

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

DECISION OF THE PLANNING ADMINISTRATOR

PROPERTY LINE ADJUSTMENT & MODIFICATION OF PHASED SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO. PLA-SUB-ADJ17-09MOD2

APPLICATION NO. : 18-117427-LD, 18-116976-LD, & 18-116977-LD

NOTICE OF DECISION DATE: May 31, 2019

SUMMARY: An application to modify phases 2, 3, and 4 of the approved Dogwood Heights subdivision by removing approximately 4.25 acres of land from within phases 3 and 4 of the subdivision in order for it to be sold to the City for park land and correspondingly reconfiguring the lot and street layout within these phases. As a result, the modification reduces the overall number of lots proposed within the subdivision; results in fewer lots, that are larger in size, within phase 4 where topography of the property is the steepest; reduces the amount of paving necessary for street, street intersection, and flag lot accessway improvements, thereby resulting in less disturbance to the topography of the property; and results in greater overall tree preservation on the property due to approximately 4.25 acres of the site being removed from the subdivision in order to be used as park land instead of being developed for individual home sites.

REQUEST: A consolidated application affecting the approved Dogwood Heights subdivision (Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09). The application includes the following requests:

- 1) A modification of the approval of Phased Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09 (the "Dogwood Heights" phased subdivision). The proposed modification:
 - a) Modifies Phases 3 and 4 to remove approximately 4.25 acres of land from the subdivision in order to allow it to sold for park land;
 - b) Correspondingly reconfigures Phase 4 to reduce the number of proposed lots within the phase from 11 lots to 5 larger lots;
 - c) Correspondingly reconfigures Phase 3 to accommodate a 20-foot-wide flag lot accessway, located to the east of proposed Lot 34, from Dogwood Drive to the proposed park land property;
 - d) Eliminates the cul-de-sac street originally approved to extend south from Dogwood Drive, and instead replaces it with a shorter private flag lot accessway to serve the four proposed large flag lots within Phase 4;
 - e) Reconfigures the alignment of Dogwood Drive to eliminate the street intersection with the former cul-de-sac street and instead curves the street towards Balm Street to the north;
 - f) Modifies the boundary between Phases 2 and 4 in order to accommodate the proposed reconfigured lots within those phases; and
 - g) Modifies the phasing plan to allow the option for Phase 3 to be constructed prior to Phase 2.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

- 2) The following two property line adjustments to reconfigure the subject property in order to create the approximate 4.25 acre unit of land intended to be sold for park land:
 - a) A property line adjustment to relocate the common property line between tax lot numbers 083W04C00100 and 083W04C00200; and
 - b) A property line adjustment to relocate the common property line between tax lot numbers 083W04C00200 and 083W04CB05000.
- 3) Approval of an alternative street standard for Dogwood Drive S to allow:
 - a) Street grade for portions of Dogwood Drive to exceed a maximum of 12 percent; and
 - b) Curbside sidewalks on the south side of Dogwood Drive.

The subject property is zoned RS (Single Family Residential) and located in the 3700 & 3800 Blocks of Dogwood Drive S (Marion County Assessor's Map and Tax Lot Number(s): 083W04CB03200, 4200, 4300, 4400, 4500, 4600, 4900, & 5000 and 083W04C00100 & 200).

APPLICANT: Dogwood Heights, LLC (Eric Jensen)

LOCATION: 3700 & 3800 Blocks of Dogwood Drive S, 97302

CRITERIA: Salem Revised Code Chapter 205.070(d)

FINDINGS: The findings are in the attached Order dated May 31, 2019.

DECISION: The Planning Administrator **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings adopted in both the original approval of tentative subdivision plan/class 2 adjustment Case No. SUB-ADJ17-09 and the modified approval (SUB-ADJ17-09MOD1), and the following amended conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 and 26, and 35.

Condition 2: ~~The front lot line of Lots 36-39 shall be the south property line.~~

Condition 2: The front lot line of Lot 37 shall be designated as either the east property line or the north property line. If the north property line is designated as the front lot line, Lot 37 shall be reconfigured to relocate the north property line between Lot 37 and Lot 36 further to the south to conform to maximum lot depth requirements.

Condition 3: ~~"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: The flag lot accessway serving Lots 36 to 39 shall:

- a) Be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, as required under SRC 800.025(c), Table 800-1;

- b) Include an approved Fire Department turnaround;
- c) Include "NO PARKING—FIRE LANE" signs posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs posted on both sides of any remaining portion of the accessway; and
- d) Be limited to serving only Lots 36 to 39. Lot 35 shall take access from Dogwood Drive S.

Condition 4: Design and construct a storm drainage system that provides flow control and treatment as required by the 2014 Public Works Design Standards.

Condition 5: Prior to final plat approval for Phase 1, provide a stormwater discharge directly or indirectly to Croisan Creek pursuant to Public Works Design Standards.

~~**Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.~~

Condition 6: All residences shall have a first floor elevation of no greater than 358 feet.

~~**Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provided S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.~~

Condition 7: Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:

- a) Reconfigure Lot 38 and provide a preliminary building site plan that demonstrates a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot; or
- b) Provide a grading plan that demonstrates that Lot 38 in its current proposed configuration will have a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot.

Condition 8: Design and construct City utilities to serve each proposed lot.

Condition 9: Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street, as shown on the revised tentative subdivision plan, with tapers pursuant to Public Works Design Standards.

~~**Condition 10:** Sidewalks may be located at the curb line along the west side of Upper Dogwood Drive S and along the north side of Dogwood Drive S, as an alternative standard pursuant to SRC 803.035(1)(d)(B). Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Upper Dogwood Drive S shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be~~

~~located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(1)(2)(A). Required landscape strips along Balm Street S and the east side of Upper Dogwood Drive S shall be a minimum of 4 feet in width.~~

- Condition 10:** Sidewalks may be located at the curb line along the west side of Dogwood Drive S abutting Lots 19, 22, 24, 26, and 35; along the north side of Dogwood Drive S abutting Lots 28 through 30; and along the south side of Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(1)(2)(A). Required landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive shall begin its transition to the property line sidewalk on the east side of Dogwood Drive at the west property line of Lot 28.
- Condition 11:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- ~~**Condition 12:** Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.~~
- Condition 12:** Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of Lot 22 to Noel Way (private), and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.
- Condition 13:** Prior to final plat approval of Phase 2, convey land for dedication to equal a half-width right-of-way of 36 feet from the centerline on the development (east) side of Spring Street S / Croisan Scenic Way S.
- Condition 14:** Prior to final plat approval of Phase 2, construct a 23-foot-wide half-street improvement along the frontage of Spring Street S / Croisan Scenic Way S to Minor Arterial street standards.
- Condition 15:** At the time of final acceptance of public infrastructure construction, 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 16:** Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3. As provided under Condition 10, curb line sidewalks are allowed on the south side of Dogwood Drive S.
- Condition 17:** Final plat approval for each phase shall be granted consistent with the

phasing sequence proposed in the tentative phased subdivision plan; ~~beginning with Phase 1 and concluding with Phase 4~~provided, however, Phase 3 may proceed prior to Phase 2.

~~**Condition 18:** The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.~~

~~**Condition 19:** Prior to final plat approval of Phase 4, install no parking signs along Hillside Court as specified by the Public Works Director.~~

~~**Condition 20:** Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).~~

Condition 20: Except for Lot 35, all main residences within Phase 4 shall have engineered fire sprinkler systems or active fire protection systems built in or each lot shall include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet.

Condition 21: Lot 35 shall be reconfigured so that the width of the lot at the front setback line is a minimum of 40 feet.

Condition 22: Prior to final plat approval of Phase 2, dedicate a public access easement for the proposed 4.25 acre park land property. The easement shall run from Dogwood Drive S to the park land property in the proposed alignment of the flag lot accessway.

The rights granted by the attached decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

- First Phase: October 18, 2020
- All other Phases: October 18, 2028

Application Deemed Complete:	<u>March 14, 2019</u>
Notice of Decision Mailing Date:	<u>May 31, 2019</u>
Decision Effective Date:	<u>June 18, 2019</u>
State Mandate Date:	<u>July 12, 2019</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net

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., Monday, June 17, 2019. 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 Chapters 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
(CASE NO. PLA-SUB-ADJ17-09MOD2)**

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

IN THE MATTER OF PROPERTY LINE) ADJUSTMENT AND MODIFICATION) OF TENTATIVE PHASED SUBDIVISION) PLAN CASE NO. PLA-SUB-ADJ17-09MOD2;) 3700 TO 3800 BLOCKS OF DOGWOOD) DRIVE S)	FINDINGS AND ORDER MAY 31, 2019
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REQUEST

A consolidated application affecting the approved Dogwood Heights subdivision (Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09) that includes the following requests:

- 1) A modification of the approval of Phased Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09 (the "Dogwood Heights" phased subdivision). The proposed modification:
 - a) Modifies Phases 3 and 4 to remove approximately 4.25 acres of land from the subdivision in order to allow it to sold for park land;
 - b) Correspondingly reconfigures Phase 4 to reduce the number of proposed lots within the phase from 11 lots to 5 larger lots;
 - c) Correspondingly reconfigures Phase 3 to accommodate a 20-foot-wide flag lot accessway, located to the east of proposed Lot 34, from Dogwood Drive to the proposed park land property;
 - d) Eliminates the cul-de-sac street originally approved to extend south from Dogwood Drive, and instead replaces it with a shorter private flag lot accessway to serve the four proposed large flag lots within Phase 4;
 - e) Reconfigures the alignment of Dogwood Drive to eliminate the street intersection with the former cul-de-sac street and instead curves the street towards Balm Street to the north;
 - f) Modifies the boundary between Phases 2 and 4 in order to accommodate the proposed reconfigured lots within those phases; and
 - g) Modifies the phasing plan to allow the option for Phase 3 to be constructed prior to Phase 2.
- 2) The following two property line adjustments to reconfigure the subject property in order to create the approximate 4.25 acre unit of land intended to be sold for park land:
 - a) A property line adjustment to relocate the common property line between tax lot numbers 083W04C00100 and 083W04C00200; and

- b) A property line adjustment to relocate the common property line between tax lot numbers 083W04C00200 and 083W04CB05000.
- 3) Approval of an alternative street standard for Dogwood Drive S to allow:
 - a) Street grade for portions of Dogwood Drive to exceed a maximum of 12 percent; and
 - b) Curblin sidewalks on the south side of Dogwood Drive.

The subject property is zoned RS (Single Family Residential) and located in the 3700 & 3800 Blocks of Dogwood Drive S (Marion County Assessor's Map and Tax Lot Number(s): 083W04CB03200, 4200, 4300, 4400, 4500, 4600, 4900, & 5000 and 083W04C00100 & 200).

DECISION

The requested property line adjustments are **APPROVED**, and the modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings adopted in both the original approval of tentative subdivision plan/class 2 adjustment Case No. SUB-ADJ17-09 and the modified approval (SUB-ADJ17-09MOD1), and the following amended conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 ~~and 26, and~~ 35.

~~**Condition 2:** The front lot line of Lots 36-39 shall be the south property line.~~

Condition 2: The front lot line of Lot 37 shall be designated as either the east property line or the north property line. If the north property line is designated as the front lot line, Lot 37 shall be reconfigured to relocate the north property line between Lot 37 and Lot 36 further to the south to conform to maximum lot depth requirements.

~~**Condition 3:** "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: The flag lot accessway serving Lots 36 to 39 shall:

- a) Be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, as required under SRC 800.025(c), Table 800-1;
- b) Include an approved Fire Department turnaround;
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- d) Be limited to serving only Lots 36 to 39. Lot 35 shall take access from Dogwood Drive S.

- Condition 4:** Design and construct a storm drainage system that provides flow control and treatment as required by the 2014 Public Works Design Standards.
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- ~~**Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.~~
- Condition 6:** All residences shall have a first floor elevation of no greater than 358 feet.
- ~~**Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provided S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.~~
- Condition 7:** Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:
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- Condition 8:** Design and construct City utilities to serve each proposed lot.
- Condition 9:** Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street, as shown on the revised tentative subdivision plan, with tapers pursuant to Public Works Design Standards.
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Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). Required landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive shall begin its transition to the property line sidewalk on the east side of Dogwood Drive at the west property line of Lot 28.

Condition 11: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

~~**Condition 12:** Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.~~

Condition 12: Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of Lot 22 to Noel Way (private), and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.

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Condition 15: At the time of final acceptance of public infrastructure construction, 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 16: Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3. As provided under Condition 10, curb line sidewalks are allowed on the south side of Dogwood Drive S.

Condition 17: Final plat approval for each phase shall be granted consistent with the phasing sequence proposed in the tentative phased subdivision plan; beginning with Phase 1 and concluding with Phase 4 provided, however, Phase 3 may proceed prior to Phase 2.

- Condition 18:** ~~The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.~~
- Condition 19:** ~~Prior to final plat approval of Phase 4, install no parking signs along Hillside Court as specified by the Public Works Director.~~
- Condition 20:** ~~Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).~~
- Condition 20:** Except for Lot 35, all main residences within Phase 4 shall have engineered fire sprinkler systems or active fire protection systems built in or each lot shall include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet.
- Condition 21:** Lot 35 shall be reconfigured so that the width of the lot at the front setback line is a minimum of 40 feet.
- Condition 22:** Prior to final plat approval of Phase 2, dedicate a public access easement for the proposed 4.25 acre park land property. The easement shall run from Dogwood Drive S to the park land property in the proposed alignment of the flag lot accessway.

PROCEDURAL FINDINGS

1. An application for a modification of the tentative plan approval of Tentative Phased Subdivision Plan Case No. SUB-ADJ17-09, along with two corresponding property line adjustments and a request for approval of an alternative street standard for Dogwood Drive S, was submitted by Multi/Tech Engineering on behalf of the applicant and property owner Dogwood Heights, LLC. SUB-ADJ17-09 proposed to divide property located in the 3700 and 3800 blocks of Dogwood Drive S (**Attachment A**) into 46 lots in four phases.

Subsequent to the initial review of the proposal and identification of additional required information in order to review the application, the applicant provided the requested additional information and the application was deemed complete for processing on March 14, 2019. On March 28, 2019, notice of the proposal was subsequently provided pursuant to SRC requirements. The state-mandated 120-day local decision deadline for the application is July 12, 2019.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan map.

2. Zoning

The subject property is zoned RS (Single Family Residential) and is currently vacant. Zoning of surrounding properties includes:

North: RS (Single Family Residential);
South: PC (Public and Private Cemeteries) & RS (Single Family Residential);
East: RS (Single Family Residential); and
West: RS (Single Family Residential).

3. Background/Proposal

On December 18, 2017, tentative approval was issued for the Dogwood Heights Subdivision (Subdivision Case No. SUB-ADJ17-09) (**Attachment B**) to subdivide the subject property into 46 lots in four phases and to allow streets grades within the subdivision to exceed 12 percent. The subject property is zoned RS (Single Family Residential) and located in the 3700 and 3800 Blocks of Dogwood Drive S (**Attachment A**) (Marion County Assessor Map and Tax Lot Numbers: 083W04CB03200, 4200, 4300, 4400, 4500, 4600, 4900, & 5000).

Subsequent to the approval of the tentative subdivision plan an initial modification request was submitted and approved (Case No. SUB-ADJ17-09MOD1) to modify phases 1 and 2 of the subdivision in order to allow Balm Street S to be improved with property line sidewalks within a 50-foot-wide right-of-way, and to allow Upper Dogwood Drive S (*formerly Hillside Drive S*) to be improved within a 50-foot-wide right-of-way.

This new proposed modification request is the second modification to the Dogwood Heights subdivision. The modification seeks to modify phases 2, 3, and 4 of the subdivision by removing approximately 4.25 acres of land from within phases 3 and 4 of the subdivision in order for it to be sold to the City for park land and correspondingly reconfigures the lot and street layout within these phases. As a result, the proposed modification generally reduces the overall number of lots proposed within the subdivision and results in fewer lots, which are larger in size, within phase 4 where topography of the property is the steepest. The proposed modification also correspondingly:

- Reconfigures Phase 3 to accommodate a 20-foot-wide flag lot accessway, located to the east of proposed Lot 34, from Dogwood Drive to the proposed park land property;
- Eliminates the cul-de-sac street originally approved to extend south from Dogwood Drive, and instead replaces it with a shorter private flag lot accessway to serve the four proposed large flag lots within Phase 4;

- Reconfigures the alignment of Dogwood Drive to eliminate the street intersection with the former cul-de-sac street and instead curves the street towards Balm Street to the north;
- Modifies the boundary between Phases 2 and 4 in order to accommodate the proposed reconfigured lots within those phases;
- Modifies the phasing plan to allow the option for Phase 3 to be constructed prior to Phase 2; and
- Requests approval of an alternative street standard to allow street grade for portions of Dogwood Drive to exceed a maximum of 12 percent, and curblined sidewalks on the south side of Dogwood Drive.

In addition to the modification, two property line adjustments are also proposed in conjunction with the modification. The property line adjustments are needed in order to reconfigure the property to create the approximate 4.25 acre unit of land intended to be removed from the subdivision with the modification and sold to the City for park land.

The applicant's proposed modified tentative subdivision plan is included as **Attachment C**. The two proposed property line adjustments are included as **Attachments D & E**.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Southwest Association of Neighbors (SWAN) neighborhood association. No comments were received from the neighborhood association.

5. Public Comments

Notice of the proposal was mailed to property owners and tenants within 250 feet of the subject property. Seven comments were received prior to the close of the public comment period deadline. Of the comments received, four expressed support/no opposition, one expressed concerns, and two expressed opposition.

Comments received indicating support/no opposition indicate, in summary, that the proposed changes to the subdivision are appreciated; the proposed park land will be used and enjoyed; the new east-west Balm Street (Phase 1) will give the development a much needed second fully improved ingress/egress street; and the connection of Dogwood Drive to Balm Street will help to reduce the amount of north-south traffic on existing Balm Street as well Spring Street.

Comments received expressing opposition to the proposed modification raise concerns, in summary, regarding the following issues:

- **Topography of property not suited for City Park.** A comment received indicated that due to the topography of the property it is not suited for a City Park and is not readily accessible for public use.

Staff Response: The approximate 4.25 acre property that is proposed to be removed from the subdivision and purchased by the City will not be improved as a park with play structures, restrooms, and a parking area. Instead, system development charge (SDC) funds collected from development within the City will be utilized to purchase the property and it will be utilized as park land to provide for a recreational trail that is intended to eventually connect to the Croisan Scenic Trail. In addition to serving as a link in this future recreational trail system, the property will also provide an open space and stormwater benefit by allowing 4.25 acres of tree canopy on the hillside to be retained.

Because the property will be used as part of a recreational trail system, the property is not subject to the same topographic constraints that would be applicable if the property were alternatively intended to be improved as a formal park.

- **Potential Landslide Hazards.** A comment received expressed concern about landslide hazards and the potential for damage to adjacent homes during an earthquake and questioned whether there was a current geological assessment on file.

Staff Response: A Geotechnical Investigation and Geologic Hazard Assessment was submitted with the original application that adequately sets forth mitigation measures that will reduce the risk of landslide hazard. Condition 15 of the original decision, which will continue to apply under this modification, requires that at the time of final acceptance of public construction plans, 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 lot.

- **Locations of Homes on Lots in Phase 4.** A comment received questioned where the homes would be located on the lots within Phase 4.

Staff Response: At the time of subdivision review an applicant is not required to identify where homes will be located on individual proposed lots. Instead, the purpose of subdivision review is to ensure that the lots that are proposed to be created meet the minimum lot size and dimension standards of the code. As with any other lots created within the City, the location of the homes on those lots will be determined by either a builder or the purchaser of the lot. When a building permit is submitted to construct a home on a lot, the permit is reviewed to ensure that the setback, lot coverage, height, and other applicable development standards of the code are met.

- **Increased Traffic.** A comment received expressed concern about increased traffic resulting from the proposed subdivision.

Staff Response: Under the original subdivision approval for 46 lots, the Public Works Department indicated that existing streets in the vicinity have adequate width for vehicle traffic and the proposed development did not generate traffic volumes

sufficient to require a traffic impact analysis pursuant to SRC 803.015. As such, off-site mitigation to the existing transportation system was not warranted as a condition of the subdivision.

The proposed modified subdivision includes a total of 39 lots, which is seven fewer lots than was approved with the original subdivision. Because the proposed modified subdivision will include fewer lots it will also generate less traffic. Both the streets proposed to be constructed within the subdivision and the streets in the surrounding area are sufficient to accommodate the proposed development.

The comment received expressing concerns regarding the proposed subdivision modification identified the following issues:

- **Safety.** Concern is expressed about safety due to the icy north facing road being even steeper. Concern was also expressed about fire truck access to the homes.

Staff Response: The original subdivision approval included a cul-de-sac street (Hillside Court) that extended from Dogwood Drive to the south to serve 12 lots. Due to the topography of the site the street grade of Hillside Court consisted of segments of 12 percent and 15 percent.

Under the proposed modification, Hillside Court is eliminated and is instead replaced with a shorter flag lot accessway (Noel Way) serving four lots. The proposed grade of the flag lot accessway will consist of segments of 12 percent and 15 percent as was the case with the street grades for the cul-de-sac street in the under the original approval. Because the proposed flag lot accessway is shorter in length than the original approved cul-de-sac street; because fewer lots will be served by it (four instead of 12); and because the grade will not be any steeper than the original approved cul-de-sac street; the proposed flag lot accessway will not result in increased safety concerns.

In addition, the Fire Department reviewed the proposal and did not object. The Fire Department did, however, recommend a condition of approval to ensure Fire Department requirements are met for the lots in Phase 4 which are served by the flag lot accessway. That recommended condition is reflected in modified Condition 20 of the original approval, and requires that the main residences within Phase 4 which are served by the flag lot accessway shall have engineered fire sprinkler systems or active fire protection systems built in or each lot shall include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet.

- **Landslide Risk.** Concern is expressed that although landslide risk is mitigated by reduced development in Phase 4, the property is still quite steep and the original geotechnical report upon which this subdivision is based (dated 4/29/2016) may still not adequately address concerns.

Staff Response: As previously discussed, a Geotechnical Investigation and Geologic Hazard Assessment was submitted with the original application that adequately sets forth mitigation measures that will reduce the risk of landslide hazard. Condition 15 of the original decision, which will continue to apply under this modification, requires that at the time of final acceptance of public construction plans, 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 in individual lot.

- **Water Pressure Issues.** The comment received indicates that the water pressure issue is less than the original proposal, but there is still concern that the proposed development will have a negative effect.

Staff Response: Due to the proposed reconfiguration of the subdivision and the reduction in the number of proposed lots, the lots within Phases 3 and 4 are proposed to be served by S-1 water service. The Public Works Department has reviewed the proposal, including the preliminary utility plan, and indicated that all proposed lots within the subdivision, with the exception of Lot 38, include a sufficient amount of land area to be buildable within the S-1 water service level. In order to ensure adequate water service to Lot 38, Condition 7 of the original approval has been modified to require the applicant to demonstrate adequate water service to Lot 38 can be provided by either reconfiguring the lot or providing a grading plan to show that the lot in its proposed configuration can be served by the S-1 water service level.

- **Water Runoff and Flooding.** The comment received indicates that they hope water runoff and potential flooding will be better than the full Phase 4 development because of trees and natural vegetation remaining on the park land property, but there is still a concern of potential impacts.

Staff Response: The proposed subdivision is required to meet flow control requirements which limit runoff to levels not exceeding preexisting conditions. The applicant is also required to demonstrate that adequate capacity exists to discharge stormwater into Croisan Creek.

In addition, with the removal of approximately 4.25 acres of land from the subdivision in order to serve as park land, trees which were originally identified to be removed on that portion of property to accommodate the lots within Phase 4 will now be preserved. The additional trees preserved on the hillside will help to reduce stormwater runoff.

The proposed subdivision modification will also result in less impervious surface area in Phase 4 due to the reduction in the number of homes that will be constructed and the replacement of the long cul-de-sac (Hillside Court) with a shorter and narrower flag lot accessway.

- **Traffic.** The comment received indicates that traffic will be better with few homes, but the traffic will still mostly be going through Dogwood Drive south and there is a dangerous intersection without any stops signs and a blind hill without room for two cars abreast so accidents are likely with greater traffic.

Staff Response: Street configuration under the proposed modified subdivision remains substantially consistent with that of the original approval. The only difference is the cul-de-sac street originally approved (Hillside Court) is replaced with a shorter flag lot accessway serving fewer lots, and the intersection of Hillside Court and Dogwood Drive is correspondingly eliminated. No street interconnectivity is lost under the proposed modification. Traffic, however, will be less due to the reduction in the number of lots within the subdivision.

- **Maintenance.** Concern is expressed that the private road may not have proper maintenance and with park access and cars driving, icy conditions are considerable given the length and now increased steepness of the private road, particularly if it is not well maintained.

Staff Response: The proposed flag lot accessway is a private access that will be required to be maintained by the owners of the property that it serves. As previously discussed, the 4.25 acre park land property will not be improved as a formal park with parking, play structures, restrooms, etc. Instead the property will serve to provide a recreational trail that is intended to eventually connect to the Croisan Scenic Trail. The grade of the proposed flag lot accessway is also not steeper than the grade of cul-de-sac street originally approved for the subdivision. As with the cul-de-sac street, the grade of the flag lot accessway has segments of 12 percent and 15 percent. The flag lot accessway is, however, shorter in overall length.

6. City Department Comments

- A. The Salem Fire Department reviewed the proposal and indicated that all main residences within Phase 4 shall have engineered fire sprinkler systems or active fire protection systems built in. The Fire Department indicates that fire sprinkler systems will not be required within Phase 4, however, for those residences that have a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% and no greater than 8%, for a length of not less than 30 ft. and a width of not less than 12 ft.

Staff Response: In order to meet the requirements of the Fire Department for the lots within Phase 4, a condition of approval is included in this decision requiring fire sprinkler systems or active fire protection systems for all main residences within the phase, unless there is a paved area adjacent to the residence that meets Fire Department requirements for staging and setup.

- B. The Building and Safety Division reviewed the proposal and provided comments indicating that verification is needed that no private sewers cross proposed lot lines.

Staff Response: As shown on the applicant's proposed utility plan (**Attachment F**), public sewer lines will be provided in Dogwood Drive S to serve the majority of the lots within the subdivision. Within Phase 4, however, private sewer lines will need to be extended down the proposed private flag lot accessway (Noel Way) to the public line in Dogwood Drive in order to serve the proposed flag lots. Extension of the private sewer lines for these lots to the public sewer main in Dogwood Drive will require easements.

- C. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development in conformance with the Salem Revised Code. Comments from the Public Works Department are included as **Attachment G**.

7. PROPERTY LINE ADJUSTMENT APPROVAL CRITERIA

As identified in this decision, two property line adjustments have been requested in conjunction with the proposed subdivision modification. The property line adjustments are needed in order to reconfigure the property to create the approximate 4.25 acre unit of land intended to be removed from the subdivision and sold to the City for park land. In addition to the 4.25 acre unit of land, the proposed property line adjustments will also result in two other reconfigured units of land that will remain within the subdivision to be further divided with phases 3 and 4 of the subdivision.

Because two property line adjustments are needed in order to create the 4.25 acre unit of land to be sold to the City for park land, the property line adjustments must be recorded in sequence. Property Line Adjustment No. 1, affecting Marion County Assessor Tax Lot Nos. 083W04C00100 & 083W04C00200, is the first application in the sequence and must be recorded first. Property Line Adjustment No. 2, affecting Marion County Assessor Tax Lot Nos. 083W04C00200 & 083W04CB05000, is the second application in the sequence and must be recorded last.

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are nonconforming.

SRC 205.055(d) establishes the approval criteria which must be met in order for a property line adjustment to be approved. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the conformance of the proposed property line adjustments with the criteria. Lack of compliance with the following criteria is grounds for denial of a property line adjustment.

(1) The property line adjustment will not create an additional unit of land.

Finding: The proposed property line adjustments conform this approval criterion as follows:

Property Line Adjustment No. 1:

Proposed Property Line Adjustment No. 1 relocates the common property line between two existing units of land identified as “Property A” (*Marion County Assessor Tax Lot No. 083W04C00100*) and “Property B” (*Marion County Assessor Tax Lot No. 083W04C00200*)(**Attachment D**).

There are two existing units of land before the proposed property line adjustment and there will be two units of land after the proposed property line adjustment. The proposed property line adjustment does not create an additional unit of land. This criterion is met.

Property Line Adjustment No. 2:

Proposed Property Line Adjustment No. 2 relocates the common property line between two existing units of land identified as “Property A” (*Marion County Assessor Tax Lot No. 083W04C00200*) and “Property B” (*Marion County Assessor Tax Lot No. 083W04CB05000*)(**Attachment E**).

There are two existing units of land before the proposed property line adjustment and there will be two units of land after the proposed property line adjustment. The proposed property line adjustment does not create an additional unit of land. This criterion is met.

- (2) ***The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development.***

Finding: The properties included in the two property line adjustment applications are zoned RS (Single Family Residential). The minimum lot size and dimension standards of the RS zone are established under SRC 511.010(a). A summary of the minimum lot size and dimension requirements of the RS zone is provided in the following table:

RS Zone Lot Standards	
Lot Area	Min. 4,000 sq. ft. (<i>applicable to single family uses</i>)
	Min. 6,000 sq. ft. (<i>generally applicable to non-residential uses</i>)
Lot Width	Min. 40 ft.
Lot Depth	Min. 70 ft. (<i>applicable to single family uses</i>)
	Min. 80 ft. (<i>applicable to non-residential uses</i>)
Street Frontage	Min. 40 ft.
	Min. 30 ft. (<i>allowed for single family uses on lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more; provided the minimum lot width at the front building setback line is not less than 40 ft.</i>)

The proposed property line adjustments conform this approval criterion as follows:

Property Line Adjustment No. 1:

Proposed Property Line Adjustment No. 1 results in two reconfigured properties that are approximately 0.99 and 6.66 acres in size. The proposed 0.99 acre property (*Property A on the proposed property line adjustment site plan*) will remain within the Dogwood Heights subdivision and will be further divided as part of Phase 3 of the subdivision.

The proposed 6.66 acre property (*Property B on the proposed property line adjustment site plan*) represents the first portion of the 4.25 acre property that will be removed from the subdivision and sold to the City for park land. Because a second property line adjustment, Property Line Adjustment No. 2, is needed in order to create the final boundaries of the 4.25 acre park land property, the lot configuration of Property B resulting from PLA No. 1 represents an interim step. The final configuration of this property will be established with the recording of PLA No. 2.

As illustrated on the property line adjustment site plan (**Attachment D**), the proposed property line adjustment decreases the size of Property A (*Marion County Assessor Tax Lot No. 083W04C00100*) from approximately 3.55 acres to 0.99 acres and correspondingly increases the size of Property B (*Marion County Assessor Tax Lot No. 083W04C00200*) from approximately 4.1 acres to 6.66 acres.

The proposed property line adjustment does not result in the creation of nonconforming units of land or nonconforming development. As shown on the PLA site plan, the resulting lot area and dimensions of the properties after the proposed property line adjustment will conform to the minimum lot area and dimension requirements of the RS zone. In addition, because the properties are currently vacant and undeveloped, there are no existing structures present which could be made non-conforming in regards to setback and lot coverage requirements as a result of the proposed property line adjustment.

Because the proposed property line adjustment does not result in the creation of non-conforming units of land or nonconforming development, this criterion is met.

Property Line Adjustment No. 2:

Proposed Property Line Adjustment No. 2 results in two reconfigured properties that are approximately 4.25 and 2.69 acres in size. The proposed 4.25 acre property (*Property A on the proposed property line adjustment site plan*) is proposed to be removed from the subdivision and sold to the City for park land.

The proposed 2.69 acre property (*Property B on the proposed property line adjustment site plan*) will remain within the Dogwood Heights subdivision and will be further divided as part of Phase 4 of the subdivision.

As illustrated on the property line adjustment site plan (**Attachment E**), the proposed property line adjustment decreases the size of Property A (*Marion County Assessor Tax Lot No. 083W04C00200*) from approximately 6.66 acres to 4.25 acres and correspondingly increases the size of Property B (*Marion County Assessor Tax Lot No. 083W04CB05000*) from approximately 12,546 square feet to 2.69 acres.

The proposed property line adjustment does not result in the creation of nonconforming units of land or nonconforming development. As shown on the PLA site plan, the resulting lot area and dimensions of the properties after the proposed property line adjustment will conform to the minimum lot area and dimension requirements of the RS zone. In addition, because the properties are currently vacant and undeveloped, there are no existing structures present which could be made non-conforming in regards to setback and lot coverage requirements as a result of the proposed property line adjustment.

Because the proposed property line adjustment does not result in the creation of non-conforming units of land or nonconforming development, this criterion is met.

- (3) *The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded.***

Finding: The proposed property line adjustments conform this approval criterion as follows:

Property Line Adjustment No. 1:

Property Line Adjustment No. 1 relocates the common property line between tax lots 083W04C00100 and 083W04C00200. The units of land associated with these tax lots were legally established. Because the proposed property line adjustment involves legal units of land that were lawfully established, this criterion is met.

Property Line Adjustment No. 2:

Property Line Adjustment No. 2 relocates the common property line between tax lots 083W04C00200 and 083W04CB05000. The units of land associated with these tax lots were legally established. Because the proposed property line adjustment involves legal units of land that were lawfully established, this criterion is met.

- (4) *The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land.***

Finding: The properties subject to the proposed property line adjustments are subject to prior land use approvals. These include the tentative approval of the Dogwood Heights Subdivision (*Phased Subdivision & Class 2 Adjustment Case No. SUB-ADJ17-09*) and a prior modification to the tentative approval of the Dogwood Heights Subdivision (*Phased Subdivision Modification Case No. SUB-ADJ17-09MOD1*).

Neither of the proposed property line adjustments are expressly prohibited by these prior land use approvals or their associated conditions of approval. However, the reconfigured boundaries of the properties resulting from the proposed property line adjustments, and the ultimate intended goal of removing 4.25 acres of land from the subdivision in order for it to be sold as park land, do result in a situation where the subdivision as originally approved could not be platted without modifying the original subdivision approval.

In order to ensure the Dogwood Heights Subdivision aligns with the reconfigured property boundaries proposed with these two property line adjustments, the applicant has also requested a modification to the subdivision to reconfigure the affected lots and streets and remove the proposed City park land property from being included in the subdivision.

Approval of the requested modification to the subdivision ensures that proposed Property Line Adjustment No. 1 and Property Line Adjustment No. 2 will remain consistent with the prior land use approvals affecting the property. This criterion is met.

(5) *The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way.*

Finding: Neither Property Line Adjustment No. 1 nor Property Line Adjustment no. 2 propose to relocate or eliminate any easements or public right-of-way. Because the proposed property line adjustments will not relocate or eliminate any public easements or right-of-way, this criterion is met.

(6) *The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.*

Finding: Neither Property Line Adjustment No. 1 nor Property Line Adjustment No. 2 will adversely affect the availability or access to public and private utilities or streets. The proposed property line adjustments conform this approval criterion as follows:

Property Line Adjustment No. 1:

Both Property A and Property B, as proposed with Property Line Adjustment No. 1, will have access to Dogwood Drive S. The Public Works Department also reviewed the proposal and did not identify any issues associated with the proposed property line adjustment that would preclude the properties from being served with public and private utilities. This criterion is met.

Property Line Adjustment No. 2:

Both Property A and Property B, as proposed within Property Line Adjustment No. 2, will have access to Dogwood Drive S. The Public Works Department also reviewed the proposal and did not identify any issues associated with the proposed property line

adjustment that would preclude the properties from being served with public and private utilities. This approval criterion is met.

8. TENTATIVE PHASED SUBDIVISION PLAN MODIFICATION APPROVAL CRITERIA

SRC 205.070(d) sets forth the following criteria that must be met before approval can be granted to a modification of a tentative phased subdivision plan approval. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification.

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

Finding: On December 11, 2017, the Dogwood Heights subdivision was approved by the City Council (**Attachment B**). The decision included a total of 20 conditions. Two conditions were established specific to Phase 1 of the subdivision; four conditions were established specific to Phase 2; two conditions were established specific to Phase 3; five conditions were established specific to phase 4; and the remaining seven conditions applied generally to the subdivision and were not specific to a particular phase.

Subsequent to the original approval of the subdivision the applicant applied for a modification to phases 1 and 2 of the subdivision. The purpose of this initial modification was to allow Balm Street S to be improved with property line sidewalks within a 50-foot-wide right-of-way and to allow Upper Dogwood Drive S to be improved within a 50-foot-wide right-of-way, as shown on the original approved tentative subdivision plan. The requested modification was subsequently approved with a necessary revision to Condition 10 of the original subdivision approval to reflect the street modifications requested with the application.

The current conditions of approval applicable to the subdivision as a result of the original approval, and the first modification, are as follows:

- Condition 1:** Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 and 26.
- Condition 2:** The front lot line of Lots 36-39 shall be the south property line.
- Condition 3:** “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 4:** Design and construct a storm drainage system that provides flow control and treatment as required by the 2014 Public Works Design Standards.

- Condition 5:** Prior to final plat approval for Phase 1, provide a stormwater discharge directly or indirectly to Croisan Creek pursuant to Public Works Design Standards.
- Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.
- Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provided S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.
- Condition 8:** Design and construct City utilities to serve each proposed lot.
- Condition 9:** Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street, as shown on the revised tentative subdivision plan, with tapers pursuant to Public Works Design Standards.
- Condition 10:** Sidewalks may be located at the curb line along the west side of Upper Dogwood Drive S and along the north side of Dogwood Drive S, as an alternative standard pursuant to SRC 803.035(l)(d)(B). Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Upper Dogwood Drive S shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). Required landscape strips along Balm Street S and the east side of Upper Dogwood Drive S shall be a minimum of 4 feet in width.
- Condition 11:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 12:** Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.
- Condition 13:** Prior to final plat approval of Phase 2, convey land for dedication to equal a half-width right-of-way of 36 feet from the centerline on the development (east) side of Spring Street S / Croisan Scenic Way S.
- Condition 14:** Prior to final plat approval of Phase 2, construct a 23-foot-wide half-street improvement along the frontage of Spring Street S / Croisan Scenic Way S to Minor Arterial street standards.
- Condition 15:** At the time of final acceptance of public infrastructure construction, 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 16:** Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3.
- Condition 17:** Final plat approval for each phase shall be granted consistent with the phasing sequence proposed in the tentative phased subdivision plan; beginning with Phase 1 and concluding with Phase 4.
- Condition 18:** The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.
- Condition 19:** Prior to final plat approval of Phase 4, install no parking signs along Hillside Court as specified by the Public Works Director.
- Condition 20:** Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).

The modification requested by the applicant seeks to modify phases 2, 3, and 4 of the subdivision by removing approximately 4.25 acres of land from within phases 3 and 4 of the subdivision in order for it to be sold to the City for park land and correspondingly reconfigures the lot and street layout within these phases. As a result, the proposed modification generally reduces the overall number of lots proposed within the subdivision and results in fewer lots, which are larger in size, within phase 4 where topography of the property is the steepest. The proposed modification also correspondingly:

- Reconfigures Phase 3 to accommodate a 20-foot-wide flag lot accessway, located to the east of proposed Lot 34, from Dogwood Drive to the proposed park land property;
- Eliminates the cul-de-sac street originally approved to extend south from Dogwood Drive, and instead replaces it with a shorter private flag lot accessway to serve the four proposed large flag lots within Phase 4;
- Reconfigures the alignment of Dogwood Drive to eliminate the street intersection with the former cul-de-sac street and instead curves the street towards Balm Street to the north;
- Modifies the boundary between Phases 2 and 4 in order to accommodate the proposed reconfigured lots within those phases;
- Modifies the phasing plan to allow the option for Phase 3 to be constructed prior to Phase 2; and
- Requests approval of an alternative street standard to allow street grade for portions of Dogwood Drive to exceed a maximum of 12 percent, and curblined sidewalks on the south side of Dogwood Drive.

In order to allow for the proposed modification, revisions to the original conditions of approval established for the subdivision are necessary. Existing conditions of approval

that need to be removed or further revised, and additional conditions of approval that are needed, in conjunction with the proposed modification are identified as follows:

▪ **Conditions of Approval to be Removed**

The following conditions of approval need to be removed because the reconfigured subdivision layout makes them no longer applicable or necessary:

Condition No. 18 is no longer applicable, and can therefore be removed, because it refers to a site plan that will no longer be valid with the approval of the proposed modification. Because the October 23, 2017, site plan is no longer relevant to the proposed modified subdivision, this condition of approval shall be removed as follows:

~~Condition 18:~~ ~~The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.~~

Condition No. 19 is no longer necessary and can be removed because the proposed modified subdivision will no longer include the cul-de-sac street, Hillside Court, which was included in the original approval. Instead, the original cul-de-sac street serving 12 lots will be replaced with a shorter private flag lot accessway (Noel Way) serving four larger flag lots. Because the cul-de-sac street will no longer be provided, a condition requiring no parking signs along the cul-de-sac is no longer necessary and shall therefore be removed as follows:

~~Condition 19:~~ ~~Prior to final plat approval of Phase 4, install no parking signs along Hillside Court as specified by the Public Works Director.~~

▪ **Conditions of Approval to be Further Revised**

The following conditions of approval need to be further revised to address the reconfigured lot and street layout proposed for the subdivision:

Condition 1 is required to be revised because the elimination of Hillside Court, and its corresponding street intersection with Upper Dogwood Drive and Dogwood Drive, results in a reconfiguration of the lots adjacent to this former proposed street intersection. With the reconfiguration an additional lot, Lot 35, is created that is partially encumbered by the existing right-of-way of Dogwood Drive S. In order to ensure that lots 25 and 26, and now lot 35, can be platted as proposed with this modification, the existing portions of the right-of-way of Dogwood Drive S which cross these proposed lots must be vacated. As such, Condition 1 shall be revised as follows:

Condition 1: Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 ~~and 26, and 35.~~

Condition 2 is required to be revised because under the proposed modification the four flag lots that were originally proposed in the southeastern portion Phase 4 off the end of Hillside Court have been eliminated and instead replaced with four flag lots served by a private flag lot accessway (Noel Way) off Dogwood Drive. Because the configuration of these new flag lots is different from that of the flag lots that were originally approved, Condition 2 requiring the front lot line of Lots 36-39 to be designated as the south property line is no longer relevant. SRC 800.020(a)(4) provides that for flag lots, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot. Lots 36, 38, and 39 under the proposed modification are flag lots which meet the minimum lot size and dimension requirements applicable to flag lots in the RS zone. These lots can also meet the front lot designation requirements of SRC 800.020; as such a condition of approval identifying which lot line shall be designated as the front lot line for these lots is not necessary.

Lot 37, however, which is also a flag lot, will exceed the maximum lot depth requirements of the RS zone under SRC 511.010(a) depending on which lot line is designated as the front lot line. Based on the configuration of this lot, if the eastern lot line of this lot is designated as the front, the lot will meet RS zone lot standards. If, however, the northern lot line of this lot is designated as the front, the lot's narrower width as compared to its longer depth will result in the lot exceeding maximum lot depth requirements. In order to ensure Lot 37 will meet applicable lot size and front lot line designation requirements, Condition 2 shall be revised as follows:

Condition 2: ~~The front lot line of Lots 36-39 shall be the south property line.~~

Condition 2: The front lot line of Lot 37 shall be designated as either the east property line or the north property line. If the north property line is designated as the front lot line, Lot 37 shall be reconfigured to relocate the north property line between Lot 37 and Lot 36 further to the south to conform to maximum lot depth requirements.

Condition 3 is required to be revised because the proposed modification relocates and changes the configuration of the proposed flag lot accessway serving Lots 36 to 39. Under the proposed modification, the flag lot accessway (Noel Way) serving Lots 36 to 39 is located off Dogwood Drive and is proposed to be constructed with a varying grade of 12 to 15 percent.

In order to ensure the proposed flag lot accessway meets the requirements for flag lot accessways included under SRC 800.025(c), as well as the requirements of the Salem Fire Prevention Code (SRC Chapter 58), Condition 3 shall be revised as follows:

Condition 3: ~~"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: The flag lot accessway serving Lots 36 to 39 shall:

- a) Be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, as required under SRC 800.025(c), Table 800-1;
- b) Include an approved Fire Department turnaround;
- c) Include "NO PARKING—FIRE LANE" signs posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs posted on both sides of any remaining portion of the accessway; and
- d) Be limited to serving only Lots 36 to 39. Lot 35 shall take access from Dogwood Drive S.

Conditions 6 and 7 are also required to be revised. Under the original approval, Condition 6 required all residences within Phase 3 to have a first floor elevation of no greater than 358 feet in order to ensure the homes constructed on the lots within Phase 3 would be able to be served by the lower elevation S-1 water service level. Because of the higher elevation of the lots within Phase 4, original Condition 7 required the construction of an S-2 water main to provide S-2 water service to all of the lots within Phase 4 with a first floor elevation of 358 feet or greater.

Under the proposed modification, the number of lots within Phase 4 of the subdivision have been reduced to the extent that it is no longer feasible to serve any of the lots within the subdivision with water from the S-2 water service level due to limited number of lots that would be served and the distance an S-2 water main would have to be extended to serve them. As such, the proposed lots will instead be required to be served by the S-1 water service level. The S-1 water service level in this area is intended to provide service up to an elevation of 358 feet. Based on the existing topography of the site, the proposed lots within the reconfigured subdivision will be able to be served by the S-1 water service level. One exception, however, is proposed Lot 38, the majority of which is located above 358 feet in elevation. Due to the existing topography of this lot it may not be able to be served by S-1 water.

In order to ensure that all of the proposed lots within the modified subdivision, including Lot 38, can be adequately served by the S-1 water service level, Conditions 6 and 7 shall be modified as follows:

~~**Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.~~

Condition 6: All residences shall have a first floor elevation of no greater than 358 feet.

~~**Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provided S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.~~

Condition 7: Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:

- a) Reconfigure Lot 38 and provide a preliminary building site plan that demonstrates a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot; or
- b) Provide a grading plan that demonstrates that Lot 38 in its current proposed configuration will have a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot.

Conditions 10 and 12 are required to be revised due to the proposed elimination of Hillside Court, and the associated street intersection of Hillside Court with Dogwood Drive and Upper Dogwood Drive. As a result of this proposed change, Dogwood Drive will extend through the proposed subdivision from the east to the west and then curve to the north to connect to Balm Street. Because Dogwood Drive will now extend through the subdivision to connect to Balm Street, Dogwood Drive will replace Upper Dogwood Drive and therefore the provisions of Condition 10 that refer to Upper Dogwood Drive need to be removed.

In addition, the applicant has also requested as part of the proposed modification an alternative street standard to allow curb line sidewalks on the south side of Dogwood Drive within Phase 3 due to curb line sidewalks already being present on the south side, as well as the north side, of Dogwood Drive in this area and topographic constraints on the south side of Dogwood Drive. As indicated in the comments from the Public Works Department (**Attachment G**), approval of an alternative street standard to allow curb line sidewalks on the south side of Dogwood Drive within Phase 3 is warranted, pursuant to SRC 803.065, based on the topography of the site which slopes up from the south side of Dogwood Drive and makes construction of property line sidewalks undesirable due to the amount of additional excavation into the hillside that would be required in order to push the sidewalk back to the southern right-of-way line.

In order to accommodate the revised configuration of Dogwood Drive and reflect the alternative street standard to allow curb line sidewalks on the south side of Dogwood Drive, Conditions 10 and 12 shall be revised as follows:

~~**Condition 10:** Sidewalks may be located at the curb line along the west side of Upper Dogwood Drive S and along the north side of Dogwood Drive S, as an alternative standard pursuant to SRC 803.035(l)(d)(B). Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Upper Dogwood Drive S shall be located parallel to and 0.5 feet from the~~

~~adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). Required landscape strips along Balm Street S and the east side of Upper Dogwood Drive S shall be a minimum of 4 feet in width.~~

Condition 10: Sidewalks may be located at the curb line along the west side of Dogwood Drive S abutting Lots 19, 22, 24, 26, and 35; along the north side of Dogwood Drive S abutting Lots 28 through 30; and along the south side of Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). Required landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive shall begin its transition to the property line sidewalk on the east side of Dogwood Drive at the west property line of Lot 28.

Condition 12: Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.

Condition 12: Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of Lot 22 to Noel Way (private), and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.

Condition 16 is required to be revised due to the alternative street standard proposed by the applicant to allow curb line sidewalks on the south side of Dogwood Drive S. SRC 803.035(l)(2)(A) requires sidewalks to be located parallel to and one-foot from the adjacent right-of-way for Local streets with a right-of-way of 60 feet. Though the existing right-of-way width of Dogwood Drive abutting the subject property within Phase 3 is 60 feet, therefore requiring property line sidewalks, SRC 803.035(l)(2)(B) allows for sidewalks to be placed in a different location if topography or other conditions make construction of the sidewalk in the required location impossible or undesirable. As mentioned previously in this decision, the topography of the site south of Dogwood Drive slopes relatively steeply upward making construction of property line sidewalks on the south side of Dogwood Drive undesirable due to the amount of additional excavation into the hillside that would be required in order to push the sidewalk back to the southern right-of-way line. Allowance of curb line sidewalks along the south side of Dogwood Drive is therefore warranted.

The current language included in Condition 16 requires improvements outside the pavement section of Dogwood Drive that do not meet current Public Works Design Standards (PWDS) to be constructed along the entire frontage of the property within Phase 3. Because the south side of Dogwood Drive currently has curb line sidewalks rather than property line sidewalks, the current language of Condition 16 would require the construction of property line sidewalks on the south side of Dogwood Drive. In order to ensure the language of Condition 16 does not conflict with the language of revised Condition 10, which allows curb line sidewalks along the south side of Dogwood Drive, Condition 16 shall be revised as follows:

Condition 16: Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3. As provided under Condition 10, curb line sidewalks are allowed on the south side of Dogwood Drive S.

Condition 17 is required to be revised due to the modification requested by the applicant to allow the option for Phase 3 of the subdivision to be constructed prior to Phase 2. Condition 17 currently requires that the subdivision be developed consistent with the phasing sequence proposed in the tentative phased subdivision plan beginning with Phase 1 and concluding with Phase 4.

Phase 3 of the proposed subdivision is unique in that it fronts on an existing improved section of Dogwood Drive and is not dependent upon completion of any of the other phases of the subdivision in order to be fully served by City infrastructure. As such the four proposed lots within Phase 3 can be platted, and homes constructed on them in conformance with the applicable requirements of the SRC, without the need for any of the other phases to be completed. In order to address the proposed modification to allow the option for Phase 3 to be constructed prior to Phase 2, Condition 17 shall be revised as follows:

Condition 17: Final plat approval for each phase shall be granted consistent with the phasing sequence proposed in the tentative phased subdivision plan; ~~beginning with Phase 1 and concluding with Phase 4~~provided, however, Phase 3 may proceed prior to Phase 2.

Condition 20 is required to be revised due to the proposed reconfiguration of the lots and flag lot accessway within Phase 4. Phase 4 originally included 11 lots. Seven of these lots had frontage on a proposed cul-de-sac street (Hillside Court). The remaining four lots were flag lots served by a flag lot accessway off the end of Hillside Court. Under the proposed modification, the cul-de-sac street (Hillside Court) has been eliminated and the number of lots within Phase 4 has been reduced to five lots. Of these five lots, four are flag lots served by a reconfigured flag lot accessway. The remaining fifth lot has frontage on the realigned Dogwood Drive and will take access from Dogwood Drive. Because of the topography of the site, the proposed reconfigured flag lot accessway serving the four flag lots within Phase 4 (Lots 36 through 39) will have a varying grade of 12 to 15 percent. Due to the

proposed grade of the flag lot accessway and the need for the Fire Department to be able to adequately provide fire protection to these lots, the Fire Department provide comments recommending that a condition of approval be established requiring either all main residences within Phase 4 to have engineered fire sprinkler systems or active fire protection systems built in, or each lot include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet. In order to ensure the proposed reconfigured lots within Phase 4 can meet Fire Department requirements, Condition 20 shall be revised as follows:

~~Condition 20:~~ ~~Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).~~

Condition 20: Except for Lot 35, all main residences within Phase 4 shall have engineered fire sprinkler systems or active fire protection systems built in or each lot shall include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet.

▪ **Conditions of Approval to be Added**

In addition to the above identified conditions of approval from the original decision that need to be either removed or revised, the following two additional conditions of approval need to be added to the decision in order to ensure that the modified subdivision conforms to the applicable requirements of the SRC and that access to the proposed 4.25 acre park land property will be provided through the subdivision:

Condition 21: Lot 35 shall be reconfigured so that the width of the lot at the front setback line is a minimum of 40 feet.

Condition 22: Prior to final plat approval of Phase 2, dedicate a public access easement for the proposed 4.25 acre park land property. The easement shall run from Dogwood Drive S to the park land property in the proposed alignment of the flag lot accessway.

Condition 21 is needed due to the proposed realignment of Dogwood Drive to connect directly to Balm Street. Under the proposed modification, Lot 35 (*Lot 27 under the original approval*) fronts on the realigned Dogwood Drive. Where the realigned Dogwood Drive abuts Lot 35 it is a curved street. The RS zone, pursuant to SRC 511.010(a), Table 511-2, generally requires lots to have a minimum street frontage of 40 feet, but allows the frontage requirement to be reduced to 30 feet for lots fronting on cul-de-sac turnarounds and the outside curves of curved streets when the width of the lot at the front building setback line is a minimum of 40 feet.

As currently proposed, the width of Lot 35 at the front setback line is approximately 36 feet, which falls short of the minimum required 40-foot width at the front building setback line. In order to ensure Lot 35 meets the street frontage requirements of the RS zone Condition 21 shall apply.

Condition 22 is needed due to 4.25 acres of land being removed from the subdivision in order for it to be sold to the City for park land. As shown on the modified tentative phased subdivision plan, the 4.25 acre park land property is proposed as a flag lot with 20 feet of frontage on Dogwood Drive S and the majority of its land area located between the existing and proposed lots which front Dogwood Drive to the north and the Belcrest Memorial Park cemetery to the south. In addition to the 20 feet of frontage on Dogwood Drive, a second point of access to the park land property is proposed off the end of the flag lot accessway in Phase 4. Because this second point of access requires crossing land which is not part of the park land property, a public access easement is required. As such, Condition 22 shall apply to ensure access to the park land property at this second location.

As evidenced by the findings above, though the conditions of approval applicable to the original decision are required to be modified as a result of the proposed modification, the revisions required are generally minor in nature and necessary to reflect the changes to street alignment and lot configuration as a result of 4.25 acres of land being removed from the subdivision. As with the original approval, the conditions of approval applicable to the proposed modification ensure that the proposed subdivision will comply with the applicable provisions of the Salem Revised Code.

Because the remaining applicable original conditions of the tentative phased subdivision plan approval will continue to apply, and because the proposed changes to the conditions of approval are not substantially inconsistent with the original conditions and are necessary to conform to the SRC, the proposed modification, as conditioned, meets this approval criterion.

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

Finding: Though the proposed modification changes the configuration of lots and the alignment and grades of Dogwood Drive and the flag lot accessway within phases 2, 3, and 4 of the tentative subdivision approval, the changes are necessitated due to the removal of 4.25 acres of land from the subdivision which will be dedicated to park land rather than being developed as single family home sites.

As illustrated on modified tentative phased subdivision plan, the reconfigured lots, as conditioned, will maintain conformance with minimum lot size, dimension, and street frontage requirements.

Though the appearance of the subdivision will change as a result of the proposed modification, the resulting change in appearance will be fewer lots within the subdivision overall, fewer and larger lots within Phase 4, greater tree preservation, less needed disturbance to the steepest areas of the property that will remain within the subdivision, and 4.25 acres of land that will be utilized for park land. These changes will help to lessen the visual impact of the physical appearance of the development compared to the original approval and result in greater compatibility with surrounding properties.

The use of the site will partially change as a result of the proposed modification, but only due to the introduction of 4.25 acres of land that will be used for park land. The property remaining within the modified subdivision will continue to be used for development of single family dwellings or other uses allowed within the RS (Single Family Residential) zone.

Though the proposed modification results in a change to the configuration and physical appearance of the subdivision, the change is not significant in terms of impacts. Instead, the proposed modification will result in lessening the impact of the subdivision on surrounding properties. This is achieved through a reduction of the number of lots proposed within the subdivision. The original subdivision included a total of 46 lots. The proposed modified subdivision, however, will include a total of 39 lots; thereby resulting in 7 fewer lots overall (*1 less lot in Phase 2 and 6 fewer lots in Phase 4*). In addition, the impacts of the modified subdivision are further lessened due to the fewer lots of a larger size proposed in Phase 4 where the topography of the property is the steepest; a reduction in the amount of paving necessary for street, street intersection, and flag lot accessway improvements; thereby resulting in less disturbance to the topography of the property; and greater overall tree preservation due to approximately 4.25 acres of the site being removed from the subdivision in order to be used as park land instead of being developed for individual homes.

As proposed and conditioned, the modified subdivision will not result in significant changes to the physical appearance of the development, the use of the site, or impacts on surrounding properties. Under the proposed modification, the level of intensity of the development will be reduced as a result of fewer lots of a larger size being proposed, greater tree preservation, less required site disturbance due to less needed for paving on the steepest areas of the property, and a large area of land to be used as park land.

In addition, the internal street configuration within the subdivision, while modified, generally remains consistent overall with the original approval; thereby not resulting in significant changes to traffic circulation within the subdivision and to the surrounding area. Under the original phased subdivision approval, streets exceeding maximum grade were approved due to the topography of the site. Under the proposed modification, portions of Dogwood Drive will also need to exceed maximum allowed street grade. Dogwood Drive is designated as a local street under the City's Transportation System Plan (TSP). Pursuant to SRC 803.035(c), the maximum grade for a local street is 12 percent.

SRC 803.065(a) allows for the utilization of alternative street standards in situations where a street may not be able to meet applicable standards. Pursuant to SRC 803.065(a)(1) and (3), alternative street standards may be utilized where existing development or physical constraints make compliance with the standard impracticable and where topography or other conditions make construction that conforms to the standards impossible or undesirable. In the case of the proposed modification, the Public Works Department indicates that an alternative street standard is authorized for the street grade of Dogwood Drive due to the topography of the site.

As identified, the proposed modifications to phases 2, 3, and 4 of the subdivision have been kept to the minimum necessary to accommodate the removal of the 4.25 acres of land to be sold to the City for park land while still maintaining overall general conformance with the original tentative phased subdivision approval. This criterion is met.

9. Effect on Expiration Period of Original Approval:

The final decision on Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09 was originally issued on December 18, 2017. Pursuant to SRC 300.850, Table 300-3, the first phase of the subdivision was set to expire 2 years from the date of issuance of the final decision on December 18, 2017, and the remaining phases are set to expire 10 years from that date. On October 18, 2018, a modification of Phases 1 and 2 of the subdivision was subsequently approved which modified the expiration dates of the original approval to October 18, 2020, for the first phase and October 18, 2028, for the remaining phases.

Pursuant to SRC 205.070(e), when a subdivision decision is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision. Because only approximately seven months have elapsed since the approval of the prior modification, the expiration periods established under the prior modification approval shall remain in effect. As such, the expiration date for the proposed modified subdivision is as follows:

- First Phase: October 18, 2020
- All Other Phases: October 18, 2028

IT IS HEREBY ORDERED

The requested property line adjustments and tentative phased subdivision plan modification of the Dogwood Heights subdivision, affecting property zoned RS (Single Family Residential) and located in the 3700 and 3800 Blocks of Dogwood Drive S (Marion County Assessor's Map and Tax Lot Number(s): 083W04CB03200, 4200, 4300, 4400, 4500, 4600, 4900, & 5000 and 083W04C00100 & 200) are hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, the findings adopted in both the original approval of tentative subdivision plan/class 2 adjustment Case No. SUB-ADJ17-09 and the modified approval (SUB-ADJ17-09MOD1), and the following amended conditions of approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 and 26, and 35.

~~**Condition 2:** The front lot line of Lots 36-39 shall be the south property line.~~

Condition 2: The front lot line of Lot 37 shall be designated as either the east property line or the north property line. If the north property line is designated as the front lot line, Lot 37 shall be reconfigured to relocate the north property line between Lot 37 and Lot 36 further to the south to conform to maximum lot depth requirements.

~~**Condition 3:** "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: The flag lot accessway serving Lots 36 to 39 shall:

- e) Be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, as required under SRC 800.025(c), Table 800-1;
- f) Include an approved Fire Department turnaround;
- g) Include "NO PARKING—FIRE LANE" signs posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs posted on both sides of any remaining portion of the accessway; and
- h) Be limited to serving only Lots 36 to 39. Lot 35 shall take access from Dogwood Drive S.

Condition 4: Design and construct a storm drainage system that provides flow control and treatment as required by the 2014 Public Works Design Standards.

Condition 5: Prior to final plat approval for Phase 1, provide a stormwater discharge directly or indirectly to Croisan Creek pursuant to Public Works Design Standards.

~~**Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.~~

Condition 6: All residences shall have a first floor elevation of no greater than 358 feet.

~~**Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provided S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.~~

Condition 7: Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:

- c) Reconfigure Lot 38 and provide a preliminary building site plan that demonstrates a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot; or
- d) Provide a grading plan that demonstrates that Lot 38 in its current proposed configuration will have a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot.

Condition 8: Design and construct City utilities to serve each proposed lot.

Condition 9: Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street, as shown on the revised tentative subdivision plan, with tapers pursuant to Public Works Design Standards.

~~**Condition 10:** Sidewalks may be located at the curb line along the west side of Upper Dogwood Drive S and along the north side of Dogwood Drive S, as an alternative standard pursuant to SRC 803.035(1)(d)(B). Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Upper Dogwood Drive S shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(1)(2)(A). Required landscape strips along Balm Street S and the east side of Upper Dogwood Drive S shall be a minimum of 4 feet in width.~~

Condition 10: Sidewalks may be located at the curb line along the west side of Dogwood Drive S abutting Lots 19, 22, 24, 26, and 35; along the north side of Dogwood Drive S abutting Lots 28 through 30; and along the south side of Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(1)(2)(A). Required landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive shall begin its transition to the property line sidewalk on the east side of Dogwood Drive at the west property line of Lot 28.

Condition 11: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

~~**Condition 12:** Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.~~

- Condition 12:** Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of Lot 22 to Noel Way (private), and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.
- Condition 13:** Prior to final plat approval of Phase 2, convey land for dedication to equal a half-width right-of-way of 36 feet from the centerline on the development (east) side of Spring Street S / Croisan Scenic Way S.
- Condition 14:** Prior to final plat approval of Phase 2, construct a 23-foot-wide half-street improvement along the frontage of Spring Street S / Croisan Scenic Way S to Minor Arterial street standards.
- Condition 15:** At the time of final acceptance of public infrastructure construction, 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 16:** Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3. As provided under Condition 10, curb line sidewalks are allowed on the south side of Dogwood Drive S.
- Condition 17:** Final plat approval for each phase shall be granted consistent with the phasing sequence proposed in the tentative phased subdivision plan; beginning with Phase 1 and concluding with Phase 4 provided, however, Phase 3 may proceed prior to Phase 2.
- ~~**Condition 18:** The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.~~
- ~~**Condition 19:** Prior to final plat approval of Phase 4, install no parking signs along Hillside Court as specified by the Public Works Director.~~
- ~~**Condition 20:** Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).~~
- Condition 20:** Except for Lot 35, all main residences within Phase 4 shall have engineered fire sprinkler systems or active fire protection systems built in or each lot shall include a portion of paved or concrete driveway leading to and/or adjacent to the main residence that has an average grade of not less than -8% nor greater than 8% for a length of not less than 30 feet and a width of not less than 12 feet.

Condition 21: Lot 35 shall be reconfigured so that the width of the lot at the front setback line is a minimum of 40 feet.

Condition 22: Prior to final plat approval of Phase 2, dedicate a public access easement for the proposed 4.25 acre park land property. The easement shall run from Dogwood Drive S to the park land property in the proposed alignment of the flag lot accessway.



Bryce Bishop, Planner II
Planning Administrator Designee

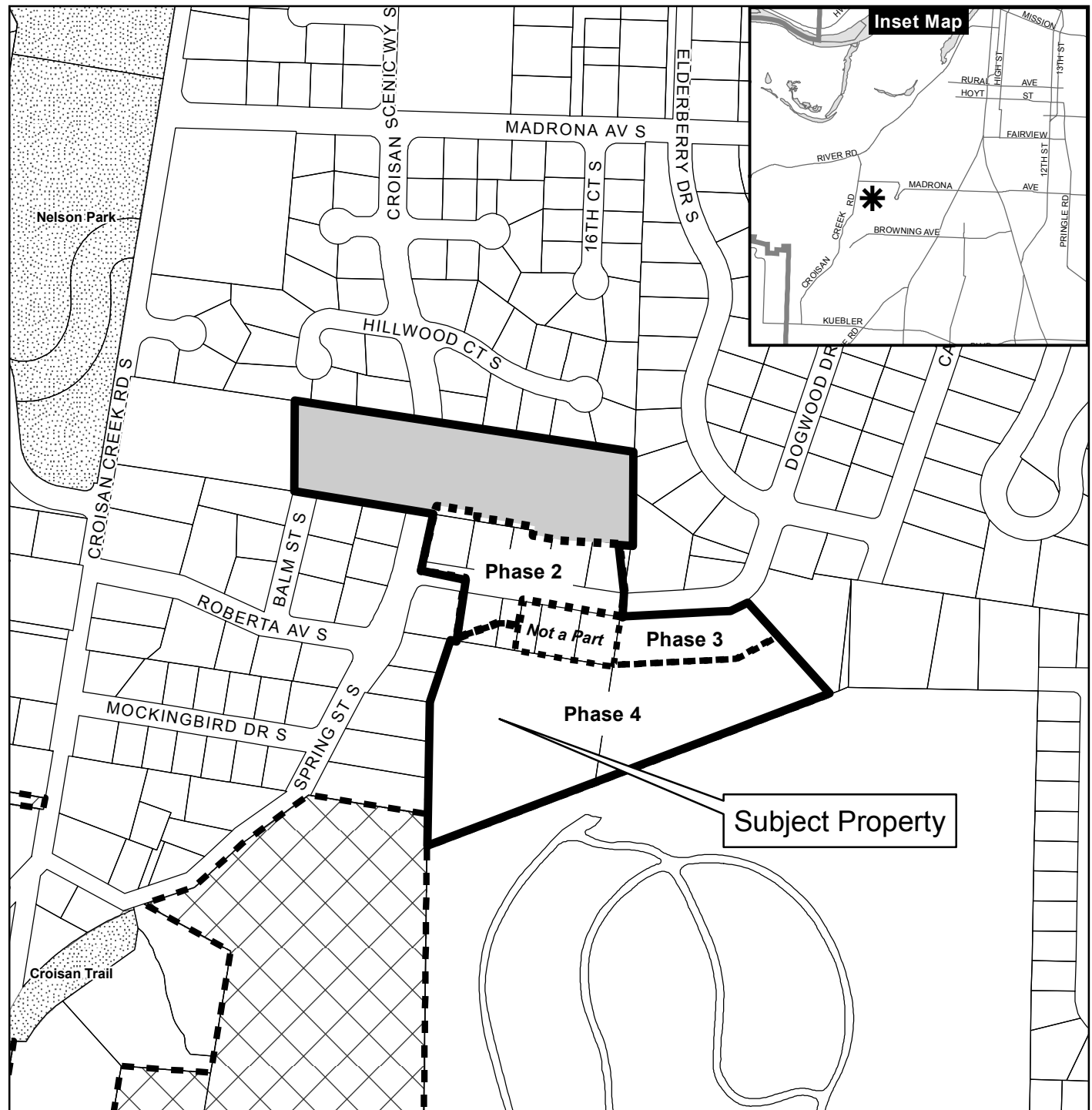
Attachments: A. Vicinity Map
B. Decision Approving Tentative Phased Subdivision Plan SUB-ADJ17-09
C. Applicant's Modified Tentative Phased Subdivision Plan
D. Property Line Adjustment No. 1
E. Property Line Adjustment No. 2
F. Proposed Utility Plan
G. Public Works Department Comments

Application Deemed Complete:	<u>March 14, 2019</u>
Notice of Decision Mailing Date:	<u>May 31, 2019</u>
Decision Effective Date:	<u>June 18, 2019</u>
State Mandated Decision Date:	<u>July 12, 2019</u>

cc: Alan Kessler, GIS

Vicinity Map

3700 & 3800 Blocks of Dogwood Drive S



Legend

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

Parks

CITY OF Salem
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Community Development Dept.

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COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

December 18, 2017

Si necesita ayuda para comprender esta información, por favor llame 503 -588-6173.

**NOTICE OF FINAL LAND USE DECISION Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09
for Property located at 3700 & 3800 Blocks of Dogwood
Drive S**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Order No. 2017-05 at their December 11, 2017 session, adopting findings and affirming the Administrative decision. A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days** after December 18, 2017. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

A handwritten signature in blue ink, appearing to read "Lisa Anderson-Ogilvie".

Lisa Anderson-Ogilvie, AICP
Planning Administrator

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF MODIFYING) ORDER NO. 2017-05 SUB-ADJ
THE DECISION OF THE PLANNING) PHASED SUBDIVISION /
ADMINISTRATOR FOR PHASED) CLASS 2 ADJUSTMENT
SUBDIVISION / CLASS 2) CASE NO. SUB-ADJ17-09
ADJUSTMENT CASE NO.)
SUB-ADJ17-09

This matter coming regularly for hearing before the City Council, at its December 4, 2017, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order modifying the decision of the Planning Administrator in Phased Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09, and approving the application.

PROCEDURAL FINDINGS:

- (a) On October 30, 2017, the Planning Administrator issued an order approving a consolidated application for a Phased Tentative Subdivision Plan and Class 2 Adjustments (Case No. SUB-ADJ17-09) subject to conditions of approval.
- (b) At the November 13, 2017 regular City Council meeting, the City Council by majority vote initiated a review of the Planning Administrator's decision pursuant to SRC 300.1050, a public hearing was scheduled before the City Council on December 4, 2017.
- (c) The applicant has granted one extension of the state mandated local decision deadline for this case, to December 26, 2017.
- (d) On December 4, 2017, the City Council conducted a hearing to receive evidence and testimony regarding the application; the public hearing was closed on December 4, 2017.
- (e) The City Council voted to affirm the Decision approving of the Application, subject to the modification of the Condition of Approval No. 9 as provided below. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.
- (f) No participant in the hearing requested the hearing to be continued or for the record to remain open. No participant objected to any bias or lack of jurisdiction

SUBSTANTIVE FINDINGS:

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

- (a) In an amended staff report submitted on November 30, 2017, staff recommended that Condition 9, as adopted in the Planning Administrator's October 30, 2017 decision order, be modified to clarify that the existing paved section of Balm Street S must be extended to provide a direct connection to the new section of Balm Street S proposed with the subdivision. The amended staff report recommends that Condition 9 be modified as shown in **bold underline** below:

Condition 9: Prior to the final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, **and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street,** as shown on the revised tentative subdivision plan, with tapers pursuant to Public Works Design Standards.

The phased tentative subdivision plan dividing approximately 14.14 acres into 46 lots in four phases, as proposed and subject to conditions recommended in the November 30, 2017 Amended Staff Report, meets all of the criteria for a tentative subdivision plan approval set forth in SRC 205.010(d).

- (b) Connectivity for streets and City utilities between each phase of the phased tentative subdivision plan, as proposed and subject to conditions adopted in the Planning Administrator's October 30, 2017 decision order, ensures the orderly and efficient construction of required public improvements among Phases 1 through 4.
- (c) Each phase of the phased tentative subdivision plan, as proposed and subject to conditions adopted in the Planning Administrator's October 30, 2017 decision order, is substantially and functionally self-contained and self-sustaining with regard to required public improvements.
- (d) Each phase of the phased tentative subdivision plan, as proposed and subject to conditions adopted in the Planning Administrator's October 30, 2017 decision order, is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.
- (e) The requested adjustment to increase the maximum allowed grade of certain segments of local streets from 12 percent, as required under SRC 803.035(c), to 15 percent, as proposed and subject to conditions adopted in the Planning Administrator's October 30, 2017 decision order, meets all of the criteria for a Class 2 Adjustment approval set forth in SRC 250.005(d)(2).
- (f) The requested adjustment to increase the maximum length of a flag lot accessway serving Lots 36-39 from 400 feet, as required under SRC 800.025(c), to 500 feet, as proposed and subject to conditions adopted in the Planning Administrator's October 30, 2017 decision order, meets all of the criteria for a Class 2 Adjustment approval set forth in SRC 250.005(d)(2).
- (g) The supplemental findings, attached hereto as exhibit 1, are incorporated to this decision as if set forth herein.
- (h) The City Council therefore APPROVES the application for a phased tentative subdivision plan and Class 2 Adjustments, as proposed and subject to conditions recommended in the November 30, 2017 Amended Staff Report.

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

Section 1. The Planning Administrator's decision for Phased Subdivision and Class 2 Adjustment Case No. SUB-ADJ17-09 is hereby modified to include the revisions to Condition 9 shown in **bold underline** below:

Condition 9: Prior to the final plat approval of Phase 1, construct Croisan Scenic Way S/ Spring Street S through the subject property as a Minor Arterial street, **and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street,** as shown on the revised

tentative subdivision plan, with tapers pursuant to Public Works Design Standards.

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

Exhibit 1: Supplemental Findings for SUB-ADJ 17-09

ADOPTED by the City Council this 11th day of December, 2017.

ATTEST:

A handwritten signature in black ink, appearing to read "Krisa St. Michael", written over the "ATTEST:" text.

City Recorder

Checked by: Lisa Anderson-Ogilvie

Supplemental Findings for SUB-ADJ 17-09:

1. Traffic Impact Analysis – The City Council adopts the finding of the Planning Administrator in that no Traffic Impact Analysis (TIA) is necessary for the proposed land division. The City Traffic Engineer reviewed and completed the Trip Generation Estimate, which concluded that the proposed subdivision, if completely platted and constructed, would generate net increase of approximately 409 trips, which is less than the 1,000 daily vehicle trips on a Minor Arterial necessary to require a TIA under UDC 803.015(1). Additionally, the City Traffic Engineer concluded that there are no documented traffic problems in the City’s Transportation System Plan or otherwise that would be impacted by the proposed traffic and there are no identified locations where pedestrian and/or bicyclist safety is a concern. UDC 803.015 (2). Concerns regarding the lack of sidewalks, bicycle lanes, and substandard roads adjacent to the subject property do not warrant a TIA for the reasons stated on Page 12 of the Decision under the section “Staff Response to Issue #2.” Finally, the City has neither performed nor reviewed a traffic engineering analysis that indicates that the approval of the development will result in levels of service of the street system that do not meet adopted level of service standards. UDC 803.015(3). No particularized comments were made during the hearing or in written comments that staff’s review and approval of the Trip Generation Estimate or the other traffic related evidence in the record was incorrect. Therefore, the City Council affirms the finding that a TIA was not warranted in this matter.
2. Stormwater – The requirements of UDC 205.030 are submittal criteria and are not approval criteria. However, as required by UDC 205.030(a)(9), the tentative plan map does identify the location, dimensions, and use of all proposed stormwater management facilities and detention facilities (see Preliminary Utility Plan). Additionally, Applicant submitted a description of the proposed stormwater management system as required by UDC 205.030(e) in the Applicant’s statement. Staff reviewed the tentative plan map and the description of the proposed stormwater management facilities and determined compliance with Conditions of Approval Nos. 4 and 5 are feasible. While generalized concerns were made concerning stormwater management, no particularized comments were made during the hearing or in written comments that staff’s review and approval of the stormwater management plan did not conform to applicable review criteria. Therefore, the City Council expressly affirms the finding that the Decision conditionally satisfies the requirements of UDC 205.010(d) and Chapter 71.
3. Geological Assessment -UDC 205.030(d) requires the submittal of a geological assessment; however, it itself is not an approval criterion. UDC 205.010(d)(1)(C) requires compliance with requirements of geological or geotechnical analysis required in the UDC, which are provided under UDC Chapter 810.

The following finding is intended to replace the finding of fact on Page 28 of the Decision:

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, copies of which are hereby incorporated into the record, there are areas on the south portion of the subject property (Tax Lots 100 and 200) assigned between two and five landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of five and ~~ten~~ eight points.

Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate to high landslide risk and requires a geologic assessment. SRC 810.030 (a) requires geological assessments to be stamped by a Certified Engineering Geologist and "include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site; and conclusions regarding the effect of geologic conditions on the proposed development."

Applicant met and exceeded the requirements of SRC 810.030(a) in submitting two stamped documents from Redmond Geotechnical Services. The consolidated Application includes a Geotechnical Investigation and Geologic Hazard Assessment, prepared by Redmond Geotechnical Associates and dated April 29, 2016 ("Original Assessment"), and a Supplemental Geotechnical Consultation and Review of Proposed Site Development and Grading Plans, Proposed Dogwood Heights Residential Development Project, Dogwood Drive South and Hillside Court South, Salem (Marion County), Oregon ("Supplemental Review"). Public Works Department staff have reviewed the Original Assessment ~~assessment~~ and Supplemental Review and concluded that the Original Assessment and Supplemental Review include all of the necessary findings and conclusions required by SRC 810.030(a). While opponents to the proposal submitted generalized concerns regarding landslide hazards and hydrogeological concerns, the documents from Redmond Geotechnical Services address these issues and there are no particularized comments stating otherwise. Redmond Geotechnical Services' assessment and follow up statement and submitted comments ~~indicating that the assessment~~ demonstrates that 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. Pursuant to SRC 810.020(d), the applicant's submittal adequately sets forth mitigation measures that will reduce the risk of landslide hazard (see pages 8 – 15 of the Original Assessment and page 2 of the Supplemental Review).

In order to ensure that potential landslide risks are adequately monitored and mitigated, the following condition shall apply:

Condition 15: At the time of final acceptance of public infrastructure construction, 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 proposal meets this criterion.

4. Street Vacation – The Applicant owns the majority of the portion of Dogwood Drive right-of-way, which is incorporated as a condition of approval. Therefore, the Applicant can legally petition for such a vacation, and Condition of Approval No. 1 is feasible.
5. Condition No. 9 shall be amended as follows:

Condition 9: Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street, as shown on the revised tentative phased subdivision plan (Attachment C), with tapers pursuant to Public Works Design Standards.

6. SRC 205.010(d)(4), (5), and (6) – The City’s ability to impose off-site improvements to the transportation system are limited by U.S. and Oregon constitutional “takings” considerations. Certain neighboring streets lack sidewalks and dedicated bike lanes, which affect pedestrian and bicycle access from the development to the surrounding neighborhood, transit stops, and neighborhood activity centers. If improvements to these streets were imposed as conditions of approval on the developer, the cost would solely be the responsibility of the developer and would not be eligible for SDC credits. Further, lack of sidewalks and bike lanes on the neighboring streets were not caused by the developer or the proposed development. Therefore, the potential conditions of approval requiring these improvements have neither a clear nexus to the proposed development and are not proportional to the potential impact of the development.
7. Opponents raised no other comments or concerns that are not otherwise addressed by the findings in the Decision or were related to matters that are not mandatory approval criteria. The City Council hereby affirms the Decision as modified and supplemented herein.

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO. SUB-ADJ17-09

APPLICATION NO. : 17-111999-LD & 17-200000-LD

NOTICE OF DECISION DATE: October 30, 2017

REQUEST: A consolidated application for a 46-lot phased subdivision ("Dogwood Heights") containing the following requests:

1) A phased subdivision tentative plan to divide approximately 14.14 acres into 46 lots as follows:

a) Phase 1 containing 20 lots ranging in size from 4,577 square feet to 11,169 square feet;

b) Phase 2 containing 11 lots ranging in size from 6,061 square feet to 6,939 square feet;

c) Phase 3 containing 4 lots ranging in size from 10,825 square feet to 11,571 square feet; and

d) Phase 4 containing 11 lots ranging in size from ~~17,982~~ 12,979 square feet to 34,793 square feet.

2) Class 2 Adjustments to:

a) Increase the maximum allowed grade of Hillside Court S, a local street, from 12 percent, as required under SRC 803.035(c), to 15 percent; and

b) Increase the maximum length of the flag lot accessway serving Lots 36-39 from 400 feet, as required pursuant to SRC 800.025(c), to 500 feet.

The subject property is approximately 14.14 acres in size, zoned RS (Single Family Residential), and located on the 3700 & 3800 Blocks of Dogwood Drive S (Marion County Assessor's Map and Tax Lot Numbers: 083W04CB03200; 04200; 04300; 04400; 04500; 04600; 04900; 05000; and 083W04C00100 and 00200).

APPLICANT: Dogwood Heights, LLC (Eric Jensen)

LOCATION: 3700 & 3800 Blocks of Dogwood Drive S.

CRITERIA: Salem Revised Code 205.010(d), 205.015(d) and 250.005(d)(2).

FINDINGS: The Findings are in the attached Order dated October 30, 2017.

DECISION: The Planning Administrator **APPROVED** Subdivision / Class 2 Adjustment SUB-ADJ17-09 subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval for Phase 2, obtain City approval for vacation of the existing right-of-way within and abutting proposed Lots 25 and 26.
- Condition 2:** The front lot line of Lots 36-39 shall be the south property line.
- Condition 3:** "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 4:** Design and construct a storm drainage system that provides flow control and treatment as required by the 2014 Public Works Design Standards.
- Condition 5:** Prior to final plat approval for Phase 1, provide a stormwater discharge directly or indirectly to Croisan Creek pursuant to Public Works Design Standards.
- Condition 6:** All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet.
- Condition 7:** Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provides S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater.
- Condition 8:** Design and construct City utilities to serve each proposed lot.
- Condition 9:** Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street as shown on the revised tentative phased subdivision plan (Attachment C), with tapers pursuant to Public Works Design Standards.
- Condition 10:** Sidewalks may be located at the curbline along the west side of Hillside Drive and along the north side of Dogwood Drive, as an alternative standard pursuant to SRC 803.035(I)(2)(B). Cul-de-sac sidewalks shall be located at the curbline. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(I)(2)(A).
- Condition 11:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

- Condition 12:** Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S.
- Condition 13:** Prior to final plat approval of Phase 2, convey land for dedication to equal a half-width right-of-way of 36 feet from the centerline on the development (east) side of Spring Street S / Croisan Scenic Way S.
- Condition 14:** Prior to final plat approval of Phase 2, construct a 23-foot-wide half-street improvement along the frontage of Spring Street S / Croisan Scenic Way S to Minor Arterial street standards.
- Condition 15:** At the time of final acceptance of public infrastructure construction, 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 16:** Prior to final plat approval of Phase 3, construct improvements outside the pavement section of Dogwood Drive SE that do not meet current Public Works Design Standards along the entire frontage of Phase 3.
- Condition 17:** Final plat approval for each phase shall be granted consistent with the phasing sequence proposed in the tentative phased subdivision plan; beginning with Phase 1 and concluding with Phase 4.

The requested Class 2 Adjustments are **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 18:** The final plat for each phase, including street grades, shall be in substantial conformance with the revised site plan submitted October 23, 2017 and included as Attachment C.
- Condition 19:** Prior to final plat approval of Phase 4, install no-parking signs along Hillside Court as specified by the Public Works Director.
- Condition 20:** Provide a fire apparatus turnout along the flag lot accessway serving Lots 36-39. The turnout shall be at least 10 feet in width and 40 feet in length and meet all design requirements set forth in the Salem Fire Prevention Code (Salem Revised Code Chapter 58).

The rights granted by the attached decision must be exercised, or an extension granted, by **November 15, 2019** or this approval shall be null and void

Application Deemed Complete:	<u>August 7, 2017</u>
Notice of Decision Mailing Date:	<u>October 30, 2017</u>
Decision Effective Date:	<u>November 15, 2017</u>

State Mandate Date: December 5, 2017

Case Manager: Chris Green, cgreen@cityofsalem.net

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., November 14, 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(s) 205 and 250. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

- LEGEND**
- | | | | |
|---------------|-----------------------|------------------|---------------------------|
| AC | ASPHALTIC CONCRETE | L.P. | LIGHT POLE |
| ACHP | ALUMINIZED CMP | M | METER, MAIN |
| ASSY | ASSEMBLY | M.H. | MANHOLE |
| B.O. | BLOW OFF | MTL | METAL |
| B.F.V. | BUTTERFLY VALVE | O.H. | OVERHEAD |
| C & G | CURB & GUTTER | PC | POINT OF CURVE |
| CATV | CABLE TELEVISION | PCC | POINT OF CONTINUING CURVE |
| C.B. | CATCH BASIN | PED | PEDESTAL |
| C.B.C.O. | CATCH BASIN CLEANOUT | PRC | POINT OF REVERSE CURVE |
| C.B.I. | CATCH BASIN INLET | PROP. | PROPOSED |
| C.L. | CENTERLINE | PT | POINT OF TANGENCY |
| CMP | CORRUGATED METAL PIPE | PUB. | PUBLIC |
| C.O. | CLEANOUT | PUE | PUBLIC UTILITY EASMT. |
| CONC. | CONCRETE | PVC | POLYVINYL CHLORIDE |
| CONST. | CONSTRUCT | PVT. | PRIVATE |
| D.I. | DUCTILE IRON | P.P. | POWER POLE |
| DIA. | DIAMETER | P.L. | PROPERTY LINE |
| DWG. | DRAWING | R | RADIUS |
| EASMT. | EASEMENT | R- | RIM |
| E.G. | EXIST. GRADE / GROUND | RD | ROOF DRAIN |
| EOP, E.P. | EDGE OF PAVEMENT | R.O.W. | RIGHT-OF-WAY |
| ELEC. | ELECTRIC | SAN.S. or S.S. | SANITARY SEWER |
| ELEV. or EL. | ELEVATION | SLOPE | SLOPE |
| EX. or EXIST. | EXISTING | STA. | STATION |
| FT. | FEET | STD. | STANDARD |
| F.F. | FINISH FLOOR | STL | STEEL |
| F.G. | FINISH GRADE | STM.DRN. or S.D. | STORM DRAIN |
| F.H. | FIRE HYDRANT | SVC. | SERVICE |
| F.M. | FORCE MAIN | SW | SEWAGE |
| GUT. or GTR. | GUTTER | T.C. | TOP OF CURB |
| G.V. | GATE VALVE | TEL. | TELEPHONE </td |
| IMP. | IMPROVEMENT | TYP. | TYPICAL |
| INST. | INSERT | U.G. | UNDERGROUND |
| INV. or I- | INVERT | ULT. | VAULT |
| L | LENGTH, LINE | W.M. | WATER MAIN |

- SYMBOLS**
- | | |
|------------------------|-------------------------|
| EXIST. PROP. | EXIST. PROP. |
| ○ BLOW OFF ASSY. | ○ MANHOLE SAN. SEWER |
| □ CATCH BASIN | ○ MANHOLE STORM DRAIN |
| □ CATCH BASIN CLEANOUT | ○ 2 DIA. C.O. / M.H. |
| □ CATCH BASIN INLET | ○ MANHOLE TELEPHONE |
| △ CATV PED. / BOX | ○ MANHOLE WATER |
| ○ CLEANOUT | ○ REDUCER / INCREASER |
| ○ ELEC. PED. / BOX | ○ TEL. PED. / BOX |
| ○ FIRE HYDRANT | ○ TRAFFIC PED. / BOX |
| ○ GAS LOCATION MARKER | ○ UTILITY / POWER POLE |
| ○ GAS VALVE | ○ WATER METER |
| ○ MAIL BOX | ○ WATER VALVE |
| ○ CABLE TELEVISION | ○ SANITARY SEWER EXIST. |
| ○ CENTERLINE | ○ SANITARY SEWER PROP. |
| ○ DITCH C.L. | ○ STORM DRAIN EXIST. |
| ○ ELECTRICAL LINE | ○ STORM DRAIN PROP. |
| ○ GAS MAIN | ○ WATER MAIN EXIST. |
| ○ TELEPHONE LINE | ○ WATER MAIN PROP. |

PARCEL SIZE:
DEVELOPABLE AREA — 14.136 AC.
NUMBER OF UNITS — 46
DENSITY — 3.25 UNITS/ACRE
LARGEST — 34,793 S.F.
SMALLEST — 4,577 S.F.
AVERAGE — 10,511 S.F.

EXISTING ZONE — SF
COMPREHENSIVE DESG. — SFR

UTILITIES:
CABLE — COMCAST CABLE SERVICES
POWER — P.G.E.
PHONE — CENTURY LINK
GAS — N.W. NATURAL
STORM DRAIN,
SANITARY SEWER,
WATER — CITY OF SALEM



VICINITY MAP

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

MULTI/TECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED
**NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED HERE**

REGISTERED PROFESSIONAL ENGINEER
P.E. # 654
JULY 14, 1978
MARK C. BRENN
EXPIRES: 06-30-2019

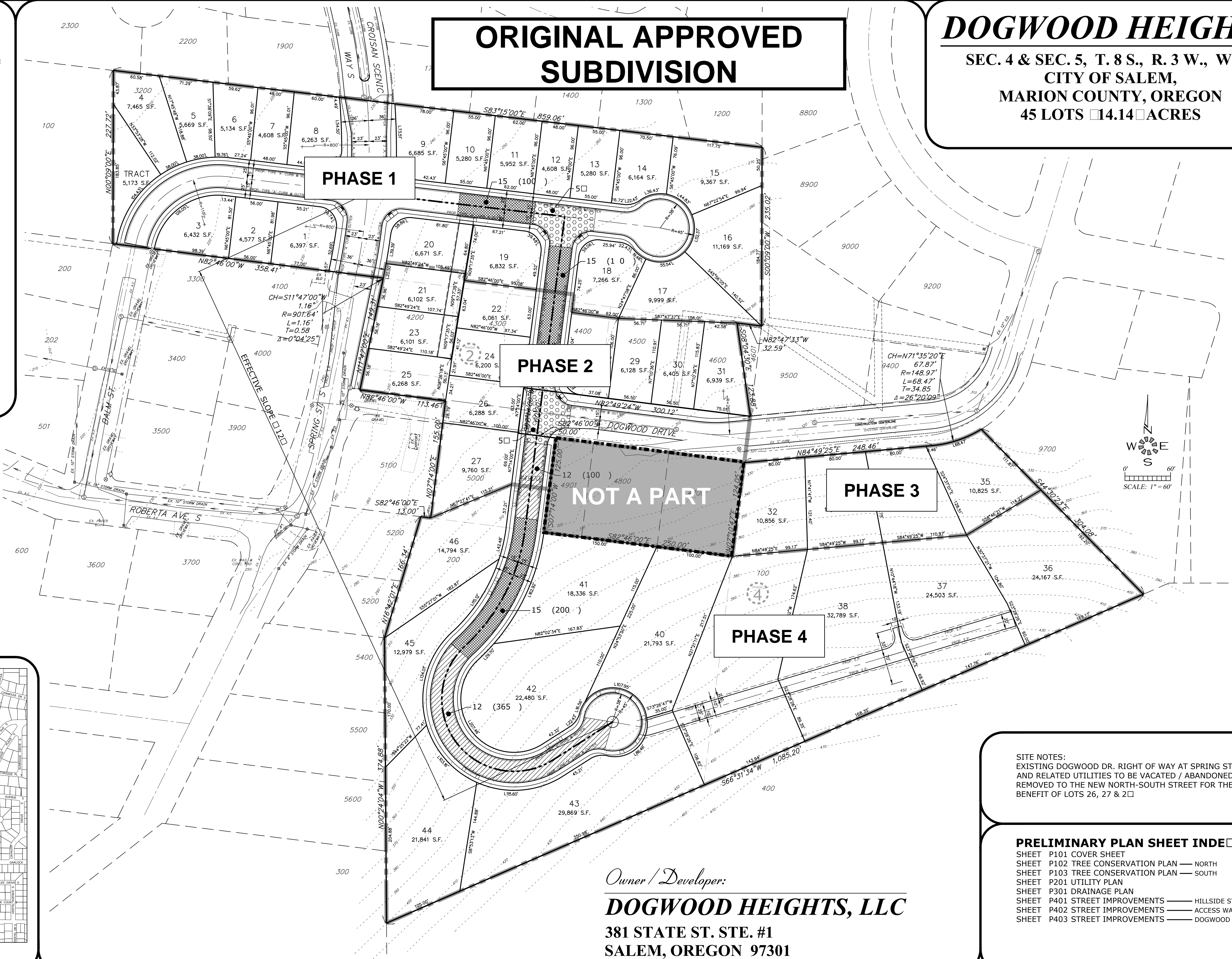
NO CHANGES, MODIFICATIONS OR
REPRODUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: MAY 2017
Scale: AS SHOWN
As-Built:

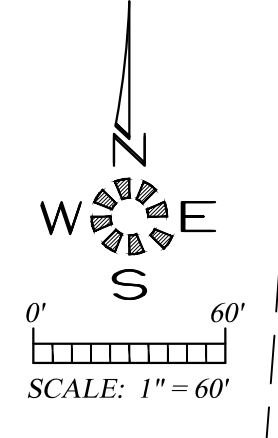
DOGWOOD HEIGHTS

Owner / Developer:
DOGWOOD HEIGHTS, LLC
381 STATE ST. STE. #1
SALEM, OREGON 97301

**ORIGINAL APPROVED
SUBDIVISION**



DOGWOOD HEIGHTS
SEC. 4 & SEC. 5, T. 8 S., R. 3 W., W.M.
CITY OF SALEM,
MARION COUNTY, OREGON
45 LOTS 14.14 ACRES



SITE NOTES:
EXISTING DOGWOOD DR. RIGHT OF WAY AT SPRING STREET
AND RELATED UTILITIES TO BE VACATED / ABANDONED /
REMOVED TO THE NEW NORTH-SOUTH STREET FOR THE
BENEFIT OF LOTS 26, 27 & 28

- PRELIMINARY PLAN SHEET INDEX**
- | | |
|------------|------------------------------------|
| SHEET P101 | COVER SHEET |
| SHEET P102 | TREE CONSERVATION PLAN — NORTH |
| SHEET P103 | TREE CONSERVATION PLAN — SOUTH |
| SHEET P201 | UTILITY PLAN |
| SHEET P301 | DRAINAGE PLAN |
| SHEET P401 | STREET IMPROVEMENTS — HILLSIDE ST. |
| SHEET P402 | STREET IMPROVEMENTS — ACCESS WAY |
| SHEET P403 | STREET IMPROVEMENTS — DOGWOOD DR. |

**PRELIMINARY PLAN
COVER SHEET**

Project Number
6427
Sheet Number
P101

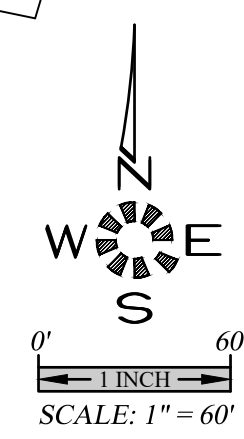
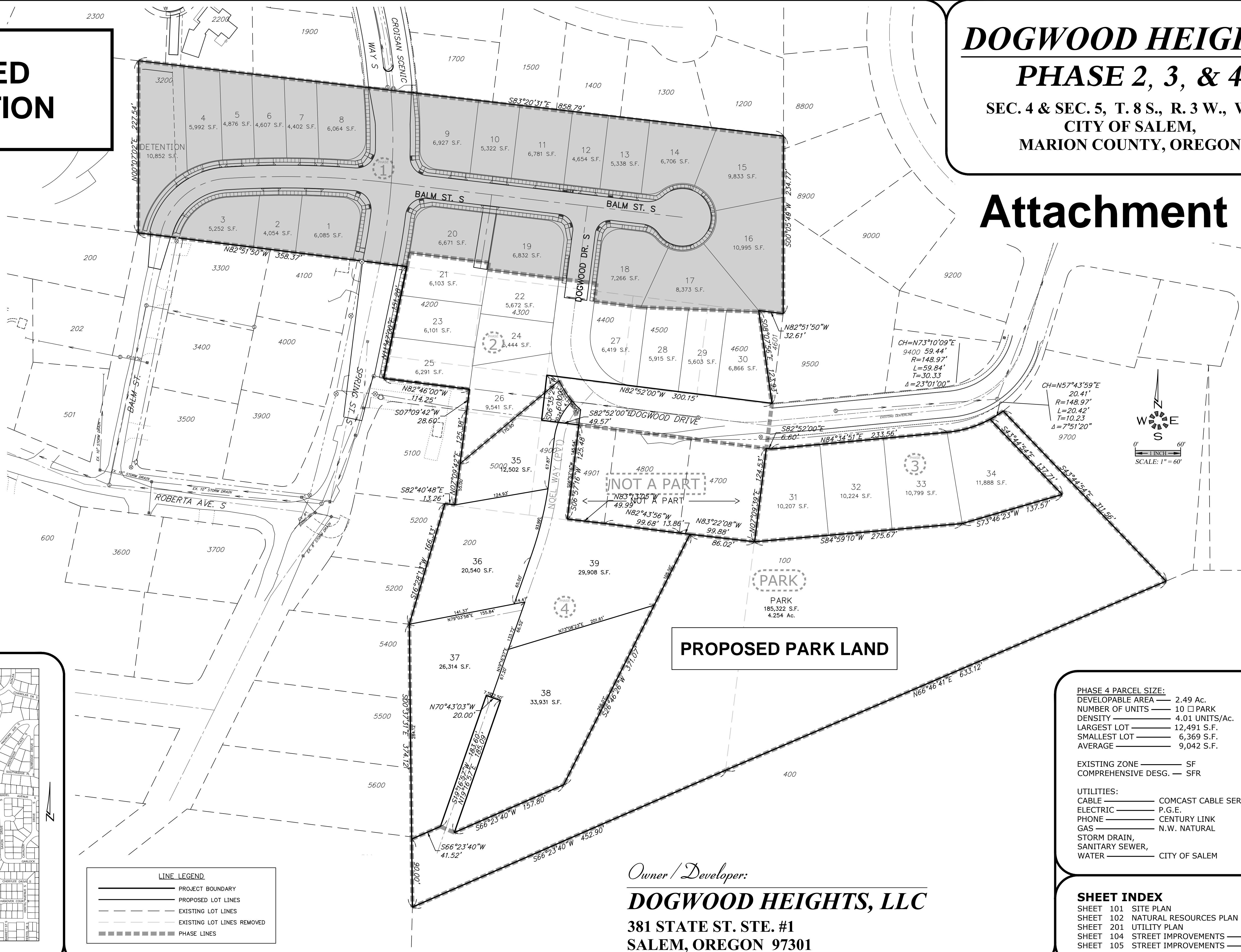
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4. REVISED PER DEVELOPER.	P.H.S.	09/02/2017
3. REVISED PER DEVELOPER.	P.H.S.	08/01/2017
2. REVISED PER DEVELOPER.	P.H.S.	06/05/2017
1. REVISED PER DEVELOPER.	P.H.S.	05/30/2017

PROPOSED MODIFICATION

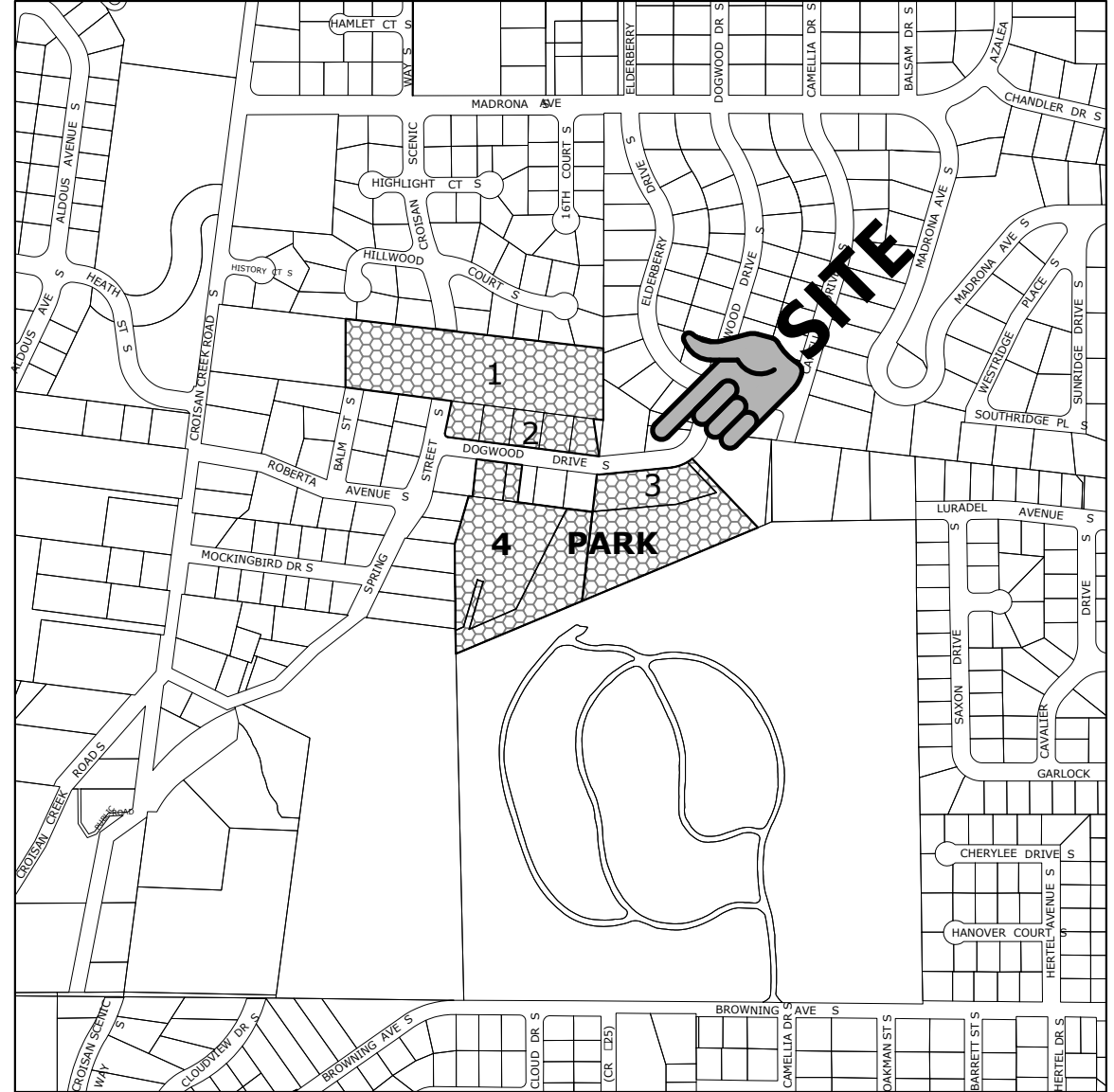
DOGWOOD HEIGHTS PHASE 2, 3, & 4

SEC. 4 & SEC. 5, T. 8 S., R. 3 W., W.M.
CITY OF SALEM,
MARION COUNTY, OREGON

Attachment C



LINE LEGEND	
	PROJECT BOUNDARY
	PROPOSED LOT LINES
	EXISTING LOT LINES
	EXISTING LOT LINES REMOVED
	PHASE LINES



VICINITY MAP

Owner / Developer:
DOGWOOD HEIGHTS, LLC
381 STATE ST. STE. #1
SALEM, OREGON 97301

PHASE 4 PARCEL SIZE:	
DEVELOPABLE AREA	2.49 Ac.
NUMBER OF UNITS	10 □ PARK
DENSITY	4.01 UNITS/AC.
LARGEST LOT	12,491 S.F.
SMALLEST LOT	6,369 S.F.
AVERAGE	9,042 S.F.

EXISTING ZONE	SF
COMPREHENSIVE DESG.	SFR
UTILITIES:	
CABLE	COMCAST CABLE SERVICES
ELECTRIC	P.G.E.
PHONE	CENTURY LINK
GAS	N.W. NATURAL
STORM DRAIN	
SANITARY SEWER	
WATER	CITY OF SALEM

SHEET INDEX	
SHEET 101	SITE PLAN
SHEET 102	NATURAL RESOURCES PLAN
SHEET 201	UTILITY PLAN
SHEET 104	STREET IMPROVEMENTS — DOGWOOD DR.
SHEET 105	STREET IMPROVEMENTS — NOEL WAY

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MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED
NOT FOR CONSTRUCTION
UNLESS STAMPED APPROVED HERE

REGISTERED PROFESSIONAL ENGINEER
MARK D. GREGG
JUL 24 1978
EXPIRES: 06-30-2019

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: MAY 2017
Scale: AS SHOWN
As-Built:

DOGWOOD HEIGHTS

**PHASE 2, 3, & 4 MODIFICATION
SITE PLAN**

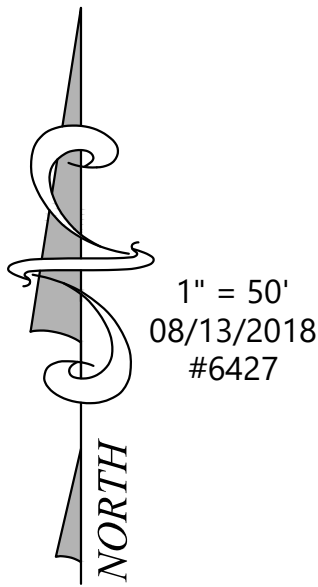
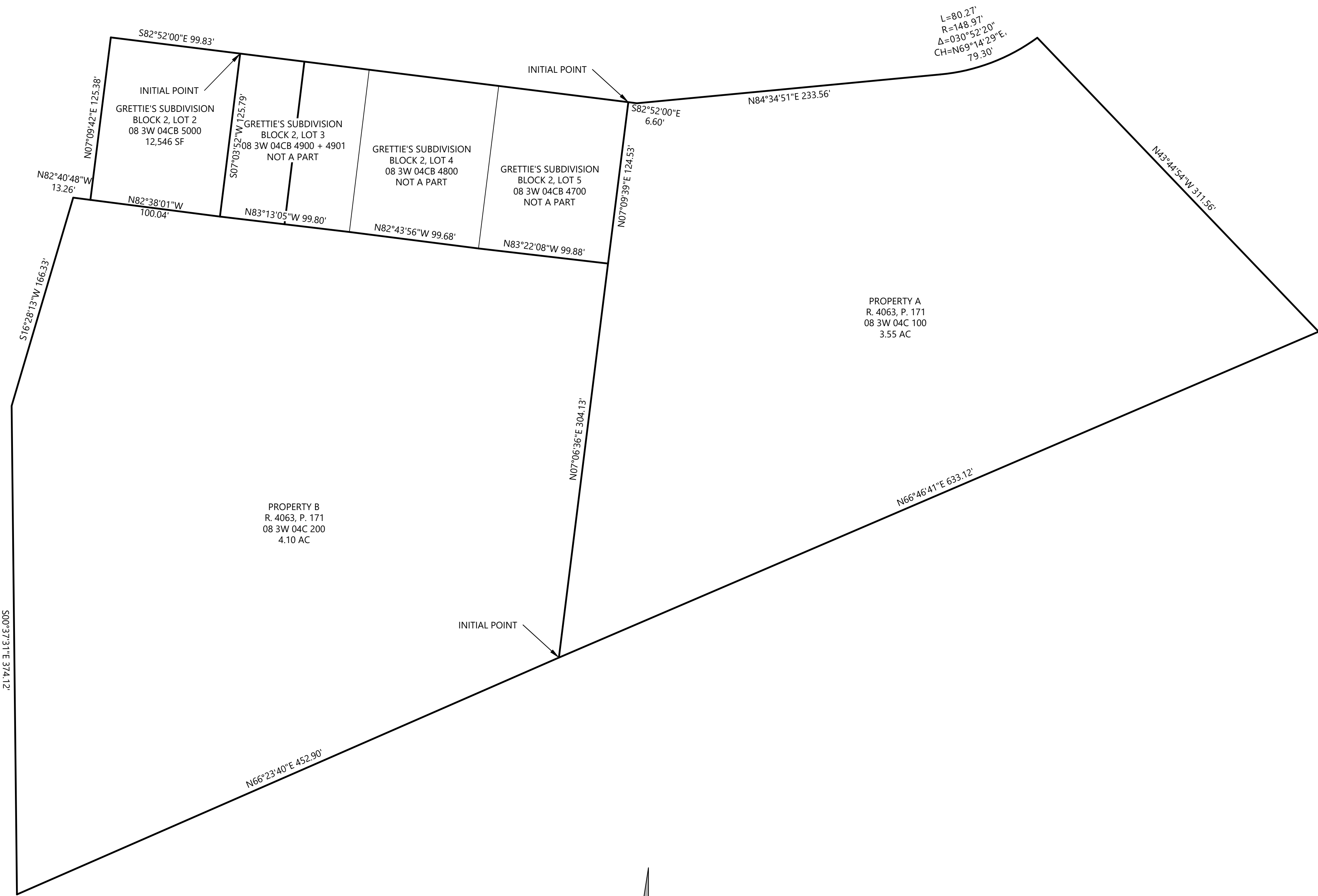
Project Number
6427
Sheet Number
101



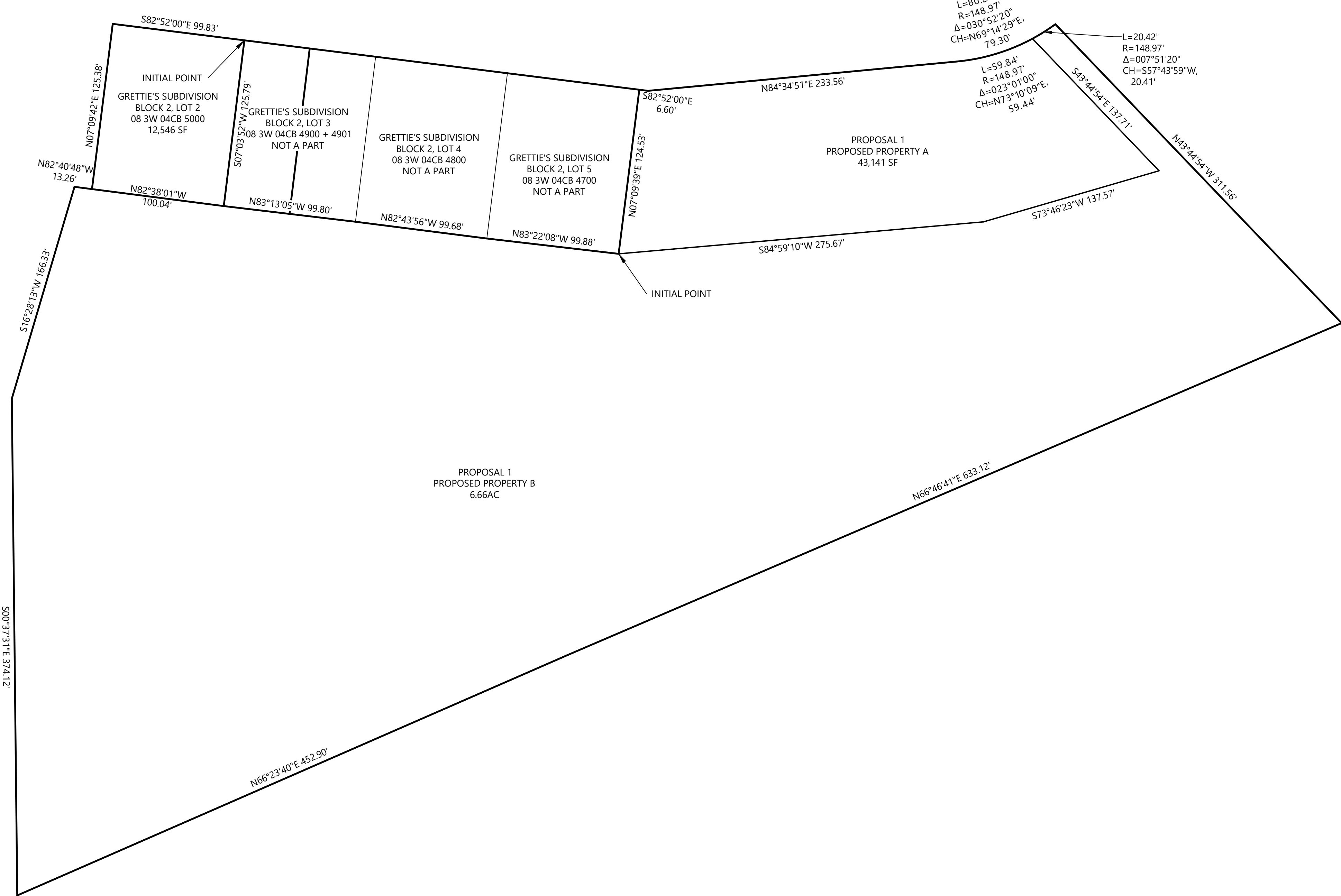


PROPERTY LINE
ADJUSTMENT NO. 1

EXISTING CONDITIONS



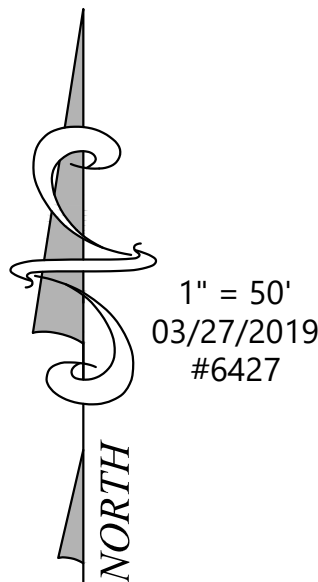
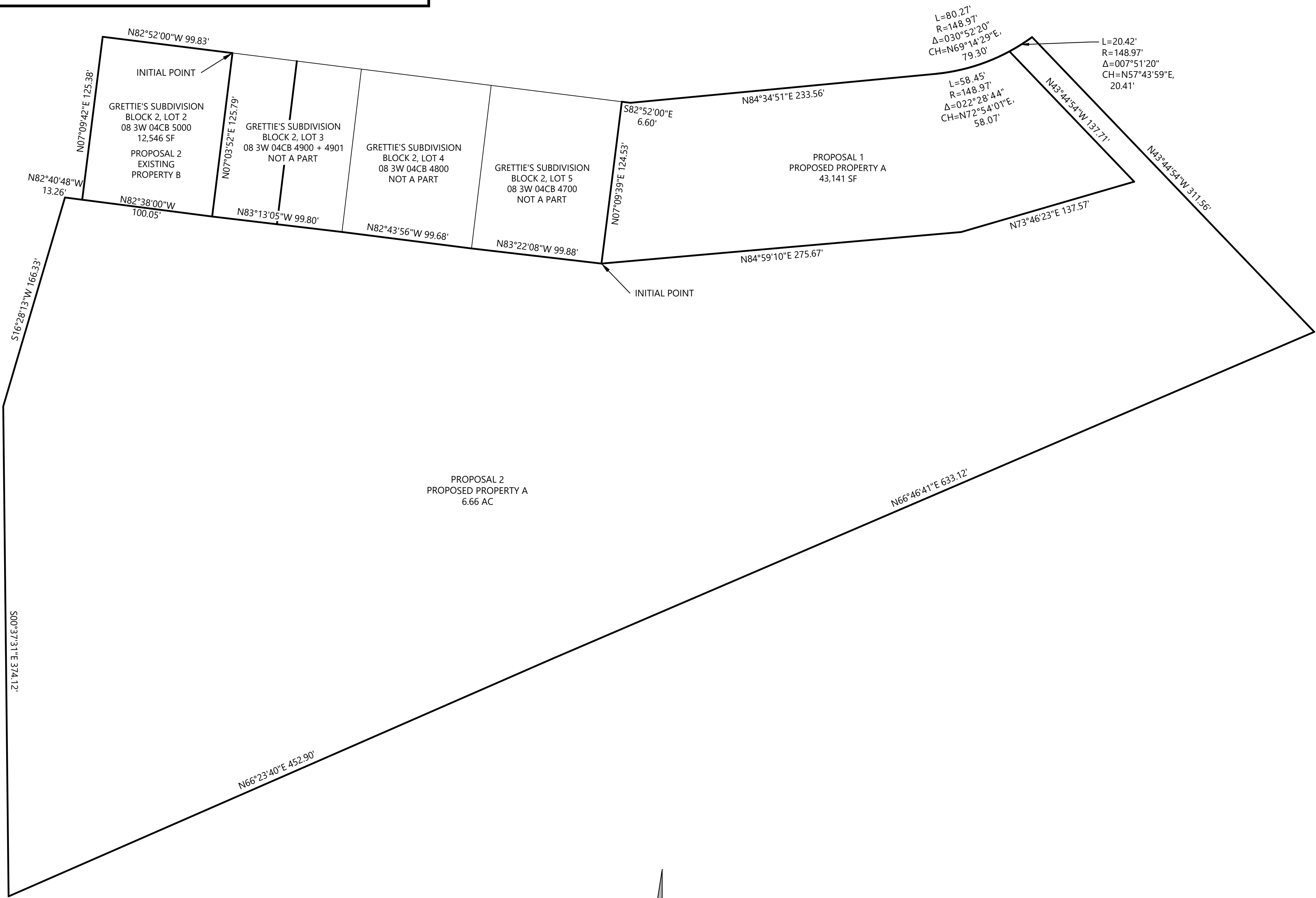
PROPOSED CONDITIONS #1



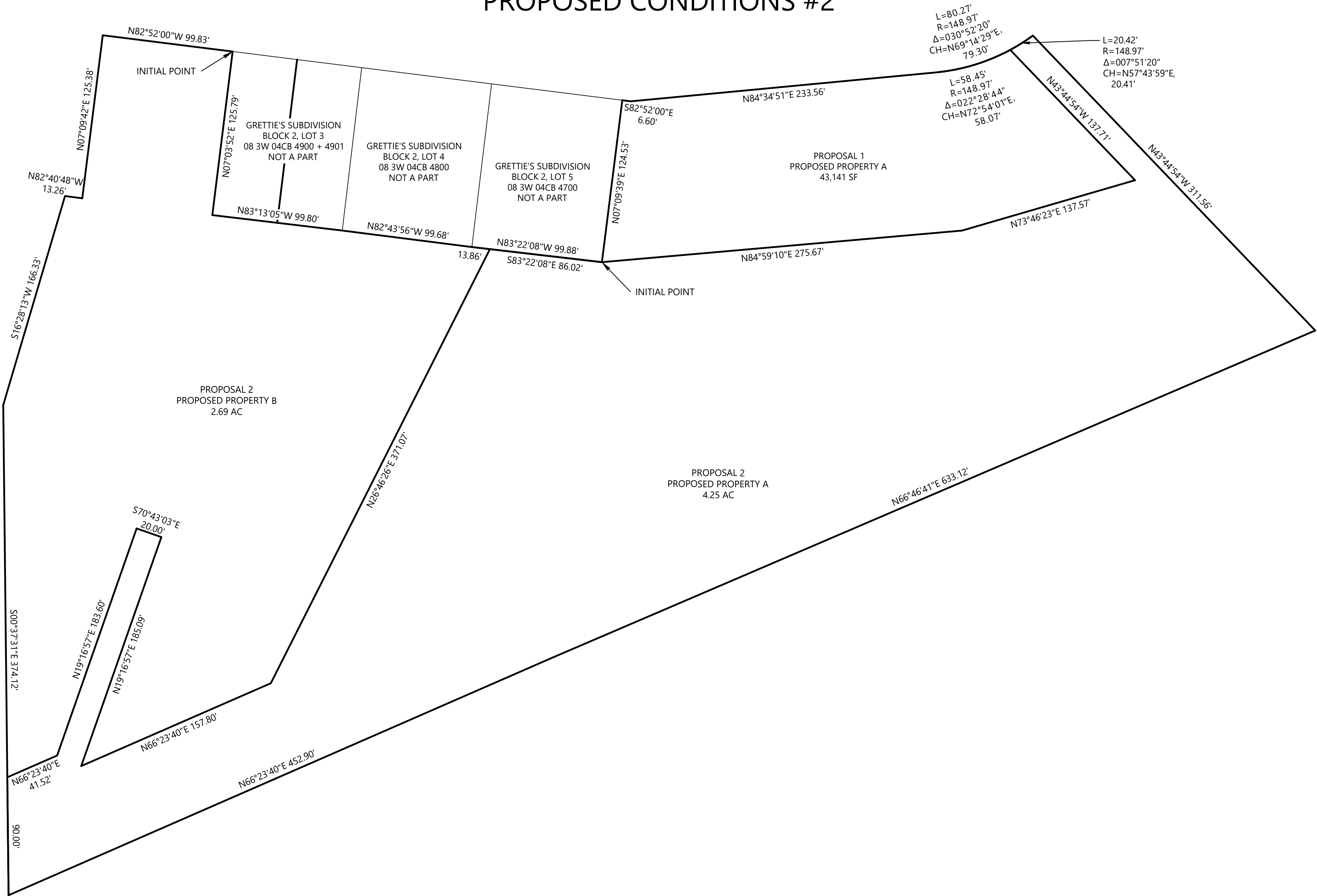
PROPERTY LINE
ADJUSTMENT NO. 2

PROPOSED CONDITIONS #1

Attachment E



PROPOSED CONDITIONS #2

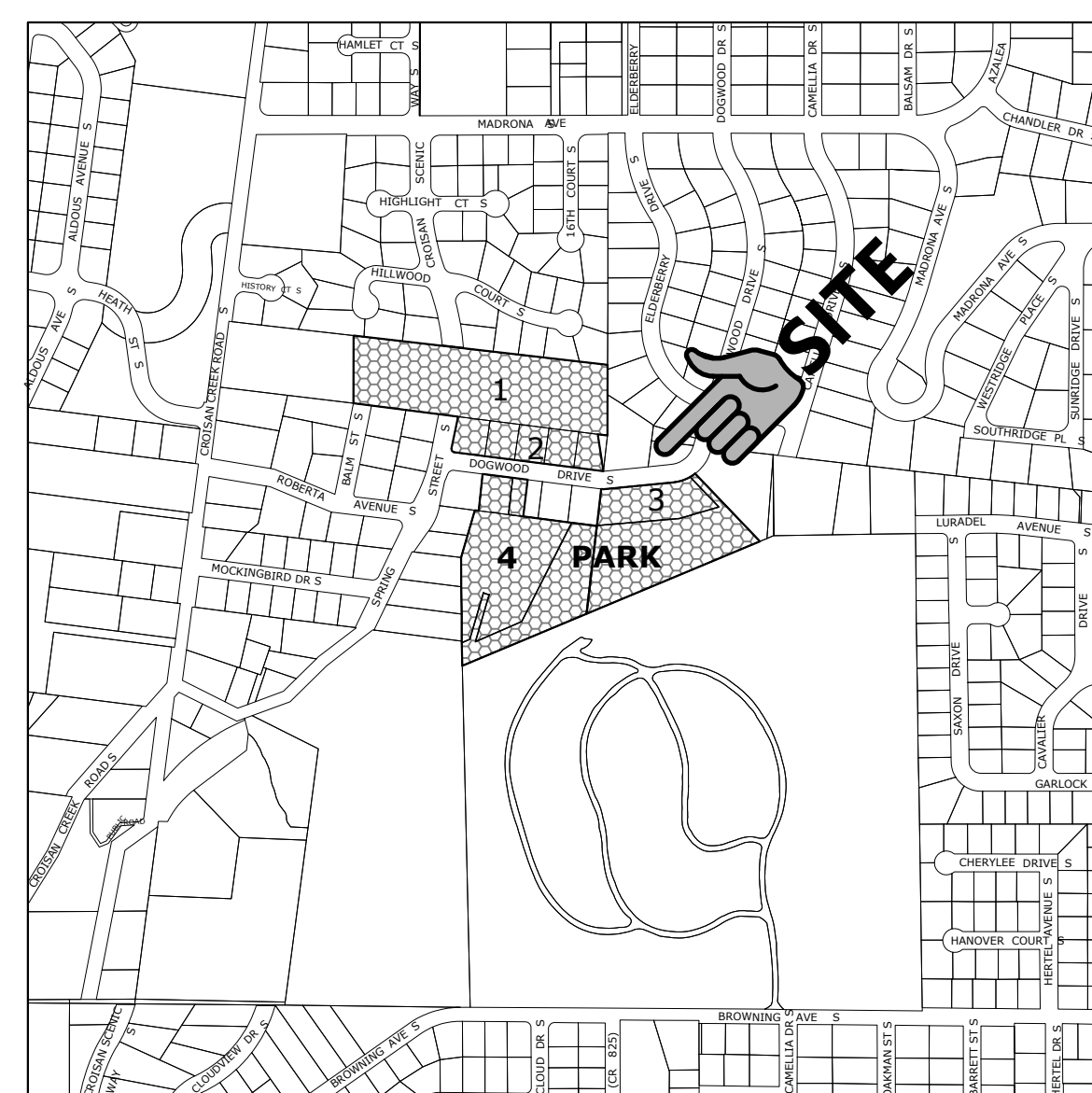
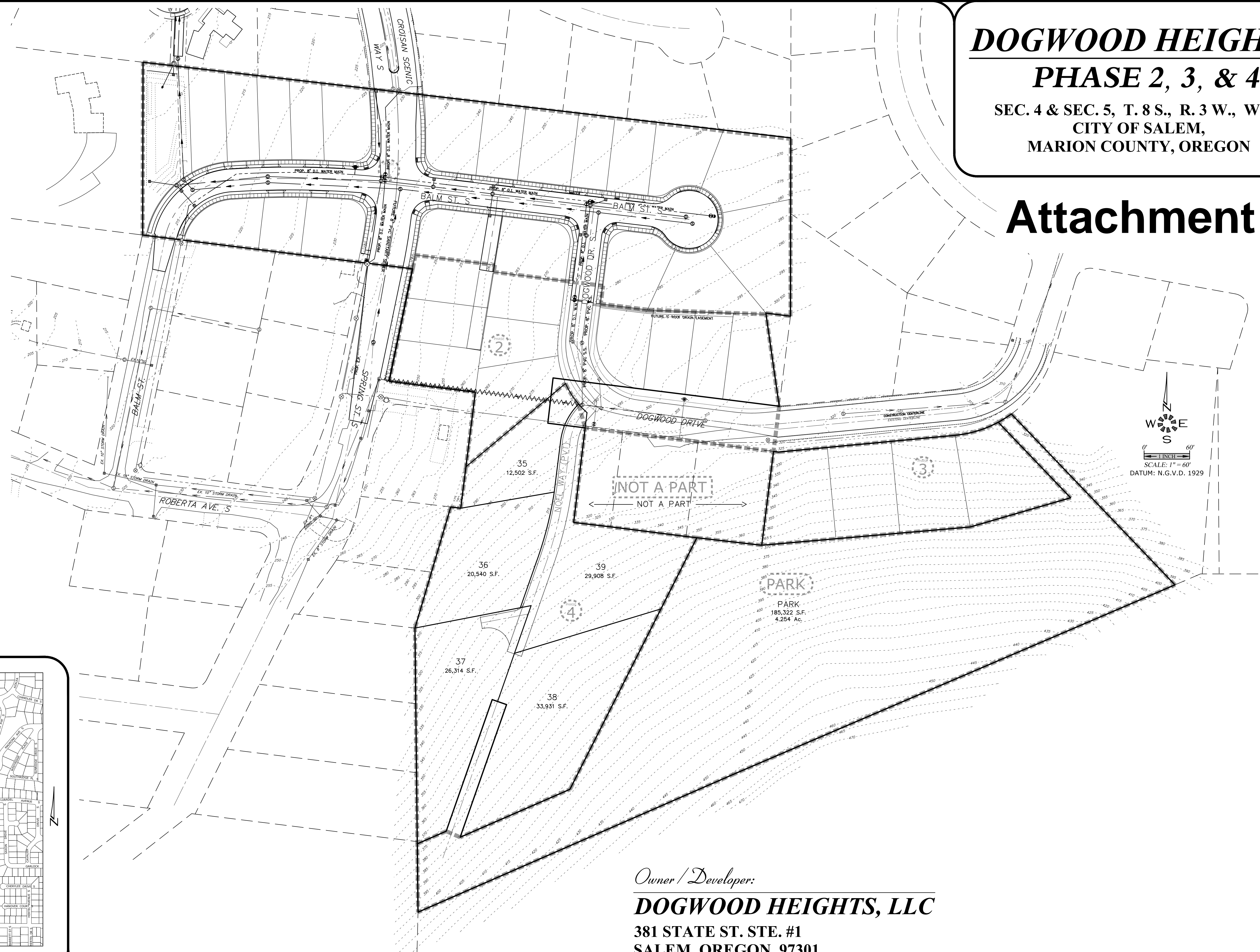


DOGWOOD HEIGHTS

PHASE 2, 3, & 4

**SEC. 4 & SEC. 5, T. 8 S., R. 3 W., W.M.
CITY OF SALEM,
MARION COUNTY, OREGON**

Attachment F

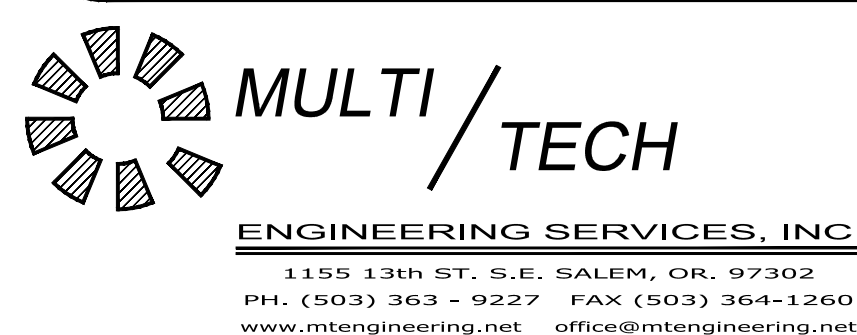


VICINITY MAP

Owner/Developer:

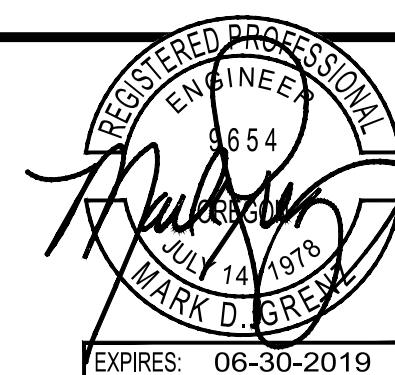
DOGWOOD HEIGHTS, LLC

**381 STATE ST. STE. #1
SALEM, OREGON 97301**



MULTI/TECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED

NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED HERE



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

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Design: M.D.G.
 Drawn: P.H.S.
 Checked: M.D.G.
 Date: MAY 2017
 Scale: AS SHOWN
 As-Built: _____

DOGWOOD HEIGHTS

PHASE 2, 3, & 4 MODIFICATION UTILITY PLAN

Project Number
6427
Sheet Number
103



MEMO

TO: Bryce Bishop, Planner II
Community Development Department

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

DATE: May 29, 2019

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PLA-SUB-ADJ17-09MOD2 (18-117427-LD)
3700-3800 BLOCK OF DOGWOOD DRIVE S
MODIFICATION OF DOGWOOD HEIGHTS SUBDIVISION

PROPOSAL

Request: A consolidated application affecting the approved Dogwood Heights subdivision (Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09). The application includes the following requests:

1. A modification of the approval of Phased Subdivision/Class 2 Adjustment Case No. SUB-ADJ17-09 (the Dogwood Heights phased subdivision). The proposed modification:
 - a. Modifies Phases 3 and 4 to remove approximately 4.25 acres of land from the subdivision in order to allow it to be sold for park land;
 - b. Correspondingly reconfigures Phase 4 to reduce the number of proposed lots within the phase from 11 lots to five larger lots;
 - c. Correspondingly reconfigures Phase 3 to accommodate a 20-foot-wide flag lot accessway, located to the east of proposed Lot 34, from Dogwood Drive S to the proposed park land property;
 - d. Eliminates the cul-de-sac street originally approved to extend south from Dogwood Drive S, and instead replaces it with a shorter private flag lot accessway to serve the four proposed large flag lots within Phase 4;
 - e. Reconfigures the alignment of Dogwood Drive S to eliminate the street intersection with the former cul-de-sac street and instead curves the street towards Balm Street S to the north;
 - f. Modifies the boundary between Phases 2 and 4 in order to accommodate the proposed reconfigured lots within those phases; and
 - g. Modifies the phasing plan to allow the option for Phase 3 to be constructed prior to Phase 2.

2. The following two property line adjustments to reconfigure the subject property in order to create the approximate 4.25-acre unit of land intended to be sold for park land:
 - a. A property line adjustment to relocate the common property line between Tax Lot Numbers 083W04C00100 and 083W04C00200; and
 - b. A property line adjustment to relocate the common property line between Tax Lot Numbers 083W04C00200 and 083W04CB05000.
3. Approval of an alternative street standard for Dogwood Drive S to allow:
 - a. Street grade for portions of Dogwood Drive S to exceed a maximum of 12 percent; and
 - b. Curblin sidewalks on the south side of Dogwood Drive S.

The subject property is zoned RS (Single Family Residential) and located in the 3700 & 3800 Blocks of Dogwood Drive S (Marion County Assessor's Map and Tax Lot Number(s): 083W04CB03200, 4200, 4300, 4400, 4500, 4600, 4900, & 5000 and 083W04C00100 & 200).

RECOMMENDED MODIFICATIONS TO CONDITIONS OF PLAT APPROVAL

1. Modify condition 6 to read as follows: All residences shall have a first floor elevation of no greater than 358 feet.
2. Modify condition 7 to read as follows: Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:
 - a. Reconfigure Lot 38 and provide a preliminary building site plan that demonstrates a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot; or
 - b. Provide a grading plan that demonstrates that Lot 38 in its current proposed configuration will have a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot.
3. Modify condition 10 to read as follows: Sidewalks may be located at the curb line along the west side of Dogwood Drive S abutting Lots 19, 22, 24, 26, and 35; along the north side of Dogwood Drive S abutting Lots 28 through 30; and along the south side of Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1 foot from the adjacent right-of-way, as set forth in SRC 803.035(I)(2)(A). Required

landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive S shall begin its transition to the property line sidewalk on the east side of Dogwood Drive S at the west property line of Lot 28.

4. Modify condition 12 to read as follows: Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of lot 22 to Noel Way S (private), and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.

CRITERIA AND FINDINGS

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

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

Findings—The proposed modification is consistent with the conditions of the original approval; however, a number of the original conditions of approval need to be modified to reflect the street and lot reconfigurations as follows.

1. Original condition 6 reads as follows: All residences constructed within Phase 3 shall have a first floor elevation of no greater than 358 feet. This condition was original imposed because Phase 3 included property within the S-2 water service area but was not proposing S-2 water service. The modification proposes that Phases 3 and 4, which both include land within the S-2 water service level, shall be served from the S-1 water service level. Therefore, condition 6 shall be modified to read as follows: All residences shall have a first floor elevation of no greater than 358 feet.
2. Original condition 7 reads as follows: Prior to final plat approval for Phase 4, construct an S-2 water main pursuant to Public Works Design Standards that provides S-2 water service to all Phase 4 lots with a first floor elevation of 358 feet or greater. The modification proposes to not provide water service from the S-2 level. All proposed lots within the development except lot 38 include a sufficient amount of S-1 land in order to provide buildable area within the S-1 water service level. Because no S-2 water service is proposed, lot 38 needs to be adjusted to include sufficient S-1 area within the property so that a building can be constructed with a first floor elevation not greater than 358 feet. Therefore, condition 7 shall be modified to read as follows: Prior to final plat approval for Phase 4, to ensure adequate water service to Lot 38, the applicant shall either:
3. Reconfigure Lot 38 and provide a preliminary building site plan that demonstrates a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot; or

4. Provide a grading plan that demonstrates that Lot 38 in its current proposed configuration will have a maximum first floor elevation of 358 feet to provide sufficient S-1 water service to the lot.
5. Original condition 10 reads as follows: Sidewalks may be located at the curbline along the west side of Hillwood Court S and along the north side of Dogwood Drive S, as an alternative standard pursuant to SRC 803.035(l)(2)(B). Cul-de-sac sidewalks shall be located at the curbline. All other sidewalks shall be located parallel to and 1-foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). The proposed modification adjusts the street alignment by eliminating Hillwood Court S and extending Dogwood Drive S directly to Balm Street S. In order to reflect the realignment of streets, condition 10 shall be modified to read as follows: Sidewalks may be located at the curb line along the west side of Dogwood Drive S abutting Lots 19, 22, 24, 26, and 35; along the north side of Dogwood Drive S abutting Lots 28 through 30; and along the south side of Dogwood Drive S abutting Lots 31 through 34. Cul-de-sac sidewalks shall be located at the curb line. Sidewalks along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be located parallel to and 0.5 feet from the adjacent right-of-way. All other sidewalks shall be located parallel to and 1 foot from the adjacent right-of-way, as set forth in SRC 803.035(l)(2)(A). Required landscape strips along Balm Street S and the east side of Dogwood Drive S abutting Lots 18 and 27 shall be a minimum of 4 feet in width. The curb line sidewalk along the north side of Dogwood Drive S shall begin its transition to the property line sidewalk on the east side of Dogwood Drive S at the west property line of Lot 28.
6. Original condition 12 reads as follows: Prior to final plat approval of Phase 2, construct a three-quarter street improvement along the abutting portion of Dogwood Drive S. The proposed modification includes a section of Dogwood Drive S that is abutted on both sides by the proposed development, and a section of Dogwood Drive S that is abutted on one side by neighboring property not within the plat boundary. Furthermore, the modification proposes to reduce Dogwood Drive S to a width of 22 feet, which does not meet the three-quarter Local street standard of 27 feet wide. Condition 12 shall be modified to read as follows: Prior to final plat approval of Phase 2, construct Dogwood Drive S as a full Local street improvement from the north line of lot 22 to Noel Way S (private) and as a three-quarter Local street improvement where Dogwood Drive S abuts property outside the plat boundary.

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

Findings—The proposed modification will not result in significant changes related to public works infrastructure.

Prepared by: Jennifer Scott, Program Manager
cc: File