

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION CASE NO. SUB17-03**

**APPLICATION NO. : 17-102314-LD**

**NOTICE OF DECISION DATE:** May 12, 2017

**Summary:** An 36-lot subdivision ("Rainier Ridge") on the north side of Rainier Drive SE, just north and west of the Rainier Estates subdivision. The existing residence on the property would remain.

**Request:** A tentative subdivision plan to divide approximately 7.7 acres into 35 lots ranging in size from 4,779 square feet to 8,144 square feet. The existing residence would remain on the 36th lot, which would total 40,343 square feet in size.

The subject property is approximately 7.7 acres in size, zoned RA (Residential Agriculture), and located at 197 Rainier Drive SE (Marion County Assessor Map and Tax Lot Numbers 083W16DB01201 and 1400).

**APPLICANT:** Raymond Baker

**LOCATION:** 197 Rainier Drive SE / 97306

**CRITERIA:** Salem Revised Code Chapter 205.010(d)

**FINDINGS:** The findings are in the attached Order dated May 12, 2017.

**DECISION:** The Planning Administrator **APPROVED** Subdivision SUB17-03 subject to the following conditions of approval:

**Condition 1.** Obtain a demolition permit and remove existing accessory structures on the property.

**Condition 2.** "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 3.** Construct green stormwater infrastructure pursuant to Public Works Design Standards, Appendix 4E.

**Condition 4.** Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.

**Condition 5.** The stormwater easement between Lots 1 and 2 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.

**Condition 6.** The sanitary sewer easement between Lots 26 and 27 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.

**Condition 7.** The structural section for all internal and boundary streets shall comply with Public Works Design Standards.

**Condition 8.** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

**Condition 9.** Construct remaining half-street improvements along the entire frontage of Rainier Drive SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.

**Condition 10.** Convey land for dedication equal to 22 feet from centerline along the entire frontage of the subject property on Mount Rushmore Street SE.

**Condition 11.** Construct remaining half-street improvements along the entire frontage of Mount Rushmore Street SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.

**Condition 12.** Prior to building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

**Condition 13.** The access and utility easement associated with the flag lot accessway serving Lots 33-36 shall include a non-remonstrance provision that releases the encumbrance if the land is conveyed in conjunction for dedication of right-of-way in conjunction with further development of Lot 36.

The rights granted by the attached decision must be exercised, or an extension granted, by **May 31, 2019** or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete:	<u>February 24, 2017</u>
Notice of Decision Mailing Date:	<u>May 12, 2017</u>
Decision Effective Date:	<u>May 31, 2017</u>
State Mandate Date:	<u>June 24, 2017</u>

**Case Manager:** Chris Green, [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net) *CSG*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., May 30, 2017.** 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 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**\BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(SUBDIVISION PLAT NO. 17-03)**

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

**IN THE MATTER OF THE  
TENTATIVE APPROVAL OF  
SUBDIVISION PLAT NO. 17-03;  
197 RAINIER DRIVE SE**

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**FINDINGS AND ORDER**

**MAY 12, 2017**

**REQUEST**

A tentative subdivision plan to divide approximately 7.7 acres into 36 lots ranging in size from 4,779 square feet to 40,343 square feet.

The subject property is approximately 7.7 acres in size, zoned RA (Residential Agriculture), and located at 197 Rainier Drive SE (Marion County Assessor Map and Tax Lot Numbers 083W16DB01201 and 1400).

**DECISION**

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

- Condition 1:** Obtain a demolition permit and remove existing accessory structures on the property.
- Condition 2:** "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 3:** Construct green stormwater infrastructure pursuant to Public Works Design Standards, Appendix 4E.
- Condition 4:** Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.
- Condition 5:** The stormwater easement between Lots 1 and 2 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.

- Condition 6:** The sanitary sewer easement between Lots 26 and 27 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.
- Condition 7:** The structural section for all internal and boundary streets shall comply with Public Works Design Standards.
- Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 9:** Construct remaining half-street improvements along the entire frontage of Rainier Drive SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.
- Condition 10:** Convey land for dedication equal to 22 feet from centerline along the entire frontage of the subject property on Mount Rushmore Street SE.
- Condition 11:** Construct remaining half-street improvements along the entire frontage of Mount Rushmore Street SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.
- Condition 12:** Prior to building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 13:** The access and utility easement associated with the flag lot accessway serving Lots 33-36 shall include a non-remonstrance provision that releases the encumbrance if the land is conveyed in conjunction for dedication of right-of-way in conjunction with further development of Lot 36.

### **PROCEDURAL FINDINGS**

1. On January 19, 2017, Britany Randall of Project Delivery Group, LLC, on behalf of Ray Baker, filed an application for a Tentative Subdivision Plan proposing to divide a 7.7 acre property at 197 Rainier Drive SE (Attachment B) into 36 lots.
2. After the applicant submitted additional required information, the application was deemed complete for processing on February 24, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 2, 2017.
3. The state-mandated local decision deadline is June 24, 2017.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The tentative plan proposes to divide the property into 36 lots, with 35 lots for new residential development and Lot 36 containing the existing residence on a larger lot of approximately 0.93 acres (Attachment B). Lots 1-35 range in size from approximately 4,779 square feet to approximately 8,144 square feet. Lots 1-32 are proposed to take access directly from public streets, and Lots 33-36 would take access from a flag lot accessway extending eastward from the proposed right-of-way of Horizon View Street S. The applicant has not proposed any further development of Lot 36 at this time, but proposes a 60-foot-wide “flagpole” segment of the lot to accommodate widening of the flag lot accessway into a cul-de-sac street if needed in the future. No points of access are available from abutting properties to the north, where the Waln Creek Estates West was platted in 2007, and developed with single family residences in subsequent years.

The Rainier Estates subdivision was recently platted on abutting properties to the east and south, abutting the subject property with half-street improvements for Mount Rushmore Street SE (on the east boundary) and Rainier Drive SE (on the south boundary).<sup>1</sup> The proposal shows dedication of remaining right-of-way and construction of improvements to complete these boundary streets. Horizon View Street SE would be extended northward past its current intersection with Rainier Drive to provide access to lots on the west side of the proposed subdivision. Eider Avenue SE would be extended from the abutting property to the east, providing access to lots on the northern portion of the proposed subdivision and extending to the west boundary of the subject property to serve future development on the abutting property.

The applicant has not proposed any specific phasing for the subdivision or residential development.

### **2. Existing Conditions**

#### Site and Vicinity

The subject property consists of two adjoining tax lots (Tax Lots 1201 and 1400) occupying a hillside which slopes downward to the south and east. The peak of the hill is located to the west of the subject property, with a peak approximately 615 feet above sea level. The subject property ranges in elevation from approximately 605 feet above sea level at its western boundary to approximately 554 feet above sea level at the southeastern corner and 548 feet above sea level at the northeastern corner. Environmental resource and natural hazard maps show no areas of wetlands or floodplains on the subject property.

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<sup>1</sup> The tentative subdivision plan for the subject case, as well as the tentative subdivision plan for the Rainier Estates subdivision (SUB14-03) both label the abutting street to the east as “Rushmore Street SE.” However, the final plat for Rainier Estates, recorded on March 22, 2017, dedicates the first portion of this street as “Mount Rushmore Street SE.” Therefore, staff refers to this street as “Mount Rushmore Street SE” in this order.

The Rainier Estates subdivision forms the south and east boundaries of the subject property; Rainier Drive SE forms the southern boundary of the site and Mount Rushmore Street SE forms the majority of the eastern boundary. Both of these streets are currently developed with partial improvements along the perimeter of the Rainier Estates plat. The rear yards of residences within the Waln Creek Estates West subdivision, platted in 2007, form the northern boundary of the subject property. Adjacent properties to the west are developed with dwellings sited on larger lots characteristic of a rural residential development pattern. An existing driveway runs north-south parallel just to the west of the subject property, and a stand of Douglas fir trees form a screening row along the northern portion of the western boundary of the subject property.

An existing single family dwelling was constructed on Tax Lot 1400 in 1988, and an attached garage was added in 1991. Two large outbuildings are located near the residence, a general purpose shop building on Tax Lot 1201, and a detached garage on Tax Lot 1400. The tentative subdivision plan shows that these outbuildings would be removed. A portion of the paved, looping driveway which currently runs southward between the garage opening of the residence and Rainier Drive would remain.

#### Salem Area Comprehensive Plan (SACP) Designation

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

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

North:           Developing Residential

South:           (Across Rainier Drive SE) Developing Residential

East:            (Across Rushmore Street SE) Developing Residential

West:            Developing Residential

#### Zoning and Surrounding Land Use

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

North:           RS (Residential Agriculture); single family dwellings

South:           (Across Rainier Drive SE) RS (Single Family Residential); recently platted home sites for single family dwellings

East: RS (Single Family Residential); recently platted home sites for single family dwellings

West: RA (Residential Agriculture); rural residential

#### Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. However, comments from the Public Works Department indicate that the proposed subdivision does not precede construction of required facilities, and adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

#### Infrastructure

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

Existing 8-inch public water mains are located in Rainier Drive SE, Mount Rushmore Street SE, Summit View Avenue SE, and Eider Avenue SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

A 16-inch S-3 water main is located in Liberty Road SE.

*Sewer:* Existing 8-inch public sewer mains are located in Rainier Drive SE, Mount Rushmore Street SE, Summit View Avenue SE, Eider Avenue SE, and Liberty Road SE.

*Storm Drainage:* A 10-inch storm line is located in Rainier Drive SE.

A 15-inch storm line is located in Liberty Road SE.

A 6-inch storm line located in Summit View Avenue SE.

A 12-inch storm line is located adjacent to the northeast corner of the subject property.

*Streets:* Rainier Drive SE currently abuts the subject property along the southern boundary. This segment of Rainier Drive is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.
- The abutting portion of Rainier Drive SE currently has an approximate 27-foot-wide improvement within a 60-foot-wide right-of-way, along the boundary of the recently platted Rainier Estates subdivision.



Mount Rushmore Street SE currently abuts the subject property along the eastern boundary. This segment of Mount Rushmore Street is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.
- The abutting portion of Mount Rushmore Street SE currently has an approximate 20 foot-wide improvement within a 30-foot-wide right-of-way, along the boundary of the recently platted Rainier Estates subdivision.

### **3. Land Use History**

**Annexation Case No. C-587 (2006):** Voter-approved annexation of the subject property into the City of Salem.

### **4. Public and Private Agency Review**

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

**Fire Department** - The Salem Fire Department submitted comments indicating no concerns at this time, but that fire code requirements will be implemented at the time of building permit review. The Fire Department comments also note the following requirements; that the fire access turnaround shall meet the fire code, that any fire access road shall be required to be a minimum of 20 feet wide, and that fire lanes shall be posted according to the fire code.

**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 middle school and high school level to serve future development within the proposed subdivision but not at the elementary school level. The school district indicates that the subject property is outside of the “walk zone” of assigned schools and therefore eligible for transportation to the elementary, middle, and high schools.

### **5. Neighborhood Association Comments**

The subject property is within the South Gateway Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject

property.” No comments were received from the South Gateway Neighborhood Association prior to the comment deadline.

## **6. Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. No property owners in the vicinity of the site submitted comments prior to the comment deadline.

## **7. Criteria for Granting a Tentative Subdivision**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

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 Planning Administrator'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.**

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 7.7-acre property into 36 lots and street rights-of-way 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. Because the zoning of the subject property will be changed to RS with the recording of the 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:

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

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

Proposed lots in the subdivision range from approximately 4,779 square feet to 40,343 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

- Minimum 5 feet

The existing single family dwelling will remain on the subject property, on Lot 36. The applicant's site plan shows the footprint of the existing residence, demonstrating that its location will continue to meet all applicable setback standards once the lot boundaries are recorded. Setback requirements for future development on proposed Lots 1-35 will be reviewed at the time of application for building permits on those individual parcels.

The proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is primarily undeveloped, except for a single family residence on the western portion of the property. The applicant plans to remove this building prior to development. Relative to the tentative subdivision plan, three of the accessory structures located outside the proposed boundaries of Lot 36 would cross proposed lot lines, building envelopes, and the proposed right-of-way for the extension of Horizon View Street SE. In order to ensure that the subdivision complies with this provision upon recording of the plat, the following condition shall apply:

**Condition 1:** Obtain a demolition permit and remove existing accessory structures on the property.

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. 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. Proposed Lots 8, 13, 14, 23, and 29 are corner lots. 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.

*SRC 800.025 (Flag Lots):* Proposed Lots 33-36 are flag lots. Subsections (a) and (b) specify that minimum lot area and dimensions for a flag lot shall be calculated exclusively of the flag lot accessway. All proposed flag lots exceed the minimum lot area and dimensions exclusive of the flag lot accessway.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, 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 include a proposed cross-section for the flag lot accessway, showing a 20-foot-wide paved width within a 27.5-foot-wide access easement, in conformance with the standard set forth in subsection (c).

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 2:** "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 four flag lots (Lots 33-36), or approximately 11 percent of the total proposed lots, therefore meeting the standard provided in SRC 800.025(e).

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

**(B) City Infrastructure Standards.**

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

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. The applicant submitted a stormwater report in compliance with PWDS in order to demonstrate that green stormwater infrastructure could be constructed to accommodate future impervious surfaces on the subject property. In order to ensure that green stormwater infrastructure is implemented, the following condition shall apply:

**Condition 3:** Construct green stormwater infrastructure pursuant to Public Works Design Standards, Appendix 4E.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. Although the subject property is located outside of the Urban Service Area, comments from the Public Works Department indicate that the proposed subdivision does not precede construction of required facilities, and adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated April 12, 2017 (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. SRC 802.015 requires development to be served by

city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). The conceptual water and sewer plan included in the application shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

The existing conditions plan submitted by the applicant indicates that the existing dwelling on the property is served by private well and septic systems. In order to ensure that the existing septic system is abandoned in compliance with state and local standards, the following condition shall apply:

**Condition 4:** Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.

SRC 802.020 requires dedication of easements where necessary for development of the subject property or adjacent properties. In order to ensure that the width of pipeline easements are provided consistent with Public Works Design Standards, the following conditions shall apply:

**Condition 5:** The stormwater easement between Lots 1 and 2 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.

**Condition 6:** The sanitary sewer easement between Lots 26 and 27 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed 36-lot subdivision generates less than 1,000 average daily vehicle trips to Liberty Road SE, a major arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

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

*SRC 803.025 (Right-of-Way and Pavement Widths):* As part of the Rainier Estates subdivision, partial street improvements were recently completed on the abutting portions of Rainier Drive SE and Mount Rushmore Street SE. The existing half-streets do not meet the current right-of-way or improvement width standards for local streets on the portions abutting the subject property. In implementing boundary street requirements pursuant to SRC 803.040, Conditions 9-11 require the applicant to dedicate additional right-of-way and complete the remainder of existing half-street improvements, consistent with the applicable requirements for the segments of Rainier

Drive and Mount Rushmore abutting the development, and design exceptions granted pursuant to SRC 803.065(a)(3).

Comments from the Public Works Department indicate that the proposed extension of Eider Avenue SE to serve lots on the northern portion of the subject property warrants a reduced right-of-way width of 50 feet, with curbline sidewalks on the south side. Topographic conditions, in particular a cross-slope on this portion of the site exceeding 16 percent make construction of a standard local street impracticable. In addition, the existing segment of Eider Avenue SE, which currently dead-ends at the east boundary of the subject property, has a right-of-way width of only 50 feet. The proposed segment of Eider Avenue across the subject property would match the existing right-of-way width to ensure safe, orderly extension of the street network into the subdivision. Therefore, the reduced right-of-way width meets the criteria for an alternative street standard pursuant to SRC 803.065.

The subject property and the abutting Rainier Estates subdivision share Mount Rushmore Street SE as a boundary street. Boundary street requirements for Rainier Estates included construction of a 20-foot-wide improvement within a 30-foot-wide right-of-way abutting the subject property. Accordingly, development on the opposite side of Mount Rushmore Street from the subject property provided one-half of the standard 60-foot-wide right-of-way for a local street and two-thirds of the standard 30-foot-wide improved width. As a result, travel lanes, sidewalks, and planting strip improvements will not be distributed symmetrically across the full right-of-way width. Instead, Condition 11 requires dedication of right-of-way on the west side of Mount Rushmore Street of 22 feet from centerline and Condition 12 requires a corresponding 15-foot-wide paved improvement, measured from centerline. The improvement required in Condition 12 overlaps with the existing paved travel lanes, and leaves 12 feet of right-of-way between the curbline and right-of-way line on the west frontage of Mount Rushmore Street, which provides adequate space for a property line sidewalk and landscaping strip. Due to the configuration of existing improvements on Mount Rushmore Street, the resulting right-of-way width of 52 feet meets the criteria for an alternative street standard pursuant to SRC 803.065.

The tentative subdivision plan shows the extension of Horizon View Street SE as a 30-foot-wide improvement within a 60-foot-wide right-of-way, consistent with applicable standards set forth in SRC 803.025 for a local street.

As conditioned, the proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The subject property consists of two contiguous taxlots forming a 7.7 acre site that is bordered by existing single family residential subdivisions to the north, south, and east. With the configuration of the subdivision, the block length on the north side of Eider Avenue SE between the intersection of Cinnamon Teal Street SE and the west boundary of the subject property would exceed the 600-foot minimum established in subsection (a). However, lots platted and developed with single family residences about the northern boundary of the subject property, providing no opportunity for street connectivity in this direction. Based on the existing development pattern in the

vicinity, the proposed subdivision is precluded from making connections to adjacent properties within 600-foot intervals, and is excepted from this requirement under SRC 803.030(a)(2).

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts platted residential subdivisions to the north, south, and east, with recently-completed half-street improvements within street rights-of-way along the south and east boundaries. The proposed subdivision plan provides internal street connectivity by extending Eider Avenue SE and Mount Rushmore Street SE from their existing termini across the interior of the subject property; these internal streets in turn provide several points of connection to these existing boundary streets and the surrounding street network.

At this time, abutting properties to the west remain developed in a rural residential pattern. The tentative subdivision plan provides connections to future development of these properties by extending Eider Avenue SE to a dead-end near the northwest corner of the site and by completing the westward extension of Rainier Drive SE along the south boundary of the subject property. These street connections are approximately 470 feet apart, ensuring that properties to the west can be developed in the future and also meet the 600-foot maximum block length set forth in SRC 803.030(a).

Subsection (b) requires that all street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and Public Works Design Standards (PWDS). In order to ensure that structural sections for proposed streets are constructed in conformance with the PWDS, the following condition shall apply:

**Condition 7:** The structural section for all internal and boundary streets shall comply with Public Works Design Standards.

Subsection (f) establishes standards for the maximum length, distance from intersections, and radius of cul-de-sacs. The applicant's future development plan demonstrates that a cul-de-sac meeting the dimensional standards of SRC 803.035(f) could be provided to serve future development on Lot 36, if necessary.

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. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

As conditioned, the proposal conforms to applicable street standards.



*SRC 803.040 (Boundary Streets):* As part of the Rainier Estates subdivision, partial street improvements were recently completed on the abutting portions of Rainier Drive SE and Mount Rushmore Street SE. The existing 60-foot-wide right-of-way of the abutting portion of Rainier Drive SE meets the standard for a Local Street but the existing half-street improvement does not meet the improvement width standard for a Local Street. The existing half-street of Mount Rushmore Street SE does not meet the current right-of-way or improvement width standards for a Local Streets on the portions abutting the subject property. In order to ensure that boundary street improvements are implemented consistent with the Transportation System Plan and Public Works Design Standards, the following conditions shall apply:

- Condition 9:** Construct remaining half-street improvements along the entire frontage of Rainier Drive SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.
- Condition 10:** Convey land for dedication equal to 22 feet from centerline along the entire frontage of the subject property on Mount Rushmore Street SE.
- Condition 11:** Construct remaining half-street improvements along the entire frontage of Mount Rushmore Street SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.

As conditioned, the proposal meets the requirements of SRC 803.040.

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

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

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP17-03) was submitted in conjunction with the subdivision tentative plan. TCP17-03 identifies 220 trees on the subject property, with 149 trees proposed for removal, including four significant Oregon White Oaks. Trees proposed for removal are primarily located within presumed building envelopes, street rights-of-way, and utility easements. The TCP describes 26 other trees, mostly on the northern portion of the

property, which are located in rear or side yard setbacks but proposed for removal due to poor health and susceptibility to wind damage.

The applicant submitted a written statement (Attachment E) describing the site conditions in relation to four significant Oregon White Oaks proposed to be removed, and their position along the north property boundary, where a significant drop in elevation towards the abutting property necessitates additional grading and fill placement. The applicant indicates that necessary grading is likely to damage the root systems of the significant trees identified. Based on review of the proposed tree plan, staff has determined that streets and lots are designed to preserve trees to the extent possible, in compliance with SRC 808.

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

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

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

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are areas on the subject property assigned 2 landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of 5 points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment, prepared by Redmond Geotechnical Services and dated December 16, 2016, was submitted to the City of Salem. This assessment demonstrates that the site could be subdivided and developed without increasing the potential for slope hazards on the site or adjacent properties.

In order to ensure that the subdivision is developed in conformance with the recommendations of the geologic assessment, the following condition shall apply:

**Condition 12:** Prior to building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction

monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

As conditioned, the tentative subdivision plan complies with all applicable special development standards.

**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 proposed subdivision would divide a 7.7-acre property into 36 lots and rights-of-way for boundary and internal streets. Access to lots within the proposed subdivision is provided by new internal streets and improved boundary streets, with four lots near the center of the site served by a flag lot accessway. The subject property abuts a built-out single family residential subdivision to the north, and the Rainier Estates subdivision was recently platted on abutting properties to the south and east. No street or pedestrian connections are available from abutting properties to the north. The proposal would not limit or interfere with the established use or future redevelopment of these properties.

The existing single family residence would remain on Lot 36. The applicant indicates that property owners have no intention of further development on this lot, which is approximately 40,343 square feet (0.93 acres) in size. The applicant submitted a shadow plat showing possible future subdivision on Lot 36, served by a cul-de-sac extending eastward from the proposed alignment of Horizon View Street SE. Consistent with SRC 205.030(g), the shadow plat demonstrates that these properties could readily be developed without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets. The "flagpole" segment of Lot 36 would contain a 25-foot-wide flag lot accessway along its southern boundary. However, the flagpole is 60 feet wide in total, with an additional 35 feet of undeveloped width running parallel to the flag lot accessway. The additional unimproved width of the Lot 36 "flagpole" allows for future street connectivity to lots created by further division of Lot 36, if that property is developed in the future.

In order to ensure that the encumbrances associated with the flag lot accessway would not prevent construction of a street to serve further development of Lot 36, the following condition shall apply:

**Condition 13:** The access and utility easement associated with the flag lot accessway serving Lots 33-36 shall include a non-remonstrance provision that releases the encumbrance if the land is conveyed in conjunction for dedication of right-of-way in conjunction with further development of Lot 36.

The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. The existing street network in the vicinity of the subject property and proposed streets within

the subdivision are sufficient to provide access to each of the proposed lots. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

**Finding:** As described in findings above, although the subject property is located outside of the designated Urban Service Area, surrounding developments have brought water and sewer infrastructure to the perimeter of the site. Comments from the Public Works Department indicate that this infrastructure appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. Conditions of approval require decommissioning of septic systems serving the existing lots, construction of green stormwater infrastructure to accommodate future impervious surfaces, and dedication of public and private utility easements to allow for installation and maintenance of private utility infrastructure.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by Bryan Johnston Park, a 14.6-acre neighborhood park which is less than one-half mile southeast of the proposed subdivision. No park-related improvements are required as a condition of development.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Conditions 5, 6, and 8 require specific easements necessary to provide public and private infrastructure to serve the proposed development. 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.**

**Finding:** Rainier Drive SE and Mount Rushmore Street SE abut the subject property and do not meet the current standard for local streets. As identified in the conditions of approval, the applicant is required to dedicate right-of-way and construct half-street improvements, along the entire frontage of the subject property on Rainier Drive SE and Mount Rushmore Street SE. The project includes the extension of Eider Avenue SE from the east and Horizon View Street SE from the south.

As described in findings above, due to topographic constraints and specifications of existing streets, Mount Rushmore Street and Eider Avenue will be constructed to alternative street standards approved pursuant to SRC 803.065. Other boundary and internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. The TSP Bicycle Map does not propose additional bike lanes within or adjacent to the subject property. As proposed and conditioned, the existing and proposed streets serving the subdivision conform to the TSP. The proposal meets this criterion.

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

**Finding:** Conditions 9-11 implement required boundary street improvements along the abutting portions of Rainier Drive SE and Mount Rushmore Street SE. In addition to the boundary improvement, internal circulation would be provided by extensions of Eider Avenue SE and Horizon View Street SE. Access to Lots 33-36 is provided by a flag lot accessway across Lot 36.

A single family residence, constructed in 1988, is proposed to remain on Lot 36. The applicant indicates that property owners have no intention of further development on this lot, which is approximately 40,343 square feet (0.93 acres) in size. The applicant submitted a shadow plat showing possible future subdivision on Lot 36, served by a cul-de-sac extending eastward from the proposed alignment of Horizon View Street SE. As described in findings above, the dimensions of Lot 36 are sufficient to allow future widening of the flag lot accessway in order to serve future redevelopment on that lot. Consistent with SRC 205.030(g), the shadow plat demonstrates that this property could be further developed without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

The proposed network of boundary and internal streets serving the subdivision provides direct access to all lots within the subdivision and allows for extensions to serve further development of a larger internal parcel (Lot 36). The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

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

**Finding:** The proposed subdivision is situated within one-half mile of two neighborhood activity centers:

- Crossler Middle School, a public middle school located at 1155 Davis Road S, approximately 1,000 feet west of the closest lots within the proposed subdivision. Secor Park, an 8.73-acre undeveloped park located at 5503 Liberty Road S, abuts the middle school campus to the west.
- Bryan Johnston Park, a 14.6-acre neighborhood park is located approximately 1,700 feet southeast of the closest lots within the proposed subdivision, at 400 Mildred Lane SE.

The nearest transit service available to the subject property is on Davis Road adjacent to Crossler Middle School, by way of Salem Keizer Transit's Route 8 bus line. Direct and continuous sidewalk access is available between the subject property and Bryan Johnston Park, via existing streets and sidewalks developed as part of the Rainier Estates and Southern Heights subdivisions.

The subject property will provide internal streets with safe and convenient bicycle and pedestrian access, and provide boundary street improvements along the south and east boundaries of the subject property, connecting existing multi-modal transportation facilities with the existing transportation system. 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.

The proposal meets this criterion.

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

**Finding:** The Public Works Department has reviewed the proposal and finds that the 36-lot subdivision will generate less than 1,000 average daily vehicle trips to Liberty Road S, designated in the Transportation System Plan as a Major Arterial. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

**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 has

proposed a street network that allows designed street grades to meet City standards. The proposed streets will be typical of residential development in Salem in areas with relatively steep natural topography.

Despite constraints imposed by the sloping topography the layout allows for reasonable development of all lots within the subdivision without variances from the UDC. 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.**

**Finding:** The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. Preservation of the existing residence minimizes disruptions to vegetation and topography that would result from building demolition and regrading of that portion of the site. As discussed above, rather than developing an improved cul-de-sac street at this time to serve Lots 33-36, the applicant proposes a flag lot accessway across Lot 36, with additional land available for the full width of a future street. This approach avoids unnecessary street construction and the disruption of topography it would entail, while allowing appropriate connectivity in the event of future development on Lot 36.

The extensions of Eider Avenue SE and Horizon View Street SE as internal streets provide a logical extension of the existing street network and allow an arrangement of home sites that takes into account the existing topography. The tree conservation plan submitted in conjunction with the tentative subdivision plan proposes to retain 71 trees, or approximately 32 percent of the 220 trees identified on the subject property. The majority of trees designated for retention are within rear or side yard setbacks of proposed lots within the subdivision.

The proposal meets this criterion.

**SRC 200.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Finding:** The subject property is located outside of the Urban Service Area. However, as described in findings 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.

## **9. Conclusion**

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative subdivision plan 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 Tentative Subdivision Plan Case No. 17-03, on property zoned RA (Residential Agriculture), and located at 197 Rainier Drive SE (Marion County Assessor Map and Tax Lot Numbers 083W16DB01201 and 1400), is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Obtain a demolition permit and remove existing accessory structures on the property.
- Condition 2:** "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 3:** Construct green stormwater infrastructure pursuant to Public Works Design Standards, Appendix 4E.
- Condition 4:** Any existing septic tank systems on the subject property shall be abandoned in accordance with Department of Environmental Quality standards.
- Condition 5:** The stormwater easement between Lots 1 and 2 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.
- Condition 6:** The sanitary sewer easement between Lots 26 and 27 shall be a minimum of 20 feet in width except as authorized under a design exception by the City Engineer.
- Condition 7:** The structural section for all internal and boundary streets shall comply with Public Works Design Standards.
- Condition 8:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.



- Condition 9:** Construct remaining half-street improvements along the entire frontage of Rainier Drive SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.
- Condition 10:** Convey land for dedication equal to 22 feet from centerline along the entire frontage of the subject property on Mount Rushmore Street SE.
- Condition 11:** Construct remaining half-street improvements along the entire frontage of Mount Rushmore Street SE to Local Street Standards, which include a curb-to-curb width of 30 feet, as specified in City Street Design Standards, consistent with the provisions of SRC Chapter 803.
- Condition 12:** Prior to building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 13:** The access and utility easement associated with the flag lot accessway serving Lots 33-36 shall include a non-remonstrance provision that releases the encumbrance if the land is conveyed in conjunction for dedication of right-of-way in conjunction with further development of Lot 36.

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Christopher Green, AICP, Planning Administrator Designee

- Attachments: A. Vicinity Map  
B. Tentative Subdivision Plan  
C. Applicant's Written Statement on Tentative Subdivision Plan  
D. City of Salem Public Works Department Comments  
E. Applicant's Written Statement on Significant Tree Removal

Application Deemed Complete: February 24, 2017  
Notice of Decision Mailing Date: May 12, 2017  
Decision Effective Date: May 31, 2017  
State Mandated Decision Date: June 24, 2017

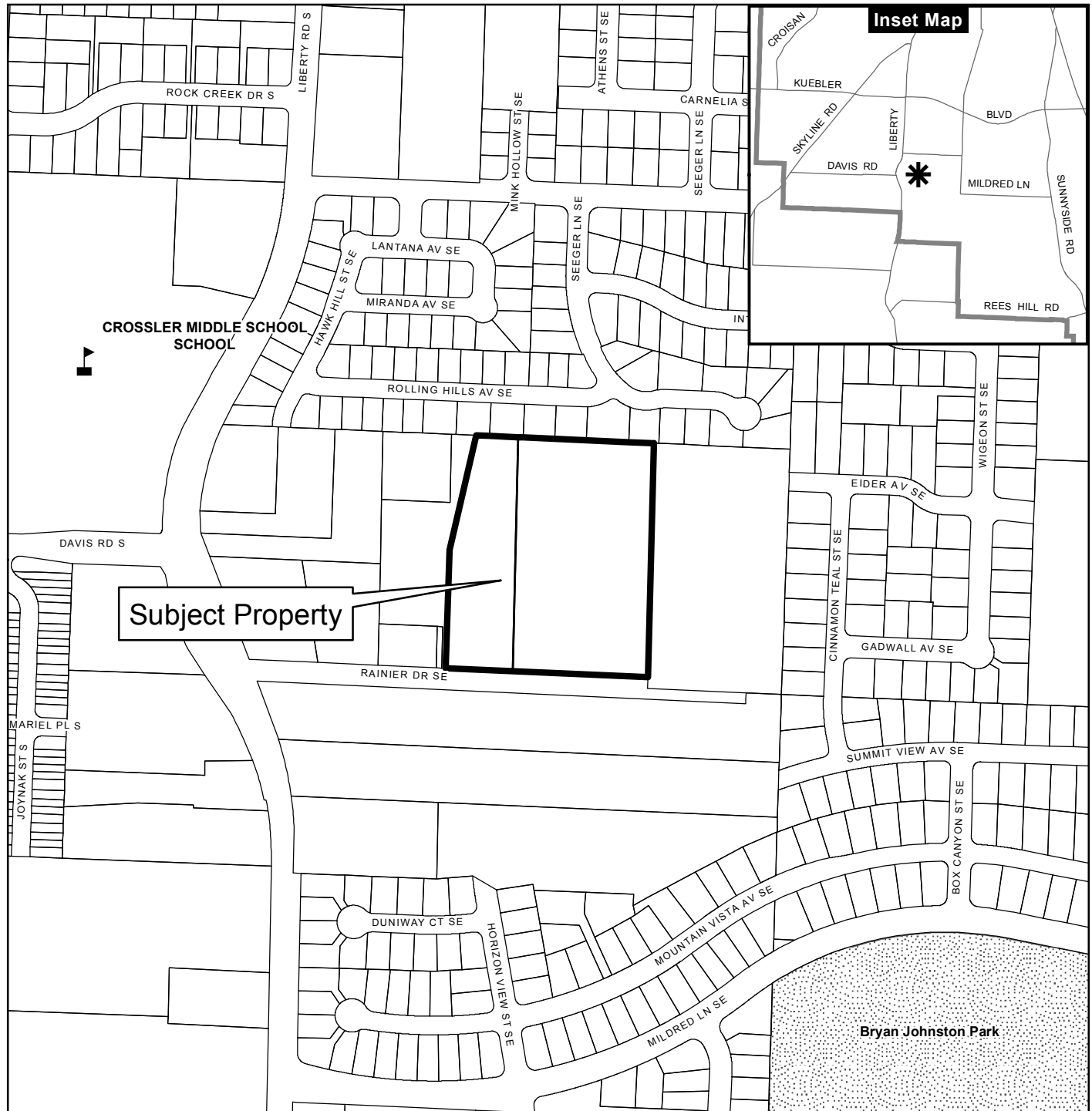
The rights granted by this decision must be exercised or extension granted by May 31, 2019 or this approval shall be null and void.

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, May 30, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

# Vicinity Map

## 197 Rainier Drive SE



### Legend

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

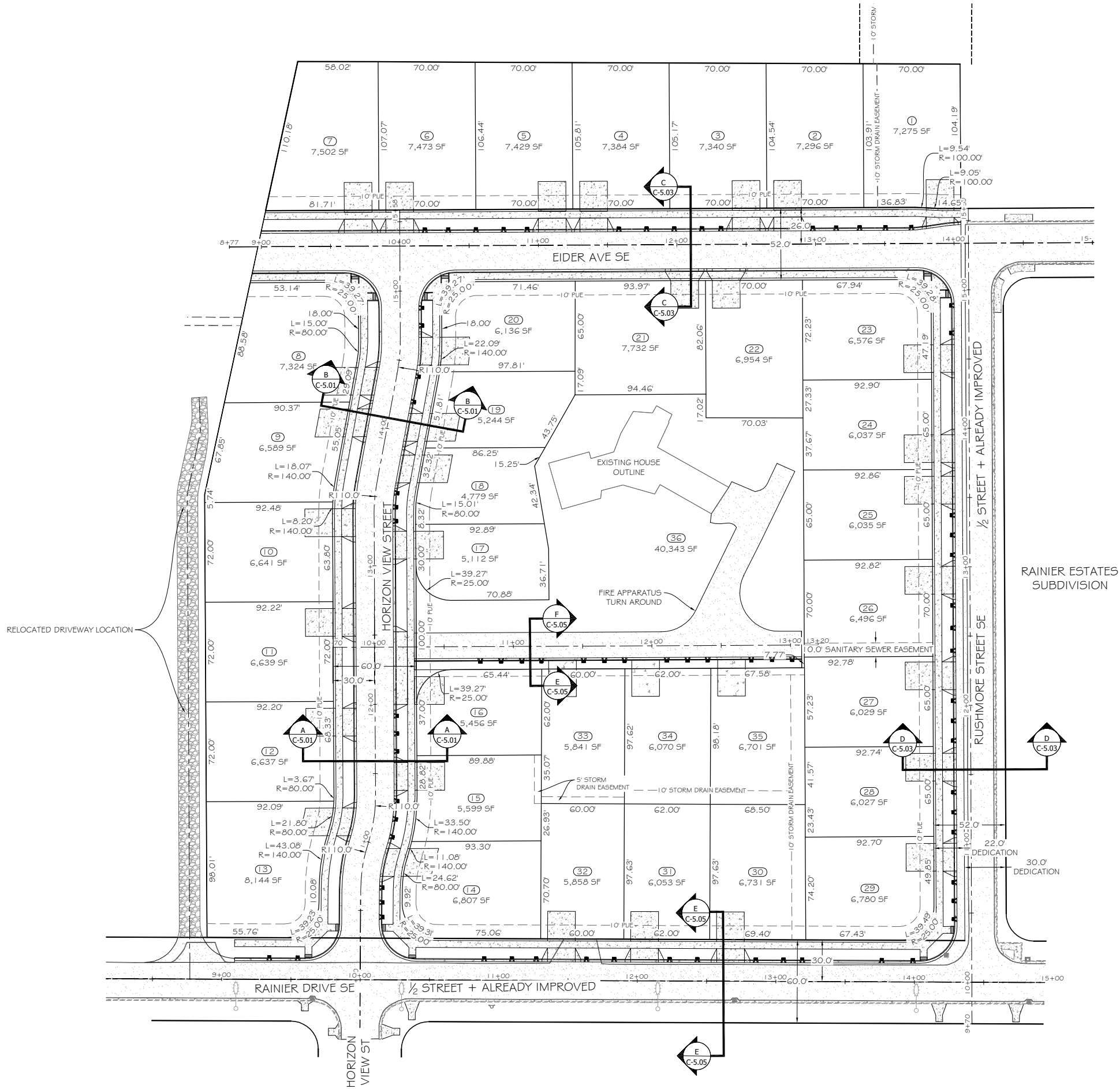
Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet





DATE SIGNED:

RAY BAKER DAN CARVER  
**RAINIER RIDGE  
SUBDIVISION**  
SALEM, OREGON

SCALE NOTE:  
BAR IS ONE INCH ON ORIGINAL  
DRAWING. IF NOT ONE INCH ON  
THIS SHEET, ADJUST SCALES  
ACCORDINGLY.

PROJECT NO:	NO.	REVISIONS DESCRIPTION	DATE		BY
161190					
HORIZ DATUM: NAD 83-SPCS					
VERT DATUM: NGVD 29					
HORIZ SCALE: AS SHOWN					
VERT SCALE: AS SHOWN					
DRAWN: MP					
DESIGN: LB					
APPROVED:					

LOT AND STREET  
LAYOUT

C-1.03



## RAINIER RIDGE SUBDIVISION APPLICATION NARRATIVE

January 19, 2017

**SITE INFORMATION.** The Site is generally located east of Liberty Road S, west of Rushmore Street SE, south of Rolling Hills Avenue SE/Seeger Lane SE, and north of Rainier Drive SE. The Site address is 197 Rainier Drive SE, Salem, Marion County, Oregon. The Site is made up of two assessor tax lots. The tax lot numbers are 083W16DB 01400 and 01201. The property is zoned Residential Agriculture (RA) and has a comprehensive plan designation of Developing Residential (DR). Salem Revised Code (SRC) Chapter 265.015(a)(2) describes zone changes by operation of law and states the following: “the automatic conversion of property zoned Residential Agriculture (RA) to Single Family Residential (RS) upon either of the following, when the property is subject to an approved tentative subdivision plan or manufactured dwelling park permit: (A) the date of the recording of the final subdivision plat with the county clerk; or (B) issuance of a final occupancy permit for a manufactured dwelling park permit issued pursuant to SRC Chapter 235.” This property will be rezoned from RA to RS at the recordation of the subdivision plat. Therefore, the following narrative will conform to the standards of SRC Chapter 511 for the RS zone.

The Site is generally rectangular and encompasses approximately 7.7 acres. The topography of the site is hilly with slopes ranging from approximately 2-30 percent, presenting some challenges for site development. The applicant’s engineer has written design exceptions, where necessary, and submitted them for review and approval to the City. The City of Salem Natural Hazards Mitigation Plan suggests that the site falls within the 0-1 Points (none to very low) and the 2-4 points (low) Landslide Hazard Assessment areas. This finding was confirmed by the City of Salem Planning Department when a pre-application meeting was conducted for this site on August 4, 2016 (PRE-AP16-63/16-113587-PA). The site has a low landslide risk, according to SRC Chapter 810. Due to the steep northerly slopes, a slope stability analysis was performed as part of the geotechnical investigation work performed on the Site, as part of this subdivision application. The results of this analysis indicated that the proposed site development can occur (i.e. grading, and infrastructure and residential structure development) while maintaining an adequate factor of safety for slope stability of these northerly slopes. A copy of the geotechnical report is included with this Tentative Subdivision application package.

The applicant is proposing a 36-lot, single-family, subdivision. The proposed density for this development is 4.68 lots per acre. The largest lots proposed is 37,248 square-feet, minus the flag access, and will retain the existing home. The smallest lot proposed is 4,779 square-feet.

The minimum lot size allowed in the RS zone is 4,000 square-feet. Every lot proposed is larger than the minimum square-footage requirement.

**WRITTEN STATEMENT.** The following is a written statement describing the applicant's proposal and how it meets the requirements for a Subdivision Tentative Plan (SRC 205.010(d)).

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:
  - 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.
  - City infrastructure standards.
  - Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

**Applicant's Response to Item 1:** *The proposed tentative subdivision plan complies with the applicable provisions of the SRC in regards to the lot area and dimensions (SRC 511.010. (a)). The minimum lot areas required for a single-family lot in the RS zone is 4,000 square-feet, excluding the area of an access way, except for infill lots, in which the minimum lot area shall be 5,500 square-feet, excluding the area of an access way. Each single-family lot will have a building envelope which complies with the setbacks in the RS zone (SRC 511.010. (b)). At the time of construction, the builder will comply with the rules for lot coverage and building height within the RS zone (SRC 511.010. (c)).*

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

**Applicant's Response to Item 2:** *Included with this application submittal package is a proposed site plan for this development. As shown on the attached site plan, lot number 36 is the remainder of the development site and is 40,075 square-feet (.92-acres). The SRC (205.030(a)(12)(g)) states the following: "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 the 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." At the time of this development, lot 36 encompasses the existing home which is being retained. The configuration of the proposed development allows for the future construction of a City standard cul-de-sac which will provide access to the future developable area. That plan further illustrates a conceptual future further division of the lot or parcel which can*

*readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.*

*To the north of the development site is Waln Creek Estates, a residential subdivision developed with single-family homes. This development will not impede the future use or development of the Waln Creek Estates subdivision. The subject site is bordered to the south and east by Rainier Estates. Rainier Estates is a subdivision in progress, with the public infrastructure developed, but the plat has not been recorded; thus, no homes have been constructed at this time. Rainier Estates will be developed with single-family homes. This development will not impede the future use or development of the Rainier Estates subdivision. For the purposes of this Application, based on discussions with City staff, it is assumed that the public infrastructure and associated plat of the Rainier Estates subdivision will be processed and accepted for use by the City prior to the filing of the plat and acceptance of the public infrastructure proposed as part of the subject application. As shown on the attached site plan, with the construction of this development, Eider Avenue will be extended to provide future connection to the property to the west of the development site. The stubbed street will encourage the future development of 137 Rainier Drive SE.*

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

**Applicant's Response to Item 3:** *The proposed development can be adequately served by the City of Salem infrastructure. Collecting the stormwater on the northerly portion of the site posed challenges because the infrastructure from the Rainier Estates subdivision was not stubbed to the northeasterly portion of the Site, although City staff indicated in a prior pre-development application for the Site (PRE-AP16-63/16-113587-PA) that there was a "12-inch storm drain line is located adjacent to the northeast corner of the subject property"; this storm drain connection does not exist. To mitigate this, the Developer is working with the adjoining property owners to the north to facilitate creating an easement and developing a public storm drain connection to the existing storm drain infrastructure located in Seeger Lane SE. Doing this will maintain the existing drainage patterns for the Site, with the northerly portion draining to the north and northeast, and the middle to southerly portion draining to the south and southeast. If a suitable easement to the North cannot be obtained, then the majority of the northerly storm water drainage will be collected and conveyed down a new pipe to be installed from north to south in Rushmore Street SE and possibly Horizon View Street SE, for a connection to the existing storm drain infrastructure constructed in Rainier Drive. A preliminary plan and profile drawing detailing the storm drain alignment to Seeger Lane*

*form the northeasterly portion of the Site has been submitted to the City for review. The southerly portion of the site will tie into the existing stormwater infrastructure available in Rainier Street SE.*

*The proposed design of the storm water management plan utilizes rain gardens for water quality enhancement; and aboveground and underground detention storage facilities, with facilities located within the public right-of-way to be maintained by the City of Salem; and facilities located on the various lots and private access drive to be maintained by the homeowners. Stormwater detention will be facilitated in both the rain gardens and underlying the rain gardens and areas in the street as discussed in the preliminary drainage report submitted with this subdivision application package. Battle Creek has a history of flooding which City staff indicates warrants additional stormwater detention and flow control from the Site. The stormwater detention facilities for the proposed development provide outlet flow control for the 100-year, 24-hour design storm event, which limit peak post development flow rates to be at or below calculated peak pre-development flow rates. Additional information regarding the stormwater management system is included in the preliminary drainage report submitted with this subdivision application.*

*Water and sewer facilities are available to the development site from existing infrastructure constructed in Rainier Drive SE, Rushmore Street SE, and Eider Avenue SE. The infrastructure will be extended through the proposed development to serve each lot as shown in the attached tentative subdivision plan drawing set.*

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

**Applicant's Response to Item 4:** *The attached site plan details the proposed street system within the development. Eider Avenue runs east and west, at the north side of the development, and is currently stubbed to the easterly property line. This development will extend Eider Avenue the length of the development and will be stubbed at the westerly property line. Rushmore Street runs north and south along the easterly property line of the site. This development will complete the improvements to Rushmore Street, dedicating 22 feet of right-of-way, and completing a 30-foot curb to curb width, an 8.5-foot landscape/rain garden strip, a 5-foot-wide sidewalk, and a 1.5-foot-wide utility strip to match current City standard local street development, within a 52-foot right-of-way. The site is bordered by Rainier Drive SE to the south. This development will complete the local street improvement of Rainier Drive SE within the existing 60-foot-wide right-of-way. Horizon View Street SE will be extended through the proposed development and will terminate when it intersects with the extension of Eider Avenue SE.*



*Additionally, for the purposes of future development, there is space to include a cul-de-sac off Horizon View Street. The future cul-de-sac is illustrated on the site plan included with this application as a dashed line.*

*The Salem Transportation System Plan, Street System Element, states within the high priority section (pg. 51), that Rainier Drive SE should be realigned and extended northward and then westward to connect with Davis Road S at Liberty Road S. Realignment of Rainier Drive has already been developed as part of the Rainier Estates subdivision development, and Rainier Drive now connects to the south to Summit View Avenue SE, which has a new connection to Liberty Road S.*

*Horizon View Street will be developed to City local street standard, with a 60-foot right-of-way width, with a proposed continuous cross slope going from west to east to address the existing site topography. This design exception request of a continuous cross-slope of the street section in lieu of the standard crowned section is being requested to address the gradient that exists going west to east in the proposed street alignment; and to consolidate rain garden location and associated conveyance piping to lower storm drain infrastructure development costs and long term maintenance costs that have experienced a dramatic development cost increase to implement the City's requirement for stormwater detention and Green Stormwater Infrastructure utilization to the maximum extent feasible.*

*The rear portion of the proposed lots north of the proposed extension of Eider Ave., present significant development challenges due to the existing steep slopes that are on the Site, that are situated above even steeper slopes created by the Waln Estates development. These lots have been deepened to address the steep, potentially unbuildable portion of these northerly lots. The width of Eider Avenue is further constrained to the South by the location of the existing residence and associated infrastructure that is to be retained as part of Lot 36, and which will allow for potential future lot division of this lot. Like the proposed alignment of Horizon View Avenue, the proposed alignment of Eider Avenue is aligned in a portion of the Site that has a relatively steep cross-gradient going north to south. Thus, Eider Avenue is being proposed to be constructed to local street standards, with the exception to remove the landscape strip on the up gradient southerly side, and to develop a continuous cross-slope of the street going south to North, being developed with a 52-foot-wide right-of-way.*

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

**Applicant's Response to Item 5:** *The proposed tentative subdivision plan provides for safe, orderly, and efficient circulation of traffic into, through and out of the subdivision. Eider Avenue will be extended through the subdivision and stubbed to the westerly property line to be extended when the neighboring property develops. Eider is a local street and will be improved to local street standards. However, a design exception as discussed above to remove the planting strip and develop a continuous cross-slope for the road section, was applied for and granted, with the City of Salem Engineering Department. Eider Avenue will have a 52-foot right-of-way width with a 30-foot curb-to-curb width as discussed above. Rushmore Street is a local street that was partially constructed by the Rainier Estates subdivision development. The improvements to Rushmore Street SE will be completed with this development, with a resulting 30-foot curb-to-curb width, an 8.5-foot-wide landscape/rain garden strip, a 5-foot-wide sidewalk section, and a 1.5-foot-wide utility strip, being completed with a 22-foot wide right-of-way dedication. Rainier Drive is a local street that was partially developed as part of the Rainier Estates development, which is proposed to be completed to local street standards within the existing 60-foot-wide right-of-way as part of the subject subdivision development; no additional right-of-way dedication is warranted. Horizon View Street SE is a local street, to be extended to the intersection and terminus with the extension of Eider Ave SE. As discussed above, Horizon View Street will have a 60-foot right-of-way width and will be improved to the City of Salem design standards for a local street, with a continuous cross-slope street section. The proposed street cross-sections of the various streets are illustrated in the plans submitted as part of this subdivision application.*

*Collectively, Eider Avenue SE, Rushmore Street SE, Rainier Drive SE, and Horizon View Street SE will provide the connectivity and circulation required by the SRC. Additionally, the street system connects this development with the Rainier Estates subdivision bordering to the east and south. At the time the property abutting to the west of the site is developed, Eider Avenue SE will provide for connectivity and circulation to and through the developments. The Waln Creek Estates subdivision bordering the property to the north does not allow for a street connection from this development.*

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.

**Applicant's Response to Item 6:** *The street system through the development is comprised of only local streets. The City of Salem design standard for a local street does*

*not include a bike lane. Additionally, the topography of the site is characterized as gently to moderately sloping terrain with 10 to 20 percent slopes. It is not anticipated there will be a heavy volume of bicycle traffic in the development. Curb and sidewalks will be constructed on both sides of each street within the subdivision which will provide for safe pedestrian connectivity through the development and to neighboring developments. When the Rainier Estates subdivision completes construction, sidewalk connectivity will be continuous from this development to Bryan Johnston Park which is located approximately .38-miles from the site. Crossler Middle School is located approximately .30-miles from the development site. The development site is east of Liberty Road and Crossler Middle School is west of Liberty Road. Liberty Road is designated as a major arterial in the City of Salem Street System Plan. Currently, there are no pedestrian facilities which make it safe to cross Liberty Road near the development site. When the properties to the west of the subject site develop, it is anticipated Davis Road will be extended through creating an ideal location for a pedestrian crossing for Liberty Road. As illustrated in the plans submitted as part of this subdivision application, a concrete sidewalk section has been provided within the private access drive section that is part of the flag lot of lot 36, that will provide for pedestrian access from Lot 33-36 to Horizon View Street. Existing and proposed developed topography and existing grades of Rushmore Street, prevent a feasible connection of a sidewalk from the easterly end of the private access drive, east towards Rushmore Street SE.*

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

**Applicant's Response to Item 7:** *A previous proposed development's pre-application conference regarding this Site was held with the City of Salem on August 4<sup>th</sup>, 2016. The memo from that meeting states the following about traffic, "The City Traffic Engineer has determined that a Traffic Impact Analysis will be required for this proposed development. The development will generate approximately 360 trips with primary connections to local streets." The applicant understands the traffic impacts to this development may have changed due to the changes to the tentative site plan for this development. The street layout has changed since the pre-application conference was held for this site. For this reason, a trip generation estimate form is included with this application submittal to determine if a TIA is necessary for this site.*

*The current proposed plan has been reviewed by the City of Salem engineering and planning staff during meetings, which were held to discuss the requested design exceptions. The project engineer, applicant, and City of Salem staff agree the proposed street extensions and improvements will sufficiently serve the proposed development.*

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.

**Applicant's Response to Item 8:** *As mentioned previously, the topography of the site has presented some challenges for development. The topography has mainly impacted the storm sewer system and street cross-gradients. Design exceptions were requested, and granted, for some of the streets within the development because of the constraints imposed by the manner in which the surrounding properties were developed. Even so, the development has been designed in a way which minimizes the need for variances to the greatest extent practicable while still conforming to the applicable sections of the SRC.*


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

**Applicant's Response to Item 9:** *A tree conservation plan is included with this application package. The site has 220 trees which are greater than 10-inches DBH, native and non-native vegetation, and a variety of grasses and other forbs. In order to fully utilize the site in a manner consistent with the SRC, statewide planning goals, and the City of Salem Comprehensive Plan, a significant amount of grading is required. The combination of the existing topography, the street improvements and connectivity required to adequately serve the development, and the site grading requirements to provide for suitable building sites and access to them, the applicant is preserving 32% of the existing trees, which is substantially greater than the minimum of 25% allowable by the SRC. The tree conservation plan also includes the removal of trees along the northerly Site area which are on steep slopes, in overall poor health, and of liability concern to both the Applicant and some of the neighboring property owners.*

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.

**Applicant's Response to Item 10:** *With the dedication of the Rainier Estates subdivision infrastructure improvements and plat recording, an Urban Growth Preliminary Declaration permit is not required for this development. With the dedication of the Rainier Estates infrastructure improvements to the City, the subject site does not precede construction of required facilities, thereby eliminating the requirement for a Preliminary Declaration for an Urban Growth Area Permit, per SRC 66.050(a).*

**TO:** Chris Green, Planner II  
Community Development Department

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

**DATE:** April 12, 2017

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION 17-03 (17-102314-LD)  
197 RAINIER DRIVE SE  
34-LOT SUBDIVISION

## PROPOSAL

A tentative subdivision plan to divide approximately 7.7 acres into 35 lots ranging in size from 4,779 square feet to 8,144 square feet. The existing residence would remain on the 36th lot, which would total 40,343 square feet in size.

The subject property is approximately 7.7 acres in size, zoned RA (Residential Agriculture), and located at 197 Rainier Drive SE (Marion County Assessor Map and Tax Lot Number 083W16DB01201 and 1400).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Construct City infrastructure needed to serve the proposed development as shown in the application materials in accordance with PWDS as summarized and modified below:
  - a. Along the entire frontage of Rainier Drive SE, convey land for dedication to equal 30-feet from the centerline and construct a 15-foot-wide half-street improvement.
  - b. Along the entire frontage of Mt. Rushmore Street SE, convey land for dedication to equal 22-feet from the centerline and construct a 15-foot-wide half-street improvement.
  - c. The access and utility easement within lot 36, shall include a non-remonstrance provision that releases the encumbrance if the land is conveyed for dedication of right-of-way in conjunction with redevelopment of lot 36.
  - d. The stormwater easement between lots one and two shall be widened to 20 feet except as authorized under a design exception by the City Engineer.

- e. The sanitary sewer easement between lots 26 and 27 shall be widened to 20 feet except as authorized under a design exception by the City Engineer.
  - f. The structural section for internal and boundary streets shall comply with PWDS.
  - g. Construct green stormwater infrastructure pursuant to PWDS, Appendix 4E.
  - h. Dedicate a 10-foot public utility easement along the street frontage of all internal and boundary streets.
- 2. Prior to building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
  - 3. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.
  - 4. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

## **FACTS AND FINDINGS**

### **Urban Growth Area Development Permit**

The subject property is located outside the Urban Service Area. However, no Urban Growth Area Development Permit is required because the subject property does not precede construction of required facilities.

### **Streets**

- 1. Rainier Drive SE
  - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—There is an approximate 27-foot-wide street improvement within a 60-foot-wide right-of-way.
- 2. Mt. Rushmore Street SE
  - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—There is an approximate 20-foot-wide street improvement within a 30-foot-wide right-of-way.

## **Water**

### **1. Existing Conditions**

- a. The subject property is located within the S-3 water service level.
- b. An existing 8-inch S-3 water line is located in Rainier Drive SE, Mt. Rushmore Street SE, Summit View Avenue SE, and Eider Avenue SE.
- c. A 16-inch S3 water line is located in Liberty Road SE.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. Existing 8-inch sewer lines are located in Rainier Drive SE, Mt. Rushmore Street SE, Liberty Road SE, Summit View Drive SE. and Eider Avenue SE.

## **Storm Drainage**

### **1. Existing Conditions**

- a. A 10-inch sewer line is located in Rainier Drive SE.
- b. A 15-inch storm line is located in Liberty Road SE.
- c. A 60-inch storm line is located in Summit View Avenue SE.
- d. A 12-inch storm line is located adjacent to the northeast corner of the subject property.

## **Parks**

Existing Conditions—Bryan Johnston Park is a developed park approximately one-half mile southeast of the proposed development; pedestrian sidewalk connections are available from the subject property to the park. Sumpter School Park is located approximately one-half mile to the northeast; pedestrian connections to that park are lacking in certain areas.

## **CRITERIA AND FINDINGS**

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

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

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are 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 geotechnical report and geologic assessment, prepared by Redmond Geotechnical Services and dated December 16, 2016, 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)(3)**—Development within the tentative subdivision plan can be adequately served by City infrastructure.

**Findings**—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's



preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement.

In order to provide stormwater service to the northerly portion of the subject property, the applicant acquired a stormwater easement from the northerly adjacent property owner as demonstrated in the application materials.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant submitted a stormwater report in compliance with PWDS in order to demonstrate compliance with Appendix 4E.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

**Finding**—Rainier Drive SE and Mt. Rushmore Street SE abut the subject property and do not meet the current standard for Local Streets. As identified in the conditions of approval, the applicant is required to construct a half-street improvements along the entire frontage of both streets.

All internal streets will be constructed to Local Street standards as specified in the Salem TSP. The following streets meet the criteria for alternate street standards pursuant to SRC 803.065(a)(3): (1) Eider Avenue SE warrants a reduced right-of-way width with curblined sidewalks because of topographic constraints along the north line of the subject property; (2) Mt. Rushmore Street SE warrants a reduced right-of-way width because the applicant is constructing a half-street improvement in compliance with Local Street standards based on an overall pavement width of 30 feet.

**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 *Comprehensive Parks Master Plan Update* shows that the subject property is served by developed parks. Bryan Johnston Park is a developed park approximately one-half mile southeast of the proposed development; pedestrian

sidewalk connections are available from the subject property to the park. Sumpter School Park is located approximately one-half mile to the northeast; pedestrian connections to that park are lacking in certain areas. No park-related improvements are recommended as a condition of development.

**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 City Traffic Engineer determined that no TIA is warranted in conjunction with the proposed development.

Prepared by: Curt Pellatz, Project Coordinator  
cc: File

## Memo:

Date: February 3, 2017  
To: Christopher Green, AICP, Planner II  
From: Britany Randall, Land Use Planner *BR*  
Re: Completeness Review - Rainier Ridge Subdivision (#17-102314-LD)

### **RAINIER RIDGE COMPLETENESS REVIEW RESPONSE**

Project Delivery Group, LLC (PDG) received a notice of incomplete, for a Tentative Subdivision Application, from Chris Green with the City of Salem on Thursday, February 2, 2017, via email. The following is the Applicant's response to the letter received.

#### *Item 1: Trip Generation Estimate:*

*A TGE form must be completed by the applicant and submitted to the Department of Public Works, Traffic Engineering Section, Room 325, to determine whether a Transportation Impact Analysis (TIA) is required for the application. As noted on the reverse side of the TGE form, no Land Use, Planning, or Development Approval applications requiring a TGE can be processed until the TIA/TDSC assessment has been made by the City Traffic Engineering staff.*

**Applicant's Response to Item 1:** The TGE form, required for the processing of the Tentative Subdivision Application package, was submitted with the other items required by the application checklist, to the Planning Department on January 19, 2017. Another copy of the completed TGE form was submitted to Tony Martin via email on February 2, 2017.

#### *Item 2: Justification for Removal of Significant Trees*

*The Tree Conservation Plan indicated that 4 significant trees (Oregon White Oaks 24" or more dbh) will be removed as part of the proposal. Pursuant to SRC 808.035(d)(2), significant trees may only be designated for removal if there are no reasonable design alternatives that would enable preservation of such trees. The application does not address whether or not there are reasonable design alternative to removal of the significant trees designated on the TCP.*

**Applicant's Response to Item 2:** A justification letter for the removal of the four (4) Significant Trees on the site is included with this response.

February 2, 2017



City of Salem  
Community Development Department  
Attention: Christopher Green  
555 Liberty Street SE  
Salem, OR 97301

RE: Justification for Removal of Significant Trees

Dear Chris Green:

This letter provides justification for the removal of the four (4) Significant White Oak trees, for the proposed Rainier Ridge Subdivision Plan.

Proposed Tree Conservation Data

Trees 10" or more DBH	220
Trees to be removed 10" or more DBH	149
Trees to be preserved 10" or more DBH	71
Percentage of trees to be preserved	32%

	Total Existing	Total Removed	Total Remaining	% Remaining
Significant Trees (White Oak Trees)	4	4	0	0

Project Goals

The development team at Project Delivery Group, LLC (PDG) has recently reviewed the site design and the project goals in relation to the tree conservation plan. The topography of the site slopes from approximately 2 to 30 percent, resulting in significant cuts and fills, as indicated on the grading plan submitted with the Tentative Subdivision Plan application. The proposed network of local streets is imperative for pedestrian and bicycle traffic as well as safety and circulation to and through the proposed and adjoining developments. The following is a list of the primary concerns and project goals for the Rainier Ridge Subdivision.

1. Safety;
2. Pedestrian and vehicular connectivity to adjoining and adjacent properties;
3. Extension of public infrastructure to serve the development and stub to future developments to the west;
4. Compliance with the Americans with Disabilities Act (ADA) requirements in the right-of-way;
5. Management of stormwater runoff while complying with street design standards;
6. Residential lots which provide functional yards and building pads consistent with those in the area;



7. Meet the land utilization and density inherent in the approach to urban development in Oregon and the City of Salem; and
8. Preservation of trees which are a minimum of 10" DBH, where possible, to enhance the subdivision and neighborhood.

#### White Oak Removal

There are four (4) significant White Oak trees on the site. They are marked as tree numbers 2, 12, 30, and 49, on the Tree Conservation Plan. All of the trees are located near the northerly property line of the development site. The location of the trees is the rear of the proposed lots. Beyond the northerly property line, there is a significant drop in elevation/steep slope (1H: 1V or less) to the existing single-family residential development located below. In order for lots 3, 4, 5, and 7 to be graded appropriately, the root system of these trees will bear significant damage. If left in place, the trees which already pose a safety risk to the residents of the development below, due to their overgrown, leaning, and unkempt nature, become a bigger safety hazard. Some of the residents from these adjoining developments have expressed liability concerns with these trees and have requested their removal. The removal of these trees is warranted for liability and safety concerns as the result of their leaning and overgrown nature, and the safety and liability associated with the continued presence of these trees in light of the past grading work associated with the adjoining residential development, and the planned grading work of the proposed development.

The site for the Rainier Ridge Subdivision requires significant grading which will allow for a 32% retention of the 10" or more DBH trees on the property. This justification is being presented for the removal of the four (4) Significant White Oak trees on the site for the reasons stated herein.

Should you have any questions, please contact me at my office number 503-364-4004.

Sincerely,  
Project Delivery Group, LLC



Britany Randall  
Land Use Planner