

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
CONSOLIDATED SUBDIVISION PLAT
AND URBAN GROWTH PRELIMINARY
DECLARATION NO. 18-01;**

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**ORDER NO. 2018-10
SUBDIVISION/
URBAN GROWTH
PRELIMINARY DECLARATION
CASE NO. 18-01**

This matter coming regularly for hearing before the City Council, at its October 8, 2018 and October 22, 2018 meetings, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order amending the decision of the Planning Administrator in Subdivision/Urban Growth Preliminary Declaration Case No. SUB-UGA18-01, and approving the application.

PROCEDURAL FINDINGS:

- (a)** On May 7, 2018, Brandie Dalton of Multi-Tech Engineering, on behalf of Baylan Construction, filed an application for a Tentative Subdivision Plan and Urban Growth Preliminary Declaration Permit proposing to divide a 4.82 acre property at 1395 Boone Road SE (Attachment B) into 20 lots.
- (b)** On August 29, 2018, the Planning Administrator issued a decision denying the tentative subdivision and approving the Urban Growth Preliminary Declaration Permit.
- (c)** On September 5, 2018, the applicant filed a timely appeal of the decision.
- (d)** On September 10, 2018, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision.
- (e)** On October 8, 2018, City Council held a public hearing, took public testimony and continued the hearing to October 22, 2018.
- (f)** The applicant granted one extension of the state-mandated local decision deadline to December 15, 2018.
- (g)** The City Council voted to amend the Planning Administrator's Decision to approve the applications.

SUBSTANTIVE FINDINGS:

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

- (a)** The tentative subdivision plan and urban growth preliminary declaration permit dividing approximately 4.82 acres into 20 lots, as proposed and subject to conditions, meets all of the criteria for a tentative subdivision plan approval set forth in SRC 205.010(d).

- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as if set forth herein.
- (c) The City Council therefore APPROVES the application for a tentative subdivision plan and urban growth preliminary declaration, with conditions.

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

Section 1. The Planning Administrator's decision for Subdivision and Urban Growth Preliminary Declaration Case No. SUB-UGA18-01 is hereby amended to approve the applications and include findings and facts in exhibit 1, and the following conditions of approval:

Tentative Subdivision Plan:

Condition 1: Construct a driveway from the garage of the existing residence on Lot 9 to "Street A", consistent with the development standards established in SRC Chapter 806.030

Condition 2: Prior to final plat approval, obtain final inspections for any building permits required to relocate the existing garage.

Condition 3: Obtain demolition permits and remove all other accessory structures located on the subject property.

Condition 4: Design and construct stormwater facilities as needed to accommodate all new and replaced impervious surfaces pursuant to SRC Chapter 71 and PWDS.

Condition 5: Prior to building permits, the subject property shall have a favorable Airport Overlay zone height variance.

Condition 6: Pay connection fees and/or deferred assessments as applicable pursuant to SRC Chapter 21.

Condition 7: Obtain City approval for quitclaim of existing sewer and storm easements located on the subject property.

Condition 8: Along the entire frontage of Boone Road SE, the applicant shall convey land for dedication to equal 30 feet from the centerline of Boone Road SE and construct a three-quarter street improvement to local street standards.

Condition 9: Along the entire frontage of Boone Road SE, sidewalks shall be parallel to and one foot from the adjacent right-of-way.

Condition 10: Between proposed Lot 16 and 17, a shared-use path (pedestrian) connection for public use shall be stubbed to the undeveloped property to the east, at least 15-foot easement with 10-feet in pavement width, consist with Public Works Design Standards.

Condition 11: Prior to final plat approval, the applicant shall construct sidewalks and driveway apron for Lot 9.

Condition 12: Dedicate a 10-foot public utility easement (PUE) along the frontage of all internal street.

Urban Growth Preliminary Declaration:

Condition 1: As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
- b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).

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

Exhibit 1: Findings for SUB-UGA 18-01

ADOPTED by the City Council this 13th day of November, 2018.

ATTEST:

City Recorder

Checked by: Olivia Glantz