

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE NO. CPC-ZC16-11

APPLICATION NOS.: 16-113058-ZO & 16-113060-ZO

NOTICE OF DECISION DATE: OCTOBER 7, 2016

**APPLICATION SUMMARY:** A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 10-acre portion of a 25.89 acre property from "Developing Residential" with RA (Residential Agriculture) zoning to "Multifamily Residential" with RM-2 (Multiple Family Residential) zoning. A tentative subdivision plan for the Whispering Winds Estates subdivision was previously approved on the subject property.

**REQUEST:** The applicant proposes to change the Comprehensive Plan Map designation of the subject property from "Developing Residential" to "Multi-Family Residential" and change the zoning from RA (Residential Agriculture) to RM-2 (Multiple Family Residential). The subject property is an approximately 10-acre portion of a lot that totals approximately 25.89 acres in size, zoned RA (Residential Agriculture), and located at 5991 Liberty Road SE (Marion County Assessor's map and tax lot number: 083W16C00700).

**APPLICANT:** WHISPERING WINDS ESTATES LLC (GEORGE SUNIGA, TERESA NORDONE, FRANCIEL WEST, STEPHANIE FRY, TAMARA SUNIGA)

**LOCATION:** 5991 LIBERTY RD S / 97306

**CRITERIA:** Comprehensive Plan Map Amendment: SRC 64.025(e)(2)  
Quasi-Judicial Zone Change: SRC 265.005(e)

**FINDINGS:** The findings are in the attached staff report dated October 4, 2016.

**DECISION:** The Planning Commission **GRANTED** Quasi-Judicial Zone Change Case No. CPC-ZC16-11 contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

**Condition 1.** At the time of development, construct a traffic signal at the intersection of Liberty Road S and Davis Road S to City of Salem standards. The signal shall interconnect via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard S, and shall be designed to accommodate the east leg extension of Rainer Drive SE.

**VOTE:**

Yes 8

No 0

Absent 1 (Fox)

Abstained 1 (Fry)

  
Sheronne Blasi, Vice President  
Salem Planning Commission

Application Deemed Complete: August 30, 2016  
Public Hearing Date: October 4, 2016  
Notice of Decision Mailing Date: October 7, 2016  
Decision Effective Date: October 25, 2016  
State Mandate Date: December 28, 2016

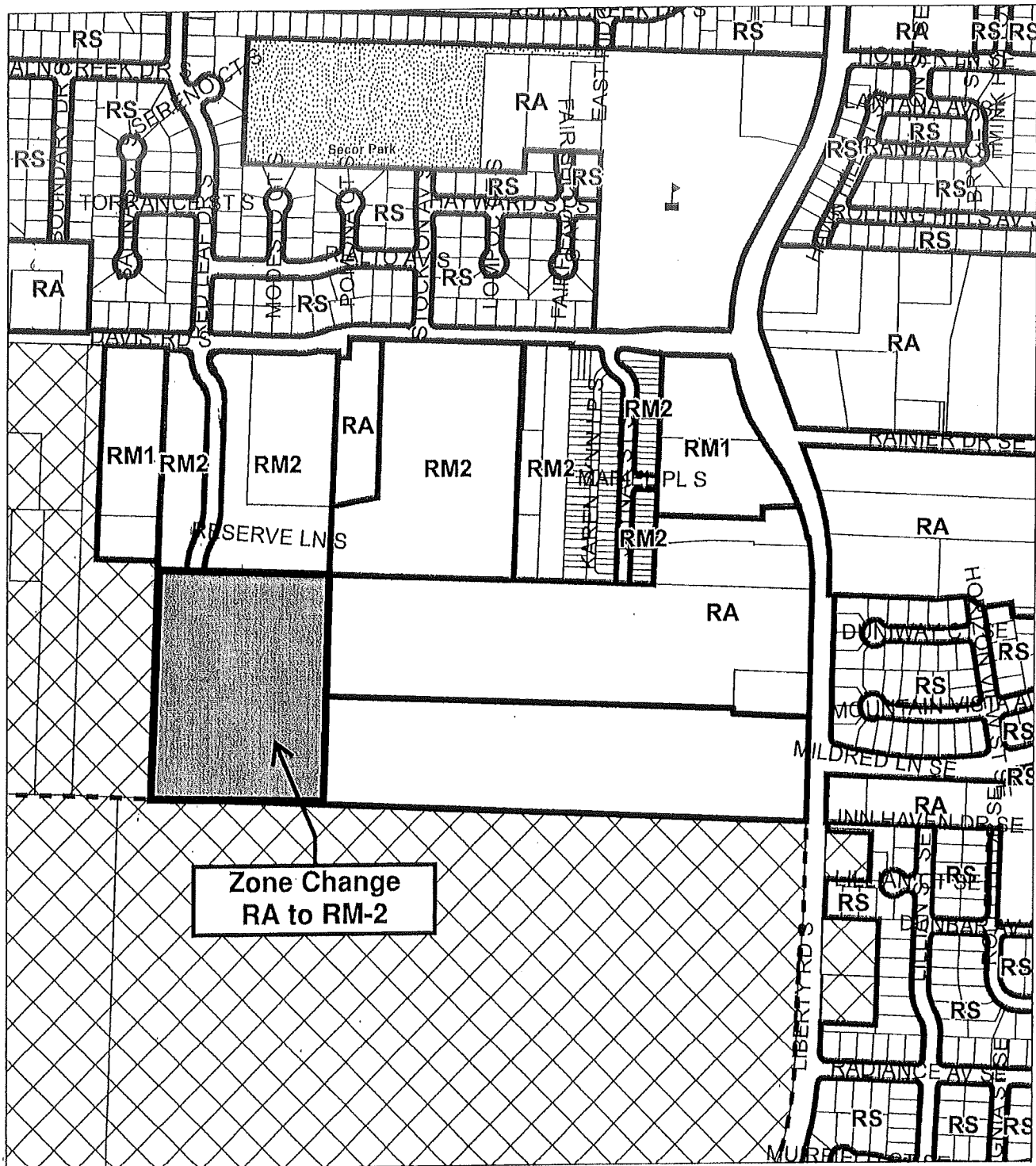
Case Manager: Chris Green, [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net), 503-540-2326 *CTG*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., MONDAY, OCTOBER 24, 2016.** Any person who presented evidence or testimony at the hearing may appeal the decision. 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 in SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

# Vicinity Zoning - 5991 Liberty Road S



## Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

0 60 100 200 Feet



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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Christopher Green, AICP, Planner II

HEARING DATE: October 4, 2016

APPLICATION: Comprehensive Plan Change / Zone Change Case No. 16-11

LOCATION: 5991 Liberty Road SE

SIZE: Approximately 10 acres – see Attachment A

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 10-acre portion of a 25.89 acre property from “Developing Residential” with RA (Residential Agriculture) zoning to “Multifamily Residential” with RM-2 (Multiple Family Residential) zoning. A tentative subdivision plan for the Whispering Winds Estates subdivision was previously approved on the subject property.

The subject property is an approximately 10-acre portion of a lot that totals approximately 25.89 acres in size, zoned RA (Residential Agriculture), and located at 5991 Liberty Road SE (Marion County Assessor map and tax lot number: 083W16C00700).

APPLICANT: Whispering Winds Estates, LLC

PROPERTY OWNER: Whispering Winds Estates, LLC

REPRESENTATIVES: Mark Grenz, PE and Brandie Dalton  
Multi-Tech Engineering Services, Inc.

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Ch. 64  
Zoning Map Amendment: Salem Revised Code, Ch. 265

RECOMMENDATION: RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject properties on the Salem Area Comprehensive Plan Map from “Developing Residential” to “Multi-Family Residential”; and

APPROVE Zone Change Case No. 16-11, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

## **ZONE CHANGE:**

**Condition 1:** At the time of development, construct a traffic signal at the intersection of Liberty Road S and Davis Road S to City of Salem standards. The signal shall interconnect via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard S, and shall be designed to accommodate the east leg extension of Rainer Drive SE.

## **APPLICATION PROCESSING**

### **Subject Application**

On July 12, 2016, Mark Grenz of Multi-Tech Engineering Services, on behalf of applicant Whispering Winds Estates, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 10-acre portion of the subject property from "Developing Residential" to "Multiple Family Residential" and to change the zoning of that portion from RA (Residential Agricultural) to RM-2 (Multiple Family Residential).

After the applicant provided additional required information, the application was deemed complete for processing on August 30, 2016. The public hearing on the application is scheduled for October 4, 2016.

### **120-Day Requirement**

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is December 28, 2016.

### **Public Notice**

1. Notice of the consolidated proposal was distributed to City departments and public and private service providers on September 14, 2016.
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on September 14, 2016.
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on August 30, 2016.

## BACKGROUND INFORMATION

### Proposal

The applicant is requesting a zone change from RA (Residential Agriculture) to RM-2 (Multiple Family Residential), to allow for future development of multifamily housing on westernmost 10 acres of the property. The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from "Developing Residential" to "Multifamily Residential," a designation which is implemented by the RM-2 zone.

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included as Attachment D.

### Existing Conditions

The area of the proposed Comprehensive Plan Map and zone change is a rectangular, 10 acre portion at the west end of a 25.89 acre, L-shaped lot in far southeast Salem. The Urban Growth Boundary forms the southern boundary of the subject property and adjacent lots to the west. The property is part of a 37.21 acre tract annexed into the City of Salem in 1999.

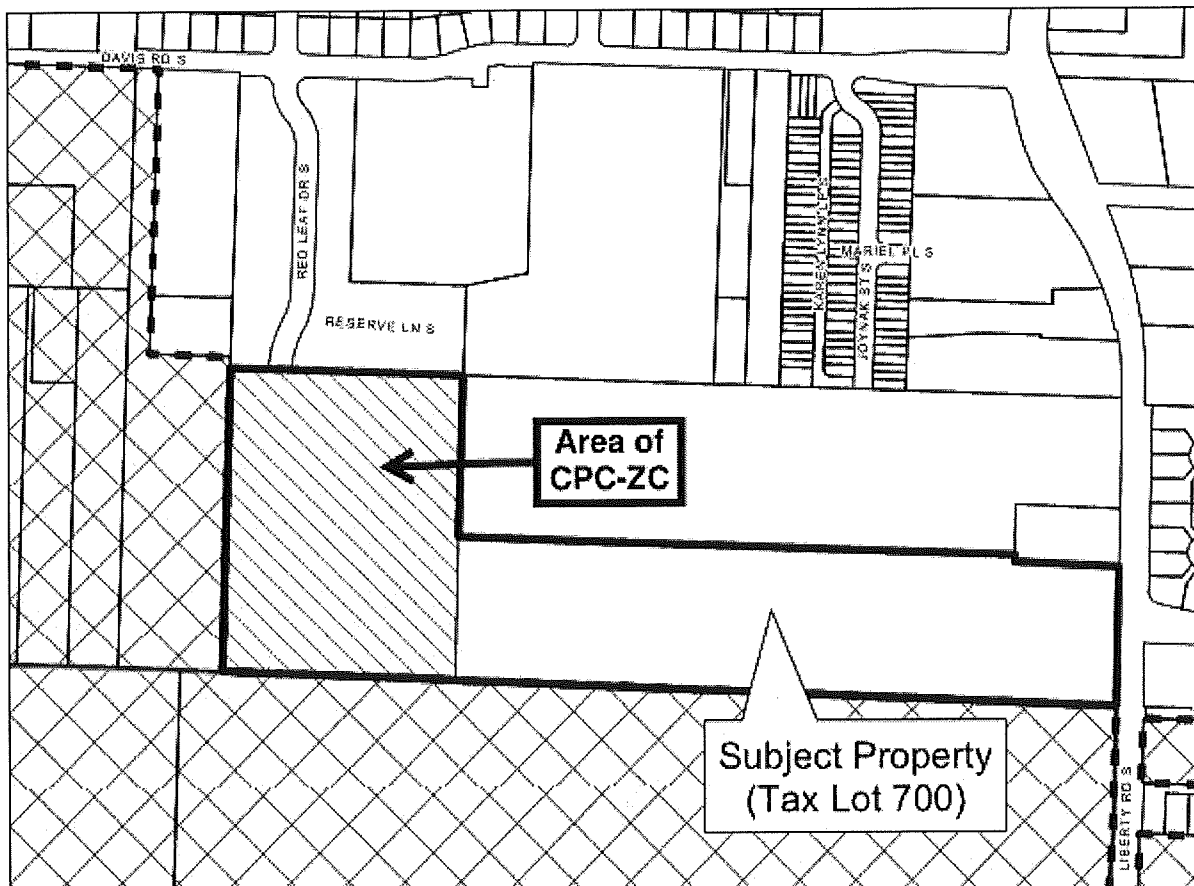


Figure 1 - Area of Proposal within Tax Lot 700

In 2005, Urban Growth Area Preliminary Declaration UGA05-12 determined the public facilities required by the Urban Growth Management Program to serve residential development on a 32.85-acre area, including the subject property. In 2007, the Subdivision Review Committee approved amended tentative subdivision plan SUB06-20A for the Whispering Winds subdivision, with concurrent variances to street grades and lot standards within the proposed townhouse portion of the subdivision (Tax Lot 201). The subdivision included 103 lots for single family residential development on the RA-zoned portion of the property (Tax Lot 700) and 62 townhouse lots on the RM-2 zoned portion of the property (Tax Lot 201). The applicant indicated that the project would be developed in phases, but no specific sequencing or phase boundaries were established.

Since the tentative subdivision approval, Tax Lot 201, the portion of the subdivision zoned RM-2 and proposed for townhouse lot development, was sold to an outside party and is no longer part of the Whispering Winds subdivision plan. In 2016, the Planning Administrator approved a modification to the tentative subdivision plan, defining the boundary line between the remaining phases two phases of the subdivision and resulting in a 52-lot Phase 1 and 43-lot Phase 2.

The area identified in the modification as Phase 2 is the subject property for the proposed Comprehensive Plan Map and zone change to allow multifamily development. The proposed "Multifamily Residential" designation and RM-2 zoning would preclude development of single family residential lots in substantial conformance with the 43-lot Phase 2 of the modified Whispering Winds subdivision. Early stages of development are underway on Phase 1, which will include the extension of Mildred Lane SE to the boundary between Phase 1 and Phase 2.

The subject property is within a larger area of urbanizing land at the southeast corner of the Urban Growth Boundary, south of Davis Road between Skyline Road and Liberty Road. The area is characterized by a series of hills, and most of the land was not annexed into the City until the past 20 years. The area is entirely outside of the Urban Service Area, and utilities have been extended to the vicinity incrementally in conjunction with residential development projects. Existing and planned development in the area includes a variety of housing types and residential densities, including single family subdivisions, townhouse and duplex PUDs, and multifamily projects. The property immediately to the north (Tax Lot 201), was originally rezoned to RM-2 in 2001 as part of the Salem Multifamily Residential Land Study (SMRFLS).

The larger lot has approximately 360 feet of frontage on Liberty Road S, well to the east of the portion of the property to be rezoned. There is only one existing point of street right-of-way abutting the portion to be rezoned, where the Red Leaf Drive right-of-way terminates the north boundary of the property. This right-of-way is currently being constructed as a collector street as part of the Red Leaf Apartments development on Tax Lot 201. Construction of Mildred Lane as part of Phase 1 of Whispering Winds will also bring a minor arterial street to the eastern boundary of the portion to be rezoned. The 10 acre site of the rezone is not flat, but generally occupies a hilltop area with less elevation change than surrounding properties. The high point of the property is approximately 652 feet above sea level at the northeast corner and the terrain slopes downwards to 626 feet at the southeast corner.

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Developing Residential." The SACP describes the intent of the "Developing Residential" designation as "to hold the properties needed to accommodate future urban development during the next 20 years."

The Comprehensive Plan designations of surrounding properties include:

- North: "Multi-Family Residential"
- South: Outside of Urban Growth Boundary
- East: (In Marion County) "Developing Residential"
- West: (Across Liberty Road S) "Developing Residential"

### Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

*Salem Transportation System Plan (TSP):* The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Red Leaf Drive S, designated as a Collector street in the TSP, terminates at the northern boundary of the subject property. The Street System Element of the TSP includes a future extension of Red Leaf Drive southward to an intersection with the future right-of-way of Mildred Lane SE.

Mildred Lane SE, a designated Minor Arterial, currently terminates at its intersection with Liberty Road S just to the east of the subject property. Mildred Lane SE is being extended westward with the development of Phase 1 of the Whispering Winds subdivision, and the Street System Element of the TSP includes a future extension of Mildred Lane westward across the subject property to Skyline Road S.

*Neighborhood Plan:* The proposed project is located within the boundaries of the Sunnyslope Neighborhood Association. The Sunnyslope Neighborhood Plan was adopted in 1983, and notes the neighborhood boundaries in effect at that time. The subject property was outside of the neighborhood association boundary and city limits at the time the plan was adopted. Therefore, the proposed Comprehensive Plan Map change does not require a neighborhood plan change.

### Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently vacant. Surrounding properties are zoned and used as follows:



- North: RM-2 (Multiple Family Residential); vacant, development of 127-unit apartment complex approved pursuant to design and site plan review case number DR-SPR-ADJ-DAP16-02.
- South: (In Marion County, outside of Urban Growth Boundary) SA (Special Agricultural); vacant/semi-forested.
- East: (In Marion County) UT-10 (Urban Transition); rural residential.
- West: (Across Liberty Road S) RS (Single Family Residential); single family residential subdivision under development.

#### Relationship to the Urban Service Area

The subject property located outside of the Urban Service Area. Urban Growth Area Preliminary Declaration UGA05-12, approved in 2005, establishes the public facilities required to develop the subject property.

#### Infrastructure

- Water:* The *Salem Water System Master Plan* identifies the subject property to be within two water service levels; the S-3 and S-4.
- A 12-inch, S-3 public water line is located in Davis Road S.
- A 12-inch, S-3 public water line is located in Liberty Road S.
- Sewer:* An 8-inch sewer line is located in Davis Road S.
- An 8-inch sewer line is located in Liberty Road S.
- Storm Drainage:* The subject property is within the Battle Creek Basin as delineated in the *Stormwater Master Plan*.
- An existing storm main is located in Liberty Road S.
- At the intersection of Davis Road S and Red Leaf Drive S, an 18-inch public storm drain line was extended across Davis Road S to the south right-of-way line.
- Streets:* Liberty Road S is designated as a Major Arterial in the Salem Transportation System Plan (TSP). It abuts the subject property on the eastern boundary, but not the portion of the lot subject to the proposed Comprehensive Plan Map and zone change.
- Mildred Lane S is an under-improved boundary street identified in the TSP as an east/west Minor Arterial in the within the subject property. The

standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Red Leaf Drive S is an under-improved boundary street identified in the TSP as a north/south collector street within the subject property. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

### **Land Use History**

**UGA05-12:** An Urban Growth Area Preliminary Declaration determining the public facilities required to develop a 32.85-acre area outside of the Urban Services Area, including the subject property.

**SUB06-20A:** A 2007 amended approval, with variances, for the Whispering Winds subdivision, to divide approximately 25.86 acres into 103 lots for single family residential development (Tax Lot 700) and to divide approximately 6.96 acres into 62 lots for townhouse development (Tax Lot 201). Extensions to this approval were granted in 2009, 2011, 2013, and 2015.

**DR-SPR-ADJ-DAP16-02:** A consolidated Design Review, Site Plan Review, Adjustments, and Driveway Approach Permit to develop a 127-unit multi-family apartment complex on Tax Lot 201, formerly part of the Whispering Winds subdivision.

**SUB06-20AMOD:** A 2016 modification of the approval of the Whispering Winds tentative subdivision plan (SUB06-20A) to remove proposed Phase A (Tax Lot 201) and establish a phasing boundary between previously proposed Phases B and C.

### **Public and Private Agency Review**

**Salem Public Works Department** - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment F).

**Salem Fire Department** – The Salem Fire Department submitted comments indicating no concerns with the proposed Comprehensive Plan and zone change, and that Fire Code issues would be addressed at the time of building permit application.

**Salem Community Development Department, Building and Safety Division** – The Building and Safety Division submitted comments indicating no concerns with the proposal.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle, and high school levels to serve future development under the proposed zoning designation. The school district indicated that elementary, middle, and high school students residing at the subject property would be eligible for school transportation services.

### **Neighborhood Association Comments**

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association. The South Gateway Neighborhood Association (SGNA) is located across Liberty Road S from the lot boundary of the subject property, but the portion of the lot subject to the Comprehensive Plan Map and zone change does not abut SGNA. Notification was sent to the Sunnyslope Neighborhood Association on September 14, 2016. At the time of writing this staff report, no comments have been received from Sunnyslope Neighborhood Association.

### **Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposal. At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

### **Applicant Submittal Information:**

Requests for Minor Comprehensive Plan Changes and Zone Changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment D to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

### **FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT**

Amendments to the Comprehensive Plan Map are classified as either major or minor. Because the proposed amendment affects only a small number of properties in a defined vicinity rather than a large number of properties across the city, the proposal meets the definition of a Minor Plan Map Amendment pursuant to SRC 64.025(a)(2).

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

**SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:**

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
- (aa) Whether there was a mistake in the application of a land use designation to the property;
  - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
  - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
  - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

**Applicant Statement:** There is a lack of appropriately designated vacant RM2 sites within this vicinity. There is RM zoned property located along Davis Road and Skyline Road. These sites are either developed or not large enough. This site gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned RMII and vacant, and there is none in the necessary proximity. The only appropriately designated property within the necessary proximity to the existing site to the north that is currently under review for a multi-family development. According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the properties to the north and east for existing and future development.

In conclusion, there are no sites for the proposed use located along Davis Road, Skyline Road, or Liberty Road that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. The development will be located off of any right-of-way and will be screened by proposed or future developments. Therefore, this use is better suited for the site

because of the location and the minimal visual impacts on the area.

Therefore, the proposal satisfies this criterion has been met.

**Finding:** Staff concurs that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. There is no conflict between the existing "Developing Residential" designation and RA (Residential Agriculture) zoning. The applicant does not assert that a mistake has been made in the application of the Developing Residential designation to the subject property or that an alteration in social, economic, or demographic patterns of the nearby vicinity has rendered the current designation inappropriate.

Definitions and intent statements for the "Developing Residential" designation within the Salem Area Comprehensive Plan describe the future use for lands under this designation as "primarily for single and multifamily residential with schools, parks, and churches." Policy A.3.a.4 describes the process for "Conversion of Developing Residential or Urbanizable Areas to Urban Development," including annexation, construction of public capital developments, and filing and approval of a subdivision or zone change. The policy cites orderly and economic extension of public facilities and services, providing adequate land for a variety of housing types, and maintaining an adequate land supply for a variety of uses as some of the reasons for converting urbanizable land into urban land.

Although the site is at the perimeter of the Salem city limits and borders the Urban Growth Boundary, it is also at the planned confluence of streets designated as a Minor Arterial (Mildred Lane SE) and a collector (Red Leaf Drive S). An existing collector street, Davis Road S, runs east-west approximately 800 feet of the site. A major arterial, Liberty Road S, is less than one-third of a mile to the east. The subject property is well served by the planned arterial street network in the vicinity. Additional segments of the street network will be completed as part of development that is already underway (Red Leaf Apartments, Phase 1 of Whispering Winds subdivision) or future development on adjacent properties. This existing and future street network provides efficient street capacity and access necessary to serve higher density development.

As noted by the applicant, the 2015 Housing Needs Analysis (HNA) identifies a deficit of approximately 207 acres of land designated for multifamily residential development. Although not adopted at this time, the HNA has been accepted by City Council and serves as the basis for a three-phase work plan adopted by the City to address the identified deficit of land for multifamily housing. The proposal to designate 10 acres from "Developing Residential" to "Multifamily Residential" addresses a housing need identified in the HNA and supported by recent studies showing the multifamily vacancy rate as less than 2.5 percent.<sup>1</sup> The proposal is consistent with the range of existing and planned housing unit types in the immediate vicinity, which includes a mix of Single Family Residential and Multifamily Residential designations. The relatively gentle slopes and access to planned collector and arterial streets support the applicant's contention that the site is equally or better suited for multifamily residential development than most other vacant properties in the vicinity.

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<sup>1</sup> "Report: Rents up, vacancy down in Salem area," *Statesman-Journal*, February 26, 2016, quoting Jennifer Martin, Senior Advisor at Sperry Van Ness.

The proposal meets this criterion.

**SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;**

**Finding:** Development on the property is subject to requirements for extension of public facilities set forth in UGA05-12. Public Works comments on the modification of the tentative subdivision plan for Whispering Winds indicate the required improvements applicable to the each subdivision phase established in the modification. Because the portion of the property proposed to be rezoned is identical to Phase 2 of the modified Whispering Winds subdivision, required public facilities associated with Phases 1 and 2 must be completed prior to development of the proposed 10-acre multifamily portion of the lot. The construction of planned extensions of Mildred Lane and Red Leaf Drive will provide arterial and collector access to the site. Conditions of approval establish required mitigation for anticipated impacts to the traffic system from a multifamily designation on the site. The proposal meets this criterion.

**SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;**

**Finding:** Future development of the property is subject to conditions of approval of Urban Growth Area Preliminary Declaration UGA05-12. Required improvements include the extension of Mildred Lane SE, a Minor Arterial, across the subject property to provide a future connection to undeveloped properties to the west. Red Leaf Drive, a stub collector street which currently terminates at the north boundary of the subject property, will be extended southward to an intersection with Mildred Lane. These required infrastructure improvements provide for the orderly future development of properties to the west, northwest, and northeast. The subject property sits near the center of a portion of the city south of Davis Road, between Skyline Road and Liberty Road, which is in the process of urbanizing. In the midst of this process, the intensity of development is somewhat inconsistent and gaps may exist in transportation and other infrastructure networks. Eventually, as development continues and master-planned services are extended, the subject property and surrounding properties will enjoy urban services and a logical, efficient pattern of development.

Staff finds that the proposal meets this criterion.

**SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

*Policy E.1. The location and density of residential uses shall be determined*

*after consideration of the following factors;*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*

**Response:** The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 10 acres of land away to a single family designation, where the accepted HNA identifies a surplus, to a multifamily designation, where the HNA identifies a deficit.

- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*

**Response:** The land proposed for the Comprehensive Plan Map and zone change appears to have a higher capacity for multifamily residential development than most other large undeveloped residential properties in the south part of the city. The relative environmental suitability of the property is even greater when compared to the steeper residential properties in the immediate vicinity. There are no known natural hazards or geographical constraints which would prevent development of higher-density housing on the site.

- c. The capacity of public facilities, utilities, and services. Public facilities, utilities, and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*

**Response:** Extension of master planned utilities subject to the applicable requirements of UGA05-12, together with public improvement and development standards adopted in the Unified Development Code, ensure that adequate infrastructure capacity and services are provided to serve future development of the site.

- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.*

**Response:** Some services exist in the vicinity of the site, including a church and middle school. Retail and service areas have developed along the Skyline Road and Liberty Road corridors to serve residential development in the southeastern portion of the city. Planned future development in the vicinity includes further development of the Secor property park site, and a future neighborhood park to the east. Commercial nodes at the intersections of Skyline Road S with Kuebler Boulevard and Liberty Road have additional development capacity to provide a wider range of shopping, employment, and entertainment opportunities as the population in the vicinity grows.

- e. The character of the existing neighborhoods based on height,*

*bulk and scale of existing and proposed development in the neighborhood.*

**Response:** As described in findings above, residential properties in the vicinity of the site are being developed, or planned for development, at a range of densities. The proposed Multiple Family Residential designation matches the abutting property to the north. Where the site abuts lower density residential properties to the east and west, Multiple Family Design Guidelines and Standards established in SRC Chapter 702 require multifamily design guidelines requires increased setbacks and screening to ensure a transition to the smaller bulk and scale of single family residences.

*f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*

**Response:** Conditions of approval adopted in Urban Growth Area Preliminary Declaration UGA05-12 ensure that the facility master plans for transportation, water, sewer, and storm services are provided to the subject property.

*g. The density goal of General Development Policy 7.*

**Response:** General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multifamily Residential designation are consistent with an overall development pattern resulting in a density of 6.5 dwelling units per acre.

*Policy E.2 Residential uses and neighborhood facilities and services shall be located to:*

- a. Accommodate pedestrian, bicycle and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities, and services; and*
- d. Avoid existing nuisances and hazards to residents.*

**Response:** As described in findings above, the proposal would increase residential development capacity for property located at the planned intersection of a collector and arterial street. Extension of utilities and services resulting from implementation of Urban Growth Area Preliminary Declaration requirements and development standards established in the UDC will ensure that multifamily residential uses developed on the site are adequately served.

*Policy E.6 Multi-family housing shall be located in areas proximate to existing*



*or planned transportation corridors, public facilities and services:*

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family residential zones;*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:*

*(1) Employment centers;*

*(2) Shopping areas;*

*(3) Transit service;*

*(4) Parks;*

*(5) Public buildings.*

**Response:** The RM-2 (Multiple Family Residential) zone proposed by the applicant includes a minimum density of 12 units per gross acre, encouraging efficient use of residential land and public facilities. As described in findings above, the immediate vicinity includes a range of densities within existing developments and zoning district standards for undeveloped properties. Transit service to employment centers, shopping areas, public buildings, and other destinations is available via Cherriots Route 8, which stops along Davis Road just to the northwest of the subject property. Required street extensions of Mildred Lane and Red Leaf Drive would include sidewalks and bike lanes, thereby improving connections between the subject property and available transit service, Crossler Middle School, the Secor Park site, and a future neighborhood park designated for the area to the west of the subject property.<sup>2</sup>

*Policy E.7 Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:*

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*

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<sup>2</sup> Salem Comprehensive Park System Master Plan Update, Map 3, proposed neighborhood park "NP 26."

- c. *The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

**Response:** The planned street transportation system in the vicinity of the subject property establishes a framework of arterials and collectors that provide both east/west and north/south access across the area south of Davis Road between Skyline Road and Liberty Road. As planned arterials and collectors are extended and local streets are constructed to serve new development within this area, the street network will more closely resemble a modified grid, allowing short trips within the neighborhood to be made by a variety of routes, with or without driving. Street improvements will fill in gaps in the sidewalk network, and arterial and collector streets will provide bike lanes for improved access throughout the neighborhood.

The required extensions of Red Leaf Drive and Mildred Street will cross the site of the proposed Comprehensive Plan Map and zone change, and provide street connections to residential areas to the north, east, and west. The alignment of these public streets will allow efficient dispersal of through traffic across the street network, rather than concentrating trips within a network of private, dead-end driveways serving a single apartment complex.

*Policy E.10 Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*

- a. *The site is so designated on the comprehensive plan map;*
- b. *Adequate public services are planned to serve the site;*
- c. *The site's physical characteristics support higher density development; and*
- d. *Residential Development Policy 7 is met.*

**Finding:** The applicant's proposal includes a request for a quasi-judicial zone change from RA (Residential Agriculture) to the higher density RM-2 (Multiple Family Residential) zone. The RM-2 zone implements the "Multi-Family Residential" Comprehensive Plan Map designation proposed as part of the consolidated application. As described in findings above, master planned services are available to serve the site, and the extension of master-planned utility infrastructure is required pursuant to UGA05-12. The site is relatively flat and unencumbered by natural hazards or sensitive areas such as wetlands or riparian areas. The planned arterial and collector extensions across the subject property, as well as the existing and planned street network on properties in the vicinity meet the circulation requirements of Residential Development Policy 7.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

**Finding:** The applicable Statewide Planning Goals are addressed as follows:

**Statewide Planning Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Staff Response:** A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the Sunnyslope Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

**Statewide Planning Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Staff Response:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**Staff Response:** There are no known scenic, historic, natural, or cultural resources on the affected parcels. The application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5.

**Statewide Planning Goal 7 – Areas Subject to Natural Hazards:** *To protect people and property from natural hazards.*

**Staff Response:** 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 is mapped with areas of 2 landslide hazard susceptibility points. In conjunction with the application for SUB06-20, a geologic assessment was prepared for the subject property on July 13, 2006. The Public Works Department reviewed and approved the assessment as part of the review of the tentative subdivision plan. Future development on the subject property will be required to comply with SRC Chapter 810 and the findings of the 2006 geologic assessment.

There are no other known natural hazards existing on the subject property. The City's tree protection, landslide, and floodplain development standards will be applied at the time of future development. Staff finds that the proposal is consistent with Goal 7.

**Statewide Planning Goal 10 – Housing:** *To provide for the housing needs of the citizens of the state.*

**Staff Response:** Existing and planned residential development in the vicinity of the site provides a wide range of housing types, including single family detached dwellings,

townhouses, duplexes, and multifamily apartments. This variety of housing types reflects the range of demand for different residential configurations to be expected in a growing urban area such as Salem. The proposal allows for more intensive development of housing units in an area where existing and planned infrastructure can accommodate higher densities.

The City has accepted a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. In order to address the deficit in land for multifamily development, the City is conducting the first of three phases identified in an accepted work plan. The proposal would convert approximately 10 acres of land away from a single family designation, where the accepted, but not adopted HNA identifies a surplus. Phase 2 of the modified tentative subdivision plan would have created 43 lots for single family residential development. The proposed "Multifamily Residential" designation and RM-2 (Multiple Family Residential) zoning allows for between 120 and 280 units of multifamily residential development on the site. The proposal does not adversely affect the City's ability to provide for its housing needs, and is therefore consistent with Goal 10.

**Statewide Planning Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.). Where there is a "significant effect" on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a "significant effect" is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that "allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility," or an amendment that would "reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP."

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a "significant effect" on the surrounding transportation system, as defined above.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. As conditioned, the proposal complies with Goal 12.

**Statewide Planning Goal 14 – Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Staff Response:** The subject property was annexed into the City of Salem in 1999, and is located within the Urban Growth Boundary (UGB). Although the subject property is located outside of the Urban Service Area, comments from the Public Works Department indicate that development on the site remains subject to the applicable conditions adopted in UGA05-12. The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan and Zone Change are consistent with the mix of residential densities on the Davis Road corridor between Liberty Road and Skyline Road. The proposal complies with Goal 14.

**SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.**

**Finding:** The proposed Comprehensive Plan Map amendment from Developing Residential to Multifamily Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the planned capacity of infrastructure serving future development. The proposed change in land use designation is consistent with the location and character of the property, with adjacent land use designations, and with the planned transportation facilities available to serve the property (Mildred Lane SE and Red Leaf Drive SE). The proposal satisfies this criterion.

## **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT**

The following analysis addresses the proposed zone change for the subject property from RA (Residential Agriculture) to RM2 (Multiple Family Residential).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

**SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:**

- (i) **A mistake in the application of a land use designation to the property**

- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

**Finding:** The request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its relationship to the planned arterial and collector street network, its location within an area providing a wide range of housing types, and the relative absence of environmental constraints such as steep slopes or natural hazards are appropriate for the proposed RM-2 zone.

In implementing the "Multifamily Residential" Comprehensive Plan Map designation, the RM-2 zone primarily allows apartments and related multifamily uses, as well as compatible services such as libraries, small scale day care facilities, and churches. The site abuts another lot to the north that is zoned RM-2, and the planned extension of Red Leaf Drive, a collector, would provide access for future residents of both properties to convenient east/west connections provided by Davis Road to the north and Mildred Lane to the south. Multifamily development on the site would be subject to development standards adopted in the RM-2 zone (SRC Chapter 514), as well as Multiple Family Design Review Guidelines and Standards (SRC Chapter 702). Applicable requirements include increased setbacks and screening where multifamily residential development abuts land zoned for single family residential development, such as Phase 1 of Whispering Winds.

The abutting property to the south is a hilly, semi-wooded 115.3 acre tract located outside of the city limits and Urban Growth Boundary, in unincorporated Marion County. The property to the south is zoned SA (Special Agriculture), a rural zone applied to small farming operations as well as protection of forests, scenic resources, and habitat. The extension of Mildred Lane SE, a minor arterial, will run along the Urban Growth Boundary and provide a clear delineation between urban intensity residential development to the north and rural open space and resource uses to the south.

The proposal meets this criterion.

- (B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.**

**Finding:** The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

- (C) The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

**(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

**(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.**

**Finding:** The subject property is not currently designated for industrial, commercial, or employment use. Therefore, this criterion does not apply to the proposal.

**(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

The Assistant City Traffic Engineer concurs with the findings of the TIA and recommends the developer construct transportation system improvements identified in the TIA to mitigate their impacts and conform to the Transportation Planning Rule. In order to ensure that significant effects on the transportation system are mitigated, staff recommends the following condition of approval:

**Condition 1:** At the time of development, construct a traffic signal at the intersection of Liberty Road S and Davis Road S to City of Salem standards. The signal shall interconnect via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard S, and shall be designed to accommodate the east leg extension of Rainer Drive SE.

As conditioned, the proposal meets this criterion.

**(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support multifamily residential uses allowed on the subject property. The proposal satisfies this criterion.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment and Zone Change, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval.

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property approximately an approximately 10-acre portion of a lot that totals approximately 25.89 acres in size, zoned RA (Residential Agriculture), and located at 5991 Liberty Road SE (Marion County Assessor map and tax lot number: 083W16C00700):

- A. RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Developing Residential" to "Multi-Family Residential"; and
- B. APPROVE the zone change request for the subject property from RA (Residential Agriculture) to RM-2 (Multiple Family Residential) contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

**Condition 1:** At the time of development, construct a traffic signal at the intersection of Liberty Road S and Davis Road S to City of Salem standards. The signal shall interconnect via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard S, and shall be designed to accommodate the east leg extension of Rainer Drive SE.

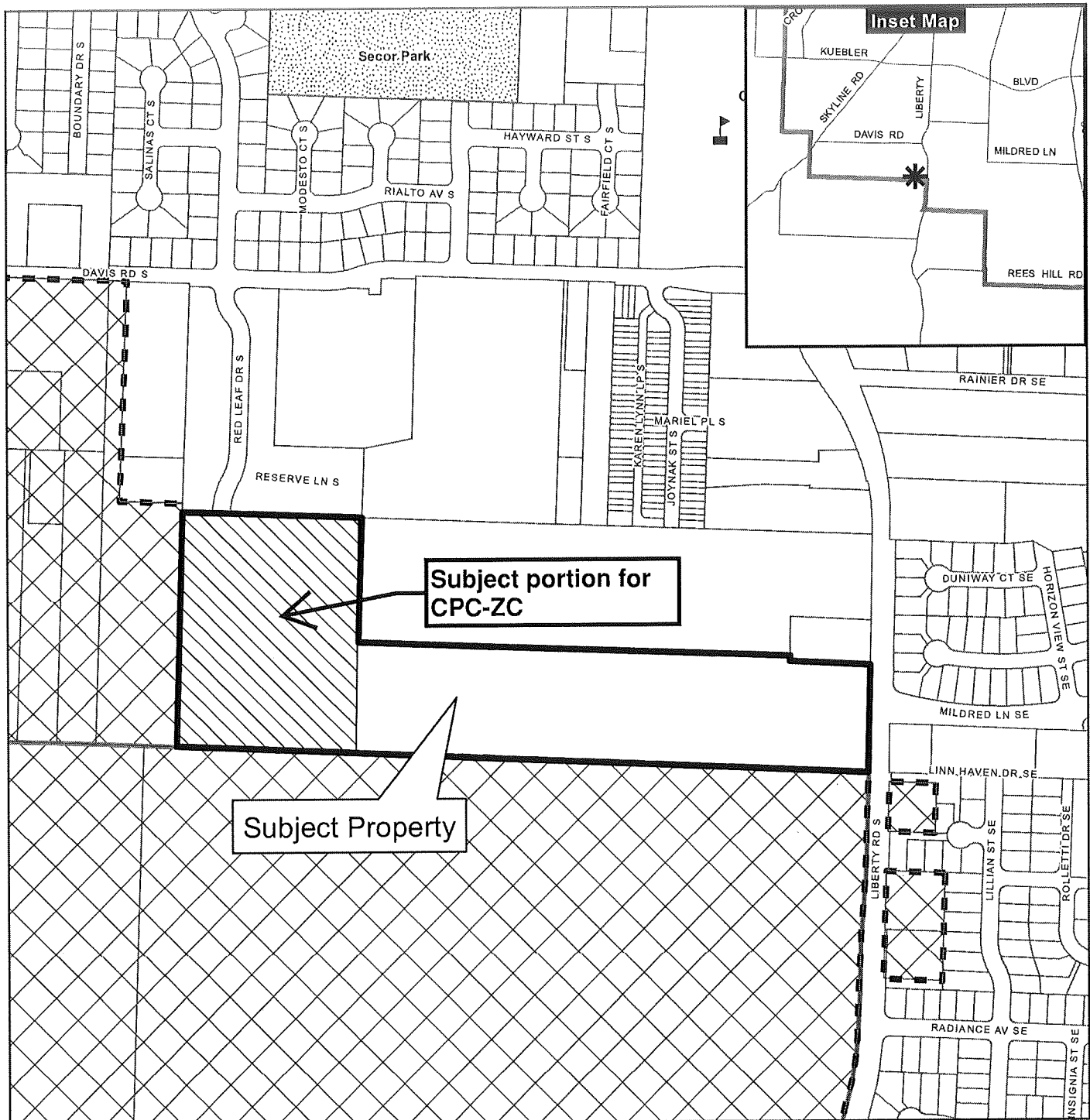


- Attachments:
- A. Vicinity Map
  - B. Vicinity Comprehensive Plan Map and Zoning
  - C. Site Plan
  - D. Applicant's Written Statement
  - E. Traffic Impact Analysis
  - F. Comments from Public Works Department on CPC-ZC16-11
  - G. Comments from Public Works Department on SUB06-20AMOD

Prepared by Christopher Green, AICP, Planner II 

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# Vicinity Map 5991 Liberty Road S



## Legend

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

0 100 200 400 Feet

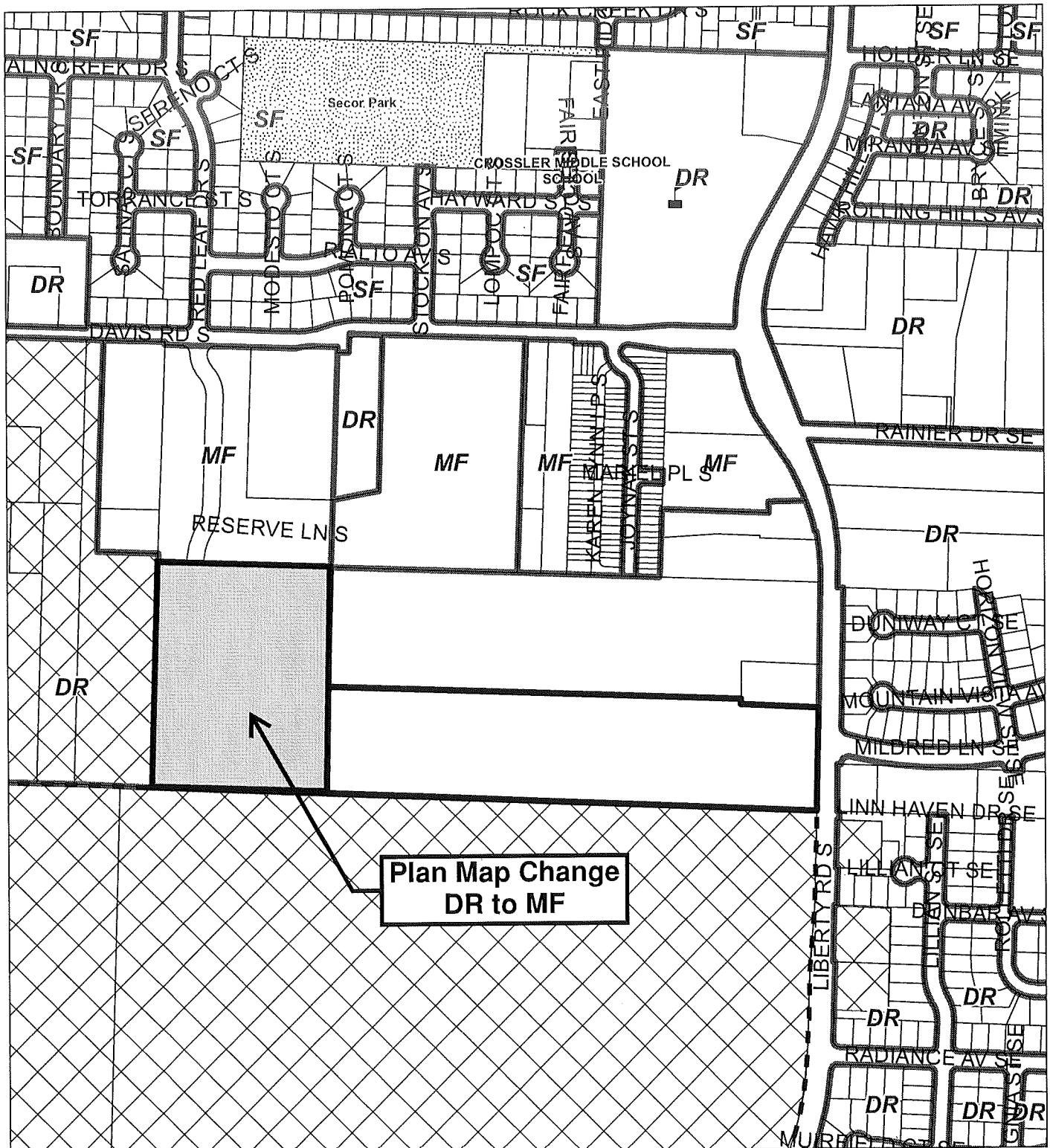


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Community Development Dept.

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# Comprehensive Plan Map - 5991 Liberty Road S



## Legend

- |                           |         |
|---------------------------|---------|
| Comprehensive Plan        | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

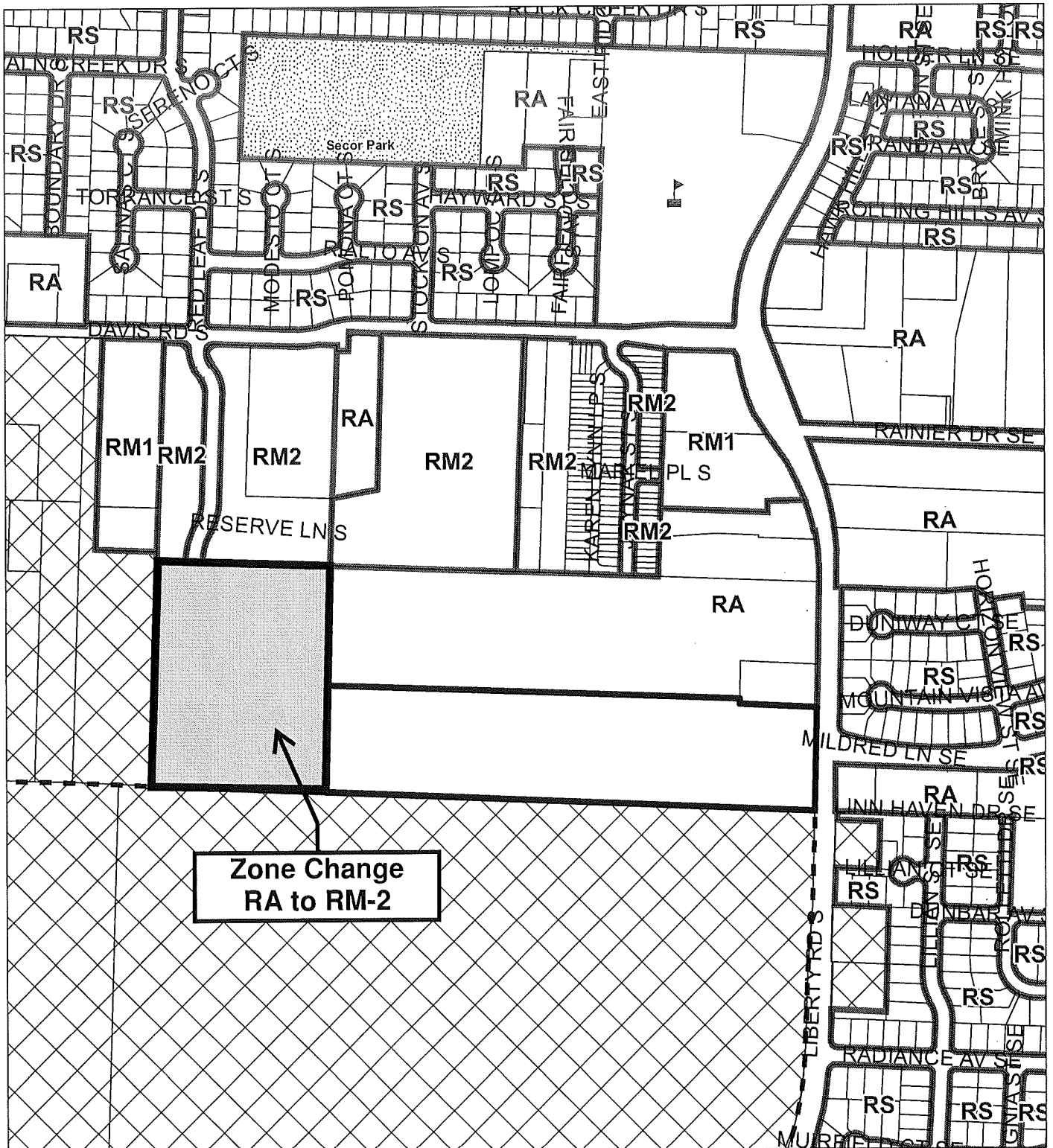
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# Vicinity Zoning - 5991 Liberty Road S



## Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

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# *Comprehensive Plan/Zone Change*

## BACKGROUND/PROPOSAL

The subject property is approximately 10 acres in size and located at 5991 Liberty Road South (083W16C/700). The subject property is zoned RA (Residential Agriculture). The subject property is designated as "Developing Residential" on the Salem Area Comprehensive Plan (SACP) Map. The subject property is the western portion of 5991 Liberty Road and is also known as Whispering Winds Phase 2.

On June 24, 2005, Urban Growth Area Permit-UGA05-12 was approved for the subject property, 083W16C/201 and 700.

In 2006, Tree Conservation Plan-TCP 06-37 was issued for the subject property (083W16C/201 and 700).

On March 22, 2007, Subdivision Case No. 06-20(Amended) was approved by the Subdivision Review Committee. See Attached.

On February 25, 2016, a pre-application conference (PRE-AP16-16) was held with City of Salem staff to discuss development of the subject property. It was determined by staff, that the applicant will be required to apply for a new Subdivision approval for dividing the subject property.

On April 26, 2016, the applicant submitted an application to Modify SUB06-20. The modification will create phase lines and will separate Whispering Winds Phase 1 (11 acres) from Whispering Winds Phase 2 through the platting process.

**Proposal:** The subject property is 10 acres (Whispering Winds Phase 2) in size. The applicant is proposing to rezone 10 acres (not including the Mildred Lane right-of-way) of the subject property from RA to RM2 and change the comprehensive plan designation from "Developing Residential" to "Multi-Family Residential".



## EXISTING SITE CONDITIONS

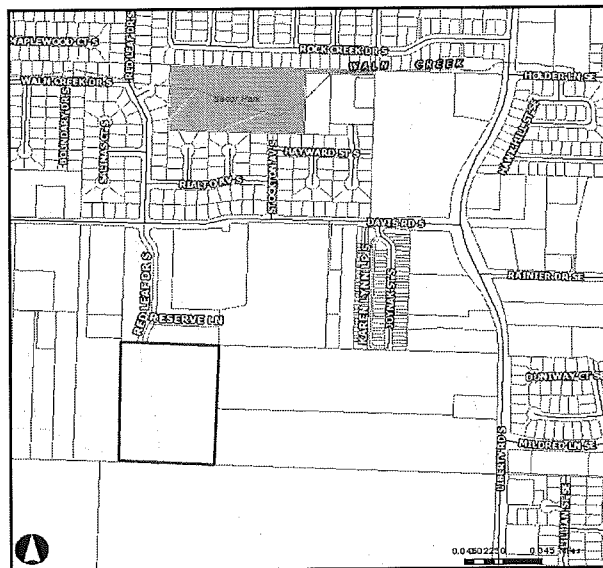
The property does not have street frontage. However, it will have access to Davis Road and Liberty Road through the properties to the north (Red Leaf Drive) and east (when developed).



### Vicinity Information:

The subject property is located south of Davis Road and west of Liberty Road. The vicinity map is shown above. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: RMII (Multi-Family Residential); proposed 123 unit apartment development  
East: RA (Residential Agriculture); Whispering Winds Subdivision Phase 1  
South: Marion County-Outside UGB  
West: Marion County-UT-10



## **Applicable Detail Plans:**

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function. Site Plan's have been provided showing the zoning of the site and the proposed zoning.

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the city's street system. The subject property has access to Davis Road to the north through Red Leaf Drive. Davis Road is designated as a 'collector' and Red Leaf Drive is a 'local' street in the Salem Transportation System Plan. Mildred Lane is required to extend through the southern portion of the site and through the property to the east. Mildred Lane will provide access to the site and is designated as a 'minor arterial' in the Salem Transportation System Plan. Connection through the site to adjacent properties to the east and north would be available at the time of development.

## **APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA**

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

### ***64.025(e)(2)(A)(ii): Equally or Better Suited Designation***

There is a lack of appropriately designated vacant RM2 sites within this vicinity. There is RM zoned property located along Davis Road and Skyline Road. These sites are either developed or not large enough. This site gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned RMII and vacant, and there is none in the necessary proximity. The only appropriately designated property within the necessary proximity to the existing site to the north that is currently under review for a multi-family development.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the properties to the north and east for existing and future development.

In conclusion, there are no sites for the proposed use located along Davis Road, Skyline Road, or Liberty Road that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. The

development will be located off of any right-of-way and will be screened by proposed or future developments. Therefore, this use is better suited for the site because of the location and the minimal visual impacts on the area.

Therefore, the proposal satisfies this criterion has been met.

**64.025(e)(2)(B): Services**

The City provided information at the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

**64.025(e)(2)(C): Urbanization**

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

**64.025(e)(2)(D): Comprehensive Plan/Applicable Goals**

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

**Goal 1 – Citizen Involvement:**

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and

participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the partitioning, zone change, site plan review, and design review applications. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are no mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Liberty Road and Davis Road. Liberty Road (east) is designated as a major arterial in the Salem Transportation System Plan (STSP). Davis Road (north) is designated as a collector in the Salem Transportation System Plan (STSP). Red Leaf (north) is designated as a local street in the Salem Transportation System Plan (STSP), and Mildred Lane (south) is designated as a minor arterial in the Salem Transportation System Plan (STSP). The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. The TIA identifies the traffic needs for the site and mitigation measures.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant

impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs:

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Crossler Middle School is located about two blocks to the northeast of the site. The middle school is located on the northeast corner of Davis Road and Liberty Road. Secor Park is located to the north of the subject property. These two sites provide adequate parks and recreation within the area. However, at the time of development, the multi-family development on the site will have common open space and private open space for the residents. Therefore, the proposal complies with this Goal.

Goal 9-Economic Development:

The proposed zone changed will have a positive impact on the economy of the City of Salem. The rezone will allow the property to be developed, which will create employment along with a housing type that is a less expensive option for families.

Goal 10 – Housing:

In 1998 and 2000, in order to meet State Wide Planning Goal 10 (Housing), properties to the east, along Davis Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

The subject property is 10 acres (Whispering Winds Phase 2) in size. The applicant is proposing to rezone 10 acres (not including the Mildred Lane right-of-way) of the subject property from RA to RM2 and change the comprehensive plan designation from "Developing Residential" to "Multi-Family Residential". According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential." The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem's Housing Needs Analysis dated December 2014:

***"Redesignate or rezone land to Multi-Family. Salem's biggest opportunity to address the deficit of Multi-Family land will be through redesignating land from SF (or possibly DR) to MF. There may be opportunities to upzone existing residential land to increase capacity, such as from RM1 to RM2. "***

The applicant's proposal helps the City redesignate land while helping meet the housing needs.

The development will also be located in an area in close proximity to existing and proposed services. Crossler Middle School is located about two blocks to the northeast of the site. The middle school is located on the northeast corner of Davis Road and Liberty Road. Secor Park is

located about ½ a mile to the north of the subject property. Commercial Services are currently available to the north along Liberty Road.

The existing neighborhood consists of single family housing and some multi-family housing on Davis Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards and provide bufferyards along property lines.

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing streets via Red Leaf Drive to the north. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

### Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Liberty Road and south of Davis Road. The major streets are in place due to previous developments. The applicant will have direct access to Davis Road via Red leaf Drive when the property to the north develops. The subject property will have the potential to provide street connections to properties to the east and south for existing and future development.

A TPR analysis dated July 6, 2016, has been submitted with the application.

### **64.025(e)(2)(E): Public Interest**

The public is benefitted by creating a well-located parcel of multi-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in reasonable and a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed change benefits the public.

### **ZONE CHANGE CRITERIA SRC CHAPTER 265**

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RMII zone will implement the requested "Multi-Family Residential" SACP map designation.

### **ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):**

*(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:*

*(A) The zone change is justified based on the existence of one or more of the following:*

- (i) A mistake in the application of a land use designation to the property;*
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or*
- (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.*



Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the north are zoned and/or developed as multi-family residential. The proposed apartments will be compatible with the existing uses.

As stated in the TPR Analysis dated July 6, 2016, "The proposed zone change will allow the 190 apartments in Whispering Winds to develop and generate the estimated 1,263 trips per day well below the estimated potential of 1733 trips allowed in the RA zone." Therefore, proposed zone change will be better suited for the site since.

Therefore, in conclusion, due to compatibility with the surrounding uses and the minimal traffic impacts, the RMII zone will be better suited for the site then the existing RA zone.

A TPR Analysis dated July 6, 2016, has been submitted with the application. This criteria has been met.

**(B) City-initiated zone change.**

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

**(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.**

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Developing Residential" to 'Multi-Family Residential'.

The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family uses.

**Residential Development Goal**

The SACP states that one of the intents of the Residential Development goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

**Residential Development Policies**

Establishing Residential Uses: The applicant's proposal is to rezone 10 acres of the property from RA and RMII to allow a higher density to be built on the site. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Liberty Road and south of Davis Road. The major streets are in place due to previous development. Street extensions to properties to the east and south can be provided for existing and future development.

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized

urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located outside the Urban Service Area. However, the subject property received UGA approval through UGA preliminary declaration Case No. 05-12. The subject property is subject to the requirements of UGA 05-12.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: The subject property is currently vacant. In order to provide a mixture of housing in the area, the applicant is requesting a zone change. All the properties along Liberty Road are zoned for single family development and properties along Davis Road are zoned for multi-family and single family development. The comprehensive plan encourages a mixture of housing types within a neighborhood.

The comprehensive plan designation for the site is "Developing Residential". The rezoning of the site to RMII will be consistent with properties that were rezoned as part of the SMFLS study located on Davis Road, and will also be consistent with State Wide Planning Goal 10, and current housing needs in the area.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and all transportation to be developed with a higher density of housing that is needed in this area.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. Crossler Middle School is located about two blocks to the northeast of the site. The middle school is located on the northeast corner of Davis Road and Liberty Road. Secor Park is located about ½ a mile to the north of the subject property. These two sites provide adequate parks and recreation within the area. Commercial uses are located to the north of the site along Liberty Road S.

The existing neighborhood consists of single family housing and some multi-family dwellings on Davis Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Circulation System and Through Traffic: The subject property is located west of Liberty Road and south of Davis Road. Mildred Lane will run along the south property line of the subject property. The proposed development will have direct access to Davis Road via Red Leaf Drive located to the north. The development will have access to Liberty Road once the property to the east is developed. Street extensions to properties to the east and south will be provided for existing and future development. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and some multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem.

Requests for Rezoning: The subject property is designated for Residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 514 and 702. As required by code, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 140 to 280 needed multi-family units within the area. This development will be in a location with accessible to the commercial developments on Liberty Road and Commercial Street to the north. Therefore, meeting the guidelines of providing housing within in areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

#### **Salem-Keizer Housing Needs Analysis:**

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

*(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

Applicant Response to (D): All Planning Goals have been addressed above. See findings under **64.025(e)(2)(D)**.

*(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.*

Applicant Response to (E): The applicant is proposing to change the zone from RA to RMII. The subject property is currently zoned residential.

Therefore, this criteria is not applicable.

*(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be Adequately addressed through the measures associated with, or conditions imposed on, the zone change.*

Applicant Response to (F): The current zoning of the property is RA. The applicant is proposing to change the zone to RMII, so the site can be developed at a higher density.

A TPR Analysis (See Attached Memo dated July 6, 2016) prepared by the applicant's traffic engineer indicates that, "In the future the site could be developed with other uses allowed in the RM-II zone. The City may want to consider placing a cap on the trips future development of the site could generate to 1820 trips/day. This is 5% more than the 1733 trips found in this study that could be generated with permitted uses in the RA zone. It will limit future development to uses that will not have a "significant" impact to the transportation system and would comply with the TPR. The proposed zone change will

allow the 190 apartments in Whispering Winds to develop and generate the estimated 1,263 trips per day well below the estimated potential of 1733 trips allowed in the RA zone."

Therefore, the proposed zone change will not affect the existing transportation facilities, and a proposed trip cap will help to minimize any impacts on traffic in the area.

This criterion has been met.

**(G)** The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RMII zone.

Therefore, this criteria has been met.

### **CONCLUSION**

We believe that requested Comprehensive Land Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the "Multi-Family Residential" land use designations and corresponding RMII (Multi-Family Residential) zoning designation are appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.



# **Revised Traffic Impact Analysis Whispering Winds Apartments**

Salem, Oregon

August 29, 2016

completed with  
MultiTech Engineering Services, Inc  
Salem, Oregon

Prepared by:  
Associated Transportation Engineering & Planning, Inc.  
Salem, Oregon  
August 29, 2016



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## Appendices

Turning Movement Counts

ODOT Crash Data

Computer Modeling on enclosed CD

## Traffic Impact Analysis Whispering Winds Apartments Salem, Oregon



### Introduction:

Whispering Winds, LLC. intends to develop 200 apartment units on a portion of tax lot 700 of tax map 8S 3W Sec 16C in Salem, Oregon. The site is south of the southern end of Red Leaf Drive, south of Davis Rd and west of Liberty Road. The intent of this analysis is to provide traffic analysis for the proposed zone change from RA to RM-II and a traffic impact analysis for the proposed Whispering Winds Apartments. The site will be developed with access to Davis Rd. Residents of the Whispering Winds Apartments will use the City of Salem transportation system and add traffic to the roadways. This analysis will consider the traffic impacts at the intersection of Davis Rd at Liberty Road. Crash data was provided by the ODOT Crash Data Unit for the most recent 5 years. Turning movement counts were completed by Quality Counts on June 9, 2016 while Crossler Middle School was in session.



**Figure 1 - Aerial View of the Site**

### Summary of Findings:

Whispering Winds Apartments will generate an estimated 102 trips in the AM Peak hour and 124 trips in the PM Peak hour. Davis Rd is a Collector and Liberty Rd is a major arterial in the City of Salem TSP. They carry large volumes of traffic and are impacted by the Crossler Middle School in the NW quadrant of the intersection. Traffic from the planned apartments will affect the performance metrics at the Liberty at Davis intersection. Traffic signal warrants are currently met and will continue to be met after the proposed apartments are built. Changing the zoning from RA (RS) to RM will change the v/c ratio in the AM Peak hour in 2035 from 4.204 to 4.422 which is not a significant difference, but does require signalization of the intersection. With the signalization of the intersection the v/c will drop to 0.603 with the apartments in the AM Peak hour.

Intersection sight distance at the intersection is adequate. There have been 5 crashes reported to the ODOT Crash Data Unit in the past 5 years at the intersection. There were no fatal crashes. There do not appear to be unusual safety issues at the intersection of Liberty Rd. at Davis Rd.



## History and Existing Conditions:

The site is a vacant. This area of the City has been growing with residential communities. Many of the children from the neighborhood attend Crossler Middle School and adults commute to jobs in Salem. The intersection of Davis Rd at Liberty Rd is a 3-legged intersection with the eastbound approach of Davis Rd controlled with a stop sign. The intersection is near capacity for TWSC and meets warrants for signalization.

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	0.726	43.2	E

Existing AM Peak Hour Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	0.205	18.4	C

Existing PM Peak Hour Summary

**Figure 2 - Existing Traffic Conditions**

## Traffic Conditions when Whispering Winds Apartments are Complete:

The site will be developed with 200 apartment units. Whispering Winds Apartments will add 102 trips to the AM Peak hour traffic and 124 trips to the PM Peak hour traffic. This study will assume that 60% of the traffic will travel to and from the north of the site on Liberty Rd, 20% of will travel south of the Liberty Rd. at Davis Rd intersection and 20% to travel to and from the west of the site on Davis Rd. The study assumes that traffic volumes will increase linearly 4% per year to find 2017 and 2035 performance metrics. Factors will also be used to adjust the Peak hour traffic and the impact of heavy vehicles on traffic.

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	0.961	85.4	F

2017 AM Peak Hour Summary with Whispering Winds Apartments

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	0.289	21.5	C

2017 PM Peak Hour Summary with Whispering Winds Apartments

**Figure 3 – 2017 Traffic Conditions with Whispering Winds Apartments**

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Signalized	HCM 2010	EB Left	0.368	11.4	B

2017 AM Peak Hour Signalized Summary with Whispering Winds Apartments

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Signalized	HCM 2010	EB Right	0.227	6.8	A

2017 PM Peak Hour Signalized Summary with Whispering Winds Apartments

**Figure 4 – 2017 Mitigated (Signalized) Traffic Conditions with Whispering Winds Apartments**

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	4.204	1,532.4	F

2035 AM Peak Hour Unsignalized with Homes and Library

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	1.338	265.6	F

2035 PM Peak Hour Unsignalized with Homes and Library

**Figure 5 – 2035 Unmitigated Traffic Conditions with Homes and Library**

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	4.422	1,630.9	F

2035 AM Peak Hour Unsignalized with Whispering Winds Apartments

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Two-way stop	HCM 2010	EB Left	1.113	182.9	F

2035 PM Peak Hour Unsignalized with Whispering Winds Apartments

**Figure 6 – 2035 Unmitigated Traffic Conditions with Whispering Winds Apartments**

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Signalized	HCM 2010	EB Left	0.603	15.6	B

2035 AM Peak Hour Signalized with Whispering Winds Apartments

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Liberty Rd at Davis Rd	Signalized	HCM 2010	EB Right	0.375	8.4	A

2035 PM Peak Hour Signalized with Whispering Winds Apartments

### Figure 7 – 2035 Mitigated (Signalized) Traffic Conditions with Whispering Winds Apartments

The intersection of Liberty Rd. at Davis Rd. will need to be signalized to carry anticipated traffic when any development of the site is completed.

### Crash Data:

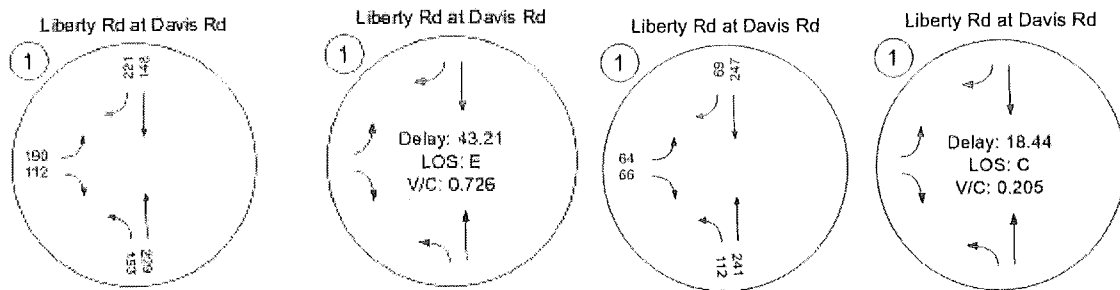
The ODOT Crash Data Unit provided information about reported crashes at the shown intersections for the past 5 years. The crash rates do not seem unexpectedly high or of significant concern.

Intersection	Fatal	Injury	Property Damage	Total Crashes
Davis Rd. at Liberty Rd	0	2	3	5

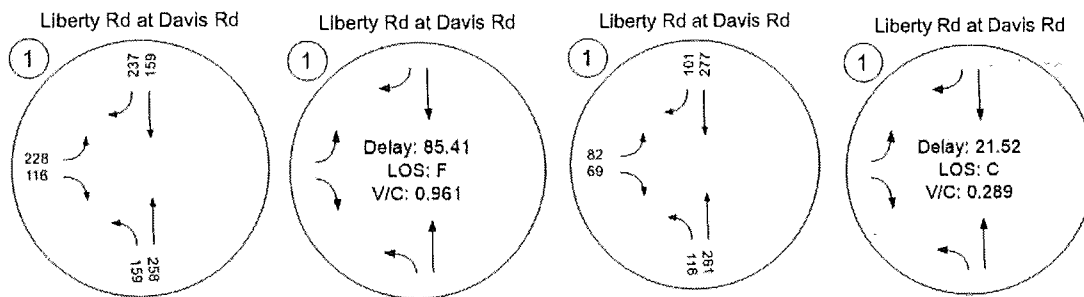
Figure 8 – Reported Crashes at Davis Rd at Liberty Rd in 2010-2014

### Summary:

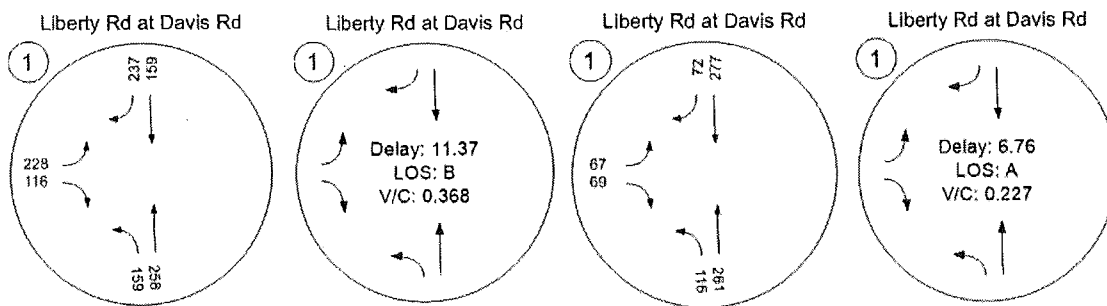
The requested zone change and eventual development of the planned Whispering Winds Apartments in Salem will add traffic to the transportation system. Davis Rd. and Liberty Rd. are major streets in the City of Salem TSP and carry large volumes of traffic. The intersection of Liberty Rd at Davis Rd is TWSC, meets traffic signal warrants and could serve the community better if signalized. If the site were developed with single family homes the v/c ratio would be 4.204 in the morning and 4.422 with apartments. With the signalization of Davis Rd at Liberty Rd, the morning v/c ratio with the apartments would be 0.603, well within accepted norms. Crash data does not indicate significant safety problems at the studied intersections.



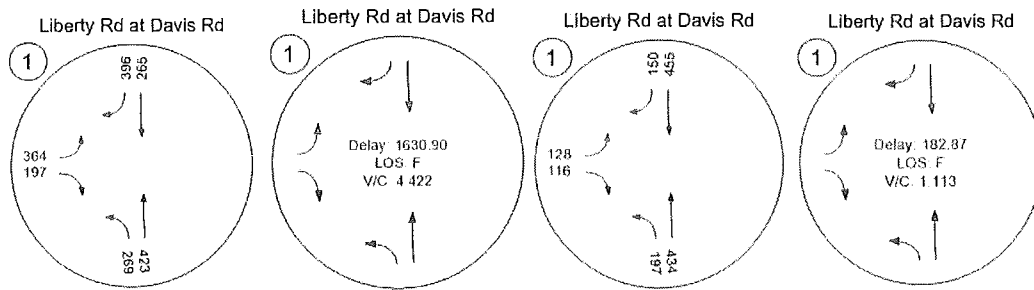
**Figure 8 - Existing AM and PM Peak hour Counts and Metrics**



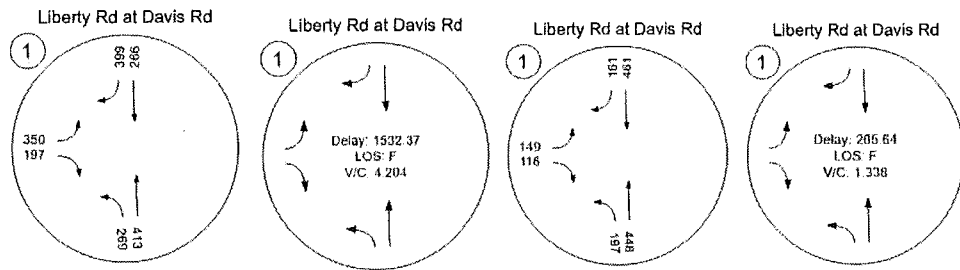
**Figure 9 - 2017 AM & PM Peak hour Counts and Metrics with Whispering Winds Apartments**



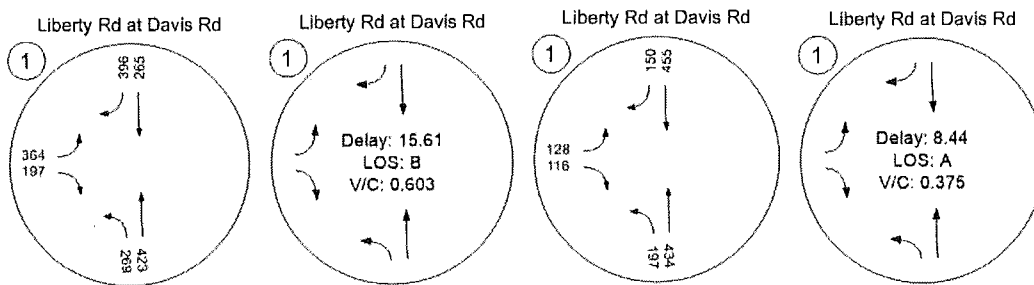
**Figure 10 - 2017 AM & PM Mitigated Peak hour Counts and Metrics with Whispering Winds Apts**



**Figure 11 - 2035 AM & PM Peak hour Counts and Metrics with Whispering Winds Apts**



**Figure 12 - 2035 AM & PM Peak hour Counts and Metrics with homes and a Library**



**Figure 13 - 2035 AM & PM Signalized Peak hour Counts and Metrics with Whispering Winds Apts**



## MEMO

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

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** September 19, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC16-11 (16-113058)  
5991 LIBERTY ROAD S  
CPC/ZC FROM RA TO RM-2

*Glenn J. Davis*

RECEIVED  
SEP 19 2016  
COMMUNITY DEVELOPMENT

**PROPOSAL**

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from "Developing Residential" to "Multi-Family Residential" and change the zoning from Residential Agriculture to Multiple Family Residential. The subject property is an approximately 10-acre portion of a lot that totals approximately 25.89 acres in size, zoned Residential Agriculture, and located at 5991 Liberty Road SE (Marion County Assessor map and tax lot number: 083W16C00700).

**RECOMMENDED CONDITIONS:**

1. At the time of development, construct a traffic signal at the intersection of Liberty Road S and Davis Road S to City of Salem Standards. The signal shall interconnect via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard S, and shall be designed to accommodate the east leg extension of Rainier Drive SE.

**FACTS**

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by

OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TRP analysis findings and recommends that a traffic signal is installed at the intersection of Liberty Road SE and Davis Road SE as a condition of development on the subject property.

### **CRITERIA AND FINDINGS**

**SRC 265.005(e)(1)(F)**—The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

**Finding**—The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will have a significant effect on the transportation system as defined by OAR 660-012-0060 and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

**SRC 265.005(e)(1)(G)**—The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

**Finding**—The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development as specified in the Preliminary Declaration for UGA Permits. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Nathan Coapstick, Project Coordinator  
cc: File



## MEMO

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

**FROM:** Lyle J. Misbach, PE, CFM, Assistant Chief Development Engineer  
Public Works Department

**DATE:** June 29, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION PLAT NO. 06-20 AMENDMENT (16-108425-LD)  
5991 LIBERTY ROAD S  
SUBDIVISION MODIFICATION

**PROPOSAL**

Modification of the approval of tentative subdivision plan SUB06-20A (Whispering Winds subdivision).

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. The requirements for Phase 1 are described below:

- a. *UGA Condition B1*—Along the entire frontage of Liberty Road S, convey land for dedication of right-of-way to equal a half-width of 48 feet on the development side of the centerline.
- b. *UGA Condition B2*—Along the entire frontage of Liberty Road S, construct up to a 34-foot half-width improvement on the development side of the centerline. As determined by the Public Works Director, some or all of the improvement width may be reduced to an interim standard less than the major arterial standard.
- c. *UGA Condition B4*—For Mildred Lane within the boundary of Phase 1, convey land for dedication of a 72-foot-wide right-of-way and construct a 46-foot-wide minor arterial street improvement.
- d. *UGA Condition C1*—Construct Skyline #2 S-3 reservoir or, pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per single family lot to be collected at the time of building permit issuance.



- e. *UGA Condition D1*—Prior to final plat approval, pay the Wallace Ridge Reimbursement District fee for all lots within the watershed that discharges stormwater to the east toward Liberty Road S.
- f. Construct internal streets to local street standards.
- g. Construct stormwater facilities in accordance with the Public Works Design Standards in effect at the time of the original subdivision application in July 2006.
- h. Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- i. The S-3 water main within the subdivision shall be constructed along Mildred Lane S, Eagle Dance Street S, and Big Mountain Avenue S, rather than across Lot 29.
- j. Provide a secondary emergency access to Davis Road S as specified by the Fire Marshal.

2. The requirements for Phase 2 are described below:

- a. *UGA Condition B4*—For Mildred Lane S within the boundary of Phase 2, convey land for dedication of a 72-foot-wide right-of-way and construct a 46-foot-wide minor arterial street improvement.
- b. *UGA Condition B5*—For Red Leaf Drive S within the boundary of Phase 2, convey land for dedication of a 60-foot-wide right-of-way. Construct a minimum 34-foot-wide collector street improvement from Davis Road S to Mildred Lane S.
- c. *UGA Condition C1*—Construct Skyline #2 S-3 reservoir or, pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per single family lot to be collected at the time of building permit issuance. The applicant shall also complete the water improvements in Red Leaf Drive S from Davis Road S to the north line of the subject property.
- d. *UGA Condition C2*—Connect to the existing S-4 water system located west of the subject property. This connection may require acquisition of easements or rights-of-way through neighboring properties.
- e. *UGA Condition D1* – Prior to final plat approval, pay the Wallace Ridge Reimbursement District fee for all lots within the watershed that discharges stormwater to the east toward Liberty Road S. The applicant

shall also complete the stormwater improvements in Red Leaf Drive S from Davis Road S to the north line of the subject property.

- f. *UGA Condition E1: Sewer*—Complete the sewer improvements in Red Leaf Drive S from Davis Road S to the north line of the subject property.
- g. Construct internal streets to local street standards.
- h. Construct stormwater facilities in accordance with the Public Works Design Standards in effect at the time of the original subdivision application in July 2006.
- i. Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

## **FACTS**

### **1. Liberty Road S**

- a. Existing Conditions—Liberty Road S has an approximate 22-foot improvement within a 60-foot-wide right-of-way.
- b. Standard - This street is designated as a *major arterial* street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

### **2. Mildred Avenue S**

- a. Existing Conditions—Mildred Lane S is an under improved boundary street identified in the Salem TSP as an east/west arterial street within the subject property.
- b. Standard—Mildred Lane S is designated as a *minor arterial* street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

### **3. Red Leaf Drive S**

- a. Existing Condition—Red Leaf Drive S is an under-improved boundary street identified in the Salem TSP as a north/south collector street within the subject property.
- b. Standard—This street is designated as a *collector* street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

## **Storm Drainage**

### **1. Existing Conditions**

- a. Existing storm mains are located in Liberty Road S.
- b. The subject property is within the Battle Creek Basin as delineated in the *Stormwater Master Plan*.
- c. Jory Creek and a small intermittent tributary handle the flows to the south, with Waln Creek handling the flows to the north.
- d. At the intersection of Davis Road S and Red Leaf Drive S, an 18-inch public storm drain line was extended across Davis Road S to the south right-of-way line.

## **Water**

### **1. Existing Conditions**

- a. *Salem Water System Master Plan* identifies this development to be within two water service levels – the S-3 and S-4. There are no public water facilities in Liberty Road S adjacent to the subject property.
  - b. An existing 12-inch, S-3 public water line is located in Davis Road S. An existing 12-inch, S-3 public water line is located in Liberty Road S.
2. The S-3 water main within the subdivision shall be constructed along Mildred Lane S, Eagle Dance Street S, and Big Mountain Avenue S, rather than across Lot 29.

## **Sanitary Sewer**

### **1. Existing Sewer**

- a. An 8-inch sewer line is located in Davis Road S.
- b. An 8-inch sewer line is located in Liberty Road S.

## **CRITERIA AND FINDINGS**

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

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

**Finding**—The proposed modification divides the proposed development into two phases and makes minor modifications to the internal street alignment in order to better accommodate for ADA accessibility. The modification is in substantial conformance with the original approval conditions.

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

**Finding**—The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

#### **Phasing of Preliminary Declaration**

The conditions of approval from preliminary declaration 05-12 will be implemented in phases. The basis for phasing is as follows:

*UGA Condition A1: Liberty Road Linking Street*—The linking street improvement was completed by a neighboring development project. No further improvements are needed to satisfy this condition.

*UGA Condition B1: Liberty Road Boundary Right-of-way*—This condition abuts phase 1 of the development and is required as a condition of final plat approval for phase 1.

*UGA Condition B2: Liberty Road Boundary Street*—This condition abuts phase 1 of the development and is required as a condition of final plat approval for phase 1. The Liberty Road improvement width will be determined during construction plan review based on the width needed accommodate all necessary travel lanes as determined by the Public Works Director. A taper is warranted south of Mildred Lane S because the south of line of the subject property is the Urban Growth Boundary and transitions to a rural street section.

*UGA Condition B3: Davis Road Boundary Street*—This condition is located outside the boundary of the proposed modification and is being constructed in conjunction with the multi-family development project. No improvements are warranted in conjunction with this proposed modification.

*UGA Condition B4: Mildred Lane*—Mildred Lane S can be constructed in phases within the proposed development. The portion of the street located within phase 1 can be constructed in conjunction with phase 1, and the portion of the street located within phase 2 can be constructed in conjunction with phase 2.

*UGA Condition B5: Red Leaf Drive*—Red Leaf Drive S can be constructed in phases

within the proposed development. Any portion of the street located within phase 1 can be constructed in conjunction with phase 1, and the portion of the street located within phase 2 can be constructed in conjunction with phase 2. However, the portion of Red Leaf Drive S between Davis Road S and the north line of the proposed development must be completed in order to provide access to the property from the north.

*UGA Condition C1: S-3 Water System*—As a condition of either phase, the applicant shall construct Skyline #2 S-3 reservoir or, pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per single family lot to be collected at the time of building permit issuance.

*UGA Condition C2: S-4 Water System*—An S-4 water system was constructed within the Bella Cresta Subdivision of the subject property. Because phase 2 is located in the S-4 water system, the applicant shall connect to the existing S-4 water system located west of the subject property as a condition of phase 2. This connection may require acquisition of easements or rights-of-way through neighboring properties.

*UGA Condition D1: Stormwater*—A neighboring development constructed stormwater improvements along Liberty Road S and obtained approval the Wallace Ridge Reimbursement District. Prior to final plat approval of either phase, the applicant shall pay the Wallace Ridge Reimbursement District fee for all lots within that phase that discharge stormwater to the east toward Liberty Road S.

*UGA Condition E1: Sewer*—Sewer facilities are available in Davis Road S and Liberty Road S. The applicant shall complete the sewer improvements in Red Leaf Drive S from Davis Road S to the north line of the subject property.

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