

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2019-9 SUBADJ 19-02
CONSOLIDATED TENTATIVE SUBDIVISION)	SUBDIVSION/ CLASS 1
AND CLASS 1 ADJUSTMENT)	ADJUSTMENT
CASE NO. 19-02)	CASE NO. 19-02
575 SALEM HEIGHTS AVENUE S)	

This matter coming regularly for hearing before the City Council, at its July 22, 2019 meeting, and subsequently deliberated upon, at its August 12, 2019, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Administrator in Subdivision and Class 1 Adjustment Case No. SUB-ADJ19-02, and approving the application.

PROCEDURAL FINDINGS:

- (a)** On December 31, 2018, Project Delivery Group, on behalf of Thomas Kay Co (Thomas Kay & Gail B. Jones), filed an application for a Tentative Subdivision Plan to divide an 8 acre into 34 single family lots, located at the 575 Salem Heights Avenue S - 97302.
- (b)** On June 6, 2019, the Planning Administrator issued a decision approving the consolidated Tentative Subdivision and Class 1 adjustment subject to conditions of approval.
- (c)** On June 21, 2019, two appeals (Ron Eachus and Nathan Rietmann) were received by the Planning Division.
- (d)** On June 24, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for July 22, 2019.
- (e)** On July 22, 2019, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing and leave the record open.
- (f)** The record was held open for any party to submit additional testimony and evidence for seven days (July 29, 2019); for persons to submit testimony to rebut the new testimony that was submitted in the prior seven days, by August 5, 2019; and for the applicant to provide final written argument by August 12, 2019.
- (g)** On August 12, 2019, the City Council conducted deliberations and voted to affirm the Planning Administrator's decision to approve the applications subject to conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.

(h) The new 120-day State mandated deadline for final decision is October 11, 2019.

SUBSTANTIVE FINDINGS:

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

- (a) The Tentative Subdivision and Class 1 Adjustment applications to develop an 8 acres into 34 single family lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.005 and 250.005(d)(2).
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- (c) The City Council therefore APPROVES the consolidated application subject to conditions of approval from the June 6, 2019 decision of the Planning Administrator.

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

Section 1. The Planning Administrator's decision for Subdivision and Class 1 Adjustment Case No. SUB-ADJ19-02 is hereby modified to include the findings and facts in exhibit 1, and the following conditions of approval:

- 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 Trees 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 listed 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.

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

Exhibit 1: Findings for SUB-ADJ19-02

ADOPTED by the City Council this 26th day of August, 2019.

ATTEST:

City Recorder

Checked by: Olivia Glantz