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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION / CLASS 1 ADJUSTMENT CASE NO.: SUB-ADJ23-05

APPLICATION NO.: 22-120356-PLN

NOTICE OF DECISION DATE: May 12, 2023

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

REQUEST: A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
- 2) A Class 1 Adjustment to increase the maximum allowed lot depth for Lot 4 from 754 ft. to approximately 847 ft. (SRC 510.010(b)).

The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

APPLICANT: Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Terry Kelly and Creekside Golf Course LLC (Larry Tokarski)

LOCATION: 900 Block of Creekside Drive SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Tentative Subdivision; 250.005(d)(1) – Class 1 Adjustment

FINDINGS: The findings are in the attached Decision dated May 12, 2023.

DECISION: The **Planning Administrator APPROVED** Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05 subject to the following conditions of approval:

- Condition 1:** Design stormwater systems to serve all proposed lots in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Lots 1 through 3. Construct stormwater facilities that are proposed in the street right-of-way.
- Condition 2:** Obtain permits for installation of water services to serve Lots 1 through 3.

NOTICE OF DECISION

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



- Condition 3:** Construct sewer services to serve Lots 1 through 3. This condition of approval shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 4:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 5:** Pursuant to SRC 205.035(f), Lots 1, 2, and 3 within the subdivision shall be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the Golf Club Estates at Creekside PUD. Prior to final plat approval, the documents incorporating the lots into the HOA shall be submitted for approval by the Planning Administrator.
- Condition 6:** Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08. This condition of approval shall be completed as a condition of future development for each lot.

The rights granted by the attached decision must be exercised, or an extension granted, by May 31, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>March 1, 2023</u>
Notice of Decision Mailing Date:	<u>May 12, 2023</u>
Decision Effective Date:	<u>May 31, 2023</u>
State Mandate Date:	<u>June 29, 2023</u>

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Tuesday, May 30, 2023. 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

IN THE MATTER OF APPROVAL OF)	FINDINGS AND ORDER
TENTATIVE SUBDIVISION PLAN &)	
CLASS 1 ADJUSTMENT CASE NO.)	
SUB-ADJ23-05; 900 BLOCK OF)	
CREEKSIDE DRIVE SE)	MAY 12, 2023

REQUEST

A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
- 2) A Class 1 Adjustment to increase the maximum allowed lot depth for Lot 4 from 754 ft. to approximately 847 ft. (SRC 510.010(b)).

The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

PROCEDURAL FINDINGS

1. On October 6, 2022, an application for a Tentative Subdivision and Class 1 Adjustment was filed by Brandie Dalton, of Multi-Tech Engineering, on behalf of the applicant, Terry Kelly, and property owner, Creekside Golf Course LLC, proposing to divide property located in the 900 Block of Creekside Drive SE into a four-lot subdivision.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing, and public notice sent pursuant to SRC requirements, on March 1, 2023. Notice of the proposed development was also subsequently posted on the property by the applicant's representative pursuant to SRC requirements on March 3, 2023.
3. The 120-day state mandated local decision deadline for the application is June 29, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling approximately 4.9-acres in size and located in the 900 Block of Creekside Drive SE (**Attachment A**) into four lots ranging in size from approximately 9,000 square feet to 185,769 square feet. Included with the tentative subdivision plan is a request for a Class 1 Adjustment to increase the maximum allowed lot depth for proposed Lot 4 within the subdivision from 754 ft. to approximately 847 ft.

Three of the proposed lots within the subdivision (Lots 1, 2, & 3) are intended to be further developed for residential use while the remainder of the property (Proposed Lot 4) will remain as fairway for the golf course.

2. Applicant's Plans and Statement.

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

- Tentative Subdivision Plan: **Attachment B**

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

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, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this decision.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 120356.

4. Existing Conditions

Site and Vicinity

The subject property is located in the 900 Block of Creekside Drive SE, is approximately 4.9 acres in size, and consists of the fairway for hole 14 of the Creekside Golf Course.

The subject property abuts Creekside Drive SE to the south and Crooked Stick Loop SE to the east and west. Both Creekside Drive and Crooked Stick Loop are private streets within the Golf Club Estates at Creekside PUD. Vehicular access to the subdivision will be provided by these private streets.

Salem Area Comprehensive Plan (SACP)

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

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
South	Across Creekside Drive SE, Developing Residential; Single Family Residential
East	Single Family Residential
	Across Crooked Stick Loop SE, Single Family Residential
West	Single Family Residential

Relationship to Urban Service Area

The majority of the property is located inside 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.

The southernmost portion of the property at the corner of Creekside Drive SE and Crooked Stick Loop SE, however, is located outside the Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located within the urban growth area, or within the urban service area but preceding the construction of required facilities, are required to obtain an Urban Growth Preliminary Declaration. The subject property was originally developed under a valid Urban Growth Preliminary Declaration (Case No. UGA90-09) and all required facilities are in place. As such, an Urban Growth Preliminary Declaration is not required for the proposed subdivision.

Zoning Map Designation

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

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
South	Across Creekside Drive SE, RA (Residential Agriculture); RS (Single Family Residential)
East	RS (Single Family Residential)
	Across Crooked Stick Loop SE, RS (Single Family Residential)
West	RS (Single Family Residential)

Infrastructure

Streets: Creekside Drive SE:

- a. Standard – This street is designated as a local private street in the City’s Transportation System Plan (TSP). The standard for this private street was established with the approval of Golf Club Estates at Creekside PUD Phase 1.
- b. Existing Conditions – This street has an approximate 34-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

Crooked Stick Loop SE:

- a. Standard – This street is designated as a local private street in the City’s Transportation System Plan (TSP). The standard for this private street was established with the approval of Golf Club Estates at Creekside PUD Phase 1.
- b. Existing Conditions – This street has an approximate 30-foot-wide improvement within a 40-foot-wide right-of-way abutting the subject property.

Water: The subject property is located in the S-2 water service level.

A 6-inch water main is located in Creekside Drive SE.

A 6-inch water main is located in Crooked Stick Loop SE.

Sewer: An 8-inch sewer main is located in Creekside Drive SE.

An 8-inch sewer main is located in Crooked Stick Loop SE.

Storm

Drainage: A 21-inch storm main is located in Creekside Drive SE.

A 10-inch storm main is located in Crooked Stick Loop SE.

Parks: The proposed development is served by Bryan Johnston Park and Rees Hill Park.

5. Neighborhood Association and Public Comments

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On September 2, 2022, the applicant contacted the South Gateway 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 South Gateway Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include,

or are adjacent to, the subject property. No comments were received from the neighborhood association.

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. The subject property is not located within a Homeowners' Association, but the proposed lots within the subdivision are proposed to take access from private streets within the Golf Club Estates at Creekside PUD. The Golf Club Estates at Creekside PUD includes a Homeowner's Association, the Creekside Homeowners Association (HOA), and, as such, notice of the proposal was provided to the HOA pursuant to SRC requirements.

Comments were provided by the HOA that are included as **Attachment D**. The comments received express concern, in summary, regarding the following issues:

- A. Impact of development on existing private streets. Comments provided indicate that the proposed residential lots within the subdivision will be accessed via Creekside Drive, Crooked Stick Loop, and other streets that are privately owned and maintained by the HOA. The HOA indicates that homeowners of the new lots will use Creekside HOA streets without compensating the Association who has the overall responsibility for their repair, maintenance, and replacement; and assesses other homeowners to pay for these assets. It is explained that any costs for damage done during construction would also be transferred to the HOA and its members and allowing development of the lots without them contributing to the long-term financial upkeep of the streets and common areas, from which they will use and benefit, should not be allowed and places an unfair burden on the Creekside HOA.

In order to address this situation, the HOA recommends that the approval be conditioned to require the residential lots within the subdivision to become part of the Association which includes being subject to the Creekside Architectural Review Committee Guidelines and paying annual HOA dues.

Staff Response: As identified in this decision, a condition of approval (Condition 5) is included in the decision requiring the proposed residential lots within the subdivision (Lots 1, 2, & 3) to be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities within Golf Club Estates at Creekside PUD.

The condition of approval is based on the requirements of Salem Revised Code (SRC) 205.035(f) which requires any private facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, included within a development to be perpetually operated and maintained by a property owners' association. Because the proposed development will be served by private streets and facilities under the ownership of the Creekside HOA, the residential lots within the subdivision are required to be part of the HOA to ensure their contribution to the ongoing cost of maintenance and repair of such facilities.

The City is not able, however, to place a condition of approval on the subdivision requiring the residential lots to be subject to the Creekside Architectural Review Committee

Guidelines. This is because those guidelines are private conditions, covenants, and restrictions between private parties that the City is not a party to and which are not enforceable by the City pursuant to SRC 110.060(b).

Public Comments: In addition to providing notice to the neighborhood associations, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. Prior to the comment deadline, nine public comments were received that are included as **Attachment E**. Of the comments provided, one indicated they had reviewed the proposal and have no objections to it and remaining comments expressed concern and opposition to the proposal, in summary, regarding the following issues:

- A. Vision clearance at intersection of Creekside Drive and Crooked Stick Loop. Concern is expressed about poor vision sight lines being present if a building is constructed on proposed Lot 1, especially if cars are parked on the west side of Crooked Stick Loop. It is explained that it is already dangerous and difficult to turn from Cooked Stick Loop to Creekside Drive, especially when turning toward Sunnyside Road.

Staff Response: In order to ensure unobstructed visibility at the intersections of streets, any development on Lot 1 is required to comply with the vision clearance requirements of SRC Chapter 805 (Vision Clearance). Review of developments for conformance with the vision clearance requirements of SRC 805 is conducted at the time of building permit review.

- B. Restrictions on use and appearance of lots. Comments received indicate that development of the proposed lots should be limited to single-story, single-family dwellings and that multi-family, including duplexes or fourplexes, should not be allowed. It is explained that the proposed development should also be subject to the architectural control requirements of the HOA.

Staff Response: As previously discussed, a condition of approval (Condition 5) is included in this decision requiring the residential lots within the subdivision to be included within the HOA for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities within the community. A condition of approval cannot, however, be established requiring the development to be subject to the architectural control requirements of the HOA because the conditions, covenants, and restrictions of the HOA are restrictions between private parties that the City is not a party to and which are not enforceable by the City pursuant to SRC 110.060(b).

In addition, pursuant to State law adopted with the passage of House Bill 2001 for middle housing, a City cannot establish requirements that would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land. As such, a condition of approval cannot be established by the City that would limit the use of the lots to single-family dwellings or limit the heights of the structures to a single story.

- C. Stormwater drainage/wetlands. Comments provided indicate that during the spring and early summer, a considerable amount of drainage flows from the ground in the lots and

crosses over the sidewalk and into the street gutter. It is explained that it appears the present underground ledge rock is trapping water and subsequently providing the conditions to cause this area to be a seasonal wetland.

Staff Response: According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain mapped wetland areas and the subject property also does not include hydric (wetland-type) soils. As identified under Condition 1 of this decision, the proposed residential lots within the subdivision will be subject to current stormwater management standards for stormwater detention and treatment through Green Stormwater Infrastructure (GSI). Prior to final subdivision plat approval, the applicant is required to design a complete stormwater management system to serve the proposed lots that meets the requirements of SRC Chapter 71 (Stormwater). The stormwater management system is required to be approved by the City's Public Works Department and must be constructed to serve the proposed lots.

6. City Department Comments

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated no objections.
- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment F**.

7. Public Agency Comments

- A. The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment G**. The School District indicates, in summary, that the property is served by Sumpter Elementary School, Crossler Middle School, and Sprague High School. The School District identifies sufficient existing school capacity at Sumpter Elementary School, Crossler Middle School, and Sprague High School to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates that students will be eligible for school provided transportation to Sumpter Elementary School, Crossler Middle School, and Sprague High School.

DECISION CRITERIA FINDINGS

8. Analysis of Subdivision Tentative Plan Approval Criteria

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

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

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

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RA (Residential Agriculture).

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 the subject property is zoned RA, the provisions of SRC 265.015(a)(2) are applicable to the proposal and therefore the property will be automatically rezoned to RS upon the future recoding of the final subdivision plat.

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

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

SRC Chapter 205 – Land Division and Reconfiguration

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

SRC Chapter 511 – RS (Single Family Residential) Zone

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

- ***Land Divisions in RS Zone:*** Pursuant to SRC 511.010(a), when land is subdivided in the RS zone that is at least ten 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 shall be allowed on at

least two of the lots that are created.

The property subject to the proposed subdivision is approximately 4.9 acres in size. Because the subject property is less than 10 acres in size, the requirement to allow neighborhood hub uses on at least two of the lots within the subdivision is not applicable to the proposal.

▪ **Lot Standards:**

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

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

As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed four lots within the subdivision range from approximately 9,000 square feet to 185,769 square feet (*approximately 4.26 acres*) and therefore exceed the minimum lot area standards of the RS zone.

All of the proposed lots within the subdivision also similarly conform to the lot dimension and street frontage requirements of the RS zone with the exception of proposed Lot 4 which will remain as the fairway for hole 14 of the golf course. Due to the existing long and comparatively narrow configuration of Lot 4, the depth of this lot exceeds the maximum

allowed 300% of its average width. Because Lot 4 exceeds maximum lot depth, the applicant has requested a Class 1 Adjustment to this standard to allow the depth of the lot to exceed 300 percent of its average width. Analysis of the Class 1 Adjustment requested and findings demonstrating conformance with the applicable approval criteria are included under Section 9 of this decision.

The lots within the subdivision, as proposed and as otherwise approved through the Class 1 Adjustment, conform to the applicable lot standards of the RS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

▪ ***Dwelling Unit Density:***

Minimum dwelling unit density requirements for subdivisions within the RS zone are established under SRC 511.010(c)(1) and require that when a site of five acres or more in size is subdivided, the subdivision is required to meet a minimum density of 5.5 dwelling units per acre and at least 15 percent of the dwelling units constructed on the lots are required to be middle housing.

The property subject to the proposed subdivision is approximately 4.9 acres in size. Because the subject property is less than five acres in size, the minimum dwelling unit density requirements of the RS zone are not applicable to the proposal.

▪ ***Setbacks:***

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

RS Zone Residential Use Setbacks		
Abutting Street	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Side	Min. 5 ft.	
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Abutting Waterway	Min. 100 ft	Applicable to townhouses; two family, three family, and four family uses; and cottage clusters.

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

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

City Infrastructure Standards – SRC Chapters 71, 802, and 803

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

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

SRC Chapter 71 – Stormwater

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

The Public Works Department indicates that existing stormwater facilities in the area include a 21-inch storm main located in Creekside Drive SE and a 10-inch storm main located in Crooked Stick Loop SE.

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

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

- Condition 1:** Design stormwater systems to serve all proposed lots in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Lots 1 through 3. Construct stormwater facilities that are proposed in the street right-of-way.

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

SRC Chapter 802 – Public Improvements

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

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

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

Water: The subject property is located within the S-2 water service level. A 6-inch water main is located in Creekside Drive SE and a 6-inch water main is located in Crooked Stick Loop SE.

Sewer: An 8-inch sewer main is located in Creekside Drive SE and an 8-inch sewer main is located in Crooked Stick Loop SE.

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

Condition 2: Obtain permits for installation of water services to serve Lots 1 through 3.

Condition 3: Construct sewer services to serve Lots 1 through 3.

Condition 4: All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

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

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

The subject property has frontage on Creekside Drive SE and Crooked Stick Loop SE. Both Creekside Drive and Crooked Stick Loop are private local streets established and constructed as part of Golf Club Estates at Creekside Phase 1 PUD (*Planned Unit Development Case No. PUD92-2*). The Public Works Department indicates that both of these streets are adequate to serve the proposed development in conformance with the PUD approval.

Maintenance of Private Streets: SRC 205.035(f) requires that where facilities and common property, including but not limited to private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within a development, such facilities shall be perpetually operated and maintained by a property owners' association. Each

property owner shall be a member of the association and the association shall have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities.

Because the proposed subdivision will be served by private streets within the Golf Club Estates at Creekside PUD, the proposed development is required to be included in the existing Creekside Homeowners Association for operation and maintenance of the private facilities within the community. In order to ensure the proposed development complies with SRC 205.035(f) and that the development contributes to the shared costs of operation and maintenance of the private streets and facilities, the following condition of approval shall apply:

Condition 5: Pursuant to SRC 205.035(f), Lots 1, 2, and 3 within the subdivision shall be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the Golf Club Estates at Creekside PUD. Prior to final plat approval, the documents incorporating the lots into the HOA shall be submitted for approval by the Planning Administrator.

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

SRC Chapter 808 – Preservation of Trees and Vegetation

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

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

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

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 12 trees on the property, one of which is a significant Maple with a dbh of 36 inches. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 12 total trees existing on the property, the proposed tree conservation plan identifies 11 trees (91.7 percent) for preservation and one tree (8.3 percent) for removal. The tree

conservation plan also identifies the significant Maple located on proposed Lot 4 for preservation.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808 and the one significant tree on the property is proposed for preservation. 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) there are no mapped wetlands or waterways located on the subject property. In addition, the property is similarly not comprised of hydric (wetland-type) soils. As proposed, the tentative subdivision plan conforms to the applicable requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property includes two small areas of two mapped landslide hazard susceptibility points located in the northern portion of proposed Lot 4 within the fairway of the existing golf course where no development is proposed. Pursuant to SRC Chapter 810, a geologic assessment is therefore not required for the proposed subdivision.

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

Finding: The proposed subdivision divides the 4.9-acre property into four lots. Three of the proposed lots (Lots 1, 2, & 3) will be utilized for future development, while the fourth proposed lot (Lot 4) will continue to accommodate the fairway for Hole 14 of the golf course. The proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. As shown on the tentative subdivision plan, the proposed subdivision will be served by an existing network of private streets within the Golf Club Estates at Creekside PUD. Properties surrounding the subject property are currently developed and served by this same existing network of streets. The addition of three lots for development adjacent to Creekside Drive SE

and Crooked Stick Loop SE will not impede the future use or development of adjacent land. This approval criterion is met.

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

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

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

Finding: The subject property is located adjacent to Creekside Drive SE and Crooked Stick Loop SE. Both of these streets are private streets established through the approval of Golf Club Estates at Creekside Phase 1 PUD (*Planned Unit Development Case No. PUD92-2*). The existing private streets are adequate to serve the proposed development.

The subject property is also located within the Lone Oak Road Reimbursement District. The City Council approved the district under Resolution 2018-08 on January 22, 2018. The purpose of the district is to provide a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE by establishing a policy that all benefited properties must pay a proportional share of the cost for street improvements. In order to ensure the proposed development complies with City Council Resolution 2018-08, the following condition of approval shall apply:

Condition 6: Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08. This condition of approval shall be completed as a condition of future development for each lot.

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 private streets that surround the property. The existing streets conform to the PUD approval, are adequate to serve the proposed subdivision, and provide for the safe, orderly, and efficient circulation of traffic into, through, and out of 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 proposed development is served by Bryan Johnston Park and Rees Hill Park, and the nearest transit service to the site is provided via Cherriots Route 6, Fairview Industrial,

on Sunnyside Road SE. Access to parks and transit is provided 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 Public Works Department reviewed the proposal and determined the proposed four-lot subdivision will generate less than 200 average daily vehicle trips onto the local street system. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

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

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

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

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

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

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The majority of the property is located inside the City's Urban Service Area. The southernmost portion of the property at the corner of Creekside Drive SE and Crooked Stick

Loop SE, however, is located outside the Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200, properties located within the urban growth area, or within the urban service area but preceding the construction of required facilities, are required to obtain an Urban Growth Preliminary Declaration. The subject property was originally developed under a valid Urban Growth Preliminary Declaration (Case No. UGA90-09) and all required facilities are in place. As such, an Urban Growth Preliminary Declaration is not required for the proposed subdivision. This approval criterion is therefore not applicable to the proposed development.

9. Analysis of Class 1 Adjustment Approval Criteria

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

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

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

Finding: The applicant has requested a Class 1 Adjustment in conjunction with the proposed subdivision to increase the maximum allowed lot depth for Lot 4 from 754 ft., as allowed pursuant to SRC 510.010(b), to approximately 847 ft.

The written statement provided by the applicant (**Attachment C**) indicates, in summary, that due to the location of existing lots and existing streets, Lot 4 within the subdivision is necessarily long and therefore exceeds the maximum lot depth requirement. The applicant explains that the purpose of this standard is to avoid the creation of long narrow lots but in this case the greater lot depth does not affect the rest of the subdivision or the proposed lots because Lot 4 will remain as a large open space area.

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

In the case of the proposed development, Lot 4 accommodates a fairway of the existing golf course and is proposed to remain as open space. The greater maximum depth of Lot 4 is an existing nonconforming situation necessitated by the specific use that it serves, a fairway of a golf course, which generally requires land with a long and comparatively narrow configuration.

The proposed subdivision will not make the depth of the lot any more nonconforming and because the lot is intended to remain as open space associated with a fairway of the golf course, the proposal does not undermine the underlying purpose of the maximum lot depth standard because the lot is not intended for residential development. This approval criterion is met.

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

Finding: The written statement provided by the applicant indicates, in summary, that the subject property is zoned RA and located in a residential area. Properties to the north, east, south, and west are all zoned RS and RA. The RA zone allows for the property to be subdivided, while providing Needed Housing as defined in the ORS. The applicant explains that the proposal will have little to no impact on the surrounding neighborhood and the adjustment will allow Lot 4 to remain as a large vacant open space area for residents. The applicant indicates that the greater lot depth does not affect the rest of the subdivision or the proposed lots but instead enhances the proposed subdivision by continuing to provide an open space area for residents.

Staff concurs with the findings included in the applicant's written statement. The greater depth of Lot 4 is an existing condition associated with the property resulting from both the approval and subsequent platting of the original Golf Club Estates at Creekside PUD Phase 1 and the intended functional purpose of the lot providing land area for a golf course fairway. Lot 4 is proposed to remain as open space and will continue to serve as an open space amenity. This approval criterion is met.

10. Conclusion

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

IT IS HEREBY ORDERED

Tentative Subdivision Plan and Class 1 Adjustment Case No. SUB-ADJ23-05 is hereby **APPROVED** subject to SRC Chapters 205 and 250, the applicable standards of the Salem Revised Code, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Design stormwater systems to serve all proposed lots in compliance with the Public Works Design Standards (PWDS). The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on Lots 1 through 3. Construct stormwater facilities that are proposed in the street right-of-way.
- Condition 2:** Obtain permits for installation of water services to serve Lots 1 through 3.

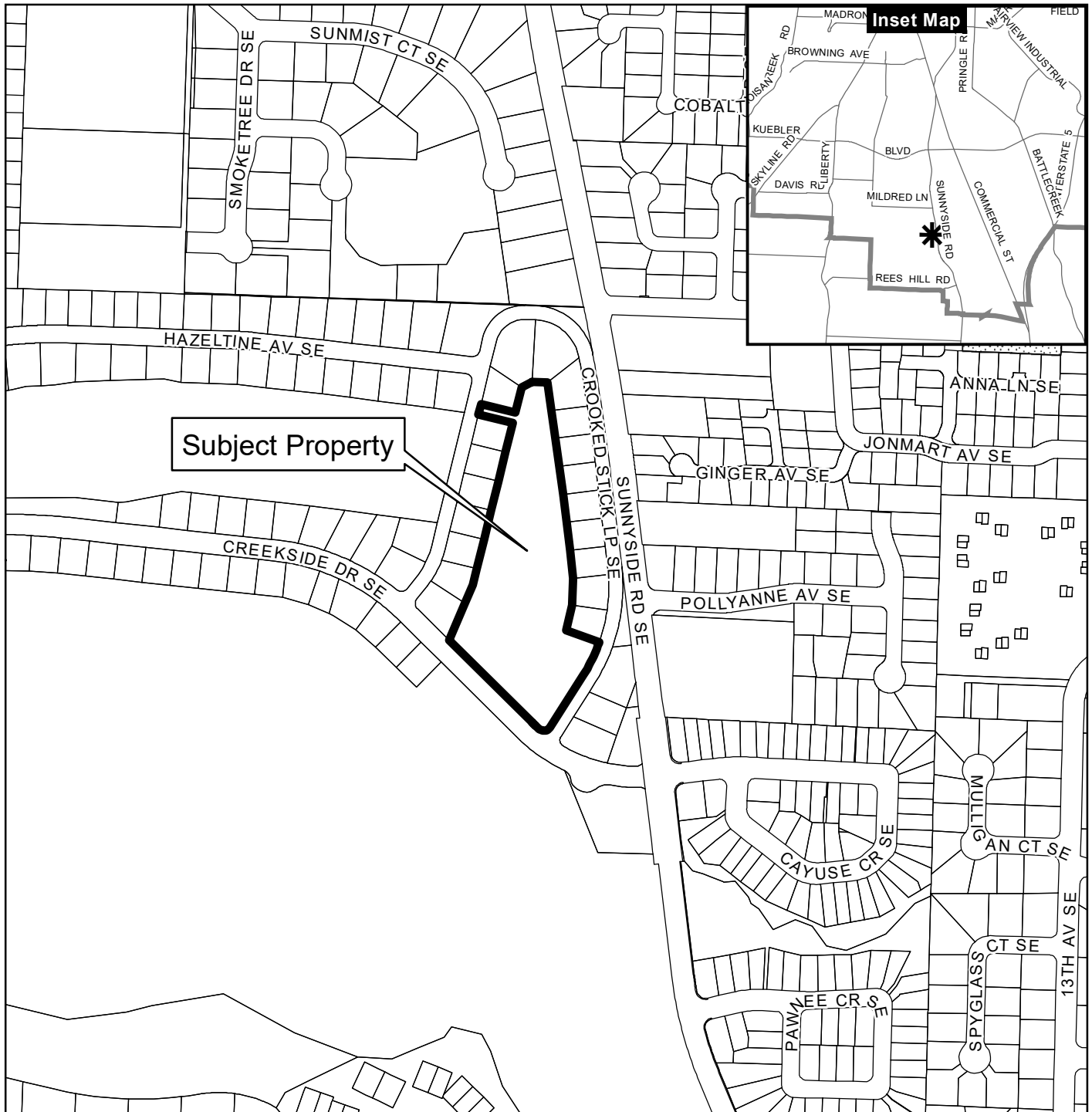
- Condition 3:** Construct sewer services to serve Lots 1 through 3. This condition of approval shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 4:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 5:** Pursuant to SRC 205.035(f), Lots 1, 2, and 3 within the subdivision shall be included in the Creekside Homeowners Association (HOA) for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the Golf Club Estates at Creekside PUD. Prior to final plat approval, the documents incorporating the lots into the HOA shall be submitted for approval by the Planning Administrator.
- Condition 6:** Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08. This condition of approval shall be completed as a condition of future development for each lot.



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

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Subdivision Plan
 - C. Applicant's Written Statement
 - D. Creekside Homeowners' Association Comments
 - E. Public Comments
 - F. City of Salem Public Works Department Comments
 - G. Salem-Keizer School District Comments

Vicinity Map 900 Block of Creekside Drive SE



Legend

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

Parks

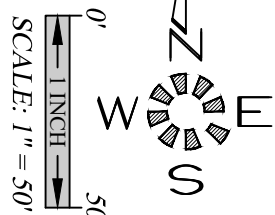
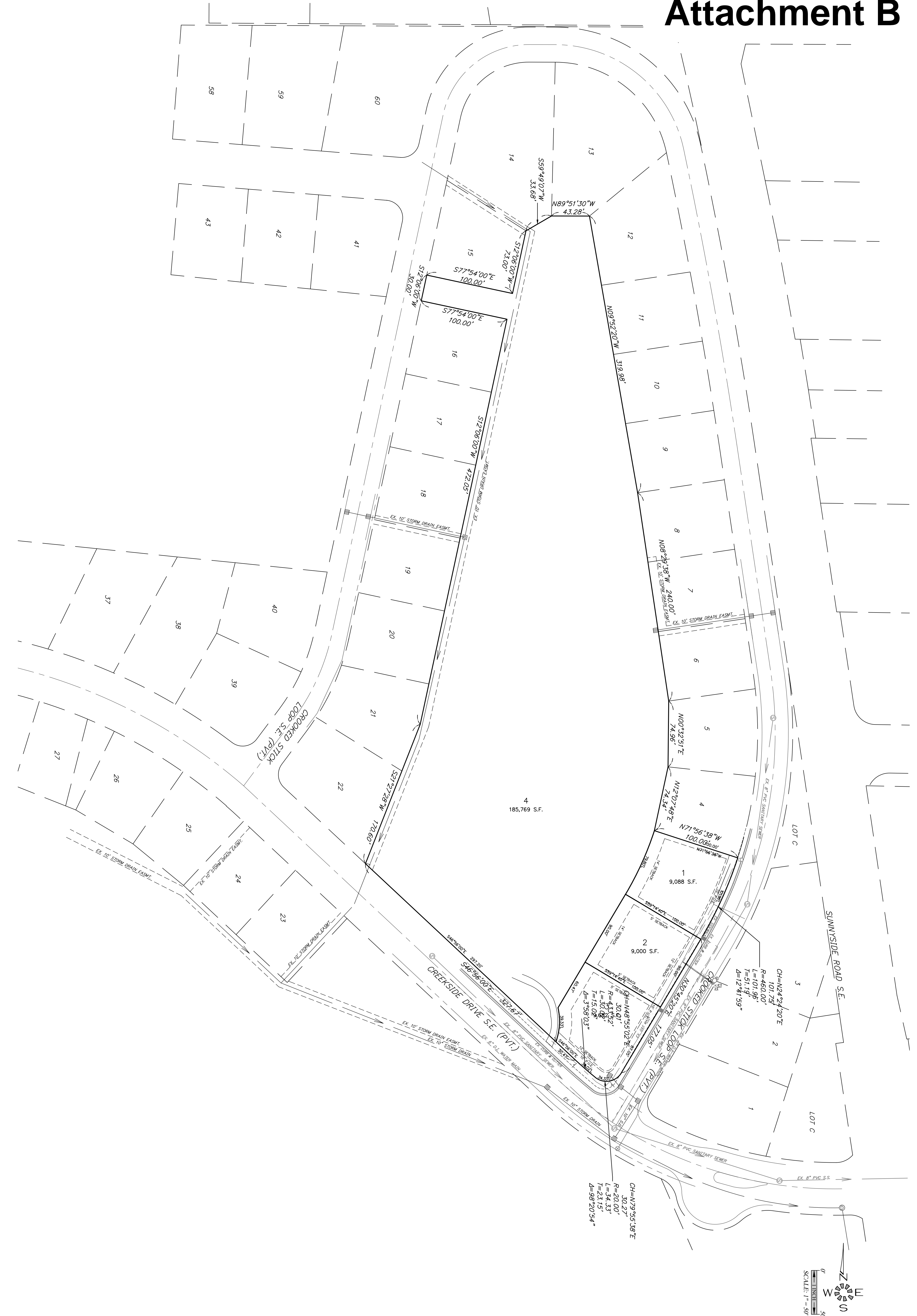
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Community Development Dept.

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0 100 200 400 Feet



Attachment B





Subdivision Application

Revised-November 14, 2022

BACKGROUND:

On March 3, 1992, PUD 92-2 for Creekside Golf Club Estates was approved by the City of Salem Planning Commission. The subject property is part of PUD 92-2.

On December 29, 2014, a pre-application conference (PRE-AP14-49) was held with City of Salem staff to discuss subdividing the subject property. It was determined by staff, that the applicant will be required to apply for a new Subdivision/PUD approval for dividing the subject property.

On May 26, 2015, after further discussion with staff, it was determined that only a subdivision application was required in order to divide the property.

On August 22, 2022, a pre-application conference (PRE-AP22-84) was held with City staff to discuss the proposed 4-lot subdivision. It was determined by staff, that the applicant will be required to apply for subdivision approval for dividing the subject property.

PROPOSAL:

The applicant is proposing to divide the subject property (083W22AA/3900) into 4 lots.

Lot 1: 9,088 sq.ft.

Lot 2: 9,000 sq.ft.

Lot 3: 9,682 sq.ft.

Lot 4: 185,769 sq.f.t. Lot 4 will remain as vacant open space and will not be developed. See attached site plan.

SITE VICINITY and CHARACTERISTICS:

The subject property contains approximately 4.9 acres. The subject property is zoned RA (Residential Agriculture). The subject property is vacant and is part of the golf course. Topography, property configuration and dimensions area illustrated on the tentative plan.

The subject property is Tax Lot 3900. It is a separate Tax Lot from the rest of the golf course. As indicated in the recorded deeds, Tax Lot 3900 is a separate from the other Tax Lots within the golf course. See attached plat.

The surrounding properties are zoned and used as follows:

North: RS (Residential Single Family); existing single-family dwellings
East: RS (Residential Single Family); existing single-family dwellings
South: RA (Residential Agriculture); golf course
West: RS (Residential Single Family); existing single-family dwellings

The subject property is located within the City limits and the Urban Growth Boundary.

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d):

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in UDC 205.010(d) and UDC 205.015(d). The decision criteria for subdivisions without a concurrent variance under UDC 205.010(d) and UDC 205.015(d) must be found to exist before an affirmative decision may be made for a subdivision application.

(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.

The proposal does not require any variances to lot development or street standards specified in the Code. UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. However, the subject property does have PUD (PUD 92-2) approval; therefore, PUD code standards have been met.

As shown on the site plan, all 4 lots meet lot size and dimension standards as required under UDC Chapters 510 and 511.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The proposed phase subdivision is in compliance with lots size requirements and required access. Therefore, this criteria has been met.

(B) City infrastructure standards.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. Therefore, this criteria has been met.

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

There are no wetlands or geological hazards located on the subject property.

A geological assessment has already been approved for the entire Creekside development regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site, and conclusions regarding the effect of geologic conditions on the proposed development as required.

A Geological Assessment was done on the site in 2002 for the entire Creekside development. The Geological Assessment was approved on the site in 2002; the approval is on file with the City of Salem Public Works departments. Therefore, a new geological assessment is not needed. This criteria has been met.

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

The subject property is Tax Lot 3900. It is a separate Tax Lot from the rest of the golf course. As indicated in the recorded deeds, Tax Lot 3900 is a separate from the other Tax Lots within the golf course.

The proposal is for the entire subject property, Tax Lot 3900. The surrounding properties are fully development. The subject property abuts Creekside Drive to the south and Crooked Stick Loop to the east and west. Lots 1, 2, and 3 will not have direct access onto Crooked Stick Loop to the east. Lot 4 will continue to be used as part of the golf course. Lot 4 will continue to have direct access to Creekside Drive to the south and Crooked Stick Loop to the west. The proposed subdivision of the site will not impede the future use of the property or adjacent land. Access is available to all lots as each is developed.

The proposed site plan shows street improvements and access to all Lots within the proposed subdivision. Therefore, this criteria has been met.

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

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The subject property is subject to UGA 90-9. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. Therefore, this criteria has been met.

Proposed Storm Water Management System:

Storm water quality and quantity are required for this development. An LID (low impact development) Storm water technique will be used to mitigate the increase in pollutants contributed from development. This system may also be used to provide storage and water quantity control. The exact system will be determined at the time of design. Any proposed technique will meet City of Salem Storm water Management standards in means and methods to provide all aspects of Storm water management.

A Stormwater Report dated October 5, 2022 has been submitted as part of this proposal.

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

The major street system is in place due to prior development. Creekside Drive abuts the property to the south. Crooked Stick Loop abuts the property to the west and east. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to adjacent neighborhood hoods and Sunnyside Road to the east.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision. There are no internal streets proposed. The existing street system is already in place due to surrounding development within Creekside.

Lots 1-3 will have direct access onto the private street, Crooked Stick Loop and will be part of the Creekside Homeowners Association Inc.

Therefore, the existing street system is in compliance with the STSP.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

The subject property has a direct street frontage on Crooked Stick Loop and Creekside Drive. Lots 1-3 will have direct access onto Crooked Stick Loop to the east which is a private street. Lot 4 will not be developed and will remain as part of the golf course.

The streets surrounding the subject property are private streets. All 4 lots will have direct access onto these existing provide streets throughout the neighborhood. Access rights to the existing streets for these 4 lots will be documented in the CC&R's. These proposed lots will also become part of the HOA in the same manner as which other lots within Creekside were added. Therefore, between the CC&R's and the HOA , these lots will have access rights to the existing private streets.

Therefore, this criteria has been met.

(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.

The subject property is located in a developed and developing area where improved streets and sidewalks exist. The local street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood.

The proposed subdivision/pud will provide sidewalks along the proposed portion of the site where Lots 1 through 3 will be developed. Driveways for Lots 1, 2, and 3 will be provided directly onto Crooked Stick Loop.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The Public Works Department will address the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application. Therefore, this criteria has been met.

(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.

The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

Lots 1-3 will have direct access onto Crooked Stick Loop to the east. Lot 4 will not be developed and will continue to be part of the golf course.

Therefore, via existing paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods. Therefore, this criteria has been met.

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

Lots 1-3 will have direct access onto Crooked Stick Loop to the east. Lot 4 will not be developed and will continue to be part of the golf course.

Existing paved streets and sidewalks provide safe and convenient bicycle, pedestrian access, and vehicle circulation to the site and to adjacent neighborhoods. Therefore, the proposed subdivision plan mitigates impacts to transportation system by utilizing the existing street systems that are already in place. This criteria has been met.

(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.

All lots and streets are in compliance with the UDC. Therefore, no variances have been requested.

(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.

The subdivision code, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The subdivision plan takes into consideration the topography and vegetation of the site. There are thirteen (13) trees located on the subject property. Only one (1) tree is designated for removal. The tree designated for removal is located within the building envelope of Lot 1 and therefore, needs to be removed. The applicant's proposal preserves 92% of the trees on the site.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, no variances have been requested. Therefore, this criteria has been met.

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.

The property and development are inside the Urban Service Area (USA) and are subject to growth management requirements for public facilities under SRC Chapter 200. An Urban Growth Preliminary Declaration is not required. Therefore, this criterion has been met.

TREE CONSERVATION/REMOVAL PLAN

There are thirteen (13) trees located on the subject property. Only one (1) tree is designated for removal. The tree designated for removal is located within the building envelope of Lot 1 and therefore, needs to be removed. The applicant's proposal preserves 92% of the trees on the site.

Creekside-Subdivision

Adjustment Class-1 Application

Table 511-2 (Lot Standards)

Revised-November 7, 2022

Proposal:

The subject property is about 4.90 acres in size and zoned RA (Residential Agriculture). The applicant is proposing to divide the subject property (083W22AA/3900) into 4 lots.

Lot 1: 9,088 sq.ft.

Lot 2: 9,000 sq.ft.

Lot 3: 9,682 sq.ft.

Lot 4: 185,769 sq.f.t. Lot 4 will remain as vacant open space and will not be developed.

As shown on the site plan, all 4 lots meet the lot size (4,000 square feet) requirements within the RA zone and lot dimension (40' by 70') standards as required under UDC Chapters 510 and 511. Lot 4 exceeds the lot width to depth ratio; an adjustment has been requested.

*Lot 4: Allowed lot depth-754.41 feet

Proposed lot depth-862 feet

The minimum lot width required for lots in the RA zone is 40 feet with a minimum lot depth of 70 feet. Table 111-2 only allows a maximum lot depth of 300% of average lot width

The applicant is requesting an adjustment to the lot width to lot depth maximum.

Adjustment Criteria-SRC 250.005(d)(1) Criteria

(A) The purpose underlying the specific development standard proposed for adjustment is:

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

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Applicant's Reasons:

- (A) The applicant is requesting a zoning adjustment to Table 5111-2. The minimum lot width required for lots in the RA zone is 40 feet with a minimum lot depth of 70 feet. Table 111-2 only allows a maximum lot depth of 300% of average lot width

The applicant is requesting an adjustment to the lot width to lot depth maximum. In order to provide street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the location of existing lots and existing street, Lot 4 within the subdivision is long. Therefore, Lot 4 exceeds the maximum

requirement.

The purpose of this requirement is to avoid creating long narrow lots. The adjustment will allow Lot 4 to remain as a large vacant open space area for residents.

The longer lot does not affect the rest of the subdivision or the proposed lots. It actually enhances the proposed subdivision by continuing to provide an open space area for residents. Therefore, the proposed adjustment is clearly satisfied by the proposed development.

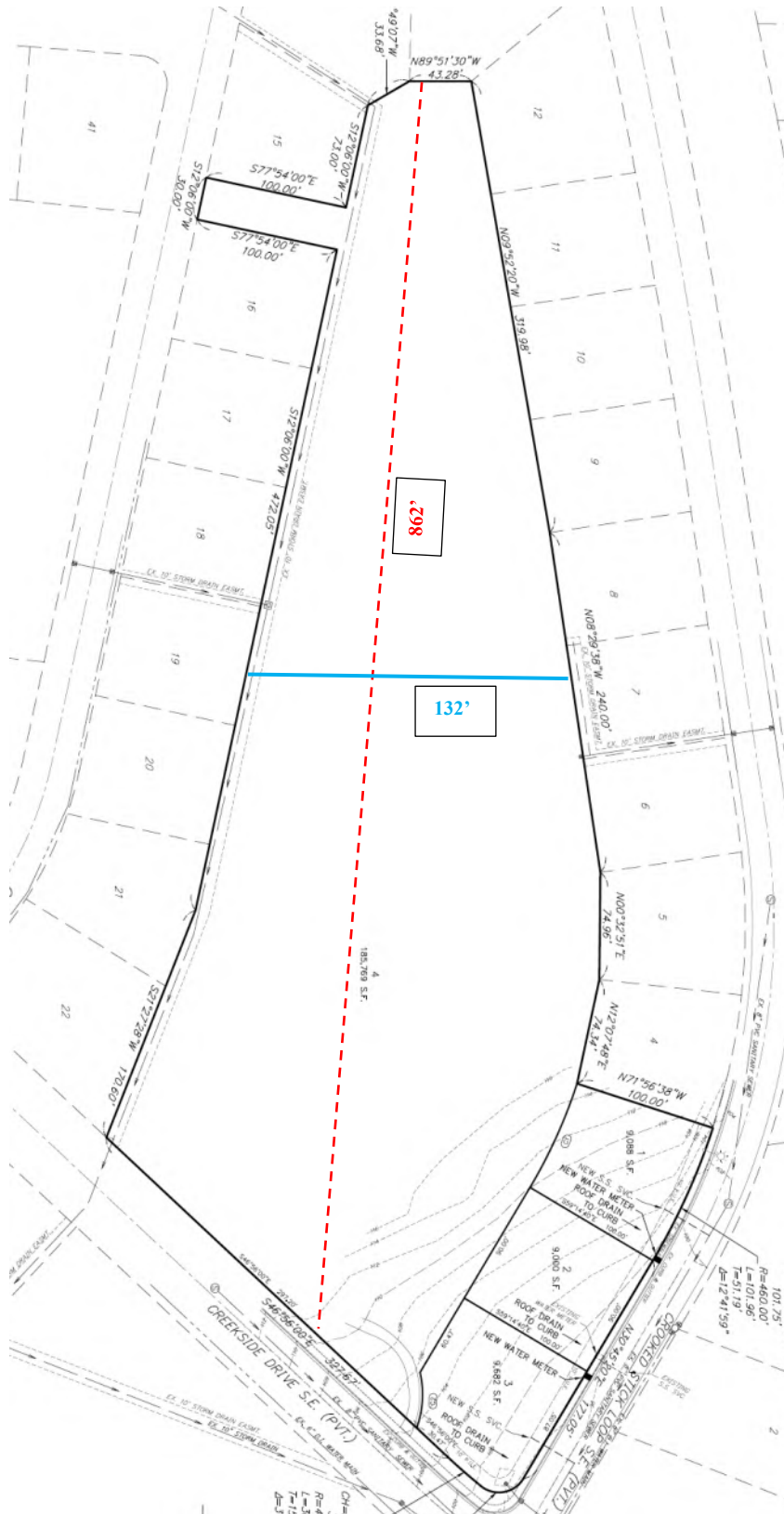
- (B) The subject property is zoned RA and is located in a residential area. The properties to the north, east, south, and west are all zoned RS and RA. The RA zone allows for this property to be subdivided, while providing Needed Housing as defined in the ORS.

The proposal will have little to no impact on the surrounding neighborhood. The purpose of this requirement is to avoid creating long narrow lots. As stated above, the adjustment will allow Lot 4 to remain as a large vacant open space area for residents.

The longer lot does not affect the rest of the subdivision or the proposed lots. It actually enhances the proposed subdivision by continuing to provide an open space area for residents.

Therefore, this proposal will not detract from the livability or appearance of the residential area.

Any conditions placed on the subdivision will require Code compliance, which will help ensure minimal to no impacts on the neighborhood.



March 14, 2023

RE: Adjustment Case Number SUB-ADJ23-05

Bryce Bishop, Planner III

City of Salem Planning Division

555 Liberty Street SE, Room 305

Salem OR 97301

Dear Mr. Bishop,

On behalf of the Creekside Estates Homeowners Association (AKA Creekside HOA) I am writing in response to the proposed land use change SUB-ADJ23-05 which would allow for the development of residential building lots at the 900 Block of Creekside Drive while shrinking the adjoining golf club property.

Creekside HOA is comprised of nearly 600 homes, each of which followed a set of architectural guidelines when constructed, thus giving the Creekside neighborhood a pleasing, inviting and harmonious look. Under the proposed land use action, any home built on the newly created lots could be completely different in style, color, floor area, and height when compared with other homes in the neighborhood.

If created, the residential lots will become an island surrounded by the Creekside HOA. Access to the proposed residential lots would be via Creekside Drive, Crooked Stick Loop, and other Association streets which are privately owned and maintained by the HOA. It is important to note that, when the original CC&Rs were prepared, access to the 4.9-acre parcel was provided at two points. The first access point is on Crooked Stick Loop and another near the southeast border connecting with Creekside Drive. The two points referred to are used by golf carts and golf service vehicles. Therefore, these lots will be landlocked unless the plan is to use the golf cart paths. No comments are provided in the application related to access or the original provisions of the CC&Rs. The original CC&Rs were prepared by the golf course owner, Larry Tokarski, an applicant for this proposed land use action.

Homeowners of the new lots will use Creekside HOA streets without compensating the Association who has overall responsibility for their repair, maintenance, and replacement and assesses other homeowners to pay for these assets. Furthermore, any costs for damage done during construction would also be transferred to the HOA and its members.

Allowing development of the lots without them contributing to the long term financial upkeep of the streets and common areas, from which they will use and benefit, should not be allowed and places an unfair burden on the Creekside HOA.

When a new home is constructed in Salem, the city has the ability to collect System Development Charges (SDCs) for the effect of development on public streets, parks and other services. For example, current SDC charges for streets and parks are nearly \$8,000 per residential unit. But in this case, the

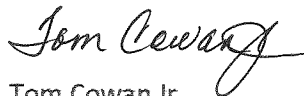
Creekside HOA Response to Subdivision Class 1 Adjustment Case No. SUB-ADJ23-05

land use proposal does not address how the Creekside HOA will be compensated for the burden of future development of residential lots that are within and completely surrounded by the HOA. We acknowledge that the property owner has the right to develop but do not agree that it should be allowed without fair compensation to the members of the HOA.

The solution to these issues are many but the most equitable and fair to the Creekside HOA is to require, as a condition of approval, that the residential lots become part of the Association which includes being subject to Creekside Architectural Review Committee Guideline and pay annual HOA dues. Doing so will help ensure that the lots are in harmony with the look and feel of the existing neighborhood, and contribute to the care and upkeep of streets, common areas, and other community assets that the new homeowners will enjoy.

We ask, should the land use action be permitted that the concerns noted above be considered and added to the approval.

Sincerely,

A handwritten signature in cursive script, reading "Tom Cowan Jr".

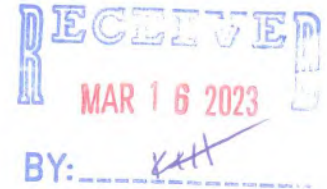
Tom Cowan Jr

Creekside Homeowners Association Board President

902 Sahalee Ct SE

Salem, OR 97306

tcowanjr@mac.com

REQUEST FOR COMMENTS*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173***REGARDING:** Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05**PROJECT ADDRESS:** 900 Block of Creekside Drive SE, Salem OR 97306**AMANDA Application No.:** 22-120356-PLN**COMMENT PERIOD ENDS:** Wednesday, March 15, 2023 at 5:00 PM**SUMMARY:** Proposed four-lot subdivision with associated site improvements.**REQUEST:** A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
- 2) A Class 1 Adjustment to increase the maximum allowed lot depth for Lot 4 from 754 ft. to approximately 847 ft. (SRC 510.010(b)).

The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

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., WEDNESDAY, MARCH 15, 2023, 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: Poor Vision Sight Lines with a building on Lot #1, especially if cars are parked on the Street of Crooked Stick (west side of street). Already dangerous & difficult to turn from Crooked Stick to Creekside Drive, especially turning toward Sunnyside.

Name/Agency: _____

Address: 6150 Crooked Stick Loop SE

Phone: 503 569-3175

Email: _____

Date: 3/13/23

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: Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05

PROJECT ADDRESS: 900 Block of Creekside Drive SE, Salem OR 97306

AMANDA Application No.: 22-120356-PLN

COMMENT PERIOD ENDS: Wednesday, March 15, 2023 at 5:00 PM

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

RECEIVED
MAR 16 2023
BY: KTH

REQUEST: A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
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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: LOTS will be subject to Creekside H.O.A. & c.r.s. Single family houses, no multi-family, including duplex or 4-plex. Must be brought into Creekside H.O.A.

Name/Agency: Gary Van Antwerp

Address: 6040 Crooked Stick Loop SE Salem, OR 97306

Phone: (503) 930-3541

Email: dadgary@comcast.net

Date: 03-06-2023

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

March 7, 2023

City of Salem
Planning Division
555 Liberty Street SE
Salem, OR 97301

Attention: Bryce Bishop

REF: Subdivision / Class 1 Adjustment Case NO. SUB-ADJ23-05
900 Block of Creekside Drive SE, Salem OR 97306

Hi Bryce,

In regards to the subject subdivision proposal, I wish to make the following remarks.

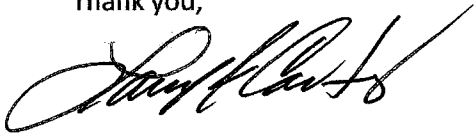
The home adjacent to lot 43 was constructed with the patio viewing South across lots 41-43 and onward. Because it provided a beautiful and private view from the patio, this was very instrumental in our decision to purchase the property in 2013.

This is the only home along the fairway that doesn't look onto the golf course fairway from the rear of the residence. We feel strongly that the construction of homes on the designated lots (41-43) will lessen the value of our property and impact the privacy of our patio. Please note the attached picture. I assume the walnut tree in the view will also be removed to develop the lot

During the spring and early summer season, considerable amount of drainage flows from the ground in the lots and cross over the sidewalk and into the street gutter. I assume that the present underground ledge rock is trapping water and subsequently providing the conditions to cause this area to be a "Seasonal Wetland" and herewith request the City perform a survey by a reputable company specializing in the determination of and identifying any wetland area on these lots.

I realize my statement above relative to the impact of our property by the proposal will carry little weight. But I do feel my concerns regarding the seasonal wetland is a viable concern and needs to be investigated by or for the city before any approval is given to the developer.

Thank you,

A handwritten signature in black ink, appearing to read 'Larry J Carter', with a stylized, flowing script.

Larry J Carter

6220 Crooked Stick Loop SE
Salem, OR 97306
Cell: 503-910-3436



March 7, 2023 10:26 AM



March 14, 2023 4:55 PM

REQUEST FOR COMMENTS

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

REGARDING: Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05

PROJECT ADDRESS: 900 Block of Creekside Drive SE, Salem OR 97306

AMANDA Application No.: 22-120356-PLN

COMMENT PERIOD ENDS: Wednesday, March 15, 2023 at 5:00 PM

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

REQUEST: A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
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The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

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.

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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.

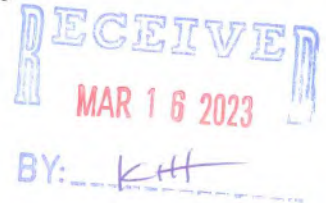
For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

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: Christopher Dudley
Address: 6140 Crooked Stick Loop SE
Phone: 503 990-6604
Email: ilove2ride@aol.com
Date: 3-4-23

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



Subject: SUB-ADJ23-05

Dear Bryce Bishop

I would like express my opposition to the land use change SUB-ADJ23-05 which would allow for the development of three residential building lots on Crooked Stick Loop while shrinking the adjoining golf club property.

My objection is not because I don't believe the property owners have the right to develop the lots for future homes but to the problems that the City will create between the lot owners and the Creekside Estates Homeowners Association (Creekside HOA). These problems include:

- **Creation of lots that lack their own means of access to city-owned streets** - If created, the residential lots will become an island surrounded by Creekside Drive, Crooked Stick Loop, and other Association streets that are privately owned and maintained by the HOA. The lots would have no direct access to public streets. As a result, homeowners of the new lots will expect to use Creekside HOA streets without compensating the Association who has overall responsibility for their repair, maintenance, and replacement and pays for those costs by assessments of HOA members. Allowing development of the new lots without them contributing to the long term financial upkeep of the streets, from which they will benefit, should not be allowed and places an unfair burden on the Creekside HOA.
- **Creation of landlocked lots without direct access to HOA Streets** - When Creekside Estates and the golf course were developed, Covenants, Conditions and Restrictions (CC&Rs) were prepared by the current owner of the golf course (Larry Tokarski) who is also an applicant of the proposed land use action. The CC&Rs established access to the current 4.9 acre parcel at two locations – one near the northwest border where it connects to Crooked Stick Loop and the other near the southeast border where it connects to Creekside Drive. These two points are the permitted accesses to the existing parcel which are used by golf carts and golf course service vehicles. If three residential lots are created along east Crooked Stick Loop they will become landlocked unless they use the cart path accesses per the CC&Rs. Since the land use action makes no mention of an access easement being established between the three residential lots and the two CC&R identified access points, I can only assume that the applicants of the land use action (and the future owners of the three residential lots) expect the HOA to agree to new accesses to Crooked Stick Loop. It is unfair to the HOA to bear the burden of allowing new accesses to be developed without having a method of recovering long term maintenance costs.
- **Damage to HOA owned streets that will not be reimbursed** – Creekside HOA collects a building deposit each time a new home is constructed. This refundable deposit can be used if the new home is not built per approved plans or damage occurs to HOA streets during construction. If the new lots are not part of the Association and damage occurs, the HOA will not have the ability to collect reparations and those costs would be unfairly transferred to members of Creekside Estates.
- **Homes on new lots may be different from the surrounding homes** - Creekside HOA is comprised of about 600 homes, each of which followed a set of architectural guidelines when constructed, thus

giving the Creekside neighborhood a similar and harmonious look. Under the proposed land use action, any home built on the newly created lots could be completely different in style, color, size and height when compared with other homes in the neighborhood. It is unfair to Creekside residents for this to occur. Furthermore, Creekside residents who are directly adjacent to the proposed three new lots paid extra when they built their homes and were assured by the golf course owner that they would enjoy an open space view. When the three new lots are developed those views will be significantly impacted without compensation or mitigation.

I believe that an equitable and fair solution is easy – require as part of this land use action that the residential lots become part of the Association which includes being subject to Creekside Architectural Review Committee Guideline and pay annual HOA dues. Furthermore, require that any homes on the lots be single story only to help mitigate the loss of the open-space views by adjacent residents.

Doing so will help ensure that the lots are in harmony with the look and feel of the existing neighborhood, and contribute to the care and upkeep of streets, common areas, and other community assets that the new homeowners will enjoy.

Jim West
808 Hazeltine Avenue SE
Salem

REQUEST FOR COMMENTS

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

REGARDING: Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05

PROJECT ADDRESS: 900 Block of Creekside Drive SE, Salem OR 97306

AMANDA Application No.: 22-120356-PLN

COMMENT PERIOD ENDS: Wednesday, March 15, 2023 at 5:00 PM

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

REQUEST: A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
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The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

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.

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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:
- WILL THE THREE NEW LOTS BE SUBJECT TO THE HOA DUES, REGULATIONS, AND HOA SITE REVIEW REQUIREMENTS. THEY NEED TO BE. WE WERE TOLD THEY WOULD BE WHEN THESE LOTS WERE PREVIOUSLY PROPOSED.*
- WILL THE DRAINAGE OVER THE SIDEWALK BE ADDRESSED ON NEW LOTS 1 & 2?*

Name/Agency: BILL JOHNSON

Address: 6060 Crooked Stick Ln Salem Or 97306

Phone: 503-581-8025 503-881-3266

Email: BILL.JOHNSONANDRAY.GMAIL.COM

Date: 3/7/23

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

*What we Request 2) above.
Do lots 1, 2, 3 need to be changed to Residential Single Family?*

*Not fair to use
private streets
and not be part
of the HOA*

Bryce Bishop

From: kai west <westhavenacademy@gmail.com>
Sent: Saturday, March 4, 2023 11:16 AM
To: Bryce Bishop
Subject: Project comments: 900 Block of Creekside

I have received and reviewed the proposal for development at:

900 Block of Creekside Drive, SE, Salem Oregon 97306

I have the following comments:

1. I would like to see the properties that are proposed to be built to be **one-story homes only, not taller.**
2. I would want these properties **to belong to the Creekside HOA**, and to be beholden to the same rules as all of Creekside Neighborhood.
3. I would like to see these be single-family dwellings, not duplex, condos, or any other kind of dwelling.

Marla West
808 Hazeltine Ave SE
925-209-9681
westhavenacademy@gmail.com
March 4, 2023

Bryce Bishop

From: C Diglio <diglio@live.com>
Sent: Thursday, March 16, 2023 9:17 PM
To: Bryce Bishop
Subject: residential building proposal at Creekside Drive and Crooked Stick Loop

Bryce, Let me know if this came through. Do to the recent rains there has been a lot of water coming from the sidewalk at the proposed building site. If you have any questions my cell number ie 503 4567-3834.

Joe Diglio

March 15, 2023

Mr. Bryce Bishop,

Reference: Proposed building site on N/W corner of Creekside Drive and Crooked Stick Loop, Salem, Oregon 97306.
(Vicinity Map 900 Block of Creekside Drive SE)

The following are some brief excerpts of concerns:

The Golf Course Estates at Creekside (HOA) building agreement.

- Has the builder agreed to be part of the Creekside Home Owner Association. That would require an agreement with the Declaration of Covenants, Conditions and Restrictions of Golf Course Estates at Creekside. If not this would cause substantial harm to the neighborhood property owners.

Located west of the proposed building site, it has been announced by the Creekside Golf Club that they are planning to build another sub division on the west on Creekside Drive, up the street consisting of 6 homes (Sub Division).

At the meeting the golf club manager and potential builder would not confirm their intent to be part of the Golf Course Estates at Creekside (HOA), especially in reference to Article IV - Architectural Control requirements and approval. Also they would not address any questions regarding possible damage to their access to Creekside Drive by use of construction vehicle or equipment.

It should be noted that Mr. Kelly (prior part owner of the Golf Course) and Mr. Tarkarsky (current golf course owner) are both familiar with the CC&Rs because of the Declarations that binds the HOA and Creekside Golf Course. As stated in the declaration that, "Declarant wishes to ensure that the residential development which occurs on the property described in Exhibit B is of high quality and harmonious with and complementary to the golf course and other improvements to be constructed on the property described in Exhibit A." That's both residential and golf course owners.

Due Diligence of construction at Creekside Estates.

There is a flood Plain just south of the proposed building site (N/W corner of Creekside Drive and Crooked Stick Loop, Salem,). The flood plain contains a wetland containing a pond and stream which the Golf Course is built upon. Crooked stick Loop is a circular street that connects from and to the north side of Creekside Drive. There is a good amount of subterranean water (under ground springs) that traverses from an upper elevation eastward towards the proposed building site. The homes on crooked stick loop that surround the building site all have sump pumps in the crawl spaces. There is a very large slanted water grade on the proposed property side of the sidewalk to assist in the water drainage. When there is a heavy rain the water comes up and out of the side walk expansion grooves. Evidentially there is a underground water problem that exist at the proposed building site. Salem City has acknowledge the present of the underground springs through the Creekside community. Due to the low elevation of the building site a large amount of water is directed to it.

The surrounding streets themselves show the stress cracks due to the water flow. The City of Salem has aerial shaded maps of the Creekside community which contain shaded green landslide areas. Although this presents a minor issue at a 2 point level (not sure what point level is at the proposed construction site), due consideration should be addressed on drainage and foundation issues. Also the potential water re-direction from lack of proper drainage and diminishment of ground to soak up excise water flow. Not to mention the adjacent communities.

I will not go into further detail. I just wish to have any construction activity comply with the neighborhoods concerns (HOA) and appropriate building safety. I believe that all the citizens will be happy to welcome the builders and new neighbor if they join the efforts to keep up our communities standards.

Sincerely,


Joe Diglio

Sent from [Mail](#) for Windows



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: May 11, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-ADJ23-05 (22-120356)
900 BLOCK CREEKSIDE DRIVE SE
FOUR-LOT SUBDIVISION**

PROPOSAL

A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

1. A Subdivision Tentative Plan to divide the approximate 4.9-acre property into 4 lots ranging in size from approximately 9,000 square feet to 185,769 square feet (approximately 4.26 acres), with the largest of the lots, proposed Lot 4, remaining as vacant open space; and
2. A Class 1 Adjustment to increase the maximum allowed lot depth for Lot 4 from 754 feet to approximately 847 feet (SRC 510.010(b)).

The subject property is zoned RA (Residential Agriculture), approximately 4.9 acres in size, and located in the 900 Block of Creekside Drive SE (Marion County Assessor Map and Tax Lot Number: 083W22AA03900).

RECOMMENDED CONDITIONS APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:
 - a. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
 - b. Design stormwater systems to serve all proposed lots in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on lots 1 through 3. Construct stormwater facilities that are proposed in the street right-of-way.

- c. Obtain permits for installation of water services to serve lots 1 through 3.
2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):
 - a. Construct sewer services to serve lots 1 through 3.
3. The following conditions of approval shall be completed as a condition of future development for each lot:
 - a. Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08.

FACTS AND FINDINGS

Streets

1. Creekside Drive SE
 - a. Standard—This street is designated as a local private street in the Salem TSP. The standard for this private street was established with the approval of Golf Club Estates at Creekside PUD Phase 1.
 - b. Existing Condition—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
2. Crooked Stick Loop SE
 - a. Standard—This street is designated as a local private street in the Salem TSP. The standard for this private street was established with the approval of Golf Club Estates at Creekside PUD Phase 1.
 - b. Existing Condition—This street has an approximate 30-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions
 - a. The subject property is located within the S-2 water service level.
 - b. A 6-inch water main is located in Creekside Drive SE.
 - c. A 6-inch water main is located in Crooked Stick Loop SE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Creekside Drive SE.
- b. An 8-inch sewer main is located in Crooked Stick Loop SE.

Storm Drainage

1. Existing Conditions

- a. A 21-inch storm main is located in Creekside Drive SE.
- b. A 10-inch storm main is located in Crooked Stick Loop SE.

Parks

The proposed development is served by Bryan Johnston Park and Rees Hill Park.

CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

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

Findings—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).

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.

Public Utility easements were dedicated through the Gold Club Estates at Creekside PUD – Phase 1 plat. Additional PUEs are not required.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas within the three lots for future development.

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. Because the proposed development does not precede construction of required facilities, an Urban Growth Area Development permit is not required.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed lots can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Design stormwater systems to serve all proposed lots in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on lots 1 through 3. Construct stormwater facilities that are proposed in the street right-of-way.

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 street 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.

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

Condition: Obtain permits for installation of water services to serve lots 1 through 3.

Condition: Construct sewer services to serve lots 1 through 3.

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—Creekside Drive SE and Crooked Stick Loop SE abut the subject property and are private local streets. Creekside Drive SE and Crooked Stick Loop SE were approved and constructed as part of the Creekside Golf Club Estates Planned Unit Development (PUD 92-2). The existing private streets are adequate to serve the proposed development.

The subject property is within the Lone Oak Road Reimbursement District. City Council approved the Lone Oak Road Reimbursement District under Resolution 2018-08 on January 22, 2018. This district provides a funding mechanism for completion of Lone Oak Road SE from Muirfield Avenue SE to Rees Hill Road SE by establishing a policy that all benefited properties must pay a proportional share of the cost for street improvements. Pursuant to Resolution 2018-08, the applicant is required to pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District.

Condition: Pay the applicable reimbursement fee as established in the Lone Oak Road Reimbursement District pursuant to Resolution 2018-08.

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 proposed development is served by Bryan Johnston Park and Rees Hill Park. Access to the park is available through the existing transportation system.

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.

Finding—The proposed 4-lot subdivision generates less than 200 average daily vehicle trips to the local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

RESPONSE TO COMMENTS

1. **Stormwater Management and Wetlands:** Comments received indicated there were “seasonal wetlands” on the lots that will be designated for single-family dwelling construction. In addition, comments received indicated there were overland flows that traverse this area.

Staff Response: According to the Salem-Keizer Local Wetland Inventory LWI, the subject property does not contain any wetland areas or hydric soils. The lots created for residential development will be subject to current Stormwater Management standards for stormwater detention and treatment through Green Stormwater Infrastructure. As described in the recommended conditions, prior to plat approval, a stormwater management system that meets SRC Chapter 71 and PWDS will be designed.

Prepared by: Laurel Christian, Planner II
cc: File



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Christy Perry, Superintendent

March 16, 2023

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

RE: Land Use Activity Case No. SUB-ADJ23-05, 900 Block of Creekside Dr SE

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
Sumpter	Elementary	K thru 5
Crossler	Middle	6 thru 8
Sprague	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
Sumpter	Elementary	469	579	81%
Crossler	Middle	779	969	80%
Sprague	High	1,747	2,248	78%

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	3	SF	0.168	1
Middle			0.098	0
High			0.144	0

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
Sumpter	Elem.	469	10	1	11	579	83%
Crossler	Mid.	779	21	0	21	969	83%
Sprague	High	1,747	39	0	39	2,248	79%

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
Sumpter	Elementary	Eligible for School Transportation
Crossler	Middle	Eligible for School Transportation
Sprague	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	1	\$68,445	\$68,445
Middle	0	\$83,363	\$0
High	0	\$98,280	\$0
TOTAL			\$68,445

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 Third Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

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