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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY
DECLARATION / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH
PERMIT CASE NO.: SUB-UGA-ADJ-DAP24-03**

APPLICATION NO.: 23-120317-PLN

NOTICE OF DECISION DATE: July 5, 2024

SUMMARY: A proposed 16-lot subdivision for Kuebler Village.

REQUEST: A consolidated application for a proposed 16-lot Subdivision (Kuebler Village). The application includes:

- (1) A Subdivision Tentative Plan to divide the 24.43-acre property into 16 lots ranging in size from approximately one-half acre to four acres, with a request for Alternative Street Standards to allow increased block lengths, a reduction in curb radius for the cul-de-sac, and alternative sidewalks and cross street sections;
- (2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development;
- (3) A Class 2 Adjustment to increase the amount of flag lots allowed in a subdivision from 15% (two lots) to 44% (seven lots); and
- (4) Two Class 2 Driveway Approach Permits for access to the proposed private street, Mosaic Drive SE, from 27th Avenue SE and Boone Road SE.

The subject property is approximately 24 acres in size, zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III), and located at the 4900 Block of 27th Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

APPLICANT: Mosaic Development Services LLC (Douglas Sproul), Jeremy Shoenfelder Mosaic Development Services LLC

LOCATION: 4900 Block of 27th Ave SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 200.025(d) & (e) – Urban Growth Preliminary Declaration; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated July 5, 2024.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan / Urban Growth Preliminary Declaration / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. SUB-UGA-ADJ-DAP24-03 subject to the following conditions of approval:

Condition 1: For Lots 3, 6, 7, and 10, the 10-foot public utility easement shall be designed with pedestrian amenities, for the length of the lot frontages, pursuant to SRC 535.015(c), Table 535-3.

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

- Condition 2:** The back of sidewalk along Mosaic Drive SE shall be the assumed property line for setback and development standards.
- Condition 3:** All flag lot accessways shall be paved to a minimum width of 22 feet within a minimum 27-foot-wide easement.
- Condition 4:** At the time of building permit review, “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 5:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
- Condition 6:** 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 7:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and within the private street.
- Condition 8:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE in accordance with the Public Works Design Standards. Provide an isolation valve at the pressure zone boundary as part of the internal water line construction.
- Condition 9:** Prior to issuance of public infrastructure construction permits, the applicant shall either modify the utility plans to remove the public water from private property (except the Mosaic Drive Private Street) or receive a Design Exception approval from the City Engineer in accordance with Public Works Design Standards.
- Condition 10:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040 and provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.
- Condition 11:** Dedicate easements for City of Salem utilities as necessary to serve the development. Easements shall meet minimum width standards established in the Public Works Design Standards.
- Condition 12:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 13:** Along the unnamed creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the

recognized bank, whichever is greater.

- Condition 14:** Construct a 17-foot-wide half-street improvement along the frontage of Boone Road SE and construct the proposed cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include pavement widening to 17 feet, curblin sidewalks and a reduced radius cul-de-sac, as shown on the applicant's plans. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 15:** Provide a minimum five-foot pedestrian connection from the existing sidewalk on Kuebler Boulevard SE to the development site. The pedestrian connection may consist of stairs and should be located along Lot 5, Lot 8, or Lot 9. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 16:** Construct Mosaic Drive SE (private street) to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where Alternative Street Standards have been approved, as described in this decision and shown on the applicant's tentative plan. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 17:** The pedestrian crosswalk extending from Lot 10 shall not be completed with the connecting concrete ramp crossing and striping until the time of development for Lot 14, which shall include a pedestrian plaza for the crosswalk to connect to. The sidewalks abutting Lots 10 and 14 may be prepared and constructed with curbs.
- Condition 18:** Obtain Street tree removal permits, if necessary, pursuant to SRC Chapter 86 prior to issuance of Public Construction Permits.
- Condition 19:** At time of building permit for each lot, install street trees to the maximum extent feasible along the developing lot frontage of Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.
- Condition 21:** Dedicate a 10-foot public utility easement along the frontages of 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.
- Condition 21:** Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall 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 22:** Prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall comply with CPC/ZC21-04 Condition 6 and construct mitigation as detailed in the Transportation Planning Rule analysis, including conveyance or dedication of right-of-way necessary for construction of the following improvements:
- a. Kuebler Boulevard/Commercial Street:

- Implement signal timing improvements and operations.
- b. Kuebler Boulevard/Battle Creek Road:
 - Install dual 250-foot-long southbound left turn lanes.
- c. Kuebler Boulevard/27th Avenue:
 - Install a second northbound right turn lane to the round-about;
 - Install a second northbound left turn lane to the round-about;
 - Extend (by restriping) the dual westbound left turn lanes to 650-feet in length.
- d. Kuebler/36th Avenue:
 - Install a separate 250-foot-long westbound right turn lane, plus transitions.
- e. Site Access on 27th Avenue (at proposed Mosaic Drive SE):
 - Add a second westbound right-turn lane.

Condition 23: Prior to issuance of building permits for development within the S-1 portion of the property, pay a temporary access fee equal to \$14,000 per acre of development, adjusted annually based on the ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

Condition 24: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 16-inch public water main in 27th Avenue SE from the intersection of 27th Avenue SE and Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE.

Condition 25: Prior to issuance of any building permit for residential development on the site, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Subdivision Tentative Plan	<u>July 23, 2026</u>
Urban Growth Preliminary Declaration	<u>July 23, 2026</u>
Class 2 Adjustment	<u>July 23, 2026</u>
Class 2 Driveway Approach Permit	<u>July 23, 2028</u>

Application Deemed Complete:	<u>April 9, 2024</u>
Notice of Decision Mailing Date:	<u>July 5, 2024</u>
Decision Effective Date:	<u>July 23, 2024</u>
State Mandate Date:	<u>August 7, 2024</u>

Case Manager: Jamie Donaldson, jdonaldson@cityofsalem.net, 503-540-2328

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, July 22, 2024. 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, 250, 804. 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 OF) FINDINGS AND ORDER
TENTATIVE SUBDIVISION PLAN, URBAN)
GROWTH PRELIMINARY DECLARATION,)
CLASS 2 ADJUSTMENT, AND)
CLASS 2 DRIVEWAY APPROACH PERMIT)
CASE NO. SUB-UGA-ADJ-DAP24-03)
4900 BLOCK OF 27TH AVENUE SE) JULY 5, 2024

In the matter of the application for a Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 2 Driveway Approach Permit, submitted by the applicant’s representative, Britany Randall with BRAND Land Use, on behalf of the applicant, Mosaic Development Services LLC, and the property owner, Boone Road Commercial LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposed 16-lot subdivision for Kuebler Village.

Request: A consolidated application for a proposed 16-lot Subdivision (Kuebler Village). The application includes:

- (1) A Subdivision Tentative Plan to divide the 24.43-acre property into 16 lots ranging in size from approximately one-half acre to four acres, with a request for Alternative Street Standards to allow increased block lengths, a reduction in curb radius for the cul-de-sac, and alternative sidewalks and cross street sections;
- (2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development;
- (3) A Class 2 Adjustment to increase the amount of flag lots allowed in a subdivision from 15% (two lots) to 44% (seven lots); and
- (4) Two Class 2 Driveway Approach Permits for access to the proposed private street, Mosaic Drive SE, from 27th Avenue SE and Boone Road SE.

The subject property is approximately 24 acres in size, zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III), and located at the 4900 Block of 27th Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. Background

On October 17, 2023, a consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 2 Adjustment, and Tree Removal Permit was filed for the proposed development. After additional information was provided, including submission of the

Class 2 Driveway Approach Permit applications, the applications were deemed complete for processing at the request of the applicant on April 9, 2024.

Pursuant to SRC 300.620(b)(2)(B), notice of the application was provided to all property owners and tenants within 250 feet of the subject property and to the applicable Neighborhood Associations on April 19, 2024, and a revised notice was sent on May 10, 2024 after the applicant withdrew the Tree Removal Permit application. The 120-day State mandated deadline was extended at the request of the applicant by 60 days to October 6, 2024.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 24 acres in size and located at the 4900 Block of 27th Avenue SE (**Attachment A**) into 16 lots ranging in size from approximately one-half acre to four acres. 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 2 Adjustment to increase the percentage of flag lots allowed in a subdivision; and two Class 2 Driveway Approach Permits for access to the proposed private street, Mosaic Drive SE. The applicant is also requesting alternative street standards to deviate from required block length, cul-de-sac curb radius, sidewalks, and cross street sections.

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) 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: 23 120317.

4. Existing Conditions

Site and Vicinity

The subject property is located in the 4900 Block of 27th Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201), is 24.43 acres in size, and is surrounded by right-of-way on all four sides. The subject property has street frontage on 27th Avenue SE to the west, Boone Road SE to the south, and Kuebler Boulevard SE to the north. 27th Avenue SE is designated as a Collector Street under the City's Transportation System Plan (TSP); Boone Road SE is designated as a Local Street; and Kuebler Boulevard SE is designated as a

Parkway Street. The development also abuts right-of-way for the Interstate-5 Freeway and interchange ramps to the east.

Comprehensive Plan Map: The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Mixed Use,” which was approved under the Comprehensive Plan Amendment and Zone Change Case CPC-ZC21-04. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Kuebler Boulevard SE, Commercial
South	Across Boone Road SE, Single Family Residential and Multiple Family Residential
East	Across Interstate-5 Freeway, Industrial
West	Across 27 th Avenue SE, Commercial

Zoning Map Designation

The subject property is split-zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III), which was also approved under the Comprehensive Plan Amendment and Zone Change Case CPC-ZC21-04. A subsequent Zone Change Case ZC23-01 aligned the zoning boundaries with the proposed internal street alignment, designating 8.86 acres of the southern portion MU-II zoning, and 16.2 acres of the northern portion MU-III zoning. The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
North	Across Kuebler Boulevard SE, CR (Retail Commercial)
South	Across Boone Road SE, Single Family Residential and Multiple Family Residential
East	Across Interstate-5 Freeway, Industrial
West	Across 27 th Avenue SE, CR (Retail Commercial)

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.

Infrastructure

Water: The subject property is located within the S-1 and S-2 water service levels.

A 30-inch S-2 water main is located in Boone Road SE.

A 24-inch S-2 water main is located in Boone Road SE.

Sewer: A 24-inch sewer interceptor is located in 27th Avenue SE.

An 8-inch sewer main is located in Boone Road SE.

Storm

Drainage: A 12-inch storm main is located in 27th Avenue SE.

A 12-inch storm main is located in Boone Road SE.

A 12-inch storm main is located in Kuebler Boulevard SE.

Streets: 27th Avenue SE:

- a. Standard – This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 46-to-190-foot improvement within a 66-to-210-foot-wide right-of-way abutting the subject property.

Boone Road SE:

- a. Standard – This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Kuebler Boulevard SE:

- a. Standard – This street is designated as a parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 84-foot improvement within a 256-foot-wide right-of-way abutting the subject property.

Parks: The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property.

5. Land Use History

- **UGA09-08:** A UGA Development Permit application for two tax lots which are approximately 40 acres in size. The properties are generally located at the southwest quadrant of the intersection of Kuebler Blvd and I-5, and in the 2700 to 3000 Blocks of Kuebler Blvd SE and Boone Road SE. The current Marion County zoning is UT-10 and the Salem Area Comprehensive Plan designation is "Developing Residential". The proposed uses include: Single Family residential and Multi-family residential (after annexation and a Comprehensive Plan Change and Zone Change). The proposal includes 200 to 250 dwelling units for the acres south of Boone Road and approximately 150 single family lots to the area to the north of Boone Road.
 - *Note: The UGA approval has since expired*

- **CP/ZC09-11:** To change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Multi-Family Residential" and to change the zoning from Marion County UT-10 (Urban Transition - 10 acres) to City of Salem RM1 and RM2 (Multiple Family Residential) for property approximately 14.5 acres in size and located in the 2700 to 3000 Blocks of Boone Road SE (south of Boone Road SE and east of 27th Avenue SE) (Marion County Assessor's Map and Tax Lot Number: 083W13BA00100). Additionally, the Request includes:
 - **ANXC-688:** An owner-initiated annexation of approximately 42.59 acres with concurrent Comprehensive Plan Change from "Developing Residential" to "Multi-Family Residential" and concurrent zone change from Marion County UT-10 (Urban Transition) to City of Salem RM1 (Multi-Family Residential) and RM2 (Multi-Family Residential) for the southern 14.5 acres. The northern portion of the site would retain the "Developing Residential" Salem Area Comprehensive Plan designation and the Salem zone of RA (Residential Agricultural). The entire territory would be withdrawn from Salem Suburban Rural Fire Protection District. The property is located in the 2700 to 3000 Blocks of Kuebler Blvd and Boone Road SE (Marion County Assessor's map and Tax Lot Number 083W13BA00100 and 083W12C02201).
 - *Note: Annexation became effective April 4, 2011*

- **CPC-ZC21-04:** A consolidated application to change the Comprehensive Plan Map designation and zoning from "Single Family Residential" with RA (Residential Agriculture) zoning to change the Comprehensive Plan Map change and Zone Change request to Mixed Use with a zoning designation of MU-II (Mixed Use-II) for 8.06 acres, and MU-III (Mixed Use-III) for 16.58 acres. The subject property is approximately 24.66 acres in size, zoned RA (Residential Agriculture) and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

- **ZC23-01:** A quasi-judicial zone change to realign the boundaries between MU-II (Mixed Use-II) and MU-III (Mixed Use-III) zones along the center line of a private street on a single unit of land. The subject property is approximately 24.66 acres in size, zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III) and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C /2201).

6. Neighborhood and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association and is directly adjacent to the boundaries of the Southeast Mill Creek Neighborhood Association (SEMCA), and the Morningside 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), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On May 19, 2023, the applicant's representative contacted the Neighborhood Associations to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Associations pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from any of the neighborhood associations.

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One comment was received from the surrounding property owners and tenants with concerns about the removal of significant trees on the property. However, the applicant withdrew the request to remove any significant trees with this proposal, and the project was re-noticed with the change. As of the date of completion of this staff report, no comments have been received from the surrounding property owners and tenants for the revised proposal and notice.

Homeowners Association: The subject property is not located within a Homeowners Association.

7. City Department Comments

Development Services Division: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety Division: Review the proposal and indicated no objections to it.

Fire Department: Reviewed the proposal and indicated that Fire Department access and water supply shall be provided per the Oregon Fire Code and will be evaluated at the time of building permit plan review.

8. Public and Private Agency Comments

Oregon Department of Aviation ODAV: Reviewed the proposal and indicated that, in accordance with FAR Part 77.9 and OAR 738-070-0060, future development at this site will be required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

DECISION CRITERIA FINDINGS

9. Analysis of Subdivision Tentative 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 complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

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

Finding: The proposed subdivision would divide the 24.43-acre property into 16 lots. The subject property is split-zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III). The proposed tentative subdivision plan, as recommended to be conditioned, complies with the applicable standards of the MU-II and MU-III zones, 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.

- ***Final Plat:***

No final plat of a subdivision shall be recorded without receiving final plat approval pursuant to SRC 205.035.

Finding: The Development Services Division indicates the applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 534 (MU-II Zone) and SRC Chapter 535 (MU-III Zone)

The southern portion of the subject property is zoned MU-II (Mixed Use-II); development within the MU-II zone must meet the applicable standards included under SRC Chapter 534. The northern portion of the subject property is zoned MU-III (Mixed Use-III); development within the MU-III zone must meet the applicable standards included under SRC Chapter 535. The standards of the MU-II and MU-III zones that are applicable to the proposed subdivision are as follows:

- ***Uses:***

Finding: The proposed mixed-use designation allows the property to be developed with a variety of uses, including general office, retail sales and services and multi-family residential. The proposed uses are not indicated at this time, and will be evaluated with future development. However, it should be noted that the Planning Commission's original decision under the Comprehensive Plan Amendment and Zone Change Case CPC-ZC21-04, limited the property to no more than three drive-through uses on the site to ensure that these uses do not negatively affect the transportation system.

Condition: The subject property shall not contain more than three uses with drive-throughs (CPC-ZC21-04 Condition 1).

The MU-II zone prohibits uses developed with a drive-through pursuant to SRC 534.010(b).

- ***Lot Standards:***

Lot size and dimension standards within the MU-II zone are established under SRC 534.015(a), Table 534-2; and lot size and dimension standards within the MU-III zone are established under SRC 535.015(a), Table 535-2.

There are no minimum lot size and dimension requirements other than a minimum street frontage requirement of 16 feet for all uses within both the MU-II and MU-III zones.

Finding: As shown on the tentative subdivision plan, the lot sizes of the proposed 16 lots within the subdivision range from 0.49 acres to 3.74 acres. All of the proposed lots within the subdivision conform to lot size and dimension requirements of the MU-II and MU-III zones as there is no minimum. All of the proposed lots within the subdivision similarly exceed the lot dimensions, and the minimum 16 feet street frontage standards of both the MU-II and MU-III zones and are of sufficient size and dimension to permit development of uses allowed within the zone.

- ***Setbacks:***

Setbacks for buildings and accessory structures within the MU-II zone are established under SRC 534.015(c), Tables 534-3 and 534-4; and setbacks for buildings and accessory structures in the MU-III zone are established under SRC 535.015(c), Tables 535-3 and 535-4.

Finding: The setback requirements of the MU-II and MU-III zones will apply to the future development of each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no new buildings or specific development is proposed for any of the lots at this time, the setback requirements are generally not applicable. However, the mixed-use zoning of the property requires buildings to be placed at or close to the property line abutting a street; for the MU-II zoned properties on the south side of the property, the setback requirement abutting a street is a minimum of zero feet, or a maximum of 10 feet if the setback area is used for pedestrian amenities; and for the MU-III zoned properties on the north side of the property, the setback requirement abutting a street is a minimum of five feet, with a maximum of 30 feet if the setback area is used for a combination of landscaping and pedestrian amenities. Because of this, staff recommended that the 10-foot Public Utility Easement (PUE) required under SRC 803.035(n) (as discussed in the City Infrastructure standards below), be dedicated by separate document at the time of development of each property, when plans for building placement were available to demonstrate conformance with the setback requirements of the zones. The applicant, however, has requested that the 10-foot PUE be shown on the final subdivision plat in order to accommodate Franchise Utility infrastructure within the PUE during construction of the internal street. Therefore, in order to ensure that future development will comply with the required setbacks of the zone with the PUE dedication, the applicant shall design the PUE along the northern side of Mosaic Drive SE with pedestrian amenities for the length of the lot frontages.

Condition 1: For Lots 3, 6, 7, and 10, the 10-foot public utility easement shall be designed with pedestrian amenities for the length of the lot frontages, pursuant to SRC 535.015(c), Table 535-3.

In addition, because the internal street is private and not considered right-of-way, and the property lines extend to the center of the private street, the Comprehensive Plan Change/Zone Change decision (CPC-ZC1-04) established the private street as the primary street, and the back of sidewalk as the assumed property line with the following condition:

Condition: The driveway within the development shall be considered a primary street, as highlighted in the Attachment B, and constructed to a minimum local street standard. Where applicable, the back of sidewalk shall be the assumed property line for setback and development standards (CPC-ZC21-04 Condition 3).

In order to meet this condition, the applicant created a private street for the development named Mosaic Drive SE. To provide clarity for this proposal and to ensure compliance with Condition 3 CPC-ZC1-04, the following condition applies:

Condition 2: The back of sidewalk along Mosaic Drive SE shall be the assumed property line for setback and development standards.

Future development of the proposed lots will be reviewed for conformance with applicable setback requirements at the time of site plan review.

▪ **Lot Coverage:**

Maximum lot coverage requirements for buildings and accessory structures within the MU-II zone are established under SRC 534.015(d), Table 534-5; and maximum lot coverage requirements for buildings and accessory structures in the MU-III zone are established under SRC 535.015(d), Table 513-5. There are no maximum lot coverage within both the MU-II and MI-III zones.

Finding: Because the proposal includes only the subdivision of the land to create lots, and no new buildings or specific development is proposed for any of the lots at this time, the lot coverage requirements are generally not applicable. However, it should be noted that the Planning Commission's original decision under the Comprehensive Plan Amendment and Zone Change Case CPC-ZC21-04, limited the building footprints for the property to address the issue of the zoning designations fitting for the area.

Condition: The subject property shall have no single building footprint that is constructed with more than 70,000 square feet, excluding parking structures (CPC-ZC21-04 Condition 2).

SRC Chapter 602 – Airport Overlay Zone

The subject is located within the Airport Overlay Zone; development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards of SRC Chapter 602

Finding: The subject property falls within the Horizontal Surface of the Airport Overlay Zone. In the horizontal surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. Because the proposal includes only the subdivision of the land to create lots, and no new buildings or specific development is proposed for any of the lots at this time, the requirements of this section are not yet applicable. As indicated by the ODAV comment in Section 8 above, the applicant should receive aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. The requirements of SRC Chapter 602 will be evaluated at the time of future development.

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.

Finding: The subject property is surrounded by right-of-way on all four sides, so there are several double frontage lots and corner lots. However, the proposed internal street is the lowest classification of street, and Condition 3 of the Comprehensive Plan Change/Zone Change decision (CPC-ZC1-04), as well as Condition 2 above, establishes that the internal street, Mosaic Drive SE, is the primary street for the subdivision for setback and development standards.

The proposed subdivision includes a total of seven flag lots (*Lots 1, 2, 5, 8, 9, 11, and 12*). There are no minimum lot width or depth requirements for the MU-II and MU-III zones; therefore, the front lot lines for these lots can be designated as provided under SRC 800.020(a)(4).

▪ **Flag Lots.**

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. Table 800-1 limits the maximum length for a flag lot accessway serving 1-4 non-residential lots, to no more than 400 feet in length. In addition, the minimum easement width is 27 feet, and the minimum paved width is 22 feet.

Finding: As shown on the tentative subdivision plan, seven of the lots within the subdivision are flag lots (*Lots 1, 2, 5, 8, 9, 11, and 12*). All flag lots serve more than one lot, but no more than four lots, unless the access is shared by two lots. For instance, Lots 7 and 10 share an accessway providing access to a total of six lots between the two of them; however, it could be said that the accessway to Lot 7 serves three lots (7, 8, and 9), and the accessway to Lot 10 serves three lots (10, 11, and 12), thereby meeting the standard. In addition, Lots 10 and 12 have a secondary accessway, ensuring adequate access for all flag lots that does not exceed the standard.

All flag lot accessways are below the maximum 400 feet in length, with the longest extending approximately 370 feet to Lot 11. However, the plans indicate only a 26-foot-wide easement for all accessways instead of the minimum 27 feet 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 3: All flag lot accessways shall be paved to a minimum width of 22 feet within a minimum 27-foot-wide easement.

Condition 4: At the time of building permit review, “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. Based on the 16 developable lots proposed within the subdivision, a maximum of two flag lots are allowed ($16 \times 0.15 = 2.4$). As shown on the tentative subdivision plan, the proposed subdivision will include a total of seven flag lots, or 44 percent, and therefore does not meet the maximum flag lot limit established under SRC 800.025(e). The applicant has requested an Adjustment to increase the maximum number of flag lots within a subdivision; findings are included in Section 11 of this report.

(B) City Infrastructure Standards.

The Development Services Division reviewed the proposal for compliance with the City’s public facility plans as they pertain to the 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 200 – Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area.

Finding: The subject property is located outside of the Urban Service Area, and 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, meeting the standards in SRC Chapter 200.

▪ ***Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along 27th Avenue SE and easements required for public access and utilities on the site. There are existing easements on the subject property for the State of Oregon and Portland General Electric that may conflict with the required dedication. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition 5: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

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) as adopted in Administrative Rule 109, Division 004 relating to the provision of green stormwater infrastructure. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

Finding: There are existing public sanitary sewer mains within Boone Road SE, 27th Avenue SE, and Kuebler Boulevard SE available to serve the proposed development. 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. The applicant shall also be required to construct the required stormwater facilities for new impervious surfaces proposed to be constructed prior to building permits, including but not limited to the boundary street improvements, and the internal private street.

Condition 6: 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 7: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and within the private street.

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 found in the comments provided by the Development Services Infrastructure memo (**Attachment C**).

Finding: In summary, the comments from the Development Services division indicate that development within the subdivision tentative plan will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type.

Water – The proposed development will be served from the existing 30-inch S-2 water transmission main in Boone Road SE. As shown on the applicant's plans, a 12-inch public water main will be extended from Boone Road SE within Mosaic Drive SE to 27th Avenue SE. This 12-inch main will connect to the required 16-inch main in 27th Avenue SE for a future connection to S-1 water. As a condition of approval, the applicant shall construct a minimum 12-inch public water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE to provide water service to the development, as required by SRC 802.015.

Condition 8: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE in accordance with the Public Works Design Standards. Provide an isolation valve at the pressure zone boundary as part of the internal water line construction.

The applicant's preliminary utility plan shows new public mains located on private properties, outside of the Mosaic Drive SE private street, which is not permitted without a Design

Exception in accordance with the Public Works Design Standards (PWDS). The applicant shall be required to obtain a Design Exception approval from the City Engineer to allow public water mains on private property or provide a modified utility plan conforming with the PWDS. City Water Distribution staff have indicated they do not support public water distribution lines on private property, outside of the Mosaic Drive private street.

Condition 9: Prior to issuance of public infrastructure construction permits, the applicant shall either modify the utility plans to remove the public water from private property (except the Mosaic Drive private street) or receive a Design Exception approval from the City Engineer in accordance with Public Works Design Standards.

Sewer – There is an existing public sanitary sewer main in 27th Avenue SE that will serve the proposed development. As shown on the applicants preliminary grading and utility plan, gravity sewer will be available to serve the property. The applicant’s preliminary utility plan shows a public sanitary sewer main extension in Mosaic Drive SE from 27th Avenue SE to serve the development. Pursuant to SRC 802.040, staff requires the main to be private as the main only serves the proposed development and does not serve any upstream parcels. As a condition of approval, the applicant shall construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040. The system shall be constructed to meet Public Works Design Standards; however, will be maintained by the collective property owners. As such, the applicant shall provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2).

Condition 10: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040 and provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat, except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

▪ **Easements:**

Pursuant to SRC 802.020, easements are required as a condition of development approval when easements are necessary for City utilities.

Finding: As described above, there will be public water within the private street, Mosaic Drive SE. Additionally, easements may be required to serve the individual lots with public utilities. As a condition of approval, the applicant shall dedicate easements for public utilities on the property in accordance with Public Works Design Standards for easement width. Additionally, any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As such, the following conditions apply:

Condition 11: Dedicate easements for City of Salem utilities as necessary to serve the development. Easements shall meet minimum width standards established in the Public Works Design Standards.

Condition 12: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

▪ ***Watercourses:***

Pursuant to SRC 802.030, public improvement and maintenance easements for watercourses may be required.

Finding: There is an unnamed creek that runs through the northwestern portion of the property. The applicant's plans show that a portion of the creek will remain and the remainder will be piped underground. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the portion of the creek that is not piped, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

Condition 13: Along the unnamed creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

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 abuts 27th Avenue SE to the west, Boone Road SE to the south, and Kuebler Boulevard SE to the north.

▪ ***Boundary Streets:***

Pursuant to SRC 803.040(a)(1), improvements to adjacent streets are required as a condition of approval when abutting streets do not meet minimum improvement or width standards established in SRC Chapter 803.

Finding: Boone Road SE, classified as a Local street, abuts the subject property to the south and meets the right-of-way width, but does not meet the improvement width standards in SRC Chapter 803 and the Salem TSP. The applicant's plans show a 17-foot half-street improvement along Boone Road SE to accommodate parking on one side of the street. Street standards require sidewalks be located parallel to, and one foot from, the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the topography of the property abutting the right-of-way, it is not feasible to construct property line sidewalks. Therefore, the sidewalk may be located along the proposed curblines per SRC 803.035(l)(2)(B). The applicant proposes a reduced cul-de-sac radius for Boone Road SE and requests an Alternative Street Standard, per SRC 803.065, to allow the radius of

Boone Road SE to have a 58-foot improvement where 76-feet is required. The cul-de-sac radius requirement is primarily established to allow adequate maneuvering space for the turnaround of vehicles and Fire Department access. However, Mosaic Drive SE will extend from the cul-de-sac of Boone Road SE, and as such, there will be a through route for vehicle travel and the cul-de-sac stem is not needed for vehicle turn around. Therefore, an Alternative Street Standard is approved for the cul-de-sac radius under SRC 803.065(a)(3). As a condition of approval, the applicant shall construct the 17-foot half-street improvement and complete the cul-de-sac along Boone Road SE.

Condition 14: Construct a 17-foot-wide half-street improvement along the frontage of Boone Road SE and construct the proposed cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include pavement widening to 17 feet, curblin sidewalks and a reduced radius cul-de-sac, as shown on the applicant's plans. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

Kuebler Boulevard SE, classified as a Parkway street, abuts the subject property to the north and meets the minimum right-of-way and improvement width standards in SRC Chapter 803 and the Salem TSP. Boundary street improvements are not required along Kuebler Boulevard SE. However, Kuebler Boulevard SE does not meet the maximum block spacing standards established in SRC 803.030(b), and an alternative street standard is requested as discussed below.

27th Avenue SE, classified as a Collector street, abuts the subject property to the west and meets the minimum right-of-way and improvement width standards in SRC Chapter 803 and the Salem TSP. As described further below, additional widening is required according to the Traffic Study completed for the Comprehensive Plan Change/Zone Change (CPC-ZC24-01) on the property. Improvements to 27th Avenue SE are also discussed further below.

▪ ***Street Spacing and Street Standards:***

All new public and private streets shall be improved pursuant to the standards outlined in SRC 803.030 and 803.035.

Finding: The applicant proposes one new internal street to serve the subdivision, Mosaic Drive SE. The internal street is proposed to be private, as allowed in SRC 803.020(b). Pursuant to SRC 803.020(b)(2), private streets shall conform to SRC Chapter 803 and the Public Works Design Standards. Mosaic Drive SE will be classified as a Local street. As a condition of approval, the applicant shall design and construct internal streets in accordance with Salem Revised Code and the Public Works Design Standards, except where an Alternative Street Standard has been approved, as discussed in the following findings.

Kuebler Boulevard SE does not meet the maximum block spacing standards established in SRC 803.030(b). Kuebler Boulevard SE has a block length of approximately 1,200 feet along the property frontage from the intersection of Kuebler Boulevard SE and 27th Avenue

SE to the Interstate 5 on-ramp, and exceeds the maximum allowed 600-foot block spacing standard (SRC 803.030(a)). Due to the proximity of the Interstate 5 on-ramp and the topography of the site, an additional street connection to Kuebler Boulevard SE is not warranted. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted for the block length of Kuebler Boulevard SE due to the topography of the development site and the proximity to the Interstate 5 on-ramp. However, in lieu of a public street connection and in order to provide some connectivity to Kuebler Boulevard SE from the development, the applicant shall be required to construct a pedestrian connection from the existing public sidewalk on Kuebler Boulevard SE leading to the system of pedestrian connections within the development site that will be required at the time of future development, pursuant to SRC 800.065, which will ultimately lead to Mosaic Drive SE. Due to the topography of the site, the pedestrian connection leading to the site may be stairs, and it should be centrally located within the development along Lot 5, Lot 8, or Lot 9.

Condition 15: Provide a minimum five-foot pedestrian connection from the existing sidewalk on Kuebler Boulevard SE to the development site. The pedestrian connection may consist of stairs and should be located along Lot 5, Lot 8, or Lot 9. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

Mosaic Drive SE is proposed to have an alternative street cross section that includes two 11-foot travel lanes; a 12-foot turn lane along some segments; a 12-foot parking area along other segments; a 6-foot planter strip; and a 10-foot multi-use path along one side of the private street. In addition, Mosaic Drive SE will have a block length of 1,200 feet from 27th Avenue SE to Boone Road SE, where 600 feet is required (SRC 803.030(a)). The proposed cross section and block spacing is not consistent with SRC Chapter 803 and the Salem Transportation System Plan for a local street, and as such, an Alternative Street Standard is requested pursuant to SRC 803.065. The alternative street cross section requested will provide additional width to accommodate both a center turn lane serving the lots within the subdivision, for portions or on-street parking to serve the allowed commercial uses within the zone. The topography of the site limits the feasibility of construction of sidewalks on both sides of the street and additional street connections through the site. Pursuant to SRC 803.065(3), an Alternative Street Standard is approved to allow an alternative cross section and block length for Mosaic Drive SE, as shown on the applicant's tentative plan.

Condition 16: Construct Mosaic Drive SE (private street) to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where Alternative Street Standards have been approved, as described in this decision and shown on the applicant's tentative plan. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

While an alternative street standard has been approved for the construction of sidewalks on both sides of the street due to the topography of the site, the applicant's plans indicate an accessible sidewalk ramp extending from Lot 10 to create a pedestrian crosswalk across the street. However, because the crossing leads to an area where there are no sidewalks, this does not provide safe pedestrian access at this time. The applicant indicates that the

crossing will connect to a pedestrian plaza on Lot 14 with future development. Therefore, to ensure the crosswalk will provide safe pedestrian circulation for the site until such time that the pedestrian plaza is developed, the following condition applies:

Condition 17: The pedestrian crosswalk extending from Lot 10 shall not be completed with the connecting concrete ramp crossing and striping until the time of development for Lot 14, which shall include a pedestrian plaza for the crosswalk to connect to. The sidewalks abutting Lots 10 and 14 may be prepared and constructed with curbs.

▪ **Street Trees:**

Pursuant to SRC 803.035(k), development adjacent to public streets shall provide street trees that meet the standard and specifications set forth in SRC Chapter 86 (Trees on City Owned Property).

Finding: City street tree removal along Boone Road SE may be required for the construction of the boundary street improvement along Boone Road SE. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

Condition 18: Obtain Street tree removal permits, if necessary, pursuant to SRC Chapter 86 prior to issuance of Public Construction Permits.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. At time of building permit review for each lot, street trees shall be provided along Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.

Condition 19: At time of building permit for each lot, install street trees to the maximum extent feasible along the developing lot frontage of Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.

▪ **Public Utility Easements:**

A 10-foot-wide Public Utility Easement (PUE) is required along street frontages pursuant to SRC 803.035(n).

Finding: A 10-foot-wide public utility easement is required along the street frontage of 27th Avenue SE, Boone Road SE, and Mosaic Drive SE pursuant to SRC 803.035(n). However, the applicant's tentative subdivision plan shows a PUE along 27th Avenue SE, Boone Road SE, and the northern side of the Mosaic Drive right-of-way, and not along the southern side of the Mosaic Drive right-of-way. The zoning of the property requires buildings to be placed at or close to the property line along, but the setback standards of the MU-II zone on the southern side of Mosaic Drive SE are more restrictive than the setback standards of the MU-III zone on the northern side. Therefore, the PUE can be placed along the northern side of Mosaic Drive SE, and the applicant shall design the PUE with pedestrian amenities, as established in Condition 1 above. As conditioned, all lots will be served by PUEs along at least one street frontage. As a condition of approval, the applicant shall dedicate a 10-

foot public utility easement along 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.

Condition 20: Dedicate a 10-foot public utility easement along the frontages of 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.

As conditioned, the proposed subdivision conforms to the streets and right-of-way standards of SRC Chapter 803.

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

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 – Preservation of Trees and Vegetation

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

1. Heritage Trees;
2. Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
3. Trees and native vegetation in riparian corridors; and
4. Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves.”

Finding: The applicant has submitted a tree inventory for the development site which indicates no heritage trees, or riparian trees on site, and identifies 14 significant trees. The subject properties are zoned MU-II and MU-III, which are not residential; therefore, a Tree Conservation Plan is not required. Originally, the applicant submitted a Tree Removal Permit with the proposal to remove eight significant trees, and notice of the proposal was sent to the Neighborhood Association, and surrounding property owners and tenants. One comment was received from the surrounding property owners and tenants with concerns about the removal of significant trees on the property. In addition, staff indicated that the request was not fully meeting the criteria for removal and required additional information. Therefore, the applicant

withdrew the request to remove any significant trees with this proposal, and the project was re-noticed with the change.

The applicant's tree inventory for the development site indicates there are a total of 48 trees on the property. The applicant has proposed removing seven non-significant trees on site, which is 15 percent of the trees on site ($48 \times 0.15 = 7.2$), and allowed pursuant to SRC 808.030(a)(2)(N). The applicant has not proposed removal of any significant trees on site at this time. Any additional tree removal would be reviewed with future development. The proposal is in conformance with the preservation of trees under SRC Chapter 808.

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.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Central Geotechnical Services and dated November 15, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report. After completion of mass grading for the subdivision and prior to submittal of building permits, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork, addresses the geotechnical considerations for each individual building lot and demonstrates compliance with the recommendations in the Geotechnical Engineering Report.

Condition 21: Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall 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 lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the MU-II and MU-III zones. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties. As conditioned, the proposal meets this criterion.

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

Finding: The subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required which establishes needed improvements to serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. This approval criterion is met.

SRC 205.010(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 27th Avenue SE, Boone Road SE, and Kuebler Boulevard SE. Access to the proposed subdivision will be taken from both 27th Avenue SE and Boone Road SE, and the proposed new internal street within the subdivision, Mosaic Drive SE. 27th Avenue SE is designated as a Collector Street under the Salem Transportation System Plan (TSP); Boone Road is designated as a Local Street under the TSP; and the proposed new internal street will be classified as Local streets under the TSP.

The identified public street right-of-way dedications and street improvements, 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, an internal street is extended through the site to provide safe and convenient access to the proposed lots within the subdivision. As conditioned, the 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 well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood as well as the broader Salem Community. The location is adjacent to existing residential development, I-5, and the Costco shopping center, and the subdivision will provide street improvements to promote connectivity with the surrounding area. The subject property is also connected to the City's public transportation network, and the applicant has coordinated with Cherriots for the location of two new bus stops along the internal street, Mosaic Drive SE, as indicated on the plans and meeting Condition 4 of CPC-ZC21-04:

Condition: The applicant shall coordinate with Cherriots for the location of new bus stops. The applicant shall submit evidence from Cherriots that installation of bus stops as requested is completed (CPC-ZC21-04 Condition 4).

Additionally, mixed-use centers and corridors are intended to be walkable areas that are well connected to adjacent residential areas by the pedestrian and bicycle network. As conditioned, the subdivision will provide large sidewalks, pedestrian plaza and amenities, and building placements that promote pedestrian activity for a variety of retail and office uses, commercial services, and multiple family residential uses. There are no parks within one-half mile walking distance of the subdivision; however, due to the unknown use of the proposed lots, a Temporary Access Fee in lieu of parks dedication is required as described in the findings below.

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 development is subject to a Transportation Study completed with the rezone of the property in 2022 (CPC-ZC21-04). The Transportation Study, prepared by DLS Associates and dated August 2022, establishes a number of improvements that are required by the Comprehensive Plan Change/Zone Change (CPC-ZC21-04) decision, which includes a trip cap for the site as well as mitigation to adjacent and non-adjacent streets and intersections. The trip cap shall apply to future development on the subdivided lots, and indicates the total site development shall not exceed a total trip generation of 25,348 vehicles per day (CPC-ZC21-04 Condition 5). The street improvements shall be constructed as part of the subdivision approval, and shall either be constructed prior to final plat or delayed pursuant to an improvement agreement per 205.035(c)(7)(B). In order to ensure compliance with the Transportation Study and CPC-ZC1-04, the following condition applies:

Condition 22: Prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall comply with CPC-ZC21-04 Condition 6 and construct mitigation as detailed in the Transportation

Planning Rule analysis, including conveyance or dedication of right-of-way necessary for construction of the following improvements:

- a. Kuebler Boulevard/Commercial Street:
 - Implement signal timing improvements and operations.
- b. Kuebler Boulevard/Battle Creek Road:
 - Install dual 250-foot-long southbound left turn lanes.
- c. Kuebler Boulevard/27th Avenue:
 - Install a second northbound right turn lane to the round-about;
 - Install a second northbound left turn lane to the round-about;
 - Extend (by restriping) the dual westbound left turn lanes to 650-feet in length.
- d. Kuebler/36th Avenue:
 - Install a separate 250-foot-long westbound right turn lane, plus transitions.
- e. Site Access on 27th Avenue (at proposed Mosaic Drive SE):
 - Add a second westbound right-turn lane.

With the listed conditions of approval, the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Transportation Study from CPC-ZC21-04.

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. All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. As conditioned, the layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

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 reasonable development of the site, which does not remove any more than 15 percent of non-significant trees at this time. All 14 significant trees will not be disrupted by the creation 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: SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. 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 can is designed to accommodate required on-site and off-site improvements. The analysis for the Urban Growth Preliminary Declaration are found in Section 10 below, and the conditions of approval for needed Urban Growth Area Improvements are described as follows:

Streets – No “linking” street improvements are needed to serve the development.

Sanitary Sewer – No “linking” sanitary sewer improvements are needed to serve the development.

Water – The subject property is located within the S-1 and S-2 water pressure levels. Public S-1 water facilities are lacking in the vicinity of the subject property. The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately \$16,898,029 million dollars of improvements needed to serve 1,150 acres of undeveloped land based on current *Engineering News-Record Construction Costs*, totaling \$14,000 per acre of development within the S-1 Water Service Level. The temporary access fee shall be due prior to issuance of development on lots within the S-1 water pressure level as determined at time of Site Plan Review for each lot.

Condition 23: Prior to issuance of building permits for development within the S-1 portion of the property, pay a temporary access fee equal to \$14,000 per acre of development, adjusted annually based on the ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

In order to ensure the S-1 portion of the property can be served by S-1 water in the future, the applicant shall construct a 16-inch public water line in 27th Avenue SE from the intersection of 27th Avenue SE and the proposed Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE. The applicant shall also provide an isolation valve at the pressure zone boundary as part of the internal water line construction, as described in the conditions of approval for the internal waterline construction.

Condition 24: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 16-inch public water main in 27th Avenue SE from the intersection of 27th Avenue SE and Mosaic Drive SE

to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE.

Parks – The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. The *Salem Comprehensive Parks System Master Plan* identifies a future neighborhood park to serve this area (NP13). Pursuant to SRC 200.075 (a): *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* Due to the uncertainty regarding proposed residential development on the subject property, staff recommends a Temporary Access Fee in lieu of park dedication, pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks System Development Charge (SDC) based on the analysis provided for the Urban Growth Preliminary Declaration in Section 10 below.

The Temporary Access Fee provides flexibility, ensuring that funds are available for park development if needed, without prematurely dedicating land that might not be used for residential purposes.

Condition 25: Prior to issuance of any building permit for residential development on the site, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.

10. Analysis of Urban Growth Preliminary Declaration

Salem Revised Code (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 followed by findings 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 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and 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: An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055 – Standards for Street Improvements

Finding: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). 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).

The subject property has street frontage on 27th Avenue SE, Boone Road SE, and Kuebler Boulevard SE. The abutting streets meet the minimum linking street requirements established in SRC 200.055(b); therefore, no linking street improvements are necessary.

SRC 200.060 – Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

The nearest available sewer facilities are located in 27th Avenue SE. With proposed grading and redevelopment of the subject property, this sanitary sewer main can serve the property with gravity flow. No additional linking sanitary sewer improvements are necessary to serve the development.

SRC 200.065 – Standards for Storm Drainage Improvements

Finding: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

The nearest available public storm systems are located in Kuebler Boulevard SE, 27th Avenue SE, and Boone Road SE. No additional linking stormwater improvements are necessary to serve the development.

SRC 200.070 – Standards for Water Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The 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.

The subject property is located within the S-1 and S-2 water pressure levels. There are public S-2 water mains available in Boone Road SE; however, there are no public S-1 water mains available to serve the proposed development. The nearest S-1 public water main is located at the intersection of 27th Avenue SE and Marietta Street SE, approximately 0.25-miles north of the subject property. The applicant proposed to serve the entire site with the S-2 water mains until such time S-1 water is extended to the area. The proposal includes an extension of public water in 27th Avenue SE to the intersection of Kuebler Boulevard SE and 27th Avenue SE so

the site can be served by S-1 water in the future. The following analysis describes needed improvements to serve the development with the S-1 and S-2 water service levels.

S-1 Water Pressure Level – Public S-1 service level water facilities are lacking in the vicinity of the subject property. The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), as discussed in Section 9 above. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately \$16,898,029 million dollars of improvements needed to serve 1,150 acres of undeveloped land based on current *Engineering News-Record Construction Costs*, totaling \$14,000 per acre of development within the S-1 Water Service Level.

In order to ensure the S-1 portion of the property can be served by S-1 water in the future, the applicant shall construct a 16-inch public water line in 27th Avenue SE from the intersection of 27th Avenue SE and proposed Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE. Conditions of approval for the needed improvements are included in Section 9 above.

S-2 Water Pressure Level – There are existing S-2 public water mains in the vicinity of the subject property to serve the proposed development. The entire development will be temporarily served by the S-2 water pressure level from the existing 30-inch transmission main in Boone Road SE. The applicant will install pressure reducing valves until such time S-1 water becomes available. The applicant shall construct mains within the internal street of the development, as described in Section 9 above.

SRC 200.075 – Standards for Park Sites

Finding: The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. The Salem Comprehensive Parks System Master Plan identifies a future neighborhood park to serve this area (NP13). Pursuant to SRC 200.075(a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* Due to the uncertainty regarding proposed residential development on the subject property, staff recommends a Temporary Access Fee in lieu of park dedication, pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks System Development Charge (SDC) based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of building permit review for residential development on the property as determined at

time of Site Plan Review.

The Temporary Access Fee provides flexibility, ensuring that funds are available for park development if needed, without prematurely dedicating land that might not be used for residential purposes.

11. Analysis of Class 2 Adjustment Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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 is requesting a Class 2 Adjustment to increase the amount of flag lots allowed in a subdivision from 15% (two lots) to 44% (seven lots), pursuant to SRC 800.025(e).

SRC 800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. Based on the 16 developable lots proposed within the subdivision, a maximum of two flag lots are allowed ($16 \times 0.15 = 2.4$). As shown on the tentative subdivision plan, the proposed subdivision will include a total of seven flag lots, or approximately 44 percent of the subdivision, and still does not meet the maximum flag lot limit established under SRC 800.025(e). The applicant is requesting a Class 2 Adjustment to increase the percentage of flag lots allowed in a subdivision from 15 percent to 44 percent.

Flag lot is defined in SRC Chapter 111 as a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway. The proposed tentative subdivision results in the creation of seven lots setback from the street they take access from, which is Mosaic Drive SE (*Lots 1, 2, 5, 8, 9, 11, and 12*).

The purpose of the standard is primarily intended to promote connectivity and the development of a complete grid of streets suitable for vehicular, pedestrian, and bicycle traffic by limiting the number of flag lots created in subdivisions that are served by flag lot accessways. In this case, the property is limited with access to the surrounding streets due to the topography and grading of the site, and the surrounding street classifications. Kuebler Boulevard is designated as a Parkway street and has a large right-of-way adjacent to the property. Currently, there is approximately 50 to 80 feet of extra right-of-way from the northern property line to pavement of Kuebler, which does not make it feasible for lots to take access from the street. In addition, driveway access is preferred on the lowest classification of streets. Therefore, an internal private street is proposed, taking access from 27th Avenue and Boone Road, the lower street classifications. The design for the Kuebler Village development is to center around the internal street, Mosaic Drive SE, and promote walkability and pedestrian activity along the internal corridor.

In addition, the applicant states that the proposal is a commercial subdivision where the division is only necessary for satisfying the ownership of some entities which may choose to develop and locate their business within the village. They indicate that the site will not function as if there are any flag lots included due to the commercial nature of the development, and the presence of reciprocal access easements crossing common drive aisles and parking areas to facilitate free circulation of vehicle and pedestrians throughout the site, meeting the intent for connectivity.

Staff agrees the design of the Kuebler Village development does promote walkability and pedestrian activity along the internal corridor, and that the subdivision will overall function as a commercial development centered around Mosaic Drive SE, equally or better meeting the intent of connectivity for vehicular, pedestrian, and bicycle traffic.

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 not located within a residential zone; therefore, this criterion is not applicable.

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: Only one adjustment has been requested with this development; therefore, this criteria is not applicable.

12. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: Pursuant to SRC 804.005 a “driveway approach” is defined as *any access providing direct vehicle ingress and egress over public right-of-way to property*. The applicant proposes an internal private street, which meets the definition of a “driveway approach” where the internal street intersects with 27th Avenue SE and Boone Road SE. As such, two Class 2 Driveway Approach Permits have been requested:

Driveway Approach 1: A driveway serving the private street (Mosaic Drive SE) where the private street intersects with 27th Avenue SE. As conditioned, the private local street will meet the provisions of SRC 803 and the Public Works Design Standards; therefore, the driveway approach will meet the provisions of SRC 804 and the Public Works Design Standards by extension.

Driveway Approach 2: A driveway serving the private street (Mosaic Drive SE) where the private street intersects with Boone Road SE. As conditioned, the private local street will meet the provisions of SRC 803 and the Public Works Design Standards; therefore, the driveway approach will meet the provisions of SRC 804 and the Public Works Design Standards by extension.

The proposed driveways meet the standards for SRC 804 and PWDS. This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approaches. This approval criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveways are accessing 27th Avenue SE (Collector street) and Boone Road SE (Local street). The driveway approaches are not accessing an arterial street. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The proposed driveway approaches are accessing Boone Road SE, classified as a Local street, and the lowest classification of street abutting the property; and 27th Street SE, classified as a Collector street, which is the second lowest classification and best option to connect to Boone Road through the development. The two driveway approaches will serve all 16-lots within the subdivision, which minimizes the requirement for additional driveway approaches onto the public right-of-way. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: No new structures are proposed at this time. The vision clearance standards set forth in SRC Chapter 805 will be reviewed at time of Site Plan Review for future development of each lot within the subdivision. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: Development Services reviewed the proposed driveway approach for conformance with the requirements of SRC Chapter 804 and indicated that no evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that with recommended conditions, it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services reviewed the proposed driveway approach and indicated that staff analysis of the driveway approach, and the evidence that has been submitted, indicate that the location of the proposed driveways will not have any adverse impact to the adjacent properties or streets. This approval criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: Development Services reviewed the proposed driveway approach and provided comments indicating the proposed driveway approach is located abutting a parkway street (Kuebler Boulevard SE), collector street (27th Avenue SE, and local street (Boone Road SE). No driveway onto the parkway street is proposed or permitted. The proposed driveway approaches are located on a collector and local streets, and do not create a significant impact to adjacent streets and intersections. This approval criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property to the south, commercial retail to the north and west, and the Interstate to the east. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

13. Conclusion

Based upon review of SRC Chapters 200, 205, 250, and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 2 Adjustment, and Class 2 Driveway Approach Permit, Case No. SUB-UGA-ADJ-DAP24-03, is hereby **APPROVED** subject to SRC Chapters 200, 205, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** For Lots 3, 6, 7, and 10, the 10-foot public utility easement shall be designed with pedestrian amenities, for the length of the lot frontages, pursuant to SRC 535.015(c), Table 535-3.
- Condition 2:** The back of sidewalk along Mosaic Drive SE shall be the assumed property line for setback and development standards.
- Condition 3:** All flag lot accessways shall be paved to a minimum width of 22 feet within a minimum 27-foot-wide easement.

- Condition 4:** At the time of building permit review, “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 5:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
- Condition 6:** 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 7:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and within the private street.
- Condition 8:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE in accordance with the Public Works Design Standards. Provide an isolation valve at the pressure zone boundary as part of the internal water line construction.
- Condition 9:** Prior to issuance of public infrastructure construction permits, the applicant shall either modify the utility plans to remove the public water from private property (except the Mosaic Drive Private Street) or receive a Design Exception approval from the City Engineer in accordance with Public Works Design Standards.
- Condition 10:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040 and provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.
- Condition 11:** Dedicate easements for City of Salem utilities as necessary to serve the development. Easements shall meet minimum width standards established in the Public Works Design Standards.
- Condition 12:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 13:** Along the unnamed creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

- Condition 14:** Construct a 17-foot-wide half-street improvement along the frontage of Boone Road SE and construct the proposed cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include pavement widening to 17 feet, curblin sidewalks and a reduced radius cul-de-sac, as shown on the applicant's plans. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 15:** Provide a minimum five-foot pedestrian connection from the existing sidewalk on Kuebler Boulevard SE to the development site. The pedestrian connection may consist of stairs and should be located along Lot 5, Lot 8, or Lot 9. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 16:** Construct Mosaic Drive SE (private street) to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where Alternative Street Standards have been approved, as described in this decision and shown on the applicant's tentative plan. This improvement shall be completed prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 17:** The pedestrian crosswalk extending from Lot 10 shall not be completed with the connecting concrete ramp crossing and striping until the time of development for Lot 14, which shall include a pedestrian plaza for the crosswalk to connect to. The sidewalks abutting Lots 10 and 14 may be prepared and constructed with curbs.
- Condition 18:** Obtain Street tree removal permits, if necessary, pursuant to SRC Chapter 86 prior to issuance of Public Construction Permits.
- Condition 19:** At time of building permit for each lot, install street trees to the maximum extent feasible along the developing lot frontage of Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.
- Condition 21:** Dedicate a 10-foot public utility easement along the frontages of 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.
- Condition 21:** Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall 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 22:** Prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall comply with CPC/ZC21-04 Condition 6 and construct mitigation as detailed in the Transportation

Planning Rule analysis, including conveyance or dedication of right-of-way necessary for construction of the following improvements:

- a. Kuebler Boulevard/Commercial Street:
 - Implement signal timing improvements and operations.
- b. Kuebler Boulevard/Battle Creek Road:
 - Install dual 250-foot-long southbound left turn lanes.
- c. Kuebler Boulevard/27th Avenue:
 - Install a second northbound right turn lane to the round-about;
 - Install a second northbound left turn lane to the round-about;
 - Extend (by restriping) the dual westbound left turn lanes to 650-feet in length.
- d. Kuebler/36th Avenue:
 - Install a separate 250-foot-long westbound right turn lane, plus transitions.
- e. Site Access on 27th Avenue (at proposed Mosaic Drive SE):
 - Add a second westbound right-turn lane.

Condition 23: Prior to issuance of building permits for development within the S-1 portion of the property, pay a temporary access fee equal to \$14,000 per acre of development, adjusted annually based on the ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

Condition 24: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 16-inch public water main in 27th Avenue SE from the intersection of 27th Avenue SE and Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE.

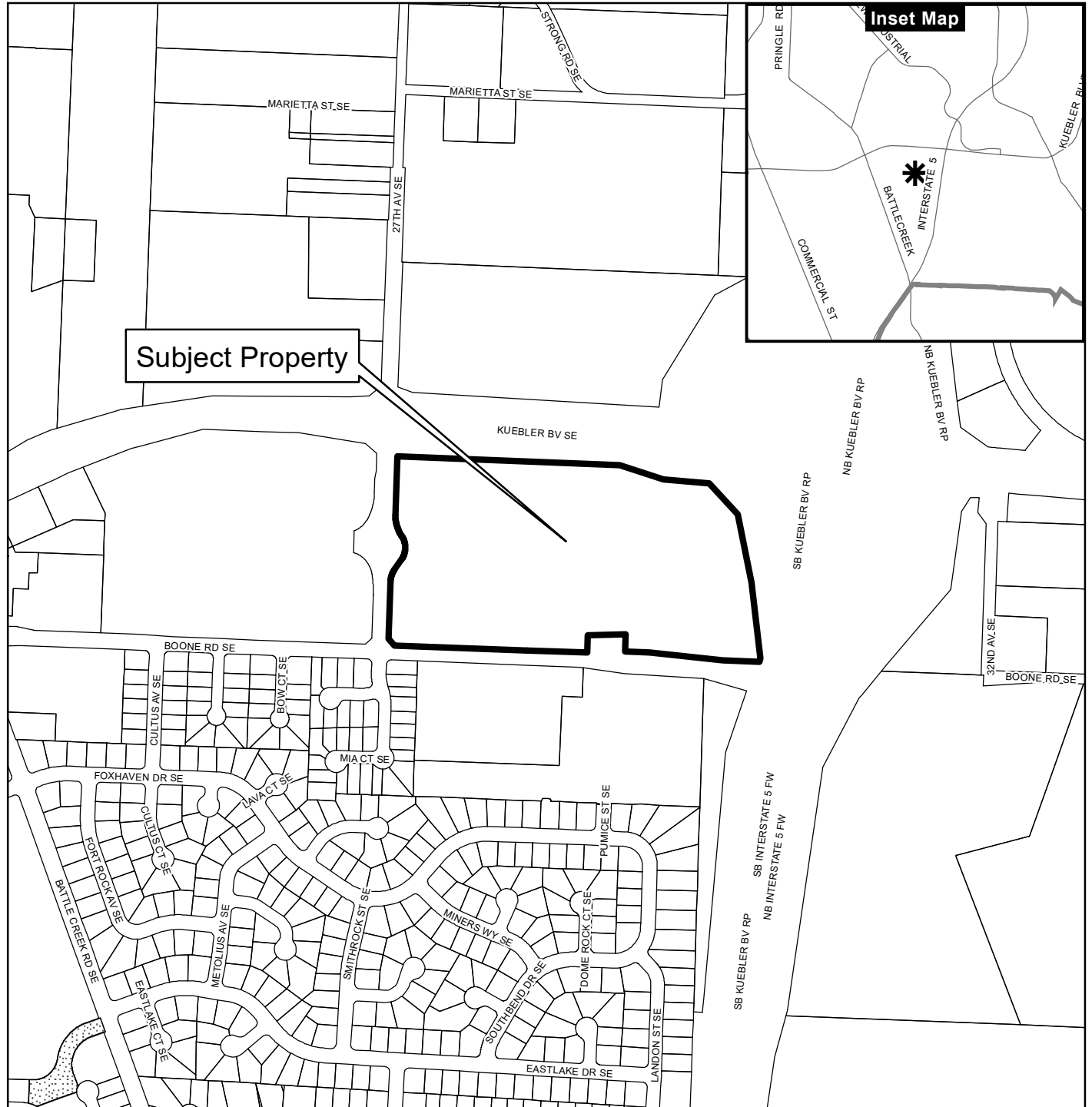
Condition 25: Prior to issuance of any building permit for residential development on the site, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.



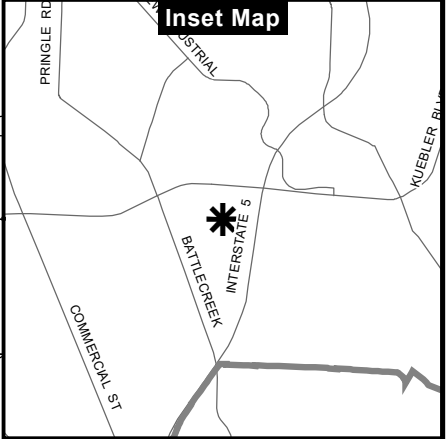
Jamie Donaldson, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments: A. Vicinity Map
B. Proposed Development Plans and Elevations
C. Development Services Memo

Vicinity Map 4900 Block of 27th Avenue SE

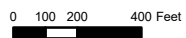


Subject Property

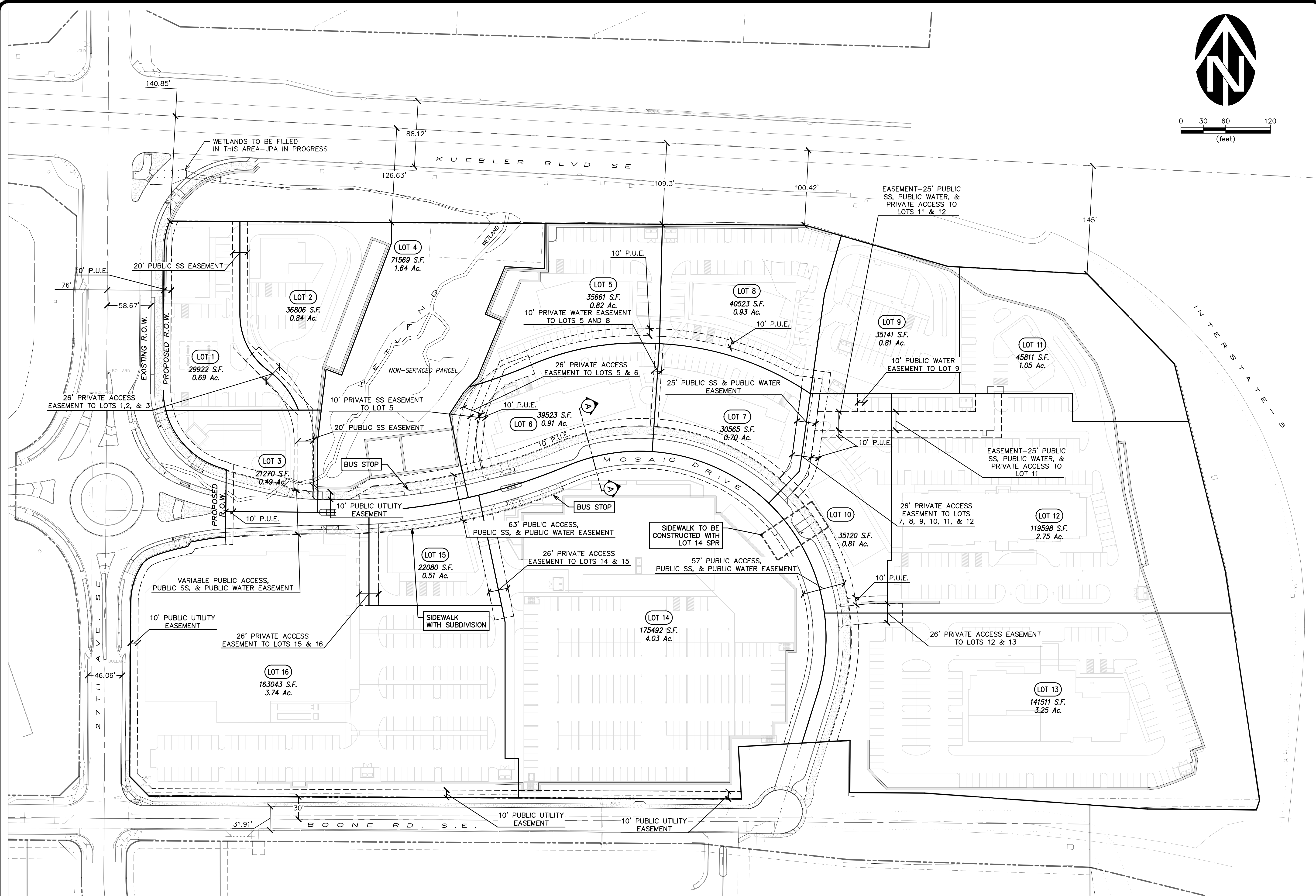
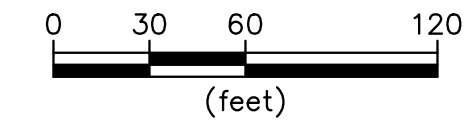


Legend

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



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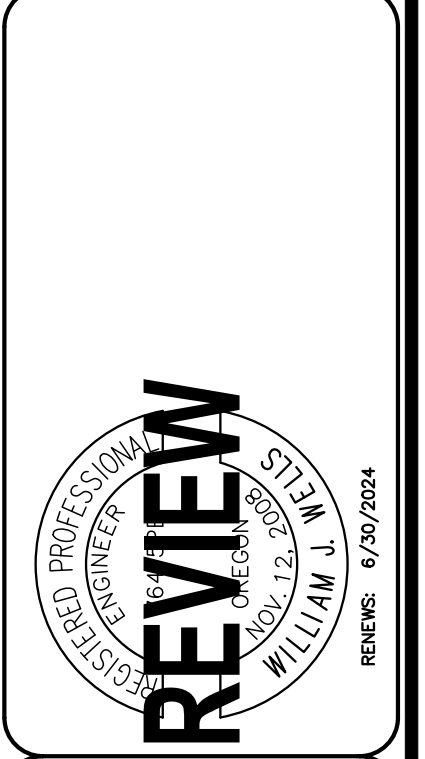


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 CONSULTING ENGINEERS AND PLANNERS

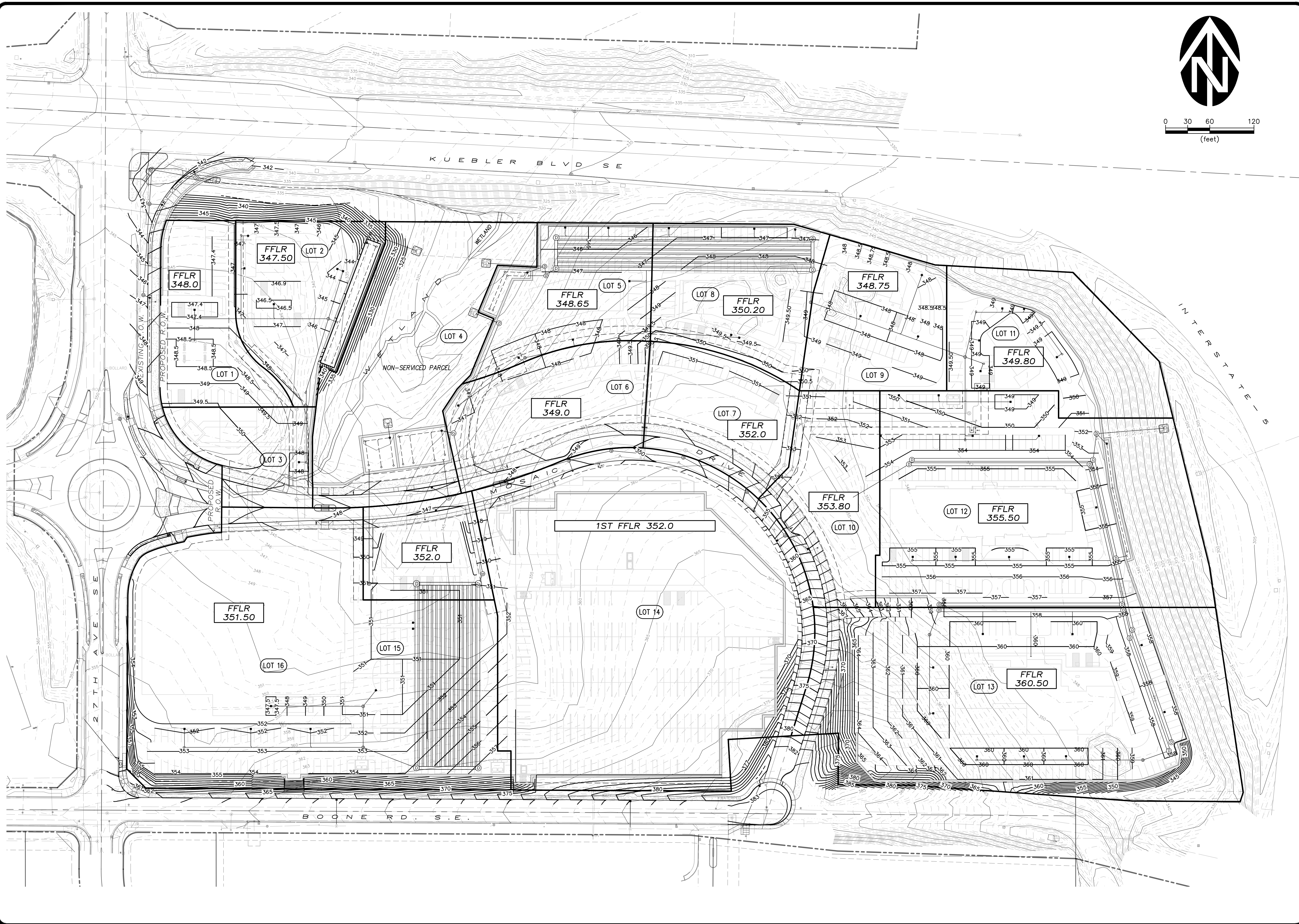
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3966
 E-mail: westtech@westtech-eng.com

MOSAIC MANAGEMENT, INC.
 KUEBLER VILLAGE - SITE DEVELOPMENT

OVERALL SUBDIVISION PLAN

DRAWING
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 JOB NUMBER
 3263.0000

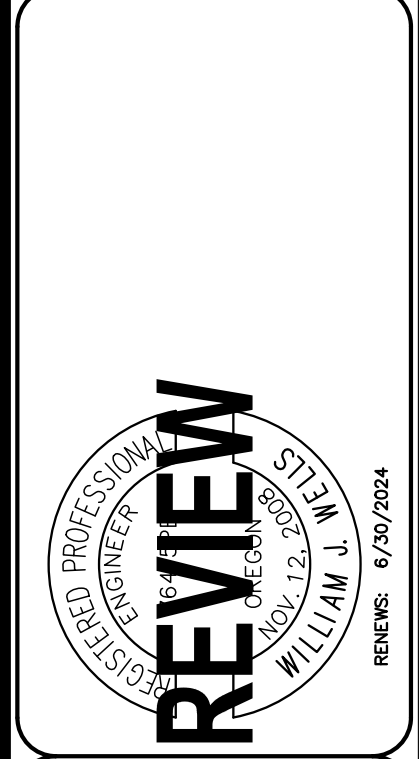
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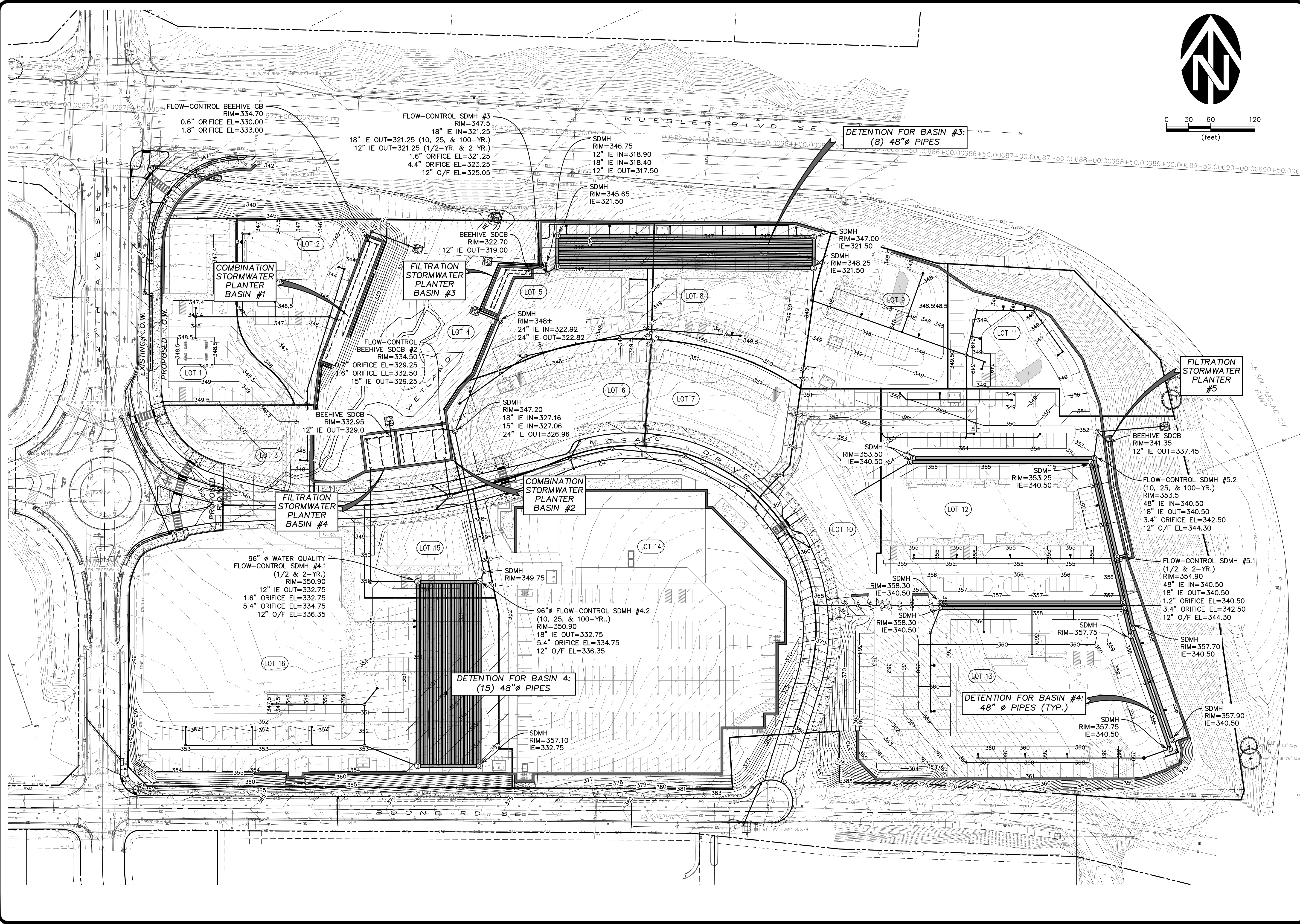
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WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
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MOSAIC MANAGEMENT, INC.
KUEBLER VILLAGE - SITE DEVELOPMENT
OVERALL GRADING PLAN
DRAWING
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JOB NUMBER
3263.0000

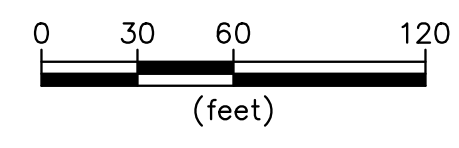
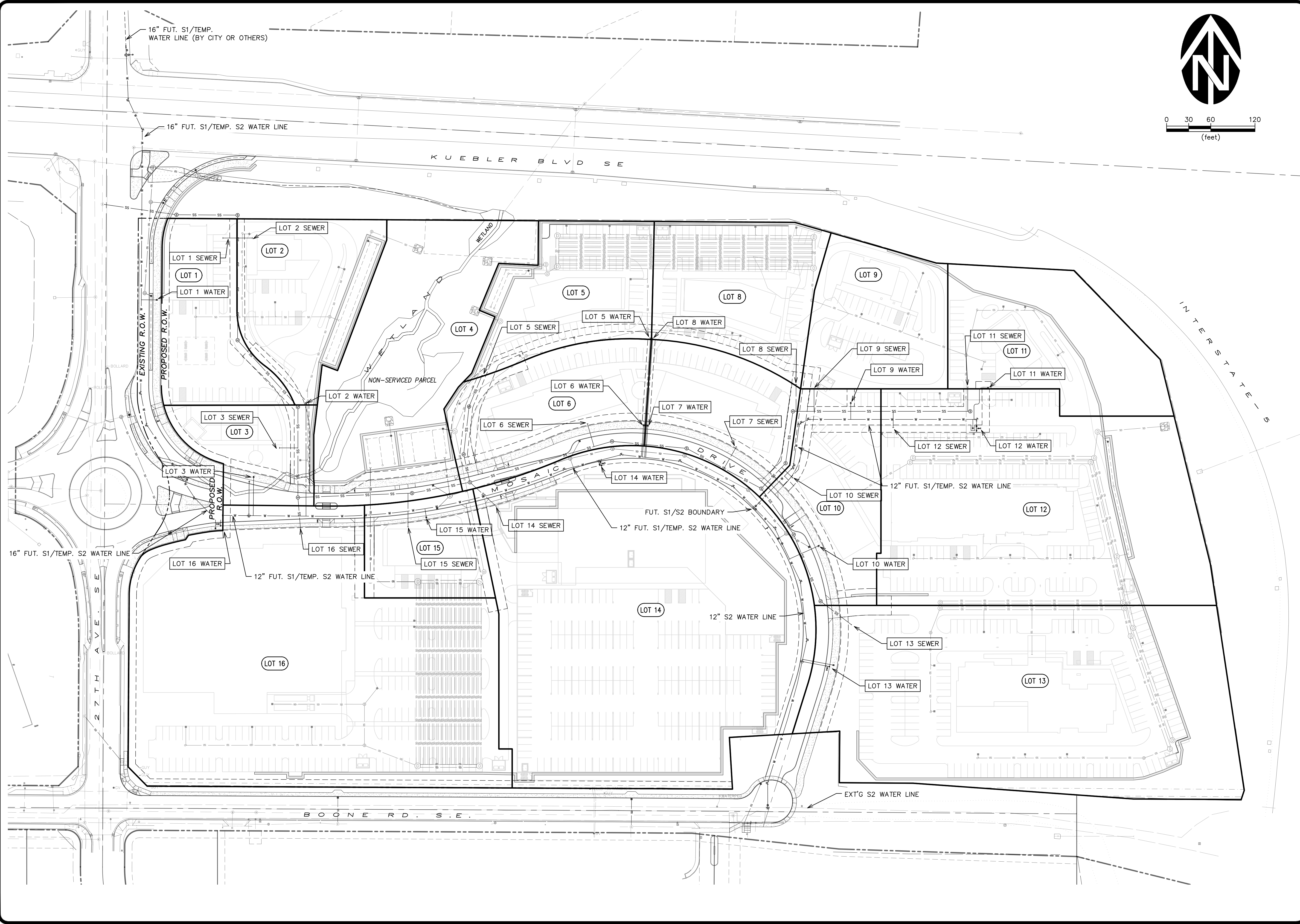
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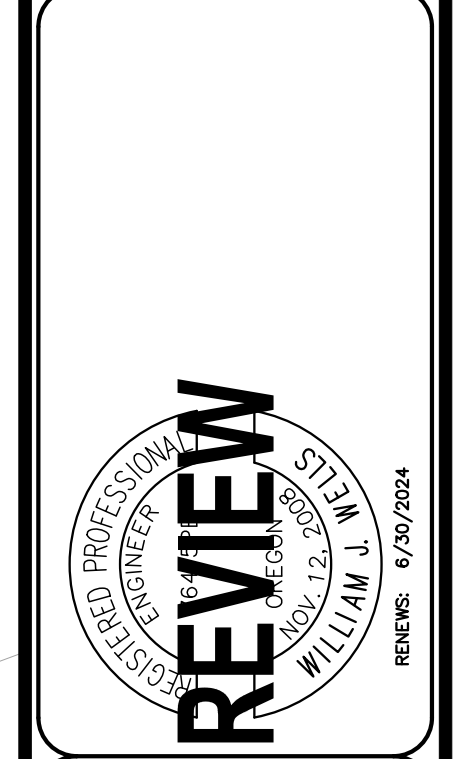
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WE
WESTTECH ENGINEERING, INC.
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MOSAIC MANAGEMENT, INC.
KUEBLER VILLAGE - SITE DEVELOPMENT

OVERALL UTILITY PLAN


DRAWING
CU-0

JOB NUMBER
3263.0000



MEMO

TO: Jamie Donaldson, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department 

DATE: July 3, 2024

SUBJECT: Infrastructure Memo
SUB-UGA-ADJ-DAP24-03 (23-120317-PLN)
4900 Block of 17th Avenue SE
16-lot Subdivision

PROPOSAL

A consolidated application for a proposed 16-lot Subdivision (Kuebler Village). The application includes:

1. A Subdivision Tentative Plan to divide the 24.43-acre property into 16 lots ranging in size from approximately one-half acre to four acres, with a request for Alternative Street Standards to allow increased block lengths, a reduction in curb radius for the cul-de-sac, and alternative sidewalks and cross street sections;
2. An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development;
3. A Class 2 Adjustment to increase the amount of flag lots allowed in a subdivision from 15% (two lots) to 44% (seven lots); and
4. Two Class 2 Driveway Approach Permits for access to the proposed private street, Mosaic Drive SE, from 27th Avenue SE and Boone Road SE.

The subject property is approximately 24 acres in size, zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III) and located at the 4900 Block of 27th Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W12C /2201).

RECOMMENDED CONDITIONS APPROVAL

The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
2. Along the unnamed creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
3. Dedicate easements for City of Salem utilities as necessary to serve the development. Easements shall meet minimum width standards established in the PWDS.
4. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
5. Prior to issuance of public infrastructure construction permits, the applicant shall either modify the utility plans to remove the public water from private property (except the Mosaic Drive Private Street) or receive a Design Exception approval from the City Engineer in accordance with PWDS.
6. 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.
7. Obtain Street Tree removal permits, if necessary, pursuant to SRC Chapter 86 prior to issuance of Public Construction Permits.
8. Dedicate a 10-foot public utility easement along the frontages of 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.

The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):

9. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE in accordance with the PWDS. Provide an isolation valve at the pressure zone boundary as part of the internal water line construction.
10. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 16-inch public water main in 27th Avenue SE from the intersection of 27th Avenue SE and Mosaic Drive SE to the

northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE.

11. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040 and provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.
12. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and within the private street.
13. Construct a 17-foot-wide half-street improvement along the frontage of Boone Road SE and construct the proposed cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include pavement widening to 17-feet, curblined sidewalks and a reduced radius cul-de-sac, as shown on the applicant's plans. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
14. Provide a minimum five-foot pedestrian connection from the existing sidewalk on Kuebler Boulevard SE to the development site. The pedestrian connection may consist of stairs and should be located along Lot 5, Lot 8, or Lot 9. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
15. Construct Mosaic Drive (private street) to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where Alternative Street Standards have been approved, as described in this decision and shown on the applicant's tentative plan. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
16. The pedestrian crosswalk extending from Lot 10 shall not be completed with the connecting concrete ramp crossing and striping until the time of development for Lot 14, which shall include a pedestrian plaza for the crosswalk to connect to. The sidewalks abutting Lots 10 and 14 may be prepared and constructed with curbs.
17. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall comply with CPC/ZC21-04 Condition 6 and construct mitigation as detailed in the Transportation Planning Rule analysis, including conveyance or dedication of right-of-way necessary for construction of the following improvements:
 - a. Kuebler Boulevard/Commercial Street:
 - Implement signal timing improvements and operations.

- b. Kuebler Boulevard/Battle Creek Road
 - Install dual 250-foot-long southbound left turn lanes.
- c. Kuebler Boulevard/27th Avenue:
 - Install a second northbound right turn lane to the round-about;
 - Install a second northbound left turn lane to the round-about;
 - Extend (by restriping) the dual westbound left turn lanes to 650-feet in length.
- d. Kuebler/36th Avenue:
 - Install a separate 250-foot-long westbound right turn lane, plus transitions.
- e. Site Access on 27th Avenue (at proposed Mosaic Drive SE):
 - Add a second westbound right-turn lane.

The following conditions of approval shall be completed as a condition of future development as specified for each lot:

18. Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall 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.
19. At time of building permit for each lot, install Street Trees to the maximum extent feasible along the developing lot frontage of Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.
20. Prior to issuance of Building Permits for development within the S-1 portion of the property, pay a temporary access fee equal to \$14,000 per acre of development, adjusted annually based on the ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.
21. Prior to issuance of Building Permit for residential development on the site, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080

FACTS AND FINDINGS

Streets

1. 27th Avenue SE
 - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 46-to-190-foot improvement

within a 66-to-210-foot-wide right-of-way abutting the subject property.

2. Boone Road SE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

3. Kuebler Boulevard SE

- a. Standard—This street is designated as a parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 84-foot improvement within a 256-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the S-1 and S-2 water service levels.
- b. A 30-inch S-2 water main is located in Boone Road SE.
- c. A 24-inch S-2 water main is located in Boone Road SE.

Sanitary Sewer

1. Existing Conditions

- a. A 24-inch sewer interceptor is located in 27th Avenue SE.
- b. An 8-inch sewer main is located in Boone Road SE.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in 27th Avenue SE.
- b. A 12-inch storm main is located in Boone Road SE.
- c. A 12-inch storm main is located in Kuebler Boulevard SE.

Parks

The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property.

URBAN GROWTH PRELIMINARY DECLARATION FINDINGS

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Findings: 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).

The subject property has street frontage on 27th Avenue SE, Boone Road SE, and Kuebler Boulevard SE. The abutting streets meet the minimum linking street requirements established in SRC 200.055(b); therefore, no linking street improvements are necessary.

SRC 200.060—Standards for Sewer Improvements

Findings: 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 applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

The nearest available sewer facilities are located in 27th Avenue SE. With proposed grading and redevelopment of the subject property, this sanitary sewer main can serve the property with gravity flow. No additional linking sanitary sewer improvements are necessary to serve the development.

SRC 200.065—Standards for Storm Drainage Improvements

Findings: 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 applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

The nearest available public storm systems are located in Kuebler Boulevard SE, 27th Avenue SE, and Boone Road SE. No additional linking stormwater improvements are necessary to serve the development.

SRC 200.070—Standards for Water Improvements

Findings: 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.

The subject property is located within the S-1 and S-2 water pressure levels. There are public S-2 water mains available in Boone Road SE; however, there are no public S-1 water mains available to serve the proposed development. The nearest S-1 public water main is located at the intersection of 27th Avenue SE and Marietta Street SE, approximately 0.25-miles north of the subject property. The applicant proposed to serve the entire site with the S-2 water mains until such time S-1 water is extended to the area. The proposal includes an extension of public water in 27th Avenue SE to the intersection of Kuebler Boulevard SE and 27th Avenue SE so the site can be served by S-1 water in the future. The following analysis describes needed improvements to serve the development with the S-1 and S-2 water service levels.

S-1 Water Pressure Level – Public S-1 service level water facilities are lacking in the vicinity of the subject property. The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), as discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately \$16,898,029 million dollars of improvements needed to serve 1,150 acres of undeveloped land based on current *Engineering News-Record Construction Costs*, totaling \$14,000 per acre of development within the S-1 Water Service Level.

In order to ensure the S-1 portion of the property can be served by S-1 water in the future, the applicant shall construct a 16-inch public water line in 27th Avenue SE from the intersection of 27th Avenue SE and proposed Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE. Conditions of approval for the needed improvements are discussed further below.

S-2 Water Pressure Level – There are existing S-2 public water mains in the vicinity of the subject property to serve the proposed development. The entire development will be temporarily served by the S-2 water pressure level from the existing 30-inch transmission main in Boone Road SE. The applicant will install pressure reducing valves until such time S-1 water becomes available. The applicant shall construct mains within the internal street of the development, as described further below.

SRC 200.075—Standards for Park Sites

Findings: The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. The *Salem Comprehensive Parks System Master Plan* identifies a future neighborhood park to serve this area (NP13). Pursuant to SRC 200.075(a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* Due to the uncertainty regarding proposed residential development on the subject property, staff recommends a Temporary Access Fee in lieu of park dedication, pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of building permit review for residential development on the property as determined at time of Site Plan Review.

The Temporary Access Fee provides flexibility, ensuring that funds are available for park development if needed, without prematurely dedicating land that might not be used for residential purposes.

SUBDIVISION CRITERIA AND FINDINGS

The following Code references indicate 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 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- 1. 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;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain**

development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings— With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located outside of the Urban Service Area and a UGA permit is consolidated with this application. With recommended conditions of approval, the standards in SRC Chapter 200 are met.

SRC 200.050 (Acquisition of property, easements, and right-of-way): SRC 200.050(d) requires that right-of-way and easements dedicated to the City be free of encumbrances and liens. As described below, right-of-way dedication is required along 27th Avenue SE and easements required for public access and utilities on the site. There are existing easements on the subject property for the State of Oregon and Portland General Electric that may conflict with the required dedication. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 802.030 (Watercourses): There is an unnamed creek that runs through the northwestern portion of the property. The applicant's plans show that a portion of the creek will remain, and the remainder will be piped underground. Pursuant to SRC

802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the portion of the creek that is not piped, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

Condition: Along the unnamed creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC 802.020 (Easements): Pursuant to SRC 802.020, easements are required as a condition of development approval when easements are necessary for City utilities. As described further below, there will be public water within the private street, Mosaic Drive SE. Additionally, easements may be required to serve the individual lots with public utilities. As a condition of approval, the applicant shall dedicate easements for public utilities on the property in accordance with PWDS for easement width. Additionally, any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: Dedicate easements for City of Salem utilities as necessary to serve the development. Easements shall meet minimum width standards established in the PWDS.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory shows that there are wetland channels mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Central Geotechnical Services and dated November 15, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report. After completion of mass grading for the subdivision and prior to submittal of building permits, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork, addresses the geotechnical considerations for each individual building lot and demonstrates compliance with the recommendations in the Geotechnical Engineering Report.

Condition: Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall 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)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Development within the subdivision tentative plan will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat, except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

Water - The proposed development will be served from the existing 30-inch S-2 water transmission main in Boone Road SE. As shown on the applicant's plans, a 12-inch public water main will be extended from Boone Road SE within Mosaic Drive SE to 27th Avenue SE. This 12-inch main will connect to the required 16-inch man in 27th Avenue SE for a future connection to S-1 water. As a condition of approval, the applicant shall construct a minimum 12-inch public water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE to provide water service to the development, as required by SRC 802.015.

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 12-inch water main in Mosaic Drive SE from Boone Road SE to 27th Avenue SE in accordance with the PWDS. Provide an isolation valve at the pressure zone boundary as part of the internal water line construction.

The applicant's preliminary utility plan shows new public mains located on private properties, outside of the Mosaic Drive SE private street, which is not permitted without a Design Exception in accordance with the PWDS. The applicant shall be required to obtain a Design Exception approval from the City Engineer to allow public water mains on private property or provide a modified utility plan conforming with the PWDS. City Water Distribution staff have indicated they do not support public water distribution lines on private property, outside of the Mosaic Drive private street.

Condition: Prior to issuance of public infrastructure construction permits, the applicant shall either modify the utility plans to remove the public water from private property (except the Mosaic Drive Private Street) or receive a Design Exception approval from the City Engineer in accordance with PWDS.

Sewer – There is an existing public sanitary sewer main in 27th Avenue SE that will serve the proposed development. As shown on the applicants preliminary grading and

utility plan, gravity sewer will be available to serve the property. The applicant's preliminary utility plan shows a public sanitary sewer main extension in Mosaic Drive SE from 27th Avenue SE to serve the development. Pursuant to SRC 802.040, staff requires the main to be private as the main only serves the proposed development and does not serve any upstream parcels. As a condition of approval, the applicant shall construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040. The system shall be constructed to meet PWDS; however, will be maintained by the collective property owners. As such, the applicant shall provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2).

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system in Mosaic Drive SE to serve the proposed development pursuant to SRC 802.040 and provide an agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.

Stormwater – There are existing public sanitary sewer mains within Boone Road SE, 27th Avenue SE, and Kuebler Boulevard SE available to serve the proposed development.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004 relating to the provision of green stormwater infrastructure. 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. The applicant shall also be required to construct the required stormwater facilities for new impervious surfaces proposed to be constructed prior to building permits, including but not limited to the boundary street improvements, and the internal private street.

Condition: 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: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and within the private street.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem TSP*. 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— With conditions of approval listed in the following analysis, the transportation

system in and adjacent to the subdivision conforms to the Salem TSP and provides safe, orderly, and efficient circulation of traffic in and out of the subdivision.

Boundary Street Improvements – The subject property abuts 27th Avenue SE, Boone Road SE, and Kuebler Boulevard SE. Pursuant to SRC 803.040(a)(1), improvements to adjacent streets are required as a condition of approval when abutting streets do not meet minimum improvement or width standards established in SRC Chapter 803.

Boone Road SE, classified as a Local street, abuts the subject property and meets the right-of-way width, but does not meet the improvement width standards in SRC Chapter 803 and the Salem TSP. The applicant's plans show a 17-foot half-street improvement along Boone Road SE to accommodate parking on one side of the street. Street standards require sidewalks be located parallel to, and one foot from, the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, due to the topography of the property abutting the right-of-way, it is not feasible to construct property line sidewalks. Therefore, the sidewalk may be located along the proposed curblin per SRC 803.035(l)(2)(B). The applicant proposes a reduced cul-de-sac radius for Boone Road SE and requests an Alternative Street Standard, per SRC 803.065, to allow the radius of Boone Road SE to have a 58-foot improvement where 76-feet is required. The cul-de-sac radius requirement is primarily established to allow adequate maneuvering space for turn around of vehicles and fire department access. However, Mosaic Drive SE will extend from the cul-de-sac of Boone Road SE, and as such, there will be a through route for vehicle travel and the cul-de-sac stem is not needed for vehicle turn around. Therefore, an Alternative Street Standard is approved for the cul-de-sac radius under SRC 803.065(a)(3). As a condition of approval, the applicant shall construct the 17-foot half-street improvement and complete the cul-de-sac along Boone Road SE.

Condition: Construct a 17-foot-wide half-street improvement along the frontage of Boone Road SE and construct the proposed cul-de-sac to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include pavement widening to 17-feet, curblin sidewalks and a reduced radius cul-de-sac, as shown on the applicant's plans. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

Kuebler Boulevard SE, classified as a Parkway street, abuts the subject property and meets the minimum right-of-way and improvement width standards in SRC Chapter 803 and the Salem TSP. Boundary street improvements are not required along Kuebler Boulevard SE.

Kuebler Boulevard SE does not meet the maximum block spacing standards established in SRC 803.030(b). Kuebler Boulevard SE has a block length of approximately 1,200-feet along the property frontage from the intersection of Kuebler Boulevard SE and 27th Avenue SE to the Interstate 5 on-ramp, and exceeds the maximum allowed 600-foot block spacing standard (SRC 803.030(a)). Due to the proximity of the Interstate 5 on-ramp and the topography of the site, an additional street connection to Kuebler Boulevard SE is not warranted. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted for the block length of Kuebler Boulevard SE

due to the topography of the development site and the proximity to the Interstate 5 on-ramp. However, in lieu of a public street connection and in order to provide pedestrian connectivity to Kuebler Boulevard SE from the development, the applicant shall be required to construct a pedestrian connection from the existing public sidewalk in Kuebler Boulevard SE to the development site. At time of building permit review, the system of pedestrian connections within the development that will lead to Mosaic Drive SE. Due to the topography of the site, the pedestrian connection may be stairs, and it should be centrally located within the development on Lot 5, Lot 8, or Lot 9.

Condition: Provide a minimum five-foot pedestrian connection from the existing sidewalk on Kuebler Boulevard SE to the development site. The pedestrian connection may consist of stairs and should be located along Lot 5, Lot 8, or Lot 9. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

27th Avenue SE, classified as a Collector street, abuts the subject property and meets the minimum right-of-way and improvement width standards in SRC Chapter 803 and the Salem TSP. As described further below, additional widening is required according to the Traffic Study completed for the Comprehensive Plan Change/Zone Change on the property. Improvements to 27th Avenue SE are discussed further below.

Internal Street Improvements – The applicant proposes one new internal street to serve the subdivision, Mosaic Drive SE. The internal street is proposed to be private, as allowed in SRC 803.020(b). Pursuant to SRC 803.020(b)(2), private streets shall conform to SRC Chapter 803 and the PWDS. Mosaic Drive SE will be classified as a Local street. As a condition of approval, the applicant shall design and construct internal streets in accordance with Salem Revised Code and the PWDS, except where an Alternative Street Standard has been approved, as discussed in the following findings:

Mosaic Drive SE is proposed to have an alternative street cross section that includes two 11-foot travel lanes; a 12-foot turn lane along some segments; a 12-foot parking area along other segments; a 6-foot planter strip; and a 10-foot multi-use path along one side of the private street. In addition, Mosaic Drive SE will have a block length of 1,200 feet from 27th Avenue SE to Boone Road SE, where 600 feet is required (SRC 803.030(a)). The proposed cross section and block spacing is not consistent with SRC Chapter 803 and the Salem TSP for a local street, and as such, an Alternative Street Standard is requested pursuant to SRC 803.065. The alternative street cross section requested will provide additional width to accommodate either a center turn lane serving the lots within the subdivision, or on-street parking to serve the allowed commercial uses within the zone. The topography of the site limits the feasibility of construction of sidewalks on both sides of the street and additional street connections through the site. Pursuant to SRC 803.065(3), an Alternative Street Standard is approved to allow an alternative cross section and block length for Mosaic Drive SE, as shown on the applicant's tentative plan.

Condition: Construct Mosaic Drive (private street) to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, except where Alternative Street Standards have been

approved, as described in this decision, and shown on the applicant's tentative plan. This improvement shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

While an alternative street standard has been approved for the construction of sidewalks on both sides of the street due to the topography of the site, the applicant's plans indicate an accessible sidewalk ramp extending from Lot 10 to create a pedestrian crosswalk across the street. However, because the crossing leads to an area where there are no sidewalks, this does not provide safe pedestrian access at this time. The applicant indicates that the crossing will connect to a pedestrian plaza on Lot 14 with future development. Therefore, to ensure the crosswalk will provide safe pedestrian circulation for the site until such time that the pedestrian plaza is developed, the following condition applies:

Condition: The pedestrian crosswalk extending from Lot 10 shall not be completed with the connecting concrete ramp crossing and striping until the time of development for Lot 14, which shall include a pedestrian plaza for the crosswalk to connect to. The sidewalks abutting Lots 10 and 14 may be prepared and constructed with curbs.

Street Trees – City Street Tree removal along Boone Road SE may be required for the construction of the boundary street improvement along Boone Road SE. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

Condition: Obtain Street tree removal permits, if necessary, pursuant to SRC Chapter 86 prior to issuance of Public Construction Permits.

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. At time of building permit review for each lot, street trees shall be provided along Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.

Condition: At time of building permit for each lot, install Street Trees to the maximum extent feasible along the developing lot frontage of Boone Road SE, 27th Avenue SE, Kuebler Boulevard SE, and Mosaic Drive SE.

Public Utility Easements – A 10-foot-wide Public Utility Easement (PUE) is required along street frontages pursuant to SRC 803.035(n).

A 10-foot-wide public utility easement is required along the street frontage of 27th Avenue SE, Boone Road SE, and Mosaic Drive SE pursuant to SRC 803.035(n). However, the applicant's tentative subdivision plan shows a PUE along 27th Avenue SE, Boone Road SE, and the northern side of the Mosaic Drive right-of-way, and not along the southern side of the Mosaic Drive right-of-way. The zoning of the property requires buildings to be placed at or close to the property line along, but the setback standards of the MU-II zone on the southern side of Mosaic Drive SE are more restrictive than the setback standards of the MU-III zone on the northern side. Therefore, the PUE can be

placed along the northern side of Mosaic Drive SE, and the applicant shall design the PUE with pedestrian amenities with at least 50 percent of each building frontage placed at the PUE line, as established in the conditions of approval. As conditioned, all lots will be served by PUEs along at least one street frontage. As a condition of approval, the applicant shall dedicate a 10-foot public utility easement along 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.

Condition: Dedicate a 10-foot public utility easement along the frontages of 27th Avenue SE, Boone Road SE, and the northern side of Mosaic Drive SE.

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.

Findings— There are no parks within one-half mile walking distance of the subdivision. As described in the findings below, due to the unknown use of the proposed lots, a Temporary Access Fee in lieu of parks dedication is required.

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

Findings—The development is subject to a Transportation Study completed with the rezone of the property in 2022 (CPC-ZC21-04). The Transportation Study, prepared by DLS Associates and dated August 2022, establishes a number of improvements that are required by the Comprehensive Plan Change/Zone Change (CPC-ZC21-04) decision, which includes a trip cap for the site as well as mitigation to adjacent and non-adjacent streets and intersections. The trip cap shall apply to future development on the subdivided lots and indicates the total site development shall not exceed a total trip generation of 25,348 vehicles per day (CPC-ZC21-04 Condition 5). The street improvements shall be constructed as part of the subdivision approval and shall either be constructed prior to final plat or delayed pursuant to an improvement agreement per 205.035(c)(7)(B). In order to ensure compliance with the Transportation Study and CPC-ZC1-04, the following condition applies:

Condition: Prior to final plat approval, or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall comply with CPC/ZC21-04 Condition 6 and construct mitigation as detailed in the Transportation Planning Rule analysis, including conveyance or dedication of right-of-way necessary for construction of the following improvements:

- a. Kuebler Boulevard/Commercial Street:
 - Implement signal timing improvements and operations.
- b. Kuebler Boulevard/Battle Creek Road:

- Install dual 250-foot-long southbound left turn lanes.
- c. Kuebler Boulevard/27th Avenue:
- Install a second northbound right turn lane to the round-about;
 - Install a second northbound left turn lane to the round-about;
 - Extend (by restriping) the dual westbound left turn lanes to 650-feet in length.
- d. Kuebler/36th Avenue:
- Install a separate 250-foot-long westbound right turn lane, plus transitions.
- e. Site Access on 27th Avenue (at proposed Mosaic Drive SE):
- Add a second westbound right-turn lane.

With the listed conditions of approval, the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Transportation Study from CPC/ZC21-04.

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.

Findings – The subject property is located outside of the Urban Service Area, and; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan can is designed to accommodate required on-site and off-site improvements. Conditions of approval for needed Urban Growth Area Improvements are described below:

Streets – No “linking” street improvements are needed to serve the development.

Sanitary Sewer – No “linking” sanitary sewer improvements are needed to serve the development.

Water – The subject property is located within the S-1 and S-2 water pressure levels. Public S-1 water facilities are lacking in the vicinity of the subject property. The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately \$16,898,029 million dollars of improvements needed to serve 1,150 acres of undeveloped land based on current *Engineering News-Record Construction Costs*, totaling \$14,000 per acre of development within the S-1 Water Service Level. The temporary access fee shall be due prior to issuance of

development on lots within the S-1 water pressure level as determined at time of Site Plan Review for each lot.

Condition: Prior to issuance of Building Permits for development within the S-1 portion of the property, pay a temporary access fee equal to \$14,000 per acre of development, adjusted annually based on the ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

In order to ensure the S-1 portion of the property can be served by S-1 water in the future, the applicant shall construct a 16-inch public water line in 27th Avenue SE from the intersection of 27th Avenue SE and the proposed Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE. The applicant shall also provide an isolation valve at the pressure zone boundary as part of the internal water line construction, as described in the conditions of approval for the internal waterline construction.

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a minimum 16-inch public water main in 27th Avenue SE from the intersection of 27th Avenue SE and Mosaic Drive SE to the northeastern corner of the intersection of 27th Avenue SE and Kuebler Boulevard SE.

Parks - The subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. The *Salem Comprehensive Parks System Master Plan* identifies a future neighborhood park to serve this area (NP13). Pursuant to SRC 200.075 (a), *the applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan.* Due to the uncertainty regarding proposed residential development on the subject property, staff recommends a Temporary Access Fee in lieu of park dedication, pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of building permit review for residential development on the property as determined at time of Site Plan Review.

The Temporary Access Fee provides flexibility, ensuring that funds are available for park development if needed, without prematurely dedicating land that might not be used for residential purposes.

Condition: Prior to issuance of Building Permit for residential development on the site, pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT

Pursuant to SRC 804.005 a “driveway approach” is defined as *any access providing direct vehicle ingress and egress over public right-of-way to property*. The applicant proposes an internal private street, which meets the definition of a “driveway approach” where the internal street intersects with 27th Avenue SE and Boone Road SE. As such, two Class 2 Driveway Approach Permits have been requested:

1. **Driveway Approach 1:** A driveway serving the private street (Mosaic Drive SE) where the private street intersects with 27th Avenue SE.
2. **Driveway Approach 2:** A driveway serving the private street (Mosaic Drive SE) where the private street intersects with Boone Road SE.

The findings for each driveway approach permit are provided below:

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) **The proposed driveway approach meets the standards of this Chapter and the PWDS;**

Findings—

Driveway Approach 1: The driveway approach meets the provisions of SRC Chapter 803 and the PWDS for a private local street. As conditioned, the private local street will meet the provisions of SRC 803 and the PWDS; therefore, the driveway approach will meet the provisions of SRC 804 and the PWDS by extension. This criterion is met.

Driveway Approach 2: The driveway approach will meet the provisions of SRC Chapter 803 and the PWDS for a private local street. This criterion is met.

- (2) **No site conditions prevent placing the driveway approach in the required location;**

Findings—

Driveway Approach 1: There are no site conditions prohibiting the location of the proposed driveway. This criterion is met.

Driveway Approach 2: There are no site conditions prohibiting the location of the proposed driveway. This criterion is met.

(3) The number of driveway approaches onto an arterial are minimized;

Findings— The proposed driveways are accessing 27th Avenue SE (Collector street) and Boone Road SE (Local street). The driveway approaches are not accessing an arterial street. This criterion is met.

(4) The proposed driveway approach, where possible:

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

Finding—

Driveway Approach 1: The proposed driveway approach is accessing 27th Street SE, classified as a Collector street, which is the second lowest classification and best option to connect to Boone Road through the development. The driveway approach will serve all 16-lots within the subdivision, which minimizes the requirement for additional driveway approaches onto the public right-of-way. This criterion is met.

Driveway Approach 2: The proposed driveway approach is accessing Boone Road SE, classified as a Local street, and the lowest classification of street abutting the property. Additionally, this driveway approach will serve all 16 lots within the subdivision. This criterion is met.

(5) Proposed driveway approach meets vision clearance standards;

Finding— No new structures are proposed at this time. The vision clearance standards set forth in SRC Chapter 805 will be reviewed at time of Site Plan Review for future development of each lot within the subdivision. This criterion is met.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding—No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveways and the evidence that has been submitted indicates that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The property is located abutting a parkway street (Kuebler Boulevard SE), collector street (27th Avenue SE), and local street (Boone Road SE). No driveway onto the Parkway Street is proposed or permitted. The proposed driveway approaches are located on a collector and local streets, and do not create a significant impact to adjacent streets and intersections.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Findings— The proposed development is surrounded by residentially zoned property to the south, commercial retail to the north and west, and the Interstate to the east. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

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