

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO.: SUB-ADJ19-03

APPLICATION NO. : 18-124777-LD & 19-105127-ZO

NOTICE OF DECISION DATE: May 6, 2019

REQUEST: A tentative subdivision plan to divide approximately 9.63 acres into 48 lots ranging in size from 4,428 square feet to 11,492 square feet including Alternative Street Standards request to increase the street grade from 12% to 15% for five street intervals and 50-foot right-of-way, where 60-feet is required; and a zoning adjustment to re-designate the front property lines for Lots 8, 19, 34, 43 and 44.

The subject property is approximately 9.63 acres in size, zoned RA (Residential Agriculture), and located at the 600 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number 083W15C / 900).

APPLICANT: LP Holdings, LLC (Don Lulay)

LOCATION: 600 Block of Mildred Ln SE / 97306

CRITERIA: Subdivision: SRC 205.010(d)
Class 2 Zoning Adjustment: SRC 250.005(d)(2)

FINDINGS: The findings are in the attached Order dated May 6, 2019.

DECISION: The Planning Administrator **APPROVED** Subdivision / Class 2 Adjustment SUB-ADJ19-03 subject to the following conditions of approval:

Condition 1: To ensure adequate vision clearance, Lot 43 shall only have access to South Street.

Condition 2: At the time of building permit, each dwelling accessing from the flag lot accessway shall provide fire sprinklers meeting Fire Department standards.

Condition 3: Prior to Final Plat approval, the flag lot accessway serving Lots 5 through 8 shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1, for a residential flag lot accessway serving 3 to 4 lots.

Condition 4: Lots 1 through 4 shall not have access to the proposed access easement.

Condition 5: "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are designated

as fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Condition 6: Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.

Condition 7: Construct internal streets to local street standards pursuant to PEDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street shall be constructed as proposed, with 50-foot right-of-way, four foot landscaping strip and property line sidewalks.

Condition 8: Prior to Public Construction, the applicant shall have a certified arborist prepare a tree preservation and protection plan for Lots 5 through 16. The plan shall provide the trees size, location, species, extent of root cover, an evaluation of the trees tolerance to construction, and what is an adequate level of protection for the trees based on the findings from the site visit.

Condition 9: Prior to issuance of Public Construction permits, the tree preservation and protection plan (described in Condition 8), signed by the certified arborist, shall be submitted the City for review and approval.

Condition 10: Prior to Public Construction, the applicant shall have the certified arborist, who prepared the protection plan, mark the root protection zone with fencing and root protection zone signage indicating no ground disturbance activity for Lots 5 through 16.

Condition 11: The applicant shall have an arborist on site during all construction activity, including all grading activity, public construction, and construction of dwellings on Lots 5 through 16.

Condition 12: Prior to final plat approval, a final report from the arborist documenting all inspections and verifying the viability of the trees after the public construction phase, shall be provided to the City.

Condition 13: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

Condition 14: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE.

Condition 15: Construct half-street improvements along the entire frontage of Mildred Lane SE to Minor Arterial Street Standards.

Condition 16: The designated front property line for Lot 8 is the west property line and the designated front property line for Lots 19 and 34 is the south property line.

The rights granted by the attached decision must be exercised, or an extension granted, by May 22, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>April 9, 2019</u>
Notice of Decision Mailing Date:	<u>May 6, 2019</u>
Decision Effective Date:	<u>May 22, 2019</u>
State Mandate Date:	<u>August 7, 2019</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., May 21, 2019.** The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. The 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 appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 19-03)**

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

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
SUBDIVISION PLAT NO. 19-03;
600 BLOCK MILDRED LANE SE**

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FINDINGS AND ORDER

MAY 6, 2019

REQUEST

A tentative subdivision plan to divide approximately 9.63 acres into 48 lots ranging in size from 4,428 square feet to 11,492 square feet including an "Alternative Street Standards" request to increase the street grade from 12 percent to 15 percent for five street intervals and 50-foot right-of-way, where 60-feet is required; and a zoning adjustment to re-designate the front property lines for Lots 8, 19, 34, 43, and 44.

The subject property is approximately 9.63 acres in size, zoned RA (Residential Agriculture), and located at the 600 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number 083W15C / 900). (Attachment A)

DECISION

The tentative subdivision 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:** To ensure adequate vision clearance, Lot 43 shall only have access to South Street.
- Condition 2:** At the time of building permit, each dwelling accessing from the flag lot accessway shall provide fire sprinklers meeting Fire Department standards.
- Condition 3:** Prior to Final Plat approval, the flag lot accessway serving Lots 5 through 8 shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1, for a residential flag lot accessway serving 3 to 4 lots.
- Condition 4:** Lots 1 through 4 shall not have access to the proposed access easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are designated as fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

- Condition 6:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 7:** Construct internal streets to local street standards pursuant to PEDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street shall be constructed as proposed, with 50-foot right-of-way, four foot landscaping strip and property line sidewalks.
- Condition 8:** Prior to Public Construction, the applicant shall have a certified arborist prepare a tree preservation and protection plan for Lots 5 through 16. The plan shall provide the trees size, location, species, extent of root cover, an evaluation of the trees tolerance to construction, and what is an adequate level of protection for the trees based on the findings from the site visit.
- Condition 9:** Prior to issuance of Public Construction permits, the tree preservation and protection plan (described in Condition 8), signed by the certified arborist, shall be submitted the City for review and approval.
- Condition 10:** Prior to Public Construction, the applicant shall have the certified arborist, who prepared the protection plan, mark the root protection zone with fencing and root protection zone signage indicating no ground disturbance activity for Lots 5 through 16.
- Condition 11:** The applicant shall have an arborist on site during all construction activity, including all grading activity, public construction, and construction of dwellings on Lots 5 through 16.
- Condition 12:** Prior to final plat approval, a final report from the arborist documenting all inspections and verifying the viability of the trees after the public construction phase, shall be provided to the City.
- Condition 13:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 14:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE.
- Condition 15:** Construct half-street improvements along the entire frontage of Mildred Lane SE to Minor Arterial Street Standards.
- Condition 16:** The designated front property line for Lot 8 is the west property line and the designated front property line for Lots 19 and 34 is the south property line.

PROCEDURAL FINDINGS

1. On December 21, 2018, Willamette Engineering, on behalf of LP Holdings, LLC (Don Lulay), filed an application for a Tentative Subdivision Plan proposing to divide a 9.6 acre property at the 600 Block Mildred Lane SE (Attachment B) into 48 lots.
2. After the applicant submitted additional required information, the application was deemed complete for processing on April 9, 2019. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on April 11, 2019.
3. The state-mandated local decision deadline is August 7, 2019.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

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.

Relationship to Urban Service Area: The subject property is located outside of the Urban Service Area. However, comments from the Public Works Department indicate that the proposed subdivision does not precede construction of required facilities, and adequate utilities are available at the perimeter of the site. Therefore, an Urban Growth Area (UGA) permit is not required.

Comprehensive Plan Map: The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential

South: (Across Mildred Lane SE) Single Family Residential

East: Developing Residential

West: Developing Residential

2. Zoning

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently vacant. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family dwellings

South: (Across Mildred Lane SE) RS (Single Family Residential); single family dwellings

East: RA (Residential Agriculture); single family dwelling

West: RA (Residential Agriculture); vacant

3. Land Use History

Annexation Case No. C-586 (2006): Voter-approved annexation of the subject property into the City of Salem.

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 C.

Fire Department - The Salem Fire Department submitted comments indicating that access will be required within 150 feet of all portions of the structures. The applicant has proposed fire sprinklers rather than an approved Fire Department turnaround off of a private access (flag lot accessway), which is acceptable. The private access needs to be identified as "Fire Lane No Parking". Fire hydrants are required to be within 600 feet of all portions of the structures.

Building and Safety Department - The Building and Safety Department reviewed the proposal and indicated no issues with the proposed subdivision.

5. Neighborhood Association Comments

The subject property is within the South Gateway Neighborhood Association. 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." No comments were received from the South Gateway Neighborhood Association prior to the comment deadline.

6. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. Comments from five property owners within the vicinity of the subject property, and members of the public at large, were submitted prior to the close of the public comment period deadline. Concerns and opposition received can be summarized into the following main categories:

- A. Traffic.** Comments indicate that a traffic along Mildred Lane SE is dangerous and additional development should not have access. Commenters expressed concern about additional accidents and fatalities on Mildred Lane SE.

Staff Response: The proposed subdivision will result in a boundary street improvement of Mildred Lane SE along the frontage of the subject property to minor arterial street standards and the extension of new local streets through the subdivision are in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will connect to existing streets and fill in gaps within the current street network. Because the proposed development will not generate traffic volumes sufficient to require a traffic impact analysis (TIA) under SRC 803.015, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development. The Assistant City Traffic Engineer has had an opportunity to review the proposal and has indicated that as proposed, the street network will provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

- B. Loss of Wildlife Habitat and Open Space.** Comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the subject property.

Staff Response: In regards to impacts to wildlife habitat, 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 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 tentative subdivision approval.

In regards to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. 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 RA (Residential Agriculture). 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.

- C. Adjustment does not Meet Approval Criteria.** Comments submitted express concern that the requested adjustment does not meet the approval criteria and that development should meet the standards.

Staff Response: Findings evaluating the Class 2 Adjustment requested by the applicant, in conjunction with the proposed subdivision, are included under Section 8 of this decision. As indicated in the findings under those sections, the requested Class 2 Adjustment is minimal in scope and allows only minor deviations from standards whose underlying purposes are otherwise met by the proposed development. The adjustment does not result in a project which is inconsistent with the overall purpose of the RS zone or the “Single Family Residential” designation of the Salem Area Comprehensive Plan.

- D. School District Overcrowded.** Comments submitted express concern that the schools are overcrowded.

Staff Response: The Salem-Keizer School District did not provide concerns or comments, prior to the staff report being published.

- E. Tree Removal.** Several comments received express concern regarding the removal of trees, which will be required to accommodate the proposed subdivision. In addition, comments were submitted expressing concern over the existing grove of trees on the neighboring property to the east.

Staff Response: Tree preservation and removal in conjunction with proposed subdivisions is regulated under the City’s tree preservation ordinance (SRC Chapter 808). As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of 44 trees on the property, with no significant oaks.

Of the 44 total trees existing on the property, the proposed tree conservation plan identifies 11 trees (25%) for preservation and 33 trees (75%) for removal. In addition, the applicant has identified a grove of trees along the eastern property line, which will remain. The applicant has provided an arborist report to determine that the existing grove should not be harmed by development of single family dwellings. The applicant has requested a reduction in right-of-way width to facilitate the preservation of the neighboring trees.

The proposed tree conservation plan preserves 25 percent of the existing trees on the property, therefore meeting the minimum 25 percent preservation requirement under SRC Chapter 808. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

7. Criteria for Granting a Tentative Subdivision

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.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a 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 205.010(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 205.010(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 9.63 acre property into 48 lots and street rights-of-way, with no remainder. The subject property is currently zoned RA (Residential Agriculture). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. Because the zoning of the subject property will be changed to RS with the recording of the plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential).

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
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 4,974 square feet to 11,492 square feet in size. The proposed lots exceed minimum lot area, dimension, and

frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Street Frontage: Except for flag lots, the RS zone, pursuant to SRC 511.010(a), Table 511-2, requires lots that will be used for the construction of single family dwellings to have a minimum of 40 feet of frontage on a street. SRC Chapter 800 (General Development Standards) allows lots to be created without the minimum required frontage on a street when they are developed in conformance with the flag lot development standards set forth in SRC 800.025.

As shown on the applicant's tentative subdivision plan, the proposed lots, with exception of the proposed flag lots (Lots 5, 6, and 7), exceed the minimum 40-foot street frontage requirement. Proposed Lots 5, 6, and 7 are flag lots without the minimum frontage on a street. These proposed lots conform to the flag lot standards of SRC 800.025.

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

The property is currently vacant, setback requirements for future development on the proposed Lots will be reviewed at the time of application for building permits on those individual parcels.

The proposal meets the requirements of SRC Chapter 511.

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. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Proposed Lots 1, 4, 9, 15, 26, 27 43, 44, and 46 are corner lots. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street designated by the building permit applicant. Lots 4, and 46 abut Mildred Lane, which will restrict access to the Minor Arterial, requiring Lots 4 and 46 to take access to the proposed local streets. In addition, Lot 43 does not appear to have adequate frontage along Springwood Avenue to provide access, as conditioned below, Lot 43 shall take driveway access from South Street. The applicant has requested an adjustment for Lots 8, 19, 34, 43 and 44 to re-designate the front property line. The adjustment is to ensure a new dwelling can adequately fit on each lot, which is addressed below in Section 8.

Condition 1: To ensure adequate vision clearance, Lot 43 shall only have access to South Street.

In order to further clarify the front lot line designations for the proposed corner lots, flag lots and lots with adjustments within the subdivision, and to ensure that, based on the proposed lot configurations and location of existing structures, the proposed lots and future structures will meet applicable SRC requirements, except as otherwise may be allowed through a variance or adjustment, the following front lot line designations will apply:

- Lot 43: The front lot line shall be the east property line.
- Lots 5-6: The front lot line shall be the west property line.
- Lot 8: The front lot line shall be the west property line.
- Lot 9: The front lot line shall be the west property line.
- Lot 19: The front lot line shall be the south property line.
- Lot 26: The front lot line shall be the east property line.
- Lot 34: The front lot line shall be the south property line.
- Lot 43: The front lot line shall be the east property line.
- Lot 44: The front lot line shall be the east property line.
- Lot 46: The front lot line shall be the east property line.

SRC 800.025 (Flag Lots): Proposed Lots 5, 6, and 7 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. The applicant is requesting an adjustment to change the front property line of Lot 8 to the west property line (easement line), which would allow access to all four lots. In addition the applicant is requesting an adjustment to designate the south line for Lot 19 as the south. Lot 19 has adequate frontage and is not considered a flag lot.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 3 to 4 lots must be a minimum of 25 feet in overall width and must be paved to a minimum width of 20 feet. The accessway is proposed to serve Lots 5-8. Lots 1-4 abut the accessway and if used would exceed the allowed amount of lots to be served. The Fire Department has reviewed the proposal and indicate that access is required to be provided to within 150 feet of all portions of the structures. The applicant has proposed fire sprinklers rather than an approved Fire Department turnaround off of a private access (Lots 5-8), which meets Fire Department standards. The proposed Lots 5-8 are not large enough to provide for a Fire Department turnaround and maintain setbacks for future buildings. Since a turnaround is not feasible with the current proposed configuration the following condition applies:

Condition 2: At the time of building permit, each dwelling accessing from the flag lot accessway shall provide fire sprinklers meeting Fire Department standards.

The tentative plan shows an easement width of at least 25-feet wide, however, plans do not indicated the paved width of each accessway. To ensure this standard is met, the following condition shall apply:

Condition 3: Prior to Final Plat approval, the flag lot accessway serving Lots 5 through 8 shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1, for a residential flag lot accessway serving 3 to 4 lots.

Table 800-1 – Flag Lot Accessway Standards identifies that a maximum of four lots may take access from a flag lot accessway. To ensure this standard is met, the following condition shall apply:

Condition 4: Lots 1 through 4 shall not have access to the proposed access easement.

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

Condition 5: "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are designated as fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

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 5-7), or approximately 6 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. The applicant submitted a stormwater report in compliance with PWDS in order to demonstrate that green stormwater infrastructure could be constructed to accommodate future impervious surfaces on the subject property. In order to ensure that stormwater infrastructure is implemented, the following condition shall apply:

Condition 6: Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. Although the subject property is located outside of the Urban Service Area, comments from the Public Works Department indicate that the proposed subdivision does not precede construction of required facilities, and adequate utilities are available at the perimeter of the site. Therefore, a UGA permit is not required.

SRC Chapter 802 (Public Improvements): 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 the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated May 3, 2019 (Attachment C).

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). Water mains shall be located within the public right-of-way pursuant to PWDS; mains located outside of the right-of-way require a Design Exception approved by the City Engineer.

Developments are required to extend public utility services to serve upstream and neighboring properties. The proposed utility plan shows public sewer extensions to

adjacent upstream parcels. An 8-inch water main shall also be extended west in Sarah Renee Ave SE to the property line pursuant to PWDS. The conceptual water and sewer plan included in the application shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

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)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets the requirements of SRC Chapter 802.

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

SRC 803.015 (Traffic Impact Analysis): The proposed 48-lot subdivision generates less than 1,000 average daily vehicle trips to Mildred Lane SE, 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): As part of the Ironwood Estates No 7 subdivision, a stub street (Springwood Avenue) is located along the northern property line. The extension of Springwood Avenue and the alignment of Sarah Renee Avenue to the west, both meet the required right-of-way and pavement widths.

The applicant has proposed an alternative street standard for East Street, which warrants a reduced right-of-way width of 50 feet, with property line sidewalks and a four foot landscaping strip on both sides. Topographic conditions, in particular a cross-slope on this portion of the site exceeding 16 percent make construction of a standard local street impracticable. In addition, the existing stand of trees along the eastern property line require a larger buffer from grading than what could be provided with a 60-foot right of way. The applicant has provided evidence from an arborist regarding the existing stand of trees along the eastern property line. For these reasons, the reduced right-of-way width meets the criteria for an alternative street standard pursuant to SRC 803.065.

To ensure the existing stand of trees adjacent to Lots 9 through 16 is provided the adequate buffer, the following conditions shall apply:

Condition 7: Construct internal streets to local street standards pursuant to PEDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street shall be constructed as proposed, with 50-foot right-of-way, four foot landscaping strip and property line sidewalks.

- Condition 8:** Prior to Public Construction, the applicant shall have a certified arborist prepare a tree preservation and protection plan for Lots 5 through 16. The plan shall provide the trees size, location, species, extent of root cover, an evaluation of the trees tolerance to construction, and what is an adequate level of protection for the trees based on the findings from the site visit.
- Condition 9:** Prior to issuance of Public Construction permits, the tree preservation and protection plan (described in Condition 8), signed by the certified arborist, shall be submitted the City for review and approval.
- Condition 10:** Prior to Public Construction, the applicant shall have the certified arborist, who prepared the protection plan, mark the root protection zone with fencing and root protection zone signage indicating no ground disturbance activity for Lots 5 through 16.
- Condition 11:** The applicant shall have an arborist on site during all construction activity, including all grading activity, public construction, and construction of dwellings on Lots 5 through 16.
- Condition 12:** Prior to final plat approval, a final report from the arborist documenting all inspections and verifying the viability of the trees after the public construction phase, shall be provided to the City.

As conditioned, the proposal meets this requirement.

SRC 803.030 (Street Spacing): The subject property is a 9.63 acre site that is bordered by existing single family residential subdivisions to the north, vacant land to the east and west and Mildred Lane SE to the south. The proposed subdivision has provided street spacing at less than 600-foot intervals, except on the north end of Springwood Avenue SE. The existing subdivision to the north, currently has a block length of over 450-feet to the subject property. The provided findings state that the topography of the northern portion of the property has a cross-slope of 16%-17% and the extension of the east/west street is not feasible and meets SRC 803-035(a)(1). If the applicant proposed to extend Sarah Renee east across the subject property the dwellings to the north would not meet setback requirements. Therefore, the block length on the east side of Springwood Avenue SE is 1,050 feet. Due to the existing conditions of the previous subdivision to the north, location of the existing dwellings, and cross-slope of 16 percent, the proposal meets SRC 803.035(a)(1) and has a greater block length than 600-feet.

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 subject property abuts a platted residential subdivision to the north with street connection to the subject property. The proposed subdivision plan provides internal street connectivity by extending Springwood Avenue SE from its existing terminus across the interior of the subject property to Mildred Lane SE. The

proposal provides two connections to the west, one connection aligning with Sarah Renee Avenue SE. In addition, two connections to the east are provided; these internal streets provide a robust network points of connection to these existing boundary streets and the existing surrounding street system.

These street connections, except for the east side of Springwood Ave SE, are approximately 450 to 600 feet apart, this ensures properties to the east and west can be developed in the future and meet the 600-foot maximum block length set forth in SRC 803.030(a).

Subsection (b) requires that all street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Pursuant to subsection (c), street grade for of a local street shall not exceed 12 percent. The applicant has provide street profiles and a written statement that all streets have been designed not to exceed 12 percent meeting this standard. The applicant does not need an alternative street standard for increased grade.

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 13: 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): Mildred Lane SE abuts the property to the south and does not meet the current standard for a Minor Arterial Street. In order to ensure that boundary street improvements are implemented consistent with the Transportation System Plan and Public Works Design Standards, the following conditions shall apply:

Condition 14: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE

Condition 15: Construct a half-street improvements along the entire frontage of Mildred Lane SE to Minor Arterial Street Standards.

As conditioned, the proposal meets the requirements of SRC 803.040.

(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 (TCP19-06) was submitted in conjunction with the subdivision tentative plan. TCP19-06 identifies 44 trees on the subject property, with 33 trees proposed for removal. Trees proposed for removal are primarily located within presumed building envelopes, street rights-of-way, and utility easements. There are no significant trees located on the subject property. The applicant is proposing to preserve 11 trees, or 25 percent, on the subject property. As proposed, the 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 subject property assigned 2 landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of 5 points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment, prepared by Branch Engineering and dated February 7, 2019, was submitted to the City of Salem. This assessment demonstrates that the site could be subdivided and developed without increasing the potential for slope hazards on the site or adjacent properties.

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 proposed subdivision would divide a 9.68-acre property into 48 lots and rights-of-way for boundary and internal streets. Access to lots within the proposed

subdivision is provided by new internal streets and improved boundary streets, with three lots near the southern edge of the site served by a flag lot accessway. The subject property abuts a built-out single family residential subdivision to the north, vacant land to the east and west. The proposal is providing two street connections to the east and west, which will provide access to undeveloped properties. The proposal would not limit, or interfere with, the established use or future redevelopment of these properties.

The lots within the proposed 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. The existing street network in the vicinity of the subject property and proposed streets within the subdivision are sufficient to provide access to each of the proposed lots. 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 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: As described in findings above, although the subject property is located outside of the designated Urban Service Area, surrounding developments have brought water and sewer infrastructure to the perimeter of the site. Comments from the Public Works Department indicate that this infrastructure appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. Conditions of approval require construction of green stormwater infrastructure to accommodate future impervious surfaces, and dedication of public and private utility easements to allow for installation and maintenance of private utility infrastructure.

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 Bryan Johnston Park, a 14.6-acre neighborhood park which is less than one-half mile southeast of 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 pursuant to 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.

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: Mildred Lane SE abuts the subject property and does not meet the current standard for a minor arterial street. As identified in the conditions of approval, the applicant is required to dedicate right-of-way and construct half-street improvements, along the entire frontage of the subject property on Mildred Lane SE. The project includes the extension of Springwood Street from the north.

As described in findings above, due to topographic constraints and specifications of existing streets, East Street will be constructed to alternative street standards approved pursuant to SRC 803.065. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. The TSP Bicycle Map does not propose additional bike lanes within or adjacent to the subject property. As proposed and conditioned, the existing and future streets serving the subdivision conform to the TSP. The tentative plan 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: Conditions above implement required boundary street improvements along the abutting portions of Mildred Lane SE. In addition to the boundary improvement, internal circulation would be provided by extensions of Springwood Street SE and proposed local streets. Access to Lots 5 through 8 will be provided by a flag lot accessway.

The proposed network of boundary and internal streets serving the subdivision provides direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

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: The proposed subdivision is situated within one-half mile of two neighborhood activity centers:

- Sumpter Elementary School, a public middle school located at 525 Rockwood Street SE, approximately 1,300 feet north of the closest lots within the proposed subdivision. Sumpter Park, a 3.66-acre park abuts the elementary school campus to the east.

- Bryan Johnston Park, a 14.6-acre neighborhood park is located approximately 1,700 feet southeast of the closest lots within the proposed subdivision, at 400 Mildred Lane SE.

The nearest transit service available to the subject property is on Mildred Lane at Sunnyside Street, by way of Salem Keizer Transit's Route 6 bus line. Direct and continuous sidewalk access is available between the subject the bus stop and Sumpter Elementary School and park.

The subject property will provide internal streets with safe and convenient bicycle and pedestrian access. Additionally, the development will provide boundary street improvements along the south boundary of the subject property, connecting existing multi-modal transportation facilities with the existing transportation system. Although the immediate vicinity of the subject property includes sloping topography and large undeveloped properties, existing bicycle and pedestrian access to neighborhood activity centers is safe and convenient. The bicycle and pedestrian network in the vicinity is likely to improve as development occurs on surrounding properties.

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 48-lot subdivision will generate less than 1,000 average daily vehicle trips to Mildred Lane SE, 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 tentative subdivision plan.

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. The applicant has proposed a street network that allows designed street grades to meet City standards. The proposed streets will be typical of residential development in Salem in areas with relatively steep natural topography.

Despite constraints imposed by the sloping topography the layout allows for reasonable development of all lots within the subdivision without variances from the UDC. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

SRC 200.010(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.

Finding: The proposed configuration of lots and streets 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 the east and west at the perimeter of the subject property as well as connecting the existing streets.

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

SRC 200.010(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 outside of the Urban Service Area. However, as described in findings above, required facilities to serve the development have already been constructed. Therefore, an Urban Growth Area Preliminary Declaration is not required and this criterion does not apply.

8. Criteria for granting a Class 2 Adjustment

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: The applicant is requesting a Class 2 Adjustment to re-designate the front property lines for Lots 8, 19, 34, 43 and 44.

The applicant is requesting to re-designate the front property line for several lots to ensure construction of single family dwellings will meet applicable setback standards. The adjustment is to ensure a new dwelling can adequately fit on each lot. Staff determined that the adjustment is not required for Lots 43 and 44. Each of these lots meet the minimum lot width, depth and frontage requirements of the RS zone. When reviewing these two lots (Lots 43 and 44), it is clear the front property lines for each is the eastern property lines. As addressed above, depending on the location of the driveway on Lot 43, parked cars would be blocking vision clearance. As conditioned

above, Lot 43 shall take access from South Street eliminating the need to restrict parking.

The remainder of the lots (Lot 8, 19, and 34) need to re-designate the front property line to meet applicable setback of the RS zone.

Lot 8:

Lot 8 currently has frontage on South Street making the north property line the front property line. The setback to South Street will remain the same, regardless of the designation of the front property line. Because the lot will take access from the flag lot accessway, the applicant is requesting the west property line (easement line) be the front. The proposal would only change the designation of the rear property line from the south to the east. This would allow the dwelling to be constructed in a similar matter as Lots 5 through 7, which satisfies the criteria.

Lot 19:

Lots 19 and 34 are designed similar to flag lot accessways. If an east/west street was feasible to connect Springwood Avenue and East Street the location would be along the southern edge of these lots. The lot is approximately 7,500 square feet, greatly exceeding the minimum lot size and meets lot depth, both east to west and north to south based on the configuration. Lot 19 has adequate frontage but closely resembles a flag-lot with a narrow (40-ft) street frontage and is setback off the public street separated by another lot. The lot is narrow from east to west and will likely have the driveway along the southern property line which is the widest section of the property. Re-designating would allow for the west and east property lines to be a side yards and north to be the rear. The re-designating will provide for a single family dwelling to be built without further adjustments, which satisfies the criteria.

Lot 34:

Lots 19 and 34 are designed similar to flag lot accessways. If an east/west street was feasible to connect Springwood Avenue and East Street the location would be along the southern edge of these lots. The lot is approximately 8,800 square feet, greatly exceeding the minimum lot size and meets lot depth, both east to west and north to south based on the configuration. The lot is narrow from east to west and will likely have the driveway along the southern property line which is the widest section of the property. Re-designating the south property line as the front would not change the distance of any building to the street but would allow for the east property line to be a side and north to be the rear. The re-designating will provide for a single family dwelling to be built without further adjustments, which satisfies the criteria.

To ensure the above lots maintain the setbacks of the RS zone the following condition applies:

Condition 16: The designated front property line for Lot 8 is the west property line and the designated front property line for Lots 19 and 34 is the south property line.

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: As described above, the adjustments are to allow single family dwellings to be constructed on lots in a manner that would alleviate future need to reduce setbacks. The adjustment to Lot 8 would allow the dwelling to be constructed in a similar matter as Lots 5 through 7 and the adjustments to Lots 19 and 34 take in to consideration the configuration of the lots in relation to a new single family dwelling. The lack of an east/west street lends these lots to be larger along the southern property line, which is the likely location for a driveway. The adjustment would allow the lots to be developed in a similar way as the surrounding properties, meeting 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 adjustment requested by the applicant are to re-designate property lines for setbacks. The adjustment allows the subject property to be developed in a manner that is consistent with the remaining lots being proposed. The effect of the adjustment is to allow development which is consistent with the overall purpose of the RS (Single Family Residential) zone.

10. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above (SRC 250.005(d)(2), and the comments described, the tentative subdivision plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Subdivision Plan and Adjustment Case No. 19-03, on property zoned RA (Residential Agriculture), and located at the 600 Block of Mildred Lane (Marion County Assessor Map and Tax Lot Numbers 083W15C / 900), 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:** To ensure adequate vision clearance, Lot 43 shall only have access to South Street.
- Condition 2:** At the time of building permit, each dwelling accessing from the flag lot accessway shall provide fire sprinklers meeting Fire Department standards.

- Condition 3:** Prior to Final Plat approval, the flag lot accessway serving Lots 5 through 8 shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1, for a residential flag lot accessway serving 3 to 4 lots.
- Condition 4:** Lots 1 through 4 shall not have access to the proposed access easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are designated as fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 7:** Construct internal streets to local street standards pursuant to PEDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street shall be constructed as proposed, with 50-foot right-of-way, four foot landscaping strip and property line sidewalks.
- Condition 8:** Prior to Public Construction, the applicant shall have a certified arborist prepare a tree preservation and protection plan for Lots 5 through 16. The plan shall provide the trees size, location, species, extent of root cover, an evaluation of the trees tolerance to construction, and what is an adequate level of protection for the trees based on the findings from the site visit.
- Condition 9:** Prior to issuance of Public Construction permits, the tree preservation and protection plan (described in Condition 8), signed by the certified arborist, shall be submitted the City for review and approval.
- Condition 10:** Prior to Public Construction, the applicant shall have the certified arborist, who prepared the protection plan, mark the root protection zone with fencing and root protection zone signage indicating no ground disturbance activity for Lots 5 through 16.
- Condition 11:** The applicant shall have an arborist on site during all construction activity, including all grading activity, public construction, and construction of dwellings on Lots 5 through 16.
- Condition 12:** Prior to final plat approval, a final report from the arborist documenting all inspections and verifying the viability of the trees after the public construction phase, shall be provided to the City.
- Condition 13:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 14:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE.

Condition 15: Construct half-street improvements along the entire frontage of Mildred Lane SE to Minor Arterial Street Standards.

Condition 16: The designated front property line for Lot 8 is the west property line and the designated front property line for Lots 19 and 34 is the south property line.



Olivia Glantz, Planning Administrator Designee

Attachments: A. Vicinity Map
B. Tentative Subdivision Plan
C. Applicant's Written Statement
D. City of Salem Public Works Department Comments

Application Deemed Complete: April 9, 2019
Notice of Decision Mailing Date: April 11, 2019
Decision Effective Date: May 22, 2021
State Mandated Decision Date: August 7, 2019

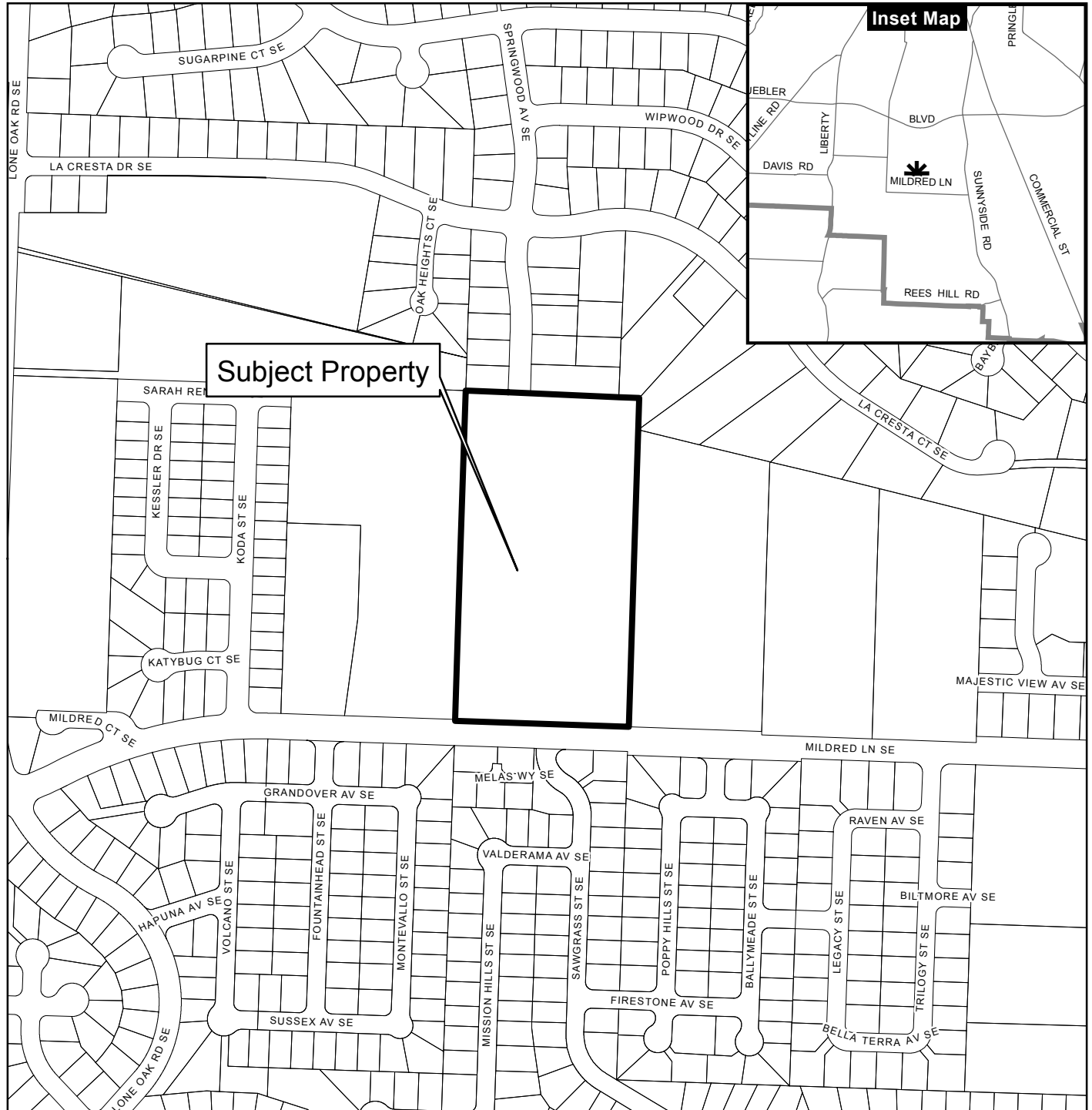
The rights granted by this decision must be exercised or extension granted by May 22, 2021 or this approval shall be null and void.

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, May 21, 2019, 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.

Vicinity Map

600 Block Mildred Lane SE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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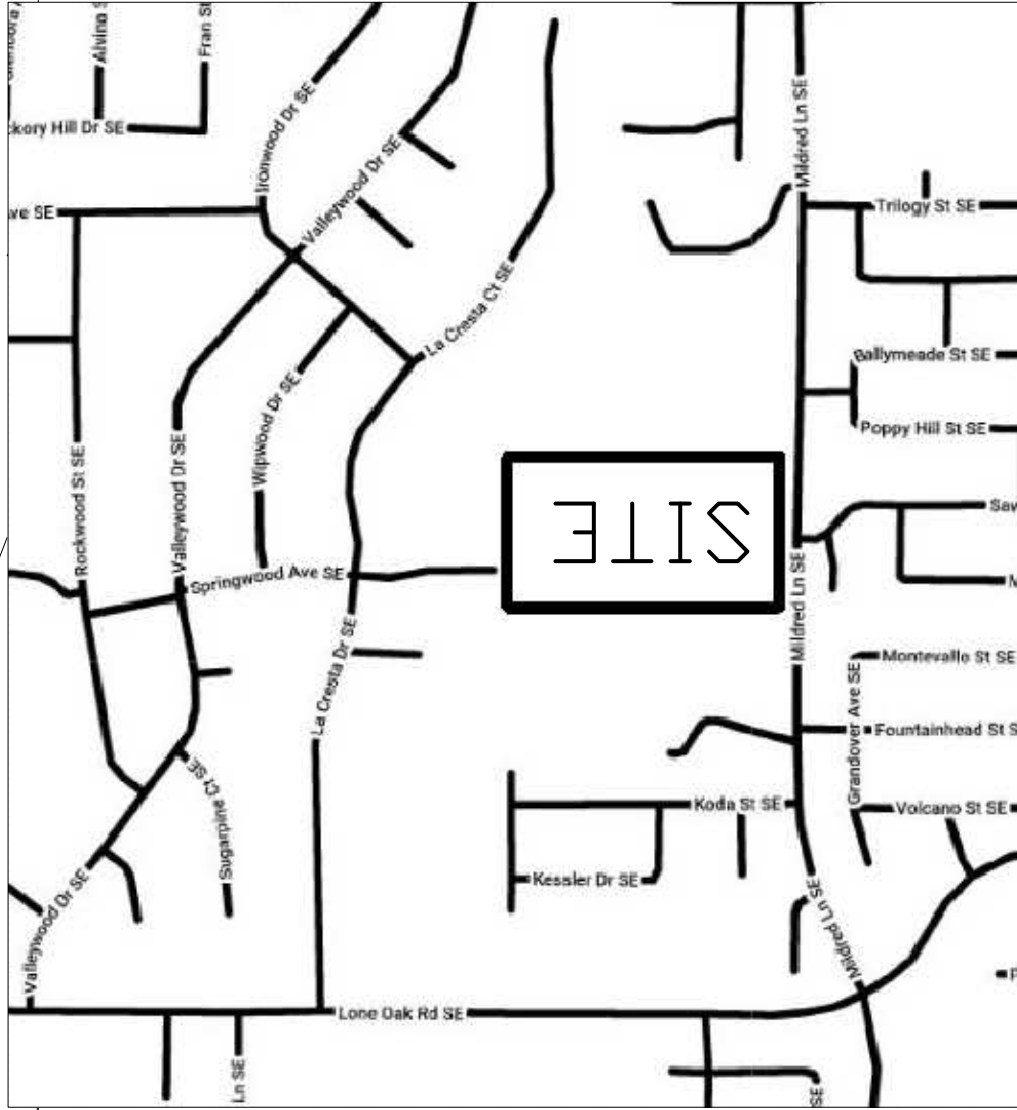
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TENTATIVE
SUBDIVISION
SITE PLAN

SPRINGWOOD ESTATES
TAX LOT 900
MAP 853MISC900
SALEM, OREGON 97301

DESIGNED BY:	GPH
DRAWN BY:	RW
DATE:	12-12-18
JOB NO.	2018-34
CLIENT NO.	
DRAWING NO.	REV.



TENTATIVE SUBDIVISION PLAN

SCALE 1"=40' FOR 22" x 34" PAPER
SCALE 1"=80' FOR 11" x 17" PAPER

SYMBOLS:

- | | | | |
|---|--------------------------------|---|------------------------------|
| ⊙ | BLOW OFF ASSY. EXISTING | ⊙ | STREET LIGHT EXISTING |
| ⊙ | BLOW OFF ASSY. PROPOSED | ⊙ | STREET LIGHT PROPOSED |
| ⊙ | CATCH BASIN | □ | 3/4"-1" WATER METER EXISTING |
| ⊙ | CATCH BASIN | □ | 3/4"-1" WATER METER PROPOSED |
| ⊙ | CATCH BASIN CLEANDUIT EXISTING | — | UTILITY/POWER POLE |
| ⊙ | CATCH BASIN CLEANDUIT PROPOSED | — | CENTER LINE |
| ⊙ | CLEANDUIT EXISTING | — | EASEMENT LINE |
| ⊙ | CLEANDUIT PROPOSED | — | ELECTRICAL LINE |
| ⊙ | FIRE HYDRANT EXISTING | — | GAS MAIN |
| ⊙ | FIRE HYDRANT PROPOSED | — | SS-SANITARY SEWER |
| ⊙ | GATE VALVE EXISTING | — | SD-STORM DRAIN |
| ⊙ | GATE VALVE PROPOSED | — | E-TELEPHONE |
| ⊙ | GAS VALVE | — | WM-WATER MAIN |
| ⊙ | MANHOLE STORM DRAIN EXISTING | ▽ | THRUST BLOCK |

SUBDIVISION DATA:

SW 1/4 SEC. 15,
T.8.S, R.3.W, W.M.
TAX LOT 900,
MAP 83W15C00900
MARION COUNTY

LOT DATA:

LOTS - 48
AVERAGE S.F. - 5,918 S.F.
LOTS/ACRE - 7.36
TOTAL ACREAGE (AFTER ROW
DEDICATIONS) - 957 ACRES
TOTAL ACREAGE (BEFORE ROW
DEDICATION) - 963 ACRES

BENCHMARK DATUM:

BENCHMARK IS A 2" ALUMINUM CAP SET IN A CONCRETE CURB AT THE SE CORNER OF THE INTERSECTION OF MILDRED LN SE AND SAWGRASS LN SE, AT THE BEGIN DROP OF ADA RAMP, 6' W IF HYDRANT, 8' N OF CB, 37' SE OF MANHOLE. CITY OF SALEM DESIGNATION PID - 8400. NGVD 29 ELEVATION - 541.24

ABBREVIATIONS:

- | | | | |
|-------|--------------------------------------|------|-----------------------|
| AC | ASPHALTIC CONCRETE | EP | EDGE OF PAVEMENT |
| AD | ALGEBRAIC DIFFERENCE | ELC | ELECTRIC |
| ALCP | ALUMINIZED CORRUGATED | EL | ELEVATION |
| ASCP | ALUMINIZED CORRUGATED | ELR | ELEVATION RADIUS |
| ASST | ASSEMBLY | EW | ENDING V.C. ELEVATION |
| BVCS | BEGINNING V.C. ELEVATION | EVCS | ENDING V.C. STATION |
| BVCS | BEGIN V.C. STATION | EX | EXISTING |
| BO | BLOW OFF | FF | FINISH FLOOR |
| BO | BLOW OFF VALVE | FG | FINISH GRADE |
| CB | CATCH BASIN | FH | FIRE HYDRANT |
| CB | CENTRAL BOX UNIT | FR | FRIDGE |
| CHDPE | CORRUGATED HIGH DENSITY POLYETHYLENE | GB | GRADE BREAK |
| CL | CENTERLINE | GV | GATE VALVE |
| COMP | CORRUGATED METAL PIPE | INT | INTERSECTION |
| CONC | CONCRETE | INV | INVERT |
| CONC | CONCRETE | K | LENGTH LINE |
| COSD | DRAWING STANDARD | L | LENGTH |
| CULV | CULVERT | LP | LIGHT POLE |
| DI | DOWN SLOUT | NTS | NOT TO SCALE |
| DS | DOWN SLOUT | MC | MARKON COUNTY |
| EW | EXISTING | M | METER |
| EW | EXISTING | MJ | MECHANICAL JOINT |
| EG | EXISTING GROUND/GRADE | ML | MEGALON JOINT |

VICINITY

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV.	DATE	BY	DESCRIPTION
0	12-12-18	GPH	ISSUED FOR TENTATIVE SUBDIVISION APPLICATION

REVISION 2 – MARCH 14, 2019
PROPOSED SPRINGWOOD SUBDIVISION APPLICATION
TAX LOT 83W15C00900, LOCATED BETWEEN THE SOUTH DEAD END
OF SPRINGWOOD AVE AND MILDRED LANE
DISCUSSION ON DEVELOPMENT STANDARDS

Requirements of the SRC 205.010(d) have been considered in the preparation of this subdivision application.

1. The lot standards concerning minimum width, minimum depth, and minimum areas of the proposed lots meet City of Salem development standards.
2. Frontage requirements of the proposed lots also meet City of Salem development standards.
3. Most front and rear lot designations are obvious. The front of Lots 5, 6, 7, and 8 will face east toward the private lane. The front of Lots 19 and 34 will face north.
4. There are 3 flag lots of the proposed 48 lots for 6.3%, well below the allowed 15%.
5. Existing City infrastructure has been reviewed. The primary entrance to the subdivision is Mildred Lane. The secondary entrance is from Springwood Ave. These 2 exits for 48 lots meets the requirements of the City of Salem Fire Department.
6. The Salem water, sanitary, and storm water systems have capacity for the increased demands from the proposed residential subdivision.
6. A geological and geotechnical investigation is prepared and the requirements will be followed in the design and construction of the subdivision. There are no special setbacks or flood plain.
7. The tentative subdivision provides street extensions to the west and the east. Future development is not impeded.
8. A pre-application meeting have been held with City of Salem Staff. All indications were that the proposed subdivision can be served by City of Salem infrastructure.
9. Generally speaking, the street system within the tentative subdivision and adjacent streets conform to the City of Salem Transportation System.
 - a. Standard 6.4.1 – the tentative subdivision new streets are connecting to Mildred Land and Springwood Street and the proposed future street extensions provide development to the undeveloped neighboring properties. This standard is met.
 - b. Standard 6.4.2 - the street arrangement follows the natural contours of the property. This standard is met.

- c. Standard 6.4.3 - each street has access to an accepted city street. This standard is met.
- d. Standard 6.4.4 - the street centerline spacings exceed 200'. This standard is met.
- e. Standard 6.4.5 – all street intersections meet Salem Public Works street intersection standards. This standard is met.
- f. Standard 6.4.6 – all street corners have a radius of 25' or more. This standard is met.
- g. Standard 6.4.7 – all street curvatures exceed a minimum radius of 150'. This standard is met.
- h. Standard 6.4.8 – street dead ends and cul-de-sac lengths. This standard is does not apply.
- i. Standard 6.4.9 and 10 - street names match existing names. This standard is met.
- j. Street Right of Way Width – standard right of way width requirement is 60. The East Street is located on a 16 to 17 % cross slope. An Adjustment is prepared and presented. The justification for the Proposed Reduction for the East Street Right-of-Way has been prepared by Tross Consulting, Inc and is included next. Pictures following the Tross Consulting Narrative present the undesirable front yard retaining wall construction that would the developer plans to avoid. A Class 2 Adjustment has submitted as part of the subdivision application process.

Additional Support Presentation added with Revision 2.

Our Subdivision Team has further addressed the Salem decision to require a 60' ROW width for the East Street rather than the 50' East Street ROW presented by Springwood Subdivision Team.

Attached are the following items to address the Salem presented concerns.

1. The Easterly neighbor, Arlie Mummy, has expressed mutual concern with the Developer concerning the east tree line. His concern would addressed by increasing Lots 9 through 15 to 101'. This provides adequate separation between the trees and beginning of the site grading. His letter is attached at the end of this narrative. The Arlie Mummy letter is attached at end of this narrative.
2. Preliminary Grading Plan along East Street – this plan presents the building pads resulting with a 101' lot depth. The grading begins a distance from the east line to preserve tree line root zones. If the lot is decreased by 10' the building envelope and backyard (items for quality living) would be reduced accordingly. The Preliminary Grading Plan is attached at end of this narrative.

3. East Street Lot Section Comparing 50' ROW to 60' ROW – the 50' section presents the additional rear yard and building envelope depth for more space for building homes. The 60' Section indicates the reduced space for rear yards and building envelope. The 50' Section provides desirable rear yard space. The East Street Lot Sections are attached at end of this narrative.
4. Aerial Tree Service Regarding East Line Trees and ROW Landscape Trees – This report is from an ISA Certified Arborist and recommends the lot depth allowed by a 50' right of way as the preferred way to minimize grading impacts to the tree roots along the east line. It also identifies right of way landscape tree options which would fit into the reduced landscape strip. The Aerial Memo is attached at end of this narrative.

We appreciate Salem Staff reconsidering the previous decision and recommend allowing the proposed 50' ROW along East Street.

Tross Consulting, Inc. 1720 Liberty St. SE, Salem, Oregon 97302

**LP Holdings LLC/Don Lulay Homes
Springwood Estates Subdivision
Proposed Reduction for the East St. Right-of-Way**

LP Holdings LLC, the Applicant for the proposed Springwood Estates Subdivision, proposes to reduce the right-of-way width for East Street, one of the local streets within the planned subdivision, from the standard of 60' to 50'. The requested reduction in the right-of-way width is made necessary by the topography where the street will be located, and other factors, that will negatively affect the character and consistency of the future neighborhood. These factors are consistent with the provisions for authorizing an alternative street standard in SRC 803.065. The result of

reducing the right of way will benefit the appearance, cohesion and livability in the residential neighborhood along that street.

As shown on the Tentative Subdivision Site Plan, prepared by Willamette Engineering, Inc., East Street is planned as a north-south street serving a portion of the eastern half of the property. The other streets in the subdivision are Springwood Avenue, running north-south through the entire western half of the property; and South Street, running east-west across the south part of the property. Both of these streets, and two others extending to the west and east lines, will be 60' right of way.

East Street will extend between South Street, on the south; and a short extension to the eastern property line, on the north. The length of the 50' right-of-way segment will be approximately 390'. The 50' right-of-way will include two 15' wide travel lanes, with curbs and 5' wide "property line" sidewalks on both sides. Seven lots (nos. 9-15) will front on its east side, and seven (nos. 20-26) will front on its west side. The building envelopes on each lot will maintain the required 20' setback from the right-of-way line.

The topography in this part of the property consists of cross-slopes of 16%-17%, descending from east to west. Substantial cutting of the slope will be necessary to provide buildable area on the east (upslope) side of the street, and fill will be required for the lots on the west (downslope) side. Both the cuts and fills will result in slopes of 2:1 to reach existing grade. While the required setbacks will be met, due to rear yard slopes the buildable envelope and usable rear yard will be reduced unless retaining walls are included, which will add significantly to the cost of the affected lots, and reduce views of the street and sidewalk which contributes to neighborhood harmony. The Developer estimates the cost of the front retaining wall to be \$5,000/lot and the cost of a rear retaining wall to be \$7,500/lot, which totals more than 10% of the expected value of a lot.

In order to provide the required 60' street right of way a cut-bank with a retaining wall of 4'-5' height will be required at the frontage of each lot on the east side of the street. This will limit the view of the sidewalk and street from the front of the houses. As

each house is planned to have a front porch or stoop to encourage the residents to have an active presence in the neighborhood and be aware of activity occurring on the street and sidewalk, the elevation of the front yard above the retaining wall be detrimental to that purpose. The elevation and necessary retaining wall will interfere with a full view of the sidewalk in front of each house and observation of the activity that takes place there, whether passing pedestrians, arrival of visitors or deliveries, children's activities, etc. In addition, the elevation difference will require the retaining walls to wrap around and extend into the driveways, which will restrict visibility along the sidewalk from vehicles leaving the properties. A series of photos are provided that are representative of this situation.

In addition, there is a dense row of mature fir and cedar trees, 50'-60' tall, located on and along the east property line of the proposed subdivision. These were originally planted on the adjacent property to the east. Because these trees were planted along the common property line, and because of the size to which they have grown, the root system and in some cases also the trunks have grown into what are now planned subdivision lots nos. 5-13. It is likely that the part of the root systems within the proposed subdivision lots would be adversely impacted by grading activity, unless deeper lots can be provided. The Applicant has spoken with the owner of that property about his desire to preserve these trees and agreed to propose ways to minimize potential impact. A deeper lot with a rear yard retaining wall will serve to limit damage to the root systems and help to maintain their health. This can be accomplished with a 50' right of way width for East Street, which would provide a larger building envelop and deeper backyards, which will contribute to preserving the health of the trees.

SRC 803.065. - Alternative Street Standards, allows the Director to authorize the use of one or more alternative street standards, as follows:

- (a) The Director may authorize the use of one or more alternative street standards:
 - (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
 - (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or
 - (3) Where topography or other conditions make the construction that conforms to

the standards impossible or undesirable.

(b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

This proposal satisfies (1) and (3). With regards to (1), the physical constraints imposed by the slope makes compliance with the standard impracticable, because it would require 4'-5' tall retaining walls along the front of the lots on the east side of the street, which adds cost and detracts from the aesthetic appearance and street views of the lots. The 50' right of way is a reasonable alternative that avoids the necessity for tall retaining walls, and minimizes or avoids reducing the view of the public street and sidewalk from the front of the houses. It retains the standard width of the travel lanes and sidewalks. With regards to (3), the topography makes the construction that conforms to the standards undesirable, because retaining walls will be necessary, which then limits the view of the sidewalk and street in front of the houses. It will also be necessary to have retaining walls in the rear yards, to protect and minimize impact on the adjacent row of mature trees. Having a view of the sidewalk and the street from the houses benefits the residents, and the overall neighborhood, by promoting neighborhood cohesion and familiarity, and greatly improves the safety and security of the residents, including children. In addition, the estimated cost of the front and rear retaining walls is more than 10% of the expected value of the affected lots. The topographic conditions that make this construction necessary in order to conform to the right of way standard is therefore undesirable in terms of housing cost and affordability.

For these reasons the request for a 50' right of way, for only the 390' long segment of East Street, conforms to the reasons by which the Director may authorize the use of the alternative street standard, and the Applicant requests approval for this limited use of the alternative street standard.

End of Tross Consulting Narrative.



425 Leslie



2605 Stopll

- k. Salem connecting street requirements indicate that block spacing is to be a maximum of 600' spacing between right of way lines. This is accomplished on the proposed development, except for two areas.

1. Extending Sarah Renee through to the East Street. The existing topography presents a situation where the street cuts would be excessive. The street cuts would also be approximately 20' at the east property line and becoming deeper as the future street would travel to the east. These street excavations and resulting lot development are impractical for residential development. Therefore, the connecting Sarah Renee street extension to East Street has been omitted. Attachment "B" is presented to present the Sarah Renee Street Profile if Sarah Renee connected to the Bulb on East Street.

The result of omitting this street link is that East Street is raised to more match the existing terrain resulting is a buildable future road to the east property.

2. Lacresta Street is the first street north of the proposed Springwood Estates Subdivision. It is 430' north of the Proposed Springwood Estates. The terrain on the east side of Springwood Ave between Lacresta and the proposed Springwood development is steep and these steep slopes continue into the proposed Springwood Development. Salem street standards require that

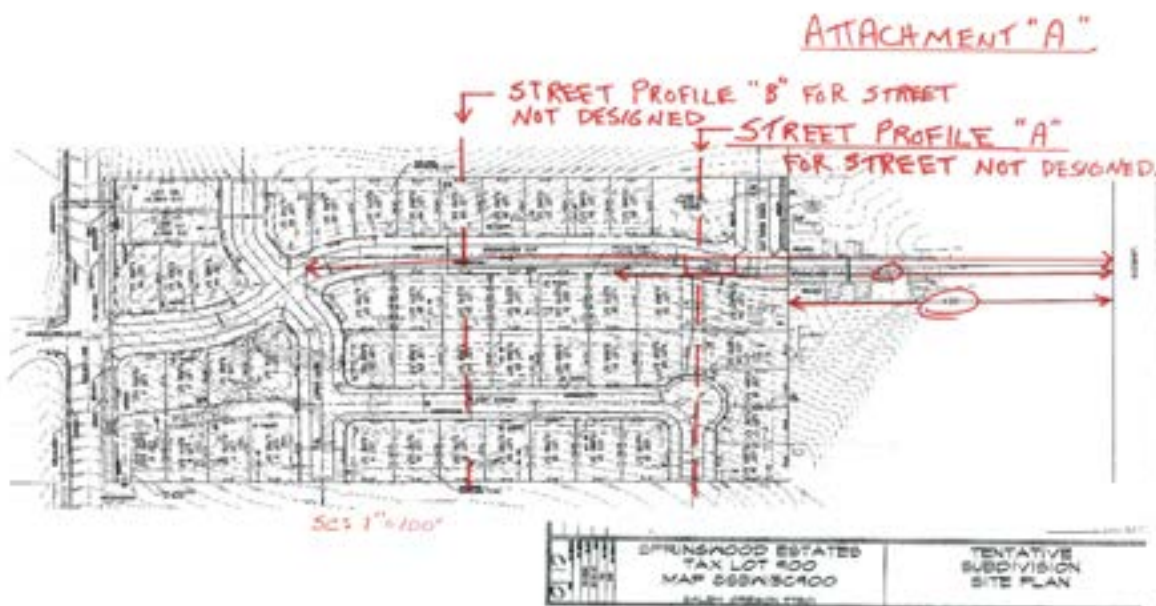
intersections be 5% cross slope or less. Additional street standards set limits on street sags and street crests. These all work together to develop a low grade street profile which cannot be accomplished in these steep grades for residential construction. The profile for an intersecting street at a 600' block distance is presented on Attachment "C". An argument might be presented that the developer can just move the soils for street and lot construction. The reality is that the development is Zoned "RS" and can only be developed for Single Family Residential and this does have financial restraints. The construction costs will eliminate the development.

Please refer to the Attachments A, B, and C for lot information. The grades at Lots 33, 32, 31, 30, and 29 present topography which would require East Street to be lowered 8' at the low street side and 16' at the high side, as well as lot grading to provide a house pad. These numbers make a connecting street unfeasible. The cuts and fills present costs to development that again would eliminate the development.

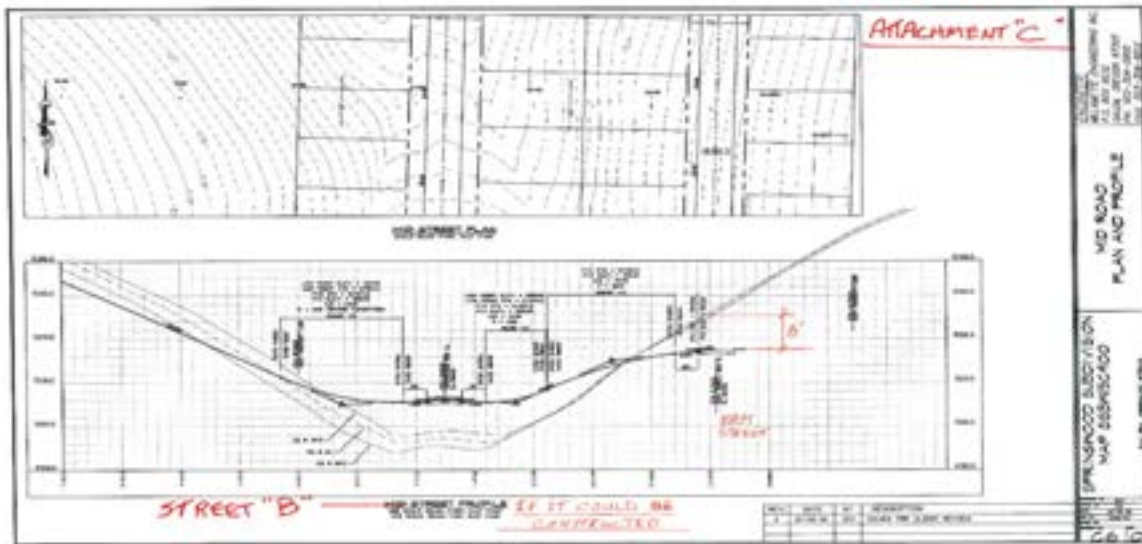
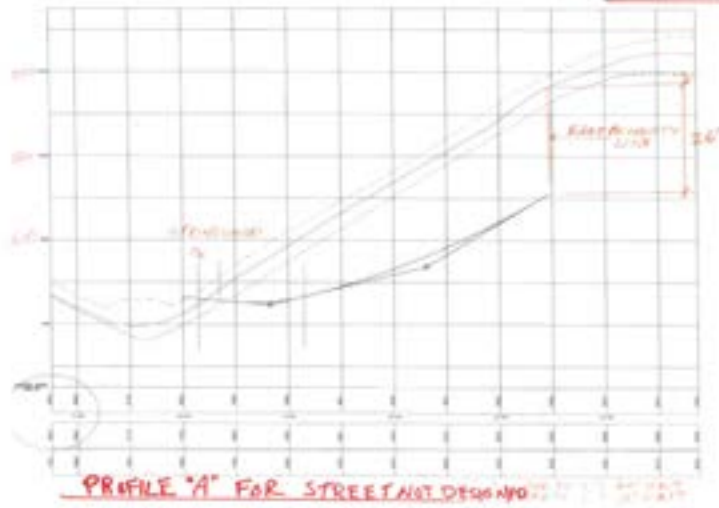
Therefore, to construct an intersecting street from Springwood Ave to East Street at the Salem Code standard of 600' block length cannot be accomplished in this residential subdivision. A Class 2 Adjustment of allowing the block length along Lost 27 to Lot 34 and on down to Lacesta be increased to approximately 1065' is submitted.

10. Several meetings have been held with City of Salem Staff. All indications are the tentative subdivision plan will provide safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
11. The streets and sidewalks on the tentative subdivision plan connect to the existing sidewalks and streets to the south along Mildred Lane and to the north to the existing street and sidewalks at Springwood Ave. These connections and the existing system provides safe and convenient bicycle and pedestrian access to existing residential areas and transit stops.
12. The main connection of the proposed subdivision is to Mildred Lane. The new generated trips of the subdivision is below the 1,000 requirement for connecting to an Arterial which would trigger a Traffic Impact Study. Therefore, a Traffic Impact Study is not required.
13. The tentative subdivision has taken into account the existing vegetation and topography to minimize variances. The street grades have been designed to not exceed 12%. The subdivision has been designed to retain the maximum amount of trees, while still providing a practical residential subdivision.
14. The site is a hilly terrain with grades up to 17%. This will require cuts and fills for the street and building lots. Salem Standards also have minimum street slope requirements at the ADA crossings. To accommodate these additional cuts and fills are required. However, every effort has been made in the tentative plan to incur the least disruption of the site, topography, and vegetation, while developing a residential subdivision.

16. An Urban Growth Preliminary Declaration is not required.
17. There are no Significant white oak trees 24" in diameter and larger. The Tree Preservation Plan indicates that the retained trees will be 25% of the original existing trees.
18. Lot Front Orientation – Salem code requires that the if the street frontage is not obviously at the street frontage, the house front should be designated in the Subdivision Application. For the following lots, an Adjustment is requested:
- Lot 8 – Front is facing west.
Lot 19 – Front is facing south.
Lot 34 – Front is facing south.
Lot 43 – Front is facing east.
Lot 44 – Front is facing east.



ATTACHMENT "B"



February 26, 2019

City of Salem Re: Proposed Springwood Subdivision

Attn: Steve Powers, City Manager and Copy to Chuck Bennett, City Mayor

Dear Mr. City Manager,

I own property at Mildred Road SE Salem, Oregon. My property abuts to the east of property owned by Don Lulay and his group. I understand he has an application to the city, to develop this property into a 48 lot Subdivision.

I'm in support of the project, but concerned about my row of Douglas fir and Western Red Cedar trees along that east property line of the new development in question. Most of these trees, of which there are approximately 160 in number, stand 150' tall and are over 130 years old. I've had conversations with Mr. Lulay about how he plans to grade the property and how my western property line will be affected. He assured me, he has all the intentions of not affecting my trees and the tree root systems while cutting a bank to meet the grades needed to develop.

I've been told Mr. Lulay has made an application to reduce the Street right of way from standard 60' wide, with 10' planter strips to 50' right of way with 5' planter strips. Mr. Lulay has told me this will help with 10' must needed space in the rear of the lots that backup to my property line and my trees. Mr. Lulay tells me, the City has rejected his application for this change, and his only possibility option is an appeal process.

Being a long time resident of Salem and of Mildred Ln SE, I have witnessed many developments along this minor arterial street and have attended many city planning meetings regarding the Urban Growth Boundary restrictions and the granting of major changes requested by certain developers. Some of these that I have been personally affected by involved major changes that also affected many local residents with properties in this area. It was apparent to me during the time of these developments, that some of these developers did not care about nor have the best interest of the City of Salem, its local residents, or their properties in mind. I appreciated Chuck Bennett's being a key councilman during some of later decisions that brought back some rational thinking to the City Council concerning major issues of development and annexation. I believe this request by Mr. Lulay, would be a logical minor planning decision by the City.

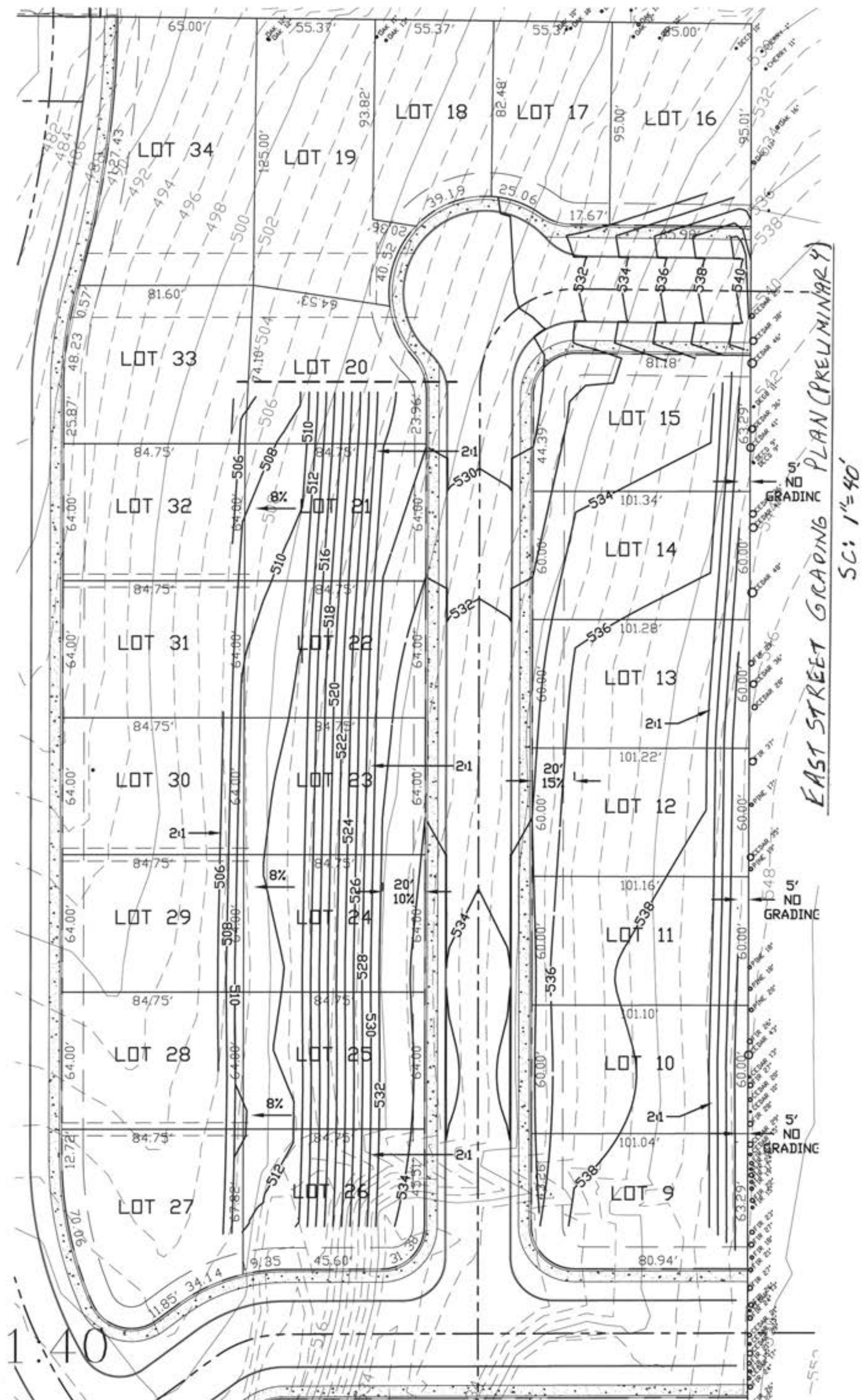
Contrary to what I have witnessed in some developers over the last 30 years here, Mr. Lulay has been a quality developer and builder of the homes in his developments. He, unlike some other developers, cares. He has a concern for the neighbor's properties and for the surrounding environment.

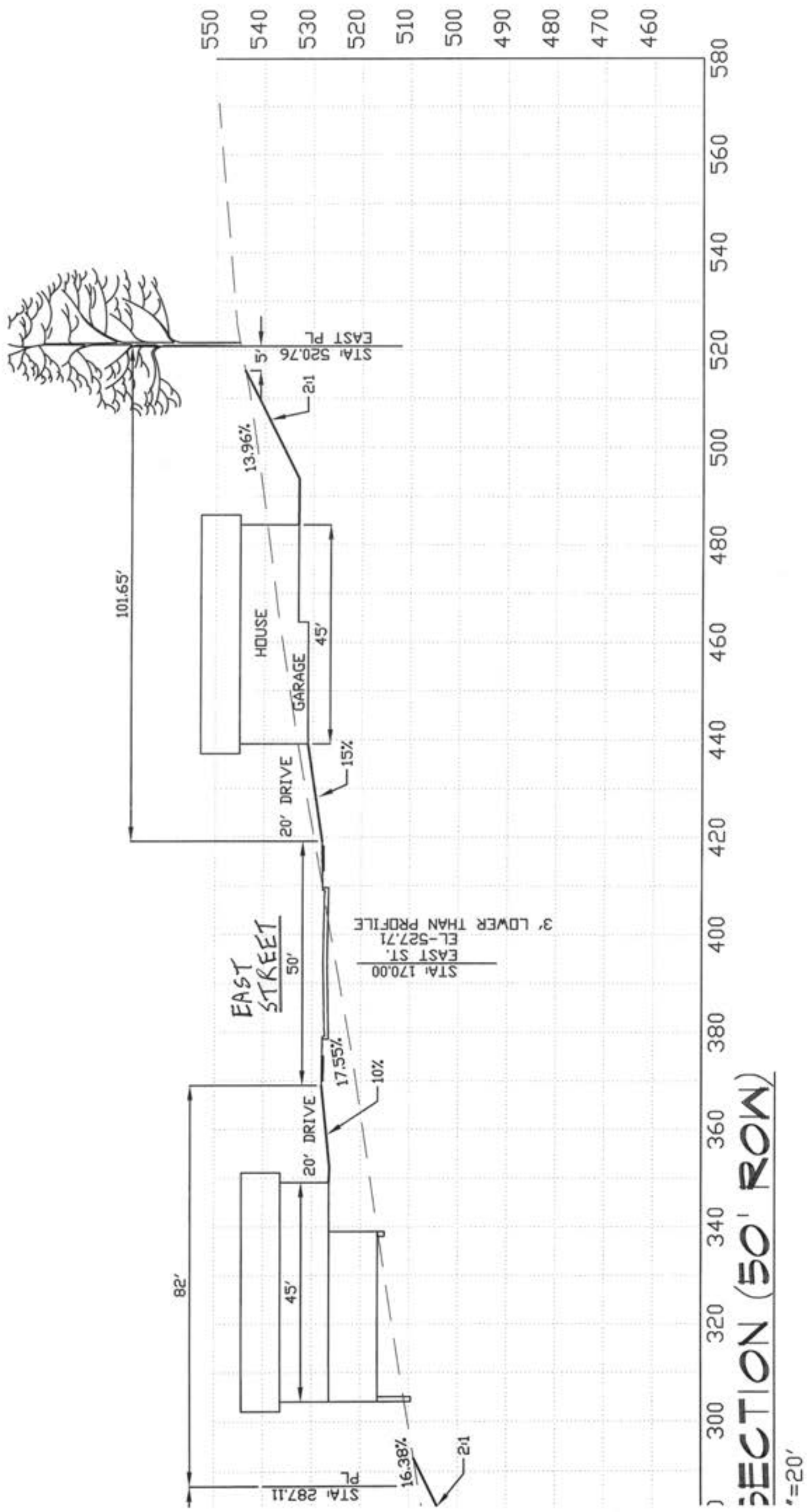
I believe the decision by the city planners to allow this minor street right of way change in Springwood subdivision along the easterly boundary requested by Mr. Lulay, Would be the right decision. for the subdivision development, the environmental impact to my property, and for any public image of this logical decision made by the City of Salem.

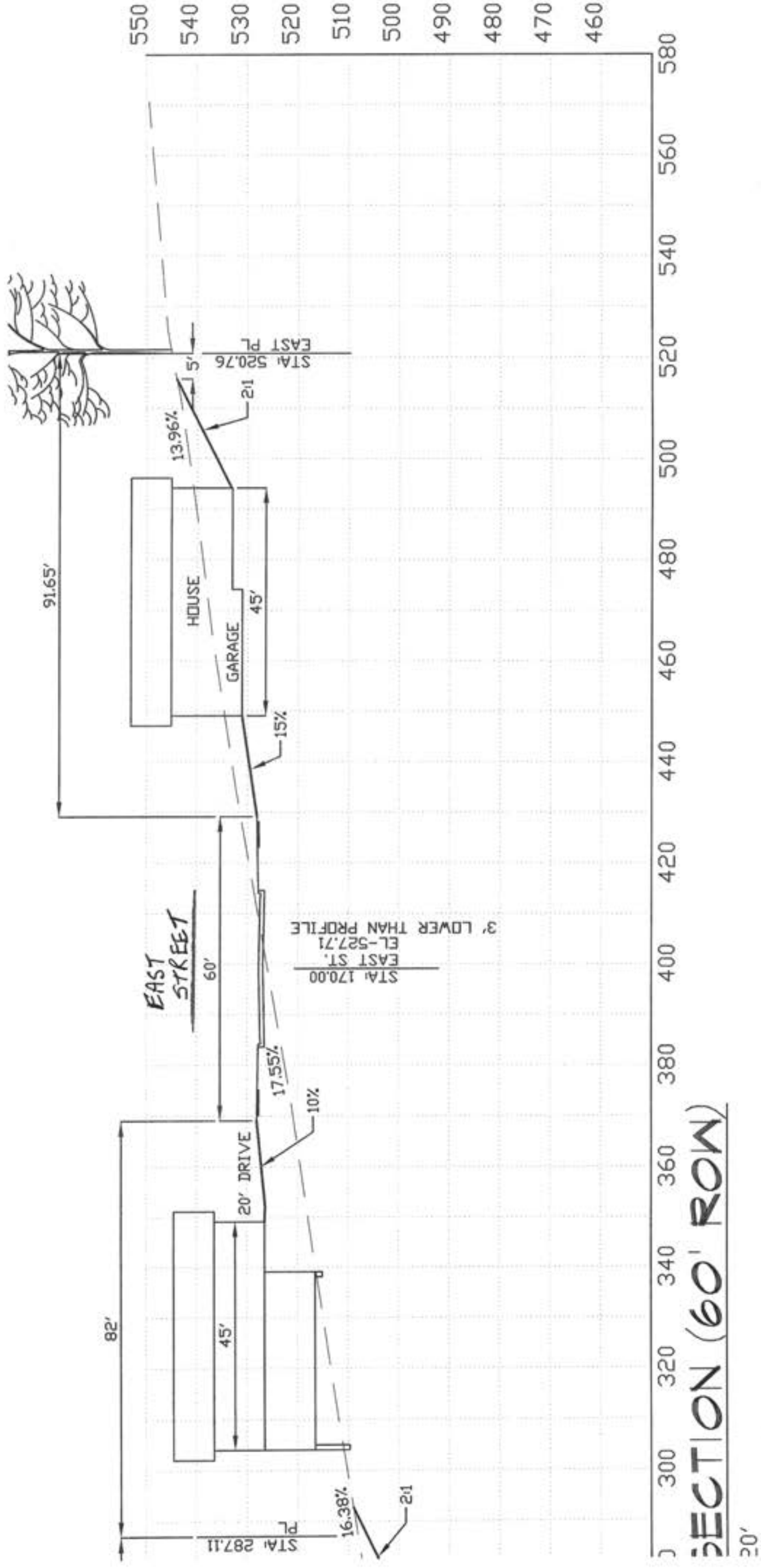
I'm writing you to ask that this option that Mr. Lulay proposes, be approved. I support it, since this will help preserve my property and help Mr. Lulay on creating livable, buildable lots in the Springwood Subdivision.

Sincerely,

Arlie G. Mummy Jr. 737 Mildred Ln SE, Salem OR, 97306 Phone:503-480-9473









9240 Alaska Street SE
Salem, OR 97317
503-362-8887

Jason LaDue
ISA Certified Arborist
jason@airialstreeservice.com
AerialsTreeService.com

March 11, 2019

Re: Springwood Estates subdivision

To: Don Lulay

As per your request, the following is my Arborist Report regarding the trees in the development of Springwood Estates, in the 600 block of Mildred Ln. S. Salem, Oregon

Primarily this report is addressing two matters:

- 1) Is it safe to cut the proposed bank for necessary grade change along the east side of the property, can this be done without undermining the structural integrity of the existing, established row of trees on the neighboring property adjacent to the work site?
- 2) Are there trees suitable for growth within the planned 5' planter strip?

1) Proposed bank along the east side of the property:

I inspected the row of trees on the neighboring property. The trees were readily accessible for thorough trunk side visual inspection -including the root plate area. The trees in this row appear to be vigorous and without any fundamental flaws or disorder of any kind.

- a) The row of trees in question does seem to be potentially within striking distance of proposed new homes as well as property of the neighbor on whose land the trees are located.
- b) It is my opinion the planned bank CAN be created without threatening the trees ability to remain standing and in good health. It may be advisable to have a certified Arborist on site to observe the portion of any excavating and operation of heavy equipment taking place near and in the critical root zone.
- c) To help minimize unnecessary damage during the excavation in the sensitive areas where roots are present. I recommend use of a 50' right of way, thereby creating deeper lots (affecting lots 6-16) and allowing more room, helping prevent digging too near any structurally strategic roots.

2) Can trees grow within the confines of the planned 5' planter strip areas:

- a) Yes, there are several varieties of tree suitable to planting in a 5' strip. Dogwood, flowering Pear are commonly used in such a setting. These trees have been selected because of their ease and low levels of required maintenance. Also, natural root growth among these varieties will take place while not impacting the surrounding concrete, curbs or asphalt.

In conclusion, it is my expert opinion as an ISA certified Arborist that creating the proposed necessary bank as illustrated in the site drawings will have no adverse effect on the lifespan of the existing row of trees in question here and will not limit their lifespan or lessen their structural integrity. In addition, requesting the 50' right of way creating deeper lots allowing additional back yard space and added room for the bank to occupy further from the root zone.

Please do contact me with any concerns, questions or any further input concerning this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason J. Ladue", with a stylized flourish at the end.

Jason J. Ladue

ISA Certified Arborist

jason@airialtreeservice.com

AerialsTreeService.com



MEMO

TO: Olivia Glantz, Planner III
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: May 6, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-ADJ19-03 (18-124777-LD)
600 BLOCK MILDRED LANE SE
48-LOT SUBDIVISION**

PROPOSAL

A tentative subdivision plan to divide approximately 9.63 acres into 48 lots ranging in size from 4,428 square feet to 11,492 square feet including an Alternative Street Standards request to increase the street grade from 12 percent to 15 percent for five street intervals and 50-foot right-of-way, where 60 feet is required; and a zoning adjustment to re-designate the front property lines for Lots 8, 19, 34, 43 and 44.

The subject property is approximately 9.63 acres in size, zoned RA (Residential Agriculture), and located at the 600 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number 083W15C / 900).

RECOMMENDED SUBDIVISION CONDITIONS

1. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE.
2. Along the entire frontage of Mildred Lane SE, construct a half-street improvement to minor arterial street standards.
3. Construct internal streets to local street standards pursuant to PWDS except as authorized through a Design Exception by the City Engineer. The alternative street standard for East Street SE is approved as proposed with a 50-foot-wide right-of-way and sidewalks adjacent to the property line.
4. The driveway serving lot 43 shall be taken from Evelyn Valley Street SE in order to ensure adequate sight distance for vehicles traveling on Springwood Avenue SE.

5. Construct water and sewer systems to serve each lot.
6. Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
7. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

FACTS

Urban Growth Preliminary Declaration

The subject property is located outside of the Urban Service Area. However, adequate facilities are available, so an Urban Growth Preliminary Declaration is not required.

Water

1. Existing Conditions

- a. The majority of the subject property is located within the S-3 water service level. The remainder is located within the S-2 water service level, but may be served by S-3 lines. However, pressure reduction on individual service lines may be necessary.
- b. A 12-inch S-3 water line is located in Mildred Lane SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. An 8-inch S-2 water line is located in Springwood Avenue SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

Sanitary Sewer

1. Existing Condition – An 8-inch sewer line is located within a city easement traversing the subject property north to south, with a stub to the west at the north end of the property. Public Works staff anticipates this main will be located in future right-of-way.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm line is located within a City easement traversing the subject property north to south, with a stub to the west at the north end of the property. Public Works staff anticipates this main will be located in future right-of-way.

- b. The abutting property to the west of the subject drains onto the subject property due to the current topography of the area.

Parks

The property is currently served by Bryan Johnston Park.

Streets

1. Mildred Lane SE

- a. Standard—This street is designated as a Minor Arterial street in the *Salem Transportation System Plan*. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 40-foot improvement within a 67-foot-wide right-of-way abutting the subject property.

CRITERIA AND FINDINGS

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

1. 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;
2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2-point mapped areas on the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 5 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Branch Engineering and dated February 7, 2019, was submitted to the City of Salem. This assessment demonstrates 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.

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

Findings—Water and sewer infrastructure is available within and along the perimeter of the site and is adequate to serve the property. Water mains shall be located within the public right-of-way pursuant to PWDS; mains located outside of the right-of-way require a Design Exception approved by the City Engineer. Developments are required to extend public utility services to serve upstream and neighboring properties. The proposed utility plan shows public sewer extensions to adjacent upstream parcels. An 8-inch water main shall also be extended west in Sarah Renee Ave SE to the property line pursuant to PWDS.

The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. The applicant's tentative stormwater plan accommodates for the upstream drainage in stormwater facilities within the future street system. A significant quantity of stormwater runoff is flowing overland onto the subject property. Additional drainage swales may be required at the time of construction. Also, the rain garden facility shown does not appear to provide sufficient storage and may need to be enlarged to meet PWDS.

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)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. 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—Mildred Lane SE abuts the subject property and does not meet the current standard for a Minor Arterial street. The applicant is required to convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE and construct a half-street improvement along the entire frontage of Mildred Lane SE to Minor Arterial standards.

The applicant is requesting an alternate street standard to increase the street grade from 12 percent to 15 percent and to allow for a 50-foot right-of-way width with property line sidewalks because of steep cross-slopes. Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. The applicant has provided street profiles and a written statement that internal streets have been designed to not exceed 12 percent grade, thereby meeting the standard found in SRC 803.035(c). All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception of the proposed East Street SE on the applicant's tentative plan. The applicant has proposed East Street SE to be constructed as a 50-foot-wide right-of-way with sidewalks along the property line. This proposal is acceptable to Public Works staff as long as width of the landscape strip is at least 4 feet pursuant to PWDS.

The driveway serving lot 43 shall be taken from Evelyn Valley Street SE in order to ensure adequate sight distance for vehicles traveling on Springwood Avenue SE.

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.

Findings—The Comprehensive Parks Master Plan Update shows that the subject property is served by developed parks. Bryan Johnston Park is a developed park approximately one-half mile southwest of the proposed development: pedestrian sidewalk connections are available along the south side of Mildred Lane SE from the subject property to the park. No park-related improvements are recommended as a condition of development.

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

Findings—The proposed subdivision generates less than 1,000 average daily vehicle trips to Mildred Lane SE. Pursuant to SRC 803.015, a TIA is required for developments exceeding 1,000 average trips per day. Therefore, a TIA was not required as part of the proposed subdivision submittal.

RESPONSE TO CITIZEN COMMENTS

1. A citizen comment requested that a traffic study be required because of cumulative development impacts along this portion of Mildred Lane. Cumulative impacts of area-wide developer is addressed through the Transportation System Plan, Capital Improvement Program, and System Development Charge Methodology. Pursuant to SRC 803.015, this development does not generate traffic volumes that require a traffic study.

cc: File