

NOTICE OF DECISION

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



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

ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: SUB22-07EXT1
AMANDA NO.: 24-123679-PLN
DATE OF DECISION: December 4, 2024
LOCATION: 4120 Kurth Street S, Salem OR 97302
APPLICANT: Emily Moran, State Street Homes on behalf of LNC

REQUEST

The first Class 1 Extension to extend the approval for a Tentative Subdivision Plan (Case No. SUB22-07) by two years to December 6, 2026. SUB22-07 granted conditional approval of a tentative subdivision plan to divide approximately 1.52 acres into six lots ranging in size from approximately 6,966 square feet to 11,036 square feet with associated site improvements. The property is zoned RS (Single-Family Residential) and located at 4120 Kurth Street S (Marion County Assessor's Map and Tax Lot numbers 083W09BB / 01600, 00300). A vicinity map is included as **Attachment A**.

BACKGROUND

On November 18, 2022, the Planning Administrator conditionally approved the Subdivision request (Case No. SUB22-07), with an effective date of December 6, 2022. Subdivision Case No. SUB22-07 is set to expire on December 6, 2024.

On November 20, 2024, the applicant submitted the first request to extend the conditional approval of the Subdivision Case No. SUB22-07 for a period of two years to December 6, 2026.

FINDINGS

1. Proposal

Approval for the original application was granted on November 18, 2022, with an effective date of December 6, 2022 (**Attachment B**). Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted.

Pursuant to 205.010(e), Tentative Subdivision Plan approval will expire if no application for final plat is submitted within the time limits set forth in SRC 300.850. A final plat for SUB22-07 is currently in review (Case No. 23-119484-PL) but has not yet been recorded. Table 300-3 provides that the maximum time extension period for a tentative subdivision approval shall be two years, up to a total of four extensions.

The applicant is requesting their first two-year time extension, which would extend the expiration date for the Tentative Subdivision Plan (Case No. SUB22-07) conditional approval to **December 6, 2026**.

2. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such

as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 123679.

3. Class 1 Time Extension Approval Criteria

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application. As there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding: The application for a Tentative Subdivision Plan was submitted on July 12, 2022, and reviewed for compliance with the approval criteria set forth in SRC Chapter 205. The City's development code was amended as part of the 2021 Unified Development Code (UDC) update project (Ordinance No. 13-21) and the Our Salem project (Ordinance No. 11-22), effective August 24, 2022. However, the amendments to the UDC did not change any of the approval criteria applicable to the decision rendered. As the standards and criteria used to approve the application have not changed, the request can be approved. The applicant is requesting their first two-year extension, which would extend the expiration date to **December 6, 2026**. This approval criterion is met.

IT IS HEREBY ORDERED

Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision. The first Class 1 Extension to extend the approval for Tentative Subdivision Plan Case No. SUB22-07EXT1 is hereby **APPROVED**.

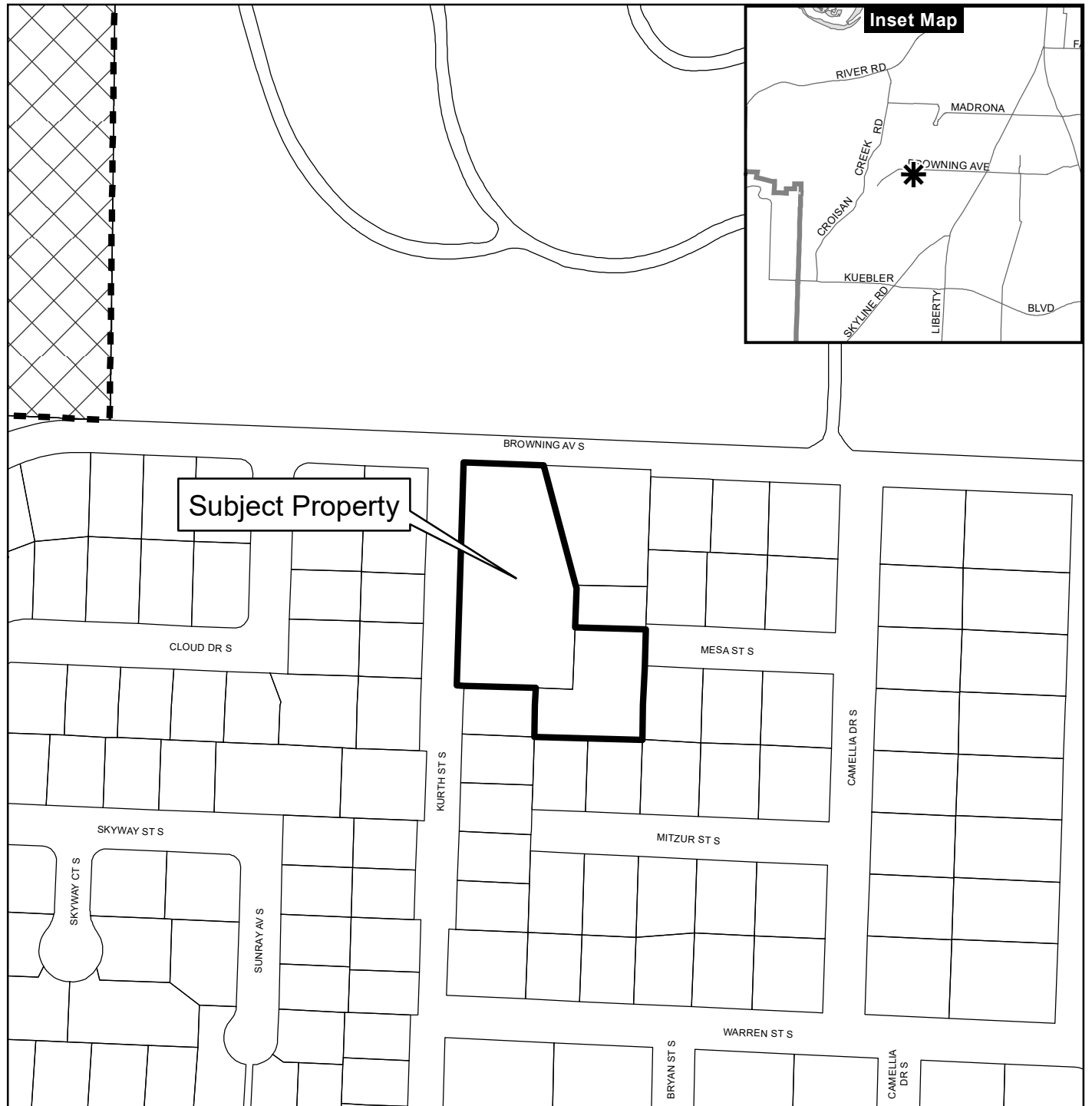


Quincy Miller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator





Attachments: A. Vicinity Map
 B. Original Land Use Decision for Case No. SUB22-07

Vicinity Map

4120 Kurth Street S



Legend

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

 Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION TENTATIVE PLAN CASE NO.: SUB22-07

APPLICATION NO.: 22-114284-PLN

NOTICE OF DECISION DATE: November 18, 2022

SUMMARY: A six-lot subdivision of approximately 1.52 acres, with associated site improvements.

REQUEST An application for a subdivision tentative plan to divide 1.52 acres into six lots ranging in size from approximately 6,966 square feet to 11,036 square feet. The subject property is zoned RS (Single Family Residential) and located at 4120 Kurth Street S (Marion County Assessor Map and Tax Lot Numbers: 083W09BB01600 and 00300).

APPLICANT: MMH, LLC (Charles Weathers, John Wulf)

LOCATION: 4120 Kurth St S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Tentative Subdivision

FINDINGS: The findings are in the attached Decision dated November 18, 2022.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan Case No. SUB22-07 subject to the following conditions of approval:

Conditions 2, 3, 8, 10, 11, 13, 15, and 17 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

- Condition 1:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 2:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Upgrade the existing 4-inch main in Mesa Street S to a minimum 8-inch main from Camellia Drive S to the Mesa Street cul-de-sac.
- Condition 4:** Dedicate a 10-foot public utility easement along the street frontage of Kurth Street S, Browning Avenue S, and the Mesa Street S cul-de-sac.

- Condition 5:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 6:** Convey land for dedication of right-of-way along the entire frontage of Browning Avenue S to equal 30 feet from centerline.
- Condition 7:** Convey land for dedication of right-of-way along the entire frontage Kurth Street S to equal 30 feet from centerline.
- Condition 8:** Construct a half-street improvement along the frontage of Browning Avenue S to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Prior to public construction plan approval or final plat approval, whichever comes first, the applicant shall identify the total number of dwelling units to be constructed within the subdivision.
- Condition 10:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in 20 or more new daily trips, with credits for prior use, if applicable, construct a half-street improvement along the frontage of Kurth Street S to collector street standards, including a property line sidewalk, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 11:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in less than 20 new daily trips, with credits for prior use, if applicable, Kurth Street S shall be widened to a minimum width of 20 feet along the frontage of the property in order to provide unobstructed emergency vehicle access and a 5-foot-wide property line sidewalk shall be provided.
- Condition 12:** Convey a minimum of 15 feet of land for dedication of right-of-way for a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S.
- Condition 13:** Construct a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S as shown on the applicant's tentative plan and in accordance with Public Works Design Standards.
- Condition 14:** Convey land for dedication of right-of-way for the extension of Mesa Street S within the subject property as shown on the applicant's tentative plan.
- Condition 15:** Construct the extension of the Mesa Street S cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 16:** Obtain street tree removal permits, as necessary, pursuant to SRC Chapter 86.

Condition 17: Install street trees to the maximum extent feasible along the Kurth Street S, Browning Avenue S, and Mesa Street S frontages.

The rights granted by the attached decision must be exercised, or an extension granted, by December 6, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>September 22, 2022</u>
Notice of Decision Mailing Date:	<u>November 18, 2022</u>
Decision Effective Date:	<u>December 6, 2022</u>
State Mandate Date:	<u>January 20, 2023</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, December 5, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF THE)
TENTATIVE APPROVAL OF SUBDIVISION)
NO. SUB22-07; 4120 KURTH STREET S)

FINDINGS AND ORDER

NOVEMBER 18, 2022

REQUEST

An application for a subdivision tentative plan to divide 1.52 acres into six lots ranging in size from approximately 6,966 square feet to 11,036 square feet. The subject property is zoned RS (Single Family Residential) and located at 4120 Kurth Street S (Marion County Assessor Map and Tax Lot Numbers: 083W09BB01600 and 00300).

PROCEDURAL FINDINGS

1. On July 11, 2022, an application for tentative subdivision plan was filed by Britany Randall, of BRAND Land Use, on behalf of the applicant and property owner, MMH LLC, proposing to divide property located at 4120 Kurth Street S into a 6-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing, and public notice sent pursuant to SRC requirements, on September 22, 2022. Notice of the proposed development was also subsequently posted on the property by the applicant pursuant to SRC requirements on September 23, 2022.

The state-mandated local decision deadline for the application is January 20, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 1.52-acres in size and located at 4120 Kurth Street S (**Attachment A**) into six lots ranging in size from approximately 6,966 square feet to 11,036 square feet.

The subject property abuts Browning Avenue S to the north, Kurth Street S to the west, and the dead-end terminus of Mesa Street S to the east. Vehicular access to the subdivision will be provided by Browning Avenue, Kurth Street, and an extension of Mesa Street, which is proposed to be completed with a cul-de-sac turnaround.

In order to provide required connectivity between Mesa Street and Kurth Street, a pedestrian connection is proposed to extend through the subdivision between Kurth Street and the terminus of Mesa Street. The pedestrian connection is proposed to meet connectivity requirements in-lieu of a full street extension of Mesa Street to Kurth Street.

2. Applicant's Plans and Statement.

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem

Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**
- Utility Plan: **Attachment C**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment D**.

3. Summary of Record.

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 114284.

4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Browning Street S, Community Service Cemetery
South	Single Family Residential
East	Single Family Residential
West	Across Kurth Street S, Single Family Residential

Relationship to Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration prior to development.

5. Zoning

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

Zoning of Surrounding Properties	
North	Across Browning Avenue S, PC (Public and Private Cemeteries)
South	RS (Single Family Residential)
East	RS (Single Family Residential)
West	Across Kurth Street S, RA (Residential Agriculture) and RS (Single Family Residential)

6. Public and Private Agency Review

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated no objections. The Fire Department indicates that fire hydrants will be verified during review of the civil plans for the public infrastructure required to serve the subdivision.
- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment E**.

7. Neighborhood Association and Public Comments

The subject property is located within the Sunnyslope Neighborhood Association and is located adjacent to the Southwest Association of Neighbors (SWAN) Neighborhood Association.

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the tentative subdivision application included in this proposed land use application request requires neighborhood association contact. On July 11, 2022, the applicant's representative contacted the chairs and land use chairs of both the Sunnyslope and SWAN neighborhood associations to provide details about the proposal.

Neighborhood Association Comments

Notice of the application was provided to both the Sunnyslope and SWAN neighborhood associations pursuant to SRC 300.520(b)(1)(B)(v), which requires 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 Sunnyslope Neighborhood Association or the SWAN Neighborhood Association.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Prior to the comment deadline three comments were received that are included as **Attachment F**.

One of the comments received indicated support for the proposal and indicated, in summary, that the proposed development is better than the apartment complex first proposed for the property and that adding single family homes will fit the neighborhood and existing infrastructure well.

Staff Response: Within the RS zone, pursuant to SRC 511.005(a), single family dwellings and middle housing (*townhouses, two family uses, three family uses, four family uses, and cottage clusters*) are allowed uses. The proposed subdivision has been reviewed for conformance with the applicable lot size and dimension requirements of the RS zone. Lots within the proposed subdivision may be developed for any use allowed within the zone so long as the minimum lot size and dimension requirements, and all other development standards (*e.g. setbacks, lot coverage, building height, etc.*), applicable to the specific use in the zone are met. Within the RS zone single family and two family uses are allowed on lots that are a minimum of 4,000 square feet in size, three family uses are allowed on lots that are a minimum of 5,000 square feet in size, and four family and cottage clusters are allowed on lots that are a minimum of 7,000 square feet in size.

One of the comments received indicated that they have no objections to the proposal as long as they do not lose a portion of their driveway, yard, or parking on the street.

Staff Response: The subdivision involves only the land included with the proposed development and associated improvements within the public right-of-way of the street frontages abutting the perimeter of the subject property.

The remaining comment received raised the following issues:

- A. Pedestrian safety. A comment received indicated, in summary, that for pedestrian safety sidewalks need to be installed because there are currently no sidewalks on Browning Avenue or Kurth Street.

Staff Response: As indicated in this decision, a half-street boundary street improvement is required along the property's Browning Avenue S frontage. Along Kurth Street S, the required street improvement will be dependent upon the number of dwelling units proposed to be developed in the subdivision and will require either a half-street boundary street improvement or a widening of Kurth Street, together with a sidewalk. The required street improvements will include the construction of sidewalks along Browning Avenue and Kurth Street for pedestrian safety in conformance to the applicable requirements of SRC Chapter 803.035(l) and the City's Transportation System Plan.

- B. Traffic safety. A comment received indicated that for traffic safety both Browning Avenue and Kurth Street need to be widened or on-street parking prevented due to the current narrow width of these streets.

Staff Response: Both Browning Avenue S and Kurth Street S are underimproved streets. The street improvements established in connection with the proposed subdivision are required to be commensurate with the transportation impacts of the development. As identified in this decision, a half-street boundary street improvement is required along the property's Browning Avenue frontage. Along Kurth Street, the required street improvement will be dependent upon the number of dwelling units proposed to be developed in the subdivision and will require either a full half-street boundary street improvement if the development will result in 20 or more new vehicle trips or a widening of Kurth street to a minimum width of 20 feet in order to provide unobstructed emergency vehicle access if the development will result in less than 20 new vehicle trips.

- C. Transit service. A comment received indicated, in summary, that Cherriots bus service needs to be brought back to the area so public transportation services are closer.

Staff Response: Decisions about the location of transit routes and the frequency of transit service are not governed by the City of Salem. Instead, transit service throughout the community is governed by a separate agency, the Salem Area Mass Transit District. The nearest transit service available to the area is provided by Cherriots Route 18, with the nearest transit stop located approximately 0.63 miles away on Liberty Road S. Additional information about transit service in Salem can be found on the Cherriots website at <https://www.cherriots.org/>

Homeowners Association

The subject property is not located within a Homeowners Association.

8. TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

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

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.***
- (B) City infrastructure standards.***
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential). The proposed tentative subdivision plan, as conditioned, complies with the

applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 205 (Land Division and Reconfiguration)

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision.

SRC Chapter 511 (RS Zone)

The subject property is zoned RS (Single Family Residential). Development within the RS zone must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone that are applicable to the proposed subdivision are as follows:

▪ **Lot Standards:**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2. A summary of the lot size and dimension standards applicable to single family dwellings within the RS zones is provided in the following table:

RS Zone Single Family & Middle Housing Lot Standards		
Lot Area	Min. 4,000 sq. ft.	Applicable to single family and two family uses.
	Min. 5,000 sq. ft.	Applicable to three family uses.
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters.
Lot Width	Min. 40 ft.	
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40

RS Zone Single Family & Middle Housing Lot Standards		
		ft. at the front building setback line.

As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed six lots within the subdivision range from approximately 6,966 square feet to 11,036 square feet; therefore, exceeding the minimum lot area standards of the RS zone. All of the proposed lots within the subdivision also similarly exceed the lot dimension and street frontage standards of the RS zone. The lots within the subdivision therefore conform to the applicable lot standards of the RS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3. A summary of the required setbacks for single family dwellings and middle housing within the RS zone is provided in the table below.

RS Zone Setbacks		
Abutting Street	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial ⁽¹⁾ streets.
Interior Side	Min. 5 ft.	
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Notes (1) Both Browning Avenue S and Kurth Street S are designated as collector streets under the City's TSP. As such a minimum 20-foot setback is required along this street.		

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

The setback requirements of the RS zone apply to future development on each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are generally not applicable. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of building permit.

City Infrastructure Standards (SRC Chapters 71, 802, and 803)

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

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

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

The Public Works Department indicates that existing stormwater facilities in the area include a 12-inch main located in Kurth Street S, a 24-inch main located in Browning Street S, a 10-inch main located in Mesa Street S, and an 18-inch main located along the eastern property line which travels from Browning Avenue S to the southern property line of the subject property in an easement.

To demonstrate the proposed lots can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following conditions of approval shall apply:

- Condition 1:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 2:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

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

SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public

improvements are summarized in the comments provided by the Public Works Department **(Attachment E)**.

In summary, the Public Works Department indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

The Public Works Department indicates that the subject property is currently served by the following existing water and sewer facilities:

- Water:* The subject property is located within the S-3 water service level. A 6-inch and 12-inch water main is located in Kurth Street S; a 12-inch water main is located in Browning Avenue S; and a 4-inch water main is located in Mesa Street S.
- Sewer:* An 8-inch sewer main is located in Kurth Street S; an 8-inch sewer main is located in Browning Avenue S; an 8-inch sewer main is located in Mesa Street S; and an 8-inch sewer main is located along the eastern property line which travels from Browning Avenue S to the southern property line of the subject property in an easement.

In order to ensure that required City infrastructure is provided to serve the proposed subdivision in conformance with the requirements of SRC Chapter 802, the following conditions of approval shall apply:

- Condition 3:** Upgrade the existing 4-inch main in Mesa Street S to a minimum 8-inch main from Camellia Drive S to the Mesa Street cul-de-sac.
- Condition 4:** Dedicate a 10-foot public utility easement along the street frontage of Kurth Street S, Browning Avenue S, and the Mesa Street S cul-de-sac.
- Condition 5:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

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

SRC Chapter 803 (Street and Right-of-Way Improvements): The subject property has frontage on Browning Street S and Kurth Street S; Mesa Street S, an existing dead-end street, extends to the eastern boundary of the subject property.

Both Browning Avenue and Kurth Street are designed as collector streets under the City's Transportation System Plan (TSP). The standard for this classification of street is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The Public Works Department indicates that Browning Avenue currently has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way abutting the subject property and that Kurth Street has an approximate 17-foot-wide improvement within a 50-foot-wide right-of-way abutting the subject property.

Mesa Street is designated as a local street under the City's TSP. The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The

Public Works Department indicates that Mesa Street currently has an approximate 20-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

SRC 803.040 establishes requirements for the improvement of boundary streets on the perimeter of development proposals. Pursuant to SRC 804.040(a)(1), dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for subdivisions. In addition, SRC 803.040(d)(6) provides that boundary street improvements are not required for the construction or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.

As indicated in the comments from the Works Department, the existing right-of-way and improvements widths of both Browning Avenue and Kurth Street do not currently conform to the minimum required right-of-way and improvement widths established under the City's TSP and SRC 803.025 for collector streets.

As identified on the tentative subdivision plan submitted by the applicant, additional required public street right-of-way is proposed to be dedicated along Browning Avenue and the street is proposed to be widened with a half-street improvement together with landscape strip and sidewalk.

Along Kurth Street, the applicant is proposing required right-of-way dedication, street widening, and an access path along the Kurth Street property frontage. However, because the proposed improvement of Kurth Street does not meet the requirements of SRC Chapter 803 and the City's Street Design standards for a collector street, the applicant has requested approval of an alternative street standard, pursuant to SRC 803.065. The applicant indicates that the alternative street standard is being requested because of the existing topography and placement of utilities within the existing right-of-way.

In order to ensure that Browning Avenue and Kurth Street are improved in conformance with the boundary street requirements of SRC 803.040, the following conditions of approval shall apply:

- Condition 6:** Convey land for dedication of right-of-way along the entire frontage of Browning Avenue S to equal 30 feet from centerline.
- Condition 7:** Convey land for dedication of right-of-way along the entire frontage Kurth Street S to equal 30 feet from centerline.
- Condition 8:** Construct a half-street improvement along the frontage of Browning Avenue S to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Prior to public construction plan approval or final plat approval, whichever comes first, the applicant shall identify the total number of dwelling units to be constructed within the subdivision.

Condition 10: If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in 20 or more new daily trips, with credits for prior use, if applicable, construct a half-street improvement along the frontage of Kurth Street S to collector street standards, including a property line sidewalk, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 11: If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in less than 20 new daily trips, with credits for prior use, if applicable, Kurth Street S shall be widened to a minimum width of 20 feet along the frontage of the property in order to provide unobstructed emergency vehicle access and a 5-foot-wide property line sidewalk shall be provided.

The above required right-of-way dedications and boundary street improvements are proportional to the potential traffic impact associated with the development and necessary to ensure safe and convenient vehicular, pedestrian, and bicycle traffic as required under SRC Chapter 803 and the applicable subdivision approval criteria under 205.010(d)(5) & (6).

The number of average daily vehicle trips that can be anticipated to be generated by the proposed subdivision have the potential to exceed the number of average daily vehicle trips generated by the previous use of the property. Specifically, the previous use of the property was an approximate 17,937 square-foot nursing care facility. Based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, a nursing care facility can be expected to generate 6.75 average daily trips per 1,000 square feet of building area. The prior 17,937 square-foot nursing care facility therefore had an average daily trip generation of 121.1 or 121 trips.

Within the RS (Single Family Residential) zone, both single family dwellings and middle housing are allowed uses. Per SRC Chapter 111 (Definitions), middle housing includes townhouses, two family uses, three family uses, four family uses, and cottage clusters. Within the RS zone the minimum lot size for detached single family dwellings and two family uses is 4,000 square feet; the minimum lots size for three family uses is 5,000 square feet; and the minimum lot size for four family uses is 7,000 square feet. The lots included within the proposed subdivision range in size from approximately 6,966 square feet to 11,036 square feet. Based on the number and size of the lots proposed, up to 23 dwellings units (*in the form of four units per lot on five of the proposed lots and 3 units on one of the proposed lots*) would be allowed in the subdivision. According to the ITE Trip Generation Manual, a fourplex can be expected to generate 6.74 average daily vehicle trips per dwelling unit. The 23 dwelling units that could be allowed in the subdivision would therefore result in an average daily trip generation of 155.02 or 155 trips, which is 34 more average daily trips than the previous use of the property. Because SRC 803.040(a)(1) requires boundary street improvements for subdivisions and because the number of new average daily vehicle trips generated by the proposed subdivision could exceed the number of new trips that would otherwise be exempt from triggering boundary street improvements under SRC 803.040(d)(6), the conditions of approval requiring identification of the total number of dwelling units proposed within the subdivision prior public construction plan approval and construction of an improvement along Kurth Street commensurate to the corresponding number of vehicle trips generated by the

development and its associated traffic impact are warranted and necessary to ensure that the subdivision conforms to the requirements of SRC Chapter 803 and the City's Transportation System Plan.

Pursuant to SRC 803.065(a), the Director may authorize the use of one or more alternative streets standards where:

- (1) *Existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;*
- (2) *The development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or*
- (3) *Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.*

In this case, because the subject property is located at the corner of two underimproved collector streets and there are no unusual topographic or physical conditions associated with the site, proportional boundary street improvements as identified in this decision for both Browning Avenue and Kurth Street are necessary to provide for safe and convenient vehicular, pedestrian, and bicycle access. The alternative street standard proposed by the applicant along Kurth Street would result in a widening of the street by approximately 9 feet. The widening would result in an overall paved width of approximately 25 feet which would accommodate 20 feet for vehicle access together with a 5-foot-wide paved pedestrian access path. The 5-foot-wide paved pedestrian access path would abut and be located parallel to Kurth Street with no vertical or horizontal separation from the vehicle travel lanes of the street for pedestrian safety. Because Kurth is designated as a collector street under the City's TSP that is intended to convey a greater volume of vehicle traffic than a local street, increased consideration for pedestrian safety must be provided for this street. As such, Conditions 10 and 11 of this decision require property a line sidewalk to be constructed along Kurth Street in order to provide a horizontal separation for safety between the auto travel lanes of the street and the pedestrians on the sidewalk. The proposed paved pedestrian path abutting and parallel to Kurth Street does not provide such safety measures and an alternative street standard in this case is therefore not warranted.

As indicated in the comments from the Works Department, Mesa Street is currently an underimproved dead-end street within a 60-foot-wide right-of-way that extends to the eastern boundary of the subject property. A turnaround was originally not provided at the end of Mesa Street because the street was intended for future extension to Kurth Street. As shown the tentative subdivision plan submitted by the applicant, Mesa Street is not proposed to be extended to Kurth Street. Instead, a public pedestrian connection is proposed to be provided through the subdivision in-lieu of a street connection in order to provide for pedestrian access and connectivity between Mesa Street and Kurth Street.

SRC 803.030 and SRC 803.035(a) establish street spacing and connectivity requirements for the development of streets throughout the City. Pursuant to these requirements, street connections are generally required to be provided to existing streets and abutting undeveloped property at an interval of no greater than 600 feet unless special conditions, such as existing physical conditions or existing development on adjacent land, preclude streets from meeting spacing requirements or where strict application of the street spacing requirements would

result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network.

In this case, as indicated in the written statement provided by the applicant, the block length along Kurth Street between Browning Avenue to the north of the proposed development and Warren Street to the south of the development is approximately 785 feet, which exceeds the maximum 600-foot street spacing interval. If Mesa Street were to be extended through the subject property to connect to Kurth Street, the street spacing and connectivity requirements of SRC Chapter 803 could be met but because of the irregular shape of the property and its location in an area surrounded by existing developed lots, any extension of Mesa Street through the site would result in a proposed lot on the south side of the extended Mesa Street that would likely not be able to meet minimum required lot dimension standards and the street connection would not provide any greater benefit for vehicular traffic than that already provided by the existing street network.

In order to meet connectivity requirements and complete the construction of Mesa Street as required under SRC Chapter 803, the proposed subdivision provides a cul-de-sac turnaround at the terminus of Mesa Street in conformance with SRC 803.035(f) and extends a public pedestrian/bicycle connection from Mesa Street to Kurth Street. The proposed cul-de-sac turnaround at the end of Mesa Street and the pedestrian/bicycle connection through the property to Kurth Street, in-lieu of the provision of a full street extension, conform to the street spacing and connectivity requirements of SRC 803.030 and SRC 803.035(a) due to the limitations imposed by the existing physical configuration of the property in relation to surrounding development and because the proposed street improvement and corresponding pedestrian/bicycle connection to Kurth Street will result in a street network that is equally beneficial to vehicular, pedestrian, and bicycle traffic than had a full extension of Mesa Street been provided. In order to ensure the proposed subdivision meets the street spacing and connectivity requirements of SRC Chapter 803, the following condition of approval shall apply:

- Condition 12:** Convey a minimum of 15 feet of land for dedication of right-of-way for a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S.
- Condition 13:** Construct a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S as shown on the applicant's tentative plan and in accordance with Public Works Design Standards.

Because Mesa Street is not proposed to be extended to Kurth Street, the street must be developed as a cul-de-sac street with a turnaround at its terminus rather than a dead-end street. As shown on the tentative subdivision plan, the proposed subdivision includes a new cul-de-sac turnaround at the terminus of Mesa Street. The proposed cul-de-sac turnaround conforms to the minimum required right-of-way and improvement widths established under SRC 803.025 and the overall length of the cul-de-sac street does not exceed the maximum allowed lengths prescribed under SRC 803.035(f)(1) & (2).

In order to ensure that Mesa Street is improved in conformance with the requirements of SRC 803.035(f), the following conditions of approval shall apply:

- Condition 14:** Convey land for dedication of right-of-way for the extension of Mesa Street S within the subject property as shown on the applicant's tentative plan.
- Condition 15:** Construct the extension of the Mesa Street S cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

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

SRC Chapter 808 (Preservation of Trees and Vegetation)

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 11 trees on the property, one of which is a significant Douglas fir. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 11 total trees existing on the property, the proposed tree conservation plan identifies 4 trees (*36.4 percent*) for preservation and 7 trees (*63.6 percent*) for removal. The significant Douglas fir located on proposed Lot 1 is identified for removal due to its location in the right-of-way of Browning Avenue after required right-of-way is dedicated and the street is widened in order to accommodate the proposed subdivision. The required widening of Browning Avenue will result in approximately 46 percent of the critical root zone of the tree being impacted by grading and paving, and the critical root zone of the tree will be further additionally impacted with the construction of the sidewalk along the street and subsequent construction on the adjacent lot.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808 and the one significant tree on the property proposed for removal is necessary due to its location in the alignment of the street and sidewalk improvements associated with Browning Avenue. The tree conservation plan is being reviewed by staff and, if approved, will

be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

SRC Chapter 86 (Trees on City Owned Property)

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way of Mesa Street on the east side of the property. Because these trees are located in the existing public street right-of-way they are not subject to the requirements of SRC Chapter 808 but are instead subject to the requirements of SRC Chapter 86 (Trees on City Owned Property).

Because the proposed subdivision includes an extension of Mesa Street into the subject property with a cul-de-sac turnaround, the trees within the existing street right-of-way at the end of the street will need to be removed to accommodate the proposed extension. Removal of trees from within the existing right-of-way requires a separate removal permit under SRC Chapter 86.

In addition to establishing the permit review process for removal of trees within the public street right-of-way, SRC Chapter 86 also establishes requirements for the planting to street trees. Pursuant to SRC 803.035(k), development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC Chapter 86.

In order to ensure that any tree required to be removed from the existing public street right-of-way is removed in accordance with the requirements of SRC Chapter 86 and that Browning Avenue, Kurth Street, and Mesa Street include street trees as required under SRC 803.035(k) and SRC Chapter 86, the following conditions of approval shall apply:

Condition 16: Obtain street tree removal permits, as necessary, pursuant to SRC Chapter 86.

Condition 17: Install street trees to the maximum extent feasible along the Kurth Street S, Browning Avenue S, and Mesa Street S frontages.

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 mapped wetlands or waterways on the subject property. As proposed, the tentative subdivision plan conforms to the applicable requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property does not include any areas of mapped landslide hazard susceptibility. Pursuant to SRC Chapter 810, a geologic assessment is therefore not required for development of the subject property.

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

Finding: The proposed subdivision divides the entire 1.52-acre property into six lots with no remainder and the proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. As shown on the tentative subdivision plan, the proposed subdivision includes an extension of Mesa Street S into the subject property with a cul-de-sac turnaround. The cul-de-sac not only provides a turnaround for Mesa Street in conformance with the requirements of SRC Chapter 803 but also provides vehicular access to proposed Lots 5 and 6, and a second point of vehicular access to the abutting property to the northeast should that property be divided at some point in the future. This approval criterion is met.

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

Finding: The Public Works Department reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed subdivision subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The subject property is located adjacent to Browning Avenue S and Kurth Street S; Mesa Street S, a dead-end street, extends to the eastern boundary of the subject property. Both Browning Avenue and Kurth Street are designated as collector streets under the City's Transportation System Plan (TSP) and Mesa Street is designated as a local street.

The identified street improvements and public street right-of-way dedications, as proposed by the applicant in the application materials and conditioned with this decision, ensure all streets within and adjacent the subdivision will conform to the TSP. This approval criterion is met.

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: Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. Due to size of the property and its location in a developed area surrounded by existing streets, the ability to extend new streets through the property is limited and instead the lots within the subdivision will be served by existing streets on the perimeter of the site. As identified in the conditions of approval, boundary street improvements will be required along the property's Browning Avenue and Kurth Street frontages, and Mesa Street will be required to be improved with a cul-de-sac turnaround per SRC 803.035(f). These required improvements will ensure that the street system adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This approval criterion is met.

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 subject property is located within one-half of Sunnyslope Park, Fircrest Park, and shopping areas on Liberty Road S. The nearest transit service available to the site is provided by Cherrits Route 18, with the nearest transit stop located approximately 0.63 miles away on Liberty Road S.

The proposed subdivision is accessed by two existing collector streets (Browning Avenue and Kurth Street) and a local street (Mesa Street). These streets, and other existing streets in the area, are currently underimproved and in most cases do not have sidewalks. As identified by the conditions of approval, boundary street improvements will be required along the property's street frontages that will include sidewalk and bike lane improvements. In addition, a mid-block pedestrian/bicycle connection between the proposed cul-de-sac on Mesa Street and Kurth Street will also be provided. These street improvements will ensure compliance with SRC Chapter 803 and the City's Transportation System Plan (TSP) and that the proposed subdivision will provide safe and convenient bicycle and pedestrian access for the street frontages it is required to improve. This approval criterion is met.

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 reviewed the proposal and determined the proposed six-lot subdivision will generate less than 1,000 average daily vehicle trips onto the collector street system. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

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.

As described in findings above, the lot and street configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed lots makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. This approval criterion is met.

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: As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site while minimizing disruptions to topography and vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

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 lies within the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration. This approval criterion is therefore not applicable to the proposed development.

9. Conclusion

Based upon review of SRC 205.010, the findings contained under Section 8 above, and the comments described, 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.

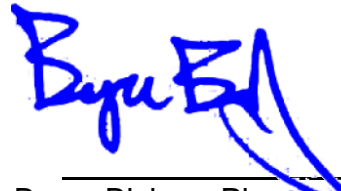
IT IS HEREBY ORDERED

That Tentative Subdivision Plan Case No. SUB22-07, for property located at 4120 Kurth Street S is hereby **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:

Conditions 2, 3, 8, 10, 11, 13, 15, and 17 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

- Condition 1:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 2:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Upgrade the existing 4-inch main in Mesa Street S to a minimum 8-inch main from Camellia Drive S to the Mesa Street cul-de-sac.
- Condition 4:** Dedicate a 10-foot public utility easement along the street frontage of Kurth Street S, Browning Avenue S, and the Mesa Street S cul-de-sac.
- Condition 5:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 6:** Convey land for dedication of right-of-way along the entire frontage of Browning Avenue S to equal 30 feet from centerline.
- Condition 7:** Convey land for dedication of right-of-way along the entire frontage Kurth Street S to equal 30 feet from centerline.
- Condition 8:** Construct a half-street improvement along the frontage of Browning Avenue S to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Prior to public construction plan approval or final plat approval, whichever comes first, the applicant shall identify the total number of dwelling units to be constructed within the subdivision.
- Condition 10:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in 20 or more new daily trips, with credits for prior use, if applicable, construct a half-street improvement along the frontage of Kurth Street S to collector street standards, including a property line sidewalk, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 11:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to condition 9 will result in less than 20 new daily trips, with credits for prior use, if applicable, Kurth Street S shall be widened to a minimum width of 20 feet along the frontage of the property in order to provide unobstructed emergency vehicle access and a 5-foot-wide property line sidewalk shall be provided.

- Condition 12:** Convey a minimum of 15 feet of land for dedication of right-of-way for a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S.
- Condition 13:** Construct a mid-block bike/pedestrian connection from the Mesa Street S cul-de-sac terminus to Kurth Street S as shown on the applicant's tentative plan and in accordance with Public Works Design Standards.
- Condition 14:** Convey land for dedication of right-of-way for the extension of Mesa Street S within the subject property as shown on the applicant's tentative plan.
- Condition 15:** Construct the extension of the Mesa Street S cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 16:** Obtain street tree removal permits, as necessary, pursuant to SRC Chapter 86.
- Condition 17:** Install street trees to the maximum extent feasible along the Kurth Street S, Browning Avenue S, and Mesa Street S frontages.



Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Subdivision Plan
 - C. Applicant's Utility Plan
 - D. Applicant's Written Statement
 - E. Public Works Department Comments
 - F. Public Comments