

# 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 informacion, por favor llame  
503-588-6173*

## ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN - REVISED

CASE NO.: SUB07-03MOD  
AMANDA NO.: 16-116291-LD  
DATE OF DECISION : ~~December 30, 2016~~ March 9, 2017  
PROPERTY LOCATION: 4200 Block of Croisan Creek Road S  
APPLICANT: Dorchester Properties Limited Partnership

### REQUEST

Modification of the approval of SUB07-03 (Croisan Ridge subdivision) to divide the proposed 177-lot tentative subdivision plan into 7 phases, as follows:

- Phase 1: Lots 121-141 (21 lots)
- Phase 2: Lots 118-120 and Lots 142-155 (17 lots)
- Phase 3: Lots 98-117 and Lots 156-167 (32 lots)
- Phase 4: Lots 76-97 and Lots 168-170 (24 lots)
- Phase 5: Lots 1-4 and Lots 58-75 (29 lots)
- Phase 6: Lots 5-10, Lots 29-31, Lots 40-52, and Lot 87 (28 lots)
- Phase 7: Lots 11-28 and Lots 32-39 (26 lots)

The modification does not change the number or configuration of single family residential lots within the subdivision, and adjustments and variances granted to block and street standards by SUB07-03 would remain in effect.

The subject property is approximately 48 acres in size, zoned RA (Residential Agriculture) and located at the 4200 Block of Croisan Creek Road S (Marion County Assessor Map and Tax Lot Numbers 083W08B00100, 083W08A01400 and 083W08A01400).

### DECISION

The requested modification of the tentative subdivision plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the approval of amended tentative subdivision plan SUB07-03, unless otherwise indicated.

### BACKGROUND

On May 22, 2007, the Subdivision Review Committee approved tentative subdivision plan SUB07-03 ("Croisan Ridge"), with a concurrent variance to allow finished grades of certain streets within the subdivision to exceed 12 percent. The tentative subdivision approval also included administrative adjustments to block

length, collector and local street width, and street improvement standards as allowed under SRC Chapter 63 in effect at that time. Although the approved site plan for SUB07-03 delineates three phases of development, the decision does not indicate that the applicant proposed at that time to divide the subdivision into phases, and the subdivision ordinance in effect at the time (SRC Chapter 63) did not have a separate review process or approval criteria specific to phased subdivisions.<sup>1</sup>

The original SUB07-03 approval received two-year extensions in 2009, 2011, 2013, and 2015. The 2015 extension was the fourth and final extension available for SUB07-03.

Pursuant to SRC 205.070(e), "the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision." The earlier approval of the requested modification, issued on December 30, 2016, is revised and reissued herein to include this information.

## **FINDINGS**

The subject property is located at the 4200 Block of Croisan Creek Road S (Attachment A). Croisan Ridge, a 177-lot subdivision (SUB07-03) located on the subject property and surrounding properties, was approved by the Subdivision Review Committee on May 22, 2007. Amended Urban Growth Area Preliminary Declaration UGA07-03 was issued in connection with the Croisan Ridge tentative subdivision plan.

The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

SUB07-03 was approved in 2007 under the requirements of former SRC Chapter 63 (Subdivisions). Since that time, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria.

The standards and criteria applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions have required modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same.

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<sup>1</sup> Requirements and approval criteria specific for phased subdivisions for property to be developed for commercial or industrial uses were established in 2008. A phased subdivision review process that includes residential property was established as part of the adoption of the Unified Development Code (UDC) in 2014.

A final plat has not been approved or recorded for the tentative subdivision as originally proposed. No changes to the number or configuration of lots are proposed, and points of access to the existing street network would remain the same.

**1. Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):**

SRC 205.070(d) establishes the following approval criteria for modification of the approval of a tentative subdivision plan:

- (1) *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*
- (2) *The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

**2. Analysis of Modification Approval Criteria:**

***SRC 205.070(d)(1): The proposed modification is not substantially inconsistent with the conditions of the original approval.***

**Finding:** As originally approved, the proposed tentative subdivision plan would divide approximately 48 acres into 177 lots for single family residential development, with a concurrent variance to street grade allow the grade of certain streets to exceed 12 percent. The Subdivision Review Committee approved the application (Case No. 07-03), subject to 9 conditions of final plat approval (Attachment B). In summary, conditions of approval relate to compliance with City standards regarding points of access, traffic safety, street grade, sidewalk design, floodplain development, and geotechnical hazards. Condition 1 requires compliance with the conditions of Urban Growth Area Preliminary Declaration Case No. 98-3 and its related amendment UGA07-3.

SUB07-03 was not proposed as a phased subdivision. Therefore, no conditions of the original approval pertained to specific phases of development within the overall tentative subdivision plan. At the time that SUB07-03 was approved, the subdivision ordinance allowed phasing of subdivisions but did not have a separate review process or approval criteria for phased subdivisions. The Public Works Department has reviewed the proposed modification and submitted comments (Attachment D) finding that the modification is in substantial conformance with the conditions of approval originally adopted in SUB07-03 and recommending phased implementation of conditions adopted in SUB07-03 and UGA07-03, consistent with the phasing of development proposed in the subject modification and the since-adopted approval criteria for phased subdivisions.<sup>2</sup>

The applicant has indicated that they may seek approval of an exception listed under Section D.107.1 of the 2014 Oregon Fire Code. The exception requirements adopted in Condition 3, in which secondary access for emergency vehicles must be provided "as specified by the City Fire Marshal and Public Works Director." The exception request

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<sup>2</sup> SRC 205.015(d).

would be subject to approval by the Fire Marshal and Public Works Director, and would therefore be consistent with Condition 3 as adopted in SUB07-03.

As indicated in the applicant's written statement, the variance and administrative adjustments granted in SUB07-03 are addressed in the Subdivision Review Committee's decision and are not altered by the phasing plan proposed in this modification.

The proposal meets this criterion.

***SRC 205.070(d)(2): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.***

**Finding:** The applicant's proposal retains the same overall lot and street layout, lot sizes, and overall number of lots within the Croisan Ridge subdivision. The modification would only allow for changes in the timing of subdivision development through defined phases. The Tree Conservation Plan (TCP05-33) approved for the tentative subdivision plan is not altered by the requested modification and would remain in effect. The physical appearance of the completed development would remain the same as originally proposed.

The applicant does not propose to change the use of the site, which would be subdivided into 177 lots for single family residential development. Because of the identical configuration and use of the eventual completed subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties.

The proposal meets this criterion.

### 3. **Effect on Expiration Period of Original Approval:**

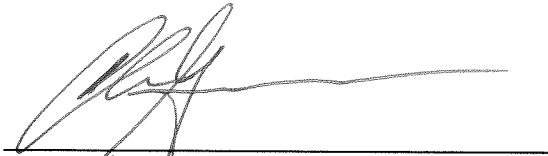
Pursuant to SRC 205.070(e), "the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision." The earlier approval of the requested modification is revised and reissued herein to include this information.

**Finding:** Because the subject subdivision proposal has been modified to be implemented in phases, the applicable expiration period and extensions allowed for a Phased Tentative Subdivision Plan, as set forth in SRC Chapter 300, Table 300-3, shall apply to the proposal as follows:

- **Phase 1:** Expires March 8, 2019. Up to 4 extensions are allowed, with a maximum period of 2 years for each extension.
- **Phases 2-7:** All phases after Phase 1 expire March 8, 2027. No extensions are allowed.

## **DECISION**

The requested modification of the tentative subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the approval of tentative subdivision plan SUB07-03 and UGA07-03 and subject to the recommended phasing of infrastructure requirements contained in Attachment D, unless otherwise indicated.



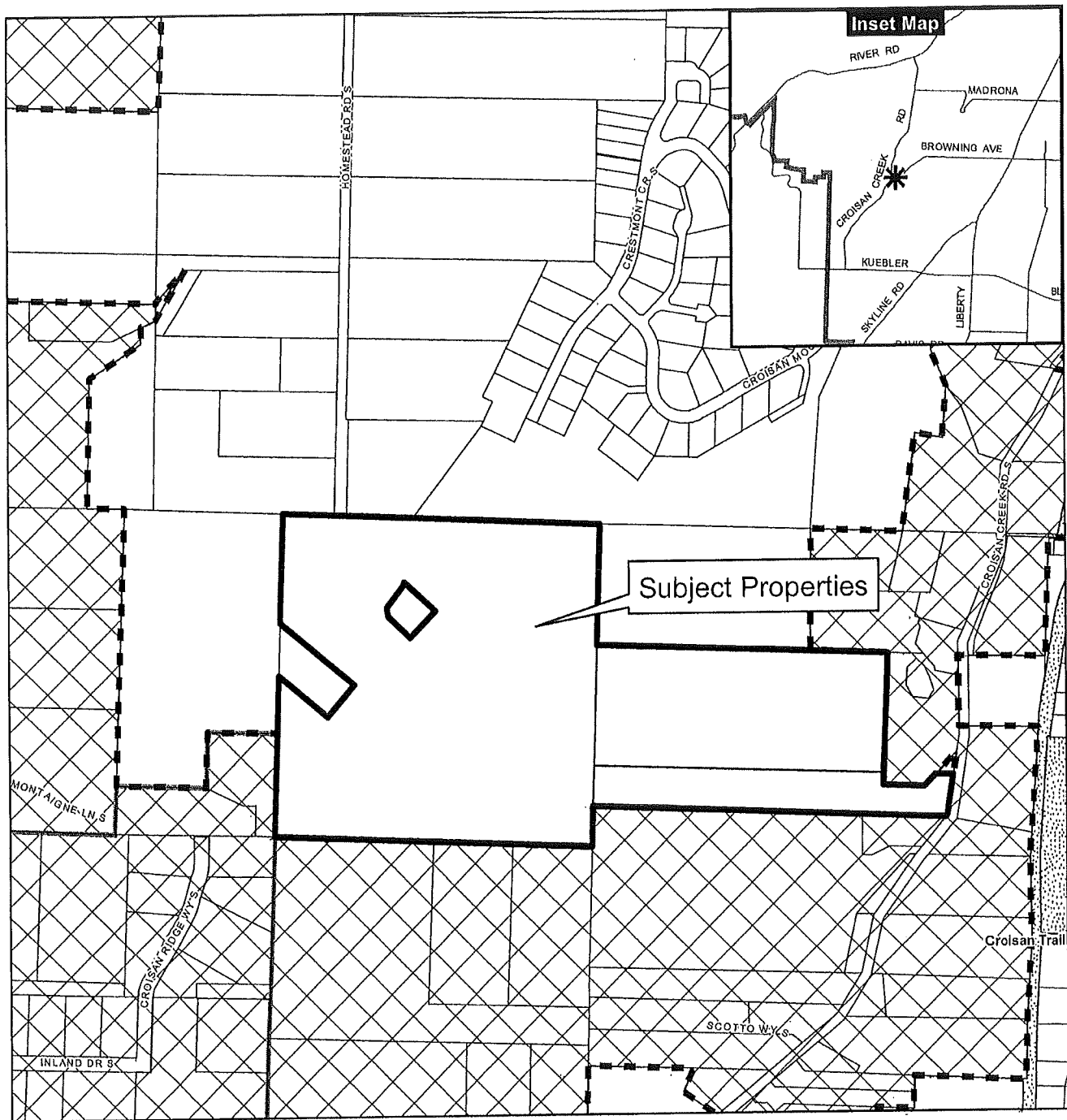
Christopher Green, AICP, Planner II  
Planning Administrator Designee

Attachments:   A. Vicinity Map  
                  B. Subdivision Review Committee decision approving SUB07-03  
                  C. Site Plan for Modified Subdivision  
                  D. Public Works Department comments

cc:     Alan Kessler, GIS

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\SUBDIVISION\2016\3 - Decision-Order Documents\SUB07-03MOD.cjg - revised.doc

# Vicinity Map 4200 Block of Croisan Creek Road S



## Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet



**ATTACHMENT B**

**ATTACHMENT B**

## CROISAN RIDGE

SEC. 08 T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
58.98 ACRES

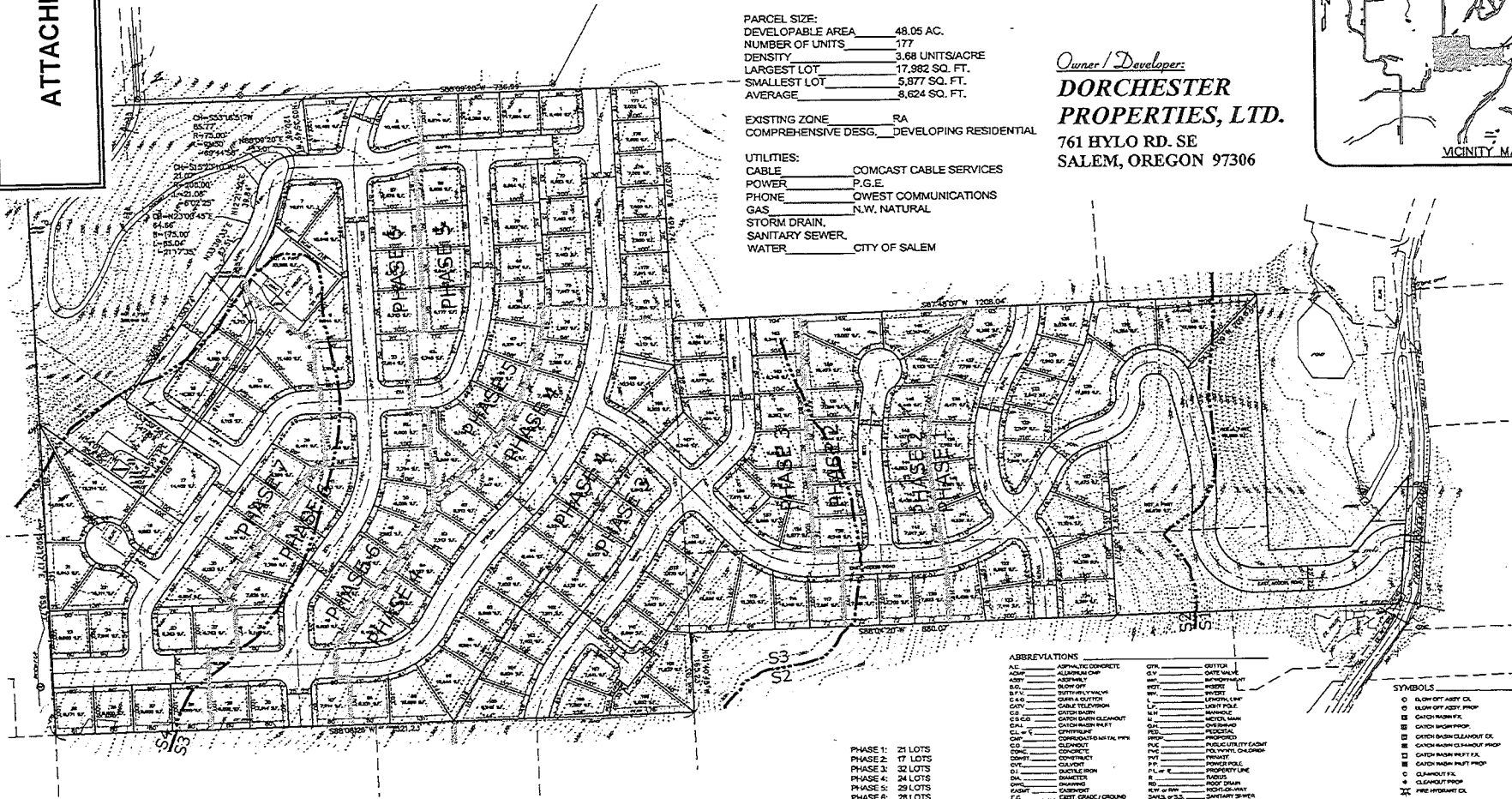
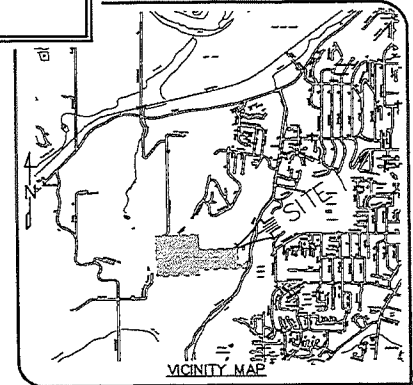
PARCEL SIZE:  
DEVELOPABLE AREA 48.05 AC.  
NUMBER OF UNITS 177  
DENSITY 3.68 UNITS/ACRE  
LARGEST LOT 17,982 SQ. FT.  
SMALLEST LOT 5,877 SQ. FT.  
AVERAGE 8,624 SQ. FT.

EXISTING ZONE \_\_\_\_\_ RA  
COMPREHENSIVE DESG. \_\_\_\_\_ DEVELOPING RESIDENTIAL

UTILITIES:

|                 |                        |
|-----------------|------------------------|
| CABLE           | COMCAST CABLE SERVICES |
| POWER           | P.G.E.                 |
| PHONE           | QWEST COMMUNICATIONS   |
| GAS             | N.W. NATURAL           |
| STORM DRAIN,    |                        |
| SANITARY SEWER, |                        |
| WATER           | CITY OF SALEM          |

Owner / Developer:  
**DORCHESTER**  
**PROPERTIES, LTD.**  
761 HYLO RD. SE  
SALEM, OREGON 97306

[illegible][illegible]

|          |         |
|----------|---------|
| PHASE 1: | 21 LOTS |
| PHASE 2: | 17 LOTS |
| PHASE 3: | 32 LOTS |
| PHASE 4: | 24 LOTS |
| PHASE 5: | 29 LOTS |
| PHASE 6: | 28 LOTS |
| PHASE 7: | 26 LOTS |



**MULTI / TECH**  
**ENGINEERING SERVICES, INC.**  
7188 13th St., S.E. Salem, OR 97302  
PH (503) 363-8227 FAX (503) 364-1240

WJL/TECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER GRAPHICAL  
REPRESENTATION.

Design: M.D.G.  
Drawn: L.G.  
Checked: M.D.G.  
Date: MARCH 2006  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_

**CROISAN  
RIDGE**

## PRELIMINARY PLAN COVER SHEET

Drawing Number  
**4505**  
Sheet Number  
**1 of 1**

MAY 24 2007

ATTACHMENT C

ISSUE: Croisan Ridge Subdivision Plat No. 07-3

DATE OF DECISION: May 22, 2007

APPLICANT: Dorchester Properties.

## PURPOSE OF REQUEST:

To divide approximately 48 acres into a 177-lot subdivision with lots ranging in size from 5,877 square feet to 17,982 square feet and with a concurrent variance to allow the finished street grade within the proposed subdivision to exceed 12 percent (SRC 63.255(b)) for property in an RA (Residential Agriculture) zone and located in the 4200 block of Croisan Creek Road S.

## ACTION: IT IS HEREBY ORDERED

To divide approximately 48 acres into a 177-lot subdivision with lots ranging in size from 5,877 square feet to 17,982 square feet and with a concurrent variance to allow the finished street grade of the east and northeast street connection to Croisan Creek to exceed 12 percent (SRC 63.255(b)) for property in an RA (Residential Agriculture) zone and located in the 4200 block of Croisan Creek Road S shall be granted subject to SRC Chapters 63, 145, and 146 and the following conditions of approval:

- Condition 1: Comply with the conditions of UGA Preliminary Declaration 98-3, and its related amendment UGA 07-3.
- Condition 2: As specified in the Traffic Impact Analysis, provide adequate sight distance at the intersection of the new internal street and Croisan Creek Road S.
- Condition 3: Provide secondary access for emergency vehicles as specified by the City Fire Marshal and Public Works Director.
- Condition 4: Construct a roundabout or other mitigating improvement at the intersection of Croisan Creek Road S and Madrona Avenue S as specified by the Public Works Director.
- Condition 5: Street slopes may be constructed no greater than 15 percent in areas indicated on the applicant's proposed preliminary street grade plan, dated April 10, 2007.
- Condition 6: Sidewalk locations along the new internal street from Croisan Creek Road to proposed lot 127 may be limited to only one side of the street as needed to accommodate topographic constraints. The final configuration shall provide safe pedestrian crossing of the new internal street to the satisfaction of the City Traffic Engineer.
- Condition 7: Sidewalk locations along internal streets within the development may vary within the right-of-way (curb line or property line) in order to accommodate utilities, street trees, and landscaping as specified by the Public Works Director.
- Condition 8: Provide a creek and open channel maintenance easement along Croisan Creek within the subject property to the greater of the following: (a) 10 feet from the recognizable top of bank; (2) 15 feet from the creek centerline; or (c) the 100-year floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 140.
- Condition 9: Prior to final acceptance of public infrastructure construction, the developer shall provide a final geotechnical report from a qualified geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

SUBDIVISION REVIEW  
COMMITTEE

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

City of Salem  
AT YOUR SERVICE



This tentative decision is valid and remains in effect for a period of two years. Under SRC 63.049, this tentative decision is void after two years if not finalized. To finalize the subdivision the applicant must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of a final plat does not relieve the applicant from complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

**Note: Approval of a final plat is considered a limited land use decision requiring the filing of a separate land use application, payment of the filing fee, public notice, and the issuance of a written decision.**

Decision Issued according to Salem Revised Code 64.046.

Application Filing Date: March 14, 2007  
State Mandated Decision Date: July 12, 2007  
Decision Date: May 22, 2007

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, not later than, June 6, 2007, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal is to be filed in duplicate with the City of Salem Planning Division. The appeal fee is to be paid at the time of filing. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Brandie Dalton, Interim Senior Planner, Ext. 7509, [bdalton@cityofsalem.net](mailto:bdalton@cityofsalem.net)

# CROISAN RIDGE

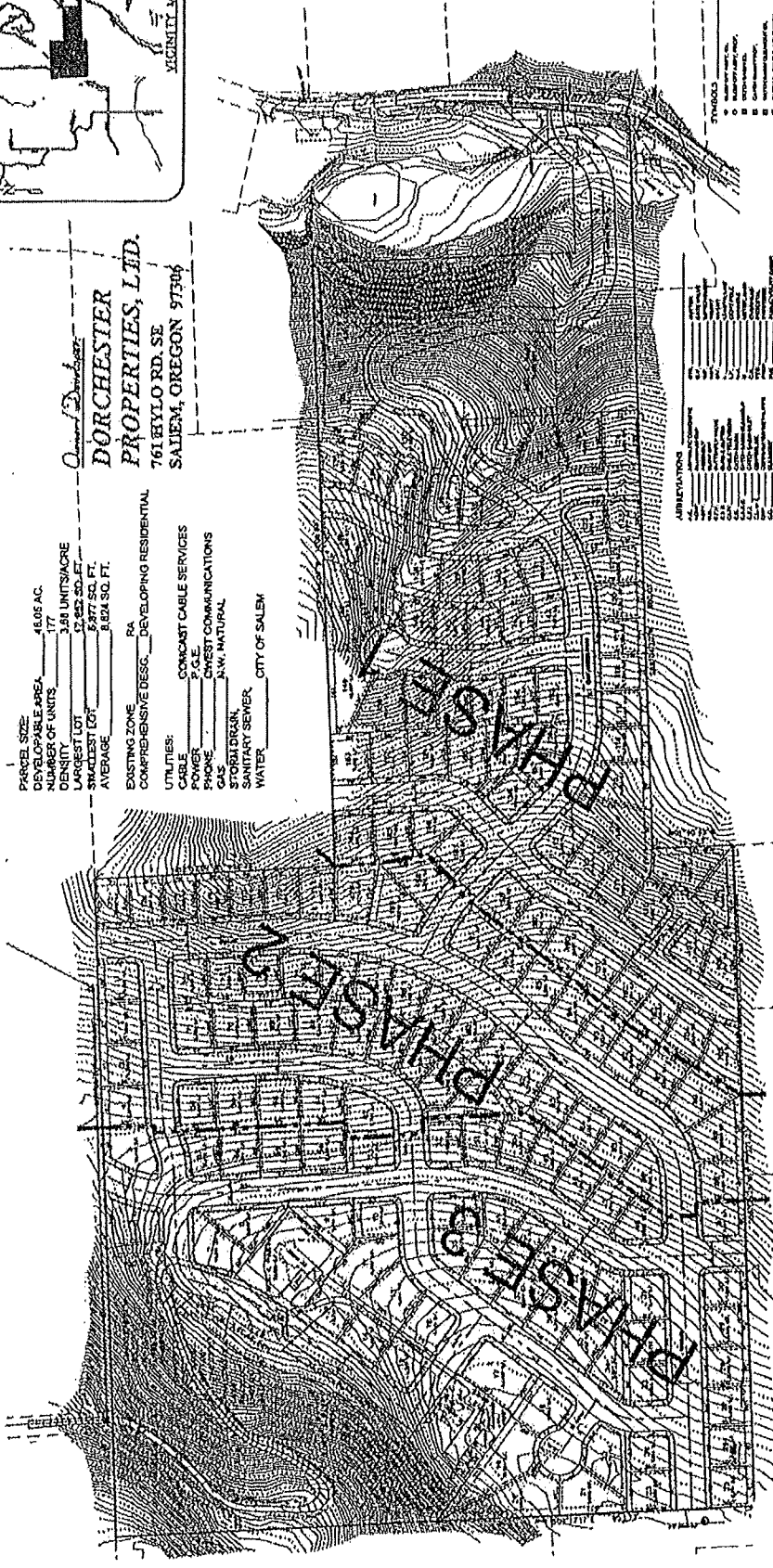
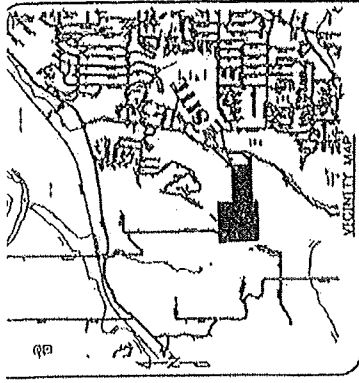
SEC. 08 T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
38.98 ACRES

RECEIVED

APR 17 2007  
COMMUNITY  
DEV DEPT

PARCEL SIZE: DEVELOPABLE AREA 46.06 AC.  
NUMBER OF UNITS 177  
UNITS/ACRE 3.83  
STRACEST LOT 5,477 SQ. FT.  
AVERAGE 8.84 SQ. FT.  
EXISTING ZONE RA  
COMPREHENSIVE DESIG. DEVELOPING RESIDENTIAL  
UTILITIES:  
POWER CONSUMPT CABLE SERVICES  
PHONE P.A.S.  
GAS WEST COMMUNICATIONS  
STORM DRAIN N.W. NATURAL  
SANITARY SEWER CITY OF SALEM  
WATER

*Quinn D. Dorchester*  
**DORCHESTER  
PROPERTIES, LTD.**  
761 EYLO RD. SE  
SALEM, OREGON 97306



| SYMBOLS | DESCRIPTION             |
|---------|-------------------------|
| 1       | Proposed Lot            |
| 2       | Proposed Road           |
| 3       | Proposed Utility        |
| 4       | Proposed Storm Drain    |
| 5       | Proposed Sanitary Sewer |
| 6       | Proposed Water          |
| 7       | Proposed Gas            |
| 8       | Proposed Cable          |
| 9       | Proposed Phone          |
| 10      | Proposed P.A.S.         |
| 11      | Proposed West Comm      |
| 12      | Proposed Storm Drain    |
| 13      | Proposed Sanitary Sewer |
| 14      | Proposed Water          |
| 15      | Proposed Gas            |
| 16      | Proposed Cable          |
| 17      | Proposed Phone          |
| 18      | Proposed P.A.S.         |
| 19      | Proposed West Comm      |
| 20      | Proposed Storm Drain    |
| 21      | Proposed Sanitary Sewer |
| 22      | Proposed Water          |
| 23      | Proposed Gas            |
| 24      | Proposed Cable          |
| 25      | Proposed Phone          |
| 26      | Proposed P.A.S.         |
| 27      | Proposed West Comm      |
| 28      | Proposed Storm Drain    |
| 29      | Proposed Sanitary Sewer |
| 30      | Proposed Water          |
| 31      | Proposed Gas            |
| 32      | Proposed Cable          |
| 33      | Proposed Phone          |
| 34      | Proposed P.A.S.         |
| 35      | Proposed West Comm      |
| 36      | Proposed Storm Drain    |
| 37      | Proposed Sanitary Sewer |
| 38      | Proposed Water          |
| 39      | Proposed Gas            |
| 40      | Proposed Cable          |
| 41      | Proposed Phone          |
| 42      | Proposed P.A.S.         |
| 43      | Proposed West Comm      |
| 44      | Proposed Storm Drain    |
| 45      | Proposed Sanitary Sewer |
| 46      | Proposed Water          |
| 47      | Proposed Gas            |
| 48      | Proposed Cable          |
| 49      | Proposed Phone          |
| 50      | Proposed P.A.S.         |

PHASE 1: 70 LOTS  
PHASE 2: 10 LOTS  
PHASE 3: 10 LOTS

QUINN D. DORCHESTER  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
NO. 12345

NO CHANGES TO BE MADE TO THIS PLAN WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER QUANTITIES.

NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE

ILLI/TECH

PRELIMINARY PLAN  
COVER SHEET

Drawing Number  
**4505**  
Sheet Number  
**1 of 12**



## MEMO

**TO:** Chris Green, Planner II  
Community Development Department

**FROM:** *For* Glenn Davis, PE, CFM, Chief Development Engineer *CP*  
Public Works Department

**DATE:** November 18, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION PLAT NO. 07-3 (16-116291)  
4200 BLOCK OF CROISAN CREEK ROAD S  
MODIFICATION OF APPROVAL FOR SUB07-03 (CROISAN RIDGE)

**PROPOSAL**

Modification of the approval of SUB07-03 Croisan Ridge Subdivision to divide the proposed 177-lot tentative subdivision plan into 7 phases. The modification does not change the number or configuration of single family residential lots within the subdivision, and adjustments and variances granted to block and street standards by SUB07-03 would remain in effect.

The subject property is approximately 48 acres in size, zoned RA (Residential Agriculture) and located at the 4200 Block of Croisan Creek Road S (Croisan Creek) (Marion County Assessor Map and Tax Lot Numbers 083W08B00100, 083W08A01400 and 083W08A01400)

**RECOMMENDED PHASING OF TENTATIVE PLAT CONDITIONS****General**

1. Development phases shall be constructed in numerical sequence either separately or concurrently with Phase 1 being first and Phase 7 being last. This memorandum recommends how conditions of Subdivision Case 07-3 shall be completed in the phases proposed on the applicant's proposed modification.
2. The following conditions are not individually listed by phase because they do not apply to a specific phase, but will be implemented within all applicable phases.
  - a. Condition 5: Street slopes
  - b. Condition 7: Sidewalk locations
  - c. Condition 9: Geotechnical report

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards (PWDS)*; *Urban Growth Area (UGA)*; and *Temporary Facilities Access Agreement (TFAA)*

3. Based on the applicant's phasing plan, phased implementation for conditions of Subdivision Case 07-3 and requirements of Preliminary Declaration for Urban Growth Area Development Permit 07-3 is summarized below. The following conditions included within each phase must be satisfied prior to final plat approval of that phase.

**Phase 1**

1. Subdivision Condition 2: Intersection sight distance.
2. Subdivision Condition 4: Croisan Creek / Madrona Avenue SE (Madrona) intersection improvement.
  - a. Phase 1, the applicant's engineer shall obtain plan approval for the intersection design pursuant to SRC 77.091, including an approved engineer's estimate for the cost of construction and right-of-way acquisition.
  - b. The applicant may defer construction of the improvement until phase 5 by providing a performance security as specified in SRC 110.100 for the total estimated cost. Alternatively, as specified in an improvement agreement between the developer and the City, the security may be paid in cash installments at the time of building permit issuance for each lot within the development. Each lot's cash installment shall equal to one percent of the total estimated cost of the improvement.
3. Subdivision Condition 6: Sidewalk connection to Croisan Creek.
4. Subdivision Condition 8: Maintenance easement.
5. UGA Condition A1: Croisan Creek linking street improvement.
6. UGA Condition A2: Croisan Creek linking street right-of-way.
7. UGA Condition B1: Croisan Creek boundary street improvement.
8. UGA Condition B2: Croisan Creek intersection improvements.
9. UGA Condition C1: Croisan Creek basin storm drainage study.
10. UGA Condition D1: Construct S-1 and S-2 water system facilities or enter into a Temporary Facilities Access Agreement (TFAA) that addresses all required facilities among all development phases.
11. UGA Condition E1: Linking sewer facilities.

**Phase 2**

1. Subdivision Condition 3: Secondary emergency access.
2. Subdivision Condition 4: Croisan Creek / Madrona intersection improvement. As specified in an improvement agreement between the developer and the City, the performance security may be paid in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.
3. UGA Condition D1: Comply with requirements of the TFAA or construct S-3 water system facilities if no TFAA exists.

**Phase 3**

1. Subdivision Condition 4: Croisan Creek / Madrona intersection improvement. As specified in an improvement agreement between the developer and the City, the performance security may be paid in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.
2. UGA Condition D1: Comply with requirements of the TFAA or construct S-3 water system facilities if no TFAA exists.

**Phase 4**

1. Subdivision Condition 4: Croisan Creek / Madrona intersection improvement. As specified in an improvement agreement between the developer and the City, the performance security may be paid in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.
2. UGA Condition D1: Comply with requirements of the TFAA if one exists.

**Phase 5**

1. Subdivision Condition 4: Croisan Creek / Madrona intersection improvement. Construct the improvement.
2. UGA Condition D1: Comply with requirements of the TFAA if one exists.

**Phase 6**

1. UGA Condition C2: Pettyjohn Laurel Basin storm drainage study if additional drainage flow is proposed into that basin.
2. UGA Condition D1: Comply with requirements of the TFAA or construct S-4 water system facilities if no Temporary Facilities Access/Improvement Agreement exists.

**Phase 7**

1. UGA Condition C2: Pettyjohn Laurel Basin storm drainage study if additional drainage flow is proposed into that basin.

**CRITERIA AND FINDINGS**

SRC 205.070(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

**SRC 205.070(d)(1)**—The proposed modification is not substantially inconsistent with the conditions of the original approval:

**Findings**—The modification is limited to creation of a phasing plan in which the proposed development will be constructed in up to 7 phases. The development phases are configured such that they must be constructed in numerical sequence either separately or concurrently with Phase 1 being first and Phase 7 being last.

Conditions of Subdivision Case 07-3 may be completed in phases based on the specific impacts of each phase. Conditions 1 and 4 of the original subdivision shall be completed in multiple phases. Conditions 5, 7, and 9 are required for all applicable phases. Other conditions apply to a specific phase as described in phasing requirements below.

Conditions of Subdivision Case 07-3 and requirements of Preliminary Declaration for Urban Growth Area Development Permit 07-3 may be completed in phases. Applicable conditions relevant to each phase are summarized below.

**Phase 1**

All off-site infrastructure requirements apply to the first phase. Subdivision conditions 2, 6, and 8 as well as UGA Conditions A1, A2, B1, B2, C1, and E1 apply to phase 1 only.

Other conditions of approval are implemented in phases as follows:

1. Subdivision condition 4—Croisan Creek / Madrona intersection is triggered based cumulative transportation impacts of the entire subdivision. Therefore, the improvement can be delayed until phase 5 of the development; however, the design and funding of the improvement shall be established with phase 1 to ensure that there is adequate funding available in later phases to construct the improvement.

Phase 1, the applicant's engineer shall obtain plan approval for the intersection design pursuant to SRC 77.091, including an approved engineer's estimate for the cost of construction and right-of-way acquisition.

The applicant may defer construction of the improvement until phase 5 by providing a performance security as specified in SRC 110.100 for the total estimated cost. Alternatively, as specified in an improvement agreement between the developer and the City, the security may be paid in cash installments at the time of building permit issuance for each lot within the development. Each lot's cash installment shall equal one percent of the total estimated cost of the improvement.

2. UGA Condition D1—Phase 1 is located in the S-1 and S-2 water service levels. Therefore, S-1 and S-2 facilities are required with this phase. The applicant has the option to construct S-1 and S-2 water system facilities or enter into a TFAA. If the TFAA option is chosen, the TFAA must address construction of all required facilities among all development phases to ensure adequate funding is available to construct required improvements.

## **Phase 2**

1. Subdivision Condition 3—Secondary emergency access applies to Phase 2 because the development exceeds 30 cumulative lots with the addition of this phase.
2. Subdivision Condition 4—Croisan Creek / Madrona intersection applies to this phase only because this phase is required to pay a performance security in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.
3. UGA Condition D1—water facilities, this phase is located within the S-2 and S-3 water service levels. The applicant shall be required to comply with requirements of the TFAA or construct S-3 water system facilities if no TFAA exists.

## **Phase 3**

1. Subdivision Condition 4—Croisan Creek / Madrona intersection applies to this phase only because this phase is required to pay a performance security in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.

2. UGA Condition D1—water facilities, this phase is located with the S-3 water service level: The applicant shall comply with requirements of the TFAA if one exists.

**Phase 4**

1. Subdivision Condition 4—Croisan Creek / Madrona intersection applies to this phase only because this phase is required to pay a performance security in cash installments equaling one percent of the total estimated cost at the time of building permit issuance for each lot within the development.
2. UGA Condition D1—water facilities, this phase is located with the S-3 water service level: The applicant shall comply with requirements of the TFAA if one exists.

**Phase 5**

1. Subdivision Condition 4—Croisan Creek and Madrona intersection is triggered with this phase because this phase exceeds a cumulative total of 100 lots. The applicant shall construct the improvement as approved in phase 1 in order to mitigation traffic impacts at the Croisan Creek / Madrona intersection.
2. UGA Condition D1—water facilities, this phase is located with the S-3 water service level: The applicant shall comply with requirements of the TFAA if one exists.

**Phase 6**

1. UGA Condition C2—Pettyjohn Laurel Basin storm drainage study may be needed if additional drainage flow is proposed into that basin. The applicant's tentative plan is unclear whether additional drainage is proposed into the Pettyjohn Laurel Basin.
2. UGA Condition D1—water facilities, this phase is located within the S-3 and S-4 water service levels. The applicant shall be required to comply with requirements of the TFAA or construct S-4 water system facilities if no TFAA exists.

**Phase 7**

1. UGA Condition C2—Pettyjohn Laurel Basin storm drainage study may be needed if additional drainage flow is proposed into that basin. The applicant's tentative plan is unclear whether additional drainage is proposed into the Pettyjohn Laurel Basin.
2. UGA Condition D1—water facilities, this phase is located with the S-4 water service level: The applicant shall comply with requirements of the TFAA if one exists.

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