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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / CLASS 1 ADJUSTMENT CASE NO.: SUB-ADJ19-02

APPLICATION NO. : 18-125034-LD & 18-125035-ZO

NOTICE OF DECISION DATE: June 6, 2019

REQUEST: A consolidated application for a proposed 34-lot subdivision (Wren Heights) that the division of approximately 8 acres into 34 lots ranging in size from approximately 5,251 square feet to approximately 22,034 square feet. The applicant is requesting an alternative street standard for Earhart Street S and Felton Street S; in addition, a Class 1 Adjustment to reduce the minimum lot depth for Lot 7 from 120 feet, as required for double frontage lots under SRC 511.010(a), Table 511-2, to approximately 106-feet.

The subject property is approximately 8 acres in size, zoned RS (Single Family Residential), and located in the 500 to 600 blocks of Salem Heights Avenue S (Marion County Assessor Map and Tax Lot Numbers: 083W04AA10400, 10600, 10601, 10700, 10800).

APPLICANT: Thomas Kay Co.

OWNER(S): Harmon Harvey & Jane Ann Harvey Living Trust & Mary Inez Harvey

LOCATION: 500 to 600 Blocks of Salem Heights Avenue S / 97302

CRITERIA: Subdivision: SRC 205.010(d)
Class 1 Zoning Adjustment: SRC 250.005(d)(1)

FINDINGS: The Findings are in the attached Order dated June 6, 2019.

DECISION: The Planning Administrator **APPROVED** Subdivision / Class 1 Adjustment Case No.: SUB-ADJ19-02 as follows:

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 approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: The front lot lines for the double frontage lots and flag lots within the subdivision shall be designated as follows:

- Lot 4-6: The front lot line of Lots 4-6 shall be the south property line.
- Lot 15: The front lot line of Lot 15 shall be the east property line.
- Lot 16: The front lot line of Lot 16 shall be the west property line.
- Lot 23: The front lot line of Lot 23 shall be the east property line.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



- Lot 33: The front lot line of Lot 33 shall be the west property line.

- Condition 2:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 3:** Proposed Lots 1-3 shall not have access to the flag lot accessway serving Lots 4-6.
- Condition 4:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and Public Works Design Standards.
- Condition 5:** Construct water and sewer systems to serve each lot.
- Condition 6:** Convey land for dedication of right-of-way adjacent to Salem Heights Avenue S to equal 30 feet from the centerline of Salem Heights Avenue S.
- Condition 7:** Construct a 17-foot-wide half-street improvement along the northern frontage of Salem Heights Avenue S to collector street standards. The street improvements are authorized to match the existing street grade up to a maximum of 12 percent grade, the sidewalk location west of Doughton Street S shall be located consistent with Attachment C and may be within an easement north of the property line to preserve existing trees.
- Condition 8:** Prior to issuance of public construction permits, obtain final approval for tree removal permits for trees labeled as 10001 – 10004, and 10012 identified in the plan submitted on May 7, 2019 and titled Tree s within Right-of-Way Conservation Plan (Attachment C). Trees labeled as 10001 – 10004, and 10012 are tentatively approved for removal.
- Condition 9:** Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015, show on Attachment C), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.
- Condition 10:** Construct internal streets to Local Street standards as shown on the applicant's tentative plan, except as modified below:

- Along the north/south portion of Felton Street S, the sidewalk shall be constructed so that the back of walk is located 28.5 feet from centerline pursuant to the Local street standard.
- The alternative cul-de-sac turnaround design at the terminus of Earhart Street S is authorized as proposed on the applicant's tentative subdivision plan.

Condition 11: Provide a 10-foot-wide public utility easement (PUE) along the street frontage of each lot.

Condition 12: Prior to plat approval, closure of the existing driveway abutting tax lot 083W04AA / 10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of tax lot 083W04AA / 10500 prior to discontinuing the neighbor's access through the subject property.

The requested Class 1 Adjustments are APPROVED, subject to the applicable standards of the Salem Revised Code and the findings contained herein.

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Subdivision Plan: June 22, 2021
Class 1 Adjustment: June 22, 2021

Application Deemed Complete: March 27, 2019
Notice of Decision Mailing Date: June 6, 2019
Decision Effective Date: June 22, 2019
State Mandate Date: October 11, 2019

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., Friday, June 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>

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REQUEST

DECISION

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

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- Along the north/south portion of Felton Street S, the sidewalk shall be constructed so that the back of walk is located 28.5 feet from centerline pursuant to the Local street standard.
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B. The requested Class 1 Adjustments are APPROVED, subject to the applicable standards of the Salem Revised Code and the findings contained herein.

PROCEDURAL FINDINGS

An application for a tentative subdivision plan was submitted by Project Delivery Group, LLC, on behalf of the applicant Thomas Kay Company, to divide property located in the 500 to 600 blocks of Salem Heights Avenue S into 34 lots (**Attachment A**). Upon initial review of the proposal and identification of additional information that was needed in order to deem the application complete for processing, the applicant provided the requested additional information and modified their application request to include a Class 1 Adjustment to allow for deviation from certain development standards of the Salem Revised Code (SRC) applicable to the proposed subdivision.

On March 27, 2019, the application was deemed complete and notice was sent pursuant to SRC requirements to owners of property located within 250 feet of the subject property, the Southwest Association of Neighbors (SWAN) neighborhood association, and others entitled to notice under SRC 300.520(b)(1)(B). Notice was subsequently posted on the subject property by the applicant's representatives pursuant to SRC requirements on March 28, 2019.

After applicant's extensions, the state-mandated local decision deadline for this application is July 25, 2019.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan Map.

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

Growth Management: The subject property is located inside the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is therefore not required in conjunction with the proposed subdivision.

2. Zoning

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
South	Across Salem Heights Avenue S – RS (Single Family Residential)
East	RS (Single Family Residential)
West	RS (Single Family Residential)

3. City Department Comments

- A. **Salem Fire Department.** The Salem Fire Department reviewed the proposal and indicated they have no issues with the proposed subdivision, but will have requirements for Fire Department access with NO PARKING FIRE LANE signs.

Response: The proposed subdivision includes a flag lot accessway. The flag lot accessway serves proposed Lots 4, 5 and 6 and conforms to the flag lot accessway standards under SRC 800.025(c). In order to ensure adequate Fire Department access, the tentative subdivision plan approval is conditioned to require “NO PARKING – FIRE LANE” signs to be posted on both sides of those segments of the flag lot accessways that serve as fire apparatus roadways.

- B. **Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments and recommendations for plat approval. The Public Works Department’s comments are included as **Attachment C**.

4. Public Agency and Private Service Provider Comments

- A. **Portland General Electric (PGE).** PGE reviewed the proposal and indicated that development costs will be determined by current tariff and service requirements and that a 10-foot-wide public utility easement (PUE) is required on all front street lots.
- B. **Salem-Keizer School District.** The school district did not provide comments concerning the proposed application.

5. Neighborhood Association Comments and Public Comments

The subject property is located within the Southwest Association of Neighbors (SWAN) neighborhood association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(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.

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Comments from 26 property owners within the vicinity of the subject property, members of the public at large and SWAN 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. **Safety of Salem Heights Avenue.** The majority of the comments submitted express concern about the safety of Salem Heights Avenue and the impact of adding traffic from 34 additional lots onto a narrow and under-improved collector street that is already heavily trafficked by vehicles and pedestrians. Specific concerns raised relating to vehicular, bike, and pedestrian safety on Salem Heights Avenue include the following:

- Narrowness of roadway;
- Lack of sidewalks and bike lanes;
- Prevalent speeding with few speed limit signs to indicate the maximum 25 mph speed limit;
- Poor visibility at the crest of the steep hill and increase in grade; and
- Limitation of driveways to Salem Heights Ave

Comments received expressed the need for sidewalks on both sides of Salem Heights along its full length as well as traffic calming measures, such as speed bumps, to slow vehicle traffic.

Staff Response: Residential development of properties on Salem Heights Avenue in previous decades did not include the level of street improvements currently required for development. As such, as properties were partitioned, subdivided, or developed in the past, the roadway was not widened and sidewalks were not provided as currently required.

As indicated in the comments from the Public Works Department (**Attachment C**), Salem Heights is an under-improved collector street that does not meet current standards for right-of-way and improvement widths, curbs, and sidewalks. In order to conform to the City's Transportation System Plan (TSP) and the street improvements required in conjunction with subdivisions under SRC Chapter 803 (Streets and Right-of-Way Improvements), all streets within and abutting the proposed subdivision will be required to conform to TSP standards for right-of-way and improvement width, including provision of sidewalks. On Salem Heights Avenue, additional right-of-way will be required to be dedicated along the property's frontage and the street will be widened to accommodate a half-street improvement which will include a sidewalk and bike lane.

Improvement of Salem Heights Avenue along the frontage of the property and construction of the internal streets within the subdivision will increase the number of streets with sidewalks in the vicinity, and fill in gaps in the existing pedestrian network. These new streets will partially address the existing lack of bicycle and pedestrian connections. Because the proposed subdivision will not generate sufficient traffic

volumes 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. In regards to the installation of speed bumps to slow the speed of traffic, because Salem Heights Avenue is a collector street speed bumps are not allowed. The proposal contains four new driveways onto Salem Heights Avenue, which have been reviewed by the City Traffic Engineer for safe turning movements.

- B. Traffic Impact Analysis.** Comments indicate that a traffic impact analysis (TIA) should have been required because although Salem Heights Avenue S is designated as a collector street, it does not meet the requirements for a collector street. The comments explains that the City cannot treat Salem Heights Avenue as a collector street for purpose of determining whether a traffic impact statement is required when, in fact, it does not meet the requirements for a collector street. The 1,000 trip per day threshold for requiring a traffic impact statement on collector streets is based on the assumption that collector streets are in fact collector streets and can handle a 1,000 trip per day increase in traffic without endangering lives. This is not the circumstance with Salem Heights Avenue because, in fact, it does not meet the safety requirements of a collector street, is a highly dangerous street, and any increase in traffic upon it directly threatens lives.

Staff Response: The Public Works Department evaluated the proposed subdivision and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic.

One of the many purposes of the City's TSP is to provide for a comprehensive system of streets that serve the mobility and multimodal travel needs of the Salem Urban Area. One of the ways this purpose is implemented is through establishment of a classification system for the City's streets based on the levels of traffic they are intended to accommodate as a result of existing and projected land use activities, the long-range mobility needs of the community, and how those streets function in terms of geographic location in relation to other streets in the City's transportation system network.

The particular classification assigned to a street under the TSP affects the applicable standards which apply to it within the City's Unified Development Code and, in this case, the minimum average daily vehicle trip threshold applicable under SRC 803.015 to require a TIA.

Staff acknowledges that Salem Heights Avenue does not currently meet collector street standards, however staff cannot consider it as one classification of street for purposes of determining whether a TIA is required while considering it as another classification for purposes of applying standards or requiring specific improvements.

As part of the application submittal, the applicant provided a trip generation estimate on a form provided by the Public Works Department. Based on the number of lots included within the subdivision, the City Traffic Engineer determined that the proposed subdivision will result in a net increase of 345 average daily trips. Because Salem

Heights Avenue is designated as a collector street under the TSP, the net increase of 345 average daily trips does not exceed the 1,000 trip threshold to require a TIA.

Though Salem Heights does not currently meet collector street standards, staff cannot ignore its classification under the TSP and apply a standard that applies to a lower classification of street. In order to apply a different standard to Salem Heights, the TSP would have to be amended to lower the classification of the street from a collector street to a local street.

The proposed subdivision will, however, result in a boundary street improvement of Salem Heights Avenue along the frontage of the subject property to collector street standards and the extension of new local streets through the subdivision 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 under SRC 803.015, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

C. Impact of Increased Traffic on Adjacent Streets. Several comments received express concern with increased traffic in the vicinity as a result of the subdivision. Specific concerns raised regarding traffic and impacts on adjacent streets include the following:

- Traffic from subdivision will filter onto streets in the surrounding neighborhood;
- Heights Avenue and Liberty Road and Madrona Avenue and Liberty Road;
- During standard commute times traffic at the intersection of Salem Heights Avenue and Liberty Road is already heavy and backs up;
- Traffic from an additional 37 lots will make traffic much heavier in an area that is already over-used on a daily basis.
- A Traffic Impact Analysis (TIA) is needed for the proposed subdivision to evaluate its impact on streets and intersections in the area.

Staff Response: The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. The proposal will result in a boundary street improvement of Salem Heights Avenue and the extension of new local streets through the subdivision 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. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

D. Street System In and Adjacent to Subdivision Is Not Compatible and Does Not Provide Convenient Bicycle/Pedestrian Access. Comments submitted indicate, in summary, that Salem Heights is narrow, does not have sidewalks, and is already very dangerous to bicyclists and pedestrians. The increased traffic from and through the

proposed subdivision will substantially exacerbate what is already a very dangerous situation because the tentative plan does not propose a sidewalk down to Liberty Street or road widening to facilitate safe pedestrian and bicycle access to schools, shopping areas, parks, and employment centers that may otherwise be accessed from walking at the sidewalks beginning on Liberty Street.

The light at Salem Heights and Liberty are already very congested and dangerous during peak hours. There is no separate turn lane on Liberty Street and the flow of traffic is already greatly impeded by people trying to turn onto Salem Heights from Liberty Street. With the additional traffic coming from and through the proposed subdivision, the congestion and danger will be substantially increased by the Tentative Plan.

Staff Response: As addressed below, the proposed subdivision includes a network of internal streets, improvements to boundary streets at the perimeter of the subject property, and connections to existing streets in the vicinity to improve traffic circulation in the area by providing additional street connectivity. The internal street system is supplemented by a private flag lot accessways providing vehicular access to three flag lots (Lots 4, 5 and 6) off Salem Heights.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure in conformance with the Salem Transportation System Plan (TSP).

In addition, though existing bicycle and pedestrian access in the vicinity is limited, the proposed subdivision will incrementally improve access between the subject property and adjacent residential areas, transit, and neighborhood activity centers by improving Salem Heights Avenue along the frontage of the property as well as extending local streets through the property to connect to other existing streets on the perimeter of the property. The required boundary street improvement of Salem Heights Avenue will include a sidewalk and bike lane and the internal streets proposed to be extended through the development will include sidewalks.

The sidewalk and bike lane improvements required with the development will help to improve safe and convenient bicycle and pedestrian access in an area where it is currently limited by the existing development pattern on surrounding properties and under-improved streets. The proposal, as conditioned, satisfies the applicable subdivision approval criteria.

- E. **Alternative Street Standard.** Comments were submitted that the request for an alternative street standard for Earhart Street and Felton Street should be denied. The comments indicate that the applicant has not adequately addressed the need for an alternative to the standard.

Staff Response: Findings evaluating the alternative street standard requested by the applicant in conjunction with the proposed subdivision are included under Section 7 of this decision. As indicated in the findings under those sections, the requested alternatives are due to physical constraints associated with the property and the need to

address the extension of three streets, in a relatively confined area, that were previously extended to the northern boundary of the property for future extension.

F. **Tree Removal.** Several comments received express concern regarding the removal of trees, including significant Oregon White Oaks, which will be required to accommodate the proposed subdivision. Specific concerns raised regarding tree removal include:

- Removal of 122 trees is a big change for neighborhood.
- The removal of the oak trees along Salem Heights Avenue; and
- Removal of significant Oregon White Oaks

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 129 trees on the property, nine of which are significant oaks.

Of the 129 total trees existing on the property, the proposed tree conservation plan identifies 54 trees (41.9%) for preservation and 75 trees (58.1%) for removal. Of the 75 trees proposed for removal, five are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to two of the five significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to three of the five significant oaks*).

The proposed tree conservation plan preserves 41.9 percent of the existing trees on the property, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though five of the nine existing significant oaks on the property are proposed to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. 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.

In addition to the trees located on the subject property, there are also nine trees located within the existing right-of-way on the north side of Salem Heights Avenue S, including four significant oaks. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because the nine trees located within the existing right-of-way of Salem Heights Avenue are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. Based on the current under-improved width of Salem Heights Avenue, the four (two significant oaks) of the nine existing trees within the right-of-way will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated with the improvement of Salem Heights.

As noted, trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015 in Attachment C will be future street trees and are conditioned for

preservation. Any proposal for removal of additional street trees will be required to obtain a permit for removal pursuant to SRC 86.090.

- G. Impact on Neighborhood Character and Adjacent Properties.** Several comments received expressed concern about the impact the proposed subdivision will have on adjacent properties and the character of the existing neighborhood due to a higher density development with smaller lots sizes and homes which are inconsistent with the sizes of lots and homes in the surrounding area.

Staff Response: The single family dwelling parcels proposed within the subdivision range from approximately 5,251 square feet to approximately 22,034 square feet in size, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the expected development pattern of properties in the "Single Family Residential" Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments. Goal E.b (Residential Development) of the Salem Area Comprehensive Plan (SACP) states that "residential development shall provide housing opportunities for Salem's diverse population." Variation of lot sizes is one means of providing diversity of housing opportunities within the detached single family residential submarket.

- H. Loss of Wildlife Habitat and Open Space.** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property and suggest that rather than it being developed as a subdivision it should be donated to the City for creation of a new park.

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 phased 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 RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

In regards to the property being developed as a park, comments from the Public Works Department (**Attachment C**) indicate the Candelaria Reservoir is an undeveloped park approximately one-half mile northwest of the proposed development and Salem Heights Elementary is a partially developed park area approximately one-quarter of a mile southeast of the proposed development. The Public Works Department also indicates that the Parks Master Plan shows that a potential park site NP-6 was identified near the subject property. However, park site locations are approximate as described on page 73-80 of the plan which provides:

“Locations are mapped to show generally where a park or trail may be located; however, feasible park sites may not be available within the area shown. The actual location will be determined based on a combination of factors, including land availability and cost. Park site selection and development will proceed as neighborhoods develop.”

The Public Works Department indicates that no park is proposed within the subject property at this time.

- I. **Impact on Property Values.** Comments received expressed concern that property values will be negatively impacted by the proposed development due to the very small lot sizes and small houses that will likely be constructed on the lots.

Staff Response: Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The proposal for single family residential development is consistent with the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone of the subject property. As described above, SACP goal E.b (Residential Development) aims to provide housing opportunities for a diverse population. As such, while SACP goals encourage a diversity of housing property values, the Salem Revised Code neither directly nor indirectly regulates such property values.

- J. **Impact of Stormwater Runoff.** Comments received express concern about potential stormwater and drainage impacts on properties and the need to use permeable street and sidewalk materials.

Staff Response: As described in further detail in findings included under Section 9 of this decision regarding compliance with the standards set forth in SRC Chapter 71 (Stormwater), the proposed subdivision is required to meet flow control requirements which limit runoff to levels not exceeding pre-existing conditions. As required under Condition 4 of the tentative subdivision plan approval, the applicant is also required to provide an engineered tentative stormwater design to accommodate new impervious surface in the right-of-way and on all proposed lots.

In order to address stormwater management requirements within the subdivision, a 9,699 square-foot lot within the subdivision, Lot 34, is proposed to be dedicated to the City for stormwater management purposes.

- K. **Urban Growth Preliminary Declaration.** Comments submitted indicates that an Urban Growth Preliminary Declaration should have been required in connection with the subdivision because the proposed subdivision is located within the City's Urban Service Area but precedes City construction of "required facilities." The new sidewalk/infill provided for along Salem Heights in the Pedestrian System Element of the Salem Transportation System Plan is a "required facility" and therefore an Urban Growth Preliminary Declaration is required notwithstanding the fact that the proposed subdivision may be within the Urban Service Area.

Staff Response: The Urban Service Area (USA) is comprised of two distinct areas: (1) the boundary formerly called the "Current Developed Area" (CDA) prior to the establishment of the USA; and (2) boundaries added to the CDA through USA amendments pursuant to SRC 200.015. In SRC 200.010 and SRC 200.015, consideration is given to amend the USA boundary based on availability of and city construction of required facilities to serve properties in the USA. In other words, USA amendments can be made only when infrastructure is available to serve the area or when funds are committed to serve the area.

That USA amendment process is the context of the phrase "precedes city construction of required facilities" in SRC 200.010(c) and SRC 200.020(a). In particular, SRC 200.020(a) states, "or is within the urban service area (USA), but precedes city construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area of the development." This language is a direct reference to the capital improvement planning process as described in SRC 200.015 for USA amendments.

Therefore, UGA permits are not required for areas within the original CDA boundary because that area was not subject to the USA amendment criteria in SRC 200.015. Because there is no "city construction of required facilities" pursuant to SRC 200.015, then no UGA permit is required.

- L. **Subdivision Impedes Use, Development, Livability, and Value of Adjacent Property.** Comments submitted, in summary, that surrounding properties consists of a large lots and the proposed smaller lot sizes will impact the livability of the adjacent property owners. The value of their property is derived predominately from the relative solitude and privacy it currently possesses, and the exiting trees and wildlife in the area.

The tentative plan will have a very substantial impact on the livability of their property which they cannot self-mitigate, and it will devalue their property. It is explained that the devaluing of their property in this manner will have a very significant impact on the use and development of their property.

Staff Response: Single family dwelling parcels proposed within the subdivision range from approximately 5,251 square feet to approximately 29,771 square feet in size, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the expected development pattern of properties in the "Single Family Residential" Comprehensive Plan Map designation and RS (Single Family

Residential) zone. There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments. Goal E.b (Residential Development) of the Salem Area Comprehensive Plan (SACP) states that “residential development shall provide housing opportunities for Salem’s diverse population.” Variation of lot sizes is one means of providing diversity of housing opportunities within the detached single family residential submarket.

In addition, effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. As previously indicated, the proposal for single family residential development is consistent with the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zoning of the subject property. As described above, SACP goal E.b (Residential Development) aims to provide housing opportunities for a diverse population. As such, while SACP goals encourage a diversity of housing property values, the Salem Revised Code neither directly nor indirectly regulates such property values.

- M. **Adjustment does not Meet Approval Criteria.** Comments submitted express concern that the requested adjustment does not meet the approval criteria and that instead of approving adjustments for the lots, other lot sizes should be increased to allow the homes on the lots to meet standards.

Staff Response: Findings evaluating the Class 1 and Class 2 Adjustments requested by the applicant in conjunction with the proposed subdivision are included under Sections 10 and 11 of this decision. As indicated in the findings under those sections, the requested Class 1 and Class 2 Adjustments are minimal in scope and allow only minor deviations from standards whose underlying purposes are otherwise met by the proposed development. The cumulative effect of the adjustments do 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.

- N. **Construction Noise and disturbance.** Comments were received about the noise and disturbance of all construction activities.

Staff Response: Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 also prohibits idling engines on motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Development Department enforces these noise regulations.

- O. **Existing easement to Single Family Dwelling.** Comments were submitted concerning the developer's request to relocate or eliminate an easement serving an off-site dwelling.

Staff Response: The existing easement is a civil matter between two property owners.

- P. **Historic Terrain and Cemetery.** Comments submitted express concern about historic terrain and cemetery near and on the subject property.

Staff Response: St. Barbara's Catholic Cemetery is located at 083W03BB00300 and is approximately half of a mile away, to the northeast of the proposed Wren Heights Subdivision on Liberty Rd. S. The cemetery is not designated as a Salem Historic Resource, therefore, SRC 230 does not apply to any proposed alterations. However, no alterations are proposed to the cemetery as part of the subdivision proposal, therefore there will be no direct adverse impact to the cemetery as a result of its development. Indirect effects, such as the impacts of traffic congestion upon designated historic resources, are typically evaluated as part of federally funded transportation projects, or projects that trigger review under Section 106 of the National Historic Preservation Act. There is no federal nexus for this proposal, therefore review and analysis under Section 106 of the National Historic Preservation Act is not applicable to the evaluation of this proposal.

6. Criteria for Granting a Subdivision Tentative Plan

SRC 205.010(d) sets forth the criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, 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 tentative subdivision plan for 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.

- A. ***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.***
- (B) ***City Infrastructure Standards.***

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

Finding: 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. The proposed tentative subdivision plan meets all applicable provisions of the UDC as detailed below.

Lot Standards: The property subject to the proposed subdivision is approximately 8 acres in size and zoned RS (Single Family Residential). The proposed subdivision creates a total of 34 lots ranging in size from approximately 5,251 square feet to approximately 22,034 square feet. Of the 34 lots proposed, one lot, Lot 34, will be dedicated to the City as a stormwater management facility. The remainder of the lots within the subdivision are intended for residential development.

The minimum lot standards of the RS zone are established under SRC 511.010(a), Table 511-2. A summary of those standards are identified in the following table:

RS Zone Lot Standards ¹	
Lot Area (<i>Single Family</i>)	Min. 4,000 sq. ft.
Lot Width	Min. 40 ft.
Lot Depth (<i>Single Family</i>)	Min. 70 ft.
	Min. 120 ft. (<i>Applicable to double frontage lots</i>)
	Max. 300% of average lot width
Street Frontage	Min. 40 ft. (<i>Except for flag lots</i>)
Notes (1) All lot dimensions (<i>e.g. lot area, width, depth, and street frontage</i>) are required to be measured exclusive of any flag lot accessway per SRC 112.045(a)-(d).	

As shown on the applicant's tentative subdivision plan all of the proposed lots, with the exception of Lots 23, meet the minimum lot size, dimension, and street frontage standards of the RS zone.

Lot 7 (Minimum Double Frontage Lot Depth): Based on the proposed configuration of the subdivision, Lot 7 does not meet the minimum required 120-foot lot depth for a double frontage lot (*a lot which has frontage on a street adjacent to both its front and*

rear property lines). Lot 7, located in the northeast portion of the subject property, is a double frontage lot with frontage on both the proposed extension of Doughton Street and the proposed turnaround of Earhart Street. In order to address the minimum double frontage lot depth requirement for this lot, the applicant has requested a Class 1 Adjustment in conjunction with the proposed subdivision to allow for the depth of this lot to be less than the minimum required 120 feet. Findings addressing the Class 1 Adjustment request for conformance with the applicable approval criteria are included under Section 8 of this decision.

All of the lots within the subdivision, including those requiring the Class 1 Adjustment, are suitable for the general purpose for which they are intended to be used, and each of the lots is of a size and design that will not be detrimental to the public health, safety, and welfare.

Designation of Front Property Lines: SRC 800.020(a) establishes the following provisions for designating the front property line for various types of lots:

- **Interior Lots.** For interior lots with frontage on only one street, the front property line shall be the property line abutting the street.
- **Corner Lots.** For corner lots, the front property line shall be the property line abutting a street designated by the building permit applicant, provided that lot dimension standards are met.
- **Double Frontage Lots.** For double frontage lots, the front property line shall be the property line abutting a street designed by the building permit applicant, provided that lot dimension standards are met.
- **Flag Lots.** For flag lots, the front property line shall be either the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided, unless the Planning Administrator otherwise directs.

The proposed subdivision includes a combination of interior lots, corner lots, double frontage lots, and flag lots. Based on the above identified requirements, the front property lines for the interior lots and corner lots within the subdivision will be determined as specified above.

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

- ❖ Lot 4-6: The front lot line of Lots 4-6 shall be the south property line.
- ❖ Lot 15: The front lot line of Lot 15 shall be the west property line.
- ❖ Lot 16: The front lot line of Lot 16 shall be the east property line.
- ❖ Lot 23: The front lot line of Lot 23 shall be the east property line.

- ❖ Lot 33: The front lot line of Lot 33 shall be the west property line.

Designation of Front Lot Lines: SRC 800.020(a) establishes requirements for designating the front lot line for various types of lots. The proposed subdivision includes a combination of interior lots, corner lots, double frontage lots, and flag lots. In order to clearly designate the front lot lines for the proposed double frontage lots and flag lots within the subdivision and ensure that existing structures meet the applicable requirements of the SRC based on the proposed lot configurations, except as otherwise is proposed to be allowed through an adjustment, and the proposed orientation of the lots and corresponding setbacks establish a development pattern consistent with that of surrounding properties, the following condition of approval shall apply:

- Condition 1:** The front lot lines for the double frontage lots and flag lots within the subdivision shall be designated as follows:
- Lot 4-6: The front lot line of Lots 4-6 shall be the south property line.
 - Lot 15: The front lot line of Lot 15 shall be the east property line.
 - Lot 16: The front lot line of Lot 16 shall be the west property line.
 - Lot 23: The front lot line of Lot 23 shall be the east property line.
 - Lot 33: The front lot line of Lot 33 shall be the west property line.

Flag Lots:

SRC 800.025 establishes the following development standards for flag lot accessways serving residentially zoned lots:

Flag Lot Accessway Standards (<i>Residential Zones</i>)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. (Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)	

As shown on the applicant's tentative subdivision plan, the flag lot accessway serving Lots 4, 5 and 6 is approximately 180 feet in length, and located within a 25-foot wide easement, in conformance with the standards for flag lot accessways serving up to four lots. Because the flag lot accessway is greater than 150 in width, a turnaround is

required. As shown on the applicant's tentative subdivision plan a turnaround is provided that meet Fire Department standards.

The applicant relocated the flag lot accessway after notice was sent to accommodate saving several trees which will be within the right-of-way of Salem Heights Street after dedication. The relocation did not substantially change the layout of the subdivision or lot sizes.

In order to ensure the proposed flag lot accessway serving Lots 4, 5 and 6 conforms to the requirements of SRC 800.205, the following condition of approval shall apply:

Condition 2: The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

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 4-6. Lots 1-3 abut the accessway and if used would exceed the allowed amount of lots to be served. The tentative plan show an easement width of at least 25-feet wide, with a 20-foot paved width. To ensure the standard is met the following condition shall apply:

Condition 3: Proposed Lots 1-3 shall not have access to the flag lot accessway serving Lots 4-6.

City Infrastructure Standards: The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These

requirements limit runoff from the development to levels not exceeding pre-existing conditions.

The Public Works Department indicates that existing stormwater facilities in the area include a 10-inch main located on adjacent property along the east boundary of the subject property.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed lots can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

In order to demonstrate that the proposed lots within the subdivision can meet the PWDS, the following condition of approval shall apply:

Condition 4: Design and construct stormwater facilities pursuant to SRC Chapter 71 and Public Works Design Standards.

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

SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Public Works Department (**Attachment C**).

In summary, the Public Works Department indicates that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision as shown on the applicant's preliminary utility plan; however, the existing sewer main in Salem Heights Avenue is in poor condition and may not be able to accommodate new connections.

The applicant's preliminary plan appears to propose realignment of the existing public sewer main along the west line of the subject property. The applicant shall abandon the existing sewer system abutting Felton Street S, where all service laterals can be reconnected to the new public sewer main.

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

In order to ensure that appropriate City infrastructure is provided to serve the proposed subdivision, the following conditions of approval shall apply:

Condition 5: Construct water and sewer systems to serve each lot.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 (Street and Right-of-Way Improvements): The subject property is located on Salem Heights Avenue S and three existing dead-end streets, Felton Street S, Earhart Street S, and Doughton Street S, terminate at the northern boundary of the property. Salem Heights is designated as a collector street under the City's TSP. Felton Street, Earhart Street, and Doughton Street are designated as local streets.

The Public Works Department indicates that Salem Heights has an existing 20-foot-wide improvement within a varied 40-foot to 50-foot-wide right-of-way adjacent to the subject property. The standard for a collector street is a 34-foot wide improvement within a 60-foot-wide right-of-way.

Felton Street, Earhart Street, and Doughton Streets all have an existing 30-foot-wide improvement within a 50-foot-wide right-of-way. The standard for a local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

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. All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception of the following alternative street standards:

- The proposed turnaround at the terminus of Earhart Street S does not conform to the cul-de-sac standards in SRC Chapter 803. The alternative turnaround provides radii that accommodate for street cleaning equipment and Fire Department access. Based off the existing topography and circulation through the subdivision an alternative turnaround is approved.
- The applicant is requesting an alternate sidewalk location for the west side of Felton Street S along the north/south portion, to allow for curblin sidewalks pursuant to SRC 803.035(l)(2)(B). The applicant has not provided adequate evidence that an alternative street standard is needed. The applicant shall be required to construct the sidewalk so that the back of walk is located 28.5 feet from centerline pursuant to the Local street standard. Additional right-of-way is located behind the proposed sidewalk location to provide for transition to existing grade.

Street improvements along Salem Heights Avenue S may require removal of one or more street trees. The applicant has applied for removal of labeled 10001 – 10004, and 10012 on the plan attached (Attachment C). A Reasonable Alternatives Analysis pursuant to Administrative Rule 109-500-2.4 has been tentatively approved to remove trees labeled 10001 – 10004, and 10012. The approval is in conjunction with the proposed street improvements, and the sidewalk location north of trees proposed for preservation (trees labeled in Attachment C as 2006- 20009, 20011-

2014, 20040, 20041, 10008 - 10011, 10013 – 10015). As conditioned below, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the preserved trees, to the City for review and approval prior to the issuance of Public Construction permits.

Any additional removal of future street trees (2006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015) shall require a new removal permit be granted pursuant to SRC 86.090.

SRC Chapter 803 (Streets and Right-of-Way Improvements) establishes standards for the development of streets located within and adjacent to the proposed subdivision. In order to ensure that the proposed streets within and on the boundary of the proposed subdivision conform to the applicable provisions of SRC Chapter 803 and the City's Transportation System Plan (TSP), the following conditions of approval shall apply:

- Condition 6:** Convey land for dedication of right-of-way adjacent to Salem Heights Avenue S to equal 30 feet from the centerline of Salem Heights Avenue S.
- Condition 7:** Construct a 17-foot-wide half-street improvement along the northern frontage of Salem Heights Avenue S to collector street standards. The street improvements are authorized to match the existing street grade up to a maximum of 12 percent grade, the sidewalk location west of Doughton Street S shall be located consistent with Attachment C and may be within an easement north of the property line to preserve existing trees.
- Condition 8:** Prior to issuance of public construction permits, obtain final approval for tree removal permits for trees labeled as 10001 – 10004, and 10012 identified in the plan submitted on May 7, 2019 and titled Tree s within Right-of-Way Conservation Plan (Attachment C). Trees labeled as 10001 – 10004, and 10012 are tentatively approved for removal.
- Condition 9:** Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015, show on Attachment C), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.

Condition 10: Construct internal streets to Local Street standards as shown on the applicant's tentative plan, except as modified below:

- Along the north/south portion of Felton Street S, the sidewalk shall be constructed so that the back of walk is located 28.5 feet from centerline pursuant to the Local street standard.
- The alternative cul-de-sac turnaround design at the terminus of Earhart Street S is authorized as proposed on the applicant's tentative subdivision plan.

As conditioned, the proposed subdivision meets the requirements of SRC Chapter 803.

SRC Chapter 601 (Floodplain Overlay Zone): There are no waterways or mapped floodplain areas on the subject property; therefore, the requirements of SRC Chapter 601 (Floodplain Overlay Zone) are not applicable to the proposed subdivision.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) 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. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 129 trees on the property, nine of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation located on the property.

Of the 129 total trees existing on the property, the proposed tree conservation plan identifies 54 trees (41.9%) for preservation and 75 trees (58.1%) for removal. Of the 75 trees proposed for removal, five are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to two of the five significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to three of the five significant oaks*).

The proposed tree conservation plan preserves 41.9 percent of the existing trees on the property, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though four of the nine existing significant oaks on the property are proposed to be removed, their removal is necessary because of no

reasonable design alternatives that would enable their preservation. 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.

In addition to the trees located on the subject property, there are also nine trees located within the existing right-of-way on the north side of Salem Heights Avenue S, including four significant oaks. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because the nine trees located within the existing right-of-way of Salem Heights Avenue are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. Based on the current under-improved width of Salem Heights Avenue, the four (two significant oaks) of the nine existing trees within the right-of-way will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated with the improvement of Salem Heights.

As noted, trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015 in Attachment C will be future street trees and are conditioned for preservation. Any proposal for removal of additional street trees will be required to obtain a permit for removal pursuant to SRC 86.090.

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.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or waterways located on the subject property. Because there are no wetlands on the property, there will impacts to wetlands as a result of the proposed subdivision.

SRC Chapter 810 (Landslide Hazards): The 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 no areas of mapped landslide hazard susceptibility identified on the subject property and therefore the proposed subdivision is classified as a low landslide risk. However, a geotechnical investigation, prepared by Redmond Geotechnical Services and dated October 24, 2016, was submitted to the City of Salem. This investigation indicates that development of the subject site into residential home sites does not appear to present a potential geologic and/or landslide hazard provided that the site grading and development activities conform with the recommendations presented within the investigation report.

As identified in the above findings and illustrated by the applicant's tentative subdivision plan, the proposed subdivision, as conditioned, complies with the applicable provisions of the UDC. This criterion is met.

B. 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 divides the entire 8 acre property into 34 lots. As in infill proposal within a developed area, properties to the north, south, east, and west of the subject property are developed and in use. Because of this, opportunities to provide additional access and connectivity to surrounding properties for the benefit of facilitating future development is limited.

The proposed subdivision responds to prior development approvals on adjacent lands by making connections and extending streets stubbed to the northern boundary of the subject property; thereby filling in gaps within the existing street network and improving access for not only future residences within the subdivision but also for residences on surrounding properties.

The only adjacent land on the perimeter of the subject property that has the potential for further development are two properties located adjacent to the northwest corner of the subject property. With the extension of Felton Street, street access to these properties will be possible; thereby enhancing the development potential of the adjacent land consistent with this approval criterion, rather than impeding it.

Because the proposed subdivision improves, rather than impedes, possibilities for future development of both adjacent properties on the perimeter of the subject property and the two large lots located within the subject property, the subdivision satisfies this approval criterion.

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

Finding: As indicated in the comments from the City's Public Works Department (**Attachment C**), the proposed subdivision can be adequately served by City infrastructure. Water and sewer infrastructure is available along the perimeter of the site.

Conditions of approval require construction of water and sewer systems to serve each lot and an engineered stormwater design to accommodate future impervious surfaces. In order to provide for the installation and maintenance of private utility infrastructure to serve the subdivision, the following condition of approval shall apply:

Condition 11: Provide a 10-foot-wide public utility easement (PUE) along the street frontage of each lot.

The Public Works Department also reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by parks, including Candelaria Reservoir, an undeveloped park approximately one-half mile northwest of the proposed development, and Salem Heights Elementary, a partially developed park area approximately one-quarter mile southeast of the proposed

development. No park-related improvements are required as a condition of development.

As conditioned, the proposal meets this criterion.

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

Finding: The street system adjacent to the proposed subdivision includes Salem Heights Avenue, which is adjacent to the subject property along its southern boundary, and three dead-end streets (Felton Street, Earhart Street, and Doughton Street) which terminate at the northern boundary of the property for the purpose of future further extension. The proposed subdivision extends these three streets into and through the subject property in order to provide vehicular access to the proposed lots and required connectivity.

Salem Heights Avenue is designated as a collector street under the City's Transportation System Plan (TSP) and Felton, Earhart, and Doughton Streets are designated as local streets.

As indicated in the comments from the Public Works Department (**Attachment C**), Salem Heights Avenue does not currently meet the standard for a collector street in regards to required right-of-way and improvement widths. In addition, a small section of the street, exceeds the maximum street grade for a collector street. The existing grade along this section of the street is approximately 9.48 percent, which exceeds the maximum 8 percent grade allowed for a collector street under SRC 803.035(c).

In regards to the right-of-way and improvement widths of Salem Heights, as conditioned above the applicant is required to dedicate right-of-way and construct a half-street improvement on Salem Heights Avenue along the frontage of the subject property to collector street standards. In regards to street grade, SRC 803.065(a) allows for the utilization of alternative street standards in situations where a street may not be able to meet applicable standards. Pursuant to SRC 803.065(a)(1) and (3), alternative street standards may be utilized where existing development or physical constraints make compliance with the standard impracticable and where topography or other conditions make construction that conforms to the standards impossible or undesirable. In the case of the small section of Salem Heights Avenue which currently exceeds the maximum 8 percent collector street grade, the Public Works Department indicates that an alternative street standard is authorized and, as provided under Condition No. 8, street improvements for this section of the street are authorized to match the existing street grade up to a maximum grade of 12 percent. The alternative street standard is warranted due to topography, the existing grade of Salem Heights, and potential impacts on adjacent properties on Salem Heights Avenue to the west if the grade of the street were required to be lowered to conform to the maximum 8 percent standard.

Dedication of required right-of-way and improvement of Salem Heights Avenue to collector street standards, and the authorized alternative street standard for maximum

grade, ensues the street system adjacent to the subdivision conforms to the TSP as required by this approval criterion.

The street system within the proposed subdivision includes the extension of three local streets, Felton Street, Earhart Street, and Doughton Street.

Felton Street and Doughton Street conform to minimum required right-of-way and improvement widths except for a section of Felton Street which proposes to provide curblin sidewalks. SRC 803.035(l)(1) requires sidewalks to be constructed as part of street improvement projects. In order to ensure that Felton Street conforms to the sidewalk requirements of SRC 803.035(l), Condition 9 of this decision requires sidewalks to be provided on both side of Felton Street.

Earhart Street is proposed as a cul-de-sac street which extends into the subject property and terminates with a turnaround. Pursuant to SRC 803.025(a) and (b), the turnaround of a cul-de-sac street is required to be improved to a diameter of 76 feet within 90-foot-wide diameter right-of-way. Due to physical constraints associated with the property and the need to address the extension of three streets, in a relatively confined area, that were previously extended to the northern boundary of the property for future extension, the applicant has proposed an alternative design for the turnaround at the end of Earhart Street. Rather than a circular turnaround as required under SRC 803.025, a modified hammerhead turnaround design is provided that meets and exceeds the turnaround dimensions required by the Fire Department and, as indicated in the comments from the Public Works Department, is authorized pursuant to SRC 803.065.

The applicant's proposal includes the closure of an adjacent property's driveway. Closure of the existing driveway abutting tax lot 083W04AA10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of tax lot 083W04AA10500 prior to discontinuing the neighbor's access through the subject property.

Condition 12: Prior to plat approval, closure of the existing driveway abutting tax lot 083W04AA / 10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of tax lot 083W04AA / 10500 prior to discontinuing the neighbor's access through the subject property.

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

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

Finding: The subdivision proposal includes a network of internal streets, improvements to boundary streets at the perimeter of the subject property, and connections to existing

streets in the vicinity to improve traffic circulation in the area by providing additional street connectivity. The internal street system is supplemented by a private flag lot accessways providing vehicular access to three flag lots (Lots 4, 5 and 6) off Salem Heights Avenue.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure in conformance with the Salem Transportation System Plan (TSP). The proposal meets this criterion.

F. 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: Bicycle and pedestrian access in the vicinity of the subject property is limited by existing development patterns, street network gaps, and under improved streets. The nearest transit service is provided by Salem-Keizer Transit (Cherriots) Route 21 (*South Commercial*), near the intersection of Commercial Street SE and Ratcliff Drive SE, and Routes 8 and 18 (*12th / Liberty*), near the intersection of Liberty Road S and Madrona Avenue S.

The proposed subdivision is also situated within one-half mile of the following neighborhood activity centers:

- Candalaria Elementary School;
- Salem Heights Elementary School;
- Fircrest Park; and
- Shopping areas along Commercial Street.

Though existing bicycle and pedestrian access in the vicinity is limited, the proposed subdivision will incrementally improve bicycle and pedestrian access between the subject property and adjacent residential areas, transit, and neighborhood activity centers by improving Salem Heights Avenue along the frontage of the property as well as extending local streets through the property to connect to other existing streets on the perimeter of the property. The required boundary street improvement of Salem Heights Avenue will include a sidewalk and bike lane and the internal streets proposed to be extended through the development will include sidewalks.

The sidewalk and bike lane improvements required with the development will help to improve safe and convenient bicycle and pedestrian access in an area where it is currently limited by the existing development pattern on surrounding properties and under improved streets. The proposal, as conditioned, meets this criterion.

G. 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 38-lot subdivision will generate less than 1,000 average daily vehicle trips onto Salem Heights Avenue S, which is designated as a collector street in the City's Transportation System Plan (TSP). Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

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

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. A number of existing natural and built conditions on the subject property are considered in the street and lot configuration proposed by the applicant.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with an adjustment to required lot depth for Lot 7. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. The proposal meets this criterion.

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

Finding: The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. In particular, a number of trees are present along the western border of the subject property. In this area, the configuration and orientation of the proposed lots are such that a significant number of the trees in that area have been designated for preservation under the applicant's tree conservation plan.

There are also several trees located along the southern boundary of the property next to Salem Heights Avenue. Some of these trees are within the existing right-of-way of Salem Heights and others are located on the subject property. Because Salem Heights does not meet the minimum required width for a collector street, the widening of Salem

Heights Avenue and the installation of a sidewalk is required in conjunction with the proposed subdivision.

Street improvements along Salem Heights Avenue S may require removal of one or more street trees. A Reasonable Alternatives Analysis pursuant to Administrative Rule 109-500-2.4 has been tentatively approved to remove trees labeled 10001 – 10004, and 10012 on the plan attached (Attachment C). The approval is in conjunction with the proposed street improvements, and the sidewalk location north of trees proposed for preservation (trees labeled in Attachment C as 2006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015). As conditioned below, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the preserved trees, to the City for review and approval prior to the issuance of Public Construction permits.

Removal of identified as future street trees shall apply and be granted a removal permit pursuant to SRC 86.090.

The proposed subdivision, to the extent possible, takes into account the topography and vegetation of the site to minimize the amount of disruption to the site, its topography, and vegetation. The proposal meets this criterion.

- J. SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.***

Finding: The subject property is located within the City's Urban Service Area and therefore does not require an Urban Growth Preliminary Declaration under SRC Chapter 200. This criterion is not applicable to the proposed subdivision.

8. Class 1 Zoning Adjustment

The applicant has requested a Class 1 Adjustment in conjunction with the proposed subdivision to:

- a) Reduce the minimum lot depth for Lot 7 from 120 feet, as required for double frontage lots under SRC 511.010(a), Table 511-2, to approximately 111 feet.

Salem Revised Code (SRC) 250.005(d)(1) sets forth the following criteria that must be met before approval can be granted to an application for a Class 1 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the Planning Administrator's decision is based. Lack of compliance with the following criteria is grounds for denial of the Class 1 Adjustment, or for the issuance of certain conditions to ensure the criteria are met.

A. SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The requested adjustments satisfy this approval criterion as follows:

Adjustment to Minimum Lot Depth for Lot 7:

Within the RS (Single Family Residential) zone, double frontage lots with street frontage adjacent to both their front and rear property lines are required to have a minimum lot depth of 120 feet pursuant to SRC 511.010(a), Table 511-2. The underlying purpose of this standard is to ensure that lots that have street frontage adjacent to both their front and rear property lines have an increased lot depth to provide potential for additional privacy and separation from the street, which is of greater importance for lots abutting collector and arterial streets which convey greater levels of traffic.

In the written statement provided by the applicant (**Attachment D**) it is explained that the requested adjustment to the minimum lot depth for Lot 7 is necessary based on the existing geometry and the need to provide access from the cul-de-sac above and also to tie Doughton Street to Salem Heights Avenue.

Staff concurs with the findings included in the applicant's written statement. The requested adjustment is needed based on the proposed street configuration, which is influenced by the topography of the site and the location of existing streets on the perimeter of the property.

Lot 7 is a double frontage lot with frontage on two streets (Doughton Street adjacent to the front and the proposed cul-de-sac turnaround of Earhart Street adjacent to the rear). Because these streets are local streets, with the rear frontage of the lot adjacent to a cul-de-sac turnaround that will convey very little traffic, the reduced approximate 111-foot depth of Lot 7 satisfies the underlying purpose of the minimum 120-foot lot depth standard by providing a lot depth that, while not meeting the minimum 120-foot depth standard, still provides sufficient depth to allow for separation and privacy from Doughton Street and Earhart Street.

The requested adjustment satisfies this approval criterion.

B. The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Adjustment to Minimum Lot Depth for Lot 7:

The proposed adjustment to the minimum required lot depth for Lot 7 will not result in unreasonable impacts to surrounding existing uses or potential future uses or development because, despite the depth of Lot 7 falling below the minimum required

120-foot lot depth, the proposed approximate 111-foot lot depth still allows for sufficient depth to accommodate the reasonable development of the lot in compliance with the setback and lot coverage requirements of the RS zone without impacting future development on surrounding lots.

The requested adjustment satisfies this approval criterion.

9. Conclusion

Based upon review of SRC 205.010(d), SRC 250.005(d)(1) and (2), the findings contained under sections 7 and 8 above, and the comments described, the tentative subdivision plan, and Class 1 Adjustment, comply with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

That consolidated Tentative Subdivision, and Class 1 Adjustment, Case No. SUB-ADJ19-02, which includes a consolidated application for a proposed 34-lot subdivision ("Wren Heights") that the division of approximately 8 acres into 34 lots ranging in size from approximately 5,251 square feet to approximately 22,034 square feet. The applicant is requesting an alternative street standard for Earhart Street S and a Class 1 Adjustment to reduce the minimum lot depth for Lot 7 from 120 feet, as required for double frontage lots under SRC 511.010(a), Table 511-2, to approximately 111 feet.

For property approximately 8 acres in size, zoned RS (Single Family Residential), and located in the 500 to 600 blocks of Salem Heights Avenue S (Marion County Assessor Map and Tax Lot Numbers: 083W04AA10400, 10600, 10601, 10700, 10800), shall be GRANTED as follows:

- A. 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 approval which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: The front lot lines for the double frontage lots and flag lots within the subdivision shall be designated as follows:

- Lot 4-6: The front lot line of Lots 4-6 shall be the south property line.
- Lot 15: The front lot line of Lot 15 shall be the east property line.
- Lot 16: The front lot line of Lot 16 shall be the west property line.
- Lot 23: The front lot line of Lot 23 shall be the east property line.
- Lot 33: The front lot line of Lot 33 shall be the west property line.

Condition 2: The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall

be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

- Condition 3:** Proposed Lots 1-3 shall not have access to the flag lot accessway serving Lots 4-6.
- Condition 4:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and Public Works Design Standards.
- Condition 5:** Construct water and sewer systems to serve each lot.
- Condition 6:** Convey land for dedication of right-of-way adjacent to Salem Heights Avenue S to equal 30 feet from the centerline of Salem Heights Avenue S.
- Condition 7:** Construct a 17-foot-wide half-street improvement along the northern frontage of Salem Heights Avenue S to collector street standards. The street improvements are authorized to match the existing street grade up to a maximum of 12 percent grade, the sidewalk location west of Doughton Street S shall be located consistent with Attachment C and may be within an easement north of the property line to preserve existing trees.
- Condition 8:** Prior to issuance of public construction permits, obtain final approval for tree removal permits for trees labeled as 10001 – 10004, and 10012 identified in the plan submitted on May 7, 2019 and titled Tree s within Right-of-Way Conservation Plan (Attachment C). Trees labeled as 10001 – 10004, and 10012 are tentatively approved for removal.
- Condition 9:** Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015, show on Attachment C), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.
- Condition 10:** Construct internal streets to Local Street standards as shown on the applicant's tentative plan, except as modified below:
- Along the north/south portion of Felton Street S, the sidewalk shall be constructed so that the back of walk is located 28.5 feet from centerline pursuant to the Local street standard.
 - The alternative cul-de-sac turnaround design at the terminus of Earhart Street S is authorized as proposed on the applicant's tentative subdivision plan.

Condition 11: Provide a 10-foot-wide public utility easement (PUE) along the street frontage of each lot.

Condition 12: Prior to plat approval, closure of the existing driveway abutting tax lot 083W04AA / 10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of tax lot 083W04AA / 10500 prior to discontinuing the neighbor's access through the subject property.

B. The requested Class 1 Adjustments are APPROVED, subject to the applicable standards of the Salem Revised Code and the findings contained herein.



Olivia Glantz, Planning Administrator Designee

Attachments: A. Vicinity Map
 B. Tentative Subdivision Plan
 C. Salem Heights Street Tree Removal Plan
 D. Tree Removal Plan
 E. City of Salem Public Works Department Comments
 F. Applicant's Written Statement
 G. Comments from SWAN

Application Deemed Complete:	<u>March 27, 2019</u>
Notice of Decision Mailing Date:	<u>June 6, 2019</u>
Decision Effective Date:	<u>June 22, 2019</u>
State Mandated Decision Date:	<u>October 11, 2019</u>

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Subdivision Plan:	<u>June 22, 2021</u>
Class 1 Adjustment:	<u>June 22, 2021</u>

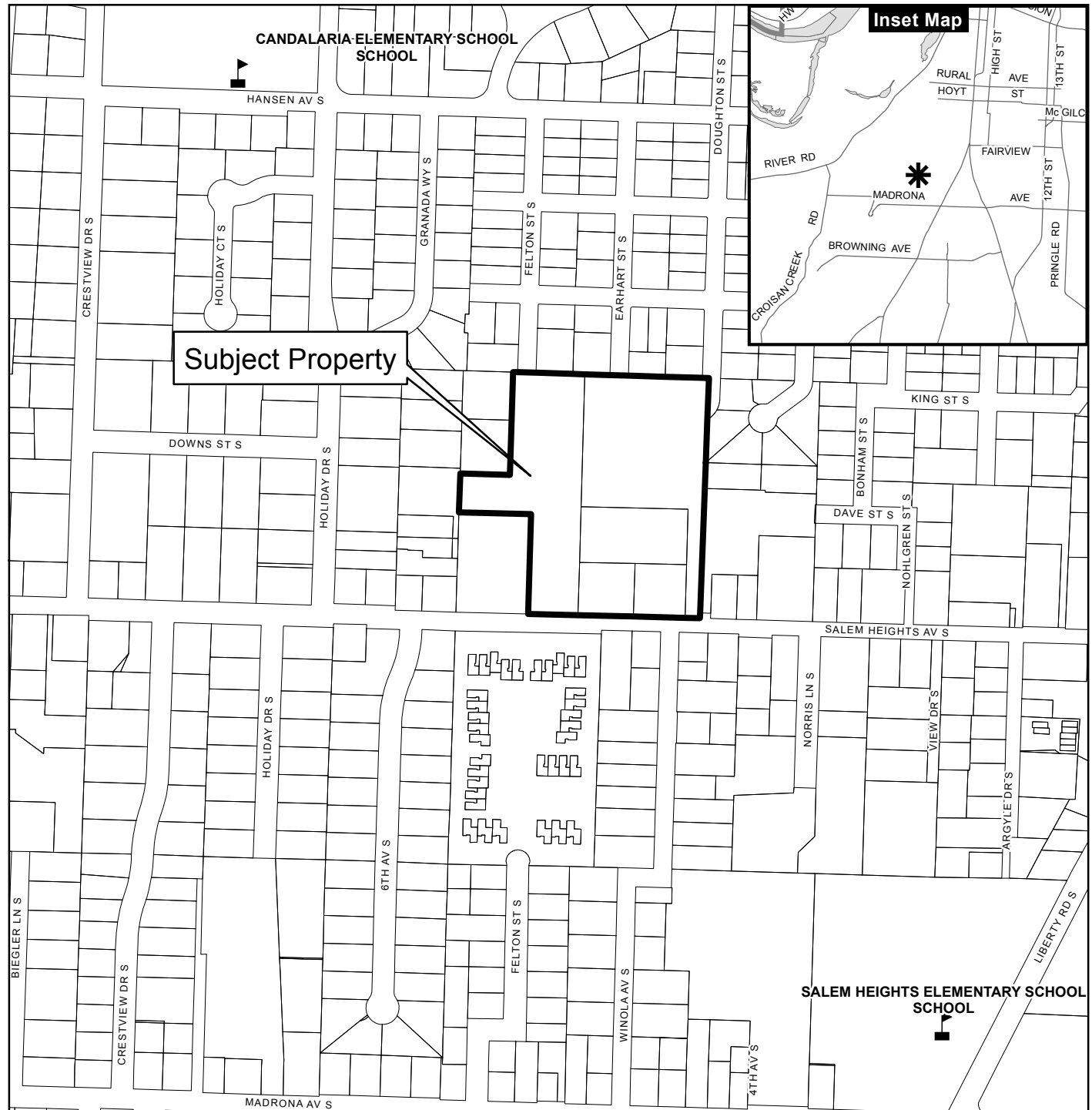
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

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 **Friday, June 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

575 Salem Heights Avenue S



Legend

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

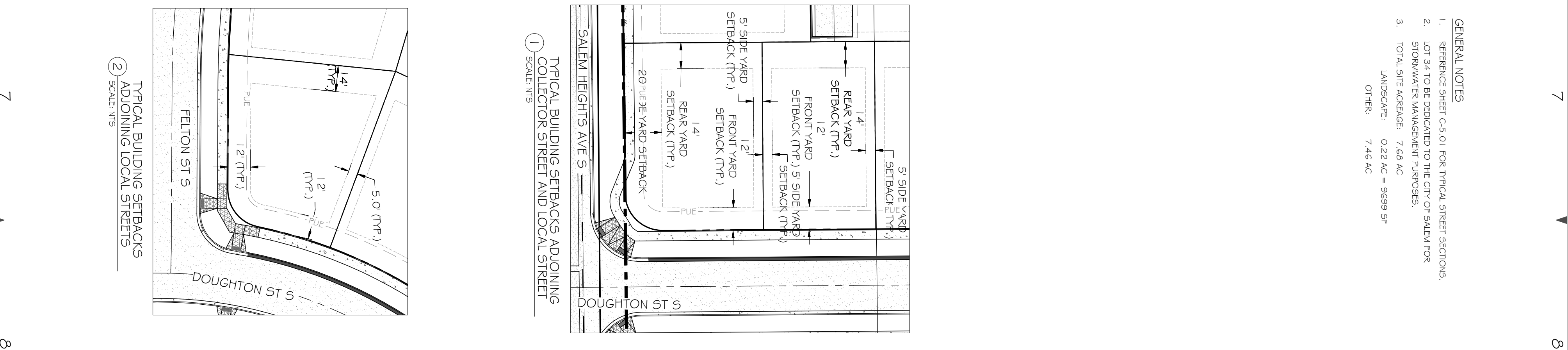
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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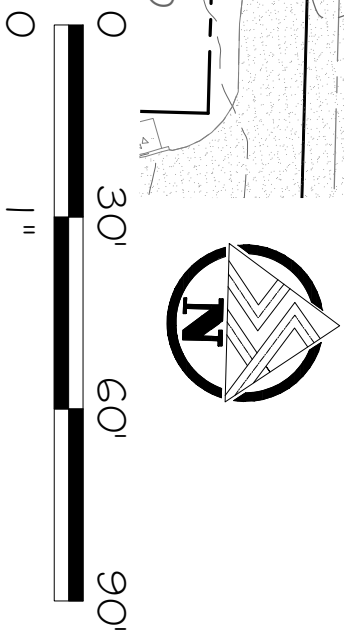


F:\2015 Projects\15128 Salem Heights Subdivision\The CAD\Civil\Exhibits\15128_Tree Removal Plan.dwg 5/29/2019 11:09:09 AM



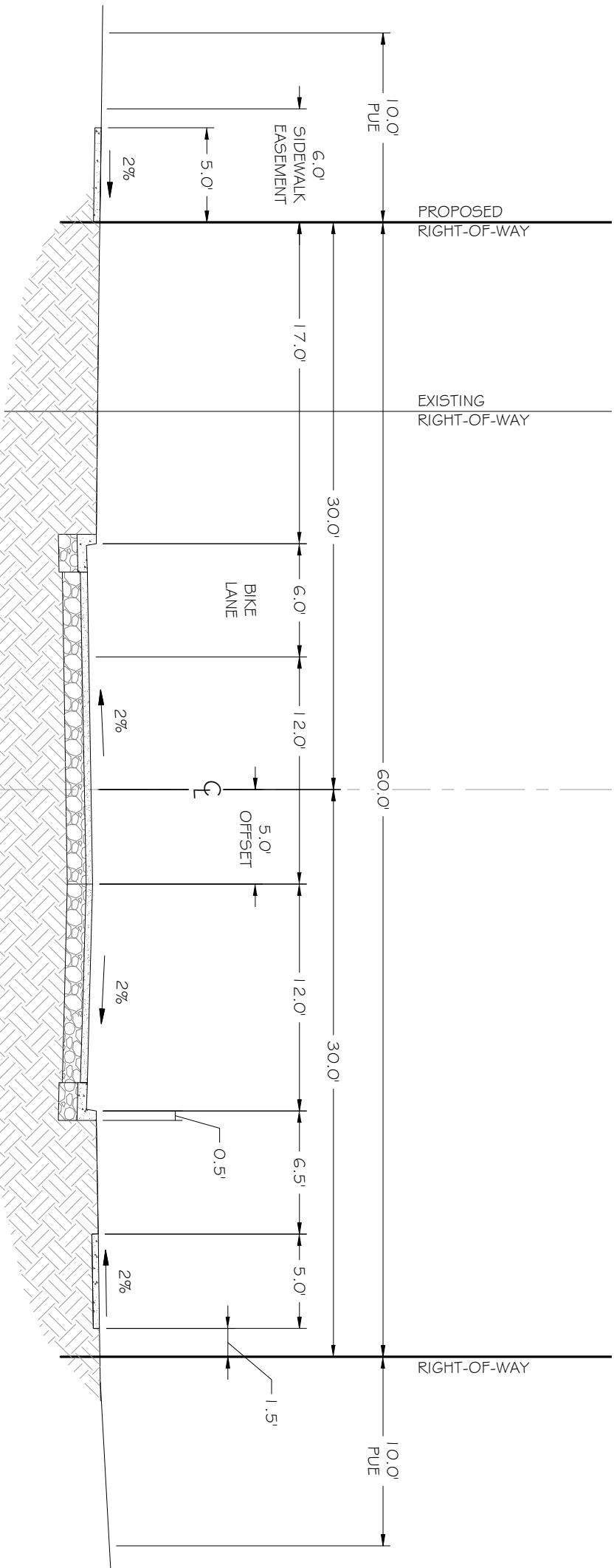
① ALTERNATE FLAG LOT GRADING PLAN

SCALE: 1" = 30'



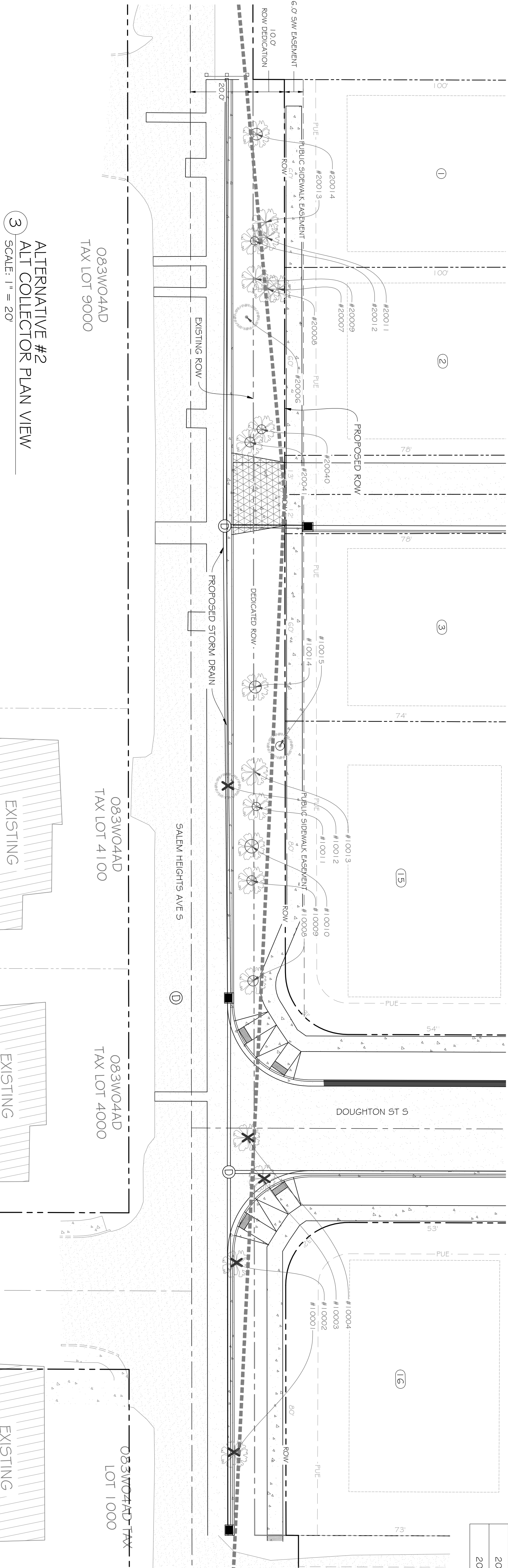
② ALTERNATE COLLECTOR TYPICAL SECTION

SCALE: NOT TO SCALE



CITY TREES WITHIN THE CURRENT RIGHT-OF-WAY	
POINT NO.	DESCRIPTION
10001	DTR 32 WHITE OAK
10002	DTR 32 WHITE OAK
10004	DTR 15 12 8 LOCUS 3 TRUNKS
10006	DTR 28 MAPLE
10009	DTR 24 WHITE OAK
10010	ETR 40 DOUGLAS FIR
10012	ETR 12 DOUGLAS FIR
20006	ETR 22 FIR
20041	DTR 27 WHITEOAK

CITY TREES WITHIN THE RIGHT-OF-WAY DEDICATION	
POINT NO.	DESCRIPTION
10003	DTR 15 LOCUS
10011	DTR 20 WHITE OAK
10013	DTR 22 WHITE OAK
10014	ETR 35 DOUGLAS FIR
10015	ETR 22 DOUGLAS FIR
20007	DTR 14 WHITEOAK
20008	DTR 14 WHITEOAK
20009	DTR 20 WHITEOAK
20011	DTR 10 WHITEOAK
20012	DTR 20 WHITEOAK
20013	DTR 15 WHITEOAK
20014	DTR 33 WHITEOAK
20040	DTR 23 WHITEOAK



ALTERNATIVE #2
ALT COLLECTOR PLAN VIEW

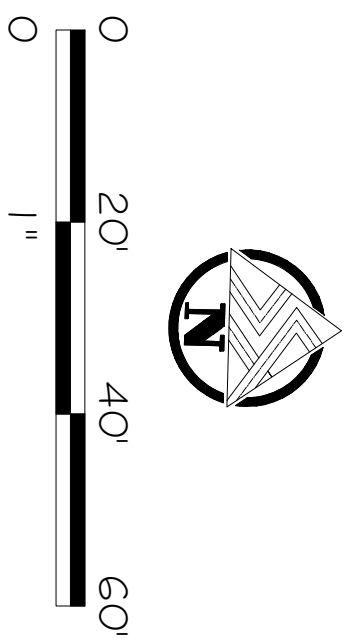
SCALE: 1" = 20'

TREE TYPE, DIAMETER IN INCHES, SPECIES
DTR = DECIDUOUS TREE
ETR = EVERGREEN TREE

TREE LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE IDENTIFICATION

DIAMETER OF TREE TRUNK



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	SUBMITTED TO COS	5/7/19	MF



ID	DBH	TYPE			SAVE
		I	D	Y	
20315	10	10	CH	N	
20316	10	10	CH	N	
20317	10	10	W	N	
20318	16	10	CH	N	
20319	10	10	H	N	
20320	17	17	WN	N	
20322	16	16	E	Y	
20323	11	11	PL	Y	
20325	10	10	CH	N	
20326	30	30	W	N	
20327	10	10	PL	N	
20328	19	19	WN	N	
20329	12	12	HN	N	
20330	40	40	W	Y	
20331	25	25	W	Y	
20332	21	21	W	Y	
20333	17	17	M	N	
20334	10	10	W	N	
20335	10	10	CH	Y	
20336	10	10	W	N	
20337	13	13	M	N	
20338	12	12	D	Y	
20339	11	11	M	N	
20340	15	15	W	Y	
20341	26	26	W	Y	
20342	15	15	CH	Y	
20343	11	11	D	N	
20344	10	10	W	Y	
20345	10	10	W	Y	
20346	18	18	W	Y	
20347	18	18	CH	Y	
20348	13	13	CH	N	
20349	16	16	CH	N	
30001	14	14	CH	N	
30003	12	12	HN	N	
30006	14	14	HN	N	
30013	10	10	CH	Y	
30014	10	10	CH	Y	
30015	30	30	CH	Y	
30016	11	11	HN	Y	
30021	10	10	HN	N	
30022	14	14	M	Y	
30023	10	10	HN	N	
30026	12	12	HN	N	
30032	14	14	M	N	
30036	12	12	W	Y	
30037	12	12	HN	N	
30044	10	10	W	Y	
30045	12	12	W	Y	
30046	12	12	W	N	
30047	11	11	W	N	
30048	13	13	A	Y	
30049	10	10	M	Y	
30050	10	10	CH	N	
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30061	12	12	M	Y	

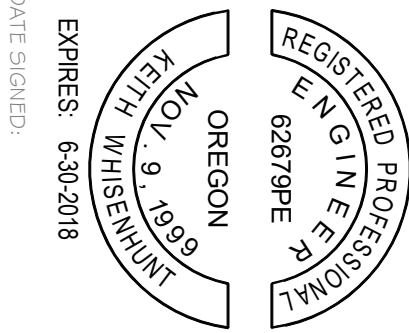
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THOMAS KAY
COMPANY
SALEM, OREGON

WREN HEIGHTS SUBDIVISION

SALEM, OREGON



EXPIRES: 6-30-2018

TREE CONSERVATION PLAN

0-1-5



MEMO

TO: Olivia Glantz, Planner III
Community Development Department

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

DATE: June 4, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
SUB-ADJ19-02 (18-125034-LD)
575 SALEM HEIGHTS AVENUE S
34-LOT SUBDIVISION

PROPOSAL

A consolidated application for a proposed 34-lot subdivision (Wren Heights) that the division of approximately 8 acres into 34 lots ranging in size from approximately 5,251 square feet to approximately 22,034 square feet. The applicant is requesting an alternative street standard for Earhart Street S and Felton Street S; in addition, a Class 1 Adjustment to reduce the minimum lot depth for Lot 7 from 120 feet, as required for double frontage lots under SRC 511.010(a), Table 511-2, to approximately 106 feet.

The subject property is approximately 8 acres in size, zoned RS (Single Family Residential), and located in the 500 to 600 blocks of Salem Heights Avenue S (Marion County Assessor Map and Tax Lot Numbers: 083W04AA10400, 10600, 10601, 10700, 10800).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Along the entire northern frontage of Salem Heights Avenue S, construct a 17-foot-wide half-street improvement and convey land for dedication of right-of-way to equal 30 feet from the centerline. The street improvements are authorized to match the existing street grade up to a maximum of 12 percent grade. The sidewalk west of Doughton Street S, shall be located in conformance with the plan submitted on May 7, 2019, titled Trees Within Right-of-Way Conservation Plan (C-1.17), and may be located within an easement north of the property line, to preserve existing street trees.
2. Prior to issuance of Public Construction permits, obtain tree removal permits for trees located within the right-of-way along the frontage of Salem Heights Avenue S. In accordance with the plan submitted on May 7, 2019 and titled Trees Within Right-of-Way Conservation Plan (C-1.17), trees labeled as 10001 – 10004, and 10012 are tentatively approved for removal. Any additional removal of street trees requires

approval pursuant to SRC 86.090.

3. Prior to issuance of Public Construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted to the City for review and approval. In accordance with the plan submitted on May 7, 2019 and titled Trees Within Right-of-Way Conservation Plan (C-1.17), trees labeled as 10008 - 10011, 10013 – 10015, 20006- 20009, 20011- 20014, 20040, and 20041 are slated for preservation.
4. Along the north/south portion of Felton Street S, the sidewalk shall be constructed so that the back of sidewalk is located 28.5 feet from centerline pursuant to the Local street standard.
5. Closure of the existing driveway abutting Tax Lot Number 083W04AA10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of Tax Lot Number 083W04AA10500 prior to discontinuing the neighbor's access through the subject property.
6. Construct water and sewer systems to serve each lot.
7. Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
8. Provide a 10-foot-wide public utility easement along the street frontage of each lot.

FACTS

Streets

1. Salem Heights Avenue S
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—There is an existing 20-foot improvement within a varied 40-to-50-foot-wide right-of-way adjacent to the subject property.
2. Felton Street S
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—There is an existing 30-foot improvement within a 50-foot-wide right-of-way adjacent to the subject property.

3. Earhart Street S

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 50-foot-wide right-of-way.
- b. Existing Condition—There is an existing 30-foot improvement within a 50-foot-wide right-of-way adjacent to the subject property.

4. Doughton Street S

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—There is an existing 30-foot improvement within a 50-foot-wide right-of-way adjacent to the subject property.

Storm Drainage

Existing Condition—A 10-inch storm main is located on adjacent property along the east boundary of the subject property.

Water

Existing Conditions

- 1. The subject property is located within the S-2 water service level.
- 2. An 8-inch S-2 water line is located in Salem Heights Avenue S.
- 3. A 6-inch S-2 water line is located in Doughton Street S. This main extends south to Salem Heights Avenue S, within a 10-foot public easement.
- 4. A 2-inch S-2 water line is located in Felton Street S.
- 5. A 6-inch S-2 water line is located in Earhart Street S.

Sanitary Sewer

Existing Sewer

- 1. An 8-inch sanitary sewer main is located in Salem Heights Avenue S.

2. An 8-inch sanitary sewer main is located along the western portion of the subject property, within a 10-foot public easement.
3. There are 8-inch sanitary sewer mains located in Felton Street S, Earhart Street S, and Doughton Street S, along the north portion of the subject property.

CRITERIA AND FINDINGS

SRC 205.010(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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* 820-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 Landslide Hazards, there are no areas of landslide susceptibility on the subject property. The proposed subdivision adds three activity points to the proposal, which results in a total of three points. Therefore, the proposed subdivision is classified as a low landslide risk. However, a geotechnical investigation, prepared by Redmond Geotechnical Services and dated October 24, 2016, was submitted to the City of Salem. This investigation indicates that development of the subject site into residential home sites does not appear to present a potential geologic and/or landslide hazard provided that the site grading and development activities conform to the recommendations presented within the investigation report.

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 along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. However, the existing sewer main in Salem Heights Avenue S is in poor condition and may not be able to accommodate new connections. Therefore, the applicant may be required to reconstruct the existing sewer main in Salem Heights Avenue S abutting the subject property where the existing pipe condition cannot accommodate new connections.

The applicant's preliminary plan appears to propose realignment of the existing public sewer main along the west line of the subject property. The applicant shall abandon the existing sewer system abutting Felton Street S, where all service laterals can be reconnected to the new public sewer main.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

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

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—Salem Heights Avenue S abuts the subject property and does not meet the current standard for a Collector street. Pursuant to SRC 803.040, the applicant is required to construct a half-street improvement along the entire frontage of this street. This street is approved as an alternative street standard pursuant to SRC 803.065(a)(3) due to the existing topography and trees along the frontage. The street improvements are authorized to match the existing street grade up to a maximum of 12 percent grade. As shown on the applicant's plan submitted May 7, 2019 and titled Trees Within Right-of-Way Conservation Plan (C-1.17), the sidewalk may be located within an easement north of the property line, west of Doughton Street S, in order to preserve existing street trees.

Street improvements along Salem Heights Avenue S require removal of existing and/or

MEMO

future street trees. In accordance with the plan submitted on May 7, 2019 and titled Trees Within Right-of-Way Conservation Plan (C-1.17), trees labeled as 10001 – 10004, and 10012 are tentatively approved for removal. The applicant shall obtain tree removal permits pursuant to SRC Chapter 86 prior to issuance of Public Construction permits for the street improvement of Salem Heights Avenue S. Any additional removal of street trees requires approval pursuant to SRC 86.090. For all remaining trees (10008 - 10011, 10013 – 10015, 20006- 20009, 20011- 20014, 20040, and 20041), a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted to the City for review and approval prior to the issuance of Public Construction permits.

The applicant is requesting an alternate sidewalk location for the west side of Felton Street S along the north/south portion, to allow for curbside sidewalks pursuant to SRC 803.035(l)(2)(B). The applicant shall be required to construct the sidewalk so that the back of sidewalk is located 28.5 feet from centerline pursuant to the Local street standard. Additional right-of-way is located behind the proposed sidewalk location to provide for transition to existing grade.

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. All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception of the following alternative street standards:

- The applicant is requesting a turnaround at the terminus of Earhart Street S that does not conform to the cul-de-sac standards in SRC Chapter 803. The alternative turnaround provides radii that accommodate for street cleaning equipment and fire trucks. The alternative turnaround is authorized based on site layout and topography.

The applicant's proposal includes the closure of an adjacent property's driveway. Closure of the existing driveway abutting Tax Lot Number 083W04AA10400 is subject to the notice and appeal provisions of SRC 804.060 to provide adequate notice to the owner of Tax Lot Number 083W04AA10500 prior to discontinuing the neighbor's access through the subject property.

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 shows the subject property is not served by developed parks. Candalaria Reservoir is an undeveloped park

approximately one-half mile northwest of the proposed development; Salem Heights Elementary is a partially developed park area approximately one-quarter of a mile southeast of the proposed development.

The Parks Master Plan also shows potential park site NP-6 was identified near the subject property. However, the park site locations are approximate as described on page 73-80 of the plan and "Locations are mapped to show generally where a park or trail may be located; however, feasible park sites may not be available within the area shown. The actual location will be determined based on a combination of factors, including land availability and cost. Park site selection and development will proceed as neighborhoods develop." No park is proposed within the subject property at this time.

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

Findings—The proposed 34-lot subdivision generates less than 1,000 average daily vehicle trips to Salem Heights Avenue S, which is classified as a Collector Street in the Salem TSP. Therefore, a Traffic Impact Analysis was not required as part of the proposed subdivision submittal pursuant to SRC 803.015(b)(1).

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

Findings—Existing street trees are located along the north line of Salem Heights Avenue S that may need to be removed in conjunction with the street improvements abutting the subject property. Street tree removal is subject to street tree permits pursuant to SRC 86.050. In addition, a Reasonable Alternatives Analysis pursuant to Administrative Rule 109-500-2.4 is required prior to issuance of a permit to remove street trees in conjunction with the street improvements.

RESPONSE TO CITIZEN COMMENTS

Urban Growth Preliminary Declaration

Citizen testimony suggests that an Urban Growth Preliminary Declaration should be required.

Staff response: The Urban Service Area (USA) is comprised of two distinct areas: (1) the boundary formerly called the "Current Developed Area" (CDA) prior to the establishment of the USA; and (2) boundaries added to the CDA through USA amendments pursuant to SRC 200.015. In SRC 200.010 and SRC 200.015, consideration is given to amend the USA boundary based on availability of and city

construction of required facilities to serve properties in the USA. In other words, USA amendments can be made only when infrastructure is available to serve the area or when funds are committed to serve the area.

That USA amendment process is the context of the phrase "precedes city construction of required facilities" in SRC 200.010(c) and SRC 200.020(a). In particular, SRC 200.020(a) states, "or is within the urban service area (USA), but precedes city construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area of the development." This language is a direct reference to the capital improvement planning process as described in SRC 200.015 for USA amendments.

Therefore, staff has not required UGA permits for areas within the original CDA boundary because that area was not subject to the USA amendment criteria in SRC 200.015. Because there is no "city construction of required facilities" pursuant to SRC 200.015, an UGA permit is not required.

Traffic Impact Analysis

Citizen testimony suggests that a TIA should be required.

Staff response: SRC 803.015(b)(1) states that TIAs are required for developments that generate over 1,000 daily vehicle trips on a Collector street. The Assistant City Traffic Engineer has determined that the proposed subdivision generates less than 1,000 daily trips. Salem Heights Avenue S is a Collector street as shown in the *Salem Transportation System Plan*. Street classification is based on the *Salem Transportation System Plan*, not the existing street condition. No TIA is required.

Overall Condition of Salem Heights Avenue S

Citizen testimony suggests that the overall condition of Salem Heights Avenue S in the vicinity of the subject property compromises pedestrian safety.

Staff response: Salem Heights Avenue S lacks sidewalks east of the subject property for a distance of approximately 1,400 feet. This portion of Salem Heights Avenue S is surrounded mostly by established neighborhoods that were originally developed as early as 1904 as part of the Ewald Fruit Farms subdivision.

The Salem TSP specifies that improvements to Salem Heights Avenue S from Liberty Road S to Sunridge Drive S are a low priority project to be completed within approximately 25 years. Given the low priority as depicted in the Salem TSP, the condition of Salem Heights Avenue S does not compromise pedestrian safety to the extent that the proposed development should be denied.

Street Tree Removal

Citizen testimony objects to significant street trees being proposed for removal.

Staff response: Improvements to Salem Heights Avenue S are required pursuant to SRC 803.040. A Reasonable Alternatives Analysis pursuant to Administrative Rule 109-500-2.4 is required prior to issuance of a permit to remove street trees in conjunction with the street improvements. The street improvements shall be designed to minimize impacts to street trees to the maximum extent feasible. Street trees proposed for removal will be posted for 30 days prior to permit issuance pursuant to SRC Chapter 86.

cc: File



Memo:

Date: February 1, 2019 – Revised- February 19, 2019 / **Revised March 6, 2019**

To: Olivia Glantz

From: Mark B. Ferris

Re: Wren Heights (Salem Heights) Subdivision - #18-125034-LD

RESPONSE TO LETTER OF INCOMPLETENESS – JANUARY 14, 2019 / Email Dated 2/11/19

Item #1 – Validation of a Unit of Land:

Applicant's Response: *A supplemental Land-Validation Application addressing the city's approval criteria is attached as requested. The plat will be revised to reflect the validation of Tax Lot 10400.*

Item #2 – Future Development Plan:

Applicant's Response: *Lot 23 is .42 acres. A future development plan is not required as the lot is under ½ acre.*

Item #3 – Property Owner Signature:

Applicant's Response: *The Applicant will be providing verification of his ability to sign on behalf of the Harvey Trust.*

Item #4 – Tentative Subdivision Map:

Applicant's Response: *The sidewalk adjacent Lot 8 has been revised to a setback sidewalk. The Applicant will provide a sidewalk adjacent to tax lots 10200 and 10300. This change has been reflected on the revised plan set.*

Item #5 – Written Statement (Revised):

Applicant's Response: *The sidewalk on the north side of Felton Street has been revised to a setback sidewalk.*

Sec. 250.005. – Adjustments - Lot #23 - Findings

(a) *Applicability.*

(1) *Classes.*

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

Applicant's Response: *Lot 23 has been reconfigured with an average depth of 108-feet and a width of 69-feet. The lot depth is 90% of the required 120-foot depth and therefore qualifies as a Class 1 adjustment. This criterion is met.*

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Applicant's Response: *A revised Site Plan addressing items 1A through F has been provided as part of the Applicant's resubmittal. These criteria have been met.*

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Applicant's Response: *An Existing Conditions Plan addressing items 2A through D has been provided as part of the Applicant's resubmittal. These criteria have been met.*

(d) **Criteria.**

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Applicant's Response: *This criterion outlined in this subsection are clearly satisfied. As previously stated, the proposed lot depth for Lot 23 is 108-feet which is within 10% of the current standard and allowed under a Class 1 Adjustment. The proposed adjustment will have absolutely no impact on surrounding existing or potential uses or development. Access will be off Doughton Street in keeping with all adjacent lots and the lot depth is comparable to adjacent lots as well. This criterion is met.*

Lot 7 has an average depth of 215-feet measured from the center-line of the lot. Since it is a dog-leg lot, we took an average width of each leg which comes out to 79.5-feet. Using this computation, the lot depth is 270% of the average width. No adjustments are necessary.

Sec. 803.065. - Alternative Street Standards and Section SRC 803.035(I)(2)(B) - Findings.

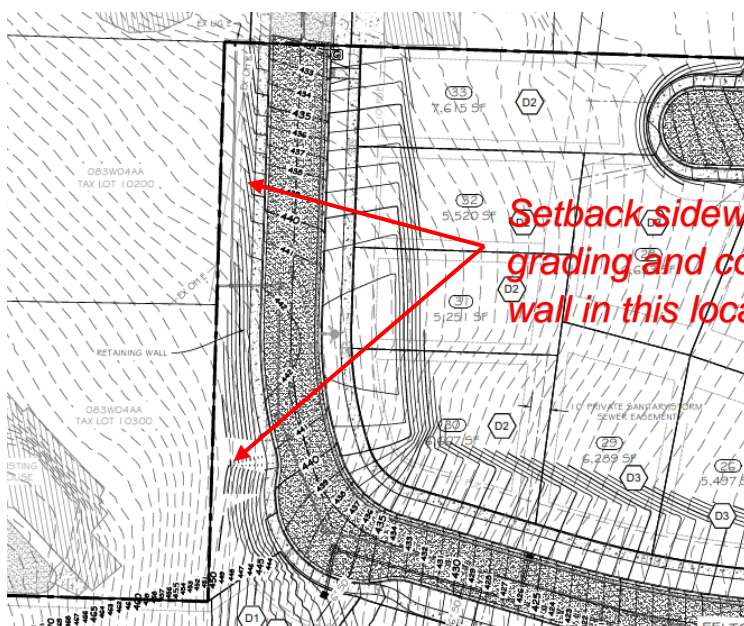
- (a) The Director may authorize the use of one or more alternative street standards:
 - (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
 - (2) Where the development site is served by fully developed streets that met the 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.

Applicant's Response: Pursuant to Section 803.065, the Applicant is requesting the Planning Director's approval of a curb-tight sidewalk adjacent to Tax Lots 10200 and 10300. Given the topography of the area adjacent these lots, providing a setback sidewalk has significantly more impact on these lots and requires the construction of a retaining wall to accommodate the elevation difference. Requiring a setback sidewalk and constructing a retaining wall at this location is definitely a less desirable alternative than keeping the sidewalk curb-tight and minimizing grading and construction impacts on the adjacent lots. For these reasons, the Applicant respectfully requests the director's concurrence.

SRC 803.035(1)(2)(B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.

Applicant's Response: As previously stated, the Applicant is requesting a curb-tight sidewalk adjacent to lots 10200 and 10300. The example below clearly shows that there would be significantly more impacts to the adjacent property requiring the construction of a retaining wall in order to accommodate a setback sidewalk. Pursuant to this section, a different location may be allowed by the planning director if the topography makes building a setback sidewalk undesirable. Allowing the curb-tight sidewalk minimizes impacts to these lots. This requirement is met.



Item #6 – Tree Conservation Plan

Applicant's Response: *The Tree Conservation Plan and table has been updated. Please see attached Tree Conservation Plan.*

Item #7 – Digital Copies:

Applicant's Response: *A digital copy of the storm water (report) and geotechnical report are included in this submittal (see attached).*

Item #8 – Street Improvements:

Applicant's Response: *The plans have been adjusted and the sidewalk along Doughton Street has been revised as setback sidewalk. As stated earlier, the sidewalk adjacent tax lots 10200 and 10300 is proposed to be curb-tight and the Applicant has requested the planning director approve an alternative street design standard as requested.*

Item #9 – Existing Driveway:

Applicant's Response: *The Applicant has been in discussions with the owner of tax lot 10300 to establish an easement across the westerly portion of lot 7. This has been noted and shown on the attached exhibit for your information (see future easement exhibit).*



Land Division Application Narrative

for

Tentative Plan Subdivision - Class 1 Adjustment

&

Tree Conservation Plan

Salem Heights Subdivision

Salem, OR 97302

Prepared for the

Tom Kay Company

Submitted December 31, 2018

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SITE INFORMATION

This application is for Tentative Plan approval to divide approximately 7.7 acres into 33 proposed lots ranging in size from 5,251 square feet to 12,603 square feet. Additionally, the Applicant is requesting a Class 1 administrative adjustment for lots #22 and #23, a through lot, to reduce the required lot depth from 120-feet to 104-feet – a 14% reduction.



Figure 1: Aerial Vicinity Map

The site is generally located west of Liberty Road S, east of Crestview Drive S, and north of Salem Heights Avenue S. The development site is made up of five tax lots: 083W04AA 10400, 10600, 10601, 10700, and 10800. All five properties have a City of Salem Comprehensive Plan designation of Single Family Residential (SFR) and a complimentary zoning designation of Single Family Residential (RS).



Figure 2: Marion County Assessor's Tax Map

The site is generally rectangular in shape and includes approximately 7.7 acres. The topography of the site slopes with the terrain descending toward the east and northeasterly portions of the site (See Existing Conditions Plan). The topography presents some challenges for site development which will be addressed throughout this narrative.



Figure 3: Site Aerial

WRITTEN STATEMENT

A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Subdivision Tentative Plan and Class 1 Adjustment.

SRC 205.010(d) - 1

(1) The tentative subdivision plan complies with the 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;*
- (B) City infrastructure standards; and*
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.*

APPLICANT'S RESPONSE: The Applicant is proposing a 33-Lot subdivision. As previously stated, the subject site is zoned RS. Single-family detached dwellings are an outright permitted use within this zone. The SRC includes information regarding lot standards for the RS zone. The minimum lot area is 4,000 square-feet for a single-family home. All lots proposed exceed the lot standard minimum and range in size from 5,251 sq. ft. to 12,603 sq. ft. The existing house has been scheduled for demolition. The SRC does not include lot size maximums. There is a provision, however, that a future development plan must be included with a land division application when a remaining property is a half-acre, or more. None of the proposed parcels within this subdivision are equal to, or more than, a half-acre. Therefore, this provision does not apply.

All lots will front on an internal public street except for lots 1-3 which will have access off Salem Heights Avenue. Lots 4-6 are flag lots and will have access to the public street via a 25-foot cross-access and utility easement. (See Tentative Plan). The proposed flag lots will meet the provisions of SRC Chapter 800.020(a)(4) for front lot lines which states,

“for a flag lot, the front lot line shall be outside the property line that is an extension of the flag lot access way or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat which shall be recorded on deeds conveying lots.”

Additionally, the Applicant will follow the provisions of SRC Chapter 800.020(b)(1) for rear lot lines which states,

“For all lots, except those identified in paragraph (2) of this subsection, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.”

The proposed subdivision complies with the City of Salem infrastructure standards. Utilities will be extended within the proposed public streets to serve the proposed subdivision as shown on the attached Preliminary Utility Plan. A storm water quality and detention facility has been provided in a separate tract adjacent to Doughton Street near the north east corner of the property. Provisions for storm water management are outlined in the attached Preliminary *Storm Water Management Report* prepared by Project Delivery Group, the Applicant's representative.

The Applicant is not aware of any special development standards for the subject site. The Local Wetland Inventory (LWI) map does not indicate the presence of wetlands on the site. The geotechnical report included with this application indicates that soils are adequate for residential home construction. According to the City of Salem Floodplain Map, the site does not fall within any of the FEMA Flood Zones. The adjoining properties are zoned RS and do not require any special setbacks. Additionally, the proposed public street access complies with the provisions of Chapter 805 of the SRC for Vision Clearance for an uncontrolled intersection.

SRC 205.010(d) - 2

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

APPLICANT'S RESPONSE: The tentative subdivision plan proposed creates 33 lots (plus the water quality facility tract). The surrounding properties to the east, north, south and west are developed with single-family homes. The lot configuration provides for the extension of roads within this subdivision to adjacent property and does not impede the development of adjacent land. Table 511-3: Setbacks in SRC Chapter 511 in Figure 4 below, provides information for setbacks for single-family residential lots.

Abutting Street	Min. 20-feet	Applicable to buildings along collector or arterial streets.
Interior Front	Min. 12-feet	Garage Setback to be 20'.
Interior Side Yard Setback	Min. 5-feet	Applicable to buildings not more than 35-feet in height where the interior side setback abuts lots zoned RA and RS.
Interior Rear	Min. 20-feet	Applicable to buildings greater than one-story in height.

Figure 4: Excerpt from SRC Chapter 511-3

The lot line setback requirements can be met on each newly created parcel and are shown on the Tentative Plat. Approval of this proposed subdivision will not impede the future use or development of property or adjacent land.

SRC 205.005 – Adjustments – Lot #23

SRC 205.005(d) – Criteria

(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

APPLICANT'S RESPONSE: The Applicant is requesting an administrative Class 1 adjustment for the required 120-foot lot depth for lot #22 and lot #23. The proposed 104-foot depth is within the 20% allowable deviation from the code standard. This is necessary due to the configuration of the access to the northern lots off of Earhart Street and the geometry of proposed Doughton Street alignment to the north. The average lot depth for lot 22 is approximately 130-feet and 108-feet for lot #23. It is clearly apparent that the proposed adjustment will not unreasonably impact surrounding existing or potential uses or development, therefore, this criterion is met.

SRC 205.010(d) - 3

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

APPLICANT'S RESPONSE: The subject property has approximately 465-feet of frontage on Salem Heights Avenue. Existing Doughton Street will be extended through the property and connect with Salem Heights Avenue. Felton Street will connect to Doughton and Earhart Street will connect to a hammerhead located adjacent the site's north property line.

Utilities are available to be extended through the site. An 8-inch water main is located within Salem Heights Avenue according to the City of Salem As-Builts. The Applicant will extend water service from this line through the proposed public streets and individual laterals will serve the proposed lots as shown on the utility plan (See Preliminary Utility Plan). The proposed water line will tie into an existing 6-inch line located within an easement located adjacent the property's east property line.

A 10-inch sanitary sewer is available in Doughton Street. The Applicant proposes to extend sanitary service from its connection at the terminus of Doughton Street through the proposed public streets and construct individual laterals to serve each parcel (See Preliminary Utilities Plan).

A 10-inch storm line will be constructed with the improvements along Salem Heights Avenue and continued down Doughton Street where it will connect to an existing 12-inch storm line located in an easement at the northeast corner of the property. Storm water will be routed to a storm

water quality and detention facility located north of lot 21 where it will be detained and released at a controlled rate. Included with this application submittal is a preliminary storm water management report for review by city staff. (See Preliminary Drainage Report). This proposed 33-lot subdivision can be adequately served by City infrastructure, therefore this requirement is met.

SRC 205.010(d) - 4

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

APPLICANT'S RESPONSE: The goal of the Salem Transportation Plan is “to provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.”

Vehicular access to and within the subdivision is proposed to be provided from Salem Heights Avenue S and the extension of three streets, Felton Street S, Earhart Street S, and Doughton Street S, which are currently dead-end streets that terminate at the northern boundary of the subject property.

All the proposed lots within the subdivision, with the exception of Lots 1 -6 will take vehicular access from the internal streets proposed within the subdivision; Lots 1-3 will take access from Salem Heights Avenue. Also, as three of the lots within the subdivision are flag lots, their access to the street will be provided by way of flag lot accessways (See Tentative Plan).

This proposed subdivision complies with the goal stated above as it reflects and supports land-use patterns identified in the Comprehensive Plan. The development of 33 lots along with the proposed public street infrastructure identified on the site plan (see Tentative Plan meets this goal and provides both connectivity to existing streets and a circulation system that provides access to the local neighborhood, shopping, schools, and other activity centers. This requirement is met.

SRC 205.010(d) - 5

(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.

APPLICANT'S RESPONSE: The proposed street system is efficiently designed to provide safe, orderly access to all lots within the development as well as access to Salem Heights Avenue. An additional ten-feet of right-of-way will be dedicated along Salem Heights Avenue by the developer for the construction of half-street improvements consisting of curb, gutter, sidewalk

and storm drain improvements. The proposed internal public street is designed as a 30-foot (curb-to-curb) local street within a 60-foot right-of-way. The cul-de-sac coming off Earhart Street functions as a hammerhead turnaround which meets both city and fire department standards. A 5-foot set back sidewalks provide pedestrian access from the development to Salem Heights Avenue and to the existing streets to the north. Lots 4-6 take access onto the public street via a 20-foot drive within a 25-foot pedestrian access easement which meets the standards of Section 800.025 Flag Lots as illustrated in Figure 5 below. The length of the flag is approximately 232-feet which is well within the 400-foot maximum length. A hammerhead turnaround has been provided to allow for emergency access to these lots.

**TABLE 800-1
FLAG LOT ACCESSWAY STANDARDS**

Table 800-1: Flag Lot Accessway Standards			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
1-2 Lots (Residential Zoned Property)	150 ft. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.
3-4 Lots (Residential Zoned Property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.
1-4 Lots (Non-Residential Zoned Property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.
<p align="center"><u>Limitations and Qualifications</u></p> <p>(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.</p>			

Figure 5: Flag Lot Accessway Standards

Access onto Salem Heights Avenue is offset approximately 50-feet from Winola Avenue and it has unobstructed sight distance for traffic moving both east and west of the property.

SRC 205.010(d) - 6

(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.*



Figure 6: Proximity to Activity Centers

APPLICANT'S RESPONSE: The proposed subdivision is ideally situated within ½ mile Commercial Street S.E. although there are no sidewalks on either side of Salem Heights Avenue except for those provided by this proposed development. Bicycle and pedestrian access is available from the subject site along Salem Heights Avenue to the neighborhood activity center and further along Commercial Street. This criterion is met.

SRC 205.010(d) - 7

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

APPLICANT'S RESPONSE: The proposed public street (Doughton Street) will intersect with Salem Heights Avenue. The portion of Salem Heights Avenue that the proposed development fronts on is designated a collector street. According to the Trip Generation Manual, 9th Edition, Volume 2, single-family dwellings generate 9.52 trips per day. This 33-lot subdivision will generate

approximately 315 trips per day. The traffic impact from this development to the adjacent street system is negligible and the adjacent street system is designed in a manner which will provide for an orderly, and efficient circulation of traffic into, through and out of the proposed subdivision.

Traffic Impact Analysis (TIA) Determination

The following information is required in order to assess the need for a Traffic Impact Analysis (TIA) and to calculate the Transportation Systems Development Charge (TSDC) to be levied on a proposed new development.

The City of Salem may require that a TIA be prepared as part of the approval process for major new development. The purpose of a TIA is to estimate the traffic impacts created by a new development on the surrounding street system. Any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant.

The estimated daily traffic generation of a new development is used as the criteria for determining whether a TIA is needed. If the new development access is located on an arterial or collector and the estimated daily traffic generation is more than 1000 trips, a TIA may be required. If access is located on a local street or alley and the generated trips exceed 200, a TIA may be required. Other criteria such as site access issues, driveway restrictions, and existing facilities deficiencies may also be used, if recommended by City Traffic Engineering staff.

APPLICANT'S RESPONSE: The Applicant has submitted the required Trip Generation Estimate form as part of this application. Given that the proposed development is located on a collector street and the threshold for requiring a Traffic Impact Analysis is 1000 trips per day, it does not appear that a TIA will be required as part of this application.

SRC 205.010(d) - 8

(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances or adjustments is minimized to the greatest extent practicable.

APPLICANT'S RESPONSE: This subdivision has been designed to maximize the developability of the property while providing safe access to and from the development. Given the geometry of the parcel boundary, the location of the public street, lot locations and building envelopes, there is little room for adjustment.

The design of this subdivision has considered both the topography and vegetation on the site and has kept the need for variances and adjustments to the minimum necessary to practically develop this property. This requirement is met.

SRC 205.010(d) - 9

(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.

APPLICANT'S RESPONSE: As previously stated, the design of this proposed subdivision has considered both the topography and vegetation on the site. The property slopes from Salem Heights Avenue at a slope which varies between 10% to 25% which requires some grading in order to accommodate the placement of the public street, access to the flag lots and to facilitate construction of the homes. Existing trees and vegetation will be retained as much as is practical to meet development objectives. This requirement is met.

SRC 205.010(d) - 10

(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.

APPLICANT'S RESPONSE: All city facilities are available to the property. This condition does not apply.

CONCLUSION

This application for approval of a Land Division Tentative Plan compliant with the plan of the City of Salem and is support of, and response to applicable requirements from the City's development code. Based upon the information provided herein, the Applicant hereby requests approval of this application.

April 10, 2019

Olivia Glantz, Planner III
City of Salem Community Development Department

Re: Comments Case No. SUB-ADJ19-02 Wren Heights Subdivision Tentative Plan

Ms. Glantz,

The SWAN board is in agreement with the comments provided by the neighbors who live near the area of the proposed subdivision and recommend that no development should be approved until conditions regarding the criteria below are improved.

5) SRC 205-010(d) The street system in and adjacent to the tentative subdivision is designed so as to provide for the safe, orderly and efficient circulation of traffic into, through and out of the subdivision.

6) SRC 205-010(d) 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 with one-half mile of the development.

The Wren Heights development does not meet these criteria as Salem Heights Ave. is currently not built to “urban standards” for a collector street which would normally include “two travel lanes, turn lanes where necessary, curbs, sidewalks, drainage, illumination, and bicycle lanes, where needed” according to the 2016 Transportation Plan (TSP). Salem Heights Ave. has narrow lanes, limited vehicular visibility in certain areas, no sidewalks, no bike lane and inadequate lighting. With these unsafe conditions, funneling onto Salem Heights Ave. as a “collector street” as the subdivision plan does will only make these conditions worse. The design should be altered so that traffic is not directed to Salem Heights Ave. until the street is brought to urban standards.

It should also be noted that Salem Heights Ave. is designated for a future Uphill/Downhill Shared Bike Lanes Pathway on the Salem Transportation Plan (TSP) which further supports bringing Salem Heights into compliance with urban standards for bicycle lane safety.

7) SRC 205-010(d) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis.

The applicant estimates that the subdivision will generate approximately 315 vehicular trips per day on Salem Heights which it considers “negligible”. Salem Heights does not meet this criterion given the unsafe and noncompliant “urban standards” conditions that currently exist as mentioned above. This extra traffic will make conditions worse for bicycles on the narrow shared road and for pedestrians who must walk where there are no sidewalks, in particular children walking to and from nearby Candalaria and Salem Heights schools. The subdivision plan should be redesigned to divert traffic away from Salem Heights, or any through street connecting to Salem Heights should be postponed until collector urban standards are met on Salem Heights.