

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

DECISION OF THE PLANNING ADMINISTRATOR

**PHASED SUBDIVISION / FAIRVIEW REFINEMENT PLAN MINOR AMENDMENT
CASE NO. SUB-FRPA20-03**

APPLICATION NO.: 20-102164-LD / 20-102172-LD

NOTICE OF DECISION DATE: JUNE 4, 2020

SUMMARY: An application to develop approximately 25.27 acres of the former Fairview Training Center site. The proposal includes a 73-lot single-family residential subdivision, together with common open space and five large lots within the Village Center area of the refinement plan. A minor amendment has also been requested to the refinement plan to reduce the minimum required residential density within the Adaptive Use (AU) Restricted area of the refinement plan and to allow an alternative stormwater management system for streets including curbs, grassy swales, and regional water quality facilities.

REQUEST: A consolidated application to develop approximately 25.27 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the adopted Fairview refinement plan for the property, Fairview Refinement Plan II. The application includes:

- 1) A Phased Subdivision to divide the approximate 25.27-acre property into 73 single-family residential lots, ranging in size from approximately 1,780 square feet to 11,802 square feet, and five lots within the Village Center area of the refinement plan, ranging in size from approximately 23,745 square feet to 179,957 square feet; together with common open space.
- 2) A Fairview Refinement Plan Minor Amendment to:
 - a) Reduce the minimum required residential density within the Adaptive Use (AU) Restricted area of the refinement plan from 6 dwelling units per acre to 5.2 dwelling units per acre; and
 - b) Allow for an alternative stormwater management system to be utilized for streets consisting of curbs, grassy swales, and regional water quality facilities.

The property is zoned FMU (Fairview Mixed-Use) and is located at 2250 Old Strong Road SE (Marion County Assessor Map and Tax Lot Number: 083W0200100).

APPLICANT: Steve Ward on behalf of Ward Development, LLC (Steven Ward, Ryan Ward, Travis Ward, Kyle Ward, Marcus Ward)

LOCATION: 2250 Old Strong Road SE

CRITERIA: Salem Revised Code (SRC) Chapters 205.015(d) & 205.010(d) - Phased Subdivision; and 530.035(e)(1) - Fairview Refinement Plan Minor Amendment

FINDINGS: The findings are in the attached Decision dated June 4, 2020.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

DECISION: The **Planning Administrator APPROVED** Phased Subdivision / Fairview Refinement Plan Minor Amendment SUB-FRPA20-03 subject to the following conditions of approval:

General Conditions:

Condition 1: Prior to final subdivision plat approval for any phase of the subdivision that will include common property and facilities under common ownership, including, but not limited to, private streets/alleys, private utilities, open spaces, common facilities, and community areas, the applicant shall submit a Property Owners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of such common property and facilities.

Where a lot, or lots, within a phase of the subdivision will include private facilities that will not be under common ownership, a maintenance agreement shall instead be required providing for the perpetual maintenance and operation of such facilities. The maintenance agreement shall be submitted for review and approval by the City Attorney prior to Site Plan Review approval for any development of the lot or lots.

Condition 2: Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.

Condition 3: The tentative subdivision plan shall be reconfigured to establish the 30-foot-wide setback/buffer area crossing Lots 39 to 48 as a separate open space lot that shall be owned and perpetually maintained by the Property Owners' Association. A minimum 30-foot building and accessory structure setback shall be required along the north property line of Lot 53.

Conditions of Final Plat Approval for All Phases

Condition 4: Construct City infrastructure and internal streets within the phase as shown on the application materials and in conformance with PWDS and the Fairview Refinement Plan.

Condition 5: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

Condition 6: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.

Condition 7: Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

Condition 8: Fire department water supply and hydrants shall be provided per the Oregon Fire Code prior to the construction of any structures.

Condition 9: All alleys shall be a minimum of 20 feet in width to ensure adequate Fire Department Access.

Conditions of Final Plat Approval for Lindburg Phase:

Condition 10: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.

Condition 11: Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

Condition 12: Connect the westerly terminus of C Street to Audubon Avenue SE.

Condition 13: Construct a minimum 8-inch off-site water main from the terminus of the existing water main in Audubon Avenue SE to the west line of the subject property.

Condition 14: Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the south line of the Lindburg Phase.

Condition 15: Provide a pedestrian crossing across Lindburg Road SE at the intersection of E Street and Lindburg Road. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS.

Conditions of Final Plat Approval for Strong Phase:

Condition 16: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.

Condition 17: Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

Condition 18: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE within the Strong Phase.

Condition 19: Construct A Street SE within Strong Phase as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

Condition 20: Construct the private streets and multi-use path shown on the tentative subdivision plan within the Village Center area of the site. The street and path improvements may be delayed until final locations and alignments are established during Site Plan Review, or with the further division, of each of the proposed lots (Lots VC1, VC2, VC4, and VC5).

Condition 21: Provide a mid-block pedestrian crossing across Lindburg Road SE where the 10-foot-wide multi-use path crosses Lindburg Road between Lots VC4 and VC5. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS. The pedestrian crossing may be relocated further to the north to avoid conflicting with the future alignment of Village Center Street on Lot VC4 and to locate it within closer proximity to Fairview Park.

Condition 22: The alley serving Lots 1-12 shall connect to the private street on Lot VC5. The alley connection may be delayed until the final location and alignment of the street is established during Site Plan Review for proposed Lot VC5. Until such time the required alley connection is made, either a temporary vehicle turnaround area meeting the PWDS shall be provided at the eastern terminus of the alley on Lot VC5 or a temporary driveway access in conformance with SRC Chapter 804 shall be provided between the alley and Strong Road SE. The turnaround or driveway shall be a hard surface material meeting the PWDS.

Condition 23: Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the north line of the Strong Phase.

Conditions of Final Plat Approval for Hilltop Phase:

Condition 24: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE from Strong Road SE to Village Center Drive SE.

Condition 25: Construct A Street SE from Strong Road SE to Village Center Drive SE as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales. The northerly terminus of A Street shall connect to Village Center Drive SE.

Condition 26: Connect a minimum 8-inch S-1 water main to the terminus of the existing water main in Village Center Drive SE.

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

- Tentative Phased Subdivision Plan: June 20, 2022 (First Phase)
June 20, 2030 - No extensions (All Remaining Phases)
- Fairview Refinement Plan Minor Amendment: June 20, 2022

Application Deemed Complete: April 10, 2020
Notice of Decision Mailing Date: June 4, 2020
Decision Effective Date: June 20, 2020
State Mandate Date: August 8, 2020

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

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Friday, June 19, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at planning@cityofsalem.net or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 530. 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours. For access to case related documents during the closure of City Hall to the public because of the Covid-19 pandemic, please contact the Case Manager.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PHASED SUBDIVISION PLAT AND FAIRVIEW REFINEMENT PLAN MINOR
AMENDMENT NO. SUB-FRPA20-03)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF PHASED)	
SUBDIVISION PLAT & FAIRVIEW)	JUNE 4, 2020
REFINEMENT PLAN MINOR AMENDMENT)	
NO. SUB-FRPA20-03; 2250 OLD STRONG)	
ROAD SE)	

REQUEST

A consolidated application to develop approximately 25.27 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the adopted Fairview refinement plan for the property, Fairview Refinement Plan II. The application includes:

- 1) A Phased Subdivision to divide the approximate 25.27-acre property into 73 single-family residential lots, ranging in size from approximately 1,780 square feet to 11,802 square feet, and five lots within the Village Center area of the refinement plan, ranging in size from approximately 23,745 square feet to 179,957 square feet; together with common open space.
- 2) A Fairview Refinement Plan Minor Amendment to:
 - a) Reduce the minimum required residential density within the Adaptive Use (AU) Restricted area of the refinement plan from 6 dwelling units per acre to 5.2 dwelling units per acre; and
 - b) Allow for an alternative stormwater management system to be utilized for streets consisting of curbs, grassy swales, and regional water quality facilities.

The property is zoned FMU (Fairview Mixed-Use) and is located at 2250 Old Strong Road SE (Marion County Assessor Map and Tax Lot Number: 083W0200100).

DECISION

The Tentative Phased Subdivision Plan and Fairview Refinement Plan Minor Amendment are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated.

Please Note: For additional clarity, the individual conditions of approval listed below have been grouped according to whether the conditions are general conditions, conditions of approval applicable to all phase of the subdivision, or conditions of approval specific to a

particular phase. Each condition is also listed within the findings of this decision under the relevant approval criterion the condition addresses.

General Conditions:

Condition 1: Prior to final subdivision plat approval for any phase of the subdivision that will include common property and facilities under common ownership, including, but not limited to, private streets/alleys, private utilities, open spaces, common facilities, and community areas, the applicant shall submit a Property Owners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of such common property and facilities.

Where a lot, or lots, within a phase of the subdivision will include private facilities that will not be under common ownership, a maintenance agreement shall instead be required providing for the perpetual maintenance and operation of such facilities. The maintenance agreement shall be submitted for review and approval by the City Attorney prior to Site Plan Review approval for any development of the lot or lots.

Condition 2: Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.

Condition 3: The tentative subdivision plan shall be reconfigured to establish the 30-foot-wide setback/buffer area crossing Lots 39 to 48 as a separate open space lot that shall be owned and perpetually maintained by the Property Owners' Association. A minimum 30-foot building and accessory structure setback shall be required along the north property line of Lot 53.

Conditions of Final Plat Approval for All Phases

Condition 4: Construct City infrastructure and internal streets within the phase as shown on the application materials and in conformance with PWDS and the Fairview Refinement Plan.

Condition 5: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

Condition 6: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.

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Condition 8: Fire department water supply and hydrants shall be provided per the Oregon Fire Code prior to the construction of any structures.

Condition 9: All alleys shall be a minimum of 20 feet in width to ensure adequate Fire Department Access.

Conditions of Final Plat Approval for Lindburg Phase:

Condition 10: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.

Condition 11: Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

Condition 12: Connect the westerly terminus of C Street to Audubon Avenue SE.

Condition 13: Construct a minimum 8-inch off-site water main from the terminus of the existing water main in Audubon Avenue SE to the west line of the subject property.

Condition 14: Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the south line of the Lindburg Phase.

Condition 15: Provide a pedestrian crossing across Lindburg Road SE at the intersection of E Street and Lindburg Road. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS.

Conditions of Final Plat Approval for Strong Phase:

Condition 16: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.

Condition 17: Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

Condition 18: Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE within the Strong Phase.

- Condition 19:** Construct A Street SE within Strong Phase as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 20:** Construct the private streets and multi-use path shown on the tentative subdivision plan within the Village Center area of the site. The street and path improvements may be delayed until final locations and alignments are established during Site Plan Review, or with the further division, of each of the proposed lots (Lots VC1, VC2, VC4, and VC5).
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- Condition 22:** The alley serving Lots 1-12 shall connect to the private street on Lot VC5. The alley connection may be delayed until the final location and alignment of the street is established during Site Plan Review for proposed Lot VC5. Until such time the required alley connection is made, either a temporary vehicle turnaround area meeting the PWDS shall be provided at the eastern terminus of the alley on Lot VC5 or a temporary driveway access in conformance with SRC Chapter 804 shall be provided between the alley and Strong Road SE. The turnaround or driveway shall be a hard surface material meeting the PWDS.
- Condition 23:** Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the north line of the Strong Phase.

Conditions of Final Plat Approval for Hilltop Phase:

- Condition 24:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE from Strong Road SE to Village Center Drive SE.
- Condition 25:** Construct A Street SE from Strong Road SE to Village Center Drive SE as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales. The northerly terminus of A Street shall connect to Village Center Drive SE.
- Condition 26:** Connect a minimum 8-inch S-1 water main to the terminus of the existing water main in Village Center Drive SE.

PROCEDURAL FINDINGS

1. On January 17, 2020, an application for tentative phased subdivision plan and Fairview Refinement Plan Minor Amendment was filed by Steve Ward on behalf of the applicant and property owner, Ward Development, LLC, proposing to divide property located at 2250 Old Strong Road SE into 78 lots together with common space.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on April 10, 2020. Public notice of the proposal was subsequently sent, pursuant to SRC requirements, to surrounding property owners and tenants within 250 feet of the subject property on April 15, 2020. Notice of the proposal was also posted on the subject property pursuant to SRC requirements by the City's case manager on April 16, 2020. The state-mandated local decision deadline for the application is August 8, 2020.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative phased subdivision plan approval to divide a 25.27-acre property located at 2250 Old Strong Road (**Attachment A**) into 73 single-family residential lots, ranging in size from approximately 1,780 square feet to 11,802 square feet, and five lots within the Village Center area of the refinement plan, ranging in size from approximately 23,745 square feet to 179,957 square feet; together with common open space to preserve an existing tree stand located in the center of the development and to provide land for the proposed development's stormwater management facilities.

The size and configuration of the five proposed lots within the Village Center (VC) area of the site are intended to accommodate future development, but no specific use or development for these lots has been identified at this time.

In addition to the phased subdivision, the proposal also includes a requested minor amendment to the adopted Fairview refinement plan applicable to the property, Fairview Refinement Plan II, to reduce the minimum required residential density within the Adaptive Use (AU) Restricted area of the refinement plan from 6 dwelling units per acre to 5.2 dwelling units per acre; and allow for an alternative stormwater management system to be utilized for streets consisting of curbs, grassy swales, and regional water quality facilities.

Vehicular access throughout the subdivision is intended to be provided by a system of streets and alleys. All streets within the subdivision will be public, except for those streets serving the proposed lots within the Village Center area which will be private. The proposed alleys serving the residential lots within the subdivision will be private.

Two of the proposed streets within the subdivision, A Street and C Street, extend to connect and provide access to Village Center Drive SE and Audubon Avenue SE within

the adjacent Pringle Creek Community development to the north. Proposed A street also provides access to the adjacent Fairview Addition West development to the west.

In addition to providing vehicular access, the proposed subdivision also provides for pedestrian connectivity through the site and to abutting properties through sidewalks on both sides of all streets, designated multi-use paths, and an additional connection at the end of B Street that extends between proposed Lots 19 and 20 to connect to the multi-use path along the private on proposed Lot VC5 in the Village Center area of the site.

The phasing plan for the proposed subdivision identifies a total of three phases which include the Lindberg Phase, the Strong Phase, and the Hilltop Phase. Each of the proposed phases is intended to stand-alone in regard to the public infrastructure and utilities needed to serve them. As such, the development of any one phase is not intended to be dependent upon any other phases and therefore the phasing plan does not identify a specific sequencing under which the phases will develop.

2. Applicant's Plans and Statement.

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

- Tentative Subdivision Plan: **Attachment B**
- Subdivision Phasing Plan: **Attachment C**
- Overall Utility Plan: **Attachment D**
- Overall Streets Plan: **Attachment E**

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

The specific proposed amendments to the Fairview Refinement Plan II Refinement Plan are included as **Attachment G**.

3. Summary of Record.

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this decision.

4. Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The subject property is designated "Mixed-Use" on the Salem

Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Mixed-Use
South	Mixed-Use
East	Mixed Use
	Across Old Strong Road SE, Industrial and Industrial Commercial
West	Mixed-Use

5. Zoning

The subject property is zoned FMU (Fairview Mixed-Use). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	FMU (Fairview Mixed-Use)
South	FMU (Fairview Mixed-Use)
East	FMU (Fairview Mixed-Use)
	Across Old Strong Road SE, IBC (Industrial Business Campus) and IC (Industrial Commercial)
West	FMU (Fairview Mixed-Use)

Relationship to Urban Service Area

The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property.

Two UGA preliminary declarations have been approved for the Fairview property identifying the required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004, and applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved to modifying the public facility requirements.

6. Public and Private Agency Review

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated that Lots 1-12 appear to be served from a 12-foot-wide alley, Lots 21-32 appear to be served from a 20-foot-wide access easement, and the remainder of the lots appear to be served from the street system. The Fire Department indicates that the minimum required fire department access is 20 feet in width.

Staff Response: In addition to Lots 1-12 and Lots 21-32, Lots 54-65 also include alley access. The width of the alley access to these lots is 20 feet. In order to ensure that the width of the proposed the alley serving Lots 1-12 and the widths of the alleys serving all of other lots within the subdivision that will include alley access meet minimum Fire Department access width requirements, a condition of approval is included in this decision requiring all alleys to be a minimum of 20 feet in width.

- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment H**.
- D. The Salem-Keizer School District review the proposal and provided comments that are included in **Attachment I**. The School District indicates, in summary, that the property is served by Morningside Elementary School, Leslie Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Morningside Elementary School and Leslie Middle School to accommodate the projected increase in student enrollment resulting from the future development of the lots, but South Salem High School will be overcapacity.

The School District indicates that the subject property is located within the walk zone of Morningside Elementary and Leslie Middle School, and that students will be eligible for school provided transportation to South Salem High School.

7. Neighborhood Association and Public Comments

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

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One comment was received prior to the comment deadline. The comment received (**Attachment J**) was from Sustainable Development Incorporated (SDI), the developer of Pringle Creek Community located to the north of the proposed development, and concerns the following issues:

A. Proposed Buffer between Lots 39-35 and Pringle Creek Community.

The comment received from SDI indicates, in summary, that they are in favor of the applicant's original proposal to include the required 30-foot setback/buffer area between the proposed subdivision and Pringle Creek Community within a separate property under the control of the homeowners association (HOA) for the development rather than it being included as a 30-foot setback area on each individual lot. SDI explains that given the steep terrain between Pringle Creek Community and the proposed subdivision in this area, the existing undisturbed vegetation is needed to minimize water runoff and erosion and to promote slope stability along the property line. SDI explains that making the 30-foot setback area part of a separately controlled HOA property better ensures the protection of the hillside and existing vegetation than if it were to instead be left to individual property owners as a setback on each individual lot.

Staff Response: A minimum 30-foot rear yard setback was required as part of the approval of the prior major amendment to the Fairview Refinement Plan II refinement plan in 2016 (Case No. FRPA16-01). The condition, identified as Condition 11 in the prior decision, required the following:

"Along the boundary of the proposed amended refinement plan with Pringle Creek Community, a minimum 30-foot rear yard setback shall be required for buildings and accessory structures."

The condition of approval was established in response to concerns raised by Pringle Creek Community regarding the potential impacts of the development on the hillside between the two properties and the need to maintain the existing trees and vegetation in the area as a buffer/open area as identified in the Fairview Plan.

In order to comply with this condition of approval a 30-foot-wide area where no buildings or accessory structures are present is required between Lots 39-48, and Lot 53, of the proposed subdivision and Pringle Creek Community. This can be achieved by either requiring a 30-foot setback on each individual lot or creating a separate 30-foot-wide tract of land under the control of an HOA.

As the comments from SDI indicate, the preservation of existing trees and vegetation in this area of the site is better achieved if the required 30-foot setback/buffer area is established as a separate tract of land under the control of an HOA. As such, a condition of approval, Condition 3, is included in this decision requiring the 30-foot-wide setback area to be established as a separate tract of land that will be maintained by the HOA for the proposed development. This

requirement does not apply, however, to proposed Lot 53 due to its small size and irregular shape. In order to ensure Lot 53 remains buildable, the 30-foot setback required under FRPA16-01 will continue to apply to the lot.

Under this condition, the required 30-foot setback along the boundary of the subject property with Pringle Creek Community is met by the 30-foot-wide separate tract of land, and development of the lots abutting this separate tract of land will be subject to the normal setbacks of the refinement plan.

B. Traffic Pedestrian Connection to Fairview Park.

The comment received from SDI also indicates that the proposed subdivision does not provide for a traffic-free pedestrian connection from Pringle Creek Community through the proposed development to the new Fairview Park. It is explained that a key element of the Master Plan is pedestrian pathways and interconnectivity throughout the Fairview parcel. SDI indicates that in order to be true to the Master Plan goal of creating interconnected neighborhoods, pedestrian access must be accommodated. The comment provided suggests that a traffic-free pedestrian connection could be feasibly achieved by designating a pathway across the proposed water quality facility at the north end of the site labeled "HOA Area/WQ Facility" on the subdivision tentative plan. It is explained that a pedestrian walkway that transverses the HOA water quality parcel can avoid streets and provide interconnected between Fairview Park and Pringle Creek Community.

Staff Response: Sections 4 through 6 of the Fairview Refinement Plan II refinement plan address provisions for both vehicular and pedestrian connectivity within the refinement plan area. As shown on the "Proposed Major and Existing Streets and Multi-Use Paths" drawing included in the refinement plan, pedestrian connectivity within the refinement plan is provided by proposed multi-use paths which accommodate bicycles and pedestrians and sidewalks on both sides of proposed streets.

Opportunities for pedestrian connectivity between the proposed development and Pringle Creek Community are limited in this area of the site due to the topographical difference between the two properties. There are, however, two existing points within the Pringle Creek Community (PCC) development where pedestrian connections within PCC have been designed to connect and extend into the subject property. These connections are located at the terminus of Village Center Drive SE and Audubon Avenue SE. The proposed development connects to these streets within PCC and extends sidewalk connectivity into the site. The proposed internal streets with sidewalks in-turn allow for safe and convenient pedestrian access from PCC to Fairview Park. In order to ensure safe pedestrian crossing of Lindburg Road to the park, conditions of approval, Conditions 15 & 21, is established requiring the pedestrian crossings to include raised pedestrian medians with appropriate signing and striping. These crossings would be located where proposed E Street intersects with Lindburg Road and in the vicinity of where the proposed multi-use path cross Lindburg Road between Lot VC5 and Lot VC4 in the Village Center area of the site.

The possibility of a pedestrian connection crossing the proposed HOA/stormwater quality facility at the northern end of the development was considered by staff, but such a connection across the stormwater facility would impact its intended function, and the location of the crossing at Lindburg Road would be potentially more dangerous due to the curvature of the street, the topography of the property, and the associated site distance in that area.

Providing pedestrian access from PCC to the park along proposed C Street and E Street provides for a safer connection that will access the park in a more central location.

5. TENTATIVE PHASED SUBDIVISION PLAN APPROVAL CRITERIA

SRC Chapter 205.015(d) sets forth the following criteria that must be met before approval can be granted to a tentative phased subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

Finding: The proposed phased subdivision meets all of the tentative subdivision plan approval criteria of SRC 205.010(d) as follows:

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

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

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned FMU (Fairview Mixed-Use). The proposed tentative phased subdivision plan, as conditioned, complies with the applicable standards of the FMU zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 530 (Fairview Mixed-Use Zone)

The subject property is zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, all development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530. The Fairview Plan is the master plan that identifies the overall goals and policies for development of the Fairview site and refinement plans are detailed regulatory plans that implement the Fairview Plan.

The subject property is located in an area of the Fairview site that has an approved refinement plan, the *Fairview Refinement Plan II* refinement plan. Pursuant to SRC 530.030, standards and processes stipulated in an approved refinement plan supersede the standards and processes of the Unified Development Code (UDC) and shall be used as review criteria for any specific development proposal within the area covered by the approved refinement plan.

Because the subject property is located within the Fairview Refinement Plan II refinement plan, the standards of the refinement plan supersede many of the standards of the Salem Revised Code (SRC) and constitute the standards applicable to the proposed subdivision and any future development within it.

The proposed subdivision conforms to the applicable development standards of the Fairview Refinement Plan II refinement plan as described below:

Fairview Refinement Plan II

Allowed uses and development standards within Fairview Refinement Plan II are differentiated based on specific overlay areas established by the FMU zone.

Pursuant to Section 3 of the refinement plan (*General Allocation and Identification of Major Proposed Land Uses*), there are three zones/overlay areas defined in the FMU zone and Fairview Plan which are present in the refinement plan. These zones/overlay areas include the MI (Mixed-Intensity), AU (Adaptive Use), and VC (Village Center) areas.

The 78-lot subdivision included with this proposal is located within two of these zones/overlay areas, the AU area (*specifically AU-Restricted*) and the VC area. The majority of the subject property is located within the AU area and the remainder of the property is located within the VC area.

Refinement Plan Section 2 (Permitted Land Uses)

Allowed uses within the refinement plan are identified under Section 2 (Permitted Land Uses) of the refinement plan.

Pursuant to this section, the allowed uses within the refinement plan are, with a few limited exceptions, the uses identified in the Permitted Uses Table of the FMU zone (specifically Table 530-1).

The proposed subdivision includes lots for single family uses in the AU area. The VC area includes smaller lots for townhouses and five larger lots to accommodate future VC area allowed uses.

As identified under Table 530-1 of the FMU zone, single family detached dwellings attached townhouses are permitted uses in both the AU and VC areas of the refinement plan. The VC area also allows a variety of uses that could be developed on the larger VC area lots. No specific use for those lots has been identified at this time.

Because the proposed residential uses within the subdivision are permitted within the FMU zone they are also permitted within the refinement plan. Any future uses of the proposed five larger VC area lots will be required to be allowed within the FMU zone.

Refinement Plan Section 7 (Table 1) (Development Standards)

▪ **Density:**

Residential density within the AU area of the refinement plan is required to be a minimum of six dwelling units per acre and cannot exceed a maximum of 35 dwelling units per acre. Residential density within the VC area of the refinement plan is required to be a minimum of 13 dwelling units per acre and cannot exceed a maximum of 35 dwelling units per acre.

The proposed net area of the VC area that will be developed with residential uses totals approximately 0.61 acres and will include 12 dwelling units. The resulting 19.67 dwelling units per acre proposed within the VC area of the site conforms to the density requirement of the refinement plan.

The proposed net area of the AU area of the subject property totals approximately 11.74 acres and will include 61 dwelling units. The resulting 5.2 dwelling units per acre proposed within the AU area of the site does not conform to the minimum required 6 dwelling units per acre density requirement of the refinement plan. Because the proposed residential density within the AU area of the refinement plan does not meet minimum density requirements, a minor amendment to the refinement plan has been requested as part of the application to reduce the minimum required residential density for the AU-Restricted area of the refinement plan to a minimum of 5.2 dwelling unit per acre. Analysis of the refinement plan minor amendment and findings demonstrating conformance with the minor amendment approval criteria are included in Section x of this report.

▪ **Lot Standards:**

Lot size and dimensions requirements applicable to the proposed development within the AU and VC areas of the refinement plan are summarized in the following table:

AU & VC Area Lot Standards		
Lot Area	AU & VC	Min. 1,000 sq. ft.
Lot Width	AU	Min. 22 ft.

	VC	Min. 20 ft.
Lot Depth	AU & VC	Min. 40 ft.

Lot sizes for the 73 proposed residential lots within the AU and VC portions of the site range from approximately 1,780 square feet to 11,802 square feet and lot sizes for the five proposed larger lots within the VC portion of the site range from approximately 23,745 square feet to 179,957 square feet, therefore exceeding minimum required lot area standards. As shown on the tentative subdivision plan, all of the proposed lots within the subdivision also exceed minimum lot width and depth requirements.

▪ **Lot Coverage**

Lot coverage requirements within the AU and VC areas of the refinement plan are summarized in the following table:

AU & VC Area Lot Coverage Standards		
Building Coverage	AU & VC	Max. 70%
Building Footprint	AU & VC	Max. 10,000 sq. ft.
		Max. 1,000 sq. ft. (applicable to accessory structures)
Floor-Area-Ratio	VC	Min. 0.75

The lot coverage requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the lot coverage requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with lot coverage requirements at the time of building permit/site plan review approval.

▪ **Setbacks:**

Setback requirements for buildings, accessory structures, and parking areas within the AU and VC areas of the refinement plan are summarized in the following table:

Summary of Setbacks		
Building & Accessory Structures		
FMU Zone Boundary	AU & VC	Min. 20 ft. from FMU zone boundary
Strong & Lindburg Roads	VC	Min. 10 ft. / Max. 20 ft.
		Min. 70% of lot frontage shall be occupied by buildings placed at the minimum setback line.
Front Abutting Street	AU & VC	Min. 10 ft. / Max. 20 ft.

Side Street	AU & VC	Min. 10 ft. / Max. 20 ft.
Side Interior	AU	Min. 0 ft. (<i>applicable to single family townhouse</i>)
		Min. 5 ft. (<i>applicable to detached single family and duplex</i>)
Rear Principal Building	AU	Min. 0 ft. (<i>applicable to single family and duplex</i>)
	VC	Min. 5 ft.
Rear Other Buildings	AU & VC	Min. 5 ft.
		Min. 2 ft. (<i>applicable to residential accessory buildings</i>)
Parking Areas		
Front/Street Setback	AU & VC	Min. 20 ft.
Side Setback Adjacent to Residential	AU & VC	Min. 10 ft.
Side Setback Adjacent to Non-Residential	AU & VC	Min. 5 ft.

The setback requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of building permit/site plan review approval.

▪ **Building Dimensions:**

Building dimension requirements within the AU and VC areas of the refinement plan are summarized in the following table:

Building Dimension Standards		
Height	AU & VC	Max. 45 ft. (<i>applicable to buildings</i>)
		Max. 18 ft. (<i>applicable to accessory structures</i>)
Exterior Wall Length	AU & VC	Max. 100 ft. without 4 ft. change of plane (<i>applicable to mixed-use/commercial and multiple family</i>)

The building dimension requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the building dimension requirements are not applicable. Future development of the proposed lots will be

reviewed for conformance with building dimension requirements at the time of building permit/site plan review approval.

▪ **Parking & Loading:**

Parking and loading requirements within the AU and VC areas of the refinement plan are summarized in the following table:

Parking & Loading Standards		
Parking Stalls	AU & VC	Min. 1 space per dwelling unit (<i>applicable to residential uses</i>)
		Min. 1 space per 500 sq. ft. (<i>applicable to non-residential</i>)
Eligible On-Street Parking	AU & VC	50% of required parking may be located on street within 100 feet of the lot it serves (<i>applicable to multiple family</i>)
		50% of required parking may be located on street within 200 ft. of the lot it serves (<i>applicable to all other uses</i>)
Surface Parking Coverage	AU & VC	Max. 40% of parcel
Bicycle Parking	AU & VC	Min. 1 space per dwelling unit (<i>applicable to residential multi-family and mixed-use</i>)
		Min. 1 space per 500 sq. ft. (<i>applicable to non-residential</i>)

The parking and loading requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the parking and loading requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with parking and loading requirements at the time of building permit/site plan review approval.

▪ **Driveway/Curb Cuts:**

Driveway and curb cut requirements within the AU and VC areas of the refinement plan are summarized in the following table. The driveway and curb cut standards identified in the refinement plan apply only to private streets. Driveways and curb cuts on public streets are subject to the applicable provisions of SRC Chapter 804.

Driveway & Curb Cut Standards		
Maximum Per Parcel	AU & VC	Max. 1 (<i>applicable to single family and duplex</i>)
		Max. 2 (<i>applicable to all other</i>)

Access	AU & VC	Only from lesser class right-of-way (ROW)/Easement
Separate Wheel Tracks Allowed	AU & VC	Yes (<i>allowed only for single family, duplex, and their accessory structures</i>)
Width (<i>Driveway serving 15+ stalls</i>)	VC	Min. 10 ft. / Max. 18 ft.
Width (<i>Driveway serving 4-14 stalls</i>)	AU & VC	Min. 10 ft. / Max. 14 ft.
Width (<i>Driveway serving 1-4 stalls</i>)	AU & VC	Min. 8 ft. (<i>applicable to single family</i>)
		Min. 12 ft. (<i>applicable to more than 1 dwelling unit</i>)
Depth	AU & VC	Maximum 20 ft. (<i>applicable to single family, duplex, and their accessory structures</i>)
Curb Cuts	AU & VC	Max. 2 per parcel

The driveway and curb cut requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the driveway and curb cut requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with driveway and curb cut requirements at the time of building permit/site plan review approval.

SRC Chapter 205 (Land Division and Reconfiguration)

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

SRC 205.035(f) requires subdivisions that include common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways, bikeways, and landscape strips, to include recorded covenants, conditions, and restrictions (CC&Rs) requiring all such facilities and common property to be perpetually operated and maintained by a property owners' association.

The Fairview Refinement Plan II refinement plan includes similar requirements under Sections 12 and 13 of the refinement plan which require all common open space and facilities within the development, as well as any proposed private infrastructure, to be operated and maintained by the Fairview II Property Owners' Association. Because the proposed subdivision includes common open space and facilities and private infrastructure, the following condition of approval shall apply to ensure their perpetual operation and maintenance in conformance with SRC 205.035(f) and the refinement plan:

Condition 1: Prior to final subdivision plat approval for any phase of the subdivision that will include common property and facilities under common ownership, including, but not limited to, private streets/alleys, private utilities, open spaces, common facilities, and community areas, the applicant shall submit a Property Owners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of such common property and facilities.

Where a lot, or lots, within a phase of the subdivision will include private facilities that will not be under common ownership, a maintenance agreement shall instead be required providing for the perpetual maintenance and operation of such facilities. The maintenance agreement shall be submitted for review and approval by the City Attorney prior to Site Plan Review approval for any development of the lot or lots.

SRC Chapter 230 (Historic Preservation)

SRC Chapter 230 (Historic Preservation) establishes requirements for the preservation of historic buildings and structures as well as archaeological resources. Requirements specific to the preservation of archaeological resources are included under SRC 230.100.

The proposed project is located within a known high probability archeological zone. The applicant has not yet completed consultation with the Oregon State Historic Preservation Office (SHPO) and the Tribes, and archaeological testing of the project area has not yet been completed and it has not been determined that there will be no demonstrated adverse effect to archaeological resources as a result of the ground disturbance associated with the construction of the proposed improvements. Therefore, the applicant shall implement an Inadvertent Discovery Plan for use during all ground disturbing activity. In order to ensure there will be no adverse effects to archaeological resources as a result of the proposed development and to ensure that the archaeological preservation requirements of SRC 230.100 are met, the following condition of approval shall apply:

Condition 2: Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.

City Infrastructure Standards (SRC Chapters 802 and 803)

The Public Works Department reviewed the proposal and indicated the subject property is currently served by the following existing City infrastructure:

Water: The subject property is located within the S-1 water service level. A 10-inch S-1 water main is located in Strong Road SE at the southern boundary of the subject property and 8-inch S-1 water

mains are located in Village Center Drive SE (private) and Audubon Road SE (private).

Sewer: An 8-inch sewer main is located in Strong Road SE along the southern boundary of the subject property. A 27-inch sewer main is located in Old Strong Road SE along the northern boundary of the subject property, but this main is not available for new connections. An 8-inch public sewer main is located in Audubon Avenue SE (private) within a City easement (Note 4 on Page 18 of Pringle Community subdivision plat No. S46-052).

Storm Drainage: A 12-inch storm main is located in Lindburg Road SE and an 18-inch storm main is located in Strong Road SE along the southern boundary of the subject property.

Streets: *Strong Road SE* extends through the subject property. Strong Road is designated as a collector street in the Salem Transportation System Plan (TSP). The standard for this collector street is established within the refinement plan.

Old Strong Road SE is located along the northern boundary of the subject property. Old Strong Road SE is approved for vacation under Ordinance Bill No. 7-10, conditioned upon construction of a new public collector street that fully replaces the functionality of Old Strong Road SE between Reed Road SE and Fairview Industrial Drive SE.

Lindburg Road SE extends to the subject property from the southeast. Lindburg Road is dedicated as a collector street in the TSP. The standard for this collector street is established within the refinement plan.

The Fire Department also reviewed the proposal and provided comments addressing requirements of the Oregon Fire Code as they apply to the proposed development. In order to ensure that infrastructure is provided to serve the proposed development consistent with the Unified Development Code and the Oregon Fire Code the following conditions of approval are established for all phases of the proposed subdivision:

Condition 4: Construct City infrastructure and internal streets within the phase as shown on the application materials and in conformance with PWDS and the Fairview Refinement Plan.

Condition 5: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

Condition 6: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.

- Condition 7:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 8:** Fire department water supply and hydrants shall be provided per the Oregon Fire Code prior to the construction of any structures.
- Condition 9:** All alleys shall be a minimum of 20 feet in width to ensure adequate Fire Department Access.

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

SRC Chapter 808 (Preservation of Trees and Vegetation)

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

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 138 trees on the property, six of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 138 total trees existing on the property, the proposed tree conservation plan identifies 70 trees (*51 percent*) for preservation and 68 trees (*49 percent*) for removal. All six significant oaks on the property are proposed for preservation and the tree conservation plan preserves the two significant tree stands identified in the Fairview Plan Natural Resources Inventory located: 1) In the former central crescent area of the Fairview Training Center; and 2) Along the northwest boundary of the subject property between the proposed development and Pringle Creek Community.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

SRC Chapter 809 (Wetlands)

The Fairview Refinement Plan II refinement plan does not identify any wetlands areas on the portion of the site subject to the proposed subdivision request. However, in review of the Salem-Keizer Local Wetland Inventory (LWI), there is a mapped wetland channel located on the Pringle Creek Community property in proximity to the subject property along its northwestern property line.

Due to the location of the mapped wetland area in relation to the subject property, notice of the proposed development was sent to the Oregon Department of State Lands (DSL). Comments received from DSL indicate, in summary, that the proposed subdivision may impact jurisdictional wetlands of the State. DSL explains that if earth moving activities are expected in the northwestern portion of the tax lot where the wetland channel is mapped it is recommended that the area be assessed by a qualified wetland consultant. DSL indicates that should jurisdictional wetlands be found, a wetland delineation report should be submitted to DSL for review and approval.

As shown on the proposed tentative subdivision plan and discussed earlier in this decision, a 30-foot wide setback/buffer area is provided along the northwestern boundary of the subject property between the proposed development and Pringle Creek Community. This setback was required as a condition of approval of Fairview Refinement Plan Major Amendment Case No. FRPA16-01 and is intended to provide for the preservation of the existing trees and vegetation in the area, provide for an open space buffer between the two developments, and protect the stability of the hillside between the two developments by limiting grading and site disturbances to the area. In order to best preserve this area and ensure its long-term preservation as vegetated and treed open space, a condition of approval is included in this decision, Condition 3, requiring the 30-foot setback/buffer area to be included in a separate tract subject to the control of the Property Owners' association for the development.

The presence of the 30-foot-wide buffer area along the northwestern property line of the subject property will help to reduce the potential for impacts to any mapped wetlands in this area if any should be found to exist. As required under SRC Chapter 809, notice of the proposed development was submitted to the DSL. Compliance with DSL requirements is required to be coordinated between the applicant and DSL staff.

SRC Chapter 810 (Landslide Hazards)

The topography of the site generally rises upward from the northwest, north, east, south, and west to a hilltop area in the middle of what was the central crescent area of the former Fairview Training Center. The most substantial change in the topography of the site occurs along the northwestern boundary of the subject property between the proposed development and Pringle Creek Community to the north.

SRC Chapter 810 (Landslide Hazards) establishes mitigation requirements for the development of land within areas of identified landslide hazard susceptibility. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of

proposed development) in order to determine what mitigation, if any, is required to ensure safe development.

According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 to 6 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a geologic assessment, prepared by GeoEngineers Inc. and dated March 10, 2020, for the proposed development in conformance with the requirements of SRC Chapter 810.

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

Finding: The proposed subdivision divides the entire 25.27-acre property into 78 lots with no remainder. Seventy-three of the proposed lots will be utilized for the development of single-family residential uses and the remaining five larger proposed lots within the Village Center area of the site will be reserved for future development, but no specific uses have been identified at this time.

The proposed subdivision will not impede the future use or development of the property. The proposed lots are of a size and configuration to allow them to be developed consistent with the requirements of the proposed refinement plan. This criterion is met.

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

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

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

Finding: The subject property is located adjacent to Strong Road SE, Lindburg Road SE, and Old Strong Road SE. Each of these streets is designated as a collector street within the City's Transportation System Plan (TSP). Pursuant to Ordinance Bill No. 7-10, Old Strong Road SE is approved for vacation upon construction of a new public collector street that fully replaces the functionality of Old Strong Road between Reed Road SE and Fairview Industrial Drive SE. There are also two private local streets, Village Center Drive SE and Audubon Avenue SE, which extend to the northwestern boundary of the subject property.

Internal streets within the subdivision include both public streets serving the residential lots within the subdivision and a private internal street, as allowed within the refinement plan, that provides additional access to the proposed larger lots within the Village Center area of the site.

The identified street improvements, as proposed by the applicant in the application materials and conditioned with this decision, ensure all streets within the development will conform to the TSP and the applicable provisions of the adopted refinement plan. This approval criterion is met.

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

Finding: Access to and within the proposed subdivision will be provided by a network of existing and proposed public and private streets.

Access to the proposed residential lots within the subdivision will be provided by public streets and some lots will be served by private alleys. Access to the larger Village Center lots will be provided by Lindburg Road, Strong Road, and a private internal street, Village Center Street, which will loop around the Village Center area and pass through, and provide additional access to, proposed Lots VC1, VC2, VC4, and VC5.

The proposed subdivision provides for street connectivity to the surrounding area by extending streets to connect to Village Center Drive SE and Audubon Avenue SE within Pringle Creek Community; extending Strong Road SE to the eastern boundary of the Fairview Addition West development for eventual further extension; and improving Lindburg Road SE, from its intersection with Strong Road to its intersection with Old Strong Road SE.

Each phase of the subdivision is designed for safe, orderly, and efficient circulation of traffic through construction of street improvements contained within each phase. This approval criterion is met.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: Safe and convenient pedestrian and bicycle access is provided from within the subdivision to the surrounding area by a network of proposed streets, which include sidewalks on both sides, and designated multi-use paths that are designed to provide bicycle and pedestrian connectivity through the site and the greater Fairview Refinement Plan II area.

There are two locations within the proposed subdivision where pedestrian connections are needed across Lindburg Road SE in order to provide safe and convenient bicycle

and pedestrian access. One connection is at the intersection of proposed E Street and Lindburg Road. This connection is needed in order to ensure safe access through the subject property to Fairview Park. The other needed connection is where the proposed multi-use path crosses Lindburg Road between Lots VC4 and VC5 in the Village Center area of the site.

In order to ensure safe and convenient pedestrian and bicycle access across Lindburg Road as required by this approval criterion, conditions of approval are established requiring pedestrian connections across Lindburg Road at the intersection of E Street and where the proposed multi-use path crosses Lindburg Road between Lots VC4 and VC5 in the Village Center area of the site. The conditions, and their required sequencing based on the phasing plan, are addressed later in this decision. The proposed subdivision, as conditioned, meets this approval criterion.

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

Finding: A Traffic Impact Analysis (TIA) was submitted to, and approved by, the Public Works Department with the approval of the Fairview Plan in 2005. The TIA identifies traffic impacts and necessary mitigation measures to accommodate the proposed development of the entire Fairview site and ensure that existing transportation facilities are not significantly affected.

Subsequent to the approval of the original TIA, updates have been reviewed and approved as new refinement plans have been approved or when a development is proposed within a refinement plan area that diverges from the mix of uses originally anticipated and identified in the TIA for that refinement plan.

The latest approved TIA update for Fairview Refinement Plan II portion of the Fairview site includes a residential and non-residential mix of uses. The anticipated land use mix identified in the TIA includes 100 single-family homes, 180 apartment units, 15 condominium/townhouse units, a private school with 35 students, 57,000 square feet of office space, 27,000 square feet of specialty retail commercial space, and 28 acres of City park.

The proposed 73 residential lots and the five larger Village Center lots included within the subdivision are consistent with the anticipated land uses and associated estimated traffic generation levels approved for Fairview Refinement Plan II and fit into the established framework set by the Fairview plan and associated infrastructure agreement to mitigate impacts, including impacts on the City's transportation system, as a result of the development of the overall 275-acre Fairview Training Center property. Because the levels of traffic associated with the proposed subdivision are consistent with those identified in the TIA for the development of the entire Fairview site, the proposed development will not result in unmitigated impacts to the transportation system. This approval criterion is met.

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

Finding: Property within the FMU zone requires a master planning process in order to facilitate sustainable mixed-use development. Required refinement plans must address how proposed development will address a number of principles of sustainability included in the Fairview Plan, including respecting the landscape by preserving the natural features and topography of a site to the maximum.

The streets and lots within the proposed subdivision have been arranged to preserve the natural topography and vegetation of the site to the maximum extent possible consistent with the approved Fairview Refinement Plan II refinement plan and the FMU zone. The This criterion is met.

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

Finding: As is explained in the findings establishing conformance with SRC 205.010(d)(8) above, the layout of the proposed phased subdivision takes into account the topography and vegetation of the site in order to minimize the amount of grading and vegetation removal that will be necessary for the proposed development. All of the lots within the subdivision are of sufficient size to accommodate development of the housing types envisioned for the property in the refinement plan.

As previously discussed in this decision, the proposed subdivision includes a 30-foot-wide setback/buffer area along the northwestern property line where the topography of the subject property is the steepest. The setback/buffer area was established as a condition of approval of the previous major amendment to the Fairview Refinement Plan II refinement plan (FRPA16-01). The purpose of the setback/buffer area is to provide for the preservation of the existing trees and vegetation in the area, provide for an open space buffer between the subject property and Pringle Creek Community to the north, and protect the stability of the hillside between by limiting grading, site disturbance, and the potential for any resulting erosion.

The 30-foot-wide setback/buffer area is currently shown on the subdivision tentative plan as a setback across the rear of Lots 39-48, and along the side of Lot 53. Comments received on the subdivision from Sustainable Development Incorporated (SDI), the developers of Pringle Creek Community, express concern that if the 30-foot setback/buffer area is left simply as a building and accessory structure setback on the individual lots subject to the control of individual lot owners sufficient protection of the open area will not be provided. SDI instead suggests that the 30-foot setback/buffer area be established as a separate tract of land controlled by the HOA of the development, as originally proposed by the applicant, in order to better ensure its preservation.

The applicant is in agreement with the suggested revision by SDI but has expressed concern about the impact that such an approach would have on ability to build a home on Lot 53. Lot 53 is not like the other lots the 30-foot setback applies to. Due to its smaller size and irregular shape, the required 30-foot setback/buffer takes up nearly half of lot. If the 30-foot setback/buffer area were to be excluded from Lot 53 and instead included as part of a separate open space tract, an additional 5-foot interior side yard setback would be applicable adjacent to its new northern property line which would further restrict the buildable envelope of the lot. As an alternative, if the 30-foot setback were to remain on Lot 53, the northern area of the property would still be protected from encroachment by building and accessory structures as intended under in the original condition of approval for the amended refinement plan. This, together with the applicant's designation of all of the trees on the lot within the setback area for preservation under the proposed tree conservation plan ensures that both the hillside and the trees on it will be protected while at the same time allowing for the reasonable development of the lot.

In order to address the concerns raised by SDI and the applicant, and to ensure that the tentative subdivision plan takes into account the topography and vegetation of the site so that the least disruption of the site, topography, and vegetation will result from the development of the lots the following condition of approval shall apply:

Condition 3: The tentative subdivision plan shall be reconfigured to establish the 30-foot-wide setback/buffer area crossing Lots 39 to 48 as a separate open space lot that shall be owned and perpetually maintained by the Property Owners' Association. A minimum 30-foot building and accessory structure setback shall be required along the north property line of Lot 53.

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

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

Finding: The property is subject to an approved UGA preliminary declaration (UGA04-08) that was approved for in 2004 and subsequently amended in 2011. The proposed subdivision is consistent with the requirements for on-site and off-site infrastructure improvements established in the UGA preliminary declaration as they are implemented through the Fairview Development District.

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

Finding: A phasing plan (**Attachment C**) was submitted by the applicant as part of the proposed subdivision. As indicated on the tentative subdivision phasing plan, the proposed subdivision and identified public improvements associated with the different phases have been designed so that each phase can function independently. The phasing plan provided by the applicant, together with the conditions of approval established as part of this decision, ensure that as development of the subdivision progresses, utilities and streets will be extended to serve each phase in a manner that provides connectivity between the phases and allows for the efficient construction of required improvements. This approval criterion is met.

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

Finding: The phasing plan proposed for the subdivision allows each of the phases to be self-contained and include all of the required access and public infrastructure to serve the lots within that phase. In order to implement the provisions of the identified phasing plan and ensure that each phase will be substantially and functionally self-contained and self-sustaining with regard to required improvements, the following conditions of approval shall apply to each of the proposed phases.

Conditions of Final Plat Approval for the Lindburg Phase:

- Condition 10:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.
- Condition 11:** Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 12:** Connect the westerly terminus of C Street to Audubon Avenue SE.
- Condition 13:** Construct a minimum 8-inch off-site water main from the terminus of the existing water main in Audubon Avenue SE to the west line of the subject property.
- Condition 14:** Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the south line of the Lindburg Phase.
- Condition 15:** Provide a pedestrian crossing across Lindburg Road SE at the intersection of E Street and Lindburg Road. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS.

Conditions of Final Plat Approval for the Strong Phase:

- Condition 16:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.
- Condition 17:** Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 18:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE within the Strong Phase.
- Condition 19:** Construct A Street SE within Strong Phase as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 20:** Construct the private streets and multi-use path shown on the tentative subdivision plan within the Village Center area of the site. The street and path improvements may be delayed until final locations and alignments are established during Site Plan Review, or with the further division, of each of the proposed lots (Lots VC1, VC2, VC4, and VC5).
- Condition 21:** Provide a mid-block pedestrian crossing across Lindburg Road SE where the 10-foot-wide multi-use path crosses Lindburg Road between Lots VC4 and VC5. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS. The pedestrian crossing may be relocated further to the north to avoid conflicting with the future alignment of Village Center Street on Lot VC4 and to locate it within closer proximity to Fairview Park.
- Condition 22:** The alley serving Lots 1-12 shall connect to the private street on Lot VC5. The alley connection may be delayed until the final location and alignment of the street is established during Site Plan Review for proposed Lot VC5. Until such time the required alley connection is made, either a temporary vehicle turnaround area meeting the PWDS shall be provided at the eastern terminus of the alley on Lot VC5 or a temporary driveway access in conformance with SRC Chapter 804 shall be provided between the alley and Strong Road SE. The turnaround or driveway shall be a hard surface material meeting the PWDS.
- Condition 23:** Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the north line of the Strong Phase.

Conditions of Final Plat Approval for the Hilltop Phase:

- Condition 24:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE from Strong Road SE to Village Center Drive SE.
- Condition 25:** Construct A Street SE from Strong Road SE to Village Center Drive SE as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales. The northerly terminus of A Street shall connect to Village Center Drive SE.
- Condition 26:** Connect a minimum 8-inch S-1 water main to the terminus of the existing water main in Village Center Drive SE.

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

Finding: The subdivision phasing plan submitted by the applicant is designed to ensure that all phases support the infrastructure requirements of the entire subdivision. The conditions placed on the approval of the subdivision implement the phasing plan and ensure conformance with this requirement. This approval criterion is met.

6. FAIRVIEW REFINEMENT PLAN MINOR AMENDMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 530.035(e)(1) sets forth the following criteria that must be met before approval can be granted to a minor amendment to a Fairview refinement plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the minor amendment application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 530.035(e)(1)(A): The proposed amendment does not substantially change the refinement plan.

Finding: Two amendments to the Fairview Refinement Plan II refinement plan have been submitted in conjunction with the proposed subdivision. The first amendment pertains specifically to the AU-Restricted area identified in the refinement plan and specifically proposes to reduce the minimum required residential density within this area from six dwelling units per acre to 5.2 dwelling units per acre.

The second amendment proposes to allow for an alternative stormwater management system to be utilized for streets within the refinement plan area consisting of curbs, grassy swales, and regional water quality facilities.

The proposed amendments meet this approval criterion as follows:

AU-Restricted Area Density Reduction:

The written statement provided by the applicant (**Attachment F**) indicates that the refinement plan requires a minimum of 6 dwelling units per acre for the AU zone. The applicant explains that there are several factors which necessitate the requested minor amendment to reduce the density in the AU-Restricted area from 6 units per acre to 5.2 units per acre. These factors include:

- 1) Topographic constraints.
- 2) Constraints of the existing property boundary.
- 3) Preservation of existing trees.
- 4) Required setbacks.
- 5) The area is bordered by two collector streets (Strong Road and Lindburg Road).
- 6) Required alley access.
- 7) A need to create usable/buildable lots.
- 8) Market forces.

The applicant explains that combining all of the above factors into an efficient cost effective affordable resulted in the proposed layout and lot configuration. The applicant indicates that the existing property configuration is not the most efficient for development. The property is not rectangular and is bordered by two collector streets which require alley access. The applicant indicates that several areas of the property have steep topography which further constrains the lot layout and forces some lots to be larger in order to have a buildable footprint for the proposed houses.

Staff concurs with the written statement provided by the applicant. The amended 5.2 dwelling unit per acre residential density proposed within the AU-Restricted area of the refinement plan is based upon the subdivision that has been proposed for this portion of the site. As indicated by the applicant, the layout of the subdivision responds to the topography and vegetation of the site and to the existing transportation network in this area. In doing so, the number of residential lots was required to be slightly reduced in order to allow accommodate the topography of the site into the design of the subdivision and to provide for the preservation of trees and open space.

The proposed 13.33 percent reduction to the minimum required density will not substantially change the refinement plan because it does not exceed the 20 percent threshold specified under SRC 530.035(b)(2)(C) triggering a major amendment to the refinement plan and, although the residential density is slightly reduced, the proposed subdivision is still able to provide a variety of residential lots including townhouse lots with alley access fronting Strong Road SE, medium size lots in the middle portion of the site (many with alley access), and larger lots in the northwestern portion of the site where topography is steeper. The proposed subdivision is substantially consistent with the approved refinement plan. This approval criterion is met.

Alterative Stormwater Management System:

The written statement provided by the applicant (**Attachment F**) indicates that when the amended refinement plan was prepared and approved in 2016, Sustainable Fairview Associates did not plan on curbing street. The applicant indicates that curbed streets are, however, proposed to be allowed within the refinement plan due to the smaller lot sizes (average 50 ft. wide) and the resulting small amount of bioswale area

remaining for each lot after driveways are constructed. The applicant indicates that curbs and grassy swales in combination with regional water quality facilities are instead proposed in the refinement plan to provide for an alternative method of addressing stormwater management on the site.

Staff concurs with the applicant's written statement. The proposed amendment to allow for curbs and grassy swales in combination with regional stormwater facilities will not result in a substantial change to the refinement plan. It instead allows for the use of a slightly different alternative method of stormwater management. Stormwater will still be managed on-site consistent with the requirements of the refinement plan which identifies a combination of facilities which may be allowed. This approval criterion is met.

SRC 530.035(e)(1)(B): The proposed amendment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The proposed amendments will not unreasonably impact surrounding existing or potential uses or development and therefore conform to this approval criterion as follows:

AU-Restricted Area Density Reduction:

The proposed amendment to reduce the minimum required density for residential uses within the AU-Restricted area of the refinement plan will not result in unreasonable impacts to surrounding existing or potential uses or development. The amendment results in a slight reduction in the minimum number of dwelling units required, but the proposed subdivision still provides for a variety of residential lots, in keeping with the refinement plan, and the preservation of trees and open space. This approval criterion is met.

Alternative Stormwater Management System:

The proposed amendment to allow for curbs and grassy swales in combination with regional stormwater facilities will not result in unreasonable impacts to surrounding existing or potential uses or development. By allowing stormwater within the development to be managed with curbs, grassy swales, and regional facilities, stormwater will still be managed on site, but because less water will be directly discharged into the ground area immediately adjacent to the street, the potential for negative effects resulting from stormwater discharge into the ground where the topography of the slope is steeper is minimized. This approval criterion is met.

7. Conclusion

Based upon review of SRC 205.015, 205.010, & SRC 530.035, the findings contained under Sections 5 and 6 above, and the comments described, the Tentative Phased Subdivision Plan and Fairview Refinement Plan Minor Amendment comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Phased Subdivision Plan and Fairview Refinement Plan Minor Amendment Case No. SUB-FRPAJ20-03, for property located at 2250 Old Strong Road SE is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

General Conditions:

Condition 1: Prior to final subdivision plat approval for any phase of the subdivision that will include common property and facilities under common ownership, including, but not limited to, private streets/alleys, private utilities, open spaces, common facilities, and community areas, the applicant shall submit a Property Owners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of such common property and facilities.

Where a lot, or lots, within a phase of the subdivision will include private facilities that will not be under common ownership, a maintenance agreement shall instead be required providing for the perpetual maintenance and operation of such facilities. The maintenance agreement shall be submitted for review and approval by the City Attorney prior to Site Plan Review approval for any development of the lot or lots.

Condition 2: Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.

Condition 3: The tentative subdivision plan shall be reconfigured to establish the 30-foot-wide setback/buffer area crossing Lots 39 to 48 as a separate open space lot that shall be owned and perpetually maintained by the Property Owners' Association. A minimum 30-foot building and accessory structure setback shall be required along the north property line of Lot 53.

Conditions of Final Plat Approval for All Phases

Condition 4: Construct City infrastructure and internal streets within the phase as shown on the application materials and in conformance with PWDS and the Fairview Refinement Plan.

Condition 5: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

- Condition 6:** Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.
- Condition 7:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 8:** Fire department water supply and hydrants shall be provided per the Oregon Fire Code prior to the construction of any structures.
- Condition 9:** All alleys shall be a minimum of 20 feet in width to ensure adequate Fire Department Access.

Conditions of Final Plat Approval for Lindburg Phase:

- Condition 10:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.
- Condition 11:** Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 12:** Connect the westerly terminus of C Street to Audubon Avenue SE.
- Condition 13:** Construct a minimum 8-inch off-site water main from the terminus of the existing water main in Audubon Avenue SE to the west line of the subject property.
- Condition 14:** Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the south line of the Lindburg Phase.
- Condition 15:** Provide a pedestrian crossing across Lindburg Road SE at the intersection of E Street and Lindburg Road. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS.

Conditions of Final Plat Approval for Strong Phase:

- Condition 16:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.

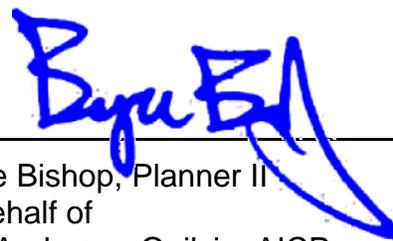
- Condition 17:** Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 18:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE within the Strong Phase.
- Condition 19:** Construct A Street SE within Strong Phase as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
- Condition 20:** Construct the private streets and multi-use path shown on the tentative subdivision plan within the Village Center area of the site. The street and path improvements may be delayed until final locations and alignments are established during Site Plan Review, or with the further division, of each of the proposed lots (Lots VC1, VC2, VC4, and VC5).
- Condition 21:** Provide a mid-block pedestrian crossing across Lindburg Road SE where the 10-foot-wide multi-use path crosses Lindburg Road between Lots VC4 and VC5. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS. The pedestrian crossing may be relocated further to the north to avoid conflicting with the future alignment of Village Center Street on Lot VC4 and to locate it within closer proximity to Fairview Park.
- Condition 22:** The alley serving Lots 1-12 shall connect to the private street on Lot VC5. The alley connection may be delayed until the final location and alignment of the street is established during Site Plan Review for proposed Lot VC5. Until such time the required alley connection is made, either a temporary vehicle turnaround area meeting the PWDS shall be provided at the eastern terminus of the alley on Lot VC5 or a temporary driveway access in conformance with SRC Chapter 804 shall be provided between the alley and Strong Road SE. The turnaround or driveway shall be a hard surface material meeting the PWDS.
- Condition 23:** Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the north line of the Strong Phase.

Conditions of Final Plat Approval for Hilltop Phase:

- Condition 24:** Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE from Strong Road SE to Village Center Drive SE.

Condition 25: Construct A Street SE from Strong Road SE to Village Center Drive SE as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales. The northerly terminus of A Street shall connect to Village Center Drive SE.

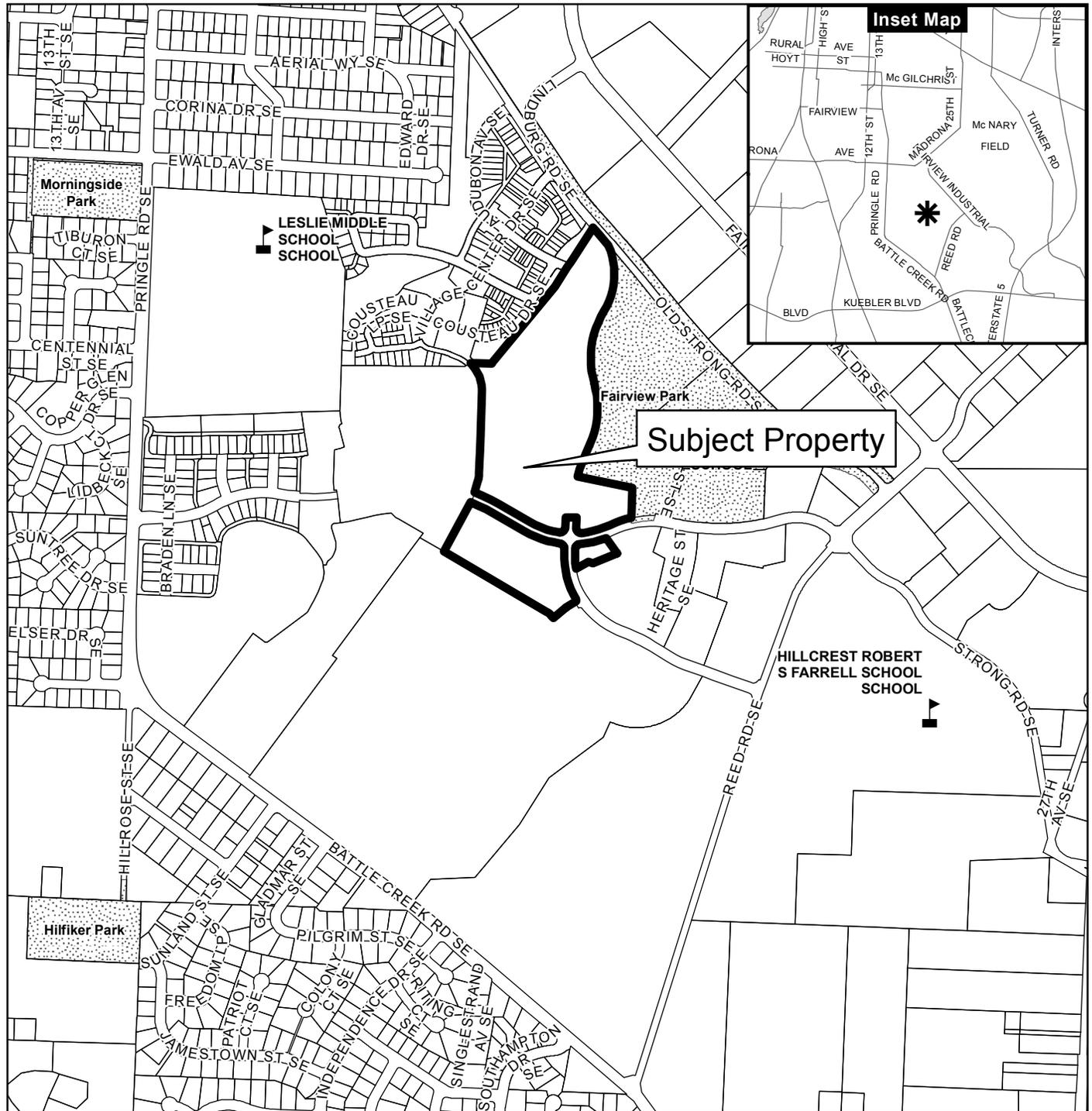
Condition 26: Connect a minimum 8-inch S-1 water main to the terminus of the existing water main in Village Center Drive SE.



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

- Attachments:
- A. Vicinity Map
 - B. Tentative Phased Subdivision Plan
 - C. Subdivision Phasing Plan
 - D. Overall Utility Plan
 - E. Overall Street Plan
 - F. Applicant's Written Statement
 - G. Proposed Amendments to Fairview Refinement Plan II Refinement Plan
 - H. City of Salem Public Works Department Comments
 - I. Salem-Keizer School District Comments
 - J. Comments from Sustainable Development Incorporated

Vicinity Map 2250 Old Strong Road SE



Legend

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



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DRAWINGS FOR:

LEGACY HEIGHTS PRELIMINARY PLAT AT FAIRVIEW

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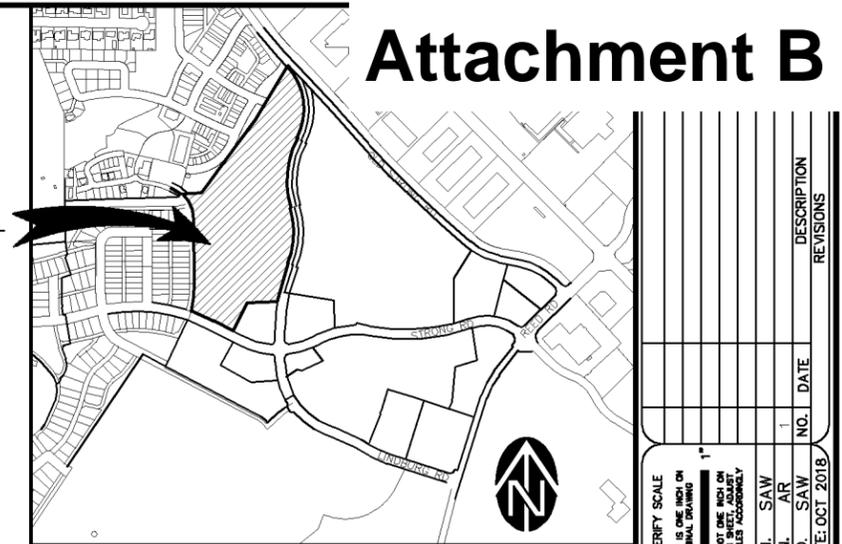
GEO ENGINEERS
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Salem, Oregon 97301

Julio Vela, PE
Phone: (971) 304-3078
jvela@geoengineers.com



Know what's below.
Call before you dig.

PROJECT LOCATION



VICINITY MAP

GENERAL LEGEND

ITEM	PROPOSED	EXISTING
SANITARY SEWER	—SS—	—SS—
STORM DRAIN	—SD—	—SD—
WATER	—W—	—W—
GAS	—G—	—G—
TELEPHONE	—T—	—T—
POWER	—P—	—P—
FENCE	—X—X—	—X—X—
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STORM DRAIN MANHOLE	[Symbol]	[Symbol]
CATCH BASIN	[Symbol]	[Symbol]
FIRE HYDRANT AND VALVE	[Symbol]	[Symbol]
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TREES	[Symbol]	[Symbol]

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DATE: OCT 2018



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3886
E-mail: westech@westech-eng.com

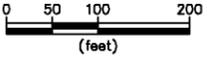
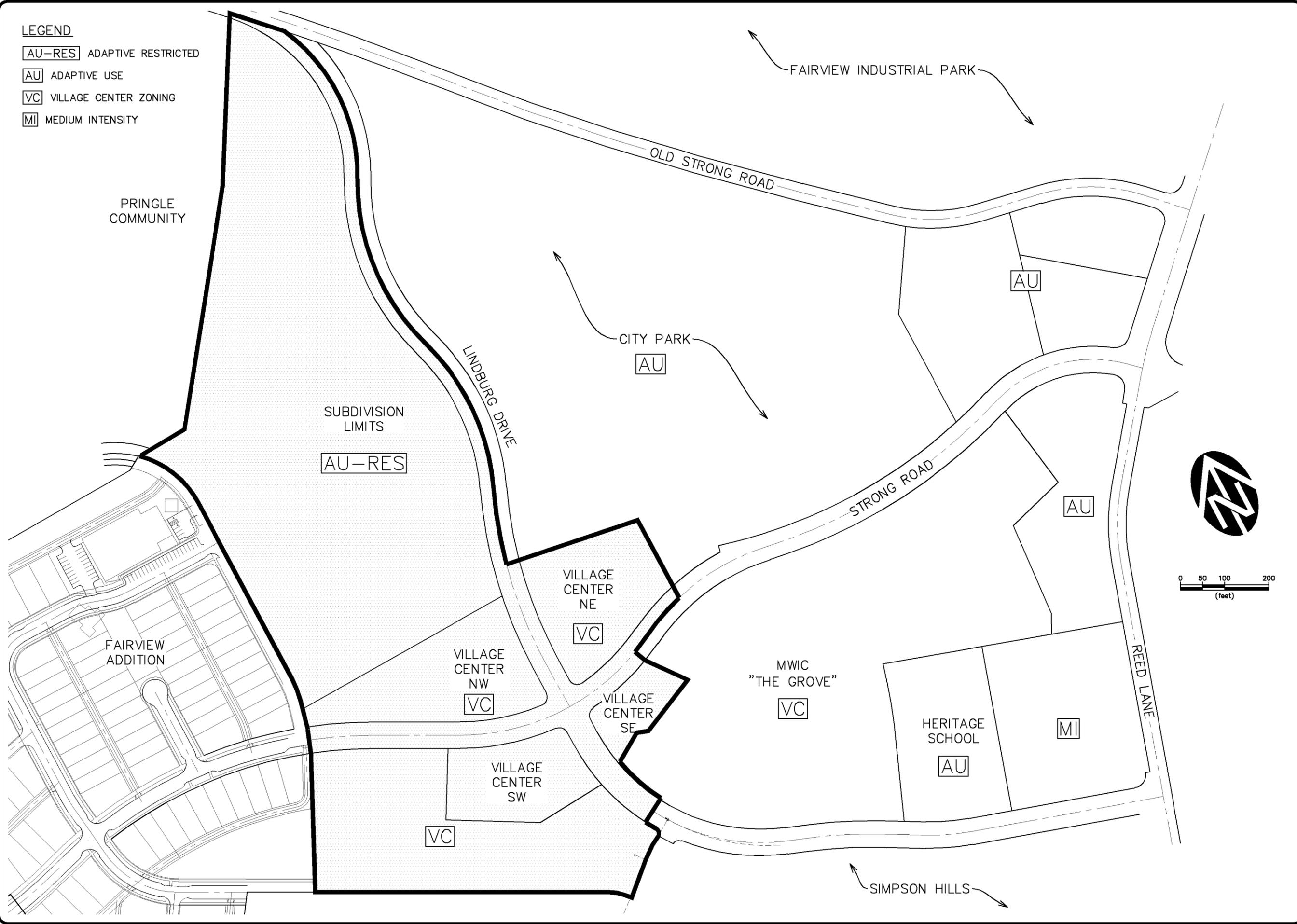
WARD DEVELOPMENT, LLC
LEGACY HEIGHTS SUBDIVISION
COVER SHEET
& VICINITY MAP

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LEGEND

- AU-RES ADAPTIVE RESTRICTED
- AU ADAPTIVE USE
- VC VILLAGE CENTER ZONING
- MI MEDIUM INTENSITY



NO.	DATE	DESCRIPTION	BY
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 DATE: OCT 2018



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WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

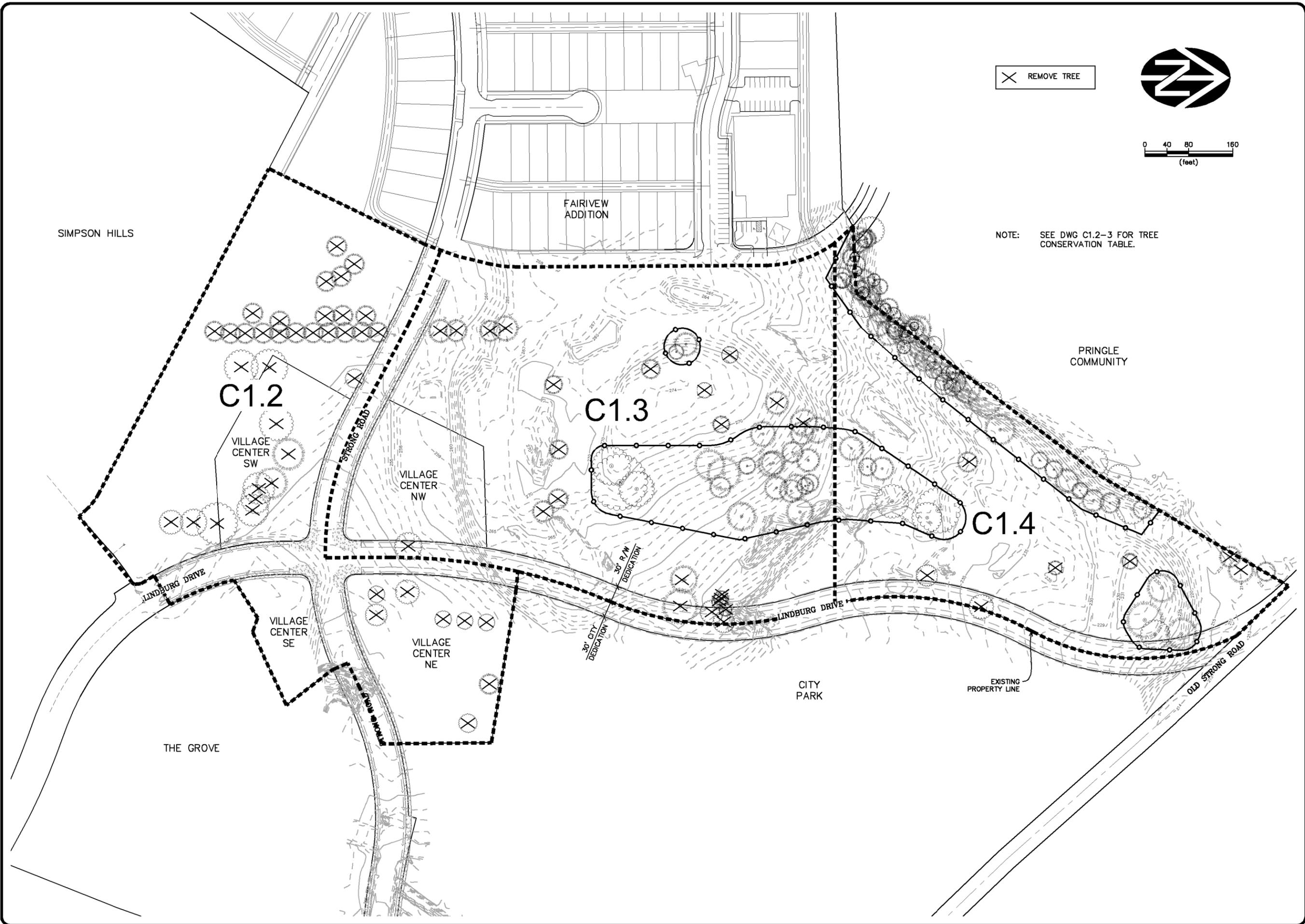
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 E-mail: westech@westech-eng.com

WARD DEVELOPMENT, LLC
 LEGACY HEIGHTS SUBDIVISION
**OVERALL PLAN
 & ZONING MAP**

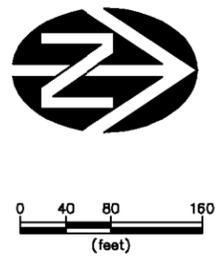
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✕ REMOVE TREE



NOTE: SEE DWG C1.2-3 FOR TREE CONSERVATION TABLE.

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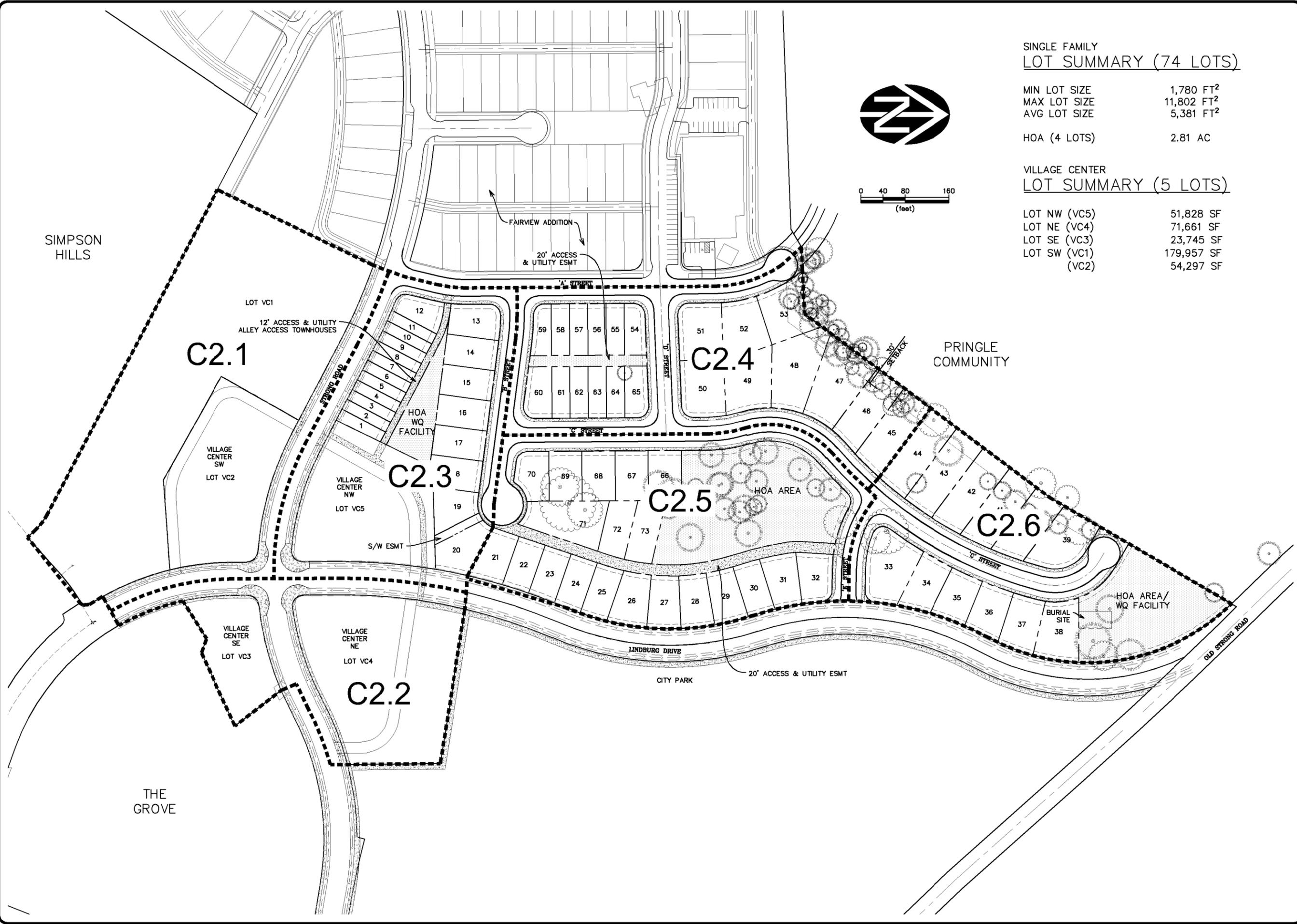
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WARD DEVELOPMENT, LLC
 LEGACY HEIGHTS SUBDIVISION
**OVERALL TOPOGRAPHY &
 TREE DEMOLITION PLAN**

DRAWING
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**SINGLE FAMILY
 LOT SUMMARY (74 LOTS)**

MIN LOT SIZE 1,780 FT²
 MAX LOT SIZE 11,802 FT²
 AVG LOT SIZE 5,381 FT²

HOA (4 LOTS) 2.81 AC

**VILLAGE CENTER
 LOT SUMMARY (5 LOTS)**

LOT NW (VC5) 51,828 SF
 LOT NE (VC4) 71,661 SF
 LOT SE (VC3) 23,745 SF
 LOT SW (VC1) 179,957 SF
 (VC2) 54,297 SF

NO.	DATE	DESCRIPTION	BY
1			

VERIFY SCALE
 THIS IS ONE INCH ON ORIGINAL DRAWING
 IF NOT ONE INCH ON SCALE, SCALE ACCURATELY

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DSN. SAJ
 DRN. AR
 CKD. SAJ
 DATE: OCT 2018

REVIEW
 PROFESSIONAL ENGINEER
 STEVEN A. GARDNER
 LICENSE NO. 11000
 REVIEWED 9/29/2020

WE
WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3886
 E-mail: westech@westech-eng.com

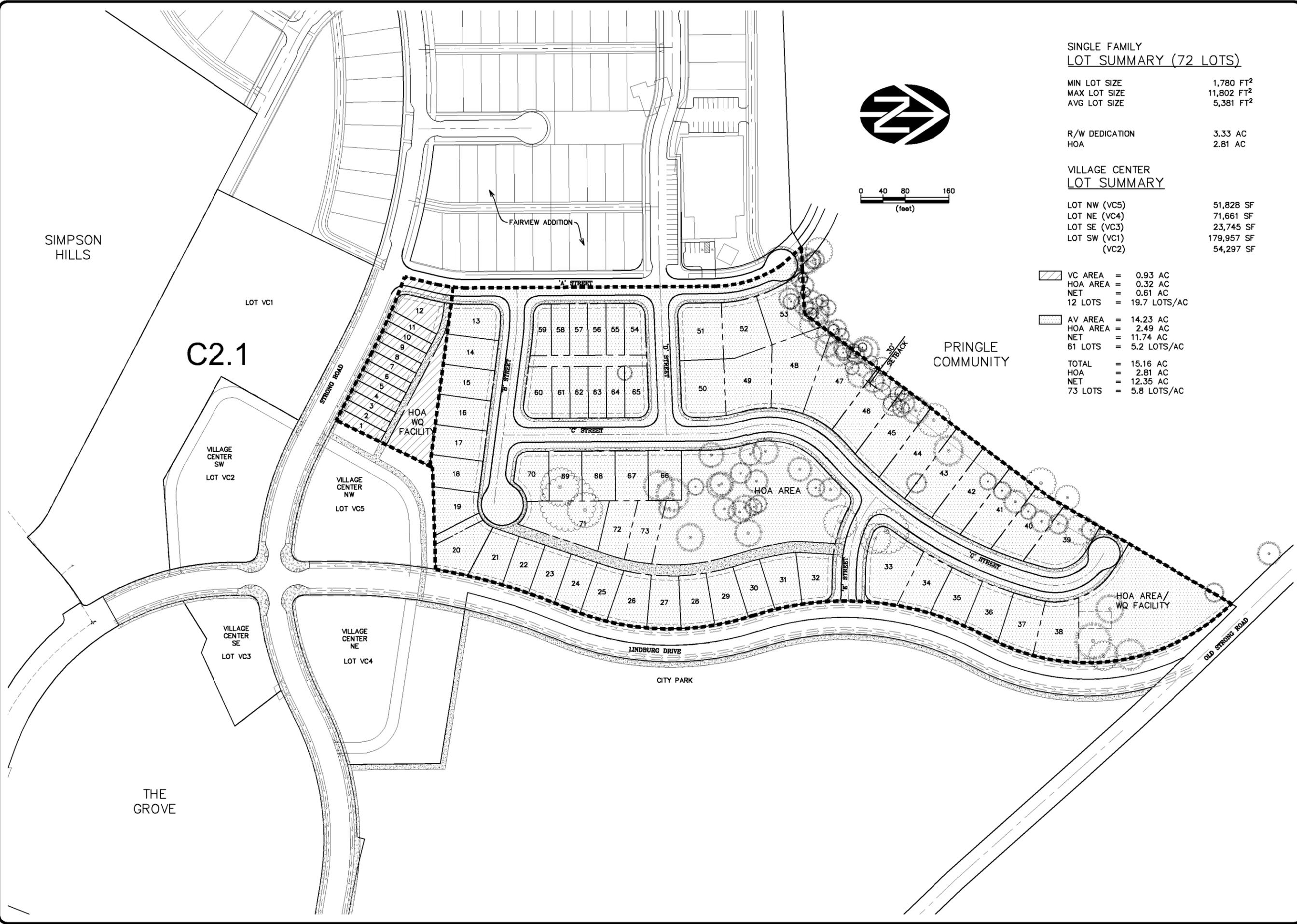
WARD DEVELOPMENT, LLC
 LEGACY HEIGHTS SUBDIVISION

OVERALL LOT LAYOUT

DRAWING
C2.0

JOB NUMBER
 2720.7000.0

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**SINGLE FAMILY
 LOT SUMMARY (72 LOTS)**

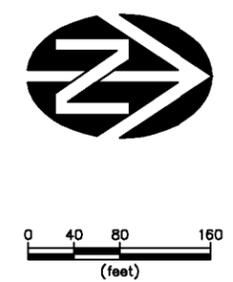
MIN LOT SIZE	1,780 FT ²
MAX LOT SIZE	11,802 FT ²
AVG LOT SIZE	5,381 FT ²

R/W DEDICATION	3.33 AC
HOA	2.81 AC

**VILLAGE CENTER
 LOT SUMMARY**

LOT NW (VC5)	51,828 SF
LOT NE (VC4)	71,661 SF
LOT SE (VC3)	23,745 SF
LOT SW (VC1)	179,957 SF
(VC2)	54,297 SF

VC AREA	= 0.93 AC
HOA AREA	= 0.32 AC
NET	= 0.61 AC
12 LOTS	= 19.7 LOTS/AC
AV AREA	= 14.23 AC
HOA AREA	= 2.49 AC
NET	= 11.74 AC
61 LOTS	= 5.2 LOTS/AC
TOTAL	= 15.16 AC
HOA	= 2.81 AC
NET	= 12.35 AC
73 LOTS	= 5.8 LOTS/AC



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 IF NOT ONE INCH OR SCALE ACCURATELY

DSN. SAJ
 DRN. AR
 CKD. SAJ
 DATE: OCT 2018

REVIEW

PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. 45678
 STEVEN A. L. GIBSON
 REVIEWER: 9/29/2020

WE

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 CONSULTING ENGINEERS AND PLANNERS

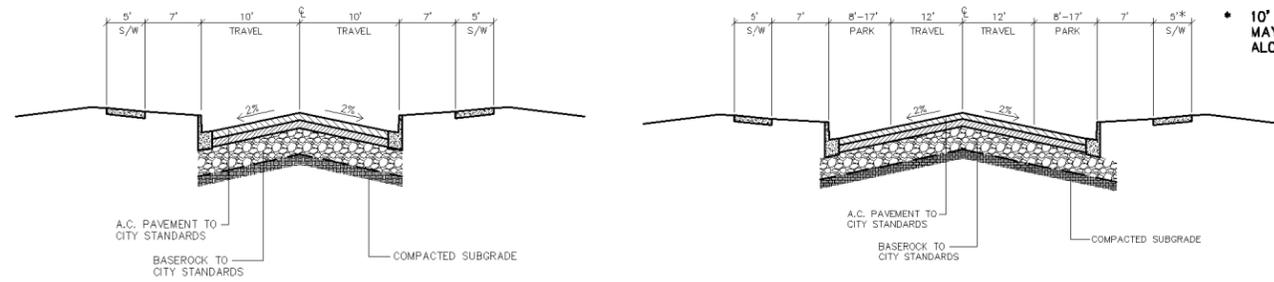
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3886
 E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC
 LEGACY HEIGHTS SUBDIVISION

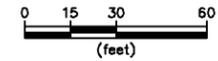
DENSITY CALCULATION

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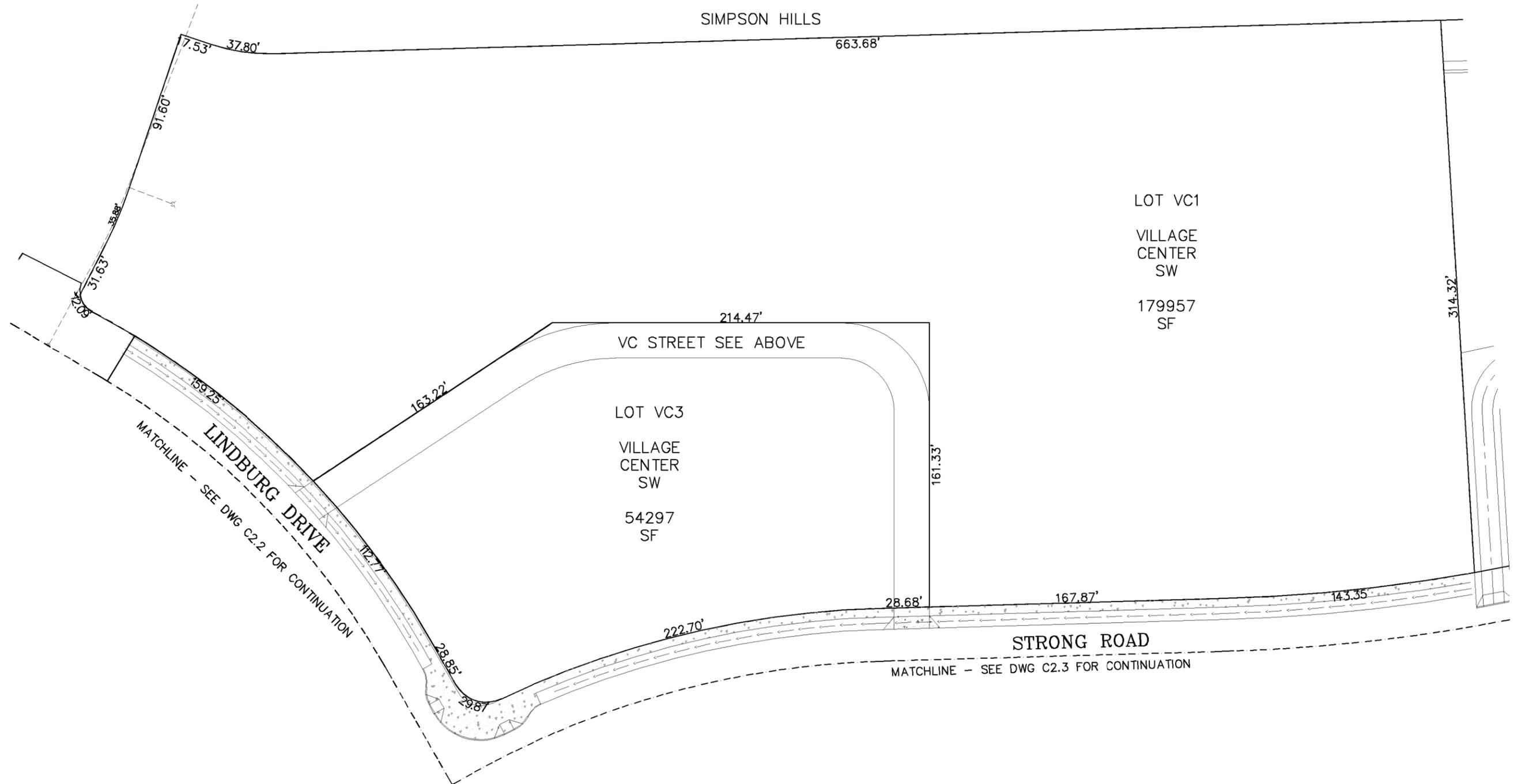


• 10' MULTI-USE PATH REQUIRED ON VC5. PATH MAY BE ADJACENT TO VC STREET OR A STAND ALONE PATH AT DEVELOPERS OPTION.



TYPICAL VC STREET W/O PARKING
NTS

TYPICAL VC STREET W/ PARKING
NTS



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							DESCRIPTION
							REVISIONS
							BY

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CONSULTING ENGINEERS AND PLANNERS
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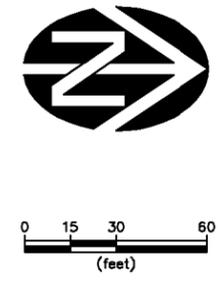
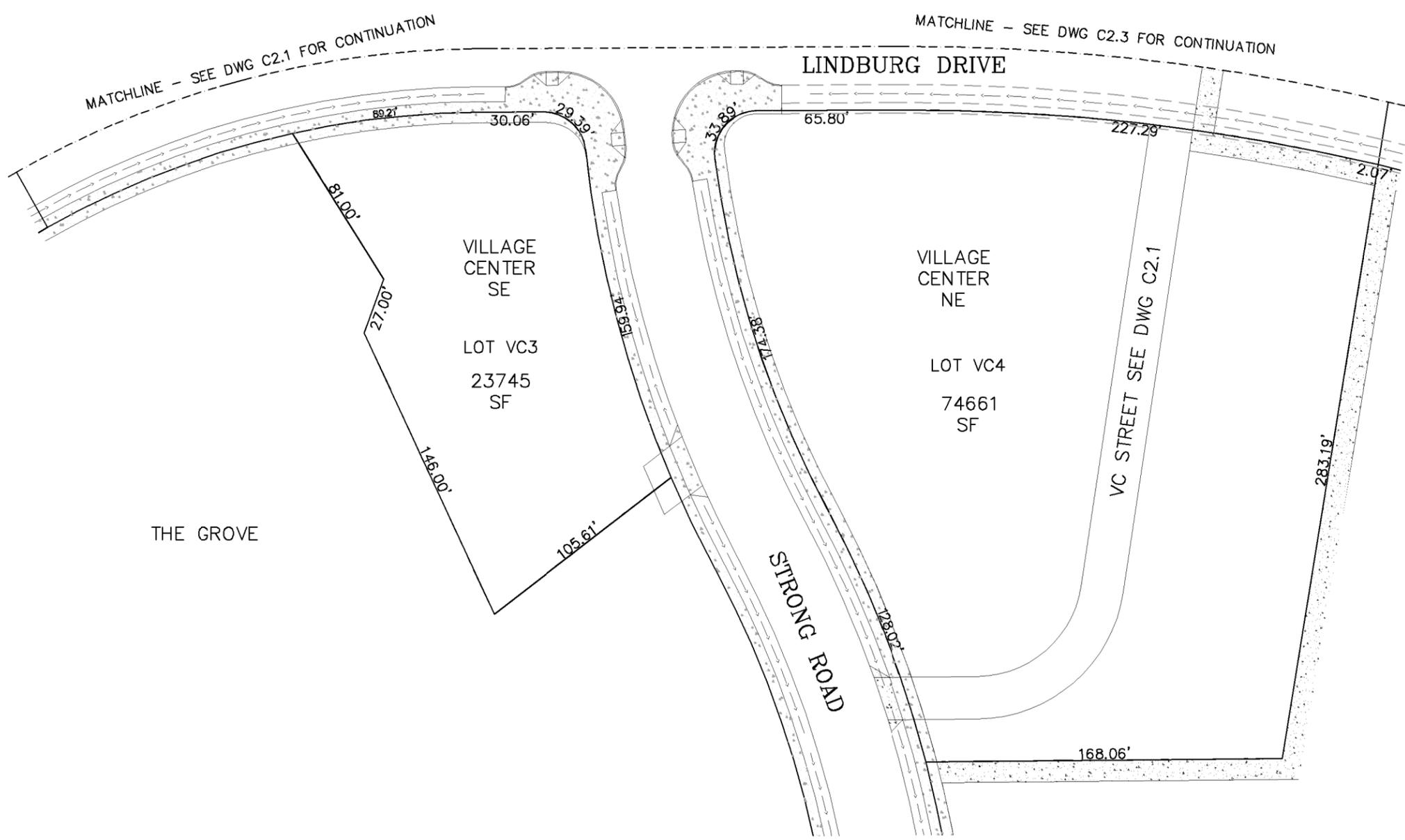
WARD DEVELOPMENT, LLC
LEGACY HEIGHTS SUBDIVISION

LOT LAYOUT

DRAWING
C2.1

JOB NUMBER
2720.7000.0

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 DATE: OCT 2018

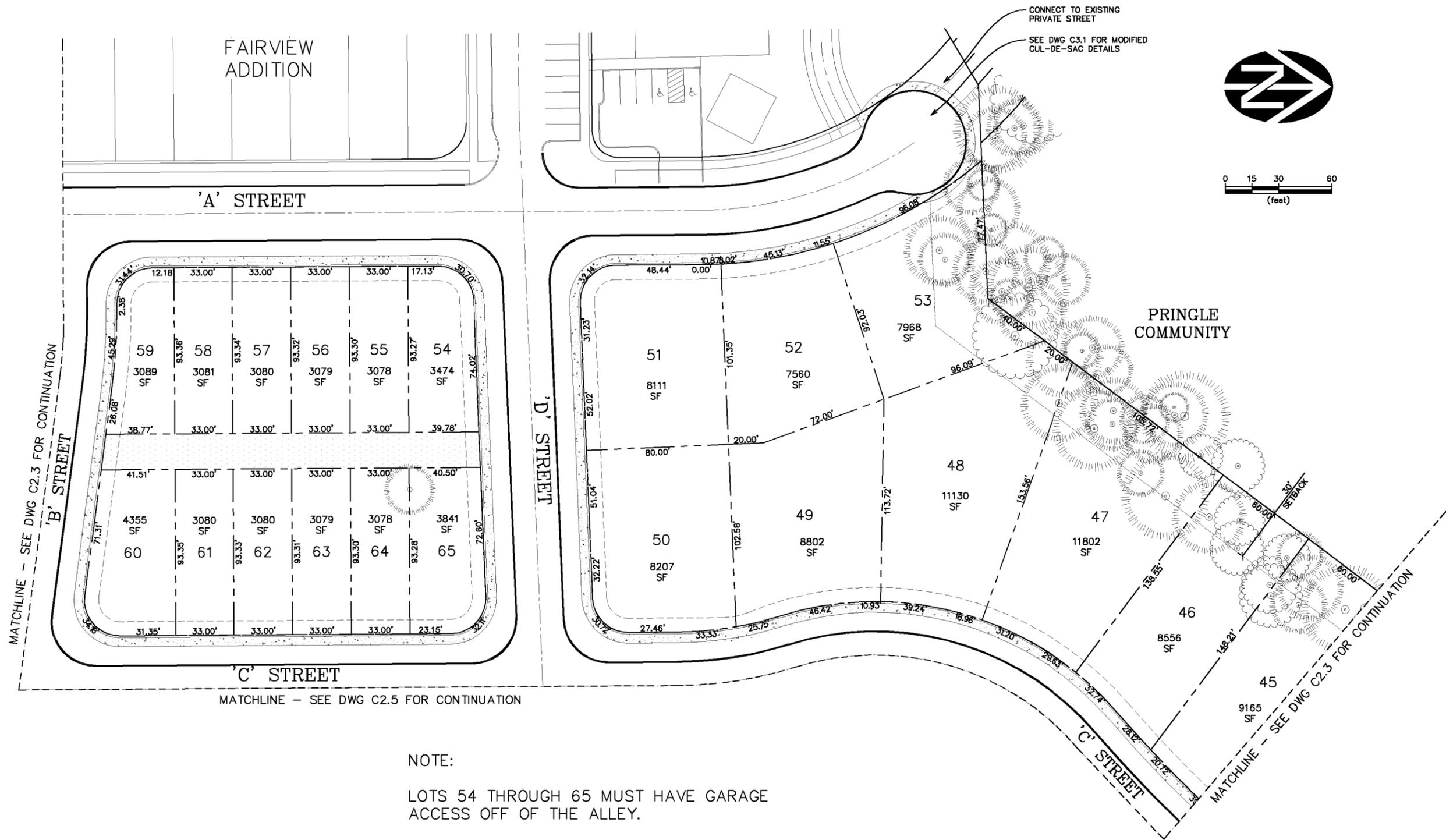


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 E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC
 LEGACY HEIGHTS SUBDIVISION
 LOT LAYOUT

DRAWING
C2.2
 JOB NUMBER
 2720.7000.0

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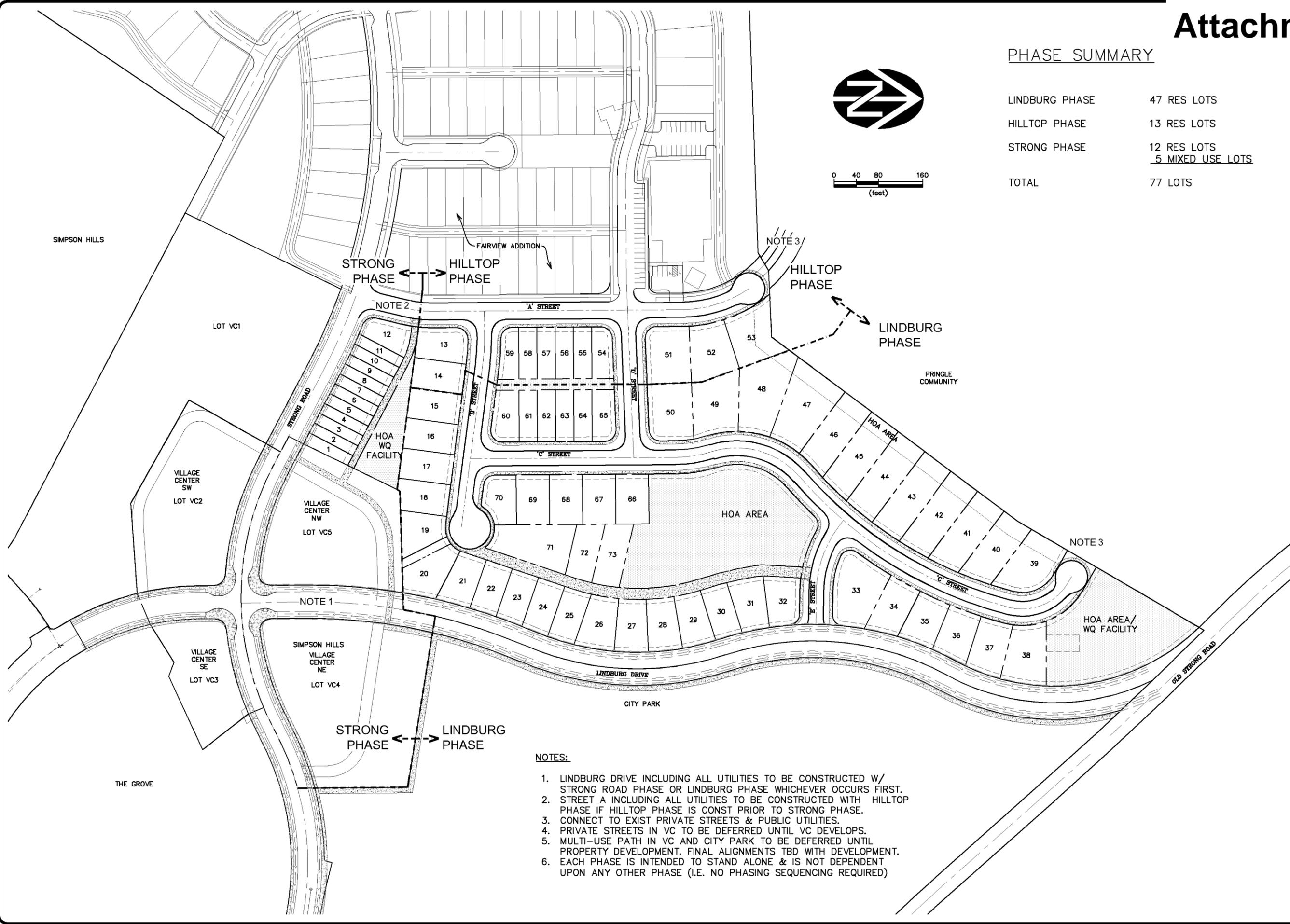
NOTE:

LOTS 54 THROUGH 65 MUST HAVE GARAGE ACCESS OFF OF THE ALLEY.

Attachment C

PHASE SUMMARY

LINDBURG PHASE	47 RES LOTS
HILLTOP PHASE	13 RES LOTS
STRONG PHASE	12 RES LOTS 5 MIXED USE LOTS
TOTAL	77 LOTS



NOTES:

1. LINDBURG DRIVE INCLUDING ALL UTILITIES TO BE CONSTRUCTED W/ STRONG ROAD PHASE OR LINDBURG PHASE WHICHEVER OCCURS FIRST.
2. STREET A INCLUDING ALL UTILITIES TO BE CONSTRUCTED WITH HILLTOP PHASE IF HILLTOP PHASE IS CONST PRIOR TO STRONG PHASE.
3. CONNECT TO EXIST PRIVATE STREETS & PUBLIC UTILITIES.
4. PRIVATE STREETS IN VC TO BE DEFERRED UNTIL VC DEVELOPS.
5. MULTI-USE PATH IN VC AND CITY PARK TO BE DEFERRED UNTIL PROPERTY DEVELOPMENT. FINAL ALIGNMENTS TBD WITH DEVELOPMENT.
6. EACH PHASE IS INTENDED TO STAND ALONE & IS NOT DEPENDENT UPON ANY OTHER PHASE (I.E. NO PHASING SEQUENCING REQUIRED)

NO.	DATE	DESCRIPTION	REVISIONS
1			

VERIFY SCALE
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DSN. SAW
DRN. AR
CKD. SAW
DATE: OCT 2018

PROFESSIONAL ENGINEER
REVIEW
STEVEN A. GARDNER
9/29/2018

WE
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CONSULTING ENGINEERS AND PLANNERS

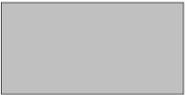
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3886
E-mail: westtech@westtech-eng.com

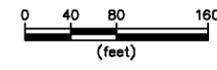
WARD DEVELOPMENT, LLC
LEGACY HEIGHTS SUBDIVISION
PHASING PLAN

DRAWING
C2.7
JOB NUMBER
2720.7000.0

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Attachment D

 = STREET AND UTILITY IMPROVEMENTS COMPLETED IN 2019



FAIRVIEW ADDITION



VERIFY SCALE	DATE	NO.	DESCRIPTION
1"			
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CKD.	SAW	AR	REVISIONS
DATE: OCT 2018			

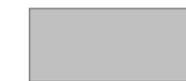


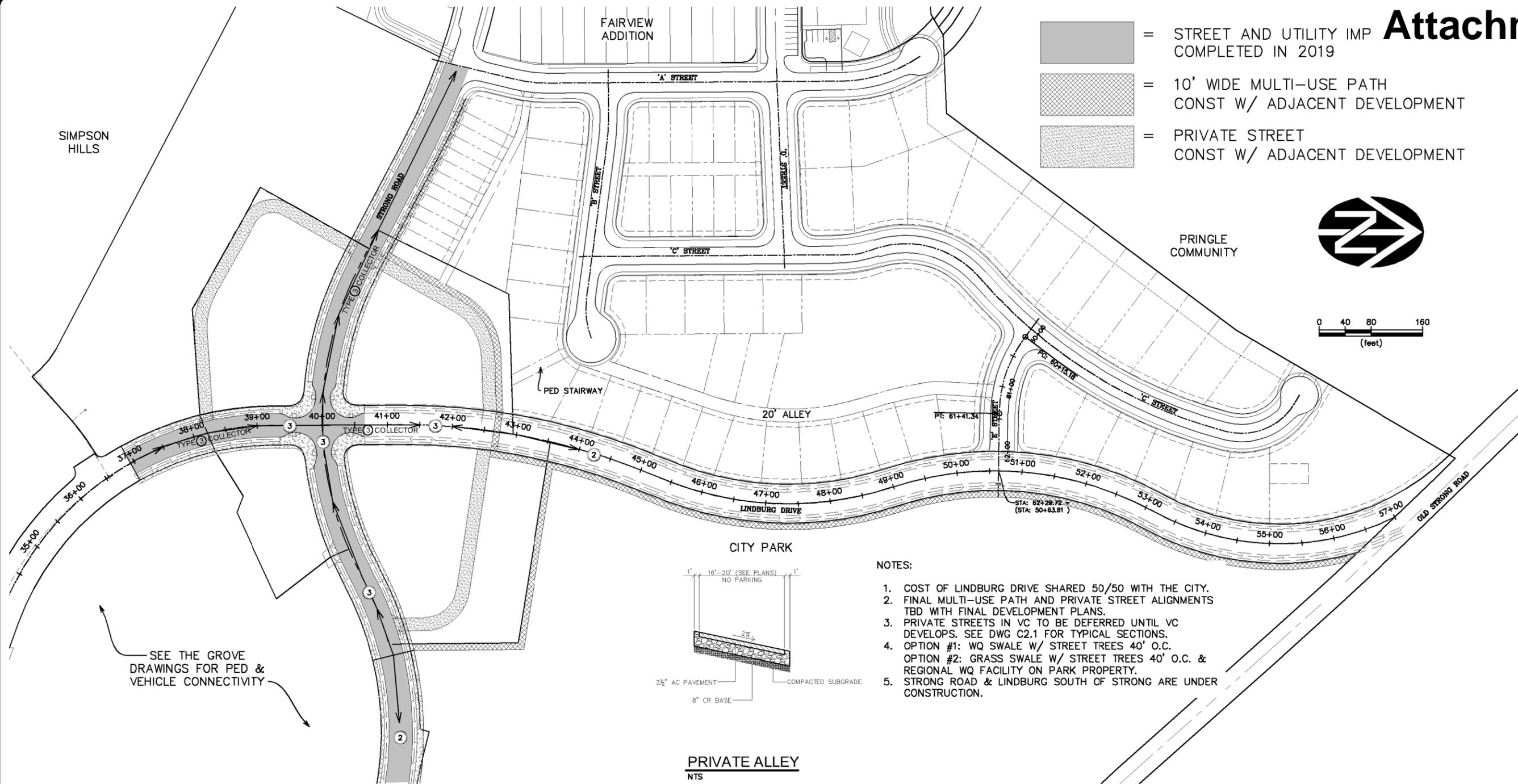
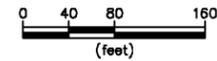
WE WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3886
E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC
LEGACY HEIGHTS SUBDIVISION
OVERALL UTILITY PLAN
DRAWING
C3.0
JOB NUMBER
2720.7000.0

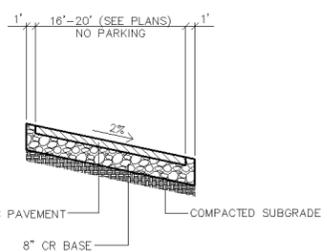
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Attachment E

-  = STREET AND UTILITY IMP COMPLETED IN 2019
-  = 10' WIDE MULTI-USE PATH CONST W/ ADJACENT DEVELOPMENT
-  = PRIVATE STREET CONST W/ ADJACENT DEVELOPMENT

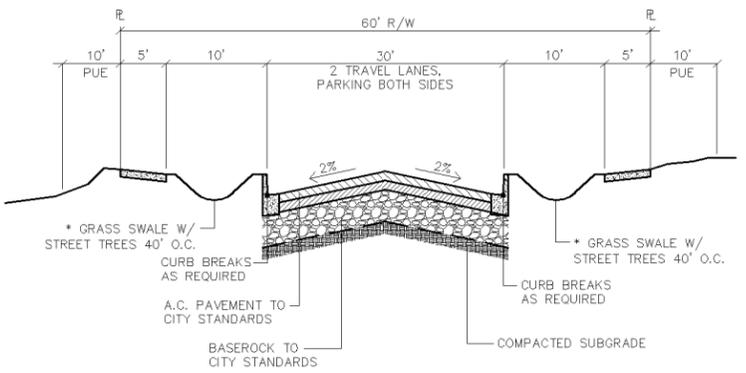


SEE THE GROVE DRAWINGS FOR PED & VEHICLE CONNECTIVITY

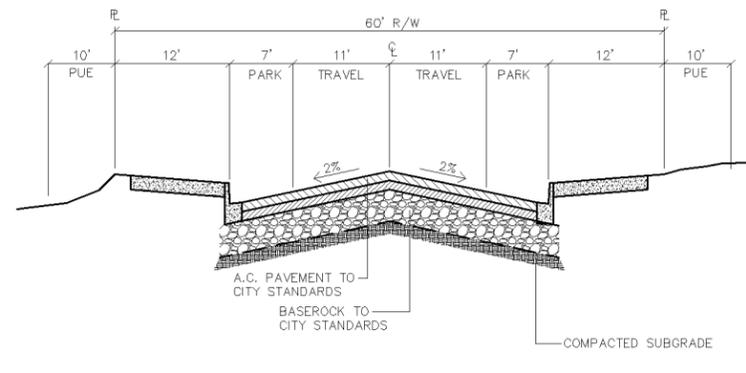


- NOTES:
- COST OF LINDBURG DRIVE SHARED 50/50 WITH THE CITY.
 - FINAL MULTI-USE PATH AND PRIVATE STREET ALIGNMENTS TBD WITH FINAL DEVELOPMENT PLANS.
 - PRIVATE STREETS IN VC TO BE DEFERRED UNTIL VC DEVELOPS. SEE DWG C2.1 FOR TYPICAL SECTIONS.
 - OPTION #1: WQ SWALE W/ STREET TREES 40' O.C.
OPTION #2: GRASS SWALE W/ STREET TREES 40' O.C. & REGIONAL WQ FACILITY ON PARK PROPERTY.
 - STRONG ROAD & LINDBURG SOUTH OF STRONG ARE UNDER CONSTRUCTION.

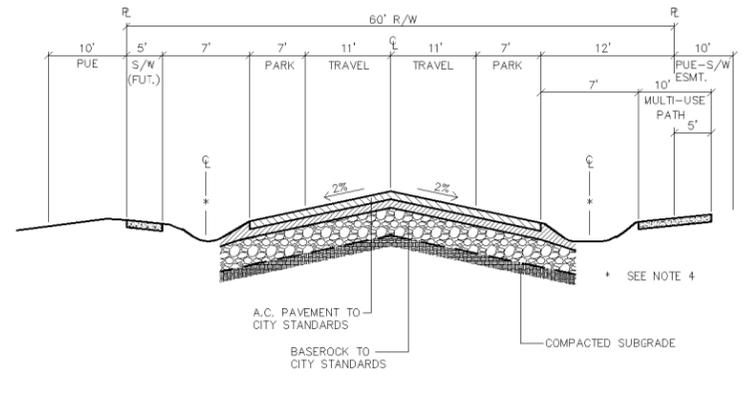
PRIVATE ALLEY
NTS



TYPICAL PUBLIC RESIDENTIAL STREET SECTION
NTS



TYPE 3 COLLECTOR
VILLAGE CENTER PUBLIC STREET SECTION
NTS



TYPE 2 COLLECTOR
LINDBURG DRIVE PUBLIC STREET SECTION
NTS

NO.	DATE	DESCRIPTION	REVISIONS
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VERIFY SCALE
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DRN. AR
CKD. SAW
DATE: OCT 2018

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WARD DEVELOPMENT, LLC
LEGACY HEIGHTS SUBDIVISION

OVERALL STREETS PLAN

DRAWING
C4.0

JOB NUMBER
2720.7000.0

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Minor Amendment to the Fairview Refinement Plan and AU Restrictive Zone (Case # FRPA19-01)

January 12, 2020

Revised March 16, 2020

Street Curbs and Grass Swales – Amendment Proposed to the Refinement Plan

When the Amended Fairview Refinement Plan was prepared and approved in 2016, SFA did not plan on curbing the public streets. Ward Development desires the streets to be curbed. Because of the smaller lots (average 50' wide), by the time the 24' wide driveway with 6' wings is constructed, only 20' of bioswale is left for each lot. Ward Development proposes grassy swales in combination with regional water quality facilities as shown on the Preliminary Plat.

Per the approved Refinement Plan, roadway sections will provide a diversity of storm water treatment facilities. The roadways will convey storm water (via grass swales) in peak storm events. Underground piping will be used only as necessary for safety considerations. Backup storm water conveyance through intersections will be done with concrete cross gutters. Roadside infiltration and regional water quality facilities will be designed to infiltrate in accordance with the Conditions of Approval of the Refinement Plan. The infiltration system will consist of a combination of facilities including roadside swales (grass swales proposed) and verges; blue green shallow depressions; flat yard, playing fields and park areas (regional WQ facilities proposed); and small infiltration wells at roof downspouts.

The Proposed Amendment is to allow public street improvements with curb and gutter and grass swales with regional water quality facilities.

AU Min Density at 6 Dwelling Units/Acre – Amendment Proposed for the AU Restrictive Zone Only

The Amended Refinement Plan requires a minimum of 6 Dwelling Units per Acre for the AU Zone. Several factors necessitate requesting a minor amendment to reduce the density from 6 units per acre to 5.2 units per acre or a 13.33% reduction.

1. Topographic constraints.
2. Constraints of the existing property boundary
3. Preservation of existing trees.
4. Required setback requirements
5. The area is bordered by two collector streets (Strong Road and Lindburg Drive).
6. Required alley access.
7. Usable/Buildable lots required.
8. Market forces.

Combining all of the above factors into an efficient cost effective affordable project resulted in the proposed layout and lot configuration. The existing property configuration is not the most efficient for development. The property is not rectangular and is bordered by two collector streets which require alley access. This takes additional real estate which is now not available for housing. Several areas of the property have steep topography which constrains the lot layout and forces some lot to be larger just to have a buildable footprint for the proposed houses.

The Proposed Amendment is to allow a density of 5.2 units per acre in the AU Zone.

Specific Proposed Amendments to the Fairview Refinement Plan II Refinement Plan

The following specific amendments are proposed to the text of the Fairview Refinement Plan II Refinement Plan. New text proposed to be added is identified by **bold underline**. Existing text proposed for deletion is identified by ~~bold strike-through~~. Changes to identified graphics in the refinement plan are identified by red mark-ups.

Proposed Amendments to AU Restricted Area Minimum Density

- Section [7] Development Standards (page 21 of refinement plan)

TABLE 1 DEVELOPMENT STANDARDS FOR AMENDED FAIRVIEW REFINEMENT PLAN II			
SUBJECT	AREAS	NOTE	STANDARD
DENSITY			
Residential	AU		Minimum 6 du/acre. Maximum 35 du/acre
	AU Restricted		Minimum 5.2 du/acre. Maximum 35 du/acre
	MI		Minimum 7 du/acre. Maximum 30 du/acre
	VC		Minimum 13 du/acre. Maximum 35 du/acre

Proposed Amendments Relating to Street Curbs and Grass Swales

- Section [6] Typical Street Sections (pages 14-20 of refinement plan)

The street sections provided here are designed to create multi-functional streets that are consistent with the Fairview Plan and recognize the importance of street design for the character and quality of the community. Since the Fairview Plan was adopted, there have been advances in the application of the concepts of “green” or “complete” streets in urban and suburban settings. The owners and development team expect to work with the City of Salem to achieve streets that are functional and beautiful. This Refinement Plan provides a series of typical street cross-sections designed to achieve these goals. The plan calls for Strong and Lindburg to be built as Main Streets that serve as collectors and provide the most direct access through the neighborhood. The owners expect to work with the City to assure that the performance of these streets addresses Public Works goals as well as engaging the spirit of innovation that they have embraced by adopting the FMU Zone, the Fairview Plan, and with Pringle Creek Community. All streets, whether public or private, are part of an integrated storm water management program **(which may include grass swales with regional water quality facilities)** and will be designed to achieve infiltration of all storm waters up to a five-year storm. Storms larger than this will be managed by standard overland flow practices.

Strong Road enters from a Reed Road entrance connecting to the existing Strong Road up to Hillcrest. It moves through the Village Center along the south side of the park to connect with the Fairview Addition and continue to Pringle Road. The details of the street section vary as the surrounding use changes through the park and the Village Center.

Lindburg Street is similarly designed to change in cross section details as it moves from a mid-Reed Road entrance on the southeast and curves to the north to cross Strong Road in the Village Center and pass through the section with park on one side and residential on the other to the north edge at Pringle Creek Community.

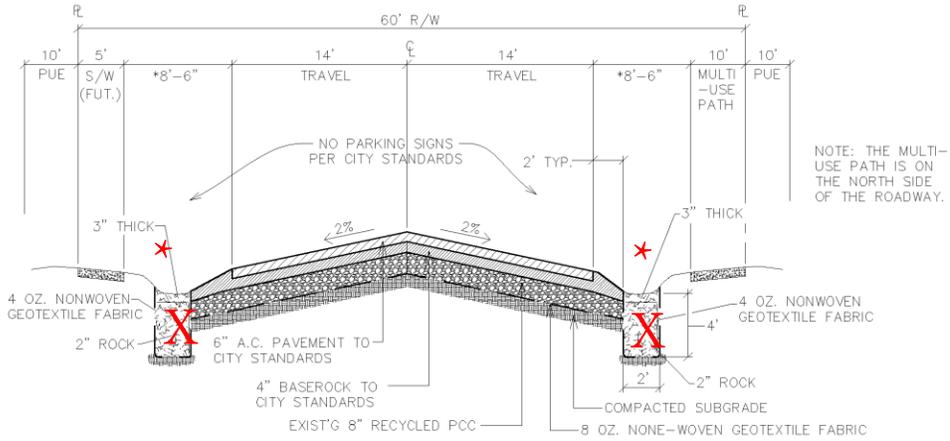
Other streets are intended to be local ~~and two are private~~. They will ~~generally~~ follow the City of Salem Design Standards designs successfully used in the Pringle Creek Community to meet ~~both~~ environmental concerns and City requirements for public safety. Street trees on public streets shall meet the requirements of SRC Chapter 86. (Street Trees).

These safety standards shall include:

1. Private streets with dimensions less than required by the Fire Code shall have a maximum intersection spacing of 400', provide mid-block vehicle passing space and provide intersection and horizontal curve turning radii sufficient to accommodate fire apparatus.
2. Private streets serving schools and other high occupancy buildings shall meet the dimensional requirements of the Fire Code.
3. All buildings served by streets not meeting the dimensional requirements of the Fire Code shall be equipped with approved fire sprinkler protection.

Plate 5 shows the types and locations of the new streets. Typical cross sections of streets are shown on plates 6.1-6.4

* 0' FOR LINDBURG STREET (WETLANDS)

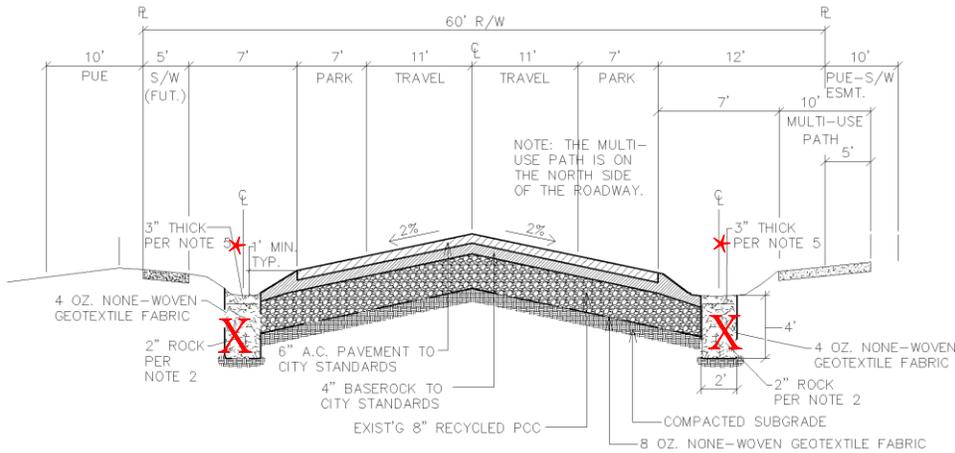


TYPE 1 COLLECTOR STREET – (PUBLIC)

NTS

NOTE: WHERE NEW DRIVEWAYS OR PEDESTRIAN CROSS WALKS ARE LOCATED, SWALES ARE REPLACED WITH S/D CULVERTS.

* Grass swale or bioswale to COS Standards.



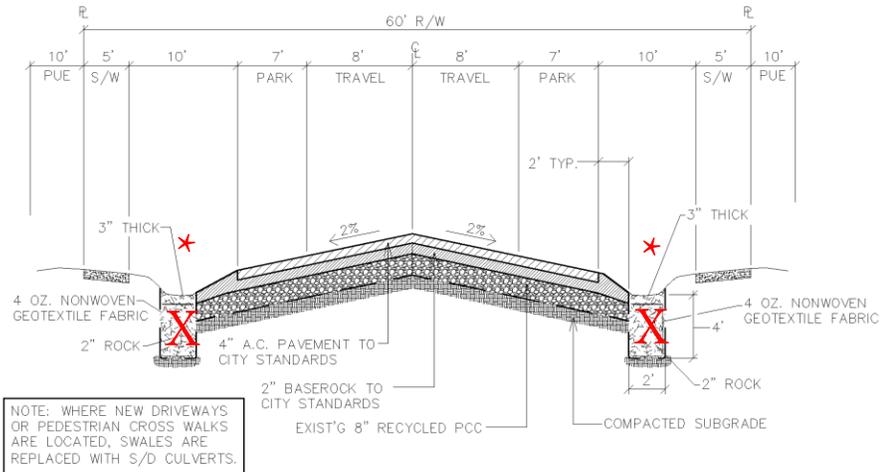
TYPE 2 COLLECTOR STREET – (PUBLIC)

NTS

SEE PLATE 6.0 FOR PROPOSED CURB EXTENSIONS

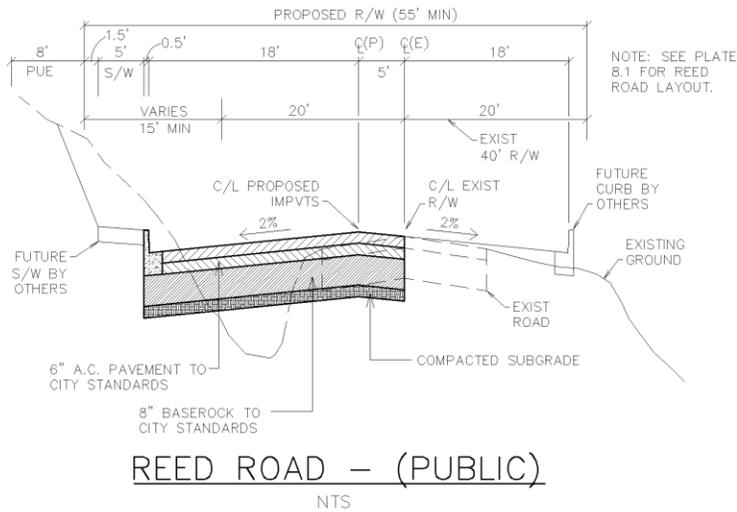
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<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p>	<p>SCALE</p> <p>HORIZ: N/A</p> <p>VERT: N/A</p>	<p>Sustainable Fairview Associates</p> <p>Salem, Oregon</p>	<p>PLATE</p> <p>6.1</p>
	<p>DSN: SAW/RCE</p> <p>DRN: RCE</p> <p>CHKD: SAW/RCE</p> <p>DATE: SEP 2014</p>	<p>Typical Street Sections</p>	



LOCAL STREET – (PUBLIC)
NTS

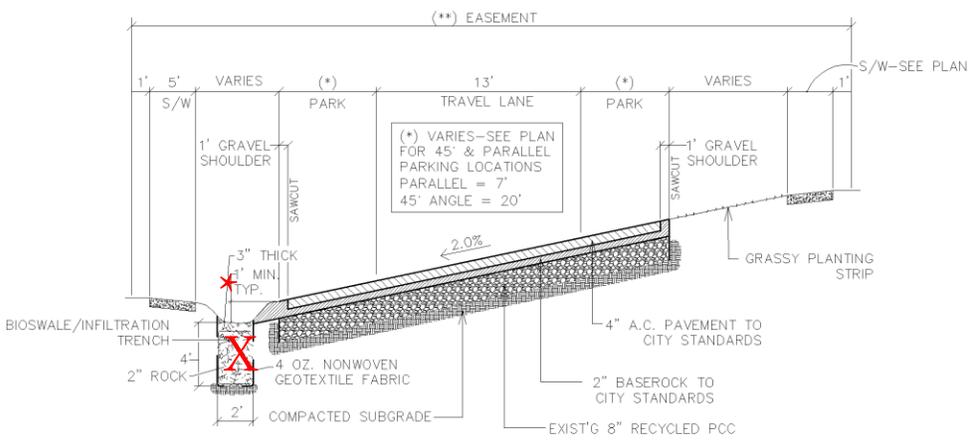
Grass swale or bioswale to COS Standards



REED ROAD – (PUBLIC)
NTS

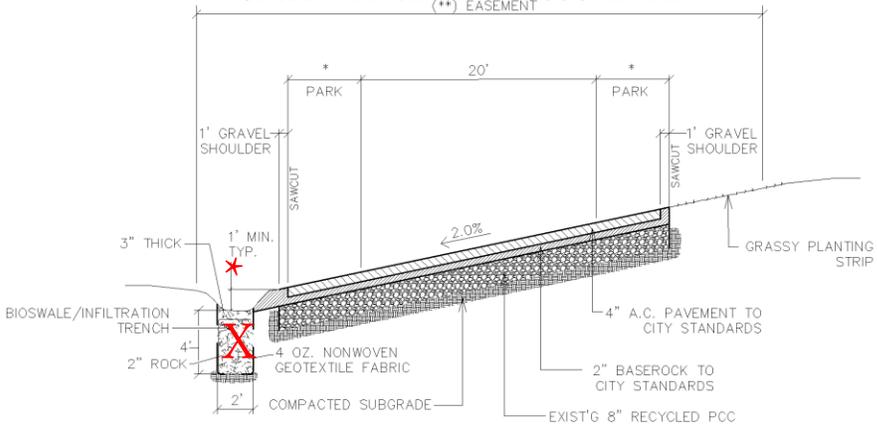
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<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p>	SCALE	Sustainable Fairview Associates	Salem, Oregon	PLATE
	HORIZ: N/A			6.3
	VERT: N/A			JOB NUMBER
	DSN: SAW/RCE DRN: RCE CKD: SAW/RCE DATE: SEP 2014	Typical Street Sections		2720.0000.0



QUEUING STREET – (PRIVATE)
NTS

* Grass swale or bioswale to COS Standards



PRIVATE STREET – (PRIVATE)
NTS

NOTE: WHERE NEW DRIVEWAYS OR PEDESTRIAN CROSS WALKS ARE LOCATED, SWALES ARE REPLACED WITH S/D CULVERTS.

NOTE: PARKING TO BE DETERMINED DURING SPR

* VARIES
0' – NO PARKING
7' – PARALLEL PARKING
17' – ANGLED PARKING

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E-mail: westech@westech-eng.com

SCALE	
HORIZ:	N/A
VERT:	N/A
DSN:	SAW/RCE
DRN:	RCE
CHD:	SAW/RCE
DATE:	SEP 2014

Sustainable Fairview Associates Salem, Oregon

** VARIES DEPENDANT UPON PARKING

Typical Street Sections

PLATE
6.4
JOB NUMBER
2720.0000.0

▪ **Section [15] Location and Extent of Proposed Provision for Sanitary, Stormwater Drainage and Utilities (page 30 of refinement plan)**

Water, sanitary sewer, electric power, gas and communications lines will be constructed in the street right-of-way or easements. Water and sewer sizes will be in accordance with City of Salem Public Works requirements and agreements. All Oregon State Health Authority and Department of Environmental Quality requirements will be met. Fire hydrant spacing will be in accordance with the Fire Marshal's requirements. Plate 9 illustrates the locations and extent of the improved infrastructure. Except for the park area and within Strong Road, the storm water will be without storm sewers, **wherever possible**. Usual storm water will be retained on each developed site **unless a regional facility is provided**.

▪ **Section [23] General Drainage Plan (page 38 of refinement plan)**

The storm drainage system will be designed to maintain the current "natural" amount of storm water on site and maintain at least the current quality level of runoff into the Pringle Creek drainage area. To a large extent, this will be done **without with minimal** storm water piping. The plan diagram of Plate 12, shows the flow lines to street right-of-ways and permeable areas that can serve both as filtration areas and to hold storm water temporarily.

Design Parameters:

- A. Private on-site detention requirements will satisfy City of Salem standards only if infiltration of the 20-year storm cannot be achieved.
- B. Soil Conservation Service type 1A rainfall distribution with 24-hour minimum duration.
- C. Infiltration rates of 3.1 in/hr. in accordance with LEI soil infiltration test results.
- D. Runoff rates and other soil and vegetation parameters based on established U.S. manuals and standards.
- E. Roadway sections will provide a diversity of storm water treatment facilities. The roadways themselves will convey storm water in peak storm events. Underground piping will be used only as necessary for safety considerations. Backup storm water conveyance through intersections will be done with concrete cross gutters.
- F. Roadside infiltration is designed to infiltrate **a minimum of 1.25 inches of rain in a 24-hour period to the capacity of the native soil**. The infiltration system will consist of a combination of facilities including roadside swales and verges; blue green shallow depressions; flat yard, playing field and park areas; and small infiltration wells at roof downspouts.
- G. Despite the planned infiltration systems, the introduction of new impervious surface and the changes in the surface uphill to the south of the refinement area may result in increased storm water flow during peak storm events. When the City reviews the Refinement Plan(s) for any uphill and upstream properties, care must be taken to ensure that the current natural drainage patterns and flows are not altered.



MEMO

TO: Bryce Bishop, Planner II
Community Development Department

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

DATE: June 4, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-FRPA 20-03
2250 OLD STRONG ROAD SE
78-LOT PHASED SUBDIVISION**

PROPOSAL

A consolidated application to develop approximately 25.27 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the adopted Fairview refinement plan for the property, Fairview Refinement Plan II. The application includes:

1. A Phased Subdivision to divide the approximate 25.27-acre property into five lots within the Village Center area of the refinement plan, together with common open space.
2. A Fairview Refinement Plan Minor Amendment to:
 - a. Reduce the minimum required residential density within the Adaptive Use (AU) Restricted area; and
 - b. Allow for an alternative stormwater management system to be utilized for streets consisting of curbs, grassy swales, and regional water quality facilities.

The property is zoned FMU (Fairview Mixed-Use) and is located at 2250 Old Strong Road SE (Marion County Assessor Map and Tax Lot Number: 083W0200100).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

As a condition of final plat approval for all phases:

1. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

2. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
3. Construct City infrastructure and internal streets within the phase as shown on the application materials and in conformance with PWDS and the Fairview Refinement Plan.
4. Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.

As a condition of final plat for Lindburg Phase:

5. Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.
6. Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
7. Connect the westerly terminus of C Street to Audubon Avenue SE.
8. Construct a minimum 8-inch off-site water main from the terminus of the existing water main in Audubon Avenue SE to the west line of the subject property.
9. Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the south line of the Lindburg Phase.
10. Provide a pedestrian crossing across Lindburg Road SE at the intersection of E Street SE and Lindburg Road SE. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS.

As a condition of final plat for Strong Phase:

11. Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of Lindburg Road SE from Strong Road SE to Old Strong Road SE.
12. Construct Lindburg Road SE from Strong Road SE to Old Strong Road SE as a half-street collector improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.

13. Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE within the Strong Phase.
14. Construct A Street SE within Strong Phase as a half-street local improvement on the development side and a full-width pavement-only improvement on the opposite side, including curbs and swales.
15. Construct the private streets and multi-use path shown on the tentative subdivision plan within the Village Center area of the site. The street and path improvements may be delayed until final locations and alignments are established during Site Plan Review, or with the further division, of each of the proposed lots (Lots VC1, VC2, VC4, and VC5).
16. Provide a mid-block pedestrian crossing across Lindburg Road SE where the 10-foot-wide multi-use path crosses Lindburg Road between Lots VC4 and VC5. The pedestrian crossing shall include physical improvements, such as curb extensions or a median, and shall be constructed pursuant to PWDS. The pedestrian crossing may be relocated further to the north to avoid conflicting with the future alignment of Village Center Street on Lot VC4 and to locate it within closer proximity to Fairview Park.
17. The alley serving Lots 1-12 shall connect to the private street on Lot VC5. The alley connection may be delayed until the final location and alignment of the street is established during Site Plan Review for proposed Lot VC5. Until such time that the required alley connection is made, either a temporary vehicle turnaround area meeting the PWDS shall be provided at the eastern terminus of the alley on Lot VC5, or a temporary driveway access in conformance with SRC Chapter 804 shall be provided between the alley and Strong Road SE. The turnaround or driveway shall be a hard surface material meeting the PWDS.
18. Construct a minimum 12-inch water main within Strong Phase in Lindburg Road SE from the terminus of the existing water main in Lindburg Road SE to the north line of the Strong Phase.

As a condition of final plat for Hilltop Phase:

19. Connect a minimum 8-inch S-1 water main to the terminus of the existing water main in Village Center Drive SE.
20. Dedicate right-of-way from the subject property and coordinate with the adjacent property owner to dedicate right-of-way from the adjacent property to provide the full right-of-way width of A Street SE from Strong Road SE to Village Center Drive SE.
21. Construct A Street SE from Strong Road SE to Village Center Drive SE as a half-street local improvement on the development side and a full-width

pavement-only improvement on the opposite side, including curbs and swales. The northerly terminus of A Street shall connect to Village Center Drive SE.

FACTS AND FINDINGS

Water

1. Existing Conditions

- a. The subject property is located within the S-1 water service level.
- b. A 10-inch S-1 water main is located in Strong Road SE at the southern boundary of the subject property.
- c. 8-inch S-1 water mains are located in Village Center Drive SE (private) and Audubon Road SE (private).

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Strong Road SE along the southern boundary of the subject property.
- b. A 27-inch sewer main is located in Old Strong Road SE along the northern boundary of the subject property. This main is not available for new connections.
- c. An 8-inch public sewer main is located in Audubon Avenue SE (private) within a City easement (Note 4 on Page 18 of S46-052).

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Lindberg Road SE.
- b. An 18-inch storm main is located in Strong Road SE along the southern boundary of the subject property.

Streets

1. Strong Road SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is established in the refinement plan.
2. Old Strong Road SE
 - a. Standard—This street is approved for vacation under Ordinance Bill No. 7-10, conditioned upon construction of a new public Collector street that fully replaces the functionality of Old Strong Road SE between Reed Road SE and Fairview Industrial Drive SE.
3. Lindberg Road SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is established in the refinement plan.

Parks

An undeveloped park site is located adjacent to the subject property.

CRITERIA AND FINDINGS

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

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

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

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor

may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2 and 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by GeoEngineers, Inc. and dated March 10, 2020, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties. A geotechnical report may be required at the time of construction pursuant to SRC Chapter 82.

A 10-foot-wide public utility easement is required along all streets pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. DSL responded to the notice, indicating that wetlands may be present, and recommended that a qualified wetland consultant inspect the site to determine if the site has regulatory wetlands.

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

Findings—The subject property is located within the S-1 water service area. S-1 water mains are located in abutting streets. The applicant shall connect to S-1 water mains located in Village Center Drive SE (private) and Audubon Avenue SE (private) to complete S-1 loops.

The applicant proposed to connect sewer facilities to the existing 27-inch main in Old Strong Road SE. However, this sewer main does not have adequate capacity for the proposed development. The applicant shall connect sanitary sewer systems for the proposed development to the existing 8-inch public sewer main located in a City Easement in Audubon Avenue SE (private).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's proposed modifications to the street sections in the refinement plan will allow the development to better conform to the PWDS. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. The applicant's engineer has submitted a preliminary design that demonstrates compliance with PWDS. Prior to final plat of all subdivision phases, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding—Strong Road SE and Lindberg Road SE are designated as Collector streets in the Salem TSP. Old Strong Road SE is approved for vacation under Ordinance Bill No. 7-10, conditioned upon construction of a new public collector street that fully replaces the functionality of Old Strong Road SE between Reed Road SE and Fairview Industrial Drive SE. The applicant shall extend Lindberg Road SE as shown on the application materials. The proposed public internal Local streets shall provide connectivity to existing private streets. Each phase of the subdivision is designed for safe, orderly, and efficient circulation of traffic through construction of street improvements contained within each phase.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The proposed street network provides safe and convenient bicycle and pedestrian access from within the subdivision to the future park site to the east. Existing sidewalks along Lindburg Road SE provide safe access to Fairview Industrial Drive SE. Future street connections will be made to the west in conjunction with Fairview West subdivision.

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 development does not meet the threshold for requiring an individual TIA pursuant to SRC 803.015(a). No additional mitigation is required with this development.

cc: Jennifer Scott, Program Manager
File



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

April 27, 2020

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

RE: Land Use Activity Case No. SUB-FRPA20-03, 2250 Old Strong Rd. SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

School Name	School Type	Grades Served
Morningside	Elementary	K thru 5
Leslie	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Morningside	Elementary	340	445	76%
Leslie	Middle	778	969	80%
South Salem	High	2,059	1,797	115%

Table 2

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

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	73	SF	0.194	14
Middle	73	SF	0.101	7
High	73	SF	0.143	10

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Morningside	Elem.	340	9	14	23	445	82%
Leslie	Mid.	778	26	7	33	969	84%
South Salem	High	2,059	104	10	114	1,797	121%

Table 4

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

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

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

School Name	School Type	Walk Zone or Eligible for School Transportation
Morningside	Elementary	Walk Zone
Leslie	Middle	Walk Zone
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	14	\$54,925	\$768,950
Middle	7	\$64,045	\$448,315
High	10	\$73,164	\$731,640
TOTAL			\$1,948,905

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 Fourth Quarter.

Sincerely,

David Fridenmaker

David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation

April 29, 2020

Comments of Sustainable Development, Inc. to Phased Subdivision & Fairview Refinement Plan Minor Amendment Case No. SUB-FRPA20-03

Property Owner: Ward Development, LLC

Applicant: Steve Ward on behalf of Ward Development, LLC

Sustainable Development, Inc. (SDI), the developer of Pringle Creek Community (PCC), a residential development subject to the requirements of the Fairview Master Plan, has reviewed the information provided with the hearing notice on the above referenced case and requests standing in this matter for the sake of preserving our right to appeal the City's decision. Our comments and observations are as follows:

General Comments

The City has always been supportive and instrumental in protecting the sustainable values set out in the Fairview Master Plan. This includes making room for green open spaces and corridors, assuring that vehicular parking and traffic patterns guarantee pedestrian safety, assuring there are effective and safe pedestrian and bicycle pathways, and upholding the Master Plan's environmental standards such as protecting large tree cover and the sensitive hydrology of the area. These values and intentions are key to the success of Pringle Creek Community and the successful development of the Fairview parcel as a whole.

Lots 39-53 Buffer

We understand that Ward Development, LLC had wisely proposed that the 30-foot building setback along the back of Lots 39-53 be controlled by the homeowners association to insure that this space is left in a natural condition. The City has stated that if the HOA were to control the back 30 feet of these properties, they would require another additional 30-foot setback from this point. This makes the Ward proposal for HOA control of this portion of the parcel unsustainable.

Given the steep terrain, the existing undisturbed vegetation is needed to minimize water runoff and erosion along the property line. We support Ward Developments approach to controlling this 30-foot swath of land through HOA ownership. It achieves the same goal of limiting a home from coming closer than 30 feet to the property line (per the refinement plan). By leaving use and maintenance of the land within the 30 foot setback to individual homeowners, there is little guarantee that the greenbelt on this ridge will be sustained. Drainage is sensitive along this slope and the wise decision would be to allow the HOA to protect this vegetation and, in turn, protect the hydrology of this area and prevent erosion.

Sustainable Development, Inc. strongly encourages the City's support of the original Ward proposal to put the 30-foot setback under the control of the HOA without requiring an additional 30 feet of unbuildable area.

Pedestrian Interconnection

Currently, as can be clearly seen on the Overall Lot Layout, Drawing C2.0, there has been no allowance for traffic free, pedestrian access from Pringle Creek Community to the new City Park to the south of the subject parcel. A key element of the Master Plan is pedestrian pathways and interconnectivity throughout the Fairview parcel. In order to be true to the Master Plan goal of creating interconnected neighborhoods, pedestrian access must be accommodated.

Traffic-free pedestrian access could feasibly be achieved by designating a pathway across the area labeled "HOA Area/WQ Facility". We request that the City commit that this area contain a pedestrian walkway that transverses this HOA parcel so pedestrian traffic can avoid streets and that the interconnectedness of the park with Pringle Creek Community is assured.

Please enter these comments and observations into the record of this deliberation:

Submitted by:

Jonathan Schachter
Director of Development
On behalf of ***Sustainable Development Inc.***