

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2020-2
CONSOLIDATED URBAN GROWTH)	SUB-ADJ19-08
PRELIMINARY DECLARATION)	
MODIFICAITN, TENTATIVE SUBDIVISION)	URBAN GROWTH
PLAN AND ADJUSTMENT)	PRELIMINARY DECLARATION
CASE NO. SUB-ADJ19-08 &)	MODIFICATION
UGA17-03MOD1)	SUBDIVSION-ADJUSTMENT
)	CASE NO. SUB-ADJ19-08
4700 BLOCK BATTLE CREEK ROAD SE)	&UGA17-03MOD1

This matter coming regularly for hearing before the City Council, at its January 13, 2020 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order modifying the decision of the Planning Administrator in Subdivision Case No. SUB-ADJ19-08 & UGA17-03MOD1, and approving the applications.

PROCEDURAL FINDINGS:

- (a) On May 17, 2019, Multi-Tech Engineering Services, filed an application for a Phased Tentative Subdivision Plan to divide a 52.8 acre into 209 single family lots, located at the 4700 Block Battle Creek Road SE - 97302.
- (b) On November 21, 2019, the Planning Administrator issued a decision approving the Phased Tentative Subdivision, adjustment and Modification to UGA17-03 subject to conditions of approval.
- (c) On December 9, 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 January 13, 2020.
- (d) On January 13, 2020, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing and the City Council conducted deliberations and voted to modify the Planning Administrator's decision and approve the applications subject to modified conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.
- (e) The new 120-day State mandated deadline for final decision is March 6, 2020.

SUBSTANTIVE FINDINGS:

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

- (a) The Tentative Subdivision application to develop 52.80 acres into 209 single family lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.005.
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- (c) The City Council therefore APPROVES the application subject to modified conditions of approval.

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

Section 1. The Planning Administrator's decision for a Phased Subdivision Case No. SUB-ADJ19-08 & UGA17-03MOD1 is hereby modified to include the findings and facts in exhibit 1, and the following conditions of approval:

Condition 1: The front property lines are designated below:

Corner Lot	Front Property Line
Lot 1	West property line - fronting on Street 'B'
Lot 2	West property line - fronting on Street 'B'
<u>Lot 4</u>	<u>South property line - fronting on Street 'C'</u>
Lot 5	South property line - fronting on Street 'B'
Lot 20	North property line - fronting on 'C Avenue'
Lot 22	North property line - fronting on 'C Avenue'
Lot 52 <u>57</u>	North property line - fronting 'I Avenue''
Lot 53 <u>77</u>	North property line - fronting 'I Avenue''
Lot 58	South property line - fronting on 'I Avenue'
Lot 59	North property line - fronting on 'E Avenue'
Lot 60	North <u>South</u> property line - fronting on Street ' C ' <u>E</u>
Lot 61	South <u>North</u> property line - fronting Street ' E ' <u>C</u>
Lot 70	East property line - fronting Street 'G'
Lot 76	South <u>East</u> property line - fronting on Street 'G'
Lot 84 <u>83</u>	South property line - fronting 'J Avenue'
Lot 89 <u>88</u>	South property line - fronting 'J Avenue'
Lot 90 <u>91</u>	North <u>West</u> property line - fronting Street 'N'
Lot 92	South <u>East</u> property line - fronting Street ' N ' <u>M</u>
Lot 93 <u>95</u>	East <u>or West</u> property line - fronting Street ' M ' <u>or K</u>
Lot 96	South <u>West</u> property line - fronting Street ' M ' <u>K</u>
Lot 97	South property line - fronting Street 'K'
Lot 136	South property line - fronting Street 'K'
Lot 172	North property line - fronting Street "N"
Lot 176	North property line - fronting Street "N"
<u>Lot 170</u>	<u>North property line - fronting Street "N"</u>
<u>Lot 174</u>	<u>North property line - fronting Street "N"</u>
<u>Lot 175</u>	<u>East property line - fronting Street 'O'</u>

<u>Lot 177</u>	<u>North property line - fronting Unnamed Street</u>
<u>Lot 178</u>	<u>South property line - fronting Street 'P'</u>
<u>Lot 179</u>	<u>South property line - fronting Street 'P'</u>
<u>Lot 181</u>	<u>South property line - fronting 'P Avenue'</u>
Lot 182	South property line - fronting 'P Avenue'
<u>Lot 192</u>	<u>North property line - fronting Street 'P'</u>
<u>Lot 193</u>	<u>East property line - fronting Street 'O'</u>
<u>Lot 197</u>	<u>South property line - fronting 'Q Avenue'</u>
Lot 184	South property line - fronting 'P Avenue'
Lot 185	South property line - fronting 'P Avenue'
Lot 195	North property line - fronting 'P Avenue'
Lot 196	East property line - fronting Street 'Q'

Condition 2: The front property line for Lots 203-209 shall be the north property line and the front property line for Lot 3 shall be the west property line. No access to the higher classified street shall be allowed.

Condition 3: Lots 144-147 shall take access from Street 'M' and the south property line is the designated the front property line.

Condition 4: Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.

Condition 5: Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

Condition 6: All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.

Conditions 7: The applicant shall provide mid-block pedestrian access as shown on the tentative subdivision plan.

Condition 8: Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet local street standards.

Condition 9: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.

Condition 10: Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (32" Oak, 10" Oak and 24" Oak along Reed Road & 32" Oak along Strong), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.

Condition 11: The significant oak located on Lot 68 and the two 40-inch Fir trees near Strong Road shall be preserved.

Condition 12: Trees proposed for removal that are located within the right of way abutting streets shall follow the procedures of SRC Chapter 86.

Condition 13: All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains. Water mains may need to be extended through future unconstructed phases within temporary easements in order to serve all lots in each phase.

Condition 14: Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below. The TAF shall be subtracted by the market value of lot 138 but shall not be less than \$0. (UGA17-03;4)

Condition 15: Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)

Condition 16: Demonstrate that the proposed subdivision conforms to the access requirements of the Fire Code by one of the following methods:

- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
- (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
- (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

Condition 17: Demonstrate adequate Fire Department turn-arounds prior to final plat of Phase K, H, F and A.

Condition 18: Prior to any plat, the applicant shall coordination with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.

Condition 19: The subdivision shall be phased in the following order:

Section E: 16 lots
Section G: 22 lots
Section I: 18 lots
Section J: 17 lots
Section F: 15 lots

Section H: 25 lots
Section K: 15 lots
Section A: 24 lots
Section D: 25 lots
Section B: 17 lots
Section C: 15 lots

Prior to plat of Section E:

Condition 20: Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:

- A westbound to southbound left turn lane on Reed Road SE;
- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)

Condition 21: Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)

Condition 22: Construct a minimum 18-inch S-1 water main in J Avenue SE from Reed Road SE to H Street SE, and in H Street SE from the south line of Section E to the north line of Section E. (UGA17-03;4)

Condition 23: Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

Condition 24: A temporary pedestrian access route, at least 5-feet in width, shall be provided from sidewalks along J Avenue to the intersection of Reed Road and Battle Creek Road.

Prior to plat of Section G:

Condition 25: Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)

Condition 26: Pay \$52,491 as the proportional amount of the water TAF. (UGA17-03;4)

Condition 27: Construct multi-modal trails to proposed park as shown on tentative subdivision plan to PWDS Standards.

Prior to plat of Section I:

Condition 28: Construct Battle Creek Road from Reed Road to the southern edge of Segment I to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)

Condition 29: Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE, and in Battle Creek Road SE from Reed Road SE to N Street SE. (UGA17-03;4)

Condition 30: Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

Prior to plat of Section J:

Condition 31: Pay a temporary access fee of \$13,680 toward the future signal at Battle Creek Road SE and Reed Road SE.

Condition 32: Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE.

Prior to plat of Section F:

Condition 33: Construct a minimum 18-inch S-1 water main in K Street SE from the north line to the south line of Section F. (UGA17-03;4)

Condition 34: Pay \$27,387 as the proportional amount of the water TAF. (UGA17-03;4)

Prior to plat of Section H:

Condition 35: Paved width of accessway shall be 20-feet within a 25-foot wide easement, which serves Lots 131, 132 and the future Coburn Reservoir (Lot 130).

Condition 36: "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Condition 37: Convey lot 138 to the City for future construction of Coburn Reservoir. (UGA17-03;4)

Condition 38: Construct a minimum 18-inch S-1 water main in K Street SE from the north line of Section H to the south line of lot 138. (UGA17-03;4)

Condition 39: Pay \$11,411 as the proportional amount of the water TAF. (UGA17-03;4)

Prior to plat of Section A:

Condition 40: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

Condition 41: Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Condition 42: Construct a minimum 18-inch S-1 water main within Sections A and D from H Street SE at the south line of Section D to Strong Road SE at the south line of Section A. Design City infrastructure improvements needed for Section D in sufficient detail to determine that the water main construction meets PWDS. Construct a temporary utility and emergency access road along the water main alignment. (UGA17-03;4)

Condition 43: Pay \$59,377 as the proportional amount of the water TAF. (UGA17-03;4)

Prior to plat of Section D:

Condition 44: Pay \$57,055 as the proportional amount of the water TAF. (UGA17-03;4)

Condition 45: Lots 57-59 and 74-81 shall connect to the existing sanitary system in Reed Road SE. Lots 60-73 shall connect to the existing sanitary system in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

Condition 46: Lot 57-59 and 74-81 shall connect to the existing stormwater facilities abutting Reed Road SE. Lots 60-73 shall connect to the existing stormwater facilities in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;3)

Prior to plat of Section B:

Condition 47: Pay \$38,798 as the proportional amount of the water TAF. (UGA17-03;4)

Prior to plat of Section C:

Condition 48: Pay \$38,798 as the proportional amount of the water TAF. (UGA17-03;4)

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

Exhibit 1: Findings for SUB-ADJ19-08 & UGA17-03MOD1

ADOPTED by the City Council this 27th day of January 2020.

ATTEST:

City Recorder

Checked by: Olivia Glantz