

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

**IN THE MATTER OF APPROVAL OF)
CONSOLIDATED TENTATIVE SUBDIVISION)
AND CLASS 2 ADJUSTMENT)
CASE NO. 19-03)
600 BLOCK MILDRED LANE SE)**

**ORDER NO. 2019-5 SUB-
ADJ19-03
SUBDIVISION-CLASS 2
ADJUSTMENT
CASE NO. 19-03**

This matter coming regularly for hearing and deliberations before the City Council, at its June 24, 2019, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Administrator in Subdivision and Class 2 Adjustment Case No. SUB-ADJ19-03, and approving the application.

PROCEDURAL FINDINGS:

- (a)** On December 21, 2018, Willamette Engineering, on behalf of LP Holdings, LLC (Don Lulay), filed an application for a Tentative Subdivision Plan to divide a 9.6 acre into 48 single family lots, located at the 600 Block Mildred Lane SE - 97306.
- (b)** On May 6, 2019, the Planning Administrator issued a decision approving the consolidated Tentative Subdivision and Class 2 adjustment subject to conditions of approval.
- (c)** On May 28, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for June 24, 2019.
- (d)** On June 24, 2019, City Council held a public hearing and received public testimony.
- (e)** On June 24, 2019, the City Council conducted deliberations and voted to affirm the Planning Administrator's decision to approve the applications subject to conditions of approval. 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)** The new 120-day State mandated deadline for final decision is August 7, 2019.

SUBSTANTIVE FINDINGS:

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

- (a) The Tentative Subdivision and Class 2 Adjustment applications to develop an 9.6 acres into 48 single family lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.005 and 250.005(d)(2).
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- (c) The City Council therefore APPROVES the consolidated application subject to conditions of approval from the May 6, 2019 decision of the Planning Administrator.

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

Section 1. The Planning Administrator's decision for Subdivision and Class 2 Adjustment Case No. SUB-ADJ19-03 is hereby adopted and includes the findings and facts in exhibit 1, and the conditions of approval listed below:

- Condition 1:** To ensure adequate vision clearance, Lot 43 shall only have access to South Street.
- Condition 2:** At the time of building permit, each dwelling accessing from the flag lot accessway shall provide fire sprinklers meeting Fire Department standards.
- Condition 3:** Prior to Final Plat approval, the flag lot accessway serving Lots 5 through 8 shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1, for a residential flag lot accessway serving 3 to 4 lots.
- Condition 4:** Lots 1 through 4 shall not have access to the proposed access easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are designated as fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 7:** Construct internal streets to local street standards pursuant to PEDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street shall be constructed as proposed, with 50-foot right-of-way, four foot landscaping strip and property line sidewalks.
- Condition 8:** Prior to Public Construction, the applicant shall have a certified arborist prepare a tree preservation and protection plan for Lots 5 through 16. The plan shall provide the trees size, location, species, extent of root cover, an evaluation of the trees tolerance to construction, and what is an adequate level of protection for the trees based on the findings from the site visit.

- Condition 9:** Prior to issuance of Public Construction permits, the tree preservation and protection plan (described in Condition 8), signed by the certified arborist, shall be submitted the City for review and approval.
- Condition 10:** Prior to Public Construction, the applicant shall have the certified arborist, who prepared the protection plan, mark the root protection zone with fencing and root protection zone signage indicating no ground disturbance activity for Lots 5 through 16.
- Condition 11:** The applicant shall have an arborist on site during all construction activity, including all grading activity, public construction, and construction of dwellings on Lots 5 through 16.
- Condition 12:** Prior to final plat approval, a final report from the arborist documenting all inspections and verifying the viability of the trees after the public construction phase, shall be provided to the City.
- Condition 13:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 14:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE.
- Condition 15:** Construct half-street improvements along the entire frontage of Mildred Lane SE to Minor Arterial Street Standards.
- Condition 16:** The designated front property line for Lot 8 is the west property line and the designated front property line for Lots 19 and 34 is the south property line.

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: Findings for SUB-ADJ19-03

ADOPTED by the City Council this 8th day of July, 2019.

ATTEST:

City Recorder

Checked by: Olivia Glantz