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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PHASED SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT CASE  
NO.: SUB-ADJ24-02**

**APPLICATION NO.:** 23-118755-PLN

**NOTICE OF DECISION DATE:** April 25, 2024

**SUMMARY:** Proposed phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots with associated site improvements.

**REQUEST:** A phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots ranging from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size in two phases of development; with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and townhomes together with two open space lots and a stormwater facility lot; and the second phase consisting of five lots accommodating two existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE and future residential development.

The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE (Marion County Assessor Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

**APPLICANT:** Hayesville Properties, LLC (Andrew Fields, James Fields);

**LOCATION:** 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE, Salem OR 97305

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.015(d) and 205.010(d) – Phased Subdivision Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated April 25, 2024.

**DECISION:** The **Planning Administrator APPROVED** Phased Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-02 subject to the following conditions of approval:

**NOTICE OF DECISION**

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

**CITY OF Salem**  
AT YOUR SERVICE

**Conditions of Approval for All Phases:**

- Condition 1:** For any portions of the subdivision where more than 30 dwelling units will be served by only a single point of fire department access, all buildings within those portions of the subdivision shall be equipped with an approved fire sprinkler system or the applicant shall, prior to final subdivision plat approval for Phase 1, provide a separate second means of fire department access to those portions approved by the Fire Department.
- Condition 2:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment is approved pursuant to SRC 200.050(d).
- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** The applicant shall provide stormwater service for the subdivision from the West Fork of the Little Pudding River by constructing a public stormwater main and outfall from the subject property to the West Fork of the Little Pudding River and constructing public stormwater mains within the internal streets of the subdivision to provide service to each lot in accordance with Public Works Design Standards.
- Condition 5:** Prior to final plat, install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.
- Condition 6:** Unless otherwise approved by the Public Works Director, the proposed sewer main serving the Church property at 4625 Cordon Road NE (Marion County Tax Lot No. 072W05D002100) shall be a private main if constructed with Phase 1. The private main shall be designed and constructed to meet Public Works Design Standards to allow for conversion to a public system when future connections are proposed in Phase 2 of the proposed subdivision.
- Condition 7:** Prior to final plat approval, obtain or dedicate all necessary easements for public infrastructure serving the development that is located outside of the public right-of-way. Easements for city infrastructure shall meet the standards established in the Public Works Design Standards.
- Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 9:** Prior to issuance of Public Construction Permits, obtain any necessary street tree removal permits pursuant to SRC Chapter 86.
- Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along the property frontage of Hayesville Drive NE.

**Condition 11:** Phase 1 shall be platted as the first phase of the subdivision.

**Conditions of Approval for Phase 1:**

- Condition 12:** Prior to final subdivision plat submission for Phase 1, the applicant shall provide a copy of the deeds and a written narrative detailing the title history of each property within the tentative plat boundary, through 1979, for review by City Staff. If any of the properties are deemed to be unlawfully established, the applicant shall, in accordance with ORS 92.176, obtain approval of a validation of unit of land and record a partition plat validating each unit of land that is determined to be unlawfully established.
- Condition 13:** Prior to final subdivision plat approval for Phase 1, a property line adjustment shall be approved and recorded to adjust the property line between the existing church property at 4625 Cordon Road NE (Tax Lot No. 072W05D002100) and the abutting property to the south (Tax Lot No. 072W05D002000) in order to realign it to the eastern boundary of the subdivision as shown on the proposed tentative subdivision plan.
- Condition 14:** The flag lot accessways serving Lots 48, 54, 61, 65, and 66 shall be paved to a minimum width of 15 feet within a minimum 20-foot-wide accessway.
- Condition 15:** “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 16:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 1.
- Condition 17:** Extend minimum 8-inch public water mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 18:** The applicant shall provide sanitary sewer service for Phase 1 from the Jade Sanitary Sewer Pump Station to the subject property by one of the following means:
- a. Construct an 8-inch sewer main from Jade Pump Station to the subject property in accordance with Public Works Design Standards; or
  - b. Convert necessary portions of the existing Salem Keizer School District (SKSD) private wastewater collection system to a public system in accordance with SRC 73.070 and with written consent from SKSD.
- Condition 19:** The applicant shall provide sanitary sewer service for Phase 1 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the existing terminus in Hayesville Drive NE (approximately 700-foot west) to the subject property and within the extent of the Phase 1 Boundary in accordance

with Public Works Design Standards.

- Condition 20:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 21:** Along the Phase 1 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003400 and construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side.
- Condition 22:** Dedicate Lots 93 and 94 as public right-of-way for mid-block bike and pedestrian connections.
- Condition 23:** Construct mid-block bike and pedestrian connections on lots 93 and 94 consistent with the provisions in SRC Chapter 803 and consistent with Public Works Standard Plan No. 314.
- Condition 24:** Dedicate right-of-way for new internal streets of Phase 1 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 25:** Construct internal streets of Phase 1 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 except that Street A within Phase 1 is permitted to have an increased block length of 1,330-feet.
- Condition 26:** Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that townhouse shall be limited to a maximum width of 12 feet.
- Condition 27:** Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.

**Conditions of Approval for Phase 2:**

- Condition 28:** Future development of Lot 97 in Phase 2 of the subdivision shall contain two or more attached dwelling units, be further divided for townhouse development, or used for allowed uses other than household living.
- Condition 29:** Prior to final subdivision plat approval for Phase 2, obtain a demolition permit and remove all existing detached accessory structures from the properties located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE.
- Condition 30:** Construct stormwater facilities pursuant to SRC 71 and the PWDS, or

demonstrate how the Phase 1 Storm Facility has sufficient capacity to treat and detain storm runoff pursuant to SRC 71, to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 2.

- Condition 31:** Extend a 12-inch water main in Hayesville Drive NE from its existing terminus to the eastern boundary Marion County Tax Lot No. 072W05D002800, which is the eastern boundary of Phase 2 pursuant to Public Works Design Standards.
- Condition 32:** Extend minimum 8-inch public water mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 33:** The applicant shall provide sanitary sewer service for Phase 2 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the Phase 1 Boundary in Hayesville Drive NE to the eastern boundary of Marion County Tax Lot No. 072W05D002800, in accordance with Public Works Design Standards.
- Condition 34:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 35:** Along the Phase 2 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003000.
- Condition 36:** Prior to final subdivision plat approval for Phase 2, the existing land conveyed to the City of Salem for right-of-way for the extension of Conrad Street shall be vacated.
- Condition 37:** Dedicate right-of-way for new internal streets of Phase 2 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:
- a. Conrad Street NE is approved to have a reduced right-of-way width between Lots 99 and 100 within Phase 2 of not less than 49-feet.
  - b. Street D shall be modified to have a minimum 52-foot-wide right-of-way.
- Condition 38:** Construct internal streets of Phase 2 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the exception that planter strips are required along Street D; however, they may be reduced to no less than 4 feet in width.
- Condition 39:** Prior to final plat approval of Phase 2, the applicant shall submit a landscaping

plan demonstrating how Street Trees are provided within Phase 2 to the maximum extent feasible, as required by SRC Chapter 86.

**Condition 40:** Prior to approval of any future development of the lots within Phase 2, a Transportation Impact Analysis (TIA) shall be required if the total cumulative number of Average Daily Trips (ADTs) resulting from the 92 dwelling units in Phase 1 and any future development of the lot(s) within Phase 2 exceeds 1,000 ADT.

The rights granted by the attached decision must be exercised, or an extension granted, by May 14, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>March 14, 2024</u>
Notice of Decision Mailing Date:	<u>April 25, 2024</u>
Decision Effective Date:	<u>May 14, 2024</u>
State Mandate Date:	<u>July 12, 2024</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Friday, May 10, 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, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF THE APPROVAL</b>	)	<b>FINDINGS AND ORDER</b>
<b>OF PHASED SUBDIVISION TENTATIVE</b>	)	
<b>PLAN &amp; CLASS 2 ADJUSTMENT</b>	)	
<b>CASE NO. SUB-ADJ24-02; 5012 to 5122</b>	)	
<b>HAYESVILLE DRIVE NE AND 4625</b>	)	
<b>CORDON ROAD NE</b>	)	<b>APRIL 25, 2024</b>

**REQUEST**

A phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots ranging from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size in two phases of development; with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and townhomes together with two open space lots and a stormwater facility lot; and the second phase consisting of five lots accommodating two existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE and future residential development.

The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE (Marion County Assessor Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

**PROCEDURAL FINDINGS**

1. On September 18, 2023, a consolidated application for a Phased Subdivision Tentative Plan and Class 2 Adjustment was filed by Britany Randall, of BRAND Land Use, on behalf of the applicant, Hayesville Properties LLC, and owners of the properties, Hayesville Properties, LLC; Brenda A. Young, Trustee of the Brenda A. Young Lifetime Trust; Paul Duchateau; and Oregon Conference Adventist Churches, proposing to divide property located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE into a 100-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing and public notice of the proposal was subsequently sent, pursuant to SRC requirements, on March 14, 2024. Notice of the proposed development was also subsequently posted on the property by the applicant pursuant to SRC requirements on March 15, 2024.
3. The state-mandated local decision deadline for the application is July 12, 2024.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The application under review by the Planning Administrator is a phased subdivision tentative plan to divide property totaling approximately 21.55 acres in size, and located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE (**Attachment A**), into 100 lots ranging in size from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in two phases of development.

The proposed first phase of the subdivision consists of a total of 92 lots intended to accommodate a mix of single-family dwellings and attached townhomes, together with two open space lots and a stormwater facility lot. The proposed second phase of the subdivision consists of five lots intended to accommodate two existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE and future residential development.

In addition to the phased subdivision tentative plan, the application also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 in order to allow the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain on these lots which are proposed to be less than 20,000 square feet in size.

### **2. Applicant's Plans and Statement**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Phased Subdivision Tentative Plan: **Attachment B**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included in the record.

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 118755.

### **4. Existing Conditions**

Site and Vicinity

The subject property is located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE, totals approximately 21.55 acres in size, and consists of eight separate properties (Tax Lot Nos. 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300). Of the eight total properties involved, all are completely included within the proposed subdivision except for the property owned by the Oregon Conference Adventist Churches located at 4625 Cordon Road NE (Tax Lot No. 072W05D002100). As shown on the proposed phased subdivision tentative plan, only the westernmost portion of this property will be included in the subdivision and further divided. The exiting church and the parking lots that serve it will remain on a separate lot that will not be included within the subdivision.

The subject property abuts Hayesville Drive NE to the north and Cordon Road NE to the east. Vehicular access to the subdivision will be provided from Hayesville Drive NE.

Salem Area Comprehensive Plan (SACP)

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

<b>Comprehensive Plan Map Designations of Surrounding Properties</b>	
<b>North</b>	Across Hayesville Drive NE, Developing Residential, Single Family Residential, and Multiple Family Residential
<b>South</b>	Developing Residential
<b>East</b>	Developing Residential
<b>West</b>	Community Service Education and Parks, Open Space, and Outdoor Recreation

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.

On April 9, 2020, an approval was issued for Urban Growth Preliminary Declaration Case No. UGA19-02 (**Attachment C**) identifying the required public facilities necessary to fully serve the subject property; thereby satisfying the requirements of SRC 200.020.

Zoning Map Designation

The subject property is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture). The zoning of surrounding properties is as follows:

<b>Zoning of Surrounding Properties</b>	
<b>North</b>	Across Hayesville Drive NE, RA (Residential Agriculture), RS (Single Family Residential), and RM-I (Multiple Family Residential)
<b>South</b>	RA (Residential Agriculture); Marion County UT-5 (Urban Transition – 5 Acre Minimum)
<b>East</b>	Marion County UT-5 (Urban Transition – 5 Acre Minimum)
<b>West</b>	PE (Public and Private Education Services) and PA (Public Amusement)

Infrastructure

*Streets:* Hayesville Drive NE:

- 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 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

*Water:* The subject property is located within the G-0 water service level. A 12-inch water main is located in Hayesville Drive NE. This main terminates at the frontage of Marion County Tax Lot No. 072W05D002900.

*Sewer:* An 8-inch sewer main is located in Hayesville Drive NE, approximately 700-feet west of the subject property.

*Storm*

*Drainage:* A 12-inch storm main is located in Hayesville Drive NE, approximately 175-feet west of the subject property.  
An 8-inch storm main is located in Hayesville Drive NE along the Phase 2 Frontage of the property.  
The West Fork Little Pudding River is located approximately 285-feet east of the southeastern property boundary.

*Parks:* The proposed development is served by Stephens Yoshikai School Park, located adjacent to the southwestern boundary of the subject property.

**5. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Northgate Neighborhood Association.

### 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 September 21, 2023, the applicant contacted the Northgate Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

### Neighborhood Association Comments

Notice of the application was provided to the Northgate Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

### Public Comments

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

Of the three comments received, one indicated they had reviewed the proposal and have no objections to it; one indicated that they want a high solid fence to be installed behind their property; and one expressed opposition to phase 2 of the development due to their property being bordered by that phase on three sides and the associated impacts that will result from a loss of privacy and being surrounded by townhouses and apartments.

**Staff Response:** In regard to fencing, the Salem Revised Code (SRC) does not require perimeter fencing for subdivisions or for development single family dwellings or middle housing (*e.g. townhouses, two family dwellings, three family dwellings, and four family dwellings*). Fencing is, however, required for multiple family developments of five or more dwelling units that abut residentially zoned property. All of phase one of the proposed subdivision is intended to be developed with a combination of single-family detached dwellings and attached townhouses. As such, fencing is not required under the code for the future development of the lots within that phase but, as is typically seen in residential subdivisions, it is common for property owners to choose to install fencing between abutting properties for privacy and separation. The lots within phase 2 of the subdivision are zoned RM-I (Multiple Family Residential), which allows multiple family development. If any of the lots within phase 2 of the subdivision are developed as multiple family residential, perimeter fencing will be required.

In regard to the concern expressed about development within phase two of the subdivision and the possibility of being surrounded by townhouses and apartments, no specific plans have been submitted for the development of Lot 96 within phase two at this time. That lot, and the other lots within phase two, are zoned RM-I (Multiple Family Residential). The RM-I zone allows a variety of residential housing types including single family, two family, three family, four family, and multiple family. Based on the size of proposed Lot 96, it could be developed with apartments. If apartments were to ultimately be developed on the lot, they will be required

to comply with all of the applicable standards of the City's development code, including the requirements of the RM-I zone and the multiple family design review standards of SRC Chapter 702 which are intended to promote compatibility between multiple family development and surrounding properties.

### Homeowners Association

Pursuant to SRC 300.520(b)(1)(B)(iv), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type II land use application. As identified in the application materials submitted by the applicant, the subject property is not located within a Homeowner's Association; therefore, HOA notice is not applicable.

## **6. City Department Comments**

- A. Building and Safety Division: The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
- B. Fire Department: The City of Salem Fire Department reviewed the proposal and provided comments indicating that developments over 30 dwelling units require two separate and approved means of fire department access unless all buildings are provided with an approved fire sprinkler system.

The Fire Department also indicated that fire department access is required to be provided within 150 feet of all sides of the structures and fire hydrants are required to be provided within 600 feet of all portions of the structures. All measurements are made along an approved route.

**Staff Response:** Due to access limitations resulting from the irregular configuration of the property and existing development on abutting properties to the east and west, street access to the proposed subdivision is limited to Hayesville Drive NE. As shown on the phased subdivision tentative plan, a public street (Street A) is proposed to extend from Hayesville Drive to the south to serve phase one of the subdivision and a second point of connection to Hayesville Drive is proposed to be provided through phase two of the subdivision with the construction of proposed Conrad Street (north-south) and Street C (east-west).

The phased subdivision tentative plan proposes the creation of 100 lots - two of which will be reserved as open space (Lots 93 and 94) and one which will be developed as a stormwater facility (Lot 95). Because more than 30 dwelling units will be constructed within the proposed subdivision, two separate and approved means of fire department access are required to serve the development or all of the buildings will be required to have an approved fire sprinkler system. In order to ensure the proposed subdivision meets fire department access requirements the following condition of approval shall apply:

- Condition 1:** For any portions of the subdivision where more than 30 dwelling units will be served by only a single point of fire department access, all buildings within those portions of the subdivision shall be equipped with an approved fire sprinkler system or the applicant shall, prior to final subdivision plat approval

for Phase 1, provide a separate second means of fire department access to those portions approved by the Fire Department.

- C. Development Services Division: The City of Salem Development Services Division reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Development Services Division are included as **Attachment E**.

## 7. Public and Private Agency Comments

- A. Salem-Keizer School District: The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment F**. The School District indicates, in summary, that the property is served by Yoshikai Elementary School, Stephens Middle School, and McKay High School. The School District identifies sufficient existing school capacity at all three schools to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates the subject property is located within the walk zone of Yoshikai Elementary School and Stephens Middle School and that students will be eligible for school provided transportation to McKay High School.

## DECISION CRITERIA FINDINGS

### 8. ANALYSIS OF PHASED SUBDIVISION TENTATIVE PLAN APPROVAL CRITERIA

SRC 205.015(d) sets forth the following criteria that must be met before approval can be granted to a tentative phased 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 criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.015(d)(1): The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).***

**Finding:** The proposed phased subdivision meets all of the tentative subdivision plan approval criteria of SRC 205.010(d) 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 UDC, including, but not limited to, the following:***

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

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of

property within the city limits. The subject property is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture).

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

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

The proposed phased subdivision tentative plan, as conditioned, complies with the applicable standards of the RM-I zone, the RS zone, and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

**(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.***

### ***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.

In order to ensure for the orderly development of land as required under this chapter, staff must ascertain whether the individual properties included with a land division application are lawful units of land created in conformance with the applicable standards, if any, in place at the time they were originally established.

In order to demonstrate that the individual properties included within the subdivision application were lawfully established, the applicant provided chains of title for seven of the eight properties identifying the history of the conveyances of each property. Based on the deed history provided it appears that six of the eight properties existed under separate ownership in their current configuration dating back to a time before the City had minor partitioning requirements in 1979. As such, these properties appear to be lawfully established. It is unclear, however, from the deed records provided when the property located at 5012 Hayesville Drive NE (Tax Lot No. 072W05D003300) was first created in its current configuration and no chain of title was received for the property located at 4625 Cordon Road NE (Tax Lot No. 072W05D002100). In order to ensure that all of the properties included in the proposed subdivision were lawfully established, the following condition of approval shall apply:

**Condition 12:** Prior to final subdivision plat submission for Phase 1, the applicant shall provide a copy of the deeds and a written narrative detailing the title history of

each property within the tentative plat boundary, through 1979, for review by City Staff. If any of the properties are deemed to be unlawfully established, the applicant shall, in accordance with ORS 92.176, obtain approval of a validation of unit of land and record a partition plat validating each unit of land that is determined to be unlawfully established.

As shown on the vicinity map and identified in the public notice, the subject property for the proposed development includes the existing church located at 4625 Cordon Road NE. However, as shown on the proposed phased subdivision tentative plan, only the westernmost portion of the existing church property is proposed to be included in the subdivision and further divided. The existing church and the parking lots that serve it will remain on a separate lot that will not be included within the subdivision. In order to separate the western portion of the church property that's proposed to be included in the subdivision from the eastern portion of the church property that will remain outside of the subdivision, a property line adjustment will be required. In order to ensure that the eastern portion of the church property is established as a separate lot, the following condition of approval shall apply:

**Condition 13:** Prior to final subdivision plat approval for Phase 1, a property line adjustment shall be approved and recorded to adjust the property line between the existing church property at 4625 Cordon Road NE (Tax Lot No. 072W05D002100) and the abutting property to the south (Tax Lot No. 072W05D002000) in order to realign it to the eastern boundary of the subdivision as shown on the proposed tentative subdivision plan.

The proposed phased subdivision, as conditioned, meets the requirements of SRC Chapter 205.

### ***SRC Chapter 511 – RS Zone and SRC Chapter 513 – RM-I Zone***

The northern portion of the subject property located along Hayesville Drive NE is zoned RM-I (Multiple Family Residential) and the southern portion subject property is zoned RA (Residential Agriculture). With the recording of the final subdivision plat, the southern RA zoned portion of the property will be zoned RS (Single Family Residential).

Development within the RM-I zoned portion of the property must meet the applicable standards included under SRC Chapter 513 and development within the RS zoned portion of the property must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone and the RM-I zone that are applicable to the proposed subdivision are as follows:

▪ ***Uses (SRC 511.005(a) & SRC 513.005):***

The proposal includes a phased subdivision with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and attached townhomes and the second phase consisting of five lots accommodating two existing single-family dwellings (located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE) and future residential development.

The first phase of the subdivision is zoned a combination of RM-I and RA. Upon recording the final subdivision plat for the first phase, the RA zoned portion of the phase will

automatically be rezoned to RS. Within the RS zoned portion of the first phase both detached single family dwelling lots and attached townhouse lots are proposed, and within the RM-I zoned portion of the first phase all of the proposed lots are townhouse lots. Within the RS zone, pursuant to SRC 511.005, Table 511-1, detached single family dwellings are allowed as a permitted use and attached townhouses are allowed as a special use, subject to the additional special use standards included under SRC 700.085. Similarly, within the RM-I zone pursuant to SRC 513.005, Table 513-1, attached townhouses are allowed as a permitted use.

The second phase of the subdivision is zoned entirely RM-I. Two of the proposed lots within this phase (Lots 99 and 100) will accommodate the two existing single family detached dwellings located at 5092 and 5122 Hayesville Drive NE. Within the RM-I zone single family detached dwellings are allowed as a permitted use.

Specific uses for the remaining three lots within this phase (Lots 96, 97, and 98) have not been identified. The RM-I zone, however, allows a variety of residential uses, including attached townhouses and two family (*which are allowed as a permitted use*); three family and four family (*which are allowed as a special use subject to the additional special use standards included under SRC 700.081*); and multiple family (*which is allowed as a permitted use*).

▪ ***Land Divisions in the RS Zone and RM-I Zone (SRC 511.010(a) & SRC 513.010(a)):***

Both the RS zone and the RM-I zone include standards which are specific to when land is divided within those zones.

Pursuant to SRC 511.010(a), when land is subdivided in the RS zone that is at least 10 acres in size, includes or abuts an existing or planned collector or minor arterial street, and is located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones, neighborhood hub uses are required to be allowed on at least two of the lots that are created. The standards of this section are not applicable to the proposed development, however, because the RS zoned portion of the subdivision is approximately 8.16 acres and does not abut an existing or planned collector street.

Pursuant to SRC 513.010(a), when land is subdivided or partitioned in the RM-I zone the lots are required to a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living. As shown on the phased subdivision tentative plan, two of the lots (Lots 96 and 98) within the RM-I zoned portion of the subdivision are greater than 20,000 square feet in size. The remaining lots within the RM-I zoned portion of the site are less than 20,000 square feet in size. Of these lots, Lots 1-18 and Lots 74-92 will be developed as townhouse lots and the size and configuration of Lot 97 is sufficient to either accommodate the development of at least two attached dwelling units in conformance with this standard and the minimum density requirements of the RM-I zone or to be further divided into townhouse lots. Because Lot 97 is less than 20,000 square feet in size, the following condition of approval shall apply to ensure that future development of the lot conforms to the land division requirement of the RM-I zone included under SRC 513.010(a):

**Condition 28:** Future development of Lot 97 in Phase 2 of the subdivision shall contain two or more attached dwelling units, be further divided for townhouse development, or used for allowed uses other than household living.

Phase 2 of the proposed subdivision includes two existing single-family detached dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE that are intended to remain. Because of this, the proposed subdivision includes two lots, Lots 99 and 100, to accommodate the retention of the existing dwellings. As shown on the tentative subdivision plan, both Lots 99 and 100 are less than 20,000 square feet in size. Because these lots will not be developed with at least two attached dwelling units per lot, will not be divided for townhouses, or will not be used for allowed uses other than household living, the lots do not conform to the RM-I zone land division requirement included under SRC 513.010(a). Because Lots 99 and 100 will not meet the minimum land division lot size requirement of the RM-I zone, the applicant has requested a Class 2 Adjustment to this standard to allow the existing single-family dwellings to remain in lots that are less than 20,000 square feet in size. Analysis of the Class 2 Adjustment and findings demonstrating conformance with the applicable approval criteria are included under Section 9 of this decision.

The proposed subdivision, as conditioned and otherwise approved through the Class 2 Adjustment, conforms to the land division requirements of the RS and RM-I zones.

▪ **Lot Standards (SRC 511.010(b) & SRC 513.010(b)):**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2; and lot size and dimension standards within the RM-I zone are established under SRC 513.010(b), Table 513-2.

A summary of the lot size and dimension standards applicable to residential uses within the RS and RM-I zones is provided in the following tables:

<b>RS Zone Residential Use Lot Standards</b>		
<b>Lot Area</b>	Min. 1,500 sq. ft	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to single family, other than townhouses, and two family
	Min. 5,000 sq. ft.	Applicable to three family
	Min. 7,000 sq. ft.	Applicable to four family and multiple family
	Min. 5,500 sq. ft.	Applicable to infill lots, unless a greater minimum lot area is required for the specific use
<b>Lot Width</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
<b>Lot Depth</b>	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to all other uses

RS Zone Residential Use Lot Standards		
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	Applicable to all uses other than townhouses
	No Max.	Applicable to townhouses
<b>Street Frontage</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses

RM-I Zone Residential Use Lot Standards		
<b>Lot Area</b>	Min. 1,500 sq. ft	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other uses
<b>Lot Width</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
<b>Lot Depth</b>	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots
	Max. 300% of average lot width	Applicable to all uses other than townhouses
	No Max.	Applicable to townhouses
<b>Street Frontage</b>	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses

As shown on the tentative subdivision plan (**Attachment B**), Phase 1 of the subdivision includes the creation of townhouse lots and lots for detached single family dwellings. All of the proposed detached single family residential lots are located in the RS zoned portion of that phase and the proposed townhouse lots are located in both the RM-I and RS zoned portions of the phase. Phase 2 of the subdivision includes the creation of five lots all within the RM-I zone. Two of the lots, Lots 99 and 100, are proposed to accommodate the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE. The remaining three lots within that phase will be developed for uses allowed within the RM-I zone.

As shown on the tentative subdivision plan, lots within the proposed subdivision range from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size, exceed the minimum lot area, dimension, and street frontage requirements of the RS and RM-I zones, and are of sufficient size and dimension to permit future development of uses allowed within the zone.

- **Dwelling Unit Density (SRC 511.010(c) and SRC 513.010(c)):**

Dwelling unit density requirements for residential development within the RS zone are established under SRC 511.010(c). Within the RS zone, land that is subdivided that is at

least five acres in size is required to have a minimum dwelling unit density of 5.5 dwelling units per acre and at least 15 percent of the dwelling units constructed on the lots shall be middle housing. Per SRC 511.010(c)(1)(A), accessory dwelling units may count toward the minimum density requirement.

Phase one of the proposed subdivision includes approximately 8.16 acres of land currently zoned RA that will automatically be rezoned to RS at the time of recording the final subdivision plat. Based on the minimum required density of 5.5 dwelling units per acre, the RS zoned portion of Phase 1 is required to include a minimum of 45 dwelling units. The tentative subdivision plan includes a total of 55 residential lots (*38 detached single family dwelling lots and 17 townhouse lots*) within the RS zoned portion of Phase 1. The 55 residential dwelling units that will be constructed on these lots exceed the minimum required dwelling unit density of the RS zone.

In addition, SRC 511.010(c)(1)(B) requires at least 15 percent of the dwelling units constructed to be middle housing. Because the proposed subdivision includes 55 residential lots within the RS zoned portion of Phase 1 that will each be constructed within a dwelling unit, a minimum of eight of these dwelling units are required to be middle housing dwelling units. As shown on the tentative subdivision plan, a total of 17 townhouse lots are proposed within the RS zoned portion of Phase 1. Per SRC 111, townhouses are, by definition, a form of middle housing. As such, the proposed 17 townhouse lots exceed the minimum number of middle housing dwelling units required to be constructed within the RS zoned portion of the subdivision.

Phase one of the subdivision also includes approximately 2.72 acres of land zoned RM-I. The RM-I zoned portion of this phase is proposed to be developed with townhouse lots. Within the RM-I zone, townhouses have a minimum required dwelling unit density of 8 dwelling units per acre and are allowed a maximum dwelling unit density of 25 dwelling units per acre. Based on the applicable minimum and maximum densities, the RM-I zoned portion of Phase 1 is required to include a minimum of 22 dwelling units and may have up to a maximum of 68 dwelling units. The tentative subdivision plan includes a total of 37 townhouse lots within the RM-I zoned portion of Phase 1. The 37 townhouses that will be constructed on these lots conform to the minimum and maximum density requirements of the RM-I zone.

Phase 2 of the proposed subdivision is located entirely within the RM-I zone and includes the creation of five lots. Lots 99 and 100 will be used to accommodate the retention of the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE on their own separate lots, and the remaining three lots within the phase (Lots 96-98) will be developed for future uses allowed within the RM-I zone.

Pursuant to SRC 513.010(c), Table 513-3, the minimum and maximum density requirements of the RM-I zone are not applicable to the replacement of existing single family detached dwellings. Because the homes at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE are existing and Lots 99 and 100 are being created to enable the homes to be retained on separate lots, RM-I minimum and maximum density requirements are not applicable to these lots.

Because no specific uses have been identified at this time for Lots 96-98, any development on these lots will be governed by the density requirements and other applicable development standards in place at the time of their future development. Each of these proposed lots are of sufficient size, dimension, and configuration to permit future development of uses allowed within the zone.

The proposed subdivision conforms to the density requirements of the RS and RM-I zones.

▪ **Setbacks (SRC 511.010(d) and SRC 513.010(d)):**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3; and setbacks for buildings and accessory structures in the RM-I zone are established under SRC 513.010(d), Tables 513-4 and 513-5.

Within Phase 1, Lots 1-29, 67-72, and 74-92 will be developed with attached townhouses, and Lots 30-66 and Lot 73 will be developed with detached single-family dwellings.

Within Phase 2, Lots 99 and 100 will accommodate the retention of the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE on their own separate lots; and the remaining three lots within the phase (Lots 96-98) will be developed for future uses allowed within the RM-I zone.

The setback requirements of the RS and RM-I 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. Future development of the proposed lots will be reviewed for conformance with applicable setback requirements at the time of building permit and/or site plan review.

Setbacks to Existing Development: Due to the location of new property lines and proposed new internal public street rights-of-way, the proposed subdivision will change setbacks to the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE, and the existing church and parking lot located at 4625 Cordon Road NE. The proposed subdivision will also result in the existing detached accessory structures on the properties at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE either being located over new proposed lot lines or being located on separate lots from the single-family dwellings they currently serve.

The two new lots proposed to accommodate the existing single-family dwellings on Hayesville Drive (Lots 99 and 100) will result in the establishment of new rear southern lot lines for both homes together with corresponding reduced rear yard depths. Pursuant to SRC 513.010(d), Table 513-4, the minimum required interior rear yard setback for any portion of a single-family dwelling not more than one-story in height is 14 ft. Both of the existing homes are one-story in height and therefore a minimum 14-foot rear setback is required. Based on plans submitted by the applicant, the existing homes will be setback a minimum of 14 feet from the new interior rear lot lines of Lots 99 and 100 in conformance with the interior rear setback requirements of the RM-I zone.

The proposed subdivision will also establish new side setbacks for the homes 5092 and

5122 Hayesville Drive NE as a result of the proposed extension of Conrad Street NE to the south through the property between them. Pursuant to SRC 513.010(d), Table 513-4, the minimum required side setback abutting a local street is 12 ft. Based on the plans and application materials submitted by the applicant, the existing homes at 5092 and 5122 Hayesville Drive NE will have a minimum setback of 12 feet from Conrad Street in conformance with the minimum required setback abutting a street in the RM-I zone.

In addition to establishing new interior rear setbacks and new side setbacks abutting a street for the existing homes at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE, the proposed subdivision will also result in the existing detached accessory structures on the properties being either 1) located over new proposed lot lines; or 2) located on separate lots from the dwellings they currently serve and are accessory to. Based on the setback requirements of the RM-I zone, accessory structures cannot be located over property lines and the development code does not allow detached accessory structures to be located on a separate lot from the use they serve. In order to ensure the proposed subdivision conforms to the setback requirements and applicable standards of the development code, the following condition of approval shall apply:

**Condition 29:** Prior to final subdivision plat approval for Phase 2, obtain a demolition permit and remove all existing detached accessory structures from the properties located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE.

As with the existing homes at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE, the proposed subdivision will also change required setbacks to the existing church and parking lot located at 4625 Cordon Road SE. As shown on the tentative subdivision plan, a new street (Street C) is proposed to extend east-west through the subject property in Phase 2 along the northern property line of the existing church, resulting in a portion of the existing church and the existing parking lot to the west being located adjacent to a future street. Within the RA zone churches are allowed as a Special Use subject to the additional special use development standards included under SRC 700.055. Pursuant to SRC 700.055(g), Table 700-7, churches within the RA zone that are more than 25 feet in height are required to have a minimum setback from the street of 12 feet, plus 2 feet for each 5 feet of height over 25 feet; and off-street parking areas for churches are required to be setback a minimum 12 feet abutting a street. Based on plans submitted by the applicant, the existing church will be setback approximately 31 feet from future Street C, and the existing parking lot will be setback approximately 23 feet to 35 feet from future Street C, in conformance with minimum required setbacks.

The proposed subdivision, as conditioned, conforms to the setback requirements of the RS and RM-I zones.

▪ ***Lot Coverage (SRC 511.010(e) and SRC 513.010(e)):***

Maximum lot coverage requirements for buildings and accessory structures within the RS zone are established under SRC 511.010(e), Table 511-4; and maximum lot coverage requirements for buildings and accessory structures in the RM-I zone are established under SRC 513.010(e), Table 513-6.

As part of the proposed subdivision, the two existing homes located at 5092 and 5122

Hayesville Drive NE will be retained on separate lots (Lots 99 and 100). Lots 99 and 100 are located within the RM-I zone and therefore the existing homes on these new proposed lots must conform to the maximum lot coverage requirement of the zone. Within the RM-I zone, the maximum lot coverage requirement for buildings and accessory structures is 60 percent. Based on plans submitted by the applicant, the resulting lot coverage of the existing home on proposed Lot 99 is approximately 22.1 percent, and the resulting lot coverage of the existing home on proposed Lot 100 is approximately 31.4 percent. Both proposed lots conform to the maximum lot coverage requirements of the RM-I zone.

### ***SRC Chapter 700 – Special Use Standards***

SRC Chapter 700 establishes standards for certain uses that are specifically identified in a zone as being allowed as a Special Use. The special use standards of SRC Chapter 700 apply in addition to the standards of the zoning district the property is located within.

As shown on the tentative subdivision plan, Phase 1 of the development will include a total of 54 townhouse lots (*37 lots within the RM-I zoned portion of the phase and 17 lots within the RS zoned portion of the phase*). Within the RS zone townhouses are allowed as a special use subject to the additional special use standards included under SRC 700.085. Because 17 of the proposed lots (*Lots 19-29 and Lots 67-72*) are located within the RS zone, development of those lots is subject to the special use standards of SRC 700.085

Within the RS zone, per SRC 700.085(a)(1), not more than four townhouses, each on a separate platted lot, may be attached. In the application materials submitted by the applicant, groupings of three and four attached townhouses are identified consistent with the special use standards of the RS zone. Future development of the townhouse lots will be reviewed for conformance with the special use standards of SRC 800.085 when building permits are submitted for review and approval for development of each lot.

### ***SRC Chapter 800 – General Development Standards***

- ***Designation of Lot Lines (SRC 800.020):***

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.

The proposed subdivision includes a total of five flag lots (*Lots 48, 54, 61, 65, and 66*). The front lot lines for these lots are required to be designated as provided under SRC 800.020(a)(4).

▪ **Flag Lots (SRC 800.025):**

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. As shown on the tentative subdivision plan, five of the lots within the subdivision are flag lots (*Lots 48, 54, 61, 65, and 66*).

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

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

As shown on the tentative subdivision plan, three of the proposed flag lot accessways will serve one dwelling unit (*Lots 48, 54, and 61*) and one of the proposed flag lot accessways will serve two dwelling units (*Lots 65 and 66*).

Because the proposed flag lot accessways within the subdivision will serve one to two dwelling units, the accessways must be improved to a minimum width of 15 feet within a 20-foot-wide accessway, and they cannot exceed a maximum length of 150 feet.

As shown on the tentative subdivision plan, each of the proposed accessways is 20 feet in width and none exceed 150 feet in length. 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 14:** The flag lot accessways serving Lots 48, 54, 61, 65, and 66 shall be paved to a minimum width of 15 feet within a minimum 20-foot-wide accessway.
- Condition 15:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO

PARKING” signs shall be posted on both sides of any remaining portions of the accessways.

SRC 800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. The proposed subdivision includes the creation of 97 developable lots. Based on the maximum allowed percentage of flag lots, a maximum of 15 flag lots are allowed. The five flag lots proposed within the subdivision do not exceed the maximum 15 percent limit established under SRC 800.025(e).

**(B) City Infrastructure Standards.**

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

***SRC Chapter 200 - Urban Growth Management***

The subject property is located outside the City’s Urban Service Area. 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.

On April 9, 2020, an approval was issued for Urban Growth Preliminary Declaration Case No. UGA19-02 (**Attachment C**) identifying the required public facilities necessary to fully serve the subject property; thereby satisfying the requirements of SRC 200.020. Pursuant to SRC 200.025(e), conditions of approval established within this decision implement the approved UGA for the property. With conditions imposed, the proposed development complies with SRC Chapter 200 and the previously issued UGA Permit (Case No. UGA19-02).

The proposed development includes a number of parcels that abut Hayesville Drive NE but does not include tax lots 072W05D003000 or 072W05D003400. Pursuant to SRC 200.035, because tax lots 3000 and 3400 are less than 260 feet deep, the extent of required improvements along Hayesville Drive NE includes the entire frontage of the subject property and the frontage of tax parcels 3000 and 3400. Pursuant to SRC 200.035 and UGA19-02, the extent of required improvements along Hayesville Drive NE includes the entire frontage of the subject property and the frontage of tax parcels 072W05D003000 or 072W05D003400.

- ***Acquisition of property, easements, and right-of-way (SRC 200.050):***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens. As identified in this decision, right-of-way dedication is required for new internal streets. The existing conditions plan submitted by the applicant indicates there may be existing easements encumbering the new right-of-way areas. 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 200.050(d).

**Condition 2:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment is approved pursuant to SRC 200.050(d).

### ***SRC Chapter 71 – Stormwater***

The proposed development is subject to green stormwater infrastructure requirements in SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels 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.

Pursuant to UGA19-02, the approved point of disposal for stormwater is the West Fork of the Little Pudding River. This point of disposal will serve Phase 1 and a portion of Phase 2. A public stormwater main is also located in Hayesville Drive NE, which may serve a portion of Phase 2. Off-site easements are required to connect the proposed development to the approved point of discharge and are required as a condition of approval per SRC 802.020 and SRC 200.050 (UGA19-02). The applicant's preliminary utility plan shows construction of a new public stormwater main on adjacent property in order to discharge stormwater into the West Fork of the Little Pudding River. As a condition of approval, the applicant shall construct the new public main and storm outfall to the West Fork of the Little Pudding River and construct storm mains within the internal streets of the subdivision to provide stormwater services to each lot. All new public stormwater mains shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards.

In order to provide stormwater sewer service to the proposed subdivision as required under SRC 802.015, and comply with UGA19-02, the following conditions apply:

**Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

**Condition 4:** The applicant shall provide stormwater service for the subdivision from the West Fork of the Little Pudding River by constructing a public stormwater main and outfall from the subject property to the West Fork of the Little Pudding River and constructing public stormwater mains within the internal streets of the subdivision to provide service to each lot in accordance with Public Works Design Standards.

**Condition 16:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 1.

**Condition 30:** Construct stormwater facilities pursuant to SRC 71 and the PWDS, or demonstrate how the Phase 1 Storm Facility has sufficient capacity to treat and detain storm runoff pursuant to SRC 71, to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 2.

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

### ***SRC Chapter 802 – Public Improvements***

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Development Services Division (**Attachment E**).

In summary, the Development Services Division indicates that water, sewer, and stormwater infrastructure is available within surrounding streets/areas and is available to serve the proposed development.

**Water** – There is an existing 12-inch water main located in Hayesville Drive NE. This main terminates at the frontage of Marion County Tax Lot No. 072W05D002900, which is within the extent of the Phase 2 frontage; this water main is available to serve Phase 1. As a condition of approval for Phase 2, the applicant shall extend the 12-inch public water main in Hayesville Drive NE to the eastern boundary Marion County Tax Lot No. 072W05D002800, which is the eastern boundary of Phase 2.

**Condition 31:** Extend a 12-inch water main in Hayesville Drive NE from its existing terminus to the eastern boundary Marion County Tax Lot No. 072W05D002800, which is the eastern boundary of Phase 2, pursuant to Public Works Design Standards.

Within the new internal streets, the applicant shall extend public water mains to serve the new subdivision lots. As a condition of approval, the applicant shall extend minimum 8-inch mains within the new internal streets to provide water service to each lot, as required under SRC 802.015. All new public water mains shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards.

**Condition 17:** Extend minimum 8-inch public water mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.

**Condition 32:** Extend minimum 8-inch public water mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

**Sewer** – The subject property has the availability to be served by either the Jade Sanitary Sewer Pump Station or the Hayesville Sanitary Sewer Pump Station. As identified in the UGA issued for the property (UGA19-02), the Jade Sanitary Sewer Pump Station has limited capacity and as such, the applicant proposes to serve Phase 2 and a portion of Phase 1 from the Hayesville Sanitary Sewer Pump Station Basin Area. This involves the extension of a public sanitary sewer main in Hayesville Drive NE from approximately 700-feet west of the subject property. The remainder of Phase 1 will be served by the Jade Sanitary Sewer Pump Station, which will require extension of public sanitary sewer mains through adjacent property and payment of a Temporary Access Fee towards future upgrades to the Jade Pump Station (UGA19-02).

As shown on the applicant's preliminary utility plan, there is an existing Salem-Keizer School District (SKSD) owned private collection system for sanitary sewer on adjacent property that connects to the Jade Pump Station. The applicant proposes to work with the SKSD to convert a portion of the private sewer main to a public wastewater main in order to serve both the SKSD property and the proposed development. Pursuant to SRC 73.070, the private collection system may only be transferred to the public system with the consent of the Public Works Director and evidence the existing system meets or will be improved to meet the current City standards. Prior to issuance of permits for conversion of the main, the applicant shall demonstrate permission has been granted by the SKSD to convert the main to public. In addition, the applicant shall be required to obtain an easement for the main pursuant to Public Works Design Standards. If the applicant cannot obtain permission from the Public Works Director or the SKSD to convert the main, or the main is inadequate to serve the proposed development, the applicant shall be required to extend a new public main through adjacent property and acquire any necessary off-site easements pursuant to SRC 802.020 and Public Works Design Standards.

As a condition of sewer service pursuant to Public Works Design Standards (PWDS), all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. Extensions of public sewer mains along the extent of the required improvements is required as a condition of approval. Within the internal streets of the subdivision, in order to provide sanitary sewer service to the newly created lots, 8-inch public sanitary sewer mains shall be constructed as required under SRC 802.015. All new public sewer mains shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards.

In order to provide sanitary sewer service to the proposed subdivision as required under SRC 802.015, and comply with UGA19-02, the following conditions apply:

**Condition 5:** Prior to final plat, install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.

**Condition 18:** The applicant shall provide sanitary sewer service for Phase 1 from the Jade Sanitary Sewer Pump Station to the subject property by one of the following means:

- a. Construct an 8-inch sewer main from Jade Pump Station to the subject property in accordance with Public Works Design Standards; or
- b. Convert necessary portions of the existing Salem Keizer School District (SKSD) private wastewater collection system to a public system in accordance with SRC 73.070 and with written consent from SKSD.

**Condition 19:** The applicant shall provide sanitary sewer service for Phase 1 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the existing terminus in Hayesville Drive NE (approximately 700-foot west) to the subject property and within the extent of the Phase 1 Boundary in accordance with Public Works Design Standards.

**Condition 20:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.

**Condition 33:** The applicant shall provide sanitary sewer service for Phase 2 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the Phase 1 Boundary in Hayesville Drive NE to the eastern boundary of Marion County Tax Lot No. 072W05D002800, in accordance with Public Works Design Standards.

**Condition 34:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

The applicant's preliminary utility plan shows extension of a public sewer main through Phase 2 during Phase 1 construction to serve the existing Church located at 4625 Cordon Road NE (Marion County Tax Lot No. 072W05D002100). The proposed main would not be located in the public right-of-way until dedication of streets with Phase 2. The main is only proposed to serve the Church property at this time. Public Works does not approve of a public main to serve the church property at this time and requires that this main be designated as a private system until future connections are proposed. The main shall be constructed to meet Public Works Design Standards for a public sanitary sewer main to allow for conversion to a public system when future connections are proposed in Phase 2.

**Condition 6:** Unless otherwise approved by the Public Works Director, the proposed sewer main serving the Church property at 4625 Cordon Road NE (Marion County Tax Lot No. 072W05D002100) shall be a private main if constructed with Phase 1. The private main shall be designed and constructed to meet Public Works Design Standards to allow for conversion to a public system when future connections are proposed in Phase 2 of the proposed subdivision.

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. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As discussed in the following

written findings, there are multiple off-site easements required for public utilities to serve the development site. Pursuant to SRC 802.020 and SRC 200.050, as a condition of approval, the applicant shall be required to obtain any necessary off-site easements for infrastructure to serve the proposed developments. Easements shall be required to meet Public Works Design Standards Section 1.8 and shall be obtained prior to final plat approval for the phase in which the utility serves.

**Condition 7:** Prior to final plat approval, obtain or dedicate all necessary easements for public infrastructure serving the development that is located outside of the public right-of-way. Easements for city infrastructure shall meet the standards established in the Public Works Design Standards.

**Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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

### ***SRC Chapter 803 – Street and Right-of-Way Improvements***

The subject property abuts Hayesville Drive NE to the north and Cordon Road NE to the east. Vehicular access to the subdivision will be provided from Hayesville Drive NE.

▪ ***Boundary Streets (SRC 803.040):***

Hayesville Drive NE abuts the subject property and does not meet the current standard for a collector street. Pursuant to SRC Chapter 803.040, the applicant is required to construct a 17-foot-wide half-street improvement along the entire frontage of Hayesville Drive NE, including Marion County Tax Lot Nos. 072W05D003400 and 072W05D003000 per UGA19-02. The boundary street improvements may be constructed along each phase boundary, as stipulated in the conditions of approval. Boundary street improvements shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards, including construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side. In order to comply with SRC Chapter 803 and UGA19-02, the following conditions apply:

**Condition 21:** Along the Phase 1 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003400 and construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side.

**Condition 35:** Along the Phase 2 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003000.

▪ **Street Spacing & Street Standards (SRC 803.030 and SRC 803.035):**

As shown on the tentative subdivision plan, new internal streets are proposed to be constructed within the subdivision. The new internal streets will be classified as local streets according to the Salem Transportation System Plan (TSP) and SRC Chapter 803. As a condition of approval, the applicant shall dedicate right-of-way for the new internal streets and design and construct internal streets in accordance with the Salem Revised Code and the Public Works Design Standards, except where an Alternative Street Standard has been approved.

Street A is proposed to be a local street and extends from Hayesville Drive NE to the southern property line. Street A has a block length of 1,330-feet as no western street connections are provided to neighboring property. Pursuant to SRC 803.030(a) streets shall have a maximum spacing of 600-feet; Street A exceeds this standard. Westerly street connections are also required under SRC 803.035(a), which requires street connectivity to adjoining property. Due to an inability to provide street connectivity through abutting properties to the west based on their existing use, the applicant requested an Alternative Street Standard to allow westerly mid-block bike and pedestrian connections in-lieu of a street. The northern most mid-block connection (*identified as Lot 93*) will provide pedestrian connectivity to Stephens Middle School on the adjacent property. The southerly mid-block connection (*identified as Lot 94*) will provide connectivity to Stephens-Yoshikai School Park located on adjacent property. Because the adjacent property is developed with a school and park, additional connections are not warranted. By providing mid-block bike and pedestrian connections, the proposal meets the intent of the connectivity requirements. As such, an Alternative Street Standard for the block length of Street A is approved under SRC 803.065(a)(1). As a condition of approval, the applicant shall dedicate right-of-way for, and construct the mid-block connections shown on the tentative plan within Phase 1.

**Condition 22:** Dedicate Lots 93 and 94 as public right-of-way for mid-block bike and pedestrian connections.

**Condition 23:** Construct mid-block bike and pedestrian connections on lots 93 and 94 consistent with the provisions in SRC Chapter 803 and consistent with Public Works Standard Plan No. 314.

Although Lots 93 and 94 are required to be dedicated as public right-of-way for the proposed mid-block bike and pedestrian connections, the right-of-way is not right-of-way for a street. As such, the side lot lines of the lots to the north and south of these mid-block bike and pedestrian connections are considered interior side lot lines rather than side lot lines abutting a street.

Proposed Street D provides street connectivity from Conrad Street NE to two abutting properties to the east. The tentative subdivision plan shows Street D to be 50-feet in width. Pursuant to SRC 803.025(a) cul-de-sac streets may have a minimum 50-foot-wide right-of-way. However, a 50-foot-wide right-of-way would not accommodate street trees, which are required under SRC Chapter 803.035 and SRC Chapter 86. In order to accommodate street trees, the applicant shall widen the right-of-way to a minimum of 52-feet, which can accommodate two 15-foot travel lanes, two 5-foot sidewalks, and two 4-foot planter strips with room for required curbing.

As shown on the tentative subdivision plan, Conrad Street NE is proposed to extend to the south through the subject property from Hayesville Drive NE. The street is proposed with a 60-foot-wide right-of-way width consistent with local street standards, except for a short section, approximately 110 feet in length, where it passes between proposed Lots 99 and 100. In this area, the right-of-way width of the street is proposed to be reduced to approximately 49 feet to allow it to pass between the two existing single-family dwellings on the lots, which are proposed to remain, while maintaining conformance with minimum setback requirements between the buildings and the street. Because the section of Conrad Street between Lots 99 and 100 does not meet the minimum required right-way width, an alternative street standard has been requested in conjunction with the application to allow the street to be reduced to a 49-foot-wide right-of way width in this location. Due to the locations of the existing homes on Lots 99 and 100 and the physical constraints they present to the location and width of the street where it passes between them, the alternative street standard for the affected section of Conrad Street is warranted and approved under SRC 803.065(a)(1) because existing development and physical constraints make compliance with the standard impracticable.

In order to accommodate the future extension of Conrad Street, a portion of land needed for the street was conveyed to the City in 2008. However, the portion of land conveyed to the City does not fully match the alignment and configuration of the street shown on the applicant's proposed tentative subdivision plan. In order to ensure that the alignment of the Conrad Street NE and Street C within the subdivision match the internal street alignment identified in the applicant's tentative subdivision plan the following condition of approval shall apply:

**Condition 36:** Prior to final subdivision plat approval for Phase 2, the existing land conveyed to the City of Salem for right-of-way for the extension of Conrad Street shall be vacated.

In order to ensure proposed internal streets within the subdivision comply with SRC Chapter 803, the following conditions of approval shall apply:

**Condition 24:** Dedicate right-of-way for new internal streets of Phase 1 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition 25:** Construct internal streets of Phase 1 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 except that Street A within Phase 1 is permitted to have an increased block length of 1,330-feet.

**Condition 37:** Dedicate right-of-way for new internal streets of Phase 2 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:

- a. Conrad Street NE is approved to have a reduced right-of-way width between Lots 99 and 100 within Phase 2 of not less than 49-feet.

b. Street D shall be modified to have a minimum 52-foot-wide right-of-way.

**Condition 38:** Construct internal streets of Phase 2 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the exception that planter strips are required along Street D; however, they may be reduced to no less than 4 feet in width.

▪ **Street Trees (SRC 803.035(k)):**

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).

Required boundary street improvements along Hayesville Drive NE may necessitate removal of existing city-owned trees in the Hayesville Drive NE right-of-way. Removal of trees located within the public right-of-way requires a Street Tree Removal Permit pursuant to SRC Chapter 86. Any necessary Street Tree Removal Permits shall be obtained prior to issuance of Public Construction Plans that would cause their removal.

**Condition 9:** Prior to issuance of Public Construction Permits, obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

As required under SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible in accordance with the standards and specifications set forth in SRC Chapter 86 and applicable adopted administrative rules. The applicant submitted a preliminary landscaping plan showing street trees within Phase 1. A landscaping plan for Phase 2 has not been provided. In review of the proposed landscape plan, street trees along the townhouse lots will not be able to be provided without modifications to the utility and driveway plans, due to required spacing for service laterals and street trees as well as proposed driveway approach widths. In order to create space for street trees, driveway access to the townhouse lots will be required to be shared; water meters will need to be located adjacent to each side of the driveway approach; and sewer laterals will need to be placed within the driveway approaches. This will ensure that planter strips are available for street trees and conflicts with utility service lines are minimized. A schematic plan illustrating how this can be achieved is included as **Attachment G**. In order to create space for the planting of street trees as required under SRC 803.035(k) and SRC 86.015(e), the following conditions of approval shall apply:

**Condition 26:** Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that townhouse shall be limited to a maximum width of 12 feet.

**Condition 27:** Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.

**Condition 39:** Prior to final plat approval of Phase 2, the applicant shall submit a landscaping plan demonstrating how Street Trees are provided within Phase 2 to the maximum extent feasible, as required by SRC Chapter 86.

▪ ***Public Utility Easements (SRC 803.035(n)):***

Pursuant to SRC 803.035(n), public utility easements, a minimum of 10 feet in width, may be required for all streets. In order to ensure sufficient space for the installation of public utilities to serve the proposed subdivision, the following condition of approval shall apply:

**Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along the property frontage of Hayesville Drive NE.

***(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)***

SRC Chapter 601 establishes requirements for development within mapped floodplain areas in order to preserve and maintain the capability of the floodplain to convey flood water discharges and minimize danger to life and property.

Development Services staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property.

***SRC Chapter 808 (Preservation of Trees and Vegetation)***

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

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

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

There are existing trees located on the subject. Pursuant to SRC 808.035, a tree conservation plan was submitted by the applicant. The tree conservation plan identifies a total of 67 trees

within Phase 1, four of which are significant trees. Of the total 67 trees within that phase, the proposed tree conservation plan identifies 20 trees (30 percent) for preservation and 47 trees (70 percent) for removal. The four significant trees within Phase 1 are proposed for removal due to required utilities and the amount of grading that will be necessary adjacent to the trees in the process of developing the site.

Within Phase 2, no trees are identified for removal on the proposed lots that will accommodate the existing single-family dwellings at 5092 and 5122 Hayesville Drive NE (Lots 99 and 100). Due to the larger size of the lots and because the lots within this phase are zoned RM-I, which allows a variety of housing types, the future use of Lots 96, 97, and 98 has not been identified at this time. The future development of these lots will be reviewed for conformance with the applicable requirements of SRC 808 at the time of site plan review and/or future further division of these lots.

The proposed tree conservation plan meets the minimum preservation requirements of SRC Chapter 808 and limits the removal of significant trees to only those which cannot otherwise reasonably be preserved. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

### ***SRC Chapter 809 (Wetlands)***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils; however, the proposal includes construction of a new storm drainage system to the West Fork Little Pudding River. 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.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

**Finding:** The 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 RM-I (Multiple Family Residential) and RS (Single Family Residential) 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 City's Urban Service Area. An UGA Permit was issued for the subject property (Case No. UGA19-02) and establishes needed improvements to serve the proposed development. Conditions of approval established within this decision implement the approved UGA for the property. As conditioned, the proposed development will be adequately served by City Infrastructure and comply with the previously issued UGA Permit (UGA19-02). This approval criterion is met.

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

**Finding:** The subject property is located adjacent to Hayesville Drive NE and Cordon Road NE. Access to the proposed subdivision will be taken from Hayesville Drive and proposed new internal streets within the subdivision. Hayesville Drive NE is designated as a Collector Street under the Salem Transportation System Plan (TSP) and the proposed new internal streets 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, internal streets are extended through the site to provide safe and convenient access to the proposed lots within the subdivision, and proposed streets are extended to the boundaries of the property to provide opportunities for future street connectivity to abutting properties.

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 approval criterion is met.

***SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but***

***are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.***

**Finding:** The subject property abuts Stephens Middle School and Stephens-Yoshikai School Park. The property is also located within one-half mile of Yoshikai Elementary School.

The UGA preliminary declaration issued for the subject property (Case No. UGA19-02) establishes that the development is currently unserved by parks as defined in SRC 200.075. However, with construction of the required mid-block bike and pedestrian connections, the development will be within one-half mile walking distance of Stephens Yoshikai School Park. Therefore, the proposed development will be served by Stephens Yoshikai School Park and no additional parks improvements are required as a condition of approval. Access to the schools and park is available through the existing transportation system. This approval criterion is met.

***SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.***

**Finding:** The phased subdivision includes 54 attached townhouse dwelling lots and 38 detached single-family dwelling lots within Phase 1. Within Phase 2, there are three lots being created for multi-family development and two lots proposed with existing single-family dwellings. The proposed uses of Phase 2 are not established with the subdivision. The minimum density requirement for future residential uses in Phase 2 is eight dwelling units per acre. When using the minimum density required for the zone, the cumulative trips generated by the development do not exceed the threshold requirements for a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. However, if more than the minimum number of dwelling units are constructed within Phase 2, a Traffic Impact Analysis may be required. In order to ensure that any potential traffic impacts which could result from the future development of Phase 2 of the subdivision are mitigated as required by this approval criterion, the following condition of approval shall apply:

**Condition 40:** Prior to approval of any future development of the lots within Phase 2, a Transportation Impact Analysis (TIA) shall be required if the total cumulative number of Average Daily Trips (ADTs) resulting from the 92 dwelling units in Phase 1 and any future development of the lot(s) within Phase 2 exceeds 1,000 ADT.

The proposed subdivision, as conditioned, ensures that any impacts to the transportation system are mitigated. This approval criterion is met.

***SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings included in this decision, 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 to minimize the need for variances to the greatest extent practicable. This approval criterion is met.

***SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.***

**Finding:** As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site, which has been reviewed in conjunction with a Tree Conservation Plan application to ensure the proposal minimizes disruptions to topography and vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zones. 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. An UGA Permit was previously issued for the subject property (Case No. UGA19-02) which establishes needed improvements to serve the proposed development. Conditions of approval established within this decision implement the UGA for the property. With conditions imposed, the proposed development complies with SRC Chapter 200 and the previously issued UGA Permit. This approval criterion is met.

***SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.***

**Finding:** As shown on the tentative phased subdivision plan, provided for in the applicant's preliminary utility plans, and conditioned with this decision, street access and utility connections/extensions are provided between both Phase 1 and 2 in a manner that ensures the orderly and efficient construction of required public improvements among the phases. This approval criterion is met.

***SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.***

**Finding:** The utility and street infrastructure provided with Phase 1 of the development is required to be constructed and in place in order to serve development within Phase 2. As such, Phase 1 of the subdivision is required to be completed first. In order to ensure that both phases of the subdivision and substantially and functionally self-contained and self-sustaining with regard to required public improvements, the following condition of approval shall apply:

**Condition 11:** Phase 1 shall be platted as the first phase of the subdivision.

The proposed subdivision, as conditioned, meets this approval criterion.

***SRC 205.015(d)(4): Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.***

**Finding:** The proposed subdivision, as conditioned with this decision, ensures that each phase will be designed in a manner to support the overall infrastructure requirements for the subdivision as a whole. This approval criterion is met.

## **9. ANALYSIS OF CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

SRC 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the criteria is grounds for denial of the Class 2 Adjustment 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 has requested a Class 2 Adjustment in conjunction with the proposed subdivision to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 in order to allow the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain on these lots, which are proposed to be less than 20,000 square feet in size as required under SRC 513.010(a).

The written statement provided by the applicant indicates, in summary, that an adjustment is being sought to SRC 513.010(a) – Land division in the RM-I zone, which requires lots subdivided or partitioned in the RM-I to be a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living. The applicant explains that Lots 99 and Lot 100 will not meet this standard because they are less than 20,000 square feet in size.

The applicant indicates that Lots 99 and 100 equally or better meet the intent of the RM-I land division standard because they are already developed with existing single family dwellings and the proposed lots to accommodate them have been sized appropriately to encompass the existing dwellings while leaving enough room for the expansion into middle housing.

Staff concurs with the findings include in the applicant's written statement. The underlying purpose of this standard is to ensure that lots created in the RM-I zone are of sufficient size to allow them to be developed for uses allowed in the zone. Within the RM-I zone, a variety of housing types are allowed including single family detached dwellings, townhouses, three family uses, four family uses, and multiple family.

Although Lots 99 and 100 are less than 20,000 square feet in size, they will allow for the two existing homes located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain as single-family dwellings on their own lots. Single family dwellings are a permitted use in the RM-I zone and the proposed lots otherwise meet the applicable minimum lot size and dimension standards for detached single family dwellings in the zone.

Due to the location and orientation of the existing dwellings, they would not be easily or logically incorporated into a larger multiple family development and, as the applicant indicates, the size of the proposed lots would allow the potential for the dwellings to be expanded into middle housing in the future. The proposed adjustment allows for the creation of two lots in order to accommodate the retention of two existing single-family dwellings that are a permitted use in the RM-I zone. This approval criterion is met.

***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 portion of the subdivision where the two existing single-family dwellings are located is residentially zoned (RM-I). The proposed adjustment to allow these two existing dwellings to be located on individual lots less than 20,000 square feet in size will not detract from the livability or appearance of the residential area. The existing homes are currently located on two separate lots and under the proposed adjustment the two existing homes will continue to remain on two separate lots except that the lots will be smaller in size. The smaller lot size will not detract from the livability or appearance of the surrounding area. This approval criterion is met.

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

**Finding:** Two Class 2 Adjustments have been requested in conjunction with the proposed development (*one for each of the lots proposed to accommodate the two existing single-family dwellings*). Although more one adjustment has been requested, the adjustments are the minimum necessary to allow an otherwise permitted use in the RM-I zone to remain. The RM-I zone allows for a variety of housing types, including detached single-family dwellings, and the proposed lot size and dimensions of Lots 99 and 100 otherwise meet the minimum required lot size and dimensions for detached single-family dwellings in the zone. This approval criterion is met.

## **10. Conclusion**

Based upon review of SRC 205.015(d), 205.010(d), and 250.005(d)(2), the findings contained under Sections 8-9 above, and the comments described, the Phased Subdivision Tentative Plan and Class 2 Adjustment comply with the requirements for an affirmative decision.

Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

**IT IS HEREBY ORDERED**

That Phased Subdivision Tentative Plan and Class 2 Adjustment Case No. SUB-ADJ24-02, for property located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of development, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

***Please Note:*** *For additional clarity, the individual conditions of approval listed below have been grouped according to which phase of the subdivision they apply to. Each condition is also listed within the findings of this decision under the relevant approval criterion the condition addresses.*

**Conditions of Approval for All Phases:**

- Condition 1:** For any portions of the subdivision where more than 30 dwelling units will be served by only a single point of fire department access, all buildings within those portions of the subdivision shall be equipped with an approved fire sprinkler system or the applicant shall, prior to final subdivision plat approval for Phase 1, provide a separate second means of fire department access to those portions approved by the Fire Department.
- Condition 2:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment is approved pursuant to SRC 200.050(d).
- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** The applicant shall provide stormwater service for the subdivision from the West Fork of the Little Pudding River by constructing a public stormwater main and outfall from the subject property to the West Fork of the Little Pudding River and constructing public stormwater mains within the internal streets of the subdivision to provide service to each lot in accordance with Public Works Design Standards.
- Condition 5:** Prior to final plat, install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.
- Condition 6:** Unless otherwise approved by the Public Works Director, the proposed sewer main serving the Church property at 4625 Cordon Road NE (Marion County Tax Lot No. 072W05D002100) shall be a private main if constructed with Phase 1. The private main shall be designed and constructed to meet Public

Works Design Standards to allow for conversion to a public system when future connections are proposed in Phase 2 of the proposed subdivision.

- Condition 7:** Prior to final plat approval, obtain or dedicate all necessary easements for public infrastructure serving the development that is located outside of the public right-of-way. Easements for city infrastructure shall meet the standards established in the Public Works Design Standards.
- Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 9:** Prior to issuance of Public Construction Permits, obtain any necessary street tree removal permits pursuant to SRC Chapter 86.
- Condition 10:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along the property frontage of Hayesville Drive NE.
- Condition 11:** Phase 1 shall be platted as the first phase of the subdivision.

**Conditions of Approval for Phase 1:**

- Condition 12:** Prior to final subdivision plat submission for Phase 1, the applicant shall provide a copy of the deeds and a written narrative detailing the title history of each property within the tentative plat boundary, through 1979, for review by City Staff. If any of the properties are deemed to be unlawfully established, the applicant shall, in accordance with ORS 92.176, obtain approval of a validation of unit of land and record a partition plat validating each unit of land that is determined to be unlawfully established.
- Condition 13:** Prior to final subdivision plat approval for Phase 1, a property line adjustment shall be approved and recorded to adjust the property line between the existing church property at 4625 Cordon Road NE (Tax Lot No. 072W05D002100) and the abutting property to the south (Tax Lot No. 072W05D002000) in order to realign it to the eastern boundary of the subdivision as shown on the proposed tentative subdivision plan.
- Condition 14:** The flag lot accessways serving Lots 48, 54, 61, 65, and 66 shall be paved to a minimum width of 15 feet within a minimum 20-foot-wide accessway.
- Condition 15:** “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 16:** Construct stormwater facilities pursuant to SRC 71 and the PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 1.

- Condition 17:** Extend minimum 8-inch public water mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 18:** The applicant shall provide sanitary sewer service for Phase 1 from the Jade Sanitary Sewer Pump Station to the subject property by one of the following means:
- a. Construct an 8-inch sewer main from Jade Pump Station to the subject property in accordance with Public Works Design Standards; or
  - b. Convert necessary portions of the existing Salem Keizer School District (SKSD) private wastewater collection system to a public system in accordance with SRC 73.070 and with written consent from SKSD.
- Condition 19:** The applicant shall provide sanitary sewer service for Phase 1 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the existing terminus in Hayesville Drive NE (approximately 700-feet west) to the subject property and within the extent of the Phase 1 Boundary in accordance with Public Works Design Standards.
- Condition 20:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
- Condition 21:** Along the Phase 1 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003400 and construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side.
- Condition 22:** Dedicate Lots 93 and 94 as public right-of-way for mid-block bike and pedestrian connections.
- Condition 23:** Construct mid-block bike and pedestrian connections on lots 93 and 94 consistent with the provisions in SRC Chapter 803 and consistent with Public Works Standard Plan No. 314.
- Condition 24:** Dedicate right-of-way for new internal streets of Phase 1 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 25:** Construct internal streets of Phase 1 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 except that Street A within Phase 1 is permitted to have an increased block length of 1,330-feet.

**Condition 26:** Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that townhouse shall be limited to a maximum width of 12 feet.

**Condition 27:** Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.

**Conditions of Approval for Phase 2:**

**Condition 28:** Future development of Lot 97 in Phase 2 of the subdivision shall contain two or more attached dwelling units, be further divided for townhouse development, or used for allowed uses other than household living.

**Condition 29:** Prior to final subdivision plat approval for Phase 2, obtain a demolition permit and remove all existing detached accessory structures from the properties located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE.

**Condition 30:** Construct stormwater facilities pursuant to SRC 71 and the PWDS, or demonstrate how the Phase 1 Storm Facility has sufficient capacity to treat and detain storm runoff pursuant to SRC 71, to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 2.

**Condition 31:** Extend a 12-inch water main in Hayesville Drive NE from its existing terminus to the eastern boundary Marion County Tax Lot No. 072W05D002800, which is the eastern boundary of Phase 2 pursuant to Public Works Design Standards.

**Condition 32:** Extend minimum 8-inch public water mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

**Condition 33:** The applicant shall provide sanitary sewer service for Phase 2 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the Phase 1 Boundary in Hayesville Drive NE to the eastern boundary of Marion County Tax Lot No. 072W05D002800, in accordance with Public Works Design Standards.

**Condition 34:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

**Condition 35:** Along the Phase 2 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter

803. This improvement shall include the frontage of Marion County Tax Lot No. 072W05D003000.

- Condition 36:** Prior to final subdivision plat approval for Phase 2, the existing land conveyed to the City of Salem for right-of-way for the extension of Conrad Street shall be vacated.
- Condition 37:** Dedicate right-of-way for new internal streets of Phase 2 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:
- a. Conrad Street NE is approved to have a reduced right-of-way width between Lots 99 and 100 within Phase 2 of not less than 49-feet.
  - b. Street D shall be modified to have a minimum 52-foot-wide right-of-way.
- Condition 38:** Construct internal streets of Phase 2 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the exception that planter strips are required along Street D; however, they may be reduced to no less than 4 feet in width.
- Condition 39:** Prior to final plat approval of Phase 2, the applicant shall submit a landscaping plan demonstrating how Street Trees are provided within Phase 2 to the maximum extent feasible, as required by SRC Chapter 86.
- Condition 40:** Prior to approval of any future development of the lots within Phase 2, a Transportation Impact Analysis (TIA) shall be required if the total cumulative number of Average Daily Trips (ADTs) resulting from the 92 dwelling units in Phase 1 and any future development of the lot(s) within Phase 2 exceeds 1,000 ADT.



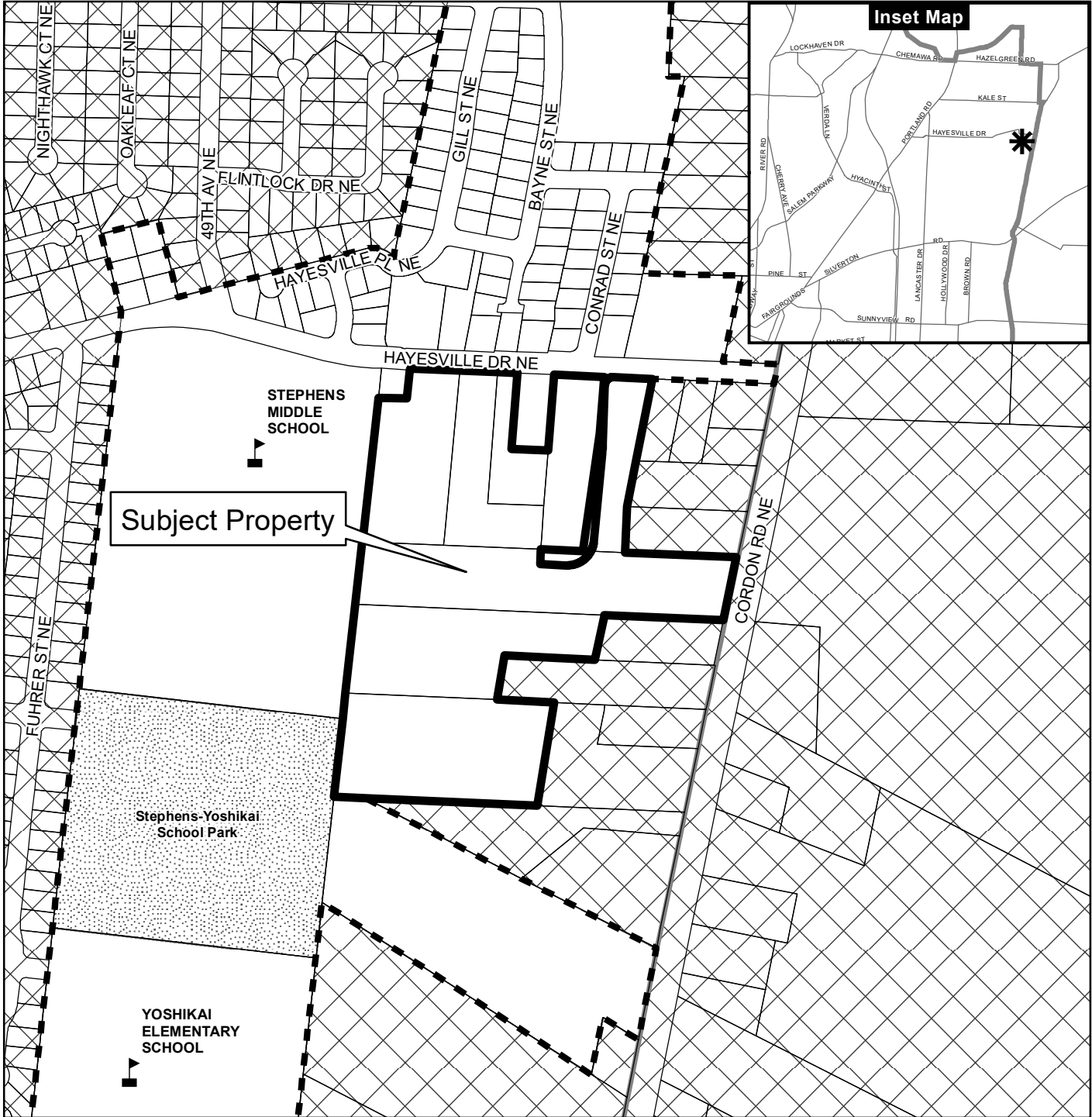
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Bryce Bishop, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

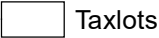






- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Phased Subdivision Plan
  - C. Urban Growth Preliminary Declaration Case No. UGA19-02 Decision
  - D. Public Comments
  - E. City of Salem Development Services Division Comments
  - F. Salem-Keizer School District Comments
  - G. Street Tree Planting Exhibit

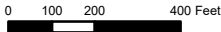
# Vicinity Map

## 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE



### Legend

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



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

**DECISION OF THE PLANNING ADMINISTRATOR**

**URBAN GROWTH AREA PRELIMINARY DECLARATION CASE NO.: UGA19-02**

**APPLICATION NO.: 19-114158-LD**

**NOTICE OF DECISION DATE: APRIL 9, 2020**

**SUMMARY:** An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 21.6 acres in size. This request has been amended to include property located at 4557, 4587 and 4625 Cordon Road NE.

**REQUEST:** An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 21.6 acres in size, designated as MF (Multiple Family Residential) and DR (Developing Residential) in the Comprehensive Plan, zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and located at 5012, 5042, 5052, 5092, and 5122 Hayesville Drive NE, and 4557, 4587 and 4625 Cordon Road NE - 97305 (Marion County Assessors Map and Tax Lot Numbers: 072W05D / 03300, 03200, 03100, 02900, 02800, 02100, 02000, and 01700).

**APPLICANT:** Jordan Schweiger, Good Well Construction Inc.

**LOCATION:** 5012, 5042, 5052, 5092 & 5122 Hayesville Dr NE & 4557, 4587 and 4625 Cordon Road NE

**CRITERIA:** Salem Revised Code (SRC) Chapters 200.025(d) and (e) – Urban Growth Area Preliminary Declaration

**FINDINGS:** The findings are in the attached Decision dated April 9, 2020.

**DECISION:** The **Planning Administrator ISSUED** Urban Growth Area Preliminary Declaration UGA19-02 subject to the applicable standards of the Salem Revised Code and the findings contained herein:

**Extent of Required Improvements:**

1. Pursuant to SRC 200.035, the extent of required improvements along Hayesville Drive NE includes the entire frontage of the subject property and the frontage of tax parcels 072W05D 03000 and 03400.

**Street Improvements:**

2. Along the extent of required improvements in Hayesville Drive NE, construct a 17-foot-wide half-street improvement on the development side to Collector street standards.

**NOTICE OF DECISION**

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



**Sewer Improvements:**

3. Install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.
4. Construct an 8-inch sewer main from Jade Pump Station through the subject property to the east line of the extent of required improvements in Hayesville Drive NE.

**Stormwater Improvements:**

5. The approved point of disposal for stormwater is the West Fork Little Pudding River. If off-site easements are required to connect to the approved point of disposal, the applicant shall acquire easements pursuant to SRC 200.050.

**Water Improvements:**

6. Extend the existing 12-inch water main in Hayesville Drive NE to the east line of the extent of required improvements.

**Park Improvements:**

7. As a condition of multi-family residential uses, the applicant shall either:
  - a. Convey or acquire property for dedication of neighborhood park facility NP-37 or equivalent; or
  - b. At the time of building permit, pay a temporary facility access fee equaling 13.5 percent of the Parks SDCs due for the multi-family residential uses.
8. As a condition of final plat approval for single-family residential uses, the applicant shall either:
  - a. Convey or acquire property for dedication of neighborhood park facility NP-37 or equivalent; or
  - b. As a temporary facility access fee, pay 100 percent of the Parks SDCs for one single family residence per lot; this payment is credited toward the Parks SDCs due at the time of building permit issuance; or
  - c. Enter into a temporary facilities access agreement specifying the following:
    - i. As a condition of building permit issuance, the applicant shall pay a temporary facility access fee equaling 13.5 percent of the Parks SDCs due for the single-family residential use in addition to the Parks SDC.

The rights granted by the attached decision must be exercised, or an extension granted, by April 25, 2024 or this approval shall be null and void.

Application Deemed Complete: October 24, 2019  
Notice of Decision Mailing Date: April 9, 2020  
Decision Effective Date: April 25, 2020  
State Mandate Date: June 26, 2020

Case Manager: Aaron Panko, [apanko@cityofsalem.net](mailto:apanko@cityofsalem.net), 503-540-2356

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Friday, April 24, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net) or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. 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 200. The appeal must be filed in duplicate with the City of Salem Planning Division. 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.

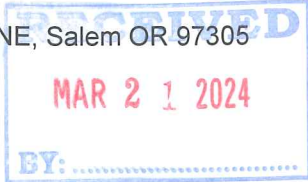
The complete case file, including findings, conclusions and conditions of approval, if any, is available by contacting the case manager.

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

REQUEST FOR COMMENTS

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

REGARDING: Phased Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-02
PROJECT ADDRESS: 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE, Salem OR 97305
AMANDA Application No.: 23-118755-PLN
COMMENT PERIOD ENDS: Thursday, March 28, 2024, at 5:00 p.m.



SUMMARY: Proposed phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots with associated site improvements.

REQUEST: A phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots ranging from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size in two phases of development; with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and townhomes together with two open space lots and a stormwater facility lot; and the second phase consisting of five lots accommodating two existing single-family dwellings located at 5092 Hayesville Dr NE, 5122 Hayesville Dr NE and future residential development.

The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Dr NE and 5122 Hayesville Dr NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE (Marion County Assessor's Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., Thursday, March 28, 2024, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: bbishop@cityofsalem.net.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
2. I have reviewed the proposal and have the following comments:

Name/Agency: Brenda A young lifetime trust & young Brenda
Address: 848 SW mill st
Phone: 503-893-5034
Email: cbyoung@wbeable.net
Date: mar. 18 2024

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

# REQUEST FOR COMMENTS

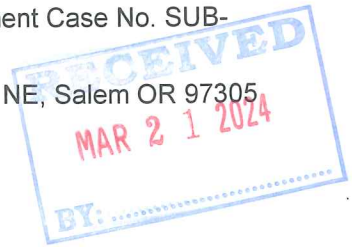
Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

REGARDING: Phased Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-02

PROJECT ADDRESS: 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE, Salem OR 97305

AMANDA Application No.: 23-118755-PLN

COMMENT PERIOD ENDS: Thursday, March 28, 2024, at 5:00 p.m.



**SUMMARY:** Proposed phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots with associated site improvements.

**REQUEST:** A phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots ranging from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size in two phases of development; with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and townhomes together with two open space lots and a stormwater facility lot; and the second phase consisting of five lots accommodating two existing single-family dwellings located at 5092 Hayesville Dr NE, 5122 Hayesville Dr NE and future residential development.

The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Dr NE and 5122 Hayesville Dr NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE (Marion County Assessor's Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Thursday, March 28, 2024,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: \_\_\_\_\_

Name/Agency: Brenda Young

Address: 848 SW Mill St Sheridan or 97378

Phone: 843-5034

Email: cbyoung@wbcable.net

Date: mar 18 2024

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

# REQUEST FOR COMMENTS

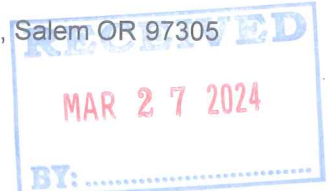
Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

**REGARDING:** Phased Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-02

**PROJECT ADDRESS:** 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE, Salem OR 97305

**AMANDA Application No.:** 23-118755-PLN

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The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Dr NE and 5122 Hayesville Dr NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Dr NE and 4625 Cordon Rd NE (Marion County Assessor's Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Thursday, March 28, 2024,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**



1. I have reviewed the proposal and have no objections to it.

2. I have reviewed the proposal and have the following comments:

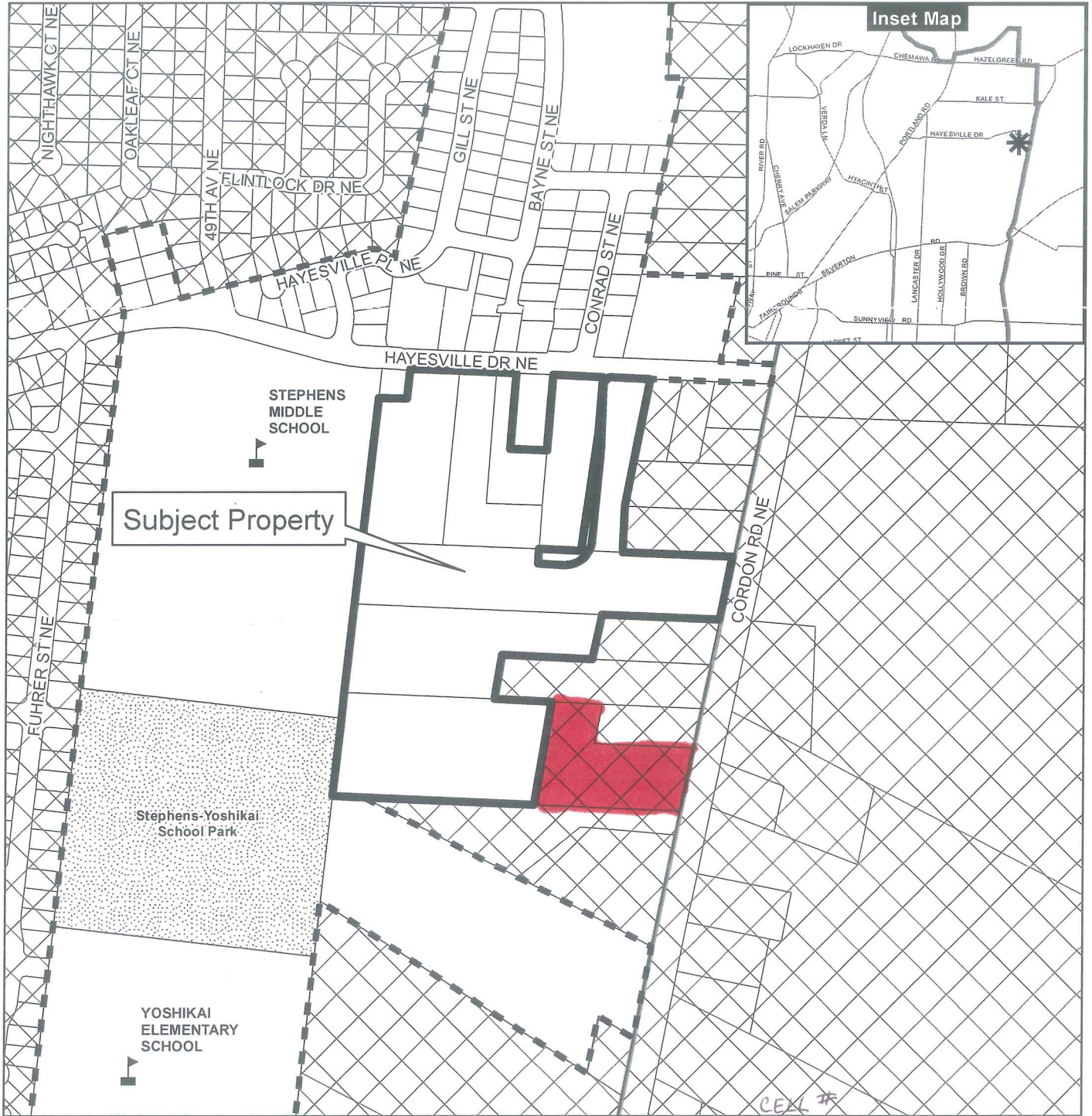
*"Please"*  
*We want a high solid fence all behind our property*

Name/Agency: *Bolliger Family Trust, Robert Ben Bolliger*  
Address: *4555 Cordon Rd. N.E.*  
Phone: *503-932-3266* OR HOME # *503-390-6022*  
Email: *rbcbolliger@gmail.com*  
Date: \_\_\_\_\_

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

# Vicinity Map

## 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE



**Legend**

- Taxlots
- Urban Growth Boundary
- City Limits

- 4555 CORDON RD. Robert Benjamin Bolliger Trust
- Outside Salem City Limits
- Historic District
- Schools

503-932-3266  
 CITY OF Salem  
 AT YOUR SERVICE  
 Community Planning and Development  
 HOME # 503-390-6022



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Mr. John F. Fery  
5072 Hayesville Dr. NE  
Salem, OR 97305

Return Address

Received

MAR 28 2024

City of Salem  
Customer Service Center



using the  
computer didn't  
work, no place  
to put in a comment.

Bryce Bishop!

This is John Fery lot 3000  
concerning phase 2 on Hayesville Dr.  
I do not want or approve of any  
townhouses or apartments around my  
property. I would lose all of my  
privacy. I've lived here for 53 yrs,  
I should not be subjected to losing  
all my privacy. I would be surrounded  
100% of buildings. I vote against it.  
The City shouldn't allow such a  
thing.

John Fery



MEMO

**TO:** Bryce Bishop, Planner III  
Community Planning and Development Department

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

**DATE:** April 24, 2024

**SUBJECT: Infrastructure Memo  
SUB-ADJ24-02 (23-118755-PLN)  
5012 Hayesville Drive NE  
100-lot Phased Subdivision**

**PROPOSAL**

A phased subdivision tentative plan to divide approximately 21.55 acres into 100 lots ranging from approximately 1,680 square feet to 145,500 square feet (3.34 acres) in size in two phases of development; with the first phase consisting of 92 lots accommodating a mix of single-family dwellings and townhomes together with two open space lots and a stormwater facility lot; and the second phase consisting of five lots accommodating two existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE and future residential development.

The proposal also includes a Class 2 Adjustment to reduce the minimum required lot size within the RM-I zone for proposed Lots 99 and 100 to allow the existing single-family dwellings located at 5092 Hayesville Drive NE and 5122 Hayesville Drive NE to remain on these lots which are proposed to be less than 20,000 square feet in size (SRC 513.010(a)).

The subject property totals approximately 21.55 acres in size, is zoned RM-I (Multiple Family Residential) and RA (Residential Agriculture), and is located at 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE (Marion County Assessor Map and Tax Lot Numbers: 072W05D001700; 072W05D002000; 072W05D002100; 072W05D002800; 072W05D002900; 072W05D003100; 072W05D003200; and 072W05D003300).

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

## **RECOMMENDED CONDITIONS APPROVAL**

### **The following conditions apply to all phases of the subdivision:**

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment is approved pursuant to SRC 200.050(d).
2. Prior to final plat approval, obtain or dedicate all necessary easements for public infrastructure serving the development that is located outside of the public right-of-way. Easements for city infrastructure shall meet the standards established in the Public Works Design Standards.
3. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
4. Prior to final plat, install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.
5. Unless otherwise approved by the Public Works Director, the proposed sewer main serving the Church property at 4625 Cordon Road NE (Marion County Taxlot #072W05D002100) shall be a private main if constructed with Phase 1. The private main shall be designed and constructed to meet Public Works Design Standards to allow for conversion to a public system when future connections are proposed in Phase 2 of the proposed subdivision.
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. The applicant shall provide stormwater service for the subdivision from the West Fork of the Little Pudding river by constructing a public stormwater main and outfall from the subject property to the West Fork of the Little Pudding River and constructing public stormwater mains within the internal streets of the subdivision to provide service to each lot in accordance with Public Works Design Standards.
8. Prior to issuance of Public Construction Permits, obtain any necessary street tree removal permits pursuant to SRC Chapter 86.
9. Dedicate a 10-foot public utility easement along the street frontage of all internal street and along the property frontage of Hayesville Drive NE.
10. Phase 1 shall be platted as the first phase of the subdivision.

### **The following conditions apply to Phase 1 of the subdivision:**

11. Extend minimum 8-inch public water mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
12. The applicant shall provide sanitary sewer service for Phase 1 from the Jade Sanitary Sewer Pump Station to the subject property by one of the following means:
  - a. Construct an 8-inch sewer main from Jade Pump Station to the subject property in accordance with Public Works Design Standards; or,
  - b. Convert necessary portions of the existing Salem Keizer School District (SKSD) private wastewater collection system to a public system in accordance with SRC 73.070 and with written consent from SKSD.
13. The applicant shall provide sanitary sewer service for Phase 1 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the existing terminus in Hayesville Drive NE (approximately 700-feet west) to the subject property and within the extent of the Phase 1 Boundary in accordance with Public Works Design Standards.
14. Extend minimum 8-inch public sewer mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.
15. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 1.
16. Along the Phase 1 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County taxlot # 072W05D003400 and construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side.
17. Dedicate right-of-way for new internal streets of Phase 1 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
18. Construct internal streets of Phase 1 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:
  - a. A Street within Phase 1 is permitted to have an increased block length of 1,330-feet.
19. Dedicate lots 93 and 94 as public right-of-way for mid-block bike and pedestrian connections.
20. Construct mid-block bike and pedestrian connections on lots 93 and 94 consistent

with the provisions in SRC Chapter 803 and consistent with Public Works Standard Plan No. 314.

21. Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that townhouse shall be limited to a maximum width of 12 feet.
22. Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.

**The following conditions apply to Phase 2 of the subdivision:**

23. Extend a 12-inch water main in Hayesville Drive NE from it's existing terminus to the eastern boundary Marion County Taxlot # 072W05D002800, which is the eastern boundary of Phase 2 pursuant to Public Works Design Standards.
24. Extend minimum 8-inch public water mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.
25. The applicant shall provide sanitary sewer service for Phase 2 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the Phase 1 Boundary in Hayesville Drive NE to the eastern boundary of Marion County Tax Lot No. 072W05D002800, in accordance with Public Works Design Standards.
26. Extend minimum 8-inch public sewer mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.
27. Construct stormwater facilities pursuant to SRC 71 and the PWDS, or demonstrate how the Phase 1 Storm Facility has sufficient capacity to treat and detain storm runoff pursuant to SRC 71, to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 2.
28. Along the Phase 2 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County taxlot # 072W05D003000.
29. Prior to final subdivision plat approval for Phase 2, the existing land conveyed to the City of Salem for right-of-way for the extension of Conrad Street shall be vacated
30. Dedicate right-of-way for new internal streets of Phase 2 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:
  - a. Conrad Street NE is approved to have a reduced right-of-way width

between Lots 99 and 100 within Phase 2 of not less than 49-feet.

- b. Street D shall be modified to have a minimum 52-foot-wide right-of-way.
31. Construct internal streets of Phase 2 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the exception that planter strips are required along Street D; however, they may be reduced to no less than 4 feet in width.
32. Prior to final plat approval of Phase 2, the applicant shall submit a landscaping plan demonstrating how Street Trees are provided within Phase 2 to the maximum extent feasible, as required by SRC Chapter 86.
33. Prior to approval of any future development of the lots within Phase 2, a Transportation Impact Analysis (TIA) shall be required if the total cumulative number of Average Daily Trips (ADTs) resulting from the 92 dwelling units in Phase 1 and any future development of the lot(s) within Phase 2 exceeds 1,000 ADT.

## **FACTS AND FINDINGS**

### **Streets**

1. Hayesville Drive NE
  - 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 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

### **Water**

1. Existing Conditions
  - a. The subject property is located within the G-0 water service level.
  - b. A 12-inch water main is located in Hayesville Drive NE. This main terminates at the frontage of Marion County Taxlot # 072W05D002900.

### **Sanitary Sewer**

1. Existing Conditions
  - a. An 8-inch sewer main is located in Hayesville Drive NE, approximately 700-feet west of the subject property.

## Storm Drainage

### 1. Existing Conditions

- a. A 12-inch storm main is located in Hayesville Drive NE, approximately 175-feet west of the subject property.
- b. An 8-inch storm main is located in Hayesville Drive NE along the Phase 2 Frontage of the property.
- c. The West Fork Little Pudding River is located approximately 285-feet east of the southeastern property boundary,

## Parks

The proposed development is served by Stephens Yoshikai School Park, adjacent to the southwestern boundary of the subject property.

## **CRITERIA AND FINDINGS – SUBDIVISION TENTATIVE PLAN**

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. An UGA Permit was issued for the subject property (UGA19-02) and establishes needed improvements to

serve the proposed development. Conditions of approval established within this decision implement the UGA for the property (UGA19-02). With conditions imposed, the proposed development complies with SRC Chapter 200 and the previously issued UGA Permit (UGA19-02).

The proposed development includes a number of parcels that abut Hayesville Drive NE but does not include tax lots 072W05D03000 or 072W05D03400. Pursuant to SRC 200.035, because tax lots 3000 and 3400 are less than 260 feet deep, the extent of required improvements along Hayesville Drive NE includes the entire frontage of the subject property and the frontage of tax parcels 3000 and 3400. Pursuant to SRC 200.035 and UGA19-02, the extent of required improvements along Hayesville Drive NE includes the entire frontage of the subject property and the frontage of tax parcels 072W05D03000 or 072W05D03400.

SRC 200.050 (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. As described below, right-of-way dedication is required along for new internal streets. The existing conditions plan indicates there may be existing easements encumbering the new right-of-way areas. 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 200.050(d).

**Condition:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment is approved pursuant to SRC 200.050(d).

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 805 (Vision Clearance): There is an existing wooden fence located in the public right-of-way of Hayesville Drive NE along the frontage of Marion County Taxlot # 072W05D003400. The existing fence does not comply with vision clearance standards required for proposed Street A. At the time of development and required as part of the proposed boundary street improvements along Marion County Taxlot # 072W05D003400, coordinate with the neighboring property owner to relocate or remove

non-conforming portions of the fence to comply with vision clearance standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils; however, the proposal includes construction of a new storm drainage system to the West Fork Little Pudding River. 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 no mapped landslide hazard areas on the subject property.

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

**Findings**— The subject property is located outside of the Urban Service Area. An UGA Permit was issued for the subject property (UGA19-02) and establishes needed improvements to serve the proposed development. Conditions of approval established within this decision implement the UGA for the property (UGA19-02). With conditions imposed, the proposed development will be served adequately by City Infrastructure and comply with the previously issued UGA Permit (UGA19-02).

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. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. As discussed in the following written findings, there are multiple off-site easements required for public utilities to serve the development site. Pursuant to SRC 802.020 and SRC 200.050, as a condition of approval, the applicant shall be required to obtain any necessary off-site easements for infrastructure to serve the proposed developments. Easements shall be required to meet Public Works Design Standards Section 1.8 and shall be obtained prior to final plat approval for the phase in which the utility serves.

**Condition:** Prior to final plat approval, obtain or dedicate all necessary easements for public infrastructure serving the development that is located outside of the public right-of-way. Easements for city infrastructure shall meet the standards established in the Public Works Design Standards.

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

**Water** - There is an existing 12-inch water main located in Hayesville Drive NE. This

main terminates at the frontage of Marion County Taxlot # 072W05D002900, which is within the extent of the Phase 2 frontage; this water main is available to serve Phase 1. As a condition of approval for Phase 2, the applicant shall extend the 12-inch public water main in Hayesville Drive NE to the eastern boundary Marion County Taxlot # 072W05D002800, which is the eastern boundary of Phase 2.

**Condition:** Extend a 12-inch water main in Hayesville Drive NE from it's existing terminus to the eastern boundary Marion County Taxlot # 072W05D002800, which is the eastern boundary of Phase 2 pursuant to Public Works Design Standards.

Within the new internal streets, the applicant shall extend public water mains to serve the new subdivision lots. As a condition of approval, the applicant shall extend minimum 8-inch mains within the new internal streets to provide water service to each lot, as required under SRC 802.015. All new public water mains shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards.

**Condition:** Extend minimum 8-inch public water mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.

**Condition:** Extend minimum 8-inch public water mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

**Sanitary Sewer** – The subject property has the availability to be served by either the Jade Sanitary Sewer Pump Station or the Hayesville Sanitary Sewer Pump Station. As identified in the UGA issued for the property (UGA19-02), the Jade Sanitary Sewer Pump Station has limited capacity and as such, the applicant proposes to serve Phase 2 and a portion of Phase 1 from the Hayesville Sanitary Sewer Pump Station Basin Area. This involves the extension of a public sanitary sewer main in Hayesville Drive NE from approximately 700-feet west of the subject property. The remainder of Phase 1 will be served by the Jade Sanitary Sewer Pump Station, which will require extension of public sanitary sewer mains through adjacent property and payment of a Temporary Access Fee towards future upgrades to the Jade Pump Station (UGA19-02).

As shown on the applicant's preliminary utility plan, there is an existing Salem-Keizer School District (SKSD) owned private collection system for sanitary sewer on adjacent property that connects to the Jade Pump Station. The applicant proposes to work with SKSD to convert a portion of the private sewer main to a public wastewater main in order to serve both the SKSD property and the proposed development. Pursuant to SRC 73.070, the private collection system may only be transferred to the public system with the consent of the Public Works Director and evidence the existing system meets or will be improved to meet the current City standards. Prior to issuance of permits for conversion of the main, the applicant shall demonstrate permission has been granted by SKSD to convert the main to public. In addition, the applicant shall be required to obtain an easement for the main pursuant to Public Works Design Standards. If the

applicant cannot obtain permission from the Public Works Director or SKSD to convert the main, or the main is inadequate to serve the proposed development, the applicant shall be required to extend a new public main through adjacent property and acquire any necessary off-site easements pursuant to SRC 802.020 and Public Works Design Standards.

As a condition of sewer service pursuant to Public Works Design Standards (PWDS), all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. Extensions of public sewer mains along the extent of the required improvements is required as a condition of approval. Within the internal streets of the subdivision, in order to provide sanitary sewer service to the newly created lots, 8-inch public sanitary sewer mains shall be constructed as required under SRC 802.015. All new public sewer mains shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards.

In order to provide sanitary sewer service to the proposed subdivision as required under SRC 802.015, and comply with UGA19-02, the following conditions apply:

**Condition:** Prior to final plat, install upgrades to Jade Pump Station in order to provide capacity for the proposed development pursuant to the Wastewater Management Master Plan, or pay a temporary facility access fee of \$3,300 per acre of development being served by Jade Pump Station.

**Condition:** The applicant shall provide sanitary sewer service for Phase 1 from the Jade Sanitary Sewer Pump Station to the subject property by one of the following means:

- a. Construct an 8-inch sewer main from Jade Pump Station to the subject property in accordance with Public Works Design Standards; or,
- b. Convert necessary portions of the existing Salem Keizer School District (SKSD) private wastewater collection system to a public system in accordance with SRC 73.070 and with written consent from SKSD.

**Condition:** The applicant shall provide sanitary sewer service for Phase 1 from the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the existing terminus in Hayesville Drive NE (approximately 700-feet west) to the subject property and within the extent of the Phase 1 Boundary in accordance with Public Works Design Standards.

**Condition:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 1 to serve the proposed development pursuant to Public Works Design Standards.

**Condition:** The applicant shall provide sanitary sewer service for Phase 2 from

the Hayesville Sanitary Sewer Pump Station by constructing an 8-inch sewer main from the Phase 1 Boundary in Hayesville Drive NE to the eastern boundary of Marion County Tax Lot No. 072W05D002800, in accordance with Public Works Design Standards.

**Condition:** Extend minimum 8-inch public sewer mains within the new internal streets of Phase 2 to serve the proposed development pursuant to Public Works Design Standards.

The applicant's preliminary utility plan shows extension of a public sewer main through Phase 2 during Phase 1 construction to serve the existing Church located at 4625 Cordon Road NE (Marion County Taxlot #072W05D002100). The proposed main would not be located in the public right-of-way until dedication of streets with Phase 2. The main is only proposed to serve the Church property at this time. Public Works does not approve of a public main to serve the church property at this time and requires that this main be designated as a private system until future connections are proposed.. The main shall be constructed to meet Public Works Design Standards for a public sanitary sewer main to allow for conversion to a public system when future connections are proposed in Phase 2.

**Condition:** Unless otherwise approved by the Public Works Director, the proposed sewer main serving the Church property at 4625 Cordon Road NE (Marion County Taxlot #072W05D002100) shall be a private main if constructed with Phase 1. The private main shall be designed and constructed to meet Public Works Design Standards to allow for conversion to a public system when future connections are proposed in Phase 2 of the proposed subdivision.

**Stormwater Management** – The proposed development is subject to green stormwater infrastructure requirements in SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels 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.

Pursuant to UGA19-02, the approved point of disposal for stormwater is the West Fork of the Little Pudding River. This point of disposal will serve Phase 1 and a portion of Phase 2. A public stormwater main is also located in Hayesville Drive NE, which may serve a portion of Phase 2. Off-site easements are required to connect the proposed development to the approved point of discharge and are required as a condition of approval per SRC 802.020 and SRC 200.050 (UGA19-02). The applicant's preliminary utility plan shows construction of a new public stormwater main on adjacent property in order to discharge stormwater into the West Fork of the Little Pudding River. As a condition of approval, the applicant shall construct the new public main and storm outfall to the West Fork of the Little Pudding River and construct storm mains within the internal streets of the subdivision to provide stormwater services to each lot. All new public stormwater mains shall be designed and constructed in accordance with the

Salem Revised Code and the Public Works Design Standards.

In order to provide stormwater sewer service to the proposed subdivision as required under SRC 802.015, and comply with UGA19-02, the following conditions apply:

**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:** The applicant shall provide stormwater service for the subdivision from the West Fork of the Little Pudding river by constructing a public stormwater main and outfall from the subject property to the West Fork of the Little Pudding River and constructing public stormwater mains within the internal streets of the subdivision to provide service to each lot in accordance with Public Works Design Standards.

**Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 1.

**Condition:** Construct stormwater facilities pursuant to SRC 71 and the PWDS, or demonstrate how the Phase 1 Storm Facility has sufficient capacity to treat and detain storm runoff pursuant to SRC 71, to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots within Phase 2.

**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 Transportation System Plan*. 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 the conditions established in the decision, the proposal complies with SRC Chapter 803 (Boundary Streets) and UGA19-02 issued for the property. With established conditions, the proposal provides a street system in and adjacent to the tentative subdivision plan that provides for the safe, orderly, and efficient circulation of traffic into, though, and out of the subdivision.

***Boundary Street Improvements*** - Hayesville Drive NE abuts the subject property and does not meet the current standard for a collector street. Pursuant to SRC Chapter 803.040, the applicant is required to construct a 17-foot-wide half-street improvement along the entire frontage of Hayesville Drive NE, including Marion County Taxlot #'s 072W05D003400 and 072W05D003000 per UGA19-02. The boundary street improvements may be constructed along each phase boundary, as stipulated in the conditions of approval. Boundary street improvements shall be designed and constructed in accordance with the Salem Revised Code and the Public Works Design Standards, including construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side. In order to comply

with SRC Chapter 803 and UGA19-02, the following conditions apply:

**Condition:** Along the Phase 1 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County taxlot # 072W05D003400 and construction of curb ramps on the north side of Hayesville at the Street A intersection to align with ramps proposed on the south side.

**Condition:** Along the Phase 2 frontage of Hayesville Drive NE, construct a 17-foot-wide half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include the frontage of Marion County taxlot # 072W05D003000.

**Internal Subdivision Streets** - The applicant's site plan shows new internal streets to be constructed within the subdivision. The new internal streets will be classified as local streets according to the Salem Transportation System Plan and SRC Chapter 803. As a condition of approval, the applicant shall dedicate right-of-way for the new internal streets and design and construct internal streets in accordance with the Salem Revised Code and the Public Works Design Standards, except where an Alternative Street Standard has been approved, as discussed in the following findings:

Street A is proposed to be a local street and extends from Hayesville Drive NE to the southern property line. Street A has a block length of 1,330-feet as no western street connections are provided to neighboring property. Pursuant to SRC 803.030(a) streets shall have a maximum spacing of 600-feet; Street A exceeds this standard. Westerly street connections are also required under SRC 803.035, which requires street connectivity to adjoining property. The applicant requests an Alternative Street Standard to allow westerly mid-block bike and pedestrian connections in lieu of a street. The northern most mid-block connection will provide connectivity to Stephens Middle School on the adjacent property. The southerly mid-block connection will provide connectivity to Stephens Yoshikai School Park located on adjacent property. Because the adjacent property is developed with a School and Park, additional street connections are not warranted. By providing mid-block bike and pedestrian connections, the proposal meets the intent of the connectivity requirements. An Alternative Street Standard for the block length of Street A is approved under SRC 803.065(a)(1). As a condition of approval, the applicant shall dedicate right-of-way for, and construct the mid-block connections shown on the tentative plan within Phase 1.

Street D provides street connectivity from Conrad Street NE to two adjacent easterly properties. The applicants tentative plan shows Street D to be 50-feet in width. Pursuant to SRC 803.025(a) cul-de-sac streets may have a minimum 50-foot-wide right-of-way. However, a 50-foot-wide right-of-way would not accommodate street trees, which are required under SRC Chapter 803.035 and SRC Chapter 86. In order to accommodate street trees, the applicant shall widen the right-of-way to a minimum of 52-feet, which can accommodate two 15-foot travel lanes, two 5-foot sidewalks, and two 4-foot planter strips with room for required curbing.

As shown on the tentative subdivision plan, Conrad Street NE is proposed to extend to the south through the subject property from Hayesville Drive NE. The street is proposed with a 60-foot-wide right-of-way width consistent with local street standards, except for a short section, approximately 110 feet in length, where it passes between proposed Lots 99 and 100. In this area, the right-of-way width of the street is proposed to be reduced to 49 feet to allow it to pass between the two existing single-family dwellings on the lots, which are proposed to remain, while maintaining conformance with minimum setback requirements between the buildings and the street. Because the section of Conrad Street between Lots 99 and 100 does not meet the minimum required right-way width, an alternative street standard has been requested in conjunction with the application to allow the street to be reduced to a 49-foot-wide right-of way width in this location. Due to the locations of the existing homes on Lots 99 and 100 and the physical constraints they present to the location and width of the street where it passes between them, the alternative street standard for the affected section of Conrad Street is warranted and approved under SRC 803.065(a)(1) because existing development and physical constraints make compliance with the standard impracticable.

In order to accommodate the future extension of Conrad Street, a portion of land needed for the street was conveyed to the City in 2008. However, the portion of land conveyed to the City does not fully match the alignment and configuration of the street shown on the applicant's proposed tentative subdivision plan. In order to ensure that the alignment of the Conrad Street NE and Street C within the subdivision match the internal street alignment identified in the applicant's tentative subdivision plan the following condition of approval shall apply:

**Condition:** Prior to final subdivision plat approval for Phase 2, the existing land conveyed to the City of Salem for right-of-way for the extension of Conrad Street shall be vacated.

In order to comply with SRC Chapter 803, the applicant shall provide the following internal street improvements within the subdivision:

**Condition:** Dedicate right-of-way for new internal streets of Phase 1 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition:** Dedicate right-of-way for new internal streets of Phase 2 within the subject property as shown on the applicant's tentative plan as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:

- a. Conrad Street NE is approved to have a reduced right-of-way width between Lots 99 and 100 within Phase 2 of not less than 49-feet.
- b. Street D shall be modified to have a minimum 52-foot-wide right-of-way.

**Condition:** Construct internal streets of Phase 1 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the following exceptions:

- a. A Street within Phase 1 is permitted to have an increased block length of 1,330-feet.

**Condition:** Construct internal streets of Phase 2 to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803 with the exception that planter strips are required along Street D; however, they may be reduced to no less than 4 feet in width.

**Condition:** Dedicate lots 93 and 94 as public right-of-way for mid-block bike and pedestrian connections.

**Condition:** Construct mid-block bike and pedestrian connections on lots 93 and 94 consistent with the provisions in SRC Chapter 803 and consistent with Public Works Standard Plan No. 314.

**Street Trees** – The required boundary street improvements along Hayesville Drive NE may necessitate removal of existing city-owned trees in the Hayesville Drive NE right-of-way. Removal of trees located within the right-of-way requires a Street Tree Removal Permit pursuant to SRC Chapter 86. Any necessary Street Tree Removal Permits shall be obtained prior to issuance of Public Construction Plans that would cause their removal.

**Condition:** Prior to issuance of Public Construction Permits, obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. The applicant submitted a preliminary landscaping plan showing street trees within Phase 1; a landscaping plan for Phase 2 has not been provided. The applicant's preliminary landscape plan cannot provide the proposed street trees along the townhouse lots without modifications to the utility and driveway plans, due to required spacing for service laterals and street trees as well as proposed driveway approach widths. In order to create space for street trees, driveway access to the townhouse lots will be required to be shared; water meters will need to be located adjacent to each side of the driveway approach; and sewer laterals will need to be placed within the driveway approaches. A schematic plan is provided in the attached schematic plan. This will ensure that planter strips are available for street trees and not being utilized by utility service lines.

In order to ensure that street trees are provided, as required by SRC Chapter 803.035 and SRC Chapter 86, the following conditions apply:

**Condition:** Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that

townhouse shall be limited to a maximum width of 12 feet.

**Condition:** Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.

**Condition:** Prior to final plat approval of Phase 2, the applicant shall submit a landscaping plan demonstrating how Street Trees are provided within Phase 2 to the maximum extent feasible, as required by SRC Chapter 86.

**Public Utility Easements** - A 10-foot-wide public utility easement is required along the street frontage of all internal streets and along the property frontage of Hayesville Drive NE pursuant to SRC 803.035(n).

**Condition:** Dedicate a 10-foot public utility easement along the street frontage of all internal street and along the property frontage of Hayesville Drive NE.

**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**— The UGA issued for the subject property establishes that the development is unserved by parks as defined in SRC 200.075 (UGA19-02). However, with construction of the required mid-block bike and pedestrian connections, the development would be within one-half mile walking distance Stephens Yoshikai School Park. Therefore, the proposed development will be served by Stephens Yoshikai School Park and no additional parks improvements are required as a condition of approval.

**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 phased subdivision includes 54 attached townhouse dwelling lots and 38 detached single-family dwelling lots within Phase 1. Within Phase 2, there are three (3) lots being created for multi-family development and two (2) lots within existing single-family dwellings. The proposed uses of Phase 2 are not established with the subdivision. The minimum density requirement for Phase 2 is eight (8) dwelling units per acre. When using the minimum density required for the zone, the cumulative trips generated by the development do not exceed the threshold requirements for a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. However; if more than the minimum number of dwelling units are constructed within Phase 2, a Traffic Impact Analysis may be required. As a condition of approval for future development on lots within Phase 2, a TIA shall be required if the proposed development within Phase 2 cumulatively exceeds 1,000 Average Daily Trips. The determination as to whether or not development within

Phase 2 requires a TIA shall include the ADTs from the lots platted within Phase 1 and all development within Phase 2.

**Condition:** Prior to approval of any future development of the lots within Phase 2, a Transportation Impact Analysis (TIA) shall be required if the total cumulative number of Average Daily Trips (ADTs) resulting from the 92 dwelling units in Phase 1 and any future development of the lot(s) within Phase 2 exceeds 1,000 ADT.

Use	Number of Units	Average Daily Trips	Total
<b>Phase 1</b>			
Single-family Attached Housing (Townhouse Lots)	54	7.20	389
Single-family Detached Housing	38	9.43	358
<b>Phase 2</b>			
Lot 96 - 3.34 Acres (Multi-family)	27	6.74	182
Lot 97 - .25 Acres (Multi-family)	2	6.74	13
Lot 98 - .58 Acres (Multi-family)	5	6.74	34
Lot 99 (Existing Single-family)	No New	-	-
Lot 100 (Existing Single-family)	No New	-	-
<b>TOTAL ADTs:</b>			<b>976</b>

**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.**

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. An UGA Permit was issued for the subject property (UGA19-02) and establishes needed improvements to serve the proposed development. Conditions of approval established within this decision implement the UGA for the property (UGA19-02). With conditions imposed, the proposed development complies with SRC Chapter 200 and the previously issued UGA Permit (UGA19-02).

**CRITERIA AND FINDINGS – PHASED SUBDIVISION TENTATIVE PLAN**

**SRC 205.015(d)(1)— The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).**

**Findings –** As described in the written findings, and with established conditions of approval, the tentative plan meets the tentative subdivision plan approval set forth in SRC 205.010(d).

**SRC 205.015(d)(2) - Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements**

among all phases.

**Findings** – With recommended conditions, public street and utility improvements serving each phase are constructed in an orderly and efficient manner.

**SRC 205.015(d)(3) - Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.**

**Findings** – The utility and street infrastructure provided with Phase 1 of the development is required to serve Phase 2. As such, Phase 1 shall be platted as the first phase to ensure that adequate infrastructure is provided for Phase 2 of the subdivision..

**Condition:** Phase 1 shall be platted as the first phase of the subdivision.

**SRC 205.015(d)(4) - Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.**

**Findings** –With recommended conditions, each phase will be deigned in a manner that ensures all phases support the overall infrastructure requirements for the subdivision as a whole.

Prepared by: Laurel Christian, Infrastructure Planner II  
cc: File



Business & Support Services  
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309  
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

March 25, 2024

Bryce Bishop, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. SUB-ADJ24-02, 5012-5122 Hayesville Dr NE & 4625 Cordon Rd NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

## IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Yoshikai	Elementary	K thru 5
Stephens	Middle	6 thru 8
McKay	High	9 thru 12

Table 1

## SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Yoshikai	Elementary	476	611	78%
Stephens	Middle	998	1,197	83%
McKay	High	2229	2,536	88%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	94	SF	0.168	16
Middle			0.098	9
High			0.144	14

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Yoshikai	Elem.	476	3	16	19	611	81%
Stephens	Mid.	998	36	9	45	1,197	87%
McKay	High	2,229	43	14	57	2,536	90%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Yoshikai	Elementary	Walk Zone*
Stephens	Middle	Walk Zone*
McKay	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	16	\$83,655	\$1,338,480
Middle	9	\$101,069	\$909,621
High	14	\$118,482	\$1,658,748
<b>TOTAL</b>			<b>\$3,906,849</b>

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

\*Eligibility for school transportation to be determined after new pedestrian infrastructure and connections are decided.

Sincerely,

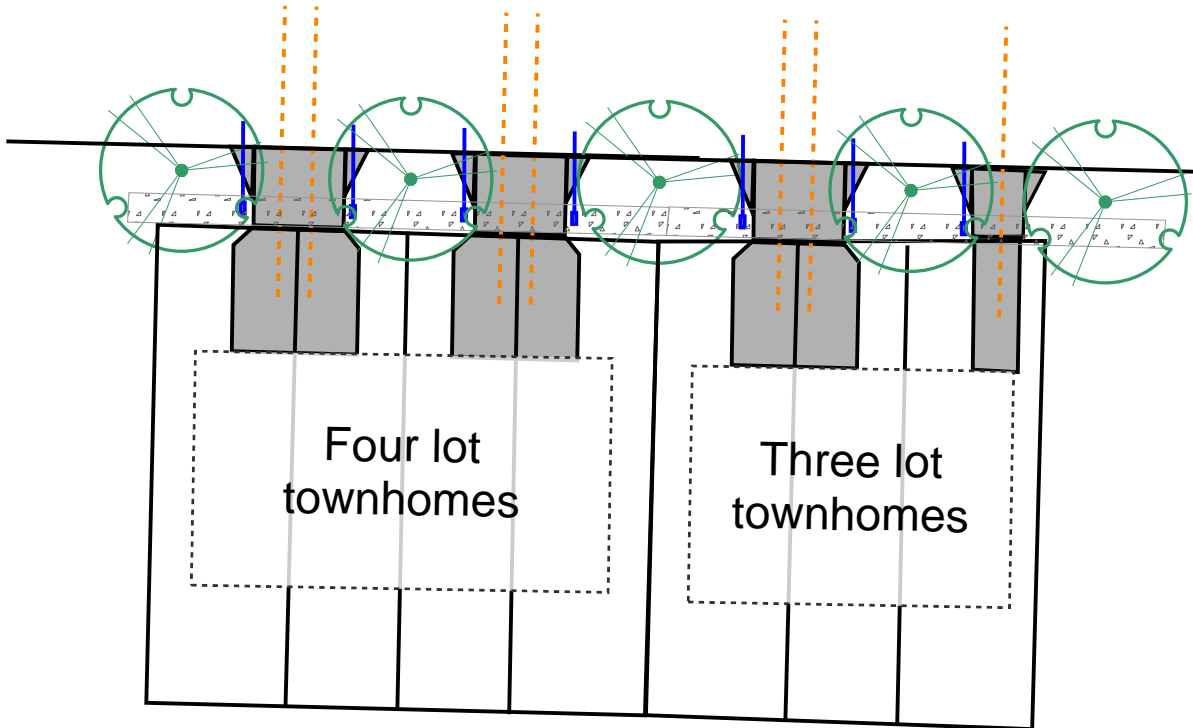
David Fridenmaker  
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation

# Street Tree Exhibit

**Condition 26:** Every two attached townhouses shall share a 16-foot-wide driveway approach; where the number of townhouses attached in a row result in one townhouse without a shared driveway approach, the driveway approach to that townhouse shall be limited to a maximum width of 12 feet.

**Condition 27:** Prior to final plat approval of Phase 1, the applicant shall modify the utility plan for Phase 1 to place sewer laterals under shared townhouse driveway approaches and place water meters adjoining either side of the driveway approach.



Water meters adjacent to each side of the approach

sewer laterals under the approach

Shared shared driveway approach centered on property line, maximum 16-feet.  
Single-approach, maximum 12-feet.

### Legend

- Water Service
- - - Sewer Service
- Street tree
- Hard Surface Driveway Approach and Driveway