



Land Use Compatibility Statement

What is a land use compatibility statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in [Oregon Administrative Rules chapter 340, division 18](#).

When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 1 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS

Step	Who Does It?	What Happens?
1	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2	City or County Planning Office*	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

* Review is needed by the city and county if both have jurisdiction.

Where to get help

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

Translation or other formats

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov



Cultural resources protection laws

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to consider the effect of the undertaking that is included on or eligible for inclusion in the National Register.

For further information, contact the [State Historic Preservation Office](#) or 503-986-0690.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

Oregon DEQ Land Use Compatibility Statement

SECTION 1 - TO BE COMPLETED BY APPLICANT

1A.Applicant Name:	1B. Project Name:				
Contact Name:	Physical Address:				
Mailing Address:	City, State, Zip:				
City, State, Zip:	Tax Lot #:				
Telephone:	Township:	Range:	Section:		
Tax Account #:	Latitude:				
	Longitude:				
1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):					
1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Air Quality Notice of Construction <input type="checkbox"/> Air Contaminant Discharge Permit <input type="checkbox"/> Air Quality Title V Permit <input type="checkbox"/> Air Quality Indirect Source Permit <input type="checkbox"/> Parking/Traffic Circulation Plan <input type="checkbox"/> Solid Waste Land Disposal Site Permit <input type="checkbox"/> Solid Waste Treatment Facility Permit <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) <input type="checkbox"/> Conversion Technology Facility Permit <input type="checkbox"/> Solid Waste Letter Authorization Permit <input type="checkbox"/> Solid Waste Material Recovery Facility Permit <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit <input type="checkbox"/> Solid Waste Transfer Station Permit <input type="checkbox"/> Waste Tire Storage Site Permit <input type="checkbox"/> Pollution Control Bond Request <input type="checkbox"/> Hazardous Waste Treatment, Storage or Disposal Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Clean Water State Revolving Fund Loan Request <input type="checkbox"/> Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land) <input type="checkbox"/> Water Quality NPDES Individual Permit <input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form) <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z) <input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile) <input type="checkbox"/> Water Quality 401 Certification for federal permit or license </td> </tr> </table>				<input type="checkbox"/> Air Quality Notice of Construction <input type="checkbox"/> Air Contaminant Discharge Permit <input type="checkbox"/> Air Quality Title V Permit <input type="checkbox"/> Air Quality Indirect Source Permit <input type="checkbox"/> Parking/Traffic Circulation Plan <input type="checkbox"/> Solid Waste Land Disposal Site Permit <input type="checkbox"/> Solid Waste Treatment Facility Permit <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) <input type="checkbox"/> Conversion Technology Facility Permit <input type="checkbox"/> Solid Waste Letter Authorization Permit <input type="checkbox"/> Solid Waste Material Recovery Facility Permit <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit <input type="checkbox"/> Solid Waste Transfer Station Permit <input type="checkbox"/> Waste Tire Storage Site Permit <input type="checkbox"/> Pollution Control Bond Request <input type="checkbox"/> Hazardous Waste Treatment, Storage or Disposal Permit	<input type="checkbox"/> Clean Water State Revolving Fund Loan Request <input type="checkbox"/> Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land) <input type="checkbox"/> Water Quality NPDES Individual Permit <input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form) <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z) <input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile) <input type="checkbox"/> Water Quality 401 Certification for federal permit or license
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1E. This application is for: <input type="checkbox"/> Permit Renewal <input type="checkbox"/> New Permit <input type="checkbox"/> Permit Modification <input type="checkbox"/> Other:					

Oregon DEQ Land Use Compatibility Statement

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Applicant Name:

Project Name:

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☐ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): **City of Salem**

2C. ☐ This project is not within the jurisdiction of any land use, zoning, or planning entity
☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity _____

2D. Is the activity allowed under Measure 49 (2007)? ☐ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:

☐ Express; approved by DLCD order #:

☐ Conditional; approved by DLCD order #:

☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility? ☐ No ☐ Yes; SB 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:

☐ **YES**, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):

☐ **YES**, the activity or use is allowed outright by (provide reference for local ordinance):

☐ **YES**, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.

☐ **YES**, the activity or use is allowed; findings are attached.

☐ **NO**, see 2D. above, activity or use allowed under Measure 49; findings are attached

☐ **NO**, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined).

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

Planning Official Signature: 

Title:

Print Name:

Telephone #:

Date:

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

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.: SUB-UGA-ADJ22-09EXT1
AMANDA NO.: 24-122704-PLN
DATE OF DECISION: December 3, 2024
LOCATION: 5730 Lone Oak Road SE, Salem OR 97306
APPLICANT: Brandie Dalton, Multi-Tech Engineering, on behalf of Raghunandan and Sangeeta Kamineni

REQUEST

The first Class 1 Extension to extend the approval for a Tentative Subdivision Plan, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment (Case No. SUB-UGA-ADJ22-09) by two years to December 24, 2026. SUB-UGA-ADJ22-09 granted conditional approval of:

- 1) A Subdivision Tentative Plan to divide approximately 12.18 acres into 57 lots ranging in size from 0.11 acres to 0.42 acres, including four lots designed for stormwater management.
- 2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve to proposed development.
- 3) A Class 2 Adjustment to increase the maximum allowed depth for Lot 8 from 150 feet to approximately 207 feet, and to designate the western property lines of Lots 9 and 12—which are abutting a flag lot accessway—as the front lot lines rather than the southern property lines, which are abutting a street.
- 4) A Class 1 Adjustment to reduce the minimum required double frontage lot depth for Lot 16 from 120 feet to approximately 105 feet.

The subject property is zoned RA (Residential Agriculture) and RS (Single Family Residential), approximately 12.18 acres in size, and located at 5730 Lone Oak Road SE (Marion County Assessor's Map and Tax Lot Numbers: 083W15CB01900; 02000; 02100; and 02200). A vicinity map is included as **Attachment A.**

BACKGROUND

On December 8, 2022, the Planning Administrator approved the Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment request (Case No. SUB-UGA-ADJ22-09). Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment Case No. SUB-UGA-ADJ22-09 is set to expire on December 24, 2024.

On November 5, 2024, the applicant submitted the first request to extend the approval of the Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment Case No. SUB-UGA-ADJ22-09 for a period of two years to December 24, 2026.

FINDINGS

1. Proposal

Approval for the original application was granted on December 8, 2022, with an effective date of December 24, 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. The applicant has not submitted for final plat yet. 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, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment (Case No. SUB-UGA-ADJ22-09) approval to **December 24, 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 122704.

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, because 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, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment was submitted on December 6, 2021, and reviewed for compliance with the approval criteria set forth in SRC Chapters 205 and 250. 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 24, 2026**. This approval criterion is met.

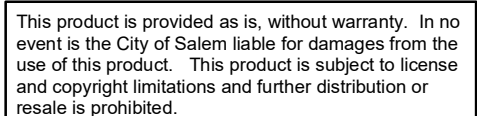
IT IS HEREBY ORDERED

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, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment Case No. SUB-UGA-ADJ22-09EXT1 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. SUB-UGA-ADJ22-09



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

DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION / URBAN GROWTH PRELIMINARY DECLARATION / CLASS 2
ADJUSTMENT / CLASS 1 ADJUSTMENT CASE NO.: SUB-UGA-ADJ22-09**

APPLICATION NO.: 21-122530-LD / 21-122528-LD / 21-122532-ZO

NOTICE OF DECISION DATE: December 8, 2022

SUMMARY: Proposed 57-lot subdivision with associated site improvements.

REQUEST: A consolidated application for a proposed 57-lot subdivision with associated site improvements, including four lots designed for stormwater management. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 12.18-acre property into 57 lots ranging in size from approximately 4,800 square feet to 18,327 square feet;
- 2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development;
- 3) A Class 1 Adjustment to reduce the minimum required double frontage lot depth for Lot 16 from 120 ft. to approximately 105 ft. (SRC 510.010(b); SRC 511.010(b)); and
- 4) A Class 2 Adjustment to:
 - a) Increase the maximum allowed lot depth for Lot 8 from 150 ft. to approximately 207 ft. (SRC 510.010(b); SRC 511.010(b)); and
 - b) Designate the west property line of Lots 9 and 12 abutting the flag lot accessway as the front lot line rather than the south property line abutting the street (SRC 800.020(a)(1)).

The subject property is zoned RA (Residential Agriculture) and RS (Single Family Residential), approximately 12.18 acres in size, and located at 5730 Lone Oak Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W15CB01900; 02000; 02100; and 02200).

APPLICANT: Brandie Dalton, Multi-Tech Engineering on behalf of Raghunandan Kamineni and Sangeeta Kamineni

LOCATION: 5730 Lone Oak Road SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Tentative Subdivision; 200.025(e) – Urban Growth Preliminary Declaration; 250.005(d)(2) – Class 2 Adjustment; 250.005(d)(1) – Class 1 Adjustment

FINDINGS: The findings are in the attached Decision dated December 8, 2022.

DECISION: The **Planning Administrator APPROVED** Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment Case No. SUB-UGA-ADJ22-09 subject to the following conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Conditions 1, 2, 4, 5, 6, 7, 11, 13, 15, 17, 19, 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:** The flag lot accessway serving Lots 9-11 and Lots 12-14 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.
- Condition 2:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.
- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 5:** Construct S-3 water mains within and abutting the development (and off-site if needed) to provide minimum fire flow requirements pursuant to Uniform Fire Code and PWDS. Obtain off-site easements as necessary.
- Condition 6:** Construct an S-3 water main along the development frontage of La Cresta Drive SE to provide domestic service to the proposed lots.
- Condition 7:** Construct an S-3 water main and a master plan sewer main along the development frontage of Lone Oak Road SE pursuant to PWDS. The sewer and water mains shall connect to the existing sewer and water systems, respectively.
- Condition 8:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Lone Oak Road SE, La Cresta Drive SE, and Sarah Renee Avenue SE.
- Condition 9:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Lone Oak Road SE.
- Condition 11:** Construct a three-quarter street improvement along the development frontage of Lone Oak Road SE to Collector A street standards with property line sidewalk as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exception:
- a) Increased street grade, as shown on the applicant’s tentative plan.
- Condition 12:** Demonstrate lots 36 through 42 have legal access by means of right-of-way dedication along Sarah Renee Avenue SE or off-site easements.

Condition 13: Construct the following streetscape improvements in accordance with City Street Design Standards and consistent with the provisions of SRC Chapter 803:

- a) Along the development frontage of La Cresta Drive SE, provide curblane sidewalks, street trees, and streetlights.
- b) Along the development frontage of Sarah Renee Avenue SE, provide property line sidewalks, street trees, and streetlights.

Condition 14: Dedicate a 60-foot-wide right-of-way for Koda Street SE within the subject property as shown on the applicant's tentative plan.

Condition 15: Construct Koda Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception:

- a) Increased street grade, not to exceed 15 percent, as shown on the applicant's tentative plan.

Condition 16: Dedicate a 52-foot-wide right-of-way for Red Oak Avenue SE within the subject property as shown on the applicant's tentative plan.

Condition 17: Construct Red Oak Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- a) Curblane sidewalks along the northern side of the right-of-way.

Condition 18: Dedicate a 60-foot-wide right-of-way for White Oak Street SE within the subject property as shown on the applicant's tentative plan.

Condition 19: Construct White Oak Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Condition 20: Provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

Condition 21: The front lot line designations for Lots 9 and 12 shall be the west property lines abutting the proposed flag lot accessways.

The rights granted by the attached decision must be exercised, or an extension granted, by December 24, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>October 13, 2022</u>
Notice of Decision Mailing Date:	<u>December 8, 2022</u>
Decision Effective Date:	<u>December 24, 2022</u>
State Mandate Date:	<u>January 31, 2023</u>

Case Manager: Bryce Bishop, Planner III, 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., Friday, December 23, 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, 200, and 250. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council 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 APPROVAL)	FINDINGS AND ORDER
OF TENTATIVE SUBDIVISION,)	
URBAN GROWTH PRELIMINARY)	
DECLARATION, CLASS 2 ADJUSTMENT,)	
& CLASS 1 ADJUSTMENT)	
CASE NO. SUB-UGA-ADJ22-09;)	
5730 LONE OAK ROAD SE)	DECEMBER 8, 2022

REQUEST

A consolidated application for a proposed 57-lot subdivision with associated site improvements, including four lots designed for stormwater management. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 12.18-acre property into 57 lots ranging in size from approximately 4,800 square feet to 18,327 square feet;
- 2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development;
- 3) A Class 1 Adjustment to reduce the minimum required double frontage lot depth for Lot 16 from 120 ft. to approximately 105 ft. (SRC 510.010(b); SRC 511.010(b)); and
- 4) A Class 2 Adjustment to:
 - a) Increase the maximum allowed lot depth for Lot 8 from 150 ft. to approximately 207 ft. (SRC 510.010(b); SRC 511.010(b)); and
 - b) Designate the west property line of Lots 9 and 12 abutting the flag lot accessway as the front lot line rather than the south property line abutting the street (SRC 800.020(a)(1)).

The subject property is zoned RA (Residential Agriculture) and RS (Single Family Residential), approximately 12.18 acres in size, and located at 5730 Lone Oak Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W15CB01900; 02000; 02100; and 02200).

PROCEDURAL FINDINGS

1. A consolidated application for a Tentative Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment was filed by Brandie Dalton, of Multi-Tech Engineering, on behalf of the applicants and property owners, Raghunandan and Sangeeta Kamineni, proposing to divide property located at 5730 Lone Oak Road SE into a 57-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing and public notice of the proposal was subsequently sent, pursuant to SRC requirements, on October 13, 2022. Notice of the proposed development was also subsequently posted on the property by the applicant pursuant to SRC requirements on October 17, 2022.

The state-mandated local decision deadline for the application is January 31, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 12.18-acres in size and located at 5730 Lone Oak Road SE (**Attachment A**) into 57 lots ranging in size from approximately 4,800 square feet to 18,327 square feet. In addition to the proposed tentative subdivision, the application also includes an Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development; a Class 1 Adjustment to reduce the minimum required double frontage lot depth for proposed Lot 16; and a Class 2 Adjustment to increase the maximum allowed lot depth for proposed Lot 8 and designate the west property lines of proposed Lots 9 and 12 as the front lot line for building setback purposes. Of the total 57 lots proposed, four are designated as water quality facilities for the purpose of stormwater management.

The subject property abuts La Cresta Drive SE to the north, Lone Oak Drive SE to the west, and Sarah Renee Avenue SE to the south. Vehicular access to the subdivision will be provided by La Cresta Drive, Lone Oak Road, Sarah Renee Avenue and proposed new internal streets that will be constructed with the subdivision.

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: 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: 21122530.

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 “Developing Residential” and “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 La Cresta Drive SE, Single Family Residential
South	Across Sarah Renee Avenue SE, Single Family Residential
	Mixed Use
East	Single Family Residential
West	Across Lone Oak Road SE, Mixed Use

Relationship to Urban Service Area

The subject property lies outside 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 outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal.

5. Zoning

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

Zoning of Surrounding Properties	
North	Across La Cresta Drive SE, RS (Single Family Residential)
South	Across Sarah Renee Avenue SE, RS (Single Family Residential)
	MU-II (Mixed-Use-II)
East	RS (Single Family Residential)
West	Across Lone Oak Road SE, MU-II (Mixed-Use-II)

6. Public and Private Agency Review

City of Salem Building and Safety Division - Reviewed the proposal and identified no objections.

City of Salem Fire Department - Reviewed the proposal and indicated no objections.

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 South Gateway 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. The South Gateway Neighborhood Association was contacted by the applicant's representative to provide details about the proposed subdivision in conformance with the requirements of SRC 300.310.

Neighborhood Association Comments

Notice of the application was provided to the South Gateway Neighborhood Association 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 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 seven comments were received that are included as **Attachment F**. The comments raise issues regarding the following:

- A. Future street extension. A concern was raised about the future street extension shown on the tentative subdivision crossing through the abutting property to the southwest of the subject property.

Staff Response: The future street extension across the abutting property to the southwest of the subject property was shown on the tentative subdivision plan for illustrative purposes only in order to demonstrate how proposed White Oak Street and existing Sarah Renee Avenue could feasibly be extended in the future to meet street connectivity requirements. SRC 803.035(a) establishes street connectivity

standards. Under this standard, local streets are required to be oriented or connected to existing or planned streets and existing or planned schools, parks, shopping areas, transit stops, and employment centers within one-half-mile of the development. In addition, local streets are also required to be extended to adjoining undeveloped properties for eventual connection with the existing street system.

Due to the mixed-use (MU-II) zoning of the abutting property to the southwest, its potential for further development in accordance with the MU-II zone, and the need for additional east-west street connectivity to Lone Oak Road, streets have been extended to the boundary of the property to meet the streets connectivity requirements SRC 803.035. The extension of a street to the boundary of an abutting property, however, does not require an extension to be constructed but it does ensure that the ability to provide a future connection is maintained and not precluded.

- B. Impact of proposed development on wildlife. Concerns were raised regarding the impact the subdivision will have on existing wildlife in the area and loss of wildlife habitat.

Staff Response: The subject property is located within the Urban Growth Boundary and within the Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as “Developing Residential” and “Single Family Residential,” which anticipates existing or future residential development similar to the subdivision proposed with this application. Loss of wildlife habitat is not a criterion for granting or denying a subdivision tentative plan.

- C. Safety concerns on La Cresta Drive. Concern was raised about the narrowness of La Cresta Drive and visibility on Koda Street due to the steep grade of the hill.

Staff Response: As indicated in the comments provided from the City’s Public Works Department (**Attachment E**), La Cresta Drive has a 30-foot-wide street improvement within a 51-foot-wide right-of-way. The street improvement width of La Cresta meets the standard improvement width for a local street but currently lacks sidewalks, street trees, and streetlights along the south side of the street. As a condition of approval, the proposed development will be required to provide curblined sidewalks, street trees, and streetlights.

In regard to the location and grade of Koda Street, the Public Works Department has reviewed the grade and alignment proposed by the applicant’s engineer and has determined it to be safe.

- D. Adequate City infrastructure. A comment received questioned whether the proposed subdivision conforms to approval criterion SRC 205.010(d)(3) concerning the proposed subdivision being able to be served adequately by City infrastructure.

Staff Response: As indicated in this decision, the City’s 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.

Detailed findings concerning the availability and provision of infrastructure to serve the development is included in the comments provided by the Public Works Department (**Attachment E**).

Requirements to construct needed facilities identified by the Public Works Department in order to ensure compliance with the City's public facility plans and the adequate provision of water, sewer, stormwater, and streets have been included as conditions of approval for the subdivision and are required to be constructed by the applicant.

- E. Transportation System Plan. A comment received indicated that the proposed development cannot be approved because it is impossible to evaluate the proposal for conformance with approval criterion SRC 205.010(d)(4), which requires a finding that the street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan. The comment indicates that the City's Transportation System Plan (TSP) is not valid because on Page 27 of the plan the footer indicates that it was updated on August 2018, but the plan indicates that it was published January 13, 2020. The comment explains that due to the conflicting dates within the document it is unclear when the provisions were published and therefore it is unclear if the published version is valid or relevant.

Staff Response: The City's published Transportation System Plan (TSP) is a valid adopted document. The current version was amended on January 13, 2020, and can be found on the City's website. As indicated in the findings included in this decision and in the attached Public Works Department memo (**Attachment E**), the internal and boundary streets improvements required to be constructed with the subdivision ensure the street system in and adjacent to the subdivision conforms to the TSP.

- F. Traffic study. A comment received indicated that the proposed development needs to be paused until a traffic analysis is conducted for the proposed development.

Staff Response: The applicant submitted a transportation impact analysis (TIA) in conjunction with the proposed development. The TIA demonstrates the development will not have a negative impact on the transportation system. The Assistant City Traffic Engineer reviewed the TIA and agrees with the key findings. No mitigation is required.

- G. Tree and vegetation removal. A comment received questioned whether the proposed development conforms to approval criterion SRC 205.010(d)(9), which requires the subdivision to take 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. The comment questions how many trees will be kept as houses are developed, how much of the natural blackberry population be destroyed.

Staff Response: The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 450 trees on the property, 28 of which are significant Oregon white oaks. Of the 450 total trees existing on the

property, the proposed tree conservation plan identifies 118 trees (26 percent) for preservation and 332 trees (74 percent) for removal. Of the 28 significant oaks on the property, 16 are proposed for preservation and 12 are proposed for removal. The proposed removal of the 12 significant oaks is necessary because there are no reasonable design alternatives that would enable the preservation of the trees due to the topography of the site, the required alignments of internal streets and utilities, and the amount of grading that will be necessary adjacent to the trees in the process of developing the site. The tree conservation plan exceeds the minimum preservation requirements of the City's preservation ordinance and limits the removal of significant trees to only those which cannot otherwise reasonably be preserved. In addition, the City's tree preservation ordinance, under SRC 808.050, requires future residential development of the proposed lots to have a certain number of trees per lot (*dependent upon the lot size*) that can be met through any combination of existing trees and/or planting new trees.

The Salem Revised Code does not include provisions requiring the preservation of blackberries.

- H. Increased traffic and safety concerns. Concern was raised about the impact the proposed development will have on traffic and the safety of children who walk to and from school.

Staff Response: The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. The proposal will result in boundary street improvements along La Cresta Drive, Lone Oak Road, and Sarah Renee Avenue that will include sidewalks, as well as the extension of new local streets through the subdivision in conformance with current standards for vehicle and pedestrian facilities. The streets will connect to existing streets and fill in gaps within the current street network.

A traffic impact analysis was conducted for the development that demonstrates the level of traffic generated will not have a negative impact on the transportation system. The Assistant City Traffic Engineer reviewed the TIA and agrees with the key findings.

Homeowners Association

The subject property is not located within a Homeowners Association.

8. ANALYSIS OF 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 RA (Residential Agriculture) and RS (Single Family Residential).

Pursuant to SRC 265.015, any land that is zoned RA (Residential Agriculture) that is subject to a subdivision approval shall automatically be rezoned to RS (Single Family Residential) on the date the subdivision plat is recorded. Because portions of the subject property are zoned RA, the provisions of SRC 265.015(a)(2) are applicable to the proposal and therefore the RA zoned portions of the property will be automatically rezoned to RS upon the future recoding of the final subdivision plat.

Because the zoning of the RA zoned portions of the property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the future zoning of the property being entirely RS.

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 residential uses within the RS zone is provided in the following table:

RS Zone Residential Use 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 ft. at the front building setback line.

As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed 57-lots within the subdivision range from approximately 4,800 square feet to 18,327 square feet; therefore exceeding the minimum lot area standards of the RS zone.

All of the proposed lots within the subdivision, with the exception of proposed Lots 8 and 16, also similarly exceed the lot dimension and street frontage standards of the RS zone.

Proposed Lot 8 is a deep and narrow lot that exceeds the maximum lot depth standard of the RS zone. Because this lot does not conform to maximum allowed lot depth, the applicant has requested a Class 2 Adjustment to this standard to allow the depth of the lot to exceed 300 percent of its average width. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included under Section 11 of this decision.

Proposed Lot 16 is a double frontage lot with street frontage on both proposed White Oak Street and Lone Oak Road SE. The depth of Lot 16 is approximately 105 feet, which does not meet the minimum 120-foot double frontage lot depth standard. Because this lot does not conform to the minimum required double frontage lot depth, the applicant has requested a Class 1 Adjustment to this standard to allow the lot to have a less depth of approximately 105 feet. Analysis of the Class 1 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included under Section 10 of this decision.

The lots within the subdivision, as proposed and as otherwise approved through the Class 1 and Class 2 Adjustment, 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 residential 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 Front	Min. 12 ft.	
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) Lone Oak Road SE is a designated as a collector street 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.

SRC Chapter 800 (General Development Standards)

▪ ***Designation of Lot Lines.***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met. For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan.

Lots 10 and 13 are flag lots. Based on the dimensions of these lots and the front lot line designation requirements for flag lots under SRC 800.020(a)(4), the west property lines of both Lots 10 and 13 will be required to be designated as the front in order to ensure minimum lot width and depth requirements are met.

Lots 9 and 12 are interior lots with frontage on a street, but due to the location of existing significant trees that have been identified for preservation in the fronts of these lots, the applicant is proposing to locate the homes in the rear portions of the lots, behind the existing trees, and take vehicle access from the abutting flag lot accessway rather than the street. In order to allow for the protection of the trees and provide for a developable building envelope at the rear of the lots, the west property lines of both Lots 9 and 12 abutting the flag lot accessway are proposed to be designated as the front by the applicant. Because Lots 9 and 12 are interior lots, SRC 800.020(a)(1) requires the front lot lines for these lots to instead be the south property lines abutting the street. Because the proposed front lot line designations for Lots 9 and 12 do not meet the requirements of SRC 800.020(a)(1), the applicant has requested a Class 2 Adjustment to this standard to allow the west property lines of the lots to instead be designated at the front. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included under Section 11 of this decision.

▪ ***Flag Lots.***

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. As shown on the tentative subdivision plan, two lots within the subdivision are flag lots (Lots 10 and 13). The two lots are served by separate flag lot accessways. In order to facilitate the preservation of existing trees in the fronts of proposed lots, the flag lot accessway serving Lot 10 will also provide vehicular access to Lots 9 and 11, and the flag lot accessway serving Lot 13 will also provide vehicular access to Lots 12 and 14.

SRC 800.025(c) establishes the following standards for the development of flag lot accessways:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
Maximum Number of Lots Served	A maximum of four lots may be served by a flag lot accessway.	

Because each of the proposed flag lot accessways will serve a total of three lots, the accessways must be improved to a minimum width of 20 feet within a 25-foot-wide easement and they cannot exceed a maximum length of 400 feet.

As shown on the tentative subdivision plan, the flag lot accessways will not serve more than four lots and both proposed accessways are 25 feet in width, approximately 120 feet in length, and conform to the requirements of SRC 800.025(c). Because the length of the flag lot accessways does not 150 feet, a Fire Department Turnaround is not required.

In order to ensure the proposed flag lot accessways are developed in conformance with the applicable standards of SRC 800.025(c), the following conditions of approval shall apply:

- Condition 1:** The flag lot accessway serving Lots 9-11 and Lots 12-14 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.
- Condition 2:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.

SRC 800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. The proposed subdivision includes the creation of 57 lots, four of which are proposed to serve as water quality facilities for stormwater management. Based on the 53 developable lots proposed within the subdivision, a maximum of

eight flag lots are allowed. As shown on the tentative subdivision plan, the proposed subdivision will include a total of two flag lots and therefore conforms to the maximum flag lot limit established under SRC 800.025(e).

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 La Cresta Drive SE and a 10-inch main located in Sarah Renee Avenue SE.

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 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Construct stormwater facilities pursuant to SRC 71 and 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-2 and S-3 water service level. A 20-inch S-2 water main is located in Lone Oak Road SE; an 8-inch S-2 water main is located in La Cresta Drive SE; and an 8-inch water main is located in Sarah Renee Avenue SE.

Sewer: An 8-inch sewer main is located in Lone Oak Road SE; an 8-inch sewer main is located in La Cresta Drive SE; and an 8-inch sewer main is located in Sarah Renee Avenue SE.

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 5: Construct S-3 water mains within and abutting the development (and off-site if needed) to provide minimum fire flow requirements pursuant to Uniform Fire Code and PWDS. Obtain off-site easements as necessary.

Condition 6: Construct an S-3 water main along the development frontage of La Cresta Drive SE to provide domestic service to the proposed lots.

Condition 7: Construct an S-3 water main and a master plan sewer main along the development frontage of Lone Oak Road SE pursuant to PWDS. The sewer and water mains shall connect to the existing sewer and water systems, respectively.

Condition 8: Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Lone Oak Road SE, La Cresta Drive SE, and Sarah Renee Avenue SE.

Condition 9: All necessary (existing and proposed) access and utility easements must 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 La Cresta Drive SE, Lone Oak Road SE, and Sarah Renee Avenue SE.

Lone Oak Road SE abuts the west line of the subject property. Lone Oak Road is designated as a collector street 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 Lone Oak Road currently has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way abutting the subject property.

The existing condition of Lone Oak Road SE is under-improved for a collector street according to the Salem TSP. The applicant has requested an alternative street standard to allow Lone Oak Road SE to exceed the maximum eight percent grade for a collector street per SRC 803.035(c). Lone Oak Road SE has an existing grade that exceeds the maximum required and, therefore, the applicant requests to match the existing grade. The Director approves the request pursuant to SRC 803.065(a)(3). Pursuant to SRC 803.040(b), a three-quarter street improvement and right-of-way dedication along Lone Oak Road SE is warranted. However, the applicant may pay a fee-in-lieu of construction if the conditions of SRC 200.405 are met. As part of the three-quarter street improvement, the City Construction Engineer recommends the improvement be constructed with a crest curve $k(\min)$ value equal to 40 in order to mitigate the excessive limited sight distance on the north end due to the 16 percent grade. Final design of the street section will be reviewed and approved by Public Works prior to issuance of construction permits. In order to ensure Lone Oak Road is improved in conformance with the boundary street requirements of SRC 803.040, the following conditions of approval shall apply:

Condition 10: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Lone Oak Road SE.

Condition 11: Construct a three-quarter street improvement along the development frontage of Lone Oak Road SE to Collector A street standards with property line sidewalk as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exception:

a) Increased street grade, as shown on the applicant's tentative plan.

La Crest Drive abuts the north line of the subject property. La Cresta Drive SE 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 La Crest Drive currently has an approximate 30-foot improvement with a 50-foot-wide right-of-way abutting the subject property and that there is also a one-foot reserve strip along the development frontage of La Cresta Drive. An alternative street standard for a reduced right-of-way width and curblin sidewalks along La Cresta Drive was permitted with the Lone Oak Heights Phase 2 Subdivision, which abuts the development to the north. La Cresta Drive currently has adequate pavement width but lacks sidewalks, street trees, and streetlights along the development frontage. The applicant has requested an alternative street standard to

allow a 51-foot right-of-way and curblin sidewalks along the development side of La Cresta Drive SE. The Director approves the alternative street request to allow construction of La Cresta Drive SE to match the existing improvement pursuant to SRC 803.065(a)(1).

Sara Renee Avenue abuts the south line of the subject property. Sarah Renee Avenue SE 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 Sara Renee Avenue has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Along proposed Lots 24 through 28 and proposed lot 43, Sarah Renee Avenue SE has an adequate improvement but lacks street trees, streetlights, and sidewalks along the development side of the street. Sarah Renee Avenue along proposed lots 36 through 42 is under construction with the Springwood Estates Phase 2 Subdivision; street trees, property line sidewalks, and streetlights will be required along the development side of the street. This section of Sarah Renee Avenue SE has not yet been dedicated as right-of-way and, therefore, lots 36 to 42 do not have legal access.

In order to that La Cresta Drive and Sara Renee Avenue are improved in conformance with the boundary street requirements of SRC 803.040, and that proposed Lots 36 to 42 will have legal access, the following conditions of approval shall apply:

- Condition 12:** Demonstrate lots 36 through 42 have legal access by means of right-of-way dedication along Sarah Renee Avenue SE or off-site easements.
- Condition 13:** Construct the following streetscape improvements in accordance with City Street Design Standards and consistent with the provisions of SRC Chapter 803:
- a) Along the development frontage of La Cresta Drive SE, provide curblin sidewalks, street trees, and streetlights.
 - b) Along the development frontage of Sarah Renee Avenue SE, provide property line sidewalks, street trees, and streetlights.

In addition to boundary streets, the proposed subdivision proposes the construction of three internal streets to provide access to the lots within the development.

Koda Street SE is a new local street with a proposed 60-foot right-of-way, 30-foot improvement, and property line sidewalks. The applicant requests an alternative street standard to allow Koda Street SE to exceed the maximum 12 percent grade for a local street per SRC 803.035(c) due to existing topographic constraints. The Director approves the increased street grade pursuant to SRC 803.065(a)(3). In order to ensure that Koda Street is constructed in conformance with the requirements of SRC Chapter 803, the following conditions of approval shall apply:

Condition 14: Dedicate a 60-foot-wide right-of-way for Koda Street SE within the subject property as shown on the applicant's tentative plan.

Condition 15: Construct Koda Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception:

- a) Increased street grade, not to exceed 15 percent, as shown on the applicant's tentative plan.

Red Oak Avenue SE is a new local street with a proposed 52-foot right-of-way, 30-foot improvement, property line sidewalks on the south side and curblin sidewalks on the north side of the right-of-way. The applicant requests an alternative street standard to allow curblin sidewalks along the northern portion of the right-of-way and a 52-foot right-of-way in order to preserve existing trees that are near the proposed northern right-of-way line. The Director approves the reduced right-of-way width and curblin sidewalks along the northern side of the right-of-way for Red Oak Avenue SE pursuant to SRC 803.065(a)(3). In order to ensure that Red Oak Avenue is constructed in conformance with the requirements of SRC Chapter 803, the following conditions of approval shall apply:

Condition 16: Dedicate a 52-foot-wide right-of-way for Red Oak Avenue SE within the subject property as shown on the applicant's tentative plan.

Condition 17: Construct Red Oak Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- a) Curblin sidewalks along the northern side of the right-of-way.

White Oak Street SE is a new local street with a proposed 60-foot right-of-way, 30-foot improvement, and property line sidewalks. In order to ensure that White Oak Street is constructed in conformance with the requirements of SRC Chapter 803, the following conditions of approval shall apply:

Condition 18: Dedicate a 60-foot-wide right-of-way for White Oak Street SE within the subject property as shown on the applicant's tentative plan.

Condition 19: Construct White Oak Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

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.

As shown on the tentative subdivision plan, the block length along La Crest Drive SE from Lone Oak Road to Koda Street is approximately 670 feet. The slightly increased length of this block is necessary due to the topography of the site and allows the extension of the street to avoid greater numbers of trees located on the western portion of the site.

The proposed block length along Koda Street SE from La Cresta Drive to Sarah Renee Avenue is approximately 690 feet. The intersection of Red Oak Avenue reduces the block length of Koda Street on the west side of the street but the slightly increased length of the block on the east side of the street is necessary due to existing development to the east of the subject property which precludes any additional street connections being provided to the east.

Along Lone Oak Road SE, the block length from La Cresta Drive to Mildred Lane is currently approximately 1,700 feet. The increased length of this block is necessary due to existing topography of the site which precludes an extension of Sarah Renee Avenue to Lone Oak Road.

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

SRC Chapter 808 (Preservation of Trees and Vegetation)

The proposed subdivision was submitted prior to the March 16, 2022, effective date of Engrossed Ordinance No. 13-21, which included recent updates to the City's tree preservation ordinance (SRC Chapter 808). As such, the subdivision is subject to the tree preservation requirements of SRC Chapter 808 that were applicable at the time of application submittal, which require tree conservation plans for development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units. Tree conservation plans are required to preserve all heritage trees, significant trees (*Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. 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 450 trees on the property, 28 of which are significant Oregon white oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 450 total trees existing on the property, the proposed tree conservation plan identifies 118 trees (26 percent) for preservation and 332 trees (74 percent) for removal. Of the 28 significant oaks on the property, 16 are proposed for preservation and 12 are

proposed for removal. The proposed removal of the 12 significant oaks is necessary because there are no reasonable design alternatives that would enable the preservation of the trees due to the topography of the site, the required alignments of internal streets and utilities, and the amount of grading that will be necessary adjacent to the trees in the process of developing the site.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808 and limits the removal of significant trees to only those which cannot otherwise reasonably be preserved. 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 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 and SRC Chapter 810, the subject property is mapped with areas of 2 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the property. A Geological Assessment, prepared by Redmond Geotechnical Services and dated July 16, 2021, was submitted to the City of Salem with the subdivision application. This assessment demonstrates the subject property can be developed by implementing the mitigation measures provided in the report. In order to ensure that development of the property conforms to the requirements of SRC Chapter 810, the following condition of approval shall apply:

Condition 20: Provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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 12.18-acre property into 57 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 subdivision extends proposed White Oak Street to northern boundary of the large MU-II zoned property located to the southwest of the subject property in conformance with the street connectivity requirements included under SRC 803.035(a). This street extension, together with the existing extension of Sarah Renee Avenue to the eastern boundary of the property, provides opportunity for potential future east-west street connectivity to Lone Oak Road SE as well additional opportunities for vehicular access to serve the property if it is further developed 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 La Cresta Drive SE, Lone Oak Road SE, and Sarah Renee Avenue SE. Lone Oak Road is designated as a collector street under the City's Transportation System Plan (TSP) and both La Cresta Drive and Sarah Renee Avenue are designated as local streets.

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. As shown on the tentative subdivision plan, internal streets are extended through the site to provide safe and convenient access to the proposed lots within the subdivision, and proposed streets are extended to the boundary of the property to connect to existing streets on the perimeter of the site and to provide opportunities for future street connectivity to abutting properties.

As identified in the conditions of approval, boundary street improvements will be required along the property's Lone Oak Road, La Cresta Drive, and Sarah Renee frontages, and the proposed internal streets within the subdivision will be required to be improved in conformance with the standards included under SRC Chapter 803 and the City's Street Design Standards. These required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This 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 Sumpter School Park, Bryan Johnson Park, and Sumpter Elementary School. The nearest transit service available to the site is provided by Cherriots Route 6 (Fairview Industrial) on Sunnyside Road SE to the east and Route 8 (12th/Liberty) on Liberty Road South to the west.

The proposed subdivision is accessed by an existing collector street (Lone Oak Road) and two local streets (La Cresta Drive and Sarah Renee Avenue). As identified in the conditions of approval, boundary street improvements will be required along the property's street frontages that will include sidewalk improvements. 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 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 applicant submitted a TIA as part of the application package. The TIA demonstrates the development will not have a negative impact on the transportation system. The Assistant City Traffic Engineer has reviewed the TIA and agrees with the key findings. No mitigation is required. This approval criterion is met.

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. Examples of this can be seen in: 1) The proposed reduced right-of-way width and curblin sidewalk on the north side of Red Oak Avenue intended to minimize the amount of grading that will be required in connection with the construction of this street and facilitate preservation of groupings of existing trees located in the fronts of Lots 9, 11, 12, and 14; and 2) Configuring Lots 9, 10, and 11 and Lots 12, 13, and 14 to take access via two flag lot accessways in order to allow homes to be constructed in the rear portions of these lots and groupings of existing trees to be preserved in the fronts of the lots. 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 is located outside of the Urban Service Area. Therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements. This approval criterion is met.

9. ANALYSIS OF URBAN GROWTH PRELIMINARY DECLARATION APPROVAL CRITERIA

Pursuant to SRC 200.020, properties located outside the City's Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Because the subject property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration is required for the proposed development.

SRC 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact identifying those public facilities that are currently in place and those that must be

constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

SRC 200.0025(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 the 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.***

SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Finding: Analysis of the development based on the relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055 - Standards for Street Improvements

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)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

La Cresta Drive SE and Sarah Renee Avenue SE have a minimum 30-foot improvement abutting the development frontage. Lone Oak Road SE does not meet the minimum 34-foot linking improvement. Boundary street improvements and linking street improvements in conformance with SRC 200.0055 are conditioned above.

SRC 200.060 - Standards for Sewer Improvements

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 nearest available sewer facilities are in Sarah Renee Avenue SE. The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments are required to provide public sewers to adjacent upstream parcels. Required sewer improvements in conformance with SRC 200.060 are conditioned above.

SRC 200.065 - Standards for Storm Drainage Improvements

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 nearest available public storm system appears to be located in Sarah Renee Avenue SE. The applicant shall

link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). Required storm draining facilities in conformance with SRC 200.065 are conditioned above.

SRC 200.070 - Standards for Water Improvements

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 applicant shall provide linking water mains consistent with the Water System Master Plan adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards. Required water system improvements in conformance with SRC 200.070 are conditioned above.

SRC 200.075 - Standards for Park Sites

The proposed development is served by Sumpter School Park approximately one-half mile north of the subject property and Bryan Johnston Park approximately one third mile south of the subject property.

10. ANALYSIS OF CLASS 1 ADJUSTMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 250.005(d)(1) sets forth the following criteria that must be met before approval can be granted to an application for a Class 1 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the Planning Administrator's decision is based. Lack of compliance with the following criteria is grounds for denial of the Class 1 Adjustment, or for the issuance of certain conditions to ensure the criteria are met.

SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

Finding: The applicant has requested a Class 1 Adjustment in conjunction with the proposed subdivision to reduce the minimum required double frontage lot depth for Lot 16 from 120 ft. to approximately 105 ft. (SRC 510.010(b); SRC 511.010(b)).

The written statement provided by the applicant (**Attachment D**) indicates, in summary, that in order to provide street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the location of the required interior streets, and the required right-of-way dedication along Lone Oak Road, the required 120-foot lot depth for Lot 16 could not be met.

Staff concurs with the findings included in the applicant's written statement. Double frontage lots with street frontage adjacent to both their front and rear property lines are required to have a minimum lot depth of 120 feet. The underlying purpose of this standard is to ensure that lots that have street frontage adjacent to both their front and

rear property lines have an increased lot depth to provide potential for additional privacy and separation from the street, which is of greater importance for lots abutting streets which convey greater levels of traffic.

As shown on the tentative subdivision plan, proposed Lot 16 is a double frontage lot that will abut proposed White Oak Street in the front and Lone Oak Road SE in the back. Because the underlying purpose of the minimum 120-foot double frontage lot depth standard is to provide for increased lot depth which in-turn provides for additional space for potential separation and privacy from streets on individual lots that abut streets at both their front and rear, the proposed slightly reduced lot depth of Lot 16 will continue to satisfy the underlying purpose of this standard because the approximate 105-foot lot depth will still be sufficient to provide the potential for separation and privacy from streets. This approval criterion is met.

SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The written statement provided by the applicant indicates that the proposed adjustment will have little to no impact on the surrounding neighborhood; Lot 16 will not affect the rest of the lots within the proposed subdivision; and any home on Lot 16 will be required to meet setbacks.

Staff concurs with the findings included in the applicant's written statement. The slight reduction in the minimum required lot depth for Lot 16 will not make the lot unbuildable or force development to occur on the lot that will be incompatible with surrounding development. The minimum required setback and maximum lot coverage and building height requirements of the RS will ensure that any dwelling constructed on Lot 16 will be consistent with other dwellings in the subdividing or the surrounding area. This criterion is met.

11. ANALYSIS OF CLASS 2 ADJUSTMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

Finding: The applicant has requested two Class 2 Adjustments in conjunction with the proposed subdivision. They include:

- a) Increasing the maximum allowed lot depth for Lot 8 from 150 ft. to approximately 207 ft. (SRC 510.010(b); SRC 511.010(b)); and

- b) Designating the west property line of Lots 9 and 12 abutting the flag lot accessway as the front lot line rather than the south property line abutting the street as required under SRC 800.020(a)(1)).

Maximum Lot Depth for Lot 8 (SRC 510.010(b); SRC 511.010(b)):

The applicant has requested a Class 2 Adjustment to SRC 510.010(b) and SRC 511.010(b), which limit maximum depth to 300 percent or three-times the average lot width, in order to allow proposed Lot 8 to have a lot depth of approximately 207 feet where only a maximum depth of 150 feet would otherwise be allowed.

The written statement provided by the applicant (**Attachment D**) indicates, in summary, that in order to provide street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the location of trees and required street connections, the lots within the subdivision are long. Therefore, Lot 8 exceeds the maximum requirement. The applicant explains that the longer lot does not affect the rest of the subdivision and that the longer lot actually provides more area to meet setbacks, provide larger open space area on the lot, and preserve trees.

Staff concurs with the findings include in the applicant's written statement. The underlying purpose of this standard is to ensure efficient use of land and convenient access to lots. If the depth of a residential lot far exceeds its width, the resulting land area located at the rear of the lot has a greater potential to be of such size that it can be further divided to accommodate additional lots. However, based on the narrow width of the lot and the location of any existing structures on it, the rear portion of the lot may be difficult to access. As such, in order for the deep rear portions of lots to be further divided or developed, existing structures may need to be demolished, neighboring lots may need to be combined together in one land division application in order to provide sufficient access width to reach the rear of the lots, or access to the rear of the lots must be provided by private flat lot accessways rather than public streets.

By limiting the maximum depth of residential lots, the possibility of leaving additional developable land at the rear of a lot is minimized; thereby ensuring the efficient use of land and more efficient access to lots via public streets rather than flag lot accessways.

In the case of proposed Lot 8, the longer depth of this lot is necessitated by the location of existing trees, the overall topography of the site, the alignment of the proposed streets, and the configuration of abutting lots. The additional lot depth provided for Lot 8 provides additional buildable area at the rear of the lot in order to help facilitate the preservation of existing trees in the front of the lot. This criterion is met.

Front Lot Line Designations for Lots 9 and 12 (SRC 800.020(a)(1)):

The applicant has requested a Class 2 Adjustment to SRC 800.020(a)(1), which requires the front lot line of an interior lot to be the property line abutting the street. The underlying purpose of this standard is to ensure that lots that have only one street frontage designate their front lot line as the property line abutting the street.

As shown on the tentative subdivision plan, Lots 9 and 12 have frontage on proposed Red Oak Avenue but the applicant is requesting that the western property lines of the lots abutting the flag lot accessways be designated as the front rather than the property lines abutting Red Oak Avenue in order to provide more developable building envelopes in the rear of the lots so existing trees in the front of the lots can be preserved.

Because the intended purpose of designating the western property lines of these lots as the front is to make it possible to construct homes at the rear of the lots while preserving trees in the front of the lots, the building setback envelopes and vehicular access to the lots will be oriented to the flag lot accessway rather than the street. As such, designating the lot lines abutting the flag lot accessways as the front equally meets the underlying purpose of the standard because it ensures that the lines being designated as the front are the lines that the lots will principally be oriented to. This criterion is met.

Based on the applicant's requested adjustment to designate the western property lines of Lots 9 and 12 as the front, the following condition of approval shall apply:

Condition 21: The front lot line designations for Lots 9 and 12 shall be the west property lines abutting the proposed flag lot accessways.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is zoned RS. Neither the proposed development nor the adjustments requested by the applicant will detract from the livability or appearance of the residential area. The proposed adjustments will allow the reasonable developments of the lots in a manner that is consistent with the RS zone and the residential development pattern of the surrounding area.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Two Class 2 Adjustments have been requested in conjunction with the proposed development and, although more one adjustment has been requested, each adjustment is the minimum necessary to allow the reasonable development of the property in conformance with the purposes of the RS zone. This approval criterion is met.

12. Conclusion

Based upon review of SRC 205.010(d), 200.025(e), and SRC 250.005(d), the findings contained under Sections 8-11 above, and the comments described, the Tentative Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment comply 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

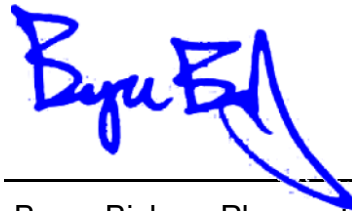
That Tentative Subdivision, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 1 Adjustment Case No. SUB-UGA-ADJ22-09, for property located at 5730 Lone Oak Road SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions 1, 2, 4, 5, 6, 7, 11, 13, 15, 17, 19, 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:** The flag lot accessway serving Lots 9-11 and Lots 12-14 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement.
- Condition 2:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.
- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 5:** Construct S-3 water mains within and abutting the development (and off-site if needed) to provide minimum fire flow requirements pursuant to Uniform Fire Code and PWDS. Obtain off-site easements as necessary.
- Condition 6:** Construct an S-3 water main along the development frontage of La Cresta Drive SE to provide domestic service to the proposed lots.
- Condition 7:** Construct an S-3 water main and a master plan sewer main along the development frontage of Lone Oak Road SE pursuant to PWDS. The sewer and water mains shall connect to the existing sewer and water systems, respectively.
- Condition 8:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Lone Oak Road SE, La Cresta Drive SE, and Sarah Renee Avenue SE.
- Condition 9:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Lone Oak Road SE.

- Condition 11:** Construct a three-quarter street improvement along the development frontage of Lone Oak Road SE to Collector A street standards with property line sidewalk as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exception:
- a) Increased street grade, as shown on the applicant's tentative plan.
- Condition 12:** Demonstrate lots 36 through 42 have legal access by means of right-of-way dedication along Sarah Renee Avenue SE or off-site easements.
- Condition 13:** Construct the following streetscape improvements in accordance with City Street Design Standards and consistent with the provisions of SRC Chapter 803:
- a) Along the development frontage of La Cresta Drive SE, provide curblin sidewalks, street trees, and streetlights.
 - b) Along the development frontage of Sarah Renee Avenue SE, provide property line sidewalks, street trees, and streetlights.
- Condition 14:** Dedicate a 60-foot-wide right-of-way for Koda Street SE within the subject property as shown on the applicant's tentative plan.
- Condition 15:** Construct Koda Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception:
- a) Increased street grade, not to exceed 15 percent, as shown on the applicant's tentative plan.
- Condition 16:** Dedicate a 52-foot-wide right-of-way for Red Oak Avenue SE within the subject property as shown on the applicant's tentative plan.
- Condition 17:** Construct Red Oak Avenue SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- a) Curblin sidewalks along the northern side of the right-of-way.
- Condition 18:** Dedicate a 60-foot-wide right-of-way for White Oak Street SE within the subject property as shown on the applicant's tentative plan.
- Condition 19:** Construct White Oak Street SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

- Condition 20:** Provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 21:** The front lot line designations for Lots 9 and 12 shall be the west property lines abutting the proposed flag lot accessways.



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