

FACTS & FINDINGS

SUBDIVISION CASE NO. SUB19-06

November 25, 2019

PROCEDURAL FINDINGS

On May 14, 2019, an application for a Tentative Subdivision Review was submitted to the Planning Division. On August 8, 2019, the application was deemed complete after submission of additional requested materials. On September 20, 2019, the Planning Administrator issued a decision approving the tentative subdivision.

On October 14, 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 November 12, 2019.

On October 22, 2019, notice of the hearing was sent to the South Gateway Neighborhood Association, surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on October 29, 2019.

On November 12, 2019, City Council held a public hearing, no written and oral testimony and evidence was received. A motion was passed to close the public hearing. The City Council conducted deliberations and voted to affirm the decision of the Planning Administrator, approving the application subject to conditions of approval in the September 20, 2019 decision.

The 120-day State mandated deadline for final decision is December 6, 2019.

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is "Developing 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 RA (Residential Agriculture). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	(Across Landau Street SE); RS (Single Family Residential)
South	Outside City Limits; UT-10 (Urban Transitional – 10-acre min)
East	(Across Battle Creek Road SE); RS (Single Family Residential) and RA (Residential Agriculture)
West	Outside City Limits; UT-10 (Urban Transitional – 10 acre min)

3. City Department Comments

- A. **Salem Fire Department.** The Salem Fire Department submitted comments noting that Landau Street provides the two required means of Fire Department access. Landau Street cannot be closed prior to the future Soapstone Avenue connection. Fire hydrants are required to be provided within 600 feet of all portions of the structures (as measured along an approved path). It appears there are proper Fire Department turnarounds for the proposed phases.
- 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.

4. Public Agency and Private Service Provider Comments

- A. **Salem-Keizer School District.** Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that insufficient school capacity exists at the elementary, middle school and high school levels to serve future development. The school district indicated that the subject property is outside of the “walk zone” of the assigned middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools but is within the walk zone for the elementary school.

5. Neighborhood Association Comments and Public Comments

The subject property is within the South Gateway Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” South Gateway Neighborhood Association did not provide comments prior to the comment period ending.

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. No comments or testimony was received after the Planning Administrator’s September 20, 2019 decision.

Comments from 20 property owners within the vicinity of the subject property, and members of the public at large were submitted prior to the close of the public comment period deadline before the September 20, 2019 Planning Administrator's decision. Concerns and opposition received can be summarized into the following main categories:

A. **Safety of Landau Street.** The majority of the comments submitted express concern about the safety of Landau Street and the impact of adding traffic from 93 additional lots onto a narrow and under-improved street that is already heavily trafficked by vehicles. Specific concerns raised relating to vehicular, bike, and pedestrian safety on Landau Street include the following:

- Narrowness of roadway;
- Lack of sidewalks and bike lanes;
- Poor visibility at the crest of the steep hill and increase in grade; and

Comments received expressed the need for sidewalks on both sides of Battle Creek Road, Landau Street as well as traffic calming measures, such as speed bumps, to slow vehicle traffic.

Finding: The improvements to Landau Street and Battle Creek Road sufficiently mitigate transportation impacts caused by the development. Additional traffic calming measures are not recommended at this time but may be proposed at a later time if traffic patterns and development warranting such measures.

Improvement of 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.

B. **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;
- Traffic from an additional 93 lots will make traffic much heavier in an area that is already over-used daily.
- Narrow Streets, existing Soapstone Street is narrow and unsafe
- Soapstone Street Should not be connected to Battle Creek or proposed Subdivision.
- Continues Sidewalks from Kuebler Blvd to Soapstone Street, along Battle Creek Road.

Finding: 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 Landau Street and the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will align with existing streets which will eventually 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.

- C. Closing Landau Street:** Comments submitted that Landau Street should not be closed, since traffic will filter through the existing neighborhood using Soapstone. The connection to Soapstone Avenue should not be connected. Traffic will use Soapstone as a cut-through and will be unsafe for the existing neighborhood.

Finding: The Assistant City Traffic Engineer provided comments addressing the above concerns. In summary, the City will not consider closing Landau Street SE until Fabry Rd SE is extended between Reed Lane SE and Battle Creek Road SE and after a connection between Mossy Ridge subdivision and Landau Heights subdivision is constructed. The connection to Soapstone Avenue SE is a requirement to ensure that residential streets provide complete connectivity to ensure pedestrian, bicycle, vehicular, and emergency services can easily reach adjacent neighborhoods. The designation of Soapstone Avenue SE as a local street will not change. Local street standards include a 30-foot-wide improvement with parking allowed on both sides of the street. When vehicles are parked on both sides of a local street, vehicles approaching from opposite directions must slow in order to safely pass. This is the desired effect in a residential neighborhood.

- D. School Overcrowding:** Comments were submitted that the additional lots will create overcrowding in the schools.

Finding: The Salem Keizer Public Schools has reviewed the proposal and provided a memo dated August 20, 2019, which is included in the attachments, outlining the impact of the proposed development on the Salem-Keizer School District.

- E. Adequate Notice:** Comments received express concern about adequate notice to affected residents.

Finding: Notice to surrounding property owners and South Gateway Neighborhood Association was mailed pursuant to Salem Revised Code on August 9, 2019. The subject property was posted pursuant to Salem Revised Code on August 12, 2019.

The South Gateway Neighborhood Association was notified on May 30th, 2019 that an application was received, and application materials were provided on June 3, 2019.

- F. 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.

Finding: In regard 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.

Regarding 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 regard to the property being developed as a park, the subject property is located within the Urban Service Area, so no Urban Growth Preliminary Declaration is required. As a result, no new neighborhood parks are warranted in conjunction with the proposed development.

6. Criteria for Granting a Tentative Subdivision

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to Planning Administrator signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the City Council's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

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SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 19-acre property into 93 lots and a public facility for stormwater treatment, with no remainder. The subject property is currently zoned RA (Residential Agriculture). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double frontage lots)	120 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 5,000 square feet to 11,610 square feet in size. Nine proposed lots are double frontage lots; each of these lots meets the minimum 120-foot lot depth set forth in SRC Chapter 511, Table 511-2. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')

- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Twenty of the proposed lots in the phased subdivision are corner lots. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant. Several of the corner lots do not meet lot standards for each frontage. To ensure the lots meet the standards the lots listed below and their front property lines are conditioned. As a condition of approval the front lot lines on lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 shall be as listed below:

Condition 1: The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North
Lot 42	South
Lot 53	North
Lot 54	East

Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North
Lot 69	North
Lot 82	South
Lot 83	South

Double frontage lots have frontage on two streets that do not intersect at the lot's boundaries. Four lots at the east boundary of the subject property, along Battle Creek Road SE, are double frontage lots. The applicant has identified a future street abutting the west property line. Those lots abutting the west property line are proposed to meet the standards for a double frontage lot. As described in findings above, each of the proposed double frontage lots meets the applicable minimum lot depth for double frontage lots in the RS (Single Family Residential) zone. Those lots abutting Battle Creek Road SE will not have access to the existing minor arterial and will be required to access to the local street.

As conditioned, the proposal conforms to the requirements of SRC Chapter 800.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that 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.

Pursuant to SRC 71.085, all proposed lots shall be designed and constructed with green stormwater infrastructure. In order to ensure that the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

Condition 2: Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area

(UGA) Development Permit must be obtained prior to subdivision of property outside of the Salem Urban Service Area. The subject property is located inside the Urban Service Area. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. The subject property is located within the Urban Service Area, except for a small easterly portion above elevation 499 in the S-3 water service level. The applicant is proposing to lower the elevation of the properties in the S-3 water service level so that they can be served from S-2 level facilities. Therefore, no UGA Preliminary Declaration is needed because the proposed development does not precede construction of required facilities.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated September 20, 2019 (**Attachment E**).

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. The Schematic Utility Plan included in the proposal shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

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

SRC 803.015 (Traffic Impact Analysis): Because the proposed phased subdivision is projected to generate less than 1,000 daily trips onto Battle Creek Road SE, a Minor Arterial street, but more than 200 daily trips to Landau Street the applicant is required to perform a Traffic Impact Analysis (TIA) pursuant to subsection (b)(1). The applicant submitted a Traffic Impact Analysis, prepared by Southern Oregon Transportation Engineering, LLC and dated April 28, 2019.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): The applicant is required to convey land for right-of-way along Landau Street SE and Battle Creek Road SE.

Finding: Both Battle Creek Road SE and Landau Street SE abut the subject property and do not meet the current right-of-way or improvement width standards for a Minor Arterial and Local street, respectfully. In implementing boundary street requirements pursuant to SRC 803.040, conditions below require the applicant to dedicate additional right-of-way and convey 36-feet from centerline of Battle Creek Road and construct a minimum of 23-foot wide half street improvement and convey 30-feet from centerline of Landau Street with an improvement for 27-foot-wide three-quarter street improvement. The street section along Landau Street has been approved for an alternative street design to preserve existing street trees.

Condition 3: The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.

Condition 4: The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.

As conditioned, the proposal meets this requirement.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

Finding: Due to steep topography and existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. The applicant is proposing 640-feet between streets, which is needed to make the grade needed at the intersections within in subdivision. The steep topography and street locations will meet the exemption of SRC 803.030(b)(1) to exceed the 600-foot intervals.

SRC 803.035 (Street Standards): Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property.

Finding: The proposed street system provides logical connections to abutting properties and neighborhoods to the south, west and east. The proposal complies with the requirements of subsection (a).

Due to steep topography and existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. The applicant is proposing 640-feet between streets, which is needed to make the grade needed at the intersections within in subdivision. The steep topography and street locations will meet the exemption of SRC 803.035(a)(1) to exceed the 600-foot intervals.

Subsection (l) requires sidewalks to be constructed parallel to and one foot from the adjacent right-of-way and the construction of sidewalks as part of street improvement projects.

The tentative subdivision plat shows property line sidewalks, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for

single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comment from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 5: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.

SRC 803.040 (Boundary Streets): Landau Street SE and Battle Creek Street SE are boundary streets, running along the entire northern and eastern frontage of the subject property.

Finding: Landau Street SE and Battle Creek Road SE abuts the subject property and does not meet the current right-of-way or improvement width standards for a local street and minor arterial, respectively. Following dedication of adequate right-of-way, half-street improvements along this frontage can be constructed in conformance with the subdivision phasing proposed by the applicant.

As conditioned, the proposal conforms to applicable boundary street requirements.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP19-12) was submitted in conjunction with the phased subdivision tentative plan. TCP19-12 identifies 83 trees on the subject property, with 8 trees proposed for removal. Trees proposed for removal are located within presumed building envelopes, street rights-of-way, and utility easements. As described in the applicant's written statement, the topography of the subject property requires grading in several areas to provide adequate home sites and streets. The extent of required grading will necessitate removal of certain additional trees on the subject property.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are areas on the subject property assigned three landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of six points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment, prepared by GeoEngineers and dated June 26, 2019, was submitted to the City of Salem. This assessment demonstrates that the site could be subdivided and developed without increasing the potential for slope hazards on the site or adjacent properties.

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

Finding: Water and sewer infrastructure is available along the perimeter of the site. Developments are required to extend public utility services to serve upstream

and neighboring properties; the tentative utility plan appears to meet that requirement. The Water System Master Plan shows that a 12-inch water main is required through the subject property from Landau Street SE to the south line of the proposed development. The applicant shall be required to extend a 12-inch water main from Landau Street SE to the south line of the subject property.

A small area at the highest elevations of the subject property is located within the S-3 water service level. The applicant's grading plan shows that the property will be regraded to lower the highest elevations to the S-2 water service level, which serves to a maximum first floor elevation of 499 feet. Because no S-3 water mains are proposed to serve the proposed development, the lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

The nearest available sewer main is in Battle Creek Road SE approximately 600 feet north of Landau Street SE. The applicant shall be required to construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE.

Condition 6: The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.

Condition 7: Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.

Condition 8: The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.

Conditions of approval require construction of water and sewer systems to serve each lot, an engineered stormwater design to accommodate future impervious surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

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.

The proposal meets this criterion.

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

Finding: The applicant is required to dedicate right-of-way and construct half-street improvements on the Battle Creek Road SE frontage consistent with TSP standards for a Minor Arterial street and construct a three-quarter improvement on Landau Street SE frontage consistent with TSP standards for a Local street.

As described in findings above, due to topographic constraints the proposed subdivision is precluded from meeting the 600-foot intervals for block length on the south side between Hailey Street SE and Maize Street SE. Other internal streets will meet the Local Street standard with 60-foot-wide rights-of-way and 30-foot-wide improvements. The TSP Bicycle Map does not propose additional bike lanes within or adjacent to the subject property.

As proposed and conditioned, the internal street extensions serving the subdivision conform to the TSP. The proposal meets this criterion.

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

Finding: Conditions above implement required boundary street improvements along the abutting portions of Battle Creek Road SE and Landau Street SE.

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

The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

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

- Lee Elementary School, a public school, is approximately 630-feet to the east.
- Robert and Susie Lee School Park, a 3.8-acre public park located at 5650 Venice Ave SE, approximately 1,000 feet east of the subject property.
- No bus stops or routes within the general vicinity.

The proposed subdivision is accessed by an existing collector street and the extension of a local street into the subject property. The subject property will provide internal streets with safe and convenient bicycle and pedestrian access, and provide boundary street improvements connecting northward to existing bicycle and pedestrian facilities on Lone Oak Road.

The proposal meets this criterion.

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

Finding: The City Council finds that the Assistant City Traffic Engineer has reviewed the applicant's Traffic Impact Analysis, as prepared by Southern Oregon Transportation Engineering, LLC and dated April 28, 2019 and has determined that the findings listed in the Executive Summary of the analysis are valid. The analysis summarizes that no operational mitigations are necessary with the completion of the proposed development.

The proposal meets this criterion.

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. Limiting factors include steep slopes, the extension of Soapstone Avenue, abutting residential developments, and the City Limits just to the south of the subject property.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with the adjustments for maximum street grade as requested. No existing conditions of topography or vegetation have been identified on the site which would necessitate further variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

SRC 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, the shift from the east-west oriented block pattern of developments to the east to a north-south block orientation within

the proposed subdivision allows streets and lot configuration to align more closely with the slope across the subject property.

The proposal meets this criterion.

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 Urban Service Area, except for a small easterly portion above elevation 499 in the S-3 water service level. The applicant is proposing to lower the elevation of the properties in the S-3 water service level so that they can be served from S-2 level facilities. Therefore, no UGA Preliminary Declaration is needed because the proposed development does not precede construction of required facilities.

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Finding: The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from Phase 1 and Phase 2 in a logical and efficient manner.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Finding: The proposed phasing boundary, as shown on the proposed utility plan, provides for Phase 1 to function as a standalone subdivision, while retaining logical connections to future development of Phase 2.

SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.

Finding: The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure from Phase 1 to Phase 2. Because there are only two phases proposed, a design which supports the orderly and efficient extension of utilities to Phase 2 effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

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

CONCLUSION

Based upon review of SRC 205.005, the findings presented herein the tentative subdivision plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

That Subdivision Case No. 19-06, which includes the following request:

1. A phased subdivision tentative plan to divide approximately 29 acres into 110 lots, with Phase 1 dividing approximately seven acres into 35 lots, Phase 2 dividing approximately six acres into 31 lots, Phase 3 dividing approximately six acres into 27 lots.

On property zoned RA (Residential Agriculture), and located at 5800 Block Battle Creek Road SE and the southwest corner of Battle Creek Road SE and Landau Street SE (Marion County Assessor Map and Tax Lot Number: 083W13C / 02001), shall be GRANTED as follows:

- A. The phased subdivision tentative plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Condition 1: The designated front lot line for lots 1, 7, 12, 13, 19, 20, 29, 41, 42, 53, 54, 57, 58, 60, 68, 69, 82 and 83 are as follows:

Lot Number	Front Lot Line
Lot 1	West
Lot 7	North
Lot 12	North
Lot 13	North
Lot 19	South
Lot 20	South
Lot 29	South
Lot 34	North
Lot 35	North
Lot 41	North
Lot 42	South
Lot 53	North
Lot 54	East
Lot 57	East
Lot 58	South
Lot 60	North
Lot 68	North

Lot 69	North
Lot 82	South
Lot 83	South

- Condition 2:** Provide an engineered stormwater design to accommodate future impervious surface on all proposed lots.
- Condition 3:** The applicant shall convey right of way to equal 36 feet from centerline and construct a minimum 23-foot-wide half street improvement to Minor Arterial standards along the entire frontage of Battle Creek Road.
- Condition 4:** The applicant shall convey right of way to equal 30 feet from centerline and construct a minimum 27-foot-wide three-quarter street improvement to Local street standards, except for minor modifications as needed to avoid existing trees along the entire frontage of Landau Street. The intersection angle at the intersection of Battle Creek Road SE and Landau Street SE shall be modified to meet PWDS.
- Condition 5:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 6:** The applicant shall extend a 12-inch water main from Landau Street SE to the south line of the subject property.
- Condition 7:** Construct a minimum 8-inch sewer main to serve the proposed development from the existing main located in Battle Creek Road SE approximately 600 feet north of Landau Street SE.
- Condition 8:** The lowest floor of any dwelling constructed within the subdivision shall have a maximum elevation of 499 feet.