

Supplemental Findings for SUB-ADJ 17-09:

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

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

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, copies of which are hereby incorporated into the record, there are areas on the south portion of the subject property (Tax Lots 100 and 200) assigned between two and five landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of five and ~~ten~~ eight points.

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

Applicant met and exceeded the requirements of SRC 810.030(a) in submitting two stamped documents from Redmond Geotechnical Services. The consolidated Application includes a Geotechnical Investigation and Geologic Hazard Assessment, prepared by Redmond Geotechnical Associates and dated April 29, 2016 ("Original Assessment"), and a Supplemental Geotechnical Consultation and Review of Proposed Site Development and Grading Plans, Proposed Dogwood Heights Residential Development Project, Dogwood Drive South and Hillside Court South, Salem (Marion County), Oregon ("Supplemental Review"). Public Works Department staff have reviewed the Original Assessment ~~assessment~~ and Supplemental Review and concluded that the Original Assessment and Supplemental Review include all of the necessary findings and conclusions required by SRC 810.030(a). While opponents to the proposal submitted generalized concerns regarding landslide hazards and hydrogeological concerns, the documents from Redmond Geotechnical Services address these issues and there are no particularized comments stating otherwise. Redmond Geotechnical Services' assessment and follow up statement and submitted comments ~~indicating that the assessment~~ demonstrates that the subject property could be subdivided and developed with single-family dwellings without increasing the potential for slope hazard on the site or adjacent properties. Pursuant to SRC 810.020(d), the applicant's submittal adequately sets forth mitigation measures that will reduce the risk of landslide hazard (see pages 8 – 15 of the Original Assessment and page 2 of the Supplemental Review).

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

Condition 15: At the time of final acceptance of public infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

As conditioned, the proposal meets this criterion.

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

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

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