

## NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION / URBAN GROWTH PRELIMINARY DECLARATION**  
**CASE NO.: SUB-UGA18-01**

**APPLICATION NO. : 18-109924-LD & 18-113999-LD**

**NOTICE OF DECISION DATE: August 29, 2018**

**REQUEST:** A tentative subdivision plan and Urban Growth Preliminary Declaration to divide approximately 4.82 acres into 20 lots ranging in size from 5,711 square feet to 11,466 square feet.

The subject property is approximately 4.82 acres in size, zoned RA (Residential Agriculture) within the Airport Overlay Zone, and located at 1395 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W11CC / 02900 and 083W11CC / 03000).

**APPLICANT:** Boylan Construction, Inc.

**OWNER:** Marion Putman & Louise Putman

**LOCATION:** 1395 Boone Road Se / 97306

**CRITERIA:** Subdivision: SRC 205.010(d)  
Urban Growth Preliminary Declaration: SRC 200.025(d) and (e)

**FINDINGS:** The findings are in the attached Order dated August 29, 2018.

**DECISION:** The Planning Administrator **DENIED** the tentative Subdivision and **APPROVED** the Urban Growth Preliminary Declaration Case No. SUB-UGA18-01 subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of the Urban Growth Preliminary Declaration approval:

**Urban Growth Preliminary Declaration:**

1. As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
  - a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
  - b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).

The rights granted by the attached decision must be exercised, or an extension granted, by **September 14, 2020** or this approval shall be null and void.

Application Deemed Complete:	<u>July 18, 2018</u>
Notice of Decision Mailing Date:	<u>August 29, 2018</u>
Decision Effective Date:	<u>September 14, 2018</u>
State Mandate Date:	<u>November 15, 2018</u>

Case Manager: Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)

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., Thursday, September 13, 2018**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 200 & 205. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(CASE NO. SUB-UGA18-01)**

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

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>TENTATIVE APPROVAL OF</b>	)	
<b>CONSOLIDATED SUBDIVISION PLAT</b>	)	
<b>AND URBAN GROWTH PRELIMINARY</b>	)	
<b>DECLARATION NO. 18-01;</b>	)	
<b>1395 BOONE ROAD SE</b>	)	<b>AUGUST 29, 2018</b>

**REQUEST**

A tentative subdivision plan and Urban Growth Preliminary Declaration to divide approximately 4.82 acres into 20 lots ranging in size from 5,711 square feet to 11,466 square feet.

The subject property is approximately 4.82 acres in size, zoned RA (Residential Agriculture), within the Airport Overlay Zone, and located at 1395 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W11CC / 02900 and 083W11CC / 03000).

**DECISION**

The tentative subdivision plan is **DENIED** and Urban Growth Preliminary Declaration is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of the Urban Growth Preliminary Declaration approval:

**Urban Growth Preliminary Declaration:**

1. As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
  - a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
  - b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).

**PROCEDURAL FINDINGS**

1. On May 7, 2018, Brandie Dalton of Multi-Tech Engineering, on behalf of Boylan Construction, filed an application for a Tentative Subdivision Plan proposing to divide a 4.82 acre property at 1395 Boone Road SE (Attachment B) into 20 lots.

2. After the applicant submitted additional required information, the application was deemed complete for processing on July 18, 2018. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on July 19, 2018.
3. The state-mandated local decision deadline is November 15, 2018.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The tentative plan proposes to divide the property into 20 lots, with 19 lots for new residential development and Lot 9 containing the existing residence on a larger lot, approximately 11,466 square feet in size (Attachment B). The remaining lots range in size from approximately 5,711 square feet to 10,188 square feet. All 20 lots, with the exception of lot 19 is proposed to take access directly from public streets. Lot 19 appears to require an easement across Lot 8 to gain access to the existing garage.

The applicant has not proposed any specific phasing for the subdivision or residential development.

### **2. Existing Conditions**

#### Site and Vicinity

The subject property consists of two adjoining tax lots (Tax Lots 2900 and 3000), which slope downward to the east. The topography of the subject property ranges from 422 feet above sea level to 406 feet above sea level. Environmental resource and natural hazard maps show no areas of wetlands or floodplains on the subject property.

The Cambridge Meadows Phase V subdivision forms the northeast boundary of the subject property, an undeveloped residential parcel forms the southeast boundary, a partially developed residential care facility bounds the western boundary, and an undeveloped residential property to the north and Boone Road SE forms the southern boundary of the site.

The existing single family dwelling was constructed in 1952, and a detached garage was added in 1971, according to county assessor information. The tentative subdivision plan shows that there is an attached garage and an outbuilding on the property. The outbuilding on the tentative site plan does not meet setbacks to the future street and the applicant has not shown how the dwelling will provide required off-street parking pursuant to SRC Chapter 806.

The property is within the "Horizontal Surface" section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

### Salem Area Comprehensive Plan (SACP) Designation

*Urban Growth Policies:* The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential

South: (Across Boone Road SE) Single Family Residential

East: Single Family Residential

West: Multi-Family Residential

### Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is occupied by a single family residence. The surrounding properties are zoned and used as follows:

North: RS (Residential Agriculture); vacant

South: (Across Boone Road SE) RS (Single Family Residential); single family dwellings

East: RS (Single Family Residential); vacant

West: RM-II (Multiple Family Residential); Retirement Center

### Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. The applicant has applied for an Urban Growth Preliminary Declaration Permit, findings can be found below in Section 8.

### Infrastructure

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

An existing 20-inch public water line is located in Boone Road SE. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.

An 8-inch water main is located in Brewster Avenue SE. Mains of this size generally convey flows of 500 to 1,000 gallons per minute.

- Sewer:** An existing 8-inch public sewer line is located within a city easement running east to west through the subject property.
- An 8-inch sewer line is located in Boone Road SE.
- A reimbursement district fee for the Micah Subdivision is applicable for properties that connect to the sewer main in Boone Road SE. The applicant's tentative utility plan does not show connection to the Boone Road Sewer.
- Storm Drainage:** A 15-inch storm line is located within a city easement running east to west through the subject property.
- The subject property is within the Pringle Creek Drainage Basin.
- Streets:** Boone Road SE currently abuts the subject property along the southern boundary. This segment of Boone Road SE is designated as a Local street in the Salem Transportation System Plan (TSP).
- The standard for this street classification is a 30-foot improvement within a 60-foot right-of-way.
  - The abutting portion of Boone Road SE currently has an approximate 20-foot-wide improvement within a 40-foot-wide right-of-way.

### 3. Land Use History

**CPC01-07:** Comprehensive Plan Designation from Multi-Family to Single Family Residential.

### 4. Public and Private Agency Review

**Public Works Department** - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment D.

**Fire Department** - The Salem Fire Department submitted comments indicating no concerns at this time, but that fire code requirements will be implemented at the time of building permit review. The Fire Department comments also note that fire department access and water supply is required.

### 5. Neighborhood Association Comments

The subject property is within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC

300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” No comments were received from the Morningside Neighborhood Association prior to the comment deadline.

## **6. Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Two property owners in the vicinity of the site submitted comments prior to the comment deadline, which are summarized below:

### **Impede future development or use of adjacent land:**

Comments were received concerning external access to undeveloped properties. Additional comments were received about the dangerous conditions of Boone Road SE, and lack of sidewalks which endangers pedestrians.

**Staff Response:** The proposed alignment of streets within the subdivision does not result in any street spacing in excess of the maximum lengths. The tentative subdivision is required to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The northern 300-feet of the eastern property line abuts a platted residential subdivision and the southern 350-feet of the eastern property line abuts an undeveloped property zoned residential. The western property line abuts a multifamily development, to the north is a vacant residentially zone land and Boone Road SE abuts the southern property line. The proposed subdivision plan provides internal street connectivity by extending Brewster Avenue SE from the existing termini across the interior of the subject property to a future street connecting to Boone Road SE and provides connection to the undeveloped property to the north of the subject property.

At this time, the abutting property to the east remains undeveloped. The tentative subdivision plan does not provide connections to future development of this property, the connection to the vacant property to the east would be required for connection to the street system. Pursuant to SRC 803.035(a), connections to the existing or planned streets and adjoining undeveloped properties shall be provided at no greater than 600-foot intervals. Providing connection to Brewer Street SE and the vacant property to the east would meet the standard of less than 600-foot intervals. If the connection the east is made, these street connections could be approximately 200 feet apart, ensuring that properties to the east can be developed in the future and also meet the 600-foot maximum block length set forth in SRC 803.030(a).

### **Validity of approval:**

Comments were received concerning how long the approval, if granted, would be valid.

**Staff Response:** In accordance with SRC Chapter 205.010(e), tentative subdivision plan approval shall expire after two years, unless an application for final plat is

submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850.

In accordance with SRC Chapter 200.025(g), If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and his or her successors in interests shall be bound to complete all terms and conditions of the permit.

If the tentative subdivision plan is denied, the Preliminary Declaration would be issued independently and would remain valid for a period of four years following the effective date of the decision.

## **7. Criteria for Granting a Tentative Subdivision**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

**Setback Requirements:** SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:



Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The existing single family dwelling will remain on the subject property, on Lot 9. The applicant's site plan shows the footprint of the existing residence, demonstrating that its location will continue to meet all applicable setback standards once the lot boundaries are recorded. Yet, the access to the existing garage can only be taken from Lot 8. There is not an easement proposed nor does the applicant provide information indicating if the dwelling would be modified. Currently, the dwelling on Lot 9 would not meet the standards for minimum off-street parking in the RS (Single Family Residential) zone.

The applicant has not addressed how Lot 9 is proposing to retain an existing accessory structure, which will not meet the required setback to the front property line. As shown on the applicant's tentative plans, the application does not meet the setback standards for the existing accessory structure proposed to remain.

**Parking Requirements:** SRC Chapter 806 establishes parking standards for single family dwellings:

All single family uses are required to have a minimum of two off-street parking spaces, those parking spaces shall be developed pursuant to SRC 806.025. The existing dwelling is proposing to remain on Lot 9 with the garage and driveway in the rear yard of the proposed lot. Parking in the rear yard can be located within a garage, carport, off-street parking area, or on a driveway leading to any of the previous. The applicant has shown a driveway leading to an existing garage but has not indicated how the driveway will have access to a public street. The application does not address how the existing dwelling will meet the standards of SRC Chapter 806, and therefore does not meet the criterion.

**(B) City Infrastructure Standards.**

SRC Chapter 803 (Streets and Right-of-Way Improvements):

*SRC 803.015 (Traffic Impact Analysis):* The proposed 20-lot subdivision generates less than 200 average daily vehicle trips to Boone Road SE, a local road. Therefore, a TIA is not required as part of the proposed subdivision submittal.

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Boone Road SE abuts the southern boundary of the subject property and does not meet the minimum right-of-way width or improvement width for a local street. In implementing boundary street requirements pursuant to SRC 803.040, Condition 6 requires the applicant to dedicate equal 30 feet from centerline along the frontage of Boone Road and construct three quarter street improvement along the frontage along the south boundary of the site.

*SRC 803.030 (Street Spacing):* The subject property consists of two contiguous tax lots forming a 4.82 acre site that is bordered by vacant land to the north, west, and east. With the configuration of the subdivision, the block lengths between Boone Road SE and Brewer Road SE are less than the 600-foot maximum established in subsection (a). However, local streets shall be connected to adjoining undeveloped properties for eventual connection to the street system. The proposal does not provide connection to the undeveloped property to the east, which would preclude connectivity for the property to the east. The applicant's findings state that the maximum block length is 600 feet and that the length of the blocks was taken into consideration at the time of design and with the proposed 540 foot block length, other street connections are not required or necessary. The applicant's findings also state that "There are more than enough street connections within the proposed development..."

However, based on the existing development pattern in the vicinity, the proposed subdivision is not precluded from making connections to adjacent properties due to physical conditions or existing development that would make the connection unfeasible, and would meet the requirement under SRC 803.030(a) with an additional connection to the east. Additionally, not requiring the east connection would commit the adjacent property to a cul-de-sac development. The Salem Transportation System Plan (TSP) contains adopted goals, policies and objectives related to local street connectivity. The TSP states that "there are many existing cul-de-sacs in the City and streets that were constructed without due consideration to connectivity" and that "it is the intent of this...Plan to ensure that those connections are made and that new developments provide adequate connections to neighboring undeveloped land." The street connectivity standards in SRC 803.035(a) implement the adopted City policies for connectivity. Therefore, due to the lack of connectivity to the undeveloped property to the east, the proposal does not meet the connectivity under SRC 803.035(a).

**SRC 803.035 (Street Standards):** The proposed alignment of streets within the subdivision does not result in any street spacing in excess of the maximum lengths established in subsection (a). Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The northern 300-feet of the eastern property line abuts a platted residential subdivision and the southern 350-feet of the eastern property line abuts an undeveloped property zoned residential. The western property line abuts a multifamily development, to the north is a vacant residentially zone land and Boone Road SE abuts the southern property line. The proposed subdivision plan provides internal street connectivity by extending Brewster Avenue SE from the existing termini across the interior of the subject property to a future street connecting to Boone Road SE and the undeveloped property to the north; these internal streets in turn provide several points of connection to these existing boundary streets and the surrounding street network.

At this time, abutting property to the east remains undeveloped. The tentative subdivision plan does not provide a connection to future development of the property. Pursuant to SRC 803.035(a), connections to the existing or planned streets and adjoining undeveloped properties shall be provided at no greater than 600-foot intervals. Providing connection to Brewer Street SE and the vacant property to the east would meet the standard of less than 600-foot intervals. If the connection the east is made, these street connections could be approximately 200 feet apart, ensuring that properties to the east can be developed in the future and also meet the 600-foot maximum block length set forth in SRC 803.030(a).

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

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

**Finding:** The proposed subdivision would divide a 4.82-acre property into 20 lots and rights-of-way for boundary and internal streets. Access to lots within the proposed subdivision is provided by new internal streets and improved boundary streets. The subject property abuts a vacant property to the north and east, an existing residential subdivision to the northeast and vacant multi-family property to the west.

The applicant has not provided a connection to the residential property to the east nor to the vacant multi-family land to the west. Pursuant to SRC Chapter 803.035(a), connections to the existing or planned streets and *adjoining undeveloped properties* shall be provided at no greater than 600-foot intervals. The applicant provides findings that the street connection to Brewster Avenue SE is less than 600-feet from Boone Road, which does not required an additional connection to the vacant property to the east. As stated above SRC Chapter 803.025(a) requires connection to adjoining undeveloped properties and SRC Chapter 803.030 requires a maximum spacing of 600-feet. The Salem Revised Code does not prohibit multiple connections within a 600-foot interval. Providing a connection to the undeveloped property to the east would allow

future development to have direct access to the north (ultimately Hilfiker Park) as the properties develop north of the subject site. No street or pedestrian connections are available from abutting properties to the north without traveling back out to Boone Road SE. The planned subdivision layout and improvements will provide street connectivity and utility infrastructure supportive of potential future development on adjacent land. Approval of the subdivision does impede future use of the subject property to the east and west and does not provide access to abutting vacant properties.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Finding:** Boone Road SE abuts the subject property and does not meet the current standard for local streets. The project includes the extension of Brewer Street SE from the east, but does not include a connection to the undeveloped property to the east. Pursuant to SRC 803.035(a), a street connection is warranted to the easterly adjoining undeveloped property. A connection located in the vicinity of lots 16 and 17 would be required to meet the criteria. The connectivity is needed to provide efficient circulation for the future development of the adjacent parcels.

The proposal does not meet this criterion.

**SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding:** The abutting portions of Boone Road SE is designated as a local street and is currently substandard. The applicant is proposing internal circulation which would be provided by extensions of Brewer Avenue SE, but would not provide for circulation to the undeveloped property to the east or west of the subject property.

The existing dwelling does not have access to the existing garage, no easements have been proposed for access. The applicant has not provided adequate evidence that the existing dwelling will have sufficient access to what is shown as an existing garage on the west side of the proposed lot.

The proposed tentative subdivision plan does not provide connection to the undeveloped property to the east. Without a connection from the proposed subdivision and the property to the east, the applicant is forcing the neighboring property to develop with a Cul-de-sac. Development of a Cul-de-sac on the undeveloped property to the east would prohibit efficient circulation and potentially unsafe turning movements. The abutting portion of Boone Road is designated as a local street although west of Liberty and east of Reed Road, Boone Road is designated a Collector Street. Boone Road does carry traffic east and west for those who are avoiding Kuebler Blvd. As proposed the subdivision would add unnecessary turning movements from the undeveloped property to the east (with a forced cul-de-sac development) trying to move north through the subject property. The additional turning movements do not provide for safe, orderly and efficient circulation. In addition, pedestrians would be safer walking through a

neighborhood than having to travel out to Boone Road before heading north to the City Park, school or commercial amenities.

## **8. Urban Growth Area Preliminary Declaration**

The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Preliminary Declaration must be obtained prior to development of property outside the Salem Urban Service Area. An application for an Urban Growth Preliminary Declaration is included as part of this consolidated application. The Urban Growth Preliminary Declaration addresses only those facility requirements necessary to link the development to adequate facilities and boundary requirements abutting the property. All internal facility improvement requirements are addressed under approval criteria for the proposed tentative subdivision plan.

Consistent with SRC 200.025(e), construction of facilities required under SRC Chapter 200 are adopted as conditions of approval for the associated tentative subdivision plan, as described in findings regarding compliance of the proposal with SRC 205.010(d)(10).

**SRC 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and Area Facility Plans and determine:**

- (1) The required facilities necessary to fully serve the development;**
- (2) The extent to which the required facilities are in place or fully committed.**

Standards related to required improvements for streets, water, sewer, storm drainage, and park sites are addressed within the specific findings which determine the required facilities necessary to serve the proposed subdivision.

### **SRC 200.055 – Standards for Street Improvements**

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). Boone Road SE at the western boundary of the property and Brewster Avenue SE meets the standards for an adequate linking street.

Conveyance of a 30-foot-wide half-width right-of-way and construction of a three-quarter street improvement is required along the entire frontage of Boone Road SE to local street standards.

### **SRC 200.060 – Standards for Sewer Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to

such existing sewer facilities (SRC 200.060). The existing sewer mains on-site and along the frontage of the property in Boone Road SE meet the requirement for adequate linking facilities.

#### **SRC 200.065 – Standards for Storm Drainage Improvements**

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The existing on-site storm mains meet the requirement for adequate linking facilities.

#### **SRC 200.070 – Standards for Water Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The S-2 water system in Boone Road meets the requirement for adequate linking facilities.

#### **SRC 200.075 – Standards for Park Sites**

**Finding:** The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan.

The Comprehensive Parks System Master Plan shows that future Neighborhood Park NP-8 is planned near the subject property. Given the existing development patterns in the vicinity of the subject property, the Master Plan may allow a separate, smaller park be acquired to serve the proposed development. The minimum neighborhood park size is 2 acres; therefore, the applicant shall acquire and convey a 2-acre property for dedication of neighborhood park facility NP-8, or equivalent based on sizing established in the Master Plan.

In lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$72,450 based on the following analysis:

- Acquisition and development of 2-acre parks are estimated to cost a total of \$663,200 according to Table E-1 of the Master Plan. City staff estimates that acquisition costs account for approximately 40 percent of the total cost, or \$265,280.
- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b)).

- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft Salem Housing Needs Analysis dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft Salem Housing Needs Analysis dated December 2014).
- The park service area is 55 acres based on a 2-acre park divided by 2.25 acres of park size per 1,000 population divided by 6.3 dwellings per acre divided by 2.55 people per dwelling.
- The proportional share of the park acquisition is \$4,830 per acre based on \$265,280 in acquisition costs divided by 55 acres of park service area.
- The temporary access fee is \$23,184 based on \$4,830 per acre multiplied by the 4.8-acre parcel.

**Condition 1:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
- b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).

As conditioned above, will meet the Comprehensive Parks System Master Plan

## 9. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative subdivision plan does not comply **SRC 205.010(d)(1),(2),(4), and (5)**. Since the tentative subdivision plan does not meet **SRC 205.010(d)(1),(2),(4), and (5)** the remaining decision criteria is not applicable and therefore not addressed.

### IT IS HEREBY ORDERED

On property zoned RA (Residential Agriculture) within the Airport Overlay Zone, and located on the 1395 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W11CC / 02900 and 083W11CC / 03000) shall be GRANTED as follows:

- A. The subdivision tentative plan is **DENIED**, the findings contained herein.
- B. The Urban Growth Area Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property is **APPROVED** subject to the applicable conditions of the Salem Revised Code, the findings contained herein, and the following condition:

**Condition 1:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
- b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).



Olivia Glantz, Planning Administrator Designee

Attachments: A. Vicinity Map  
B. Tentative Subdivision Plan  
C. Applicant's Written Statement on Tentative Subdivision Plan  
D. City of Salem Public Works Department Comments

Application Deemed Complete:	<u>July 18, 2018</u>
Notice of Decision Mailing Date:	<u>August 29, 2018</u>
Decision Effective Date:	<u>September 14, 2018</u>
State Mandated Decision Date:	<u>November 15, 2018</u>

The rights granted by this decision must be exercised or extension granted by September 14, 2020 or this approval shall be null and void.

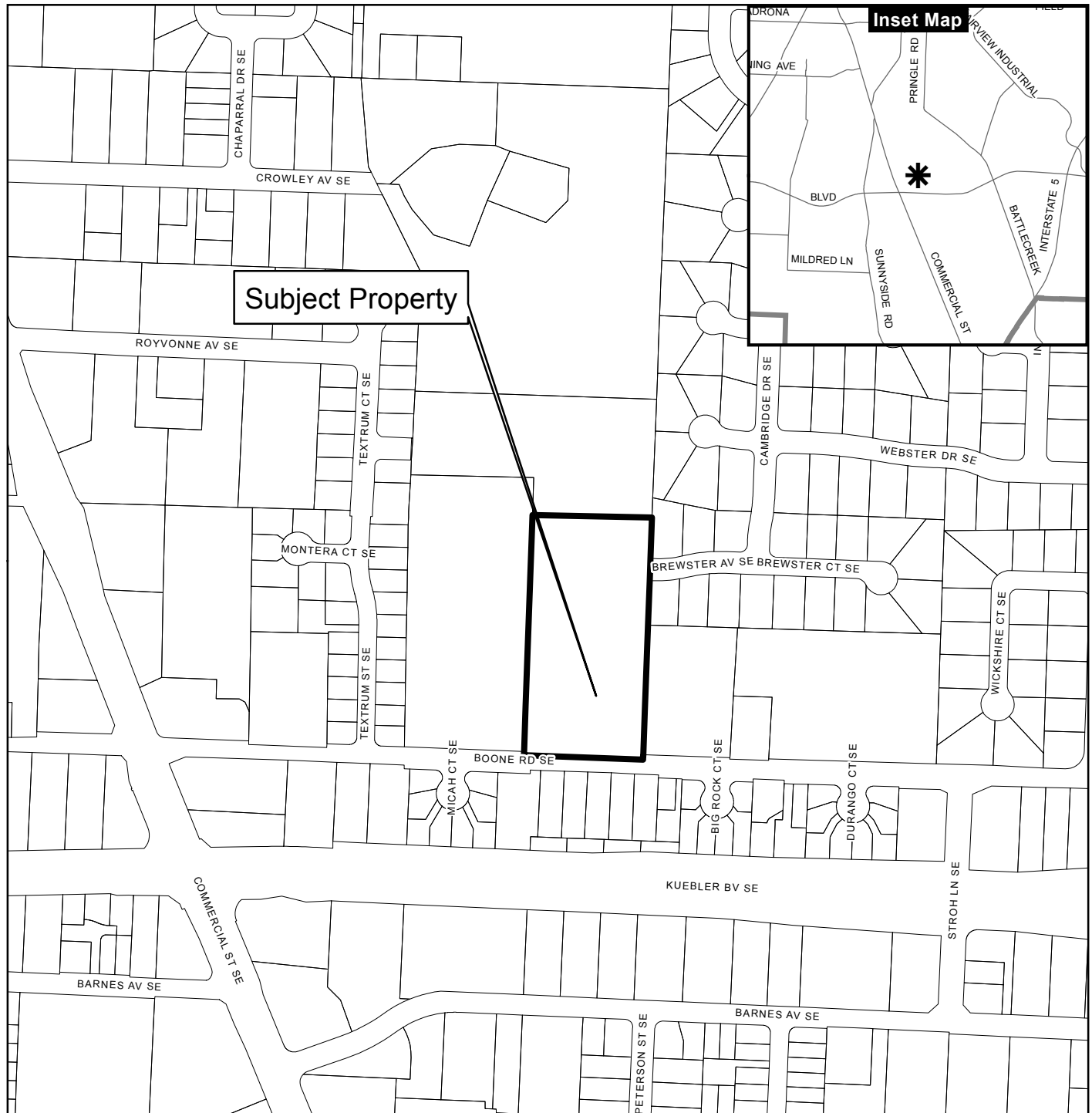
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, September 13, 2018, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.



# Vicinity Map

## 1395 Boone Road SE



### Legend

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

Parks

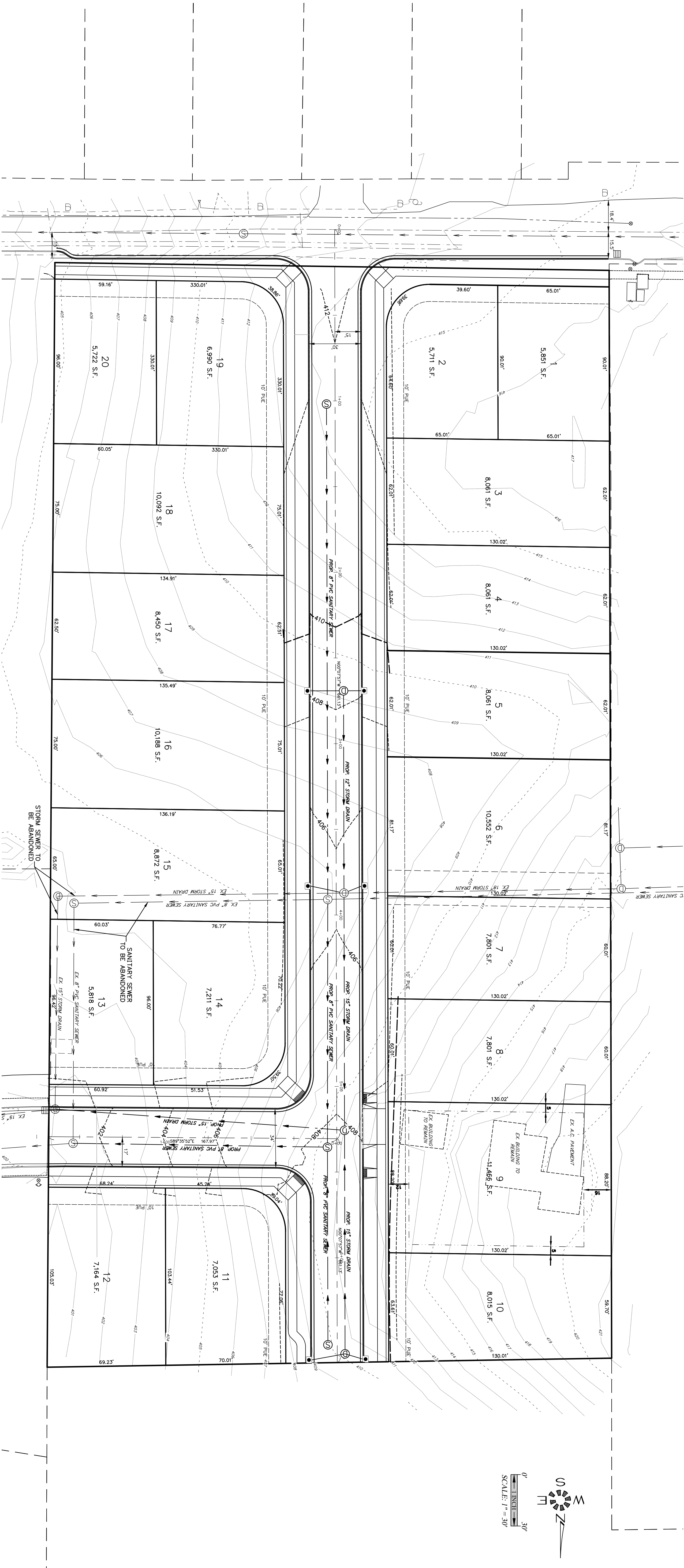
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



**SKY MEADOWS**  
SEC. 11, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



**MULTI/TECH**  
ENGINEERING SERVICES, INC.  
1155 13th ST. S.E. SALEM, OR, 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
www.mtengineering.net office@mtengineering.net

**TENTATIVE SUBDIVISION  
PLAN  
DETAIL PLAN**

**SKY MEADOWS**

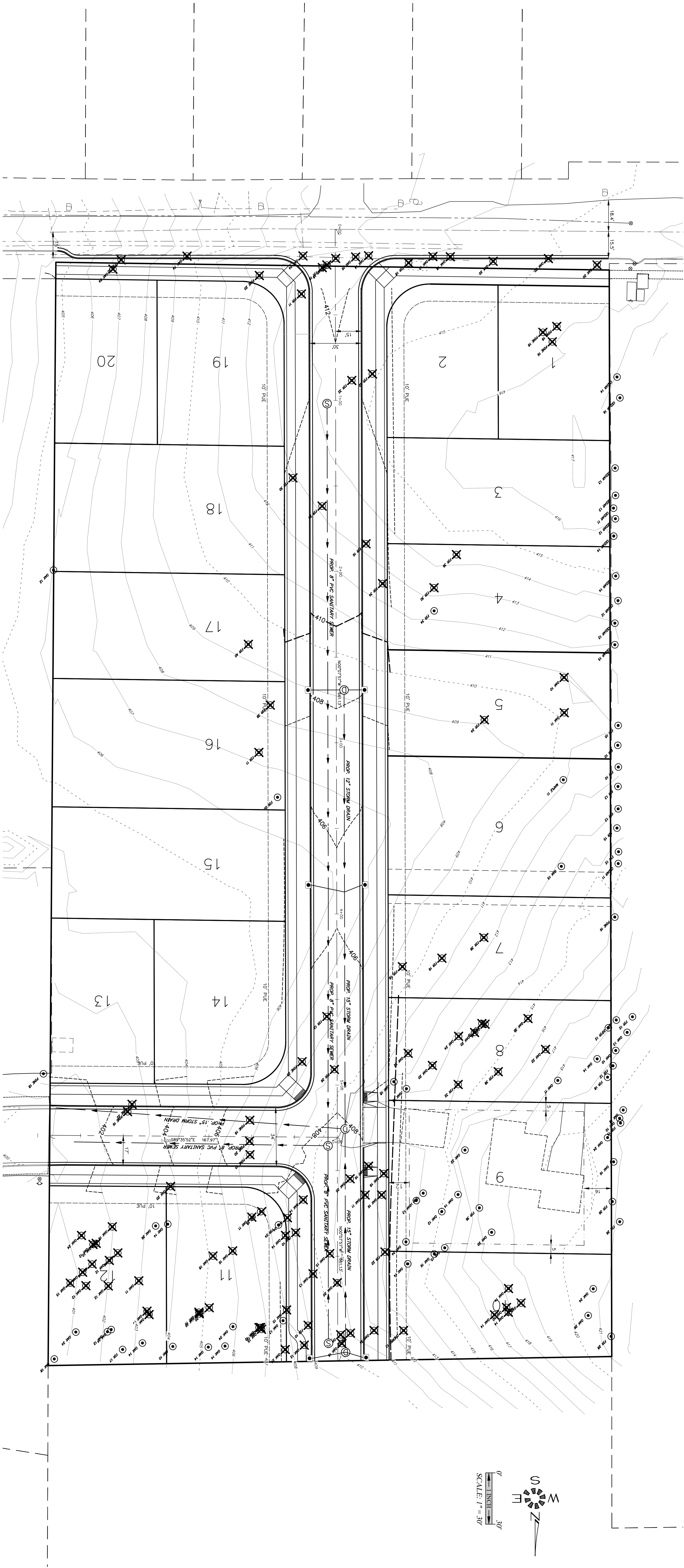
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DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: C.F.S.  
Checked: J.J.G.  
Date: APR. 2018  
Scale: AS SHOWN  
  
As-Built: ----

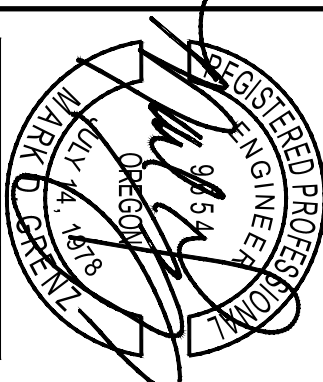
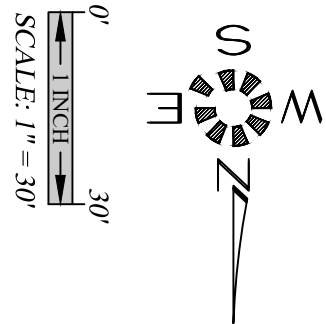


EXPIRES: 06-30-2019  
JOB # 6640



**SKY MEADOWS**  
SEC. 11, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

TREE INVENTORY			
TOTAL TREES ON SITE:	148	100%	
TREES TO BE REMOVED:	111	75%	
TREES TO REMAIN:	37	25%	



Design: M.D.G.  
Drawn: C.F.S.  
Checked: J.J.G.  
Date: APR. 2018  
Scale: AS SHOWN  
As-Built: ----

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**SKY MEADOWS**

**TENTATIVE SUBDIVISION  
PLAN  
TREE CONSERVATION**

**MULTI/TECH**  
**ENGINEERING SERVICES, INC.**  
1155 13th ST. S.E. SALEM, OR, 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
www.mtengineering.net office@mtengineering.net



# ***Boone Road***

## **Subdivision Application**

Revised-June 13, 2018

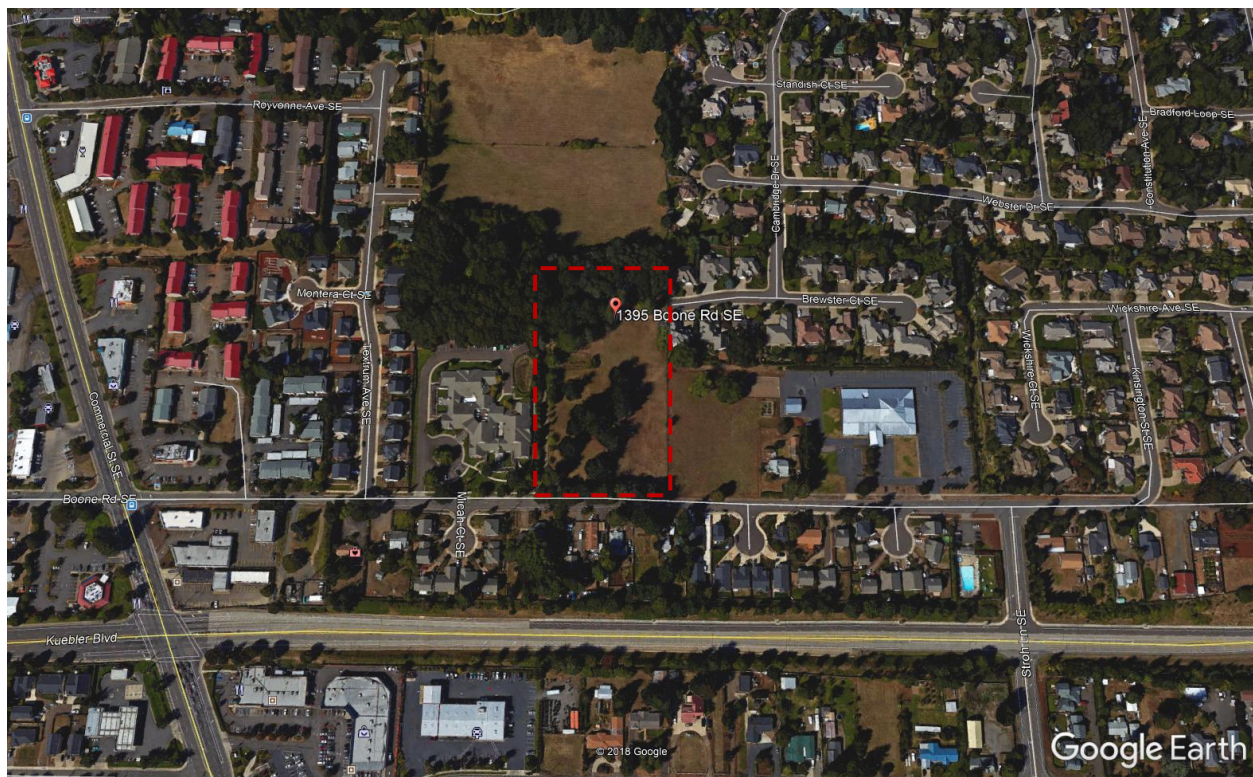
### **PROPOSAL:**

The subject property is about 4.82 acres in size and zoned RA (Residential Agriculture). The applicant is proposing to divide the subject property into 20 single family residential lots.

The applicant is also requesting an Airport Overlay Height Variance, along with a UGA permit to determine facilities and linking requirements.

### **SITE VICINITY and CHARACTERISTICS:**

The subject property is located at 1395 Boone Road, on the north side of Boone Road. The subject property is identified as 083W11CC/Tax Lots 2900 and 3000.



The surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); vacant land  
East: RS (Single Family Residential); vacant lots, existing church, and existing single-family dwellings  
South: Across Boone Road, RA (Residential Agriculture); existing single-family dwellings  
West: RM (Multi-Family Residential); existing residential care facility

### **CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1):**

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

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

Findings: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed meets all applicable provisions of the Salem Revised Code.

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

Findings: The proposal does not require any variances to lot development standards specified in the Code.

Minimum Lot Area and Dimensions: As shown on the site plan, all 20 lots meet lot size (4,000 square feet) and lot dimension (40' by 70') standards as required under UDC Chapters 510 and 511. The proposed lots range in size from 5,711 square feet to 66,922 square feet in size, with an average lot size of 11,466 square feet.

There is an existing house located on the subject property that will remain on proposed Lot 9.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is also checked prior to city staff signing the final subdivision plat.

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

***(B) City infrastructure standards.***

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

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

Findings: There are no wetlands or floodplains located on the subject property.

A geological assessment is not required for this site. There are no landslide hazards identified on the site. This criteria has been met.

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

Findings: The proposal is for the entire subject property and will be developed into 20 lots. As shown on the site plan. Therefore, a shadow plan is not required.

The abutting properties to the west, south, and east are fully developed. The property to the north is vacant. A stub street has been provided to the north property line for future development. All surrounding properties have direct access onto the existing internal street system. All 20 lots will have direct access onto the existing street system as well. The subdivision does not impede the future use of the property or adjacent land. Therefore, this criteria has been met.

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

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

The subject property is within ½ mile from Hilfiker Park to the north. Therefore, the subject property is served by parks.

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

In conclusion, the location and design of the proposed subdivision allows for public sanitary sewer, water service, and storm drainage to be conveniently provided. Therefore, this criterion has been satisfied.

**Proposed StormWater Management System:**

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

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

Findings: The major street system is in place due to prior development. Boone Road located to the south of the site will provide access into the development. Boone Road is designated as a 'local street' on the Salem Transportation System Plan

The existing and proposed street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process, and regulated through the Conditions of Approval. The proposed internal streets will be designed to street standards. Therefore, meeting the requirements of a subdivision.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

#### Transportation Planning Rule Review:

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

In conclusion, the development will provide bicycle and pedestrian facilities on-site to encourage people to walk and reduce vehicle trips. The development on the property will allow residents to reduce vehicle usage, by the convenience of bicycle and pedestrian paths to and from the uses and existing sidewalk system. Therefore, the proposed subdivision is in compliance with the intent of the TPR to reduce vehicle usage and encourage other modes of transportation to and from the site.

***(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.***

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

**Block Length:** Blocks shall be a maximum of 600 feet between street centerlines. The length of the blocks was taken into consideration at the time of design layout. There are more than enough street connections within the proposed development, therefore, block lengths are in compliance with code.

As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern throughout the development for vehicles and pedestrians.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the



Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The proposed subdivision provides a connection street to the east, which will connect to the existing Brewster Street. A stub street to the north is also being provided for future development. By providing these two connections, block length and connectivity have been met.

Blocks shall be a maximum of 600 feet between street centerlines. The length of the blocks was taken into consideration at the time of design layout. The block length to the west is approximately 540 feet in length, which means a street connection to the west is not required or necessary. There are more than enough street connections within the proposed development, therefore, block lengths are in compliance with code.

The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern throughout the development for vehicles and pedestrians. Adding a connection to the west would provide traffic from a RM zoned property through our single-family residential property. The two uses are not compatible and the connection is not necessary.

Due to the location of the existing house that will remain on Lot 9 and the existing street system, a stub street connection to the west is not feasible or necessary due to the existing street system.

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

In conclusion, the proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision demonstrates this review criterion can be met. Therefore, this criterion has been satisfied.

***(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.***

Findings: The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

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

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

Findings: The proposal is for a 20-lot subdivision. The size of the proposed subdivision does not warrant the need for a Traffic Impact Analysis. The proposed subdivision plan mitigates impacts to transportation system by providing adequate access and circulation for all 20-lots. Therefore, this criterion has been met.

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

Findings: All lots are in compliance with the UDC/SRC. Therefore, no variances have been requested.

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

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

The subdivision plan takes into consideration the topography and vegetation of the site. The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. Final conformance to minimum lot size

and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

There are 148 trees located within the boundary of the site. One-hundred and eleven (111) trees are designated for removal, with thirty-seven (37) trees designated to remain. Twenty-five (25%) percent of the trees on the site will be preserved. Trees designated for removal are within the right-of-way, the building envelop or within an area close to the building envelope, but have the potential of being damaged during grading and construction. Therefore, the removal of these 111 trees is necessary for development of the site.

There are sixteen (16) Oregon White Oaks 24" in diameter or greater located throughout the site. The applicant is removing nine (9) of these Oregon White Oaks (significant trees):

<b>Lot 8:</b>	38" Oak(Remove)	<b>Lot 12:</b>	26" Oak
	24" Oak(Remove)		24" Oak
<b>Lot 9:</b>	24" Oak		24" Oak(Remove)
	24" Oak	<b>R-O-W:</b>	34" Oak(Remove)
<b>Lot 10:</b>	24" Oak		25" Oak(Remove)
	26" Oak		24" Oak(Remove)
<b>Lot 11:</b>	24" Oak		74" Oak(Remove)
	24" Oak(Remove)		24" Oak(Remove)

All Oregon White Oaks designated for removal are within the right-of-way, the building envelops or within an area close to the building envelope, but have the potential of being damaged during grading and construction. Therefore, these 9 significant trees need to be removed.

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

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

Findings: The property and development is located inside the Urban Service Area (USA). However, an Urban Growth Preliminary Declaration is required and has been requested. Therefore, this criterion has been met.

## **TREE CONSERVATION/REMOVAL PLAN**

There are 148 trees located within the boundary of the site. One-hundred and eleven (111) trees are designated for removal, with thirty-seven (37) trees designated to remain. Twenty-five (25%) percent of the trees on the site will be preserved. Trees designated for removal are within the right-of-way, the building envelope or within an area close to the building envelope, but have the potential of being damaged during grading and construction. Therefore, the removal of these 111 trees is necessary for development of the site. See Sheet 4 of 4.

There are sixteen (16) Oregon White Oaks 24" in diameter or greater located throughout the site. The applicant is removing nine (9) of these Oregon White Oaks (significant trees):

Lot 8:	38" Oak(Remove)	Lot 12:	26" Oak
	24" Oak(Remove)		24" Oak
Lot 9:	24" Oak		24" Oak(Remove)
	24" Oak	R-O-W:	34" Oak(Remove)
Lot 10:	24" Oak		25" Oak(Remove)
	26" Oak		24" Oak(Remove)
Lot 11:	24" Oak		74" Oak(Remove)
	24" Oak(Remove)		24" Oak(Remove)

All Oregon White Oaks designated for removal are within the right-of-way, the building envelopes or within an area close to the building envelope, but have the potential of being damaged during grading and construction. Therefore, these 9 significant trees need to be removed.

### **Tree Variance Section 808.045(d)(1):**

***A. There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance;***

Findings: Due to street connectivity requirements and existing street stubs, a street connection to the north and the east must be provided. These street connections dictate the layout of the subdivision, requiring trees located in the proposed right-of-way and building envelopes to be removed. Therefore, the required street connections to existing and future streets has created a hard in saving these trees and warranting the approval of a variance.

***B. The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity;***

Findings: There are sixteen (16) Oregon White Oaks 24" in diameter or greater located throughout the site. The applicant is removing nine (9) of these Oregon White Oaks (significant trees):

Lot 8:	38" Oak(Remove)	Lot 12:	26" Oak
	24" Oak(Remove)		24" Oak
Lot 9:	24" Oak		24" Oak(Remove)
	24" Oak	R-O-W:	34" Oak(Remove)
Lot 10:	24" Oak		25" Oak(Remove)
	26" Oak		24" Oak(Remove)
Lot 11:	24" Oak		74" Oak(Remove)
	24" Oak(Remove)		24" Oak(Remove)

All Oregon White Oaks designated for removal are within the right-of-way, the building envelopes or within an area close to the building envelope, but have the potential of being damaged during grading and construction. Therefore, these 9 significant trees need to be removed. The removal of the 9 significant trees is the minimum necessary to development the property and meet code requirements.

## **Airport Overlay Zone Height Variance**

### ***SRC 602.025(c): Submittal Requirements:***

***(1) A statement of the specific height limitation for which the variance is requested, and the amount of the variance; and***

Findings: The subject property appears to be located within the Horizontal Surface Area as shown on the attached map. The proposal is for a 20-lot single family dwelling subdivision.

The maximum height allowed on the site is 35-feet. All proposed single-family dwellings will meet the height requirements. Height compliance will be reviewed at the time of building permit submittal. Therefore, the height of the dwellings will not have an impact on the Airport Overlay Height.

***(2) A determination from the FAA that the proposed variance will not create a hazard to air navigation.***

Findings: The FAA will be notified of this proposal by staff. Prior to construction on the site the applicant will file Form 7460-1 with the FAA. This Form is required for all new construction within the Airport Overlay Zone. The applicant did notify the Salem Airport Manager, John Paskell. John's email dated April 23, 2018 is attached.



# MEMO

**TO:** Olivia Glantz, Planner II  
Community Development Department

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

**DATE:** August 16, 2018

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**SUB-UGA 18-01 (18-109924-LD and 18-113999-LD)**  
**1395 BOONE ROAD SE**  
**20-LOT SUBDIVISION**

## PROPOSAL

A tentative subdivision plan and Urban Growth Preliminary Declaration to divide approximately 4.82 acres into 20 lots ranging in size from 5,711 square feet to 11,466 square feet.

The subject property is approximately 4.82 acres in size, zoned RA (Residential Agriculture) within the Airport Overlay Zone, and located at 1395 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W11CC / 02900 and 083W11CC / 03000).

## RECOMMENDED URBAN GROWTH PRELIMINARY DECLARATION CONDITIONS

1. As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
  - a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-8 or equivalent; or
  - b. Pay a temporary access fee of \$23,184 pursuant to SRC 200.080(a).

## RECOMMENDED SUBDIVISION CONDITIONS

DISCLAIMER: This application does not meet connectivity requirements to adjoining undeveloped properties for eventual connection pursuant to SRC 803.035(a).

1. Along the entire frontage of Boone Road SE, the applicant shall convey land for dedication to equal 30 feet from the centerline of Boone Road SE and construct a three-quarter street improvement to Local street standards.



2. Design and construct stormwater facilities as needed to accommodate all new and replaced impervious surfaces pursuant to SRC Chapter 71 and *Public Works Design Standard*.
3. Obtain City approval for quitclaim of existing sewer and storm easements located on the subject property.
4. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
5. Pay connection fees and/or deferred assessments as applicable pursuant to SRC Chapter 21.

## **FACTS**

### **Streets**

1. Boone Road SE
  - a. Standard—This street is designated as a Local street in the *Salem Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

1. Existing Conditions
  - a. A 15-inch storm line is located in a City easement running east to west through the subject property.
  - b. The subject property is within the Pringle Creek Drainage Basin.

### **Water**

1. Existing Conditions
  - a. The subject property is located in the S-2 water service level.
  - b. A 20-inch water line is located in Boone Road SE. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.



- c. An 8-inch water main is located in Brewster Avenue SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

### **Sanitary Sewer**

#### **1. Existing Sewer**

- a. An 8-inch sewer line is located in a City easement running east to west through the subject property.
- b. An 8-inch sewer line is located in Boone Road SE.
- c. A reimbursement district fee for Micah Subdivision is applicable for properties that connect to the sewer main in Boone Road SE. The applicant's tentative utility plan does not show connection to the Boone Road SE sewer.

### **Parks**

The property is unserved by park facilities based upon the Salem Comprehensive Parks System Master Plan, but is within the service area for future Neighborhood Park NP-8.

### **CRITERIA AND FINDINGS**

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

#### **SRC 200.055—Standards for Street Improvements**

**Findings:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). Boone Road SE at the western boundary of the property and Brewster Avenue SE meet the standards for an adequate linking street.

Conveyance of a 30-foot-wide half-width right-of-way and construction of a three-quarter street improvement is required along the entire frontage of Boone Road SE to Local street standards.

#### **SRC 200.060—Standards for Sewer Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The existing sewer mains on-site and

along the frontage of the property in Boone Road SE meet the requirement for adequate linking facilities.

**SRC 200.065—Standards for Storm Drainage Improvements**

**Findings:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The existing on-site storm mains meet the requirement for adequate linking facilities.

**SRC 200.070—Standards for Water Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The S-2 water system in Boone Road meets the requirement for adequate linking facilities.

**SRC 200.075—Standards for Park Sites**

**Findings:** The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Parks System Master Plan*.

*The Comprehensive Parks System Master Plan* shows that future Neighborhood Park NP-8 is planned near the subject property. Given the existing development patterns in the vicinity of the subject property, the Master Plan may allow a separate, smaller park be acquired to serve the proposed development. The minimum neighborhood park size is 2 acres; therefore, the applicant shall acquire and convey a 2-acre property for dedication of neighborhood park facility NP-8, or equivalent based on sizing established in the Master Plan.

In lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property is not desirable for a neighborhood park. The temporary access fee amount is \$72,450 based on the following analysis:

- Acquisition and development of 2-acre parks are estimated to cost a total of \$663,200 according to Table E-1 of the Master Plan. City staff estimates that acquisition costs account for approximately 40 percent of the total cost, or \$265,280.



- The park size shall be 2.25 acres per 1,000 population (SRC 200.075(b)).
- Single-family residential development density is 6.3 dwelling units per net acre (Table 5 of draft *Salem Housing Needs Analysis* dated December 2014).
- According to the U.S. Census, the average household size in Salem in 2010 was 2.55 people (p16 of draft *Salem Housing Needs Analysis* dated December 2014).
- The park service area is 55 acres based on a 2-acre park divided by 2.25 acres of park size per 1,000 population divided by 6.3 dwellings per acre divided by 2.55 people per dwelling.
- The proportional share of the park acquisition is \$4,830 per acre based on \$265,280 in acquisition costs divided by 55 acres of park service area.
- The temporary access fee is \$23,184 based on \$4,830 per acre multiplied by the 4.8-acre parcel.

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

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

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

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

**Findings:** Water and sewer infrastructure is available along the perimeter and through the site in existing easements and is adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. The relocation of existing utilities into the public right-of-way shall include obtaining City approval to quitclaim the easements over abandoned mains.

The proposed development is subject to SRC Chapter 71 and the revised *Public Works Design Standard* as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the *Public Works Design Standard*, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**SRC 205.010(d)(4) and SRC 205.010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Findings:** Boone Road SE abuts the subject property and does not meet the current standard for a Local street. As identified in the conditions of approval, the applicant is required to construct a three-quarter-street improvement along the entire frontage of Boone Road SE.

The application proposes a street connection to the undeveloped property to the north and a street connection to Brewster Avenue SE to the east. However, another street connection is warranted to the easterly adjoining undeveloped property. SRC 803.035(a) states, "Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system." This connectivity is required to provide efficient circulation for the future development of adjacent parcels. This application does not meet the connectivity requirements to adjoining undeveloped properties for eventual connection pursuant to SRC 803.035(a) and therefore does not meet the criteria for SRC 205.010(d)(5).

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



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

**Findings:** Additional park facilities are required as specified in the Preliminary Declaration for UGA permit.

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

**Findings:** The proposed 20-lot subdivision generates less than 200 average daily vehicle trips to Boone Road SE. Therefore, a TIA was not required as part of the proposed subdivision submittal.

Prepared by: Jennifer Scott, Program Manager  
cc: File