portion of the Salem Hills in Marion County. The eastern boundary of IMS-17 extends to approximately Sunnyside Road SE. The project site is located to the east of Sunnyside Road SE, outside the boundaries of IMS-17 and IMS-18. Therefore, the site is not rated for earthquake-induced landslide susceptibility and earns zero points under Table 810-1A.

- (2) Step Two: Water-Induced Landslide Susceptibility. Select one assigned point value from Table 810-1B and proceed to step 3.

Table 810-1B. Water-Induced Landslide Susceptibility Ratings	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under Category 1 on IMS-5 and IMS-6 Reports	0 Points
Property identified under Categories 2 or 3 on IMS-5 or IMS-6 Reports	2 Points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and between 15% - 25 % slopes, including 25%	2 Points
Property identified under Categories 4, 5a, 5b, or 6 on IMS-5 or IMS-6 Reports.	3 Points
Property identified in IMS-22 Report.	3 Points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and over 25% slopes.	3 points
References: Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6), Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18), Interpretive Map Series (IMS-22) and Slope Contour Map	

Response: The property is outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18 and is not identified on the IMS-22 map or report. Portions of the site along Landau Street SE west of the existing home have slopes of approximately 15 percent. The property has an assigned point value of 2 points for water-induced landslide susceptibility.

- (3) Step Three: Activity Susceptibility Ratings. Select one assigned point value from Table 810-1C and proceed to step four.

Table 810-1C. Activity Susceptibility Ratings		
Type of Activity		Assigned Point Value
Land division. Planned unit development, or manufactured dwelling park.	Partition	2 points
	Subdivision, planned unit development, manufactured dwelling park	3 points

Response: The project involves a subdivision with an assigned point value of 3 points under this table's criteria.

- (4) Step Four: Cumulative Score. Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

Table 810-1D. Cumulative Score			
Step 1. Earthquake-Induced Landslide Susceptibility Rating	Step 2. Water-Induced Landslide Susceptibility Rating	Step 3. Activity Susceptibility Rating	Step 4. Cumulative Score
Points: ____	Points: ____	Points: ____	Points: ____

Response: The project has 2 points assigned for water-induced susceptibility under Step 2 and 3 points assigned for activity susceptibility under Step 3 for a total cumulative score of 5 points.

- (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.

Table 810-1E. Total Landslide Hazard Risk		
Cumulative Score (From Table 810-1D)	Landslide Hazard Risk	Requirement
4 or fewer points	Category A - Low	No Requirement
5 - 8 points	Category B - Moderate	Geologic Assessment / Geotechnical Report
9 or more points	Category C - High	Geotechnical Report

- (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 cumulative score from Table 810-1D is 5 points; therefore, the total landslide hazard risk is Category B – Moderate. A Geologic Assessment & Geotechnical Engineering Report is required and included in Exhibit F.

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 & Geotechnical Engineering Report in Exhibit F is prepared by GeoPacific Engineering, Inc. in accordance with both the standards for the Geotechnical Assessment and Geotechnical Report under this section. These standards are met.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial, and the City can rely on this information in the approval of the application.



MEMO

TO: Olivia Dias, Planning Manager
Community Development Department

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

DATE: December 6, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-ADJ21-10 (21-111069-LD / 21-111070-ZO)
5600 BLOCK OF FABRY ROAD SE
238-LOT SUBDIVISION**

PROPOSAL

A subdivision tentative plan to divide approximately 68 acres into 238 lots; 222 lots for new development, one lot with an existing single-family dwelling, and 15 lots for open space, pedestrian paths, and stormwater. The lots for new development range in size from approximately 5,500 square feet to approximately 12,923 square feet.

The application includes an Alternative Street Standards request to:

1. Decrease a portion of the paved width of Fabry Road SE from 46 feet to 36 feet;
2. Leave the sidewalk abutting the curb along the northern portion of Reed Road SE in order to preserve Oregon White Oak Trees;
3. Increase block length on several streets beyond 600 feet;
4. Decrease the street spacing on Fabry Road SE from 370 feet to 200 feet and 300 feet;
5. Reduce street widths and eliminate landscaping for proposed private Street I; and,
6. Reduce street width and eliminate landscaping and add-on street parking for Street J.

The subject properties are approximately 68 acres, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located on the 5600 Block of Reed Road SE and Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14 / 200, 204, 205, 206 and 400).

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).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

General:

1. Construct internal streets to Local street standards and pursuant to the following alternative street standards and design exceptions included as part of the land use application materials:
 - a. Reduction in the 50-foot required tangent leg length to 19 feet at the intersection of Fabry Road SE and Street G. The 90° (±5°) intersection angle will be held.
 - b. Fabry Road SE to have standard Minor Arterial design speed reduced from 45 miles per hour to 35 miles per hour, and Fabry Road SE minimum centerline radius to be reduced from a 1,040-foot centerline radius to a ±510-foot centerline radius (varies from 498 feet to 510 feet due to existing dedicated right-of-way along Woodscape Meadows).
 - c. Fabry Road SE paved width to decrease from standard 46 feet width to 34 feet at wetland crossing to minimize wetland fill limits. 12-foot double left-turn lane to be removed at crossing.
 - d. Landscape planter strip to west of Salal Street to be reduced from 6 feet to ±4 feet to accommodate existing widened sidewalk and to maintain 72-foot right-of-way.
 - e. K values of Street H to have minimum values lowered below the 15 mph minimum design speed.
 - f. Salal Street SE side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub.
2. Provide a 10-foot PUE along all street frontages with the exception of the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55.
3. Construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
4. 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).
5. 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.

Phase 1:

1. Along the entire Phase 1 frontage of Battle Creek Road SE, convey land for dedication of right-of-way to equal a minimum of 36 feet from centerline, and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left-turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to PWDS.

2. Along Fabry Road SE from Battle Creek Road SE to the approximate boundary line of Lots 32 & 78, convey land for dedication of right-of-way to equal 72 feet and construct a full Minor Arterial street improvement. Install a pedestrian island crossing in the vicinity of Street H and Salal pursuant to PWDS.
3. Install a bus stop on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal and based on final recommendations from Cherriots.
4. Construct a water main within the Phase 1 portion of Fabry Road SE as specified in the Water System Master Plan.
5. Construct a 12-inch water main within Street H and the Phase 1 portion of Street A.

Phase 2:

1. Along Fabry Road SE approximately from the boundary line of Lots 32 and 78 to Reed Lane, convey land for dedication of right-of-way to equal 72 feet and construct a full Minor Arterial Street improvement. Install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS.
2. Install a bus stop on Fabry Road SE in the vicinity of the pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.
3. Reed Lane SE sidewalks will be 5-foot property line sidewalks along lots 54 through 61, and 8-foot curb line sidewalks along lots 48 through 53 except as modified under a City tree removal permit pursuant to SRC Chapter 86. The driveways serving lots along Reed Lane SE are approved less than 200 feet from Fabry Road SE.
4. Landau Street SE shall have 5-foot property line sidewalks along the frontage of Lots 61 through approximately the mid-point of Lot 62, 5-foot curb line sidewalks along the mid-point of Lot 62 to the northern portion of Lot 65, and 5-foot property line sidewalks from the northern portion of Lot 65 to Street E as generally shown on the Lots 61-65 Concept Plan included with land use application. The sidewalks abutting each lot shall be constructed prior to occupancy of the dwelling on that lot, except that the sidewalks abutting the natural area shall be constructed with the street improvements.
5. Construct the intersection of Landau Street SE and Street E to accommodate future closure of Landau Street SE with Phase 3, as shown on the applicant's preliminary street plan.

6. Construct a water main within the Phase 2 portion of Fabry Road E as specified in the Water System Master Plan.
7. Construct a natural area park within proposed lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan update.

Phase 3:

1. Close Landau Street SE between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street SE. Existing asphalt shall be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D).
2. Construct a 12-inch water main within Street A from the north line of Phase 3 to Street C.

Phase 4:

1. Along the entire Phase 4 frontage of Landau Street SE, convey land for dedication of right-of-way equal to 30 feet from centerline, and construct or complete a 15-foot-wide half-street improvement if not already constructed as part of the Landau Heights Subdivision.
2. Construct a 12-inch water main within Street C from Street A to Kase Street SE, and in Kase Street from Street C to Landau Street SE.

Phase 5:

1. Prior to final approval of Phase 5, the frontage abutting Battle Creek Road SE shall be conveyed for dedication of right-of-way to equal 36 feet from centerline, and construct a minimum 23-foot-wide half-street improvement.
2. The intersection of Landau Street SE and Battle Creek Road SE shall be constructed with a 90-degree intersection angle and a minimum 35-lineal-foot tangent from the face of curb on Battle Creek Road SE westerly along the centerline of Landau Road SE, if not already constructed as part of the Landau Heights subdivision.
3. Extend the existing 8-inch sewer main to the south line of the subject property in Battle Creek Road SE if not already constructed as part of the Landau Heights Subdivision or the Reserve at Battlecreek Subdivision.

FACTS AND FINDINGS

System Development Charges (SDCs)

SDC eligibility pursuant to SRC 41.160 and Salem Administrative Rule 109-200 is as follows:

1. The SDC-eligible certified costs may be provided to the developer either as true credits or pass-through credits at the discretion of the developer.
2. The SDC eligibility ratio for new water mains that exceed 8-inches in diameter is the full cost of water system improvements minus the 8-inch equivalent.
3. The SDC-eligibility ratio for the Fabry Road SE improvements is 90.91 percent of the certified costs based on a developer's share of 9.09 percent as stated in the applicant's TIA.
4. The SDC-eligibility ratio for the Battle Creek Road SE improvements on the development side of centerline is 34 percent of the certified costs, and improvements on the opposite side are 100 percent of the certified costs.
5. The SDC-eligibility ratio for the additional Battle Creek Road SE improvements needed to construct the left-turn lane are 100 percent of the certified costs.
6. The SDC-eligibility ratio for the natural area park is 100 percent.

Streets

1. Fabry Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—A portion of Fabry Road SE curb and sidewalk was constructed along the boundary of Woodscape Meadows Phase 6 subdivision adjacent to the subject property. This underimproved portion of Fabry Road SE is located within a 34-foot-wide portion of right-of-way within the subject property.

2. Battle Creek Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 27-to-37-foot improvement within a 60-to-72-foot-wide right-of-way abutting the subject property.

3. Landau Street SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-to-30-foot improvement within a 40-to-60-foot-wide right-of-way abutting the subject property. The substandard improvement is in the location where the street improvement is proposed to be closed.

4. Reed Lane SE

- a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-to-66-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the S-2 water service level.
- b. An 8-inch water main is located in Fabry Road SE near the intersections with Salal Street SE and Bellflower Court SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- c. A 20-inch water main is located in Battle Creek Road SE. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.
- d. An 8-inch water main is located in Landau Street SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.
- e. There are 8-inch and 10-inch water mains located in Reed Lane SE. Mains of this size generally convey flows of 900 to 2,200 and 1,500 to 3,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Fabry Road SE near the intersections with Salal Street SE and Bellflower Court SE.
- b. An 8-inch sewer main is located in Battle Creek Road SE.

- c. An 8-inch and 24-inch sewer main is located in Reed Lane SE.
- d. An 8-inch sewer main is located in Landau Street SE.

Storm Drainage

1. Existing Conditions

- a. A 10-inch, 12-inch, and 15-inch storm main is located in Fabry Road SE.
- b. A 10-inch storm main is located in Battle Creek Road SE. This main extends across the subject property and connects to Landau Street SE.
- c. A 12-inch storm main is located in Reed Road SE.
- d. A 15-inch storm main is located in Landau Street SE.

Parks

The proposed development is served by Wes Bennett Park approximately 0.25 miles northwest of the subject property. As shown on the applicant's preliminary plans, a natural area park is proposed on lots 47 and 66 pursuant to the Comprehensive Parks System Master Plan update.

CRITERIA AND FINDINGS

The following Code references indicate 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:

- 1. 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;**
- 2. City infrastructure standards; and**
- 3. 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 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).

Public Works staff 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.

A 10-foot-wide public utility easement is required along all street frontages pursuant to SRC 803.035(n), with the exception of the north side of Fabry Road SE between Tax Lot 400 (Map 8.3.14DA) and Tax Lot 1900 (Map 8.3.14DA) and the frontage of Lots 48-55. An exception is being made to preserve existing mature trees. Franchise utilities are existing on the west side of Reed Road SE and will be extended in service crossings at the time of development to unserved lots.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. A wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. The response from DSL indicates wetland delineations WD2019-0647 and WD2021-0271 are active and have been conducted for the project construction footprint. The response also indicated all wetland impacts appear to be avoided with the exception of a portion of Fabry Road SE. The applicant should contact the Oregon Department of State Lands and the Army Corps of Engineers to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-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 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment or geotechnical report. A Geological Assessment and Geotechnical Engineering Report, prepared by GeoPacific Engineering, Inc. and dated May 11, 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.

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

Findings— 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 subdivision plan. 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).

The Water System Master Plan specifies that an east-west 20-inch water main is to be located within Fabry Road SE between Battle Creek Road SE and Landau Street SE, and that a north-south 12-inch water main is to be located within the subject property between Fabry Road SE and Landau Street SE. Those mains can be constructed in phases consistent with the applicant's phasing plan.

Pursuant to PWDS, sewer mains are to be extended within and abutting the development for the benefit of adjacent unserved properties. A sewer main is needed in Battle Creek Road SE abutting Phase 5 to serve undeveloped properties east of Battle Creek Road SE near Landau Street SE.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted a preliminary stormwater design to accommodate future impervious surfaces, and a request for two design exceptions related to the flow control requirement and treatment for Lots 48-65. Prior to final plat approval, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets. The requested design exceptions have not been approved but will be reviewed by the City Engineer at the time of final design.

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.

The proposed development is served by Wes Bennett Park approximately 0.25 miles northwest of the subject property. Pursuant to the Comprehensive Parks System Master Plan update, the applicant has provided for a natural area park on lots 47 and 66. The applicant has proposed a natural area park in order to preserve the natural functions of the existing riparian area and wetlands surrounding the existing waterway within the subject property. In response to the applicant's proposal to preserve the natural area, a natural area park in this location was added by City Council to the eligible projects list for System Development Charges. The applicant shall convey the natural area park after final plat approval.

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—Battle Creek Road SE (a Minor Arterial street), Landau Street SE (a Local street), and Reed Lane SE (a Collector street) abut the subject property and do not meet the current street standard. Fabry Road SE is a future Minor Arterial street shown in the Salem TSP to be extended through the subject property. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of each abutting street.

Along the entire Phase 1 frontage of Battle Creek Road, the applicant is required to convey land for dedication of right-of-way to equal a minimum of 36 feet from centerline and construct a minimum half-street improvement that includes two through lanes, two bike lanes, a left-turn lane from northbound Battle Creek Road to westbound Fabry Road, and tapers pursuant to PWDS. Additional width is required to accommodate the center turn-lane at Fabry Road SE pursuant to the applicant's Traffic Impact Analysis. Along the entire Phase 5 frontage of Battle Creek Road SE, the applicant is required to convey land for dedication of right-of-way to equal 36 feet from centerline, and construct or complete a minimum 23-foot-wide half-street improvement if not already constructed as part of the Landau Heights Subdivision. The intersection of Landau Street SE and Battle Creek Road SE shall be constructed with a 90-degree intersection angle and a minimum 35-lineal-foot tangent from face of curb on Battle Creek Road SE westerly along the centerline of Landau Street SE. This alignment is required as part of the Landau Heights subdivision and may be completed by others prior to start of construction for this development.

Along the entire Phase 5 frontage of Battle Creek Road SE, the applicant is required to convey land for dedication of right-of-way to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement. A previously approved subdivision (Landau Heights Subdivision) has been conditioned to construct the intersection of Landau Street SE and Battle Creek Road SE with a 90-degree intersection angle and a minimum 35-lineal-foot tangent from face of curb on Battle Creek Road SE westerly along the centerline of Landau Street SE, if not already constructed the same condition applies to this development.

Condition: Prior to final plat of Phase 5, the frontage abutting Battle Creek Road SE shall be conveyed for dedication of right-of-way to equal 36 feet from centerline and construct a minimum 23-foot-wide half-street improvement.

Condition: Prior to final plat of Phase 5, the intersection of Landau Street SE and Battle Creek SE shall be constructed with a 90-degree intersection angle and a minimum 35-lineal-foot tangent from face of curb on Battle Creek Road SE westerly along the centerline of Landau Street SE.

Landau Street SE has an existing curb and only requires streetscape improvements, except where proposed for closure as described below. Landau Street SE shall have 5-foot property line sidewalks along the frontage of Lots 61 through approximately the mid-point of Lot 62, 5-foot curb line sidewalks along the mid-point of Lot 62 to the northern portion of Lot 65, and 5-foot property line sidewalks from the northern portion of Lot 65 to Street E as generally shown on the Lots 56-65 Concept Plan included with land use application. This sidewalk configuration was proposed in the development

application in order to preserve trees and natural areas. The sidewalks abutting each lot shall be constructed prior to occupancy of the dwelling on that lot, except the sidewalk abutting the natural area park, shall be constructed with the street improvement. As a condition of Phase 3, the applicant shall be required to close Landau Street SE between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street SE. Existing asphalt shall be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D).

Reed Lane SE has an existing curb with non-conforming sidewalks. Reed Lane SE sidewalks will be 5-foot property line sidewalks along lots 54 through 61, and 8-foot curb line sidewalks along lots 48 through 53. The sidewalk location may be modified if a City tree removal permit is needed to remove existing trees pursuant to SRC Chapter 86. The driveways serving lots along Reed Lane SE are approved less than 200 feet from Fabry Road SE pursuant to SRC Chapter 803.

An alternative Street design is approved to preserve several existing oak trees abutting the new property line along Reed Road SE.

Fabry Road SE abuts the north boundary of the subject property. Fabry Road SE is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The improvement shall decrease from 46 feet to 34 feet at the wetland crossing to minimize wetland fill limits. The applicant shall construct up to two pedestrian islands and two transit stops as determined by the Public Works Director with consultation from the City Traffic Engineer and Cherriots staff. Other alternative standards and design exceptions are described below. A portion of Fabry Road SE curb and sidewalk was constructed along the boundary of Woodscape Meadows Phase 6 subdivision adjacent to the subject property. This underimproved portion of Fabry Road SE is located within a 34-foot-wide portion of right-of-way within the subject property.

As a condition of Phase 1, the applicant is required to convey land for dedication of right-of-way to equal 72 feet and construct a full Minor Arterial street improvement along Fabry Road SE from Battle Creek Road SE to the approximate boundary line of Lots 32 and 78. In addition, A pedestrian island crossing is required in the vicinity of Street H and Salal Street pursuant to PWDS. Comments received from Cherriots indicate the applicant's willingness to install a bus stop. With Phase 1, the applicant shall install a bus stop, consistent with Cherriots design standards, on Fabry Road SE in the vicinity of the pedestrian island at Street H and Salal Street based on final recommendations from Cherriots. As a condition of Phase 2, the applicant is required to convey land for dedication of right-of-way to equal 72 feet, and construct a full Minor Arterial street improvement along Fabry Road SE to Reed Lane SE. The applicant shall install a pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B, in the location of the multi-use path crossing at Fabry Road SE pursuant to PWDS. The applicant shall install a bus stop on Fabry Road SE in the vicinity of the

pedestrian island crossing at the southwest leg of the intersection of Fabry Road SE and Street B and based on final recommendations from Cherriots.

All internal streets will be constructed to the Street standards as specified in SRC 803 and the TSP, with the exception of the following alternative street standards and design exceptions included as part of the land use application materials:

- a. Reduction in the 50-foot required tangent leg length to 19 feet at the intersection of Fabry Road SE and Street G. The 90° ($\pm 5^\circ$) intersection angle will be held. (City of Salem Public Works Design Standards Sec. 6.5.b).
- b. Fabry Road SE to have Standard Minor Arterial design speed reduced from 45 miles per hour to 35 miles per hour, and Fabry Road SE minimum centerline radius to be reduced from a 1,040-foot centerline radius to a ± 510 -foot centerline radius (varies from 498 feet to 510 feet due to existing dedicated right-of-way along Woodscape Meadows). (PWDS Sec. 6.7.a).
- c. Fabry Road SE paved width to decrease from standard 46-foot width to 34 feet at wetland crossing to minimize wetland fill limits. 12-foot double left-turn lane to be removed at crossing. (PWDS Sec. 6.2.a.5)
- d. Landscape planter strip to west of Salal Street to be reduced from 6 feet to ± 4 feet to accommodate existing widened sidewalk and to maintain 72-foot right-of-way. (PWDS Sec. 6.2.a.5)
- e. K values of Street H to have minimum values lowered below the 15-mph minimum design speed. (PWDS Sec. 6.9.c)
- f. Salal Street side street approach requirement to be reduced to 20 feet due to the, approximately, 6.5% existing grade of the street stub. (PWDS Sec. 6.5.(c)(1)).

Pursuant to SRC 803.065(a), the Director may authorize the use of one or more alternate street standards: (1) where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable; and (3) where topography or other conditions make the construction that conforms to the standards impossible or undesirable. The Public Works Director authorizes the alternate street standards because topography make the construction that conforms to the standards impossible.

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.

Findings—The subject property is served by Wes Bennett Park, which is a developed park site located northwest of, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system.

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 proposed 238-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA dated July 2, 2021, prepared by Lancaster Mobley, that included the following traffic recommendations to mitigate the impact to the transportation system:

- Improve the Kuebler Boulevard SE and Battle Creek Road SE intersections as part of the Kuebler Gateway Shopping Center project.
- Widen Battle Creek Road SE to include a center left-turn lane at the Fabry Road SE intersection.

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.

Findings—Streets and utilities are interconnected between each phase to ensure the orderly and efficient construction of public improvements. Fabry Road SE is a Minor Arterial street constructed within Phases 1 and 2. Battle Creek Road SE is a Minor Arterial street that abuts Phases 1 and 5. Reed Lane SE is a Collector street that abuts Phase 2. Landau Street SE is a Local street that abuts Phases 2 through 5. A 20-inch Water System Master Plan main is extended within Fabry Road SE between Battle Creek Road SE and Reed Lane SE within Phases 1 and 2. A 12-inch Water System Master Plan main is extended from Landau Street SE to Fabry Road SE within Phases 1, 3, and 4. Public improvements can be constructed efficiently among all phases.

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

Findings—Public improvements serving each phase are substantially and functionally self-contained within each phase. Improvements are limited to those within or abutting each phase. In Phase 3, Landau Street SE is proposed for closure because alternative access is provided through the internal streets constructed within Phases 1 through 3.

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

Findings—The subdivision infrastructure is being constructed in a manner that supports the subdivision as a whole. The infrastructure requirements are divided into phases in such a way that supports each phase individually as well as the cumulative impacts of the entire development.

RESPONSE TO PUBLIC COMMENTS:

1. **Transit Services** - Cherriots provided comments that indicated the new section of Fabry Road SE would make for an advantageous path for Route 6 to provide better coverage in the South Salem area. A proposed bus stop plan was provided.

Response: As described in the conditions of approval, bus stops shall be provided in the vicinity of Tract A, C, D and E.

2. **Fabry Road SE** – Comments received expressed concerns about the location of Fabry Road SE, construction of bike lanes, landscaping, and safety for pedestrians. There were also recommendations to relocate Fabry Road SE to the shown location of B Street, and concerns that Fabry Road SE will be similar to a Parkway street with no driveway.

Response: Fabry Street SE is classified as a Minor Arterial. Driveways are not allowed to Minor Arterial streets pursuant to SRC 804.035(c)((3). It is not appropriate to allow single-family residential traffic to “back out” onto a higher classified roadway. The Salem TSP and previous development of the Woodscape Meadows Phase 6 subdivision has already established an appropriate alignment of Fabry Road SE.

3. **Impact of Increased Traffic** Several comments received express concern with increased traffic in the vicinity as a result of construction of Fabry Street SE. Specific concerns raised regarding traffic and impacts on adjacent streets include the following:

- a. *Salal Street should terminate in a cul-de-sac at Fabry Road.*

Response: The location of Salal Street SE provides appropriate street connectivity to comply with SRC 803.030. A cul-de-sac is not warranted.

- b. *Fabry Road connection to Bellflower Court SE;*

Response: Bellflower only provides a pedestrian connection to Fabry Road SE. There is no vehicular connection to this street because there is inadequate right-of-way to make the connection.

- c. *Overall increase in traffic in neighborhoods;*

Response: With any new development there is a potential for an increase in traffic. The City develops the major street network to try and reduce impacts to residential neighborhoods by making the route more attractive.

- d. *Parking near Pringle Elementary*

Response: On-street parking is allowed on Reed Lane SE along this project up to the boundary of Pringle Elementary School. Parking is prohibited along the school frontage to make it safer for parents to pick up and drop off their children.

- e. *Drivers may run stop sign at Fabry Road and Reed Lane.*

Response: The City plans to make this intersection an ALL-WAY stop.

4. **Closing Landau Street SE**: Comments submitted request that Landau Street SE not be closed, since traffic will then filter through neighborhoods.

Response: The Assistant City Traffic Engineer provided comments addressing the above concerns. As a condition of approval, the applicant is required to close Landau Street SE between Street A (east side) and Street E (west side) to vehicular through traffic except as needed for interim access of existing driveways abutting that section of Landau Street SE. Existing asphalt will be removed to provide a 12-foot multi-use path with bollards east of E Street and west of Tax Lot 100 (Tax Map 8.3.14D). If Landau Street SE were to remain open and functional, the vertical grade would need to be lowered to meet the City of Salem standards. To meet the 25 MPH design speed required, the roadway would need to be lowered over 20 feet, significantly affect existing development and making the adjacent properties unusable.

Prepared by: Robin Dalke, Development Services Operations Manager
cc: File