



COMMUNITY DEVELOPMENT DEPARTMENT

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November 20, 2018

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.

**NOTICE OF FINAL LAND USE DECISION Subdivision / Urban Growth Preliminary Declaration Case
No. SUB-UGA18-01 for Property located at 1395 Boone
Road SE - 97306**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Order No. 2018-10 at their November 13, 2018 session, adopting findings and modifying the Administrative decision. A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after November 20, 2018**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie, AICP
Planning Administrator

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

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

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

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

PROCEDURAL FINDINGS:

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

SUBSTANTIVE FINDINGS:

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

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

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

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

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

Tentative Subdivision Plan:

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

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

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

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

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

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

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

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

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

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

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

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

Urban Growth Preliminary Declaration:

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

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

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

Exhibit 1: Findings for SUB-UGA 18-01

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

ATTEST.

City Recorder

A handwritten signature in black ink, appearing to read "David St. Martin", is written over the "ATTEST." and "City Recorder" text.

Checked by: Olivia Glantz

Criteria and Findings for Proposed Subdivision and Urban Growth Preliminary Declaration for an approximately 4.82-acre site at 1395 Boone Road to create 20 single family lots.

DECISION

The tentative subdivision plan and Urban Growth Preliminary Declaration are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of the Urban Growth Preliminary Declaration approval:

PROCEDURAL FINDINGS

1. On February 26, 2018 Multi-Tech Engineering attended a pre-application conference with City staff to discuss a proposed subdivision on the subject property. They were informed that their tentative lay out would not meet connectivity standards and that a stub street to the east would be required.
2. On May 7, 2018, Brandie Dalton of Multi-Tech Engineering, on behalf of Baylan Construction, filed an application for a Tentative Subdivision Plan proposing to divide a 4.82 acre property at 1395 Boone Road SE (Attachment B) into 20 lots.
3. After the applicant submitted additional required information, the applicant requested their application be deemed complete for processing on July 18, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on July 19, 2018.
4. On August 29, 2018, the Planning Administrator issued a decision denying the tentative subdivision and approving the Urban Growth Preliminary Declaration Permit.
5. On September 5, 2018, the applicant filed a timely appeal of the decision.
6. On September 10, 2018, 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 is scheduled for October 8, 2018.
7. On September 11, 2018, the applicant withdrew their appeal after the City Council initiated Council review.
8. On September 18, 2018, notice of the hearing was sent to the Morningside Neighborhood Association, and surrounding property owners pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on September 24, 2018.
9. On October 8, 2018, City Council held a public hearing, took public testimony and continued the hearing to October 22, 2018.
10. The original state-mandated local decision deadline is November 15, 2018. The applicant has granted a 30-day extension to the state-mandated local decision deadline.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE TENTATIVE SUBDIVISION AND URBAN GROWTH PRELIMINARY DECLARATION

Site and Vicinity

The subject property consists of two adjoining tax lots (Tax Lots 2900 and 3000), which slope downward to the east. The topography of the subject property ranges from 406 feet above sea level to 422 feet above sea level. Environmental resource and natural hazard maps show no areas of wetlands or floodplains on the subject property.

The Cambridge Meadows Phase V subdivision forms the northeast boundary of the subject property, an undeveloped residential parcel forms the southeast boundary, a partially developed residential care facility bounds the western boundary, and an undeveloped residential property to the north and Boone Road SE forms the southern boundary of the site.

The existing single family dwelling was constructed in 1952, and a detached garage was added in 1971, according to county assessor information. The tentative subdivision plan shows that there is an attached garage and an outbuilding on the property. The outbuilding on the tentative site plan does not meet setbacks to the future street and the applicant has not shown how the dwelling will provide required off-street parking pursuant to SRC Chapter 806.

The property is within the "Horizontal Surface" section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

Salem Area Comprehensive Plan (SACP) Designation

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

Comprehensive Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

- | | |
|--------|--|
| North: | Single Family Residential |
| South: | (Across Boone Road SE) Single Family Residential |
| East: | Single Family Residential |
| West: | Multi-Family Residential |

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is occupied by a single family residence. The surrounding properties are zoned and used as follows:

- North: RS (Residential Agriculture); vacant
- South: (Across Boone Road SE) RS (Single Family Residential); single family dwellings
- East: RS (Single Family Residential); vacant
- West: RM-II (Multiple Family Residential); Retirement Center

Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. The applicant has applied for an Urban Growth Preliminary Declaration Permit, findings can be found below in Section 8.

Infrastructure

- Water:* The subject property is located within the S-2 water service level.
- An existing 20-inch public water line is located in Boone Road SE. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.
- An 8-inch water main is located in Brewster Avenue SE. Mains of this size generally convey flows of 500 to 1,000 gallons per minute.
- Sewer:* An existing 8-inch public sewer line is located within a city easement running east to west through the subject property
- An 8-inch sewer line is located in Boone Road SE.
- A reimbursement district fee for the Micah Subdivision is applicable for properties that connect to the sewer main in Boone Road SE. The applicant's tentative utility plan does not show connection to the Boone Road Sewer.
- Storm Drainage:* A 15-inch storm line is located within a city easement running east to west through the subject property.
- The subject property is within the Pringle Creek Drainage Basin.

- Streets:** Boone Road SE currently abuts the subject property along the southern boundary. This segment of Boone Road SE is designated as a Local street in the Salem Transportation System Plan (TSP).
- The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.
 - The abutting portion of Boone Road SE currently has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way.

1. Land Use History

CPC01-07: Comprehensive Plan Designation from Multi-Family to Single Family Residential.

2. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment D.

Fire Department - The Salem Fire Department submitted comments indicating no concerns at this time, but that fire code requirements will be implemented at the time of building permit review.

3. Neighborhood Association Comments

The subject property is within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." No comments were received from the Morningside Neighborhood Association prior to the comment deadline.

4. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Four property owners in the vicinity of the site submitted comments prior to or at the public hearing, which are summarized below:

Impede future development or connection to existing neighborhood:

Comments were received concerning external access to undeveloped properties. In addition, with the new connection to Boone Road and Brewster Avenue the existing neighborhood will become a short-cut to Battle Creek Road. Additional comments were

received about the dangerous conditions of Boone Road SE, and lack of sidewalks which endangers pedestrians.

Staff Response: The proposed alignment of streets within the subdivision does not result in any street spacing in excess of the maximum lengths. The tentative subdivision is required to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The northern 300-feet of the eastern property line abuts a platted residential subdivision and the southern 350-feet of the eastern property line abuts an undeveloped property zoned residential. The western property line abuts a multifamily development, to the north is a vacant residentially zone land and Boone Road SE abuts the southern property line. The proposed subdivision plan provides internal street connectivity by extending Brewster Avenue SE from the existing termini across the interior of the subject property to a future street connecting to Boone Road SE and provides connection to the undeveloped property to the north of the subject property.

At this time, the abutting property to the east remains undeveloped. The tentative subdivision plan does not provide connections to future development of this property, the connection to the vacant property to the east would be required for connection to the street system. Pursuant to SRC 803.035(a), connections to the existing or planned streets and adjoining undeveloped properties shall be provided at no greater than 600-foot intervals. Providing connection to Brewer Street SE and the vacant property to the east would meet the standard of less than 600-foot intervals. If the connection the east is made, these street connections could be approximately 200 feet apart, ensuring that properties to the east can be developed in the future and also meet the 600-foot maximum block length set forth in SRC 803.030(a).

Validity of approval:

Comments were received concerning how long the approval, if granted, would be valid.

Staff Response: In accordance with SRC Chapter 205.010(e), tentative subdivision plan approval shall expire after two years, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850.

In accordance with SRC Chapter 200.025(g), If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and his or her successors in interests shall be bound to complete all terms and conditions of the permit.

If the tentative subdivision plan is denied, the Preliminary Declaration would be issued independently and would remain valid for a period of four years following the effective date of the decision.

5. Criteria for Granting a Tentative Subdivision

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

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

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

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

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The existing single family dwelling will remain on the subject property, on Lot 9. The applicant's site plan shows the footprint of the existing residence, demonstrating that its location will continue to meet all applicable setback standards once the lot boundaries are recorded. The existing detached garage is located within the proposed right-of-way (Street A). As originally proposed, the dwelling on Lot 9 would not meet the standards for minimum off-street parking in the RS (Single Family Residential) zone. The applicant is proposing to relocate the existing garage to meet setbacks and provide off-street parking. The applicant provided evidence at the hearing that the existing garage will be relocated to meet setback of proposed lot 9, but has not indicated how the driveway will have access to a public street.

Parking Requirements: SRC Chapter 806 establishes parking standards for single family dwellings:

All single family uses are required to have a minimum of two off-street parking spaces, those parking spaces shall be developed pursuant to SRC 806.025. The existing dwelling is proposing to remain on Lot 9 with the existing garage and driveway shown in the proposed right-of-way. The applicant is proposing to relocate the existing garage to meet setbacks and provide off-street parking. Parking in the front yard can be located within a garage, carport, or on a driveway leading to any of the previous or leading to an screened off-street parking area. The applicant provided evidence at the hearing that the existing garage will be relocated to meet setback of proposed lot 9, but has not indicated how the driveway will have access to a public street. As conditioned below to ensure compliance with SRC 806.030, the application meets the criterion.

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

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

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

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to

tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. 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. In order to ensure that green stormwater infrastructure is implemented, the following condition shall apply:

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

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

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located outside of the Urban Service Area and the applicant has applied for a UGA Permit, which is addressed below in Section 8.

SRC Chapter 602 (Airport Overlay Zone):

The property is within the "Horizontal Surface" section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. The maximum height within the RS (Single Family Residential) zoning district is 35 feet. The Salem Airport elevation is 210 feet above sea level. The highest elevation on the subject property is 422 feet, which exceeds 150 foot elevation limit within the "Horizontal Surface" section of the airport. Pursuant to SRC 602.025, a Airport overlay zone height variance is required to erect or increase the height in excess of the height limitations listed above. Since any structure would exceed the allowable elevation in the "Horizontal Surface", the following condition is required.

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

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter and through 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 October 11, 2018 (Attachment D).

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. 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). The conceptual water and sewer plan included in the application shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The relocation of existing utilities into the public right-of-way shall include obtaining City approval to quitclaim the easements over abandoned mains.

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.

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

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

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

SRC 803.015 (Traffic Impact Analysis): The proposed 20-lot subdivision generates less than 200 average daily vehicle trips to Boone Road SE, a local road. Therefore, a TIA is not required as part of the proposed subdivision submittal.

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

SRC 803.025 (Right-of-Way and Pavement Widths): Boone Road SE abuts the southern boundary of the subject property and does not meet the minimum right-of-way width or improvement width for a local street. In implementing boundary street requirements pursuant to SRC 803.040, Condition 8 requires the applicant to dedicate equal 30 feet from centerline along the frontage of Boone Road and construct three quarter street improvement along the frontage along the south boundary of the site with sidewalks parallel to and one foot from the adjacent right-of-way.

SRC 803.030 (Street Spacing): The subject property consists of two contiguous tax lots forming a 4.82 acre site that is bordered by vacant land to the north, west, and east. With the configuration of the subdivision, the block lengths between Boone Road SE and Brewer Road SE are less than the 600-foot maximum established in subsection (a). However, local streets shall be connected to adjoining undeveloped properties for

eventual connection to the street system. The proposal does not provide connection to the undeveloped property to the east, which would preclude connectivity for the property to the east. The applicant's findings state that the maximum block length is 600 feet and that the length of the blocks was taken into consideration at the time of design and with the proposed 540 foot block length, other street connections are not required or necessary. Based on the existing development pattern in the vicinity, the proposed subdivision is not precluded from making connections to adjacent properties due to physical conditions or existing development that would make the connection unfeasible, and would meet the requirement under SRC 803.030(a) with an additional connection to the east. Due to the lack of connectivity to the undeveloped property to the east, the proposal does not meet the connectivity under SRC 803.035(a). The applicant provided supplemental findings and a condition to provide a pedestrian pathway to the property to the east instead of a street. The applicant findings discuss the small size of the neighboring property and the loss of lots on the subject property with requiring a street connection. The pedestrian pathway will provide for connectivity for residents walking and biking through the neighborhood which will eventually connect to Hilfiker Park. Providing a pedestrian connection between Lots 16 and 17 to the undeveloped property to the east will meet the criteria. As conditioned below, the application will meet SRC 803.035(a).

SRC 803.035 (Street Standards): The proposed alignment of streets within the subdivision does not result in any street spacing in excess of the maximum lengths established in subsection (a). Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The northern 300-feet of the eastern property line abuts a platted residential subdivision and the southern 350-feet of the eastern property line abuts an undeveloped property zoned residential. The western property line abuts a multifamily development, to the north is a vacant residentially zone land and Boone Road SE abuts the southern property line. The proposed subdivision plan provides internal street connectivity by extending Brewster Avenue SE from the existing termini across the interior of the subject property to a future street connecting to Boone Road SE and the undeveloped property to the north; these internal streets in turn provide several points of connection to these existing boundary streets and the surrounding street network.

At this time, abutting property to the east remains undeveloped. The applicants revised tentative subdivision plan provides a shared-use path connection to future development of the property. With the shared-path connection to the east, as conditioned below, the application will meet SRC 803.035(a) and SRC 803.030(a).

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

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

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

Subsection (l) requires construction of sidewalks as part of street improvement projects. 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.

Since the existing dwelling will remain on Lot 9, the construction of a home will not require frontage improvements, therefore the following condition is necessary:

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

Subsection (l) also allows for an exception to sidewalk location if topography or other conditions make the construction of sidewalks impossible or undesirable in a location. The applicant is required to provide property line sidewalks throughout the subdivision. The plans show, near the stub to the northern property, the sidewalk on the east side of the proposed street deviating from property line sidewalks to retain a significant white oak tree. In order to save the existing 24" Oregon White Oak tree located in the right-of-way abutting lot 11 staff finds that SRC 803.035(l)(2)(B) is met.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Portland General Electric, the franchise utility provider of electricity for the subject property, typically requests 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 12: Dedicate a 10-foot public utility easement (PUE) along the frontage of all internal street.

As conditioned, the proposal conforms to applicable street standards.

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

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

Finding: The proposed subdivision would divide a 4.82-acre property into 20 lots and rights-of-way for boundary and internal streets. Access to lots within the proposed subdivision is provided by new internal streets and improved boundary streets. The

subject property abuts a vacant property to the north and east, an existing residential subdivision to the northeast and vacant multi-family property to the west.

The applicant has provided a revised tentative subdivision plan with a shared-use path connection to the residential property to the east but not to the vacant multi-family land to the west. Pursuant to SRC Chapter 803.035(a), connections to the existing or planned streets and adjoining undeveloped properties shall be provided at no greater than 600-foot intervals. The applicant provides findings that the street connection to Brewster Avenue SE is less than 600-feet from Boone Road, which does not required an additional full street connection to the vacant property to the east.

Providing a shared-use path connection to the undeveloped property to the east would allow future pedestrians to have direct access to the north (ultimately Hilfiker Park) as the properties develop north of the subject site. The planned subdivision layout and improvements will provide street connectivity and utility infrastructure supportive of potential future development on adjacent land. As conditioned above providing a shared-use path connection between lots 16 and 17 would allow the neighboring property to connect and therefore not ensuring a cul-de-sac development to the east.

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

Finding: The subject property is located outside of the designated Urban Service Area, surrounding developments have brought water and sewer infrastructure to the perimeter of the site. Comments from the Public Works Department indicate that this infrastructure appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The relocation of existing utilities into the public right-of-way shall include obtaining City approval to quitclaim the easements over abandoned mains.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is not served by a park facility. The Salem Comprehensive Parks System Master plan indicates the subject property is within the serve area for future Neighborhood Park NP-8. The Urban Growth Preliminary Declaration (UGA Permit) conditions the subject property to convey or acquire a two acre neighborhood park or pay a temporary access fee. As conditioned by the UGA permit, the subject property will be served by a park.

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.

As conditioned above, 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: Boone Road SE abuts the subject property and does not meet the current standard for local streets. As identified in the conditions of approval above, the applicant is required to dedicate right-of-way and construct three quarter street improvement, along the entire frontage of the subject property on Boone Road SE. In addition, a condition of approval is required to provide a shared-use path stub the easterly undeveloped property between proposed lots 16 and 17. The project includes the extension of Brewer Street SE from the east, but does not include a connection to the undeveloped property to the east.. A connection located in the vicinity of lots 16 and 17 would be required to meet the criteria. The connectivity is needed to provide efficient circulation for the future development of the adjacent parcels.

The proposal does not meet 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: The abutting portions of Boone Road SE is designated as a local street and is currently substandard. The applicant is proposing internal circulation which would be provided by extensions of Brewer Avenue SE, but would not provide for circulation to the undeveloped property to the east or west of the subject property.

The existing dwelling does not have access to the existing garage, no easements have been proposed for access. The applicant has not provided adequate evidence that the existing dwelling will have sufficient access to what is shown as an existing garage on the west side of the proposed lot.

The revised tentative subdivision plan does provide a shared-use path connection to the undeveloped property to the east. The abutting portion of Boone Road is designated as a local street although west of Liberty and east of Reed Road, Boone Road is designated a Collector Street. Boone Road does carry traffic east and west for those who are avoiding Kuebler Blvd. As proposed with the shared-use path, pedestrians will be safer walking through a neighborhood than having to travel out to Boone Road before heading north to the City Park, school or commercial amenities.

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 one neighborhood activity centers:

- Hilfiker Park, a 5-acre neighborhood park is located approximately 1,700 feet north of the closest lots within the proposed subdivision, at 1350 Hilfiker Lane SE.
- A major shopping center on Commercial Street SE, including Firehouse crossing and other commercial centers anchored by major retailers such as Winco and Trader Joes.

The nearest transit service available to the subject property at the corner of Commercial Street SE and Boone Road SE, by way of Salem Keizer Transit's Route 21 bus line. Direct and continuous sidewalk access is available between the subject property and Woodmansee (which is greater than ½ mile from the subdivision), via existing streets and sidewalks. The proposed subdivision does not have direct access to Hilfiker Park currently, as the vacant land to the north of the subdivision develops sidewalk access will be developed. As a condition of the UGA Permit the applicant is required to pay a temporary access fee for park services or acquire/dedicate a neighborhood park to serve the proposed subdivision.

The applicant provided testimony at the previous hearing that the Hilfiker Park Master Plan (April 2017) indicates the subject property within the service area. This plan was created to describe appropriate recreation amenities and uses for the park that reflects local preferences, and unique aspects of the park location. The document is conceptual and provides guidance for the future development. When determining service areas for parks and if a property is served by a park, the Comprehensive Plan (Comprehensive Park System Master Plan) is consulted. The Comprehensive Plan (Comprehensive Park System Master Plan) reviews access barriers to neighborhood parks when determining the service area for each park. The condition below on the UGA Permit is based on the service area in the City of Salem Comprehensive Plan.

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

The proposal meets this criterion.

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

Finding: The Public Works Department has reviewed the proposal and finds that the 36-lot subdivision will generate less than 200 average daily vehicle trips to Boone Road

SE, designated in the Transportation System Plan as a Local Street. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

SRC 200.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The northern portion of the subject property has some elevation gain and is generally flat where the proposed home sites are located. The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP18-01). There are 148 trees on the subject property. The 110 trees are proposed for removal are generally within the footprint of building envelopes, the proposed streets, or close to building envelopes in areas with a high risk of damage during future construction. The applicant is proposing to remove eight Significant Oregon White oak trees from the subject property.

SRC 200.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The tentative subdivision plan configures lots and streets to allow single family residential development of the site while minimizing disruptions to topography and vegetation. As shown on the Tentative Subdivision Plan, future lots will meet or exceed minimum dimensional standards for the RS zone, have adequate frontages on public roads or flag lot accessways, and be sized to allow for future residential uses allowed in the RS zone. The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP18-01). The applicant has proposed to retain 38 of 148 trees on the subject property, or approximately 26% of the trees on the subject property. The Tree Conservation Plan primarily retains trees near the northwest perimeter.

SRC 200.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located outside of the Urban Service Area. To assure that major public facilities such as sewers, water, and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program, an Urban Growth Preliminary Declaration is required prior to development of the subject

property. An application for an Urban Growth Preliminary Declaration is included as part of this consolidated application. The Urban Growth Preliminary Declaration has been reviewed and is conditioned in Section 8 below.

6. Urban Growth Area Preliminary Declaration

The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Preliminary Declaration must be obtained prior to development of property outside the Salem Urban Service Area. An application for an Urban Growth Preliminary Declaration is included as part of this consolidated application. The Urban Growth Preliminary Declaration addresses only those facility requirements necessary to link the development to adequate facilities and boundary requirements abutting the property. All internal facility improvement requirements are addressed under approval criteria for the proposed tentative subdivision plan.

Consistent with SRC 200.025(e), construction of facilities required under SRC Chapter 200 are adopted as conditions of approval for the associated tentative subdivision plan, as described in findings regarding compliance of the proposal with SRC 205.010(d)(10).

SRC 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and Area Facility Plans and determine:

- (1) The required facilities necessary to fully serve the development;**
- (2) The extent to which the required facilities are in place or fully committed.**

Standards related to required improvements for streets, water, sewer, storm drainage, and park sites are addressed within the specific findings which determine the required facilities necessary to serve the proposed subdivision.

SRC 200.055 – Standards for Street Improvements

Finding: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). Boone Road SE at the western boundary of the property and Brewster Avenue SE meets the standards for an adequate linking street.

Conveyance of a 30-foot-wide half-width right-of-way and construction of a three-quarter street improvement is required along the entire frontage of Boone Road SE to local street standards.

SRC 200.060 – Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The existing sewer mains on-site and along the frontage of the property in Boone Road SE meet the requirement for adequate linking facilities.

SRC 200.065 – Standards for Storm Drainage Improvements

Finding: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The existing on-site storm mains meet the requirement for adequate linking facilities.

SRC 200.070 – Standards for Water Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The S-2 water system in Boone Road meets the requirement for adequate linking facilities.

SRC 200.075 – Standards for Park Sites

Finding: The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan.

The applicant provided testimony at the Council hearing on October 8, 2018, that a Hilfiker Park Master Plan previously approved by Council indicates that the subject property is within the service area of Hilfiker Park. However, this document is illustrative and provides conceptual guidance for the future development of Hilfiker Park. The plan was created to describe appropriate recreation amenities and uses for the park that reflect local preferences and unique aspects of the park location. Also, the proposed subdivision only has indirect access to Hilfiker Park because the area lacks north/south street connections.

When determining service areas for parks and if a property is served by a park, the Salem Comprehensive Parks System Master Plan is consulted. This plan includes the review of access barriers to neighborhood parks when determining the service area for each park. According to the Salem Comprehensive Parks System Master Plan, the subject property lacks adequate park services and is not within the service area of Hilfiker Park. Pursuant to SRC 200.075, the applicant shall reserve for dedication, prior to development approval, that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan.

The Salem Comprehensive Parks System Master Plan shows that future Neighborhood Park NP-8 is planned near the subject property. Given the existing development patterns in the vicinity of the subject property, the Master Plan may allow a separate, smaller park be acquired to serve the proposed development. The minimum neighborhood park size is 2 acres; therefore, the applicant shall acquire and convey a 2-acre property for dedication of neighborhood park facility NP-8, or equivalent based on sizing established in the Master Plan.

In lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$72,450 based on the following analysis:

- Acquisition and development of 2-acre parks are estimated to cost a total of \$663,200 according to Table E-1 of the Master Plan. City staff estimates that acquisition costs account for approximately 40 percent of the total cost, or \$265,280.
- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b)).
- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft Salem Housing Needs Analysis dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft Salem Housing Needs Analysis dated December 2014).
- The park service area is 55 acres based on a 2-acre park divided by 2.25 acres of park size per 1,000 population divided by 6.3 dwellings per acre divided by 2.55 people per dwelling.
- The proportional share of the park acquisition is \$4,830 per acre based on \$265,280 in acquisition costs divided by 55 acres of park service area.
- The temporary access fee is \$23,184 based on \$4,830 per acre multiplied by the 4.8-acre parcel.

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

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

As conditioned above, will meet the Comprehensive Parks System Master Plan