

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(CASE NO. SUB-ADJ17-09)**

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

<b>IN THE MATTER OF THE APPROVAL OF ) CONSOLIDATED PHASED TENTATIVE ) SUBDIVISION PLAN AND CLASS 2 ZONING ) ADJUSTMENT CASE NO. SUB-ADJ17-09; ) 3700 &amp; 3800 BLOCKS OF ) DOGWOOD DRIVE S )</b>	<b>FINDINGS AND ORDER</b>     <b>OCTOBER 30, 2017</b>
---	--

**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 Map and Tax Lot Numbers: 083W04CB03200; 04200; 04300; 04400; 04500; 04600; 04900; 05000; and 083W04C00100 and 00200).

## DECISION

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

- Condition 1:** 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.

B. 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).

## **PROCEDURAL FINDINGS**

1. On June 12, 2017, the applicant submitted an application for a Phased Subdivision Tentative Plan for a proposal to divide an approximately 14.14 acre property at the 3700 & 3800 Blocks of Dogwood Drive S (Attachment B) into 46 lots over the course of four phases.
2. After the applicant submitted additional required information, the application was deemed complete for processing on August 7, 2017.
3. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on August 14, 2017. The Notice of Filing established a comment deadline of August 28, 2017. A revised Notice of Filing was issued on August 28, 2017, extending the comment deadline to September 11, 2017.
4. The applicant has granted one extension of the state-mandated local decision deadline for this case, to December 26, 2017.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The tentative plan proposes to divide 14.14 acres into 46 lots for residential development (Attachment B), with development taking place in four phases. Phase 1 would include 20 lots ranging in size from 4,577 square feet to 11,169 square feet, concentrated on the northern portion of the subject property. The Salem Transportation System Plan (TSP) shows Croisan Scenic Way S extending across Tax Lot 3200 as a future Minor Arterial street. A network of local streets connected to Croisan Scenic Way would provide access for Phase 1, particularly in an east-west direction. Phase 1 would provide two connections to the existing street network; one at Balm Street S and the connection made by the extension of Croisan Scenic Way south to Spring Street S. A third local street stubs southward to Phase 2, and aligns with a proposed internal street within that phase. The proposal also includes a 5,173 square foot area at the west end of Phase 1 for construction of a stormwater pond, which would be dedicated to the City.

Phase 2 would create 11 additional lots ranging in size from 6,061 square feet to 6,939 square feet in size. Access would be provided along the frontage of Croisan Scenic Way S, as well internal circulation from a westward extension of Dogwood Drive S and a north-south local street extension from Phase 1 ("Hillside Street"). Dogwood Drive S would be improved within its existing right-of-way to its intersection with Hillside Street S.

The applicant proposes to vacate the Dogwood Drive right-of-way between Hillside Street and Spring Street due to steep grades in that location. One lot within Phase 1 (Lot 20) and three lots within Phase 2 (Lots 21, 23, and 25) have frontage along the extension of Croisan Scenic Way. These lots are prohibited from taking driveway access directly to Croisan Scenic Way, a designated as a Minor Arterial. Instead, the

applicant has proposed a driveway within a shared easement (similar to an alley, but privately owned) at the rear of these lots to provide vehicular access. The southeastern boundary of Phase 2 abuts Tax Lots 4700, 4800, and 4901, which are not part of the proposal.

Phase 3 would create four additional lots ranging in size from 10,825 square feet to 11,571 square feet. Each of the four lots would have frontage on the south side of an existing segment of Dogwood Drive S.

Phase 4 would create 11 lots additional ranging in size from 12,979 square feet to 34,793 square feet. Phase 4 is situated along a hillside on the southernmost part of the subject property, just below the abutting Belcrest Memorial Park Cemetery. Access to lots in Phase 4 would be provided by a southward extension of the proposed Hillside Street S, terminating in a cul-de-sac on the western portion of Phase 4. A flag lot accessway would extend eastward from the cul-de-sac to provide access to four large lots at the southeast corner of the overall subject property. In order to minimize grading along the slope at the south property boundary, the flag lot accessway does not run directly adjacent to the south property line, but roughly parallel and approximately 60 to 100 feet north of the property line. Accordingly, portions of Lots 37-39 are bisected by the flag lot accessway.

## 2. Existing Conditions

### Site and Vicinity

The subject property consists of ten tax lots containing approximately 14.14 acres of land in the RS (Single Family Residential) zone.

Tax Lot Number	Acreage	Previous Plat	Applicable Phase(s)
083W04CB03200	4.47	Laurel Springs Fruit Tracts	1 and 2
083W04CB04200	0.28	Grettie's Subdivision	2
083W04CB04300	0.28	Grettie's Subdivision	2
083W04CB04400	0.28	Grettie's Subdivision	1 and 2
083W04CB04500	0.28	Grettie's Subdivision	1 and 2
083W04CB04600	0.23	Grettie's Subdivision	2
083W04CB04900	0.14	Grettie's Subdivision	2 and 4
083W04CB05000	0.29	Grettie's Subdivision	2 and 4
083W04C00100	3.55	N/A	3 and 4
083W04C00200	4.01	N/A	4

The applicant also proposes to vacate an approximately 210-foot-long segment of right-of-way for Dogwood Drive S which was dedicated in 1956 as part of the Grettie's Subdivision plat.<sup>1</sup> The right-of-way remains unimproved from near the eastern boundary of Tax Lot 4600 to the intersection with Spring Street S.

---

<sup>1</sup> The right-of-way is shown as "Kenney Street" on the Grettie's subdivision plat.

A small area at the southwest corner of the site borders the City limits. All other abutting properties are within the City limits. The subject property was annexed into the City of Salem in 1967 and 1975, at which time abutting single family residential development had already taken place in the Grettie's Subdivision plat to the southwest. Existing streets constructed in and near Grettie's Subdivision generally include a narrow paved width and gravel shoulders.

Shortly after annexation, in 1968, the Laurel Springs Estates subdivision was platted immediately to the north of Tax Lot 3200. The development of Laurel Springs Estates included construction of Croisan Scenic Way S to the north boundary of the subject property. This segment of Croisan Scenic Way includes segments of planted median dividing traffic at the center of a 72-foot-wide right-of-way, similar to a segment of Croisan Scenic Way which terminates nearly one mile to the south, in the vicinity of Sprague High School. The Salem Transportation System Plan (TSP) shows future plans to connect these two segments of Croisan Scenic Way as a designated Minor Arterial street. In the meantime, some portions of the right-of-way connecting the two segments is used as the Croisan Trail.

Belcrest Cemetery, approximately 50 acres in size, abuts most of the south boundary of the subject property. Although most of the site includes sloping topography, slopes are steepest on the southern portion of the site, climbing from approximately 325 feet near the Dogwood Drive right-of-way to more than 450 feet at the boundary of the cemetery. Tax Lot 3200, at the north end of the subject property, falls from approximately 300 feet at its southeast corner to 210 feet at the far northwest end. This area has historically been used as a tree farm, and has remained undeveloped in contrast to abutting residential subdivisions. Croisan Creek is approximately 180 feet to the west, and further downhill, from the closest portion of Tax Lot 3200.

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

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

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

North:	Single Family Residential
South:	Community Service - Cemetery
East:	Single Family Residential
West:	Single Family Residential

### Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently vacant. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family residences  
South: PC (Public/Private Cemetery); Belcrest Memorial Park Cemetery  
East: RS (Single Family Residential); single family dwellings  
West: RS (Single Family Residential); single family dwellings

### Relationship to Urban Service Area

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

### Infrastructure

*Water:* The subject property is located primarily within the S-1 water service level, with the southernmost portions of the property (portions of proposed Phases 3 and 4) within the S-2 water service level.

There is an existing 6-inch S-1 water line located in Dogwood Street S. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

There are existing 8-inch S-1 water lines located in Croisan Scenic Way S and Spring Street S. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

There is no existing water service available to serve homes with a first floor elevation above 358 feet (the S-2 portion of the subject property).

*Sewer:* An 8-inch sewer line is located in Dogwood Drive S.

An 8-inch sewer line is located in Spring Street S / Croisan Scenic Way S.

*Storm Drainage:* An 8-inch storm drain line is located in Spring Street S.

*Streets:* Croisan Scenic Way S currently terminates at a dead-end at the north boundary of Tax Lot 3200. The Salem Transportation System Plan (TSP) identifies the extension of Croisan Scenic Way through

Tax Lot 3200 as a Minor Arterial street, to the existing dead-end of Spring Street S at the south boundary of the property.

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The portion of Croisan Scenic Way that stubs into the north boundary of the subject property has an approximately 57-foot-wide improvement within a 72-foot-wide right-of-way with planted median dividers.
- The portion of Spring Street that stubs to the south boundary of Tax Lot 3200 has a turnpike improvement within a 65-foot-wide right-of-way.

Dogwood Drive S abuts several lots within the subject property and is designated as a Local street in the TSP.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The portion of Dogwood Drive adjacent to Phase 2 currently has a private driveway at the east end and is otherwise unimproved within a 60-foot-wide right-of-way.
- The portion of Dogwood Drive adjacent to Phase 3 has an approximately 30-foot-wide improvement within a 60-foot-wide right-of-way.

Balm Street S currently terminates at a dead-end at the southwest corner of Tax Lot 3200 and is designated as a Local Street in the TSP.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The street that stubs into the southwest corner of the subject property is not constructed to Local Street standards, but has a 60-foot-wide right-of-way.

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

City records do not indicate any land use cases on the subject property since at least 1990.

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



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

**Fire Department** - The Salem Fire Department reviewed the proposal and submitted comments regarding the requested adjustments to street grade and flag lot accessway length, recommending approval of each proposed adjustment subject to certain conditions. Fire Department comments indicate that the revised site plan proposed by the applicant (Attachment C) appears to meet Fire Code restrictions of no more than 15 percent grade for a maximum length of 200 feet. Fire Department comments also indicate that dead end fire apparatus access roads (such as the proposed flag lot accessway in Phase 4) must have an approved turnaround meeting applicable standards set forth in the Salem Fire Prevention Code (SRC Chapter 58). The applicant's proposed turnaround meets this standard. Water supply and fire hydrant spacing will also be reviewed at the time of development.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the middle and high school levels to serve future development within both phases of the proposed subdivision but not at the elementary school level. The school district indicated that the subject property is outside of the “walk zone” of the assigned elementary, middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

**Portland General Electric (PGE)** reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

## **5. Neighborhood Association Comments**

The subject property is within the Southwest Association of Neighbors (SWAN). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” SWAN submitted comments (Attachment G) addressing the following issues:

- **Issue #1 – Substandard Street Network Adjacent to Subject Property:**  
SWAN's comment expresses concern regarding street access to the subdivision via Balm Street S, Roberta Avenue S, Spring Street S, and Mockingbird Drive S, all of which have existing improvement widths well below the current standard for local streets. SWAN requests exploring the possibility of using some, or all, of the System Development Charges (SDCs) derived from the phased subdivision to address safety concerns on nearby streets.

**Staff Response:** The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width

for two-way vehicle traffic and to allow for limited pedestrian access, despite the limited segments of grade-separated sidewalks. As described in further detail in findings on conformance with various approval criteria below, the proposal will result in construction of several local streets and extension of a Minor Arterial providing direct, convenient access in, through, and out of the proposed subdivision. These new streets will connect to existing streets and fill in gaps within the current street network. Budgeting and expenditure of SDCs received from the development is determined by state law and SRC Chapter 41. The specific allocation of SDC funds does not relate to approval criteria for any of the approvals sought in the application and will not be stipulated in this land use decision.

- **Issue #2 – Adequacy of Geotechnical Report:** SWAN's comment describes the geotechnical report submitted with the application as "outdated or inadequate" and contends that site-specific earthquake, groundwater, and stormwater issues are not taken into account.

**Staff Response:** As described in further detail in findings below regarding compliance with the standards of SRC Chapter 810, the Geotechnical Investigation and Geologic Hazard Assessment submitted as part of the application adequately sets forth mitigation measures that will reduce the risk of landslide hazard. Condition 15 requires that, at the time of acceptance of public construction plans, the developer submit a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each lot.

- **Issue #3 – Impact on Stormwater Capacity of Croisan Creek:** SWAN expresses concern as to whether Croisan Creek has the capacity to handle additional runoff created by the proposed subdivision. The comment indicates that there has been "moderate to severe flooding" along Croisan Creek near Croisan Creek Road and River Road S.

**Staff Response:** As described in further detail in findings below regarding compliance with the standards set forth in SRC Chapter 71, the proposed phased 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.

- **Issue #4 – Safety of Requested Adjustment to Maximum Street Grade:** SWAN expresses concern that the requested adjustment to allow certain local street grades of up to 15 percent would create a hazard in winter conditions and could prevent access by emergency vehicles.

**Staff Response:** The applicant has submitted a revised proposal for Hillside Court and adjacent local streets (Attachment C) which limits the segments of streets exceeding 12 percent grade to no more than 200 feet in length each. Each segment of steeper grades would be interrupted by segments of 12 percent or less grade, or intersections with 5 percent or less grade. As described in further detail in findings below on the requested

adjustment, the shortened segments of steeper grade address the underlying traffic and fire safety purposes of the 12 percent maximum set forth in SRC 803.035(c), which relate primarily to the maneuverability of heavy trucks on long stretches of steeper roadway.

## 6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Seventy-eight (78) property owners in the vicinity of the site and members of the public at large submitted 85 comments prior to the comment deadline. Comments received expressed concerns with the following issues:

- **Issue #1 – Impact of Increased Traffic on Adjacent Streets:** Several comments express concern with increased traffic in the vicinity as a result of the phased subdivision, as well as the varying levels of development on adjacent streets. Specific concerns raised regarding traffic and street issues include the following:
  - The proposal would result in a significant contrast where fully-developed streets within the subdivision are connected to underimproved streets in the vicinity. Specific examples include the transition between Croisan Scenic Way S and Spring Street S, and the connection between fully improved and underimproved segments of Balm Street S.
  - Traffic from the phased subdivision would filter onto underimproved streets in the vicinity of the subdivision, which often lack sidewalks.
  - Development of the phased subdivision would result in increased traffic on Croisan Creek Road S and Madrona Avenue S, which are currently underimproved and have safety issues at certain intersections.
  - Despite not meeting minimum trip generation thresholds, a Traffic Impact Analysis (TIA) is warranted for the proposal because of the unique features of streets in the vicinity.

**Staff Response:** The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic and to allow for limited pedestrian access, despite the limited segments of grade-separated sidewalks. The proposal will result in construction of several local streets and extension of a Minor Arterial providing new streets which conform with current standards for vehicle, pedestrian, and bicycle facilities. These new streets will connect to existing streets and fill in gaps within the current street network. The Assistant City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

- **Issue #2 – Access to Nelson Park, a Neighborhood Activity Center:** Several comments express concern that the network of adjacent streets does not provide sidewalks along part of the route between the proposed subdivision and Nelson Park, defined as a Neighborhood Activity Center pursuant to SRC 205.010(d)(6).

**Staff Response:** Nelson Park is an 8.17-acre neighborhood park along the west side of Croisan Creek Road S, about 470 feet west of the closest lots within the proposed subdivision. Residential development of adjacent properties in previous decades established the street system and parcel and development pattern of lands between the subject property and the park. This existing development pattern provides only two westward streets (Madrona Avenue S and Roberta Avenue S) that intersect with Croisan Creek Road in the vicinity of the park. These intersecting streets are over 1,100 feet apart, eliminating the possibility of a direct street connection from the subject property to the park.

As noted in comments from several neighbors, existing streets between the subject property and the park lack sidewalks, with the exception of Croisan Scenic Way S. In general, the existing streets to the south and west of the proposed subdivision do not meet current standards for improved width, curbs, or sidewalks. These streets are within the Urban Growth Boundary, City limits, and Urban Service Area, and were originally developed prior to annexation to the City, under standards in place more than fifty years ago. All streets within and abutting the proposed development will conform to Salem Transportation System Plan (TSP) standards for right-of-way and improvement width, and include sidewalks. Construction of these streets will increase the number of streets with sidewalks in the vicinity, and fill in gaps in the existing pedestrian network. These new streets will partially address the existing lack of bicycle and pedestrian connections to the park, but no specific on-site or off-site improvement required by a condition of approval would fully address the substandard development of streets in the vicinity, which is a widespread and inevitable legacy of earlier development patterns extending several hundred feet from the boundary of the subject property.

- **Issue #3 – Drainage and Flooding:** Several comments describe existing drainage issues on adjacent properties, including excessive stormwater runoff, groundwater seepage from numerous springs, and flooding along Croisan Creek. Many of these comments express concern that further development of the subject property, including grading and tree removal, will intensify this problem.

**Staff Response:** As described in further detail in findings below regarding compliance with the standards set forth in SRC Chapter 71, the proposed phased 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 existings to discharge stormwater into Croisan Creek.

A number of factors reduce the overall removal of vegetation associated with the proposal; the Tree Conservation Plan (TCP17-10) associated with the phased subdivision proposes to retain 221 trees on the subject property. Future development on

each lot will be subject to tree planting and landscaping requirements set forth in SRC Chapter 807. The proposed street system includes vacation of a portion of Dogwood Drive S and a flag lot accessway to serve lots at the east end of Phase 4, reducing the areas of impervious surface within the proposed subdivision.

- **Issue #4 – Loss of Wildlife Habitat:** Several comments express concern with the loss of wildlife habitat that would result from clearing of forested areas on the subject property.

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

- **Issue #5 – Loss of Open Space and Forested Land:** Several comments express concern about the loss of open space, trees and vegetation resulting from development of the phased subdivision.

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

- **Issue #6 – Loss of Access to Croisan Trail and other trails in vicinity:** Several comments express concern that development of the phased subdivision would impede access to Croisan Trail and other trails in the vicinity.

**Staff Response:** The proposal would not impact direct access to any designated segment of the Croisan Trail. Comments from the Salem Area Trail Alliance (SATA) and other residents of the area describe a network of “informal trails” connecting to the Croisan Trail by crossing over private properties in the vicinity, including the subject property itself. It is unclear from the information provided whether property owners have consented to use of these trails. The proposed phased subdivision will extend dead-end streets in the vicinity across existing gaps in the street network, improving pedestrian access across the subject property to the Croisan Trail.

- **Issue #7 – Safety of Requested Adjustment to Maximum Street Grade:** Several comments express safety concerns with the applicant's requested adjustment to maximum grade of local streets, which would allow a grade of 15 percent on the proposed Hillside Court, exceeding the 12 percent maximum for a local street set forth in SRC 803.035(c). Comments generally note the street would run along a north-facing hillside, where icy conditions are more likely to occur in winter. One comment questions whether the 15 percent grade requested by the applicant meets Americans with Disabilities Act (ADA) standards.

**Staff Response:** As described in further detail in findings regarding the requested Class 2 Adjustment, staff from the Public Works Department and Salem Fire Department have reviewed the requested adjustment and evaluated the steeper proposed grade in relation to the traffic and fire safety purposes underlying the maximum street grade standard. The applicant has submitted a revised site plan (Attachment C), which limits segments exceeding 12 percent grade to no more than 200 feet in length. While evidence provided by the applicant suggests that steeper grades primarily effect the speed and control of larger trucks, these limited runs of steep grade also serve to reduce safety hazards for lighter vehicles. The revised site plan shows that grades would be limited to 5 percent in areas with intersection crossings, in compliance with applicable ADA standards.

- **Issue #8 – Geotechnical Hazards Related to Development:** Several comments raise concerns regarding landslide susceptibility of the subject property, particularly in conjunction with grading and removal of vegetation. Comments express concern that the Geotechnical Investigation and Geologic Hazard Report submitted by the applicant does not address erosion issues, and considers a hypothetical development with significantly fewer proposed lots and road construction than the subject proposal under review.

**Staff Response:** The consolidated application includes a Geotechnical Investigation and Geologic Hazard Assessment, prepared by Redmond Geotechnical Associates and dated April 29, 2016. Public Works Department staff have reviewed the assessment 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. Condition 15 specifies that, prior to 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 lot.

- **Issue #9 – Impacts from Proposed Alignment of Dogwood Drive:** Two comments express concern that the applicant's proposal to vacate Dogwood Drive between the proposed intersection with Hillside Street and the intersection with Spring Street results in increased fill to raise the elevation of Dogwood Drive

within the segment abutting proposed Lots 28-31 and Tax Lots 4700, 4800, and 4901.

**Staff Response:** The Public Works Department has reviewed the proposal, including preliminary street grade information, and submitted comments indicating that the proposed vacation of unimproved Dogwood Drive right-of-way will not result in physical changes to private property outside of the subject property.

- **Issue #10 – Uncertain Boundary of Subject Property:** One comment expresses concern that the east boundary of the Mocking Bird Addition subdivision, recorded in 1956, may overlap with the subject property along the west boundary of Tax Lot 200, in Phase 4.

**Staff Response:** The final plat for each phase of the proposed subdivision will be prepared by a licensed surveyor, who will address all property boundary issues pursuant to local and state law.

- **Issue #11 – Use of SDCs to Address Local Street Deficiencies:** Several comments requested that System Development Charges (SDCs) collected from eventual development of residences in the proposed subdivision be allocated to address upgrades to substandard streets in the vicinity of the subject property.

**Staff Response:** The City will budget and expend SDCs received from the development in accordance with state law and SRC Chapter 41. The specific allocation of SDC funds does not relate to approval criteria for any of the approvals sought in the application and will not be stipulated in this land use decision.

- **Issue #12 – Adequacy of Notice:** Two comments express concern that the radius used to notify property owners of the proposal was inadequate. One comment from an adjacent property owner also alleges that notice to the SWAN neighborhood association was only sent by email and not first class mail, as required pursuant to SRC 300.520(b).

**Staff Response:** Both the August 14, 2017 Notice of Filing and August 28, 2017 Revised Notice of Filing were mailed to all property owners within 250 feet of the subject property, in compliance with SRC 300.520(b)(1)(B)(iv) and ORS 227.175. Hard copies of the Notice of Filing and Revised Notice of Filing were sent to both land use co-chairs for SWAN by first class mail. SWAN received actual notice of the proposal, as evidenced by comments submitted by SWAN in response to the notice.

- **Issue #13 – Impacts of Construction Activities:** Three comments express concerns with impacts to surrounding properties during construction of subdivision improvements and new homes. Specific concerns during construction include noise, hours of operation, and increased stormwater runoff.

**Staff Response:** Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the development of additional single family residences in the vicinity would interfere with the safe and healthful use of neighboring properties.

Grading activities associated with future development on the site must comply with local, state, and federal erosion control regulations. At the time of construction, the applicant must obtain applicable erosion control permits under federal water quality requirements, as administered by the Oregon Department of Environmental Quality. Specific local requirements for grading and erosion control are set forth in SRC Chapter 82 (Clearing and Grading of Land).

- **Issue #14 – Lot Sizes not Compatible with Existing Neighborhood:** Several comments express concern that many of the lots within the proposed phased subdivision are smaller than typical lots in adjacent developments, and therefore incompatible with adjacent neighborhoods.

**Staff Response:** The single family dwelling parcels proposed within the phased subdivision range from approximately 4,577 square feet to 34,793 square feet, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the expected development pattern of properties in the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments. Goal E.b (Residential Development) of the Salem Area Comprehensive Plan (SACP) states that “residential development shall provide housing opportunities for Salem’s diverse population.” Variation of lot sizes is one means of providing diversity of housing opportunities within the detached single family residential submarket.

- **Issue #15 – Impact on Property Values:** Several comments express concerns that, in summary, construction of homes on the subject property would have a negative impact on the property values of existing single family residential properties in the vicinity.

**Staff Response:** Effect on property values is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval. The proposal for single family residential development is consistent with the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone of the subject property. As described above, SACP goal E.b (Residential Development) aims



to provide housing opportunities for a diverse population. As such, while SACP goals encourage a diversity of housing property values, the Salem Revised Code neither directly nor indirectly regulates such property values.

- **Issue #16 – Impact on Public School Capacity:** Six comments express concern that local schools, particularly Candalaria Elementary School, do not have adequate capacity to accommodate new students resulting from construction of residences in the subdivision.

**Staff Response:** Impact on public school capacity is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval. Salem-Keizer Public Schools receive notice of land use proposals within the City, which allows for school district capital improvement planning to reflect anticipated future residential development.

- **Issue #17 – Street Lights on Spring Street:** Two comments from property owners adjacent to Spring Street S indicate that the area is poorly lit and request street lights be installed as part of the boundary street improvements on the west boundary of the subject property.

**Staff Response:** Public Works Design Standards require street lighting along all new streets. Street lights will be installed along boundary street improvements where specified in PWDS.

- **Issue #18 – Impact on Water Pressure:** One comment expresses concern that the proposed development will have a negative impact on water pressure for residences in the vicinity.

**Staff Response:** The Public Works Department has reviewed the proposal, including a preliminary utility plan, and has submitted comments indicating that the proposed water system will provide additional interconnectivity and will not affect existing water pressure in the vicinity of the subject property.

- **Issue #19 – Fencing along Subdivision Boundary:** One comment requests that the developer be required to install wooden fencing where the new subdivision lots abut existing residential properties.

**Staff Response:** Perimeter fencing is frequently installed along the perimeter of newly constructed homes by the developer or homebuilder, but is not required under development standards applicable to subdivisions or phased subdivisions.

- **Issue #20 – Impact on Police Patrols:** One comment expresses concern that the subdivision will reduce the capacity for police patrols of existing neighborhoods.

**Staff Response:** Approval criterion for the tentative subdivision plan do not provide for a specific level of service for police patrols of a specific area. The proposed lots are within the City of Salem and will be served by the Salem Police Department and other emergency service agencies. In addition, the future development of streets and residences on the currently vacant site will improve access for patrols and emergency vehicles by connecting gaps in the existing street network and contribute to natural surveillance of the area by residents.

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

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

SRC Chapter 205.015(d) sets forth the criteria that must be met before approval can be granted to a phased subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**SRC 205.015(d)(1): The tentative phased subdivision meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).**

**Finding:** Compliance with the criteria for tentative subdivision plan approval, as set forth in SRC 205.010(d), is addressed within the findings below.

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

**(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.**

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 14.14-acre property into 46 lots, rights of way for internal streets, and a public facility for stormwater treatment, with no remainder. The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double frontage lots)	120 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 4,577 square feet to 34,793 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. Seven lots have frontage on the proposed extension of Croisan Scenic Way S. Pursuant to SRC 804.035, driveway approach access from single family residential development to a Minor Arterial street is not permitted. Lots 1, 8, 9, and 20 are corner lots with available access from abutting local streets. The proposed plans shows a private alley running from a local street over an easement at the rear of Lots 20, 21, 23, and 25 in order to provide vehicle access to these lots via the local street, rather than their frontage on Croisan Scenic Way S. Because each of these lots meets the minimum street frontage requirements for lots in the RS zone, they are not set back from the street and do not meet the definition of a flag lot set forth in SRC 111.030(f). Although these lots will take vehicular access from the private driveway at the rear boundary of each lot, the lot line abutting Croisan Scenic Way remains the front lot line; each lot will be addressed accordingly.

The tentative phased subdivision plan proposes to vacate the undeveloped right-of-way of Dogwood Drive S approximately 110 feet east of its existing intersection with Spring Street S. Instead, Dogwood Drive would terminate at an intersection with the proposed Hillside Street, near the center of Phase 2. The applicant proposes to utilize the abutting segments of the vacated right-of-way as portions of proposed Lots 25 and 26. Both proposed lots depend on incorporating the vacating right-of-way segments to meet minimum standards for lot area, width, and depth. As described in responses to public comments above, the proposed right-of-way vacation reduces the topographic challenges associated with constructing a short segment of street across a relatively steep block width.

In order to ensure that existing right-of-way overlapping proposed Lots 25 and 26 is vacated consistent with the tentative phased subdivision plan, the following condition shall apply:

**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.

Although each of the proposed lots are within Phase 4 are large enough to be divided further, the applicant has not submitted a future development plan showing how these lots could potentially be divided in the future. However, staff finds that the applicant has proposed larger lots on the southern portion of the subject property in order to minimize the grading necessary to develop on steeper hillside topography, and therefore further division of the proposed lots within Phase 4 is neither practical nor desirable. The proposed lots within all phases of the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

- Minimum 5 feet

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

SRC Chapter 800 (General Development Standards):

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. There are no double frontage lots in the proposed subdivision. Lots 36-39 are flag lots, with neither boundary of the proposed flag lot accessway coinciding with an outside property line. This configuration minimizes the grading that would be associated with construction of a full local street, as well as the grade of the accessway itself. SRC 800.020(a)(4) specifies that the Planning Administrator may designate the front lot line of a flag lot in conditions of approval on the tentative plan of a plat. In order to provide for orderly

development of these lots in relation to the flag lot accessway running internal to each lot, the following condition shall apply:

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

Pursuant to SRC 112.050(c)(2) and Condition 2 above, setbacks on Lots 36-39 shall be measured from “the most interior access easement line.” In this case, that most interior access easement line is the north boundary of the flag lot accessway.

Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Nine of the proposed lots in the phased subdivision are corner lots.<sup>2</sup> Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant. Lots 8, 18, 20, and 28 are corner lots which would not meet lot depth requirements if the wider street frontage was chosen as the front lot line. Therefore, the front lot line for Lots 8, 18, 20, and 28 are as follows:

Corner Lot	Front Property Line
Lot 8	South property line
Lot 18	North property line
Lot 20	West property line – fronting Croisan Scenic Way
Lot 28	South property line – fronting Dogwood Drive

*SRC 800.025 (Flag Lots):* Proposed Lots 36 through 39 are flag lots. Subsections (a) and (b) specify that minimum lot area and dimensions for a flag lot shall be calculated exclusively of the flag lot accessway. All proposed flag lots exceed the minimum lot area and dimensions exclusive of the flag lot accessway.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving three to four lots must be a minimum of 25 feet in overall width and must be paved to a minimum width of 20 feet. Table 800-1 also sets forth a maximum length of 400 feet for a flag lot accessway serving three to four residentially-zoned lots. The applicant has requested a Class 2 Zoning Adjustment to increase the maximum flag lot accessway length to 500 feet. The request adjustment is granted subject to the findings and conditions of approval adopted in Section 9 of this order. Subject to the Class 2 Adjustment to increase maximum flag lot accessway length, the proposed flag lot accessway shown on the tentative phased subdivision plan meets each of the standards set forth in subsection (c).

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

---

<sup>2</sup> Proposed lots 1, 3, 8, 9, 18, 19, 20, 28, and 42 are corner lots.

**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.

Subsection (e) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The proposed subdivision includes four flag lots (Lots 36-39), or approximately 8.7 percent of the total proposed lots, therefore meeting the standard provided in SRC 800.025(e).

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

**(B) City Infrastructure Standards.**

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

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding preexisting conditions. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all lots. The applicant's preliminary utility plan shows a stormwater facility located at the west boundary of Phase 1, and the applicant's written statement specifies that the stormwater system will meet City standards for stormwater quality and flow control.

In order to ensure that the phased subdivision can accommodate required stormwater facilities, the following conditions shall apply:

**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.

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

SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve proposed Phases 1 and 2, which are within the S-1 water level. Portions of Phase 3 and 4 at 358 feet or greater in elevation are located within the S-2 water service level, and S-2 water facilities are not available abutting the subject property. In order to ensure the adequate provision of water service to proposed lots within Phases 3 and 4, the following conditions shall apply:

- 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.

Specifications for required public improvements are summarized in the Public Works Department memo dated October 26, 2017 (Attachment E). SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Preliminary Utility Plan included in the proposal shows that, as conditioned, each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

In order to ensure that appropriate public infrastructure is provided to each of the new lots created by the subdivision, the following condition shall apply:

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

As conditioned, the proposal is consistent with City infrastructure standards.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed 46-lot phased subdivision generates less than 1,000 average daily vehicle trips to Croisan Scenic Way S, a Minor Arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

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

*SRC 803.025 (Right-of-Way and Pavement Widths):* Standard width of rights-of-way and improved curb-to-curb pavement width are set forth in SRC Table 803-1 and Table 803-2. The phased tentative subdivision plan shows Croisan Scenic Way S, designated as a Minor Arterial, extending southward through Tax Lot 3200 to Spring Street S at right-of-way and pavement widths meeting current TSP standards for this street classification. In order to ensure that this segment of Croisan Scenic Way is constructed in conformance with TSP standards, and right-of-way and pavement widths required pursuant to this subsection, the following condition shall apply:

**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.

Local streets and cul-de-sac streets within the subdivision also meet applicable right-of-way and pavement width standards. As conditioned, the proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b). Existing residential development within the abutting Laurel Springs Estates subdivision, platted and developed in the 1960s, precludes the possibility of more than one street connection to the north. The entire south boundary of proposed Phase 4 abuts Belcrest Memorial Park Cemetery. Due to existing development on adjacent properties, the proposed subdivision is precluded from making connections to adjacent properties to the south within 600-foot intervals, and is excepted from this requirement along the western boundary of the subject property, pursuant to SRC 803.030(a)(2).

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The proposal would extend three existing dead-end streets (Croisan Scenic Way S, Balm Street S, and Dogwood Drive S) through the subject property. The proposal is an infill development with very limited access to adjacent undeveloped properties. Instead, as described in findings above, the subject property is abutted by existing residential developments and the Belcrest Memorial Park Cemetery to the south. The proposed street system provides logical connections to abutting properties and neighborhoods to the north, east, and west. The proposal complies with the requirements of subsection (a).

Subsection (c) establishes maximum grades for streets, based on TSP classification. The applicant has requested a Class 2 Adjustment to increase the



maximum allowable grade of certain segments of internal, local streets from 12 percent to 15 percent. The adjustment is granted subject to findings and conditions of approval adopted in Section 9 of this order.

Abutting properties to the north, east, and west were previously platted and developed with single family dwellings in prior decades. The Belcrest Memorial Park Cemetery abuts the subject property to the south. The two small segments of undeveloped or large lot development abutting the subject property are unsuitable for the extension of dead-end streets as required under Subsection (d). Therefore Subsection (d) is inapplicable to the proposal.

Subsection (f) establishes standards for the maximum length, distance from intersections, and radius of cul-de-sacs. There are two cul-de-sacs proposed within the phased subdivision; a terminus of Balm Street at the east end of Phase 1, and a terminus of Hillside Street on the western portion of Phase 4 ("Hillside Court"). The proposed cul-de-sac terminus of Balm Street meets all applicable dimensional requirements set forth in subsection (f). Topographic conditions and lack of connecting streets on adjacent properties render limiting the distance between Hillside Court and another intersecting street or cul-de-sac impractical. Therefore, the length of the proposed Hillside Court cul-de-sac, which exceeds 400 feet from an intersecting street is permitted pursuant to SRC 803.035(f)(2).

Subsection (l) requires sidewalks to be constructed as part of street improvement projects and sets forth standards for the design, width, and location of sidewalks. The applicant has proposed curblin sidewalks as an alternative standard throughout all phases of the project. Comments from the Public Works Department indicate that topographic conditions necessitate curblin sidewalks along the west side of Hillside Street and the north side of Dogwood Drive pursuant to SRC 803.035(l)(2)(B), and that all other sidewalks shall be constructed as property line sidewalks as required under SRC 803.035(l)(2)(A). In order to ensure the sidewalks are constructed in locations required pursuant to subsection (l), the following condition shall apply:

**Condition 10:** Sidewalks may be located at the curblin along the west side of Hillside Drive and along the north side of Dogwood Drive, as an alternative standard pursuant to SRC 803.035(l)(2)(B). Cul-de-sac sidewalks shall be located at the curblin. 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).

Subsection (m) requires streets identified in the Salem Transportation System Plan (TSP) Bicycle System Map as requiring a bicycle facility to conform to the designation of the TSP and Public Works Design Standards. Croisan Scenic Way S will be extended through the subject property as an internal street to Phase 1 and a boundary street to Phase 2. Full construction of the internal portion of Croisan Scenic Way to Minor Arterial standards will include bike lanes on both

sides. Condition 14 requires boundary street improvements of Croisan Scenic Way along Phase 2, including construction of a bike lane along the abutting frontage. As proposed and conditioned, the proposal conforms to the Bicycle System Map adopted in the TSP.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

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

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* There are two boundary street segments applicable to the proposal; Croisan Scenic Way S abuts the western boundary of Lots 21, 23, and 25 and Dogwood Drive S abuts the north boundary of Lots 32-35.

**Finding:** The portion of Dogwood Drive S abutting Phase 2 is currently unimproved. A three-quarter street improvement, allowing for safe two-way vehicle travel and developed in accordance with local street standards, can be constructed along this frontage in conformance with the subdivision phasing proposed by the applicant. In order to ensure this section of Dogwood Drive is improved to include required boundary street improvements and allow sufficient width for safe two-way vehicle travel into, through, and out of the subdivision, the following condition shall apply:

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

Spring Street S abuts the eastern boundary of Lots 21, 23, and 25 and does not meet the current right-of-way or improvement width standards for a Minor Arterial Street. In order to ensure that boundary street improvements are implemented in Phase 2 consistent with the Transportation System Plan and Public Works Design Standards, the following conditions shall apply:

**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.

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

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

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

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP17-10) was submitted in conjunction with the phased subdivision tentative plan. TCP17-10 identifies 883 trees on the subject property, with 662 trees proposed for removal, including 3 significant Oregon White Oaks. Trees proposed for removal are located within presumed building envelopes, street rights-of-way, and utility easements. As described in the applicant's written statement, the topography of the subject property requires grading in several areas to provide adequate home sites and streets. The extent of required grading will necessitate removal of certain additional trees on the subject property.

The applicant submitted a written statement describing three significant Oregon White Oaks proposed to be removed, and their position relative to street construction and associated grading necessary to construct the proposed Hillside Court and flag lot accessway at a reasonable grade. Based on review of the proposed tree plan, staff has determined that streets and lots are designed to preserve trees to the extent possible, in compliance with SRC 808.

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

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

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

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are areas on the 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 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.

The consolidated application includes a Geotechnical Investigation and Geologic Hazard Assessment, prepared by Redmond Geotechnical Associates and dated April 29, 2016. Public Works Department staff have reviewed the assessment 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.

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.

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

**Finding:** The overall subject property for all four proposed phases occupies nearly all of the remaining undeveloped land in the vicinity. Abutting properties to the north, east, and west were previously platted and developed with single family dwellings in prior decades. The Belcrest Memorial Park Cemetery abuts the subject property to the south. The proposed subdivision makes connections and extends all streets stubbed to the perimeter of the subject property, filling in gaps within the existing street network and improving access for future residences within the subdivision as well as existing residences on surrounding properties.

As described in findings above, the applicant proposes to vacate the existing Dogwood Drive right-of-way west of the proposed intersection with Hillside Street, within Phase 2. Condition 1 requires the applicant to obtain approval for the proposed street vacation prior to final plat approval for Phase 2. Vacating this segment of Dogwood Drive would eliminate a street section with potentially steep grades. Existing streets in the vicinity, in addition to the new local and Minor Arterial streets constructed as part of Phases 1 and 2 will provide sufficient street access and circulation to the subject property and adjacent properties without the section of Dogwood Drive proposed to be vacated.

The subject property only abuts two small segments of undeveloped or large lot development in the vicinity; future street or utility connections are not practical at these locations and would provide limited, if any, benefit to future development on abutting properties.<sup>3</sup> The topography of portions of the property proposed for Phase 4 also precludes future development at or near the optimal density of 6.5 dwelling units per gross acre set forth in Comprehensive Plan Policy IV.B.7.

The lots within the phased subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the phased subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

**Finding:** Water and sewer infrastructure is available along the perimeter of the site and is adequate to serve Phases 1 and 2. Condition 7 ensures that S-2 water service is provided to Phase 4 prior to development. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. The phased tentative subdivision plan shows public sewer extensions to adjacent upstream parcels.

Conditions of approval require construction of water and sewer systems to serve each lot, an engineered stormwater design to accommodate future impervious surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

---

<sup>3</sup> Tax Lot 200 abuts an undeveloped property along an 85-foot segment at its far southwest corner; Tax Lot 100 abuts large lot development to the east.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by Nelson Park, approximately 470 feet west of the closest lots within the proposed subdivision. No park-related improvements are required as a condition of development.

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

As conditioned, the proposal meets this criterion.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Finding:** As shown on the tentative phased subdivision plan, and required by Condition 9, the applicant proposes to extend Croisan Scenic Way S as a Minor Arterial street through proposed Phase 1. Croisan Scenic Way is listed on the Transportation System Development Charge (TSDC) Eligible list, and a portion of the street improvements may be eligible for TSDC reimbursement. The applicant proposes to construct all local streets and cul-de-sacs with pavement and right-of-way widths consistent with SRC 803.025 and TSP standards. Condition 10 requires the applicant to construct property line sidewalks on all subdivision streets, with the exception of the north side of Dogwood Drive and the west side of the proposed Hillside Street.

Comments submitted by the Public Works Department indicate that existing improvements outside the paved width of the portion of Dogwood Drive S abutting Phase 3 do not meet current PWDS. In order to ensure that the abutting segment of Dogwood Drive conforms to the TSP, as implemented by PWDS standards, the following condition shall apply:

**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.

Pursuant to PWDS, the City Engineer has approved a design exception for the proposed 95-foot radius of a curving portion of Hillside Drive in Phase 4, where the minimum standard is generally 110 feet (Attachment G).

As proposed and conditioned, the street network formed by the improved boundary streets and new internal streets serving the phased subdivision conform to the TSP. The proposal meets this criterion.

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

**Finding:** The phased subdivision proposal includes a network of internal streets, improvements to boundary streets at the perimeter of the subject property, and connections to existing streets in the vicinity. The internal street system is supplemented by a private accessway providing vehicular access at the rear of lots fronting on Croisan Scenic Way, a Minor Arterial, and a flag lot accessway providing direct, convenient access to lots located in hillside areas where grading and disturbance of vegetation necessary to construct a full street would be undesirable.

The applicant has requested an adjustment to exceed the 12 percent maximum local street grade in three specific street segments within Phases 1, 2, and 4. The applicant also requested an adjustment to increase the maximum length of a flag lot accessway from 400 to 500 feet. These adjustments allow extensions of the street system to all portions of the subject property and each proposed phase of the subdivision, including hillside areas where safe, efficient, and orderly access may have otherwise been reduced due to grading necessary to meet the maximum street grade. Both adjustments have been granted pursuant to the findings and conditions of approval adopted in Section 9.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The proposal meets this criterion.

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

**Finding:** As described in findings above, bicycle and pedestrian access in the vicinity of the subject property is somewhat limited by sloping topography, existing development patterns, street network gaps, and underdeveloped streets. The proposal would improve access between the subject property and adjacent residential areas through the extension of existing streets through the proposed subdivision, including sidewalks on all streets and bike lanes where designated in the TSP. The nearest transit service is provided by Salem-Keizer Transit Routes 8 and 18, near the corner of Madrona Avenue S and Liberty Road S, approximately 4,000 feet east of the subject property. The proposed subdivision is situated within one-half mile of two neighborhood activity centers:

- Nelson Park, a 8.17 acre neighborhood park located at 2090 Heath Street S, approximately 470 feet west of the closest lots within the proposed subdivision.
- Fircrest Park, a 4.91 acre neighborhood park located at 955 Luradel Street S, approximately 1,335 feet east of the closest lots within the proposed subdivision.
- Croisan Trail, a linear park / connector trail following the approximate right-of-way for future extensions of Croisan Scenic Way S. The northern terminus of the trail is approximately 1,165 south of the closest lots within the proposed subdivision.

As described above in responses to public comments raising the issue of safe access to Nelson Park, the development of boundary and internal streets as part of the proposed subdivision would substantially improve bicycle and pedestrian access to neighborhood activity centers. The sloping topography of the site and vicinity, the existing development pattern on surrounding properties, and the underdeveloped condition of several existing streets limit the overall accessibility of neighborhood activity centers from the subject property.

The proposal meets this criterion.

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

**Finding:** The Public Works Department has reviewed the proposal and finds that the 46-lot phased subdivision will generate less than 1,000 average daily vehicle trips to Croisan Scenic Way S, designated in the Transportation System Plan as a Minor Arterial. Accordingly, a Transportation Impact Analysis is not required as part of the review of the phased tentative subdivision plan, pursuant to SRC 803.015(b).

**SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. A number of existing natural and built conditions on the subject property are considered in the street and lot configuration proposed by the applicant. The relatively steep topography of the subject property, especially on the southern portion of the site, represents that most significant of these challenges. Proposed lots within Phase 4, the steepest portion of the subject property, range from



12,979 square feet to 34,793 square feet in size, more than double the typical lot size found in Phases 1-3. The large lot configuration in Phase 4 maximizes the lot area and street frontage available to accommodate more gradual grade changes necessary for construction of foundations, driveways, utility service, and other typical home site elements.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with the adjustments for maximum street grade and flag lot accessway length as requested. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC.

The proposal meets this criterion.

**SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

**Staff Response:** The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. In particular, considerably larger lots are proposed in the steeper, more heavily forested terrain within Phase 4. In response to the slope across the southern portion of the subject property, all of the lots proposed within Phase 4 exceed 12,000 square feet in size, with eight of the lots exceeding 20,000 square feet in size. The large lot configuration allows the majority of each home site to be left as open space, with little or no disruption to topography or vegetation across most of each lot. The large lots also minimizes the total number of home sites to be created along this portion of the ridge, thereby reducing overall impacts caused by grading and construction of foundations, driveways, and utility service lines across the subject property.

The applicant also proposes to serve a majority of the lots in Phase 4 via a flag lot accessway, reducing the paved width, grading, and drainage issues associated with construction of a full street on steeper topography. The segment of the Dogwood Drive right-of-way proposed to be vacated is currently undeveloped, and by avoiding street construction in this specific location, the proposal significantly reduces cuts, fills, and construction of retaining walls both within the existing right-of-way and further uphill along street alignment to be constructed.

The proposal meets this criterion.

**SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative**

**subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Finding:** The subject property is located within the Urban Service Area. Therefore, this criterion does not apply.

**SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**

**Finding:** The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended sequentially across each proposed phase in a logical and efficient manner. In order to ensure that phases are recorded in a sequence consistent with the extension of public improvements proposed in the tentative phased subdivision plan, the following condition shall apply:

**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.

As conditioned, the proposal meets this criterion.

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

**Finding:** Phases 1 and 2 each include three points of connection to existing streets at the perimeter of the phase. These multiple phases allow for logical connections for access to lots and extension of utilities available within adjoining street stubs. Phases 3 and 4 take access from existing boundary streets, and further extend streets created in earlier phases of development. The proposed phasing boundaries provide for Phase 1 and each subsequent phase to function as self-contained and self-sustaining additions to the existing residential neighborhood.

**SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.**

**Finding:** The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure sequentially as each phase is developed. As described above, the proposal makes logical connections to existing dead-end streets at the perimeter of the subject property as well as connecting streets between proposed phases. Stormwater overflow facilities constructed as part of Phase 1, including a stormwater retention facility at the northwest corner of the site and a stormwater discharge to Croisan Creek will be designed to accommodate stormwater serve later, uphill phases of the development.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

## 9. **Class 2 Zoning Adjustments**

The applicant has requested adjustments to increase the maximum grade allowed grade of certain sections of the proposed Hillside Street S, a local street, from 12 percent, as required under SRC 803.035(c), to 15 percent; and to increase the maximum allowed length of a flag lot accessway serving four lots from 400 feet, as required under SRC Chapter 800, Table 800-1, to 500 feet.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in bold, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

**SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**

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

**Finding:** Staff finds that the requested adjustments meet this criterion as follows:

### *Requested Adjustment to Maximum Local Street Grade*

The requested adjustment meets criterion (ii). The underlying purpose of the street grade standards set forth in SRC 803.035(c) is to ensure that streets are designed to allow safe movement for a variety of vehicle types and to minimize the impact of cut and fill from construction of roads across relatively steep portions of a site. As described in findings above, relatively steep topography extends across the entire site. Comments from the Public Works Department note that the applicant's Geotechnical Investigation and Geologic Hazard Assessment states that the natural topography within the subject property contains slopes of up to 20 percent.

The street grade standards are clearly applicable to the proposed development, and the request is not justified by criterion (i). The applicant's statement indicates, in summary, that the primary purpose of limiting street grades appears to be related to traffic safety, and quotes from a Federal Highway Administration publication as describing street grade as affecting "speed and vehicle control, particularly for large trucks." Proposed local streets subject to the requested adjustment would only serve nearby areas of

single family residential development. No streets subject to the adjustments are expected to carry significant truck traffic or vehicles traveling at higher speeds.

In addressing criterion (ii), the applicant's statement describes a number of factors mitigating the traffic safety issues which might otherwise occur on a roadway of greater than 12 percent grade. Street segments subject to the adjustment serve a small number of relatively low density single family residential lots, including two streets which terminate in cul-de-sacs, within a development served by a Minor Arterial street. This significantly limits the frequency of heavy truck use or traffic congestion occurring on these streets. The revised plan submitted by the applicant (Attachment C) limits the length of all street segments exceeding 12 percent grade to no more than 200 feet, interrupted by areas of 12 percent grade or less, including intersections of 5 percent or less in grade. These intermittent runs of steeper slopes decrease the potential for a vehicle to gather excessive speed traveling downhill or to encounter delays caused by slow-moving vehicles traveling uphill. Comments from the Salem Fire Department indicate that the shorter segments of 15 percent grade proposed in the revised plan allow for safe operation of fire vehicles.

In this residential context, slightly steeper street grades better meet the intent of the standard than development relying on the massive site grading that would be necessary to construct streets meeting the standard. The proposed street layout balances goals of minimizing topography and providing the most gradual incline possible on streets within the subdivision.

In order to ensure that the segments of local streets exceeding 12 percent grade are limited as shown on the revised site plan, the following condition shall apply:

**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.

Pursuant to PWDS, the City Engineer has approved a design exception for the proposed 95-foot radius of a curving portion of Hillside Drive in Phase 4, where the minimum standard is generally 110 feet (Attachment G). In order to ensure that maneuverability and sight distance is not impeded by parked vehicles on street sections of steeper grades and reduced turning radius, the following condition shall apply:

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

As conditioned, the requested adjustment to increase maximum street grade meets this criterion.

*Requested Adjustment to Flag Lot Accessway Length*

The requested adjustment meets criterion (ii). Limiting the length of a flag lot accessway serving three or four residentially-zoned lots to a maximum of 400 feet helps ensure that

lands served by accessways maintain relatively close, direct access to public streets. The standard also ensures that flag lot accessways do not impede future development by precluding connectivity or provision of sufficient public infrastructure in undeveloped or undeveloped areas where a street a street would be suitable. Finally, the 400 foot maximum accessway length allows safe, efficient access for fire vehicles to access each property within a development.

As described in findings above, the flag lot accessway in question provides access to lots on a relatively steep hillside at the southeastern edge of the subject property. The portion of the site served by the accessway is abutted by developed single family lots and a cemetery, making street connections unavailable at present and unlikely to be developed in the future. Comments from the Salem Fire Department indicate that the length and grade of the accessway would allow safe operation of fire apparatus vehicles provided an approved turnaround is provided. The site plan indicates that a turnaround for fire vehicles would be provided along the side property boundary between Lots 37 and 38. In order to ensure that adequate fire vehicle turnarounds are provided, the following condition shall apply:

**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).

As conditioned, the requested adjustment to increase maximum flag lot accessway length meets this criterion.

**SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** Staff finds that the requested adjustments meet this criterion as follows:

*Requested Adjustment to Maximum Local Street Grade*

All phases of the proposed subdivision will be located within an RS (Single Family Residential) zone. The applicant's statement contends, in summary, that the steeper street grade allowed by the adjustment would reduce the need for excessive cut and fill slope and allow retention of a greater number of trees on steeper portions of the property. As described in findings above, the requested adjustment would allow development of the subject property into buildable residential lots, served by internal streets that meet standards for connectivity and reasonably direct access. Given the topographic constraints on the subject property, development of the site without the requested adjustments is much more likely to detract from the livability and appearance of the residential area, both in terms of tree removal and cut and fill slopes, than the slightly steeper streets that the adjustment would allow.

*Requested Adjustment to Flag Lot Accessway Length*

As described in findings above, the general purpose of the applicant's proposal to serve Lots 36-39 rather than a Local Street is to minimize the disruption to topography and existing vegetation caused by roadway construction. The flag lot accessway exceeds the minimum 400 foot maximum length in order to serve lots in a forested hillside area where connectivity to the surrounding street network is unavailable. Due to the topography in this area, and the limited number of residences to be constructed along its path, the provision of a flag lot accessway instead of a street does not significantly reduce vehicle, pedestrian, or bicycle access to these properties.

The requested adjustments meet this criterion.

**SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** The two adjustments requested by the applicant both relate to providing access to the hillside portions of the site while minimizing disturbances to topography and vegetation. The adjustments allow the subject property to be developed with an internal network of arterial and local streets and a flag lot accessway to serve lots within a single family residential subdivision. Therefore, the cumulative effect of the adjustments is to allow development which is consistent with the overall purpose of the RS (Single Family Residential) zone.

The requested adjustments meet this criterion.

## **11. Conclusion**

Based upon review of SRC 205.005, the findings contained under Sections 8, and 9 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

That consolidated Phased Tentative Subdivision and Class 2 Adjustment Case No. 17-09, which includes the following requests:

1. A phased subdivision tentative plan to divide approximately 14.14 acres into 46 lots, with Phase 1 containing 20 lots, Phase 2 containing 11 lots, Phase 3 containing 4 lots, and Phase 4 containing 11 lots; and
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.

On property zoned RS (Single Family Residential), and located on the 3700 & 3800 Blocks of Dogwood Drive S (Marion County Assessor Map and Tax Lot Numbers: 083W04CB03200; 04200; 04300; 04400; 04500; 04600; 04900; 05000; and 083W04C00100 and 00200), shall be GRANTED as follows:

- A. The phased subdivision tentative plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- 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(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).
- 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.

B. 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).



Christopher Green, AICP, Planning Administrator Designee

Attachments: A. Vicinity Map  
B. Tentative Phased Subdivision Plan as Submitted June 12, 2017  
C. Tentative Phased Subdivision Plan as Revised October 23, 2017  
D. Applicant's Written Statement on Consolidated Application  
E. City of Salem Public Works Department Comments  
F. Southwest Association of Neighbors (SWAN) Comments  
G. Design Exception Approval for Reduced Street Radius

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 Mandated Decision Date:	<u>December 26, 2017</u>

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

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, November 14, 2017, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.