

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

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

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

PROCEDURAL FINDINGS:

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

SUBSTANTIVE FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

City Recorder

Checked by: Lisa Anderson-Ogilvie