

## NOTICE OF DECISION

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



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

## ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

**CASE NO.:** SUB-07-13AMOD4 -ADJ21-01  
**AMANDA NO.:** 21-104867-LD and 21-104869-ZO  
**DATE OF DECISION:** April 21, 2021  
**PROPERTY LOCATION:** 4400-5200 Block of Kale Road NE  
**APPLICANT:** Northstar Communities, LLC

### REQUEST

Modification of the amended approval of tentative subdivision plan SUB07-13A (Northstar subdivision) to reconfigure several lots and request an adjustment to the lot width to depth ratio (Table 511-2) for Lots 587-589.

Urban Growth Preliminary Declaration UGA07-01 was granted in association with the subdivision and, pursuant to SRC 200.025(g)(1), remains in effect as long as SUB07-13A remains valid.

The original subject property is approximately 148.74 acres in size, zoned RS (Single Family Residential) and RM-1 and RM-2 (Multiple Family Residential) and located in the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Map and Tax Lot Numbers 062W32C 00200; 00800; 00900; 1000; and 062W32D 00701 and 01100).

### DECISION

The requested modification of the tentative subdivision plan is APPROVED subject to conditions of approval and to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the approval of amended tentative subdivision plan SUB07-13A and amended Urban Growth Area Preliminary Declaration UGA07-01, as noted below:

### BACKGROUND

On December 18, 2007, the Subdivision Review Committee approved amendments to the Northstar subdivision, a proposal to divide approximately 148.74 acres into multi-family and single-family residential lots, with six alternative subdivision layouts resulting in up to approximately 729 lots and concurrent variances to allow townhouse lots on the portion of the subject property zoned RM-2 (Multiple Family Residential). Urban Growth Preliminary Declaration UGA07-01 was granted in association with the Northstar tentative subdivision plan. Two-year extensions of the amended approval were granted in 2009, 2011, 2013, and 2015.

A modification was approved on May 24, 2017 which extended the expiration date of the subdivision to December 18, 2019 for the first segment and the applicant can apply for two-year time extension with the final extension expiring no later than December 18, 2027.

As originally approved, the tentative subdivision plan divides the overall 729-lot development into 11 “segments” labeled “A” through “K” and consisting of between 38 and 131 lots each. Although the segments are related to incremental platting of the subdivision, these segments are not “phases” and the Northstar subdivision is not a phased tentative subdivision plan as described in SRC 205.015. As described in the original Subdivision Review Committee decision approving SUB07-13, the segments “are not phases as no particular order has been proposed for their development and each segment must be individually reviewed for applicable development standards.”

The tentative subdivision plan approved in SUB07-13A included six different platting alternatives. One set of alternatives allows for flexibility to address Department of State Lands requirements for the portion of the North Fork of the Little Pudding River running through the subject property. Another set of alternatives applies to different configurations for Segments J and K, which approximately occupies the northern half of Tax Lot 200, in a “panhandle” extending northward to Hazelgreen Road NE. One option would divide the entire area into single family residential lots; the “school/park option” would reserve approximately 11.23 acres for a combined elementary school and park; and the “park option” would provide approximately 6.92 acres for a park site. Either the “school/park option” or the “park option” would also include single family residential lots on the remainder of the “panhandle” area. This modification removes all alternatives and approves the layout in the attached plan.

The modification approved in May of 2017, amended the subdivision plan to reconfigure the boundaries between the lot groupings “segments.”

The modification approved in July of 2019, amended lot dimensions, which needed a Class 2 Adjustment.

The modification approved in October of 2019, amended phased boundaries, lot dimensions, reduced lots from 729 to 660 lots, realigned streets and re-issued applicable conditions of approval. The modification did not extend the expiration date of the subdivision.

### **City Department and Public Agency and Private Service Provider Comments**

**Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments and recommendations for plat approval, which are included below.

### **Neighborhood Association Comments and Public Comments**

The subject property is located within the Northgate Neighborhood Association (Northgate). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(B)(iii), which requires public notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. Three comments with no objection from property owners within the

vicinity of the subject property were submitted and six in opposition to the proposal due to traffic concerns on Kale Street, open space and trespassing.

**Staff Response:** The proposed modification changes the lot dimensions of several lots, but does not increase the amount of lots, therefore will not increase the amount of traffic from the previously approved subdivision. In addition, the modification is for the final phase of the subdivision which abuts Hazelgreen Road. The development along Kale Street is not proposed to change at this time. The threat to open space and possible trespassing are not part of the modification criterion, since the subdivision has been previously approved and the change will not increase the impact of the overall subdivision.

## **FINDINGS**

The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

Tentative Subdivision Case No. SUB07-13A was approved in 2007 under the requirements of former SRC Chapter 63 (Subdivisions). Since that time, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria. The standards and criteria applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions have required modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same.

Tentative Subdivision Case No. SUB07-13A was previously modified in May of 2017, July of 2019, and October of 2019.

### **1. Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):**

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

**Finding:** The proposed modification is consistent with the conditions of the original approval. The modification proposes minor changes to the lot boundaries and requires an adjustment. As such, no changes are necessary to the conditions of approval from the original decision, however the modified conditions of approval remain substantially consistent with the original approval.

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

**Finding:** The applicant does not propose to change the use of the site, which would be subdivided into lots for single family residential development. The applicant's proposal retains similar streets and lot layout as approved for the tentative subdivision plan. The Tree Conservation Plan (TCP07-17) or Tree Conservation Plan Adjustment (TCPA 19-08) approved for the tentative subdivision plan is not altered by the requested modification and would remain in effect. The variances granted in SUB07-13 are addressed in the Subdivision Review Committee's decision and are not altered by the reconfigured segments proposed in this modification.

The physical appearance of the completed development would remain essentially the same as originally proposed, with no changes to the internal street system or lot configuration on the perimeter of the property. Because of the very similar configuration and identical use of the eventual completed subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties.

The proposal meets this criterion.

## **2. Effect on Expiration Period of Original Approval:**

Pursuant to SRC 205.070(e), the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

**Finding:** The modification will not change the expiration date of SUB07-13A2MOD3 approved on October 4, 2019. SUB 07-13A2MOD3 provide the applicant a two-year deadline established for recording the final plat for a tentative subdivision plan, the expiration date of the modified subdivision was extended by two years, to December 18, 2019, which has been met. Since the applicant has requested a modification, a two-year time extension is granted to December 18, 2023.

Recognizing the incremental platting proposed by the applicant, the size and complexity of the overall development, and findings in both SUB07-13A, SUB07-13A2, SUB07-13A2MOD3 and this modification decision that the "segments" designated by the applicant meet applicable standards on an individual basis, the applicant is permitted to apply for up to four further extensions of the expiration date, in two year increments, with the final extension expiring no later than **December 18, 2027.**

Pursuant to SRC 200.025(g), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid as long as the tentative subdivision approval remains valid. Therefore, UGA07-01 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

## **3. Analysis of Class 2 Adjustment Criteria**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

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

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

**Finding:** The applicant is requesting a Class 2 Adjustment to increase the lot width to depth ratio of Lots 587-589.

The applicant is requesting a zoning adjustment to Table 511-2. The minimum lot width required for lots in the RS zone is 40 feet with a minimum lot depth of 70 feet. Table 511-2 only allows a maximum lot depth of 300% of average lot width

The applicant is requesting an adjustment to the lot width to lot depth maximum. In order to provide street connections and circulation, the size and layout of the lots had to be taken into consideration.

Lots 272 through 276 in Segment I of Northstar Subdivision are all 50 feet in width, therefore, only allowing a maximum lot depth of 150 feet. However, all three of these lots exceed 150 feet in lot depth. These lots range between 319%-340% due to the alignment of the proposed street and stormwater facility located on Lot 662.

The purpose of this requirement is to avoid creating long narrow lots. The applicant has made efforts to provide adequate street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the required street extensions near these lots, creating smaller lots is not feasible.

The proposed adjustment equally or better meets the standard.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

**Finding:** The subject property is not located within a residential zone; therefore, this criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

**Finding:** One adjustment is requested with this proposal; therefore, this criterion is not applicable.

## **DECISION**

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

### **Prior to final Plat for each segment:**

**Condition 1:** The applicant shall provide a 30-foot wide buffer along the boundary of those properties designated RS (Single Family Residential) to buffer the proposed residential land from industrial Designated and agriculturally zoned land, respectively. In addition, a sight-obscuring fence shall be required on the eastern boundary on the portion that abuts the urban growth boundary. Those

boundaries that abut residentially designated land (RS, RM1 and RM2) shall not be subject to this condition. CPC-ZC05-12; 3.

- Condition 2:** The applicant shall provide appropriate Multiple Family Residential bufferyards as required by SRC 132 (SRC 702) along the periphery of that property designated RM1 or RM2. CPC-ZC05-12; 4.
- Condition 3:** Obtain any necessary demolition permits and remove all existing structures on the subject property. SUB07-13A;2.
- Condition 4:** Any existing unused wells shall be abandoned to meet the requirements of State Board of Water Resources. SUB07-13A;3.
- Condition 5:** Any existing septic tank systems shall be abandoned. SUB07-13A;4.
- Condition 6:** All City infrastructure proposed within the BPA easement shall be constructed pursuant to PWDS and meet the requirements of all valid land use agreements approved by BPA. All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements. SUB07-13A;5
- Condition 7:** The deadline for final platting of the entirety of the proposed subdivision shall be prior to December 18, 2027. SUB07-13A;6.
- Condition 8:** The following table shall set forth the front lines for lots. SUB07-13A;9.

Segment	Lot Number	Front Lot Line
B	281-290	North
D	402	West
E	463	North
E	466 & 467	North
E	476	South
E	477	North
E	478	West
E	483	North
E	501 & 502	Northwest
E	505	West
E	506	West
F	142 & 143	North
F	157 & 158	North
G	527	North
G	529	East
G	530	East
G	533	East
G	534	South

Each segment will list the applicable condition prior to plat. Except for those conditions discussed earlier, the original condition is the same.

- Condition 9:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the access way. SUB07-13A;10.
- Condition 10:** No direct driveway access shall be allowed onto Kale Road NE or Hazelgreen Road NE. SUB07-13A;15.
- Condition 11:** Stormwater facilities serving all Segments shall be designed and constructed in compliance with Federal and State Water Quality Standards. SUB07-13A;11
- Condition 12:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision. SUB07-13A;19.
- Condition 13:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen Road NE. Prior to final plat, submit evidence of coordination shall be provided to the City. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit, or evidence that Cherriots is not interested in pullouts on Kale Road NE shall be provided. SUB07-13A;21.
- Condition 14:** The applicant shall submit a drainage study at the time of development, consistent with the Stormwater Management Design Standards as approved by the Public Works Director. The drainage study shall: (1) identify all applicable deficiencies shown on the Storm Master Plan for the North Fork Little Pudding River from Kale Road SE to the Urban Growth Boundary; (2) specify on-site methods for minimizing stormwater runoff; and (3) identify off-site improvements needed to mitigate stormwater impacts. (UGA07-01; D.1).
- Condition 15:** The applicant shall construct all on-site and off-site improvements needed to mitigate stormwater impacts as specified in the approved drainage study. (UGA07-01; D.2).

**Segment A:**

Requirements to be determined during Site Plan Review.

**Segment B:**

- Condition 16:** Prior to final plat, the applicant shall convey land for dedication, along Kale Road NE, sufficient to equal a half-width right-of-way of 36 feet on the development side of centerline adjacent to Segments A, B, and E. UGA07-01; B.1 & CPC-ZC05-12; 1.
- Condition 17:** Prior to final plat, the applicant shall construct, Kale Road NE, a 23-foot half-width improvement on the development side, including street lights and sidewalks, and a 17-foot-wide turnpike improvement on the opposite side of the centerline, along the frontage of the subject property adjacent to Segments A, B, and E with tapers pursuant to PWDS. UGA07-01; B.1.
- Condition 18:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B

street improvement. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 17 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 19:** Prior to final plat, the applicant shall submit a complete and submit evidence to the City of a joint permit application to the Oregon Department of State Lands for all proposed work within all segments that is subject to wetland/fill permits. If SUB07-13A;23.

**Condition 20:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 39 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

#### **Segment C:**

**Condition 21:** Prior to final plat, all conditions of approval for Segment B shall be completed.

**Condition 22:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B street improvement. In lieu of constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 13 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 23:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 29 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

#### **Segment D:**

**Condition 24:** Prior to final plat, all conditions of approval for Segment B, and C shall be completed.

**Condition 25:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B street improvement. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for



design and construction of the improvement in the amount of 14 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 26:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE. SUB07-13A;18.

**Condition 27:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for construction of the improvement in the amount of 32 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

**Segment E:**

**Condition 28:** Prior to final plat, all conditions of approval for Segments B, C, and D shall be completed.

**Condition 29:** The applicant shall convey land for dedication 60-foot wide right-of-for 49<sup>th</sup> Street NE from Kale Street NE to Hazelgreen Road NE. UGA07-01; B.3.a.

**Condition 30:** Prior to final plat, the applicant shall design 49<sup>th</sup> Avenue NE from Kale Street NE to Hazelgreen Road NE, as a minimum 40-foot Collector B street improvement. UGA07-01; B.3.b.

**Condition 31:** Prior to final plat, the applicant shall construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of the Bonneville Power Administration Easement as a minimum 40-foot Collector B street. UGA07-01; B.3.b.

**Condition 32:** Construct the 18-inch Master Plan water line within 49<sup>th</sup> Avenue from Kale Street to north line of BPA easement. UGA07-01; E.1&2 SUB07-13A;14.

**Condition 33:** Prior to final plat, the Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazelgreen Road. SUB07-13A;13.

**Condition 34:** Prior to final plat, the applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands. Evidence of an approved wetland permit including determination/delineation shall be submitted to the City prior to plat. All wetlands not mitigated according to state and federal requirements shall be located within a public stormwater drainage easement. SUB07-13A;23.

**Condition 35:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by

City Traffic Engineer and by Oregon Department of Transportation. SUB07-13A; 16.

**Segment G:**

**Condition 36:** Prior to final plat, all conditions of approval for Segments B, C, E, and D shall be completed.

**Condition 37:** Prior to final plat, the applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands. Evidence of an approved wetland permit including determination/delineation shall be submitted to the City prior to plat. All wetlands not mitigated according to state and federal requirements shall be located within a public stormwater drainage easement. SUB07-13A;23.

**Segment J & K:**

**Condition 38:** Prior to final plat, all conditions of approval for Segments B, C, D, E, and G shall be completed.

**Condition 39:** Prior to final plat, the applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side of Hazelgreen Road NE. UGA07-01; B.2.a.

**Condition 40:** The applicant shall construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot wide pavement with sidewalk, street lights, and street trees on the south side. The landscape strip between the curb and sidewalk shall be a minimum of 8-feet wide. UGA07-01; B.2.b.

**Condition 41:** The applicant shall convey land for dedication 60-foot wide right-of-for 49<sup>th</sup> Street NE from the north line of the BPA easement to Hazelgreen Road NE. UGA07-01; B.3.a.

**Condition 42:** Prior to final plat, the applicant shall construct 49<sup>th</sup> Avenue NE from Hazelgreen Road NE to the northern line of the Bonneville Power Administration Easement as a minimum 40-foot Collector B street. UGA07-01; B.3.b

**Condition 43:** Construct the 18-inch Master Plan water line within 49<sup>th</sup> Avenue from Hazelgreen Road NE to the north line of the BPA easement. Construct an 18-inch Master Plan water line within Hazelgreen Road NE along the entire frontage of the subject property. UGA07-01; E.1&2 SUB07-13A;14.

**Condition 44:** Pursuant to the *Wastewater Management Master Plan*, the applicant shall convey land for and construct a sewer pump station abutting Hazelgreen Road and construct sewer mains as needed to connect the development to adequate sewer facilities. UGA07-01; F.

**Condition 45:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazelgreen Road. SUB07-13A;13.

**Condition 46:** Prior to any construction activity in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem, for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works. SUB07-13A;12.



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Olivia Dias, Current Planning Manager, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Case Manager: Olivia Dias, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

Attachments:   A. Vicinity Map  
                  B. Site Plan for Modified Subdivision  
                  C. Subdivision Review Committee SUB07-13A & SUB07-13A2  
                  D. Planning Commission decision approving CPC-ZC05-12  
                  E. UGA Development Review Committee decision approving UGA07-1

Application Deemed Complete:	<u>March 31, 2021</u>
Notice of Decision Mailing Date:	<u>April 21, 2021</u>
Decision Effective Date:	<u>May 11, 2021</u>
State Mandated Decision Date:	<u>July 29, 2021</u>

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

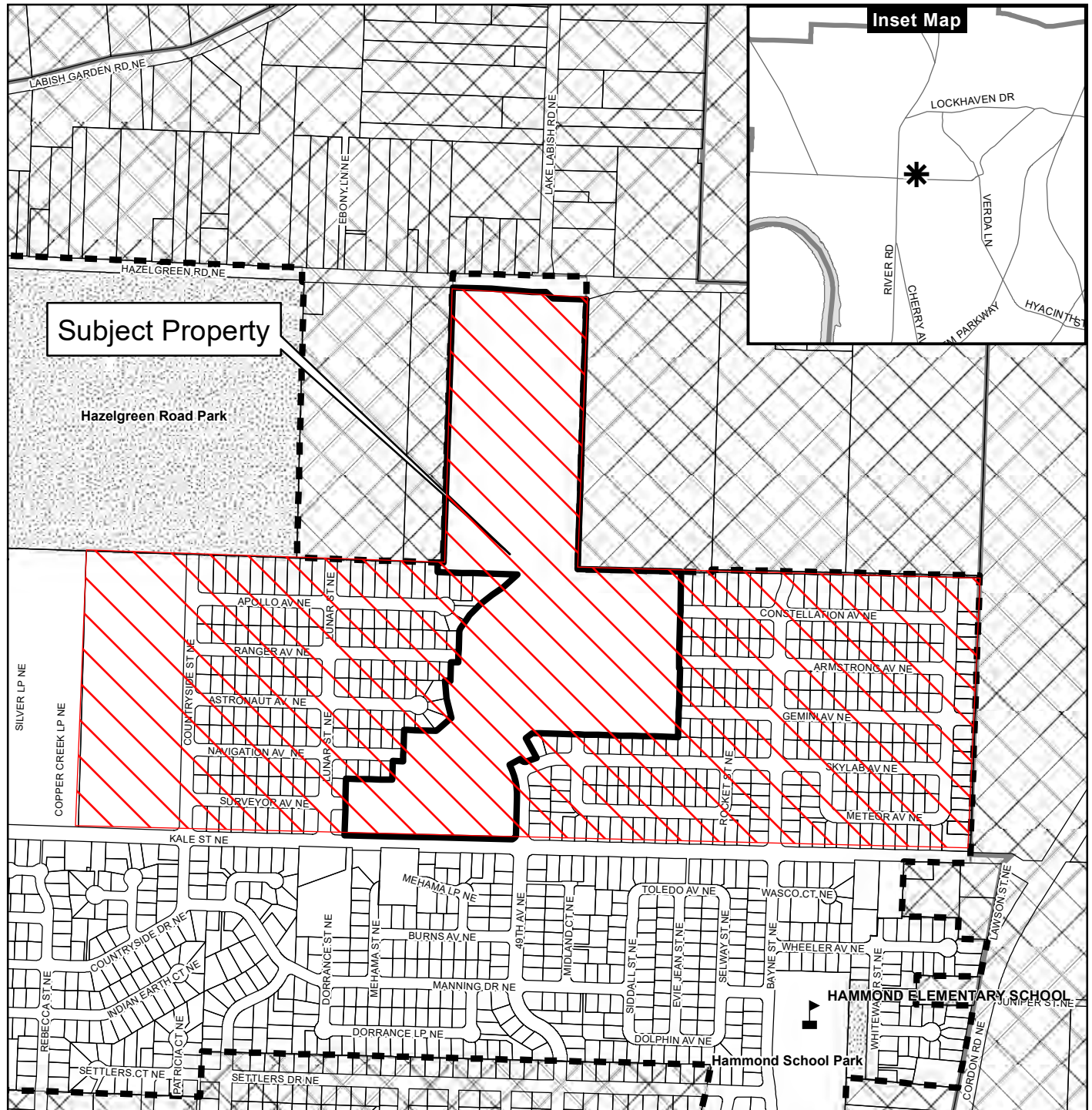
<b>Tentative Subdivision Plan:</b>	<u>December 18, 2023</u>
<b>Class 2 Adjustment:</b>	<u>May 11, 2023</u>

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

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, May 6, 2021, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

# Vicinity Map

## 4400 Kale Street NE



### Legend

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

Parks

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

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0 100 200 400 Feet





Owner/Developer:

Northstar Communities L.L.C.  
9550 S.E. CLACKAMAS Rd.  
CLACKAMAS, OREGON 97015

NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



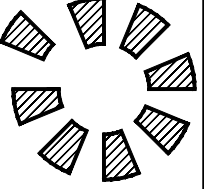
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9550 S.E. CLACKAMAS Rd.  
CLACKAMAS, OREGON 97015

NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

LOT AREAS	
LOT NO.	BUILDABLE AREA S.Q. F.T.
554	1705
555	NA
566	1963
567	NA



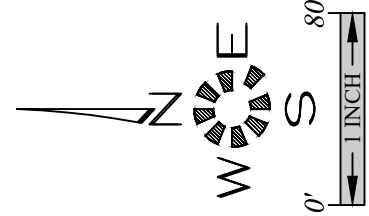
Owner/Developer:

Northstar Communities L.L.C.  
9550 S.E. CLACKAMAS Rd.  
CLACKAMAS, OREGON 97015

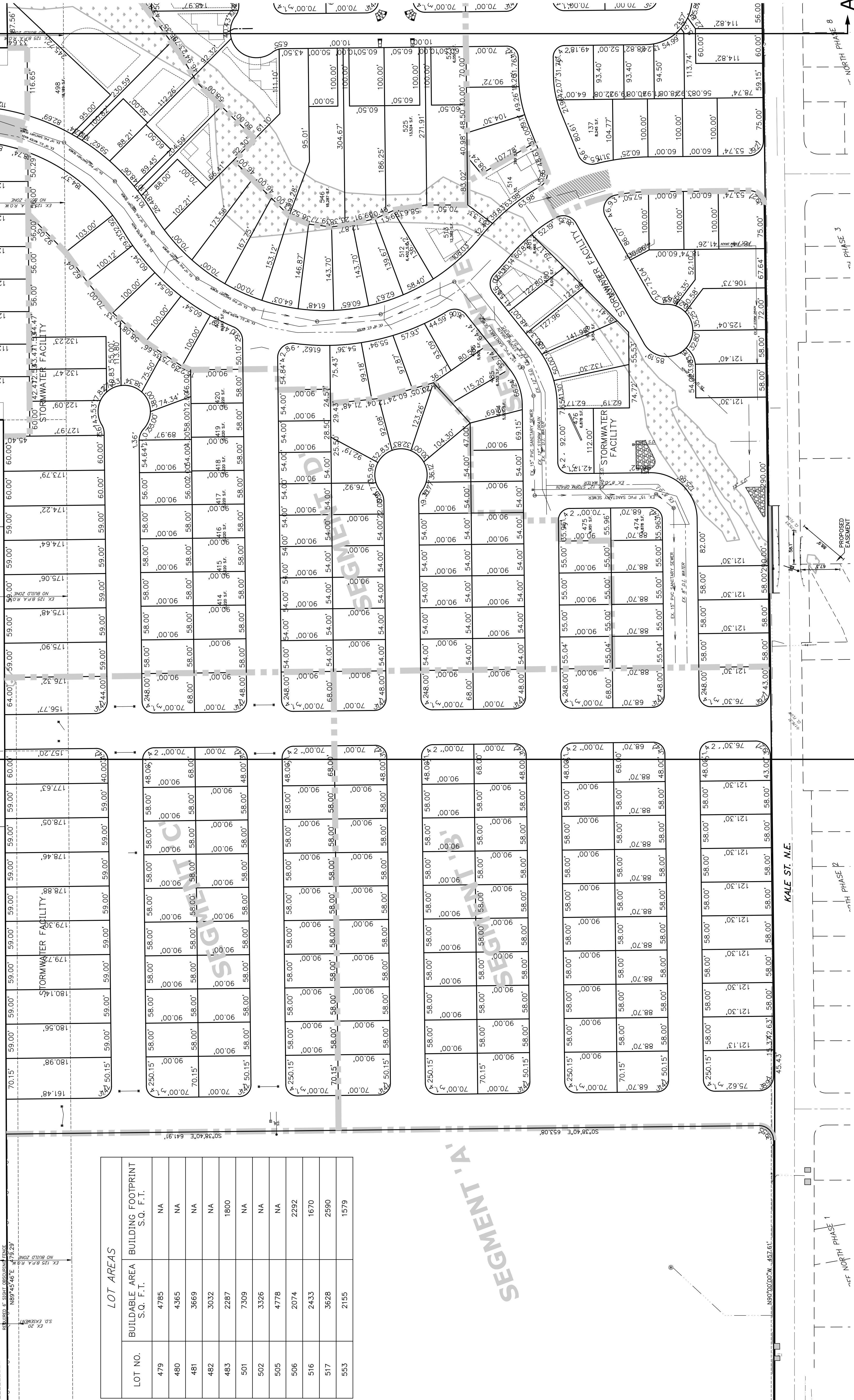
NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

1155 13th ST. S.E. SALEM, OR. 97302



LOT AREAS	
LOT NO.	BUILDABLE AREA S.Q. F.T.
479	4785
480	4365
481	3669
482	3032
483	2287
501	7309
502	3326
505	4778
506	2074
516	2433
517	3628
553	2155



*[Signature]*

EXPIRES:

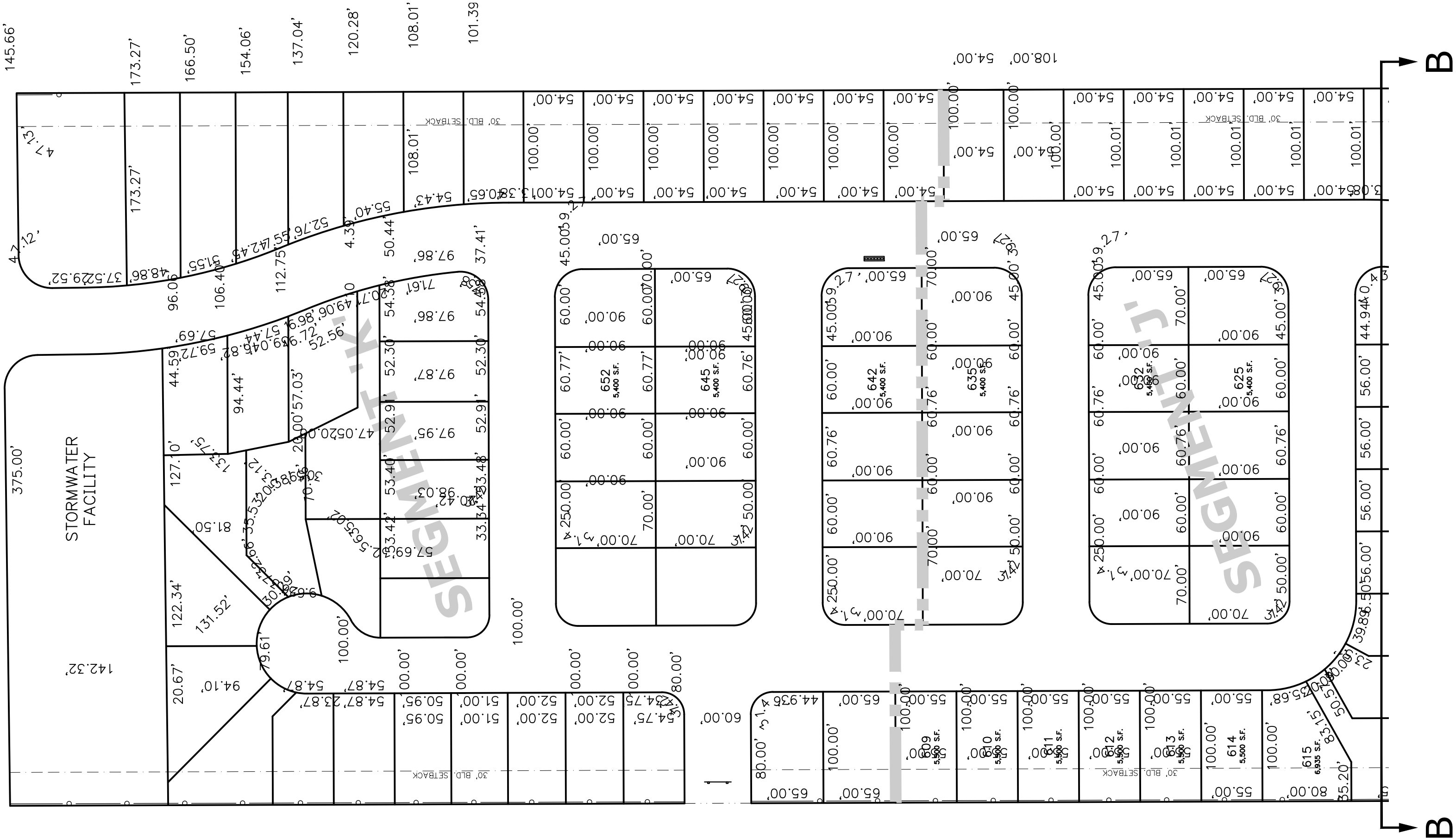
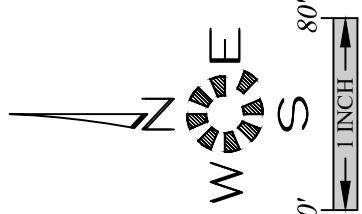


Owner/Developer:

Northstar Communities L.L.C.  
9550 S.E. CLACKAMAS Rd.  
CLACKAMAS, OREGON 97015

NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



EXPIRES:



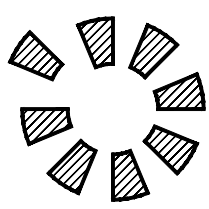
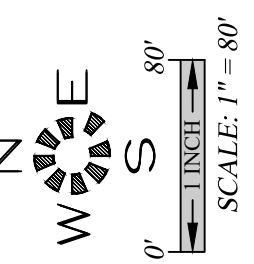
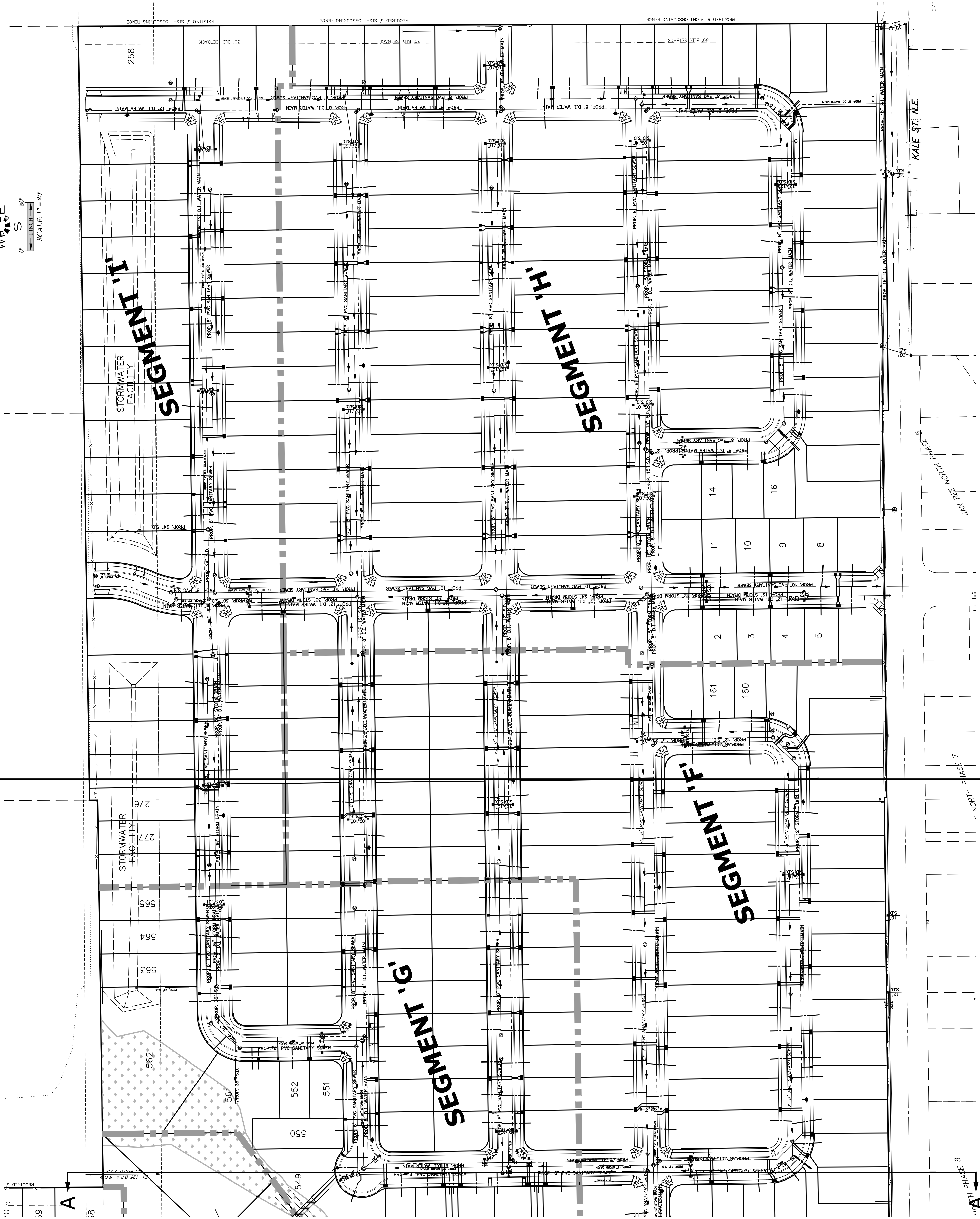
Owner/Developer:

Northstar Communities L.L.C.

9550 S.E. CLACKAMAS Rd.  
CLACKAMAS, OREGON 97015

NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



PH. (503) 363 - 9227 FAX (503) 364-1260  
1155 13th ST. S.E. SALEM, OR. 97302



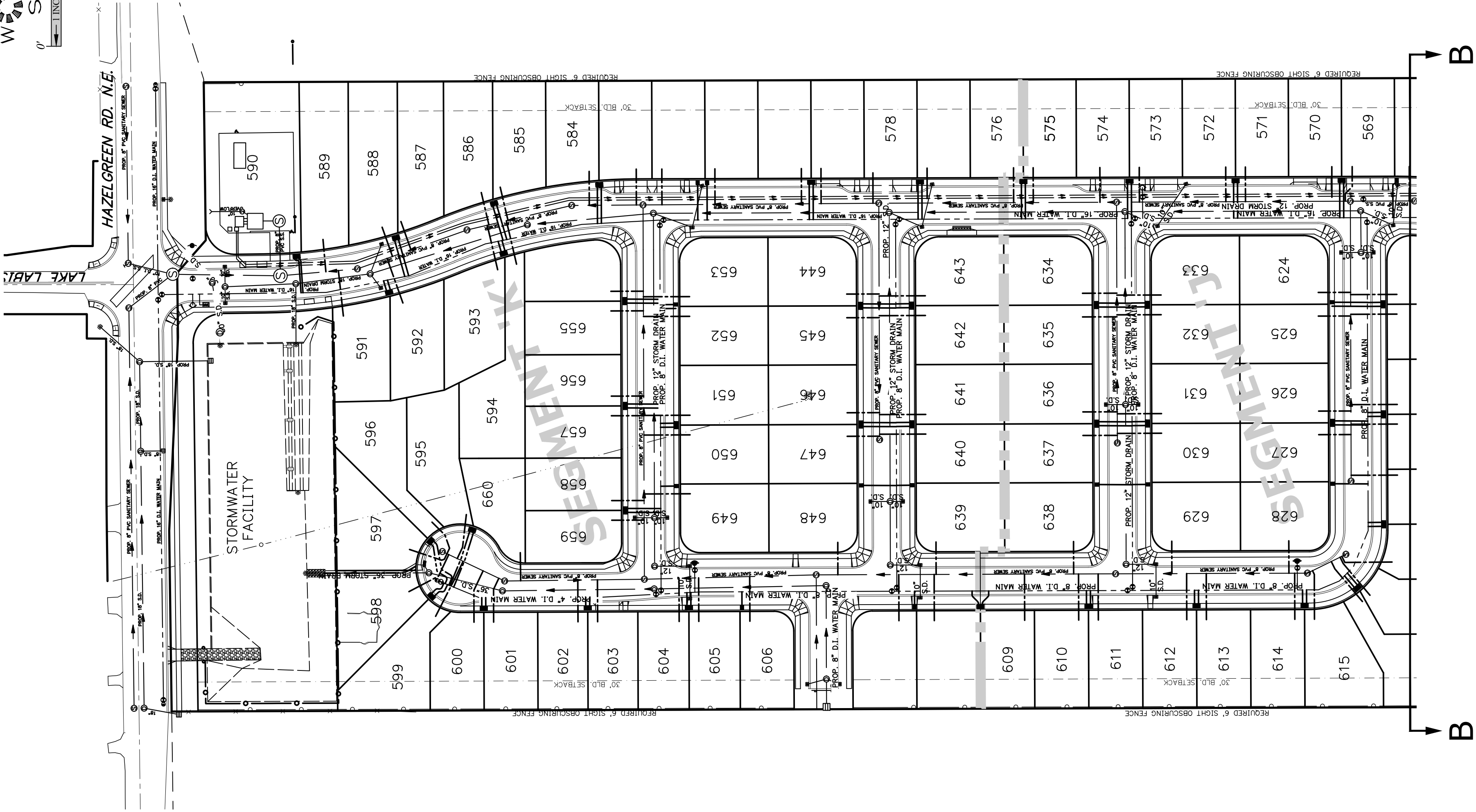
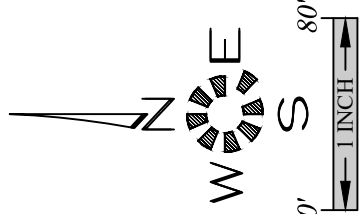


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CITY OF SALEM  
MARION COUNTY, OREGON



EXPRES:

# SUBDIVISION REVIEW COMMITTEE

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



**ISSUE:** Northstar Subdivision Plat No. 07-13

**DATE OF DECISION:** September 28, 2007

**APPLICANT:** Larry Epping of the Granada Land Company

## PURPOSE OF REQUEST:

To divide approximately 148.06 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, and concurrent variances to the lot dimensional standards of SRC Chapter 63.145(a) and (b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2 zoned portion of the subject property, which is zoned RM1 (Multiple Family Residential), RM2 (Multiple Family Residential), and RS (Single-Family Residential) (SACP designation "Multi-Family Residential" and "Single-Family Residential") and generally located within the 4400-5200 blocks of Kale Road NE.

## ACTION:

### IT IS HEREBY ORDERED

The request to divide approximately 148.06 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, and concurrent variances to the lot dimensional standards of SRC Chapter 63.145(a) and (b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2 zoned portion of the subject property, which is zoned RM1 (Multiple Family Residential), RM2 (Multiple Family Residential), and RS (Single-Family Residential) (SACP designation "Multi-Family Residential" and "Single-Family Residential" ) and generally located within the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Maps 062W32C and 062W32D, tax lots 200, 800, 900, 1000, 1100, and 701) is hereby GRANTED subject to SRC Chapters 63 and 146 and the following additional conditions, to be satisfied prior to final plat approval, unless otherwise indicated:

- Condition 1:** Comply with the conditions of approval of Comprehensive Plan Change/Zone Change 05-12.
- Condition 2:** Obtain any necessary demolition permits and remove all existing structures on the subject property.
- Condition 3:** Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.
- Condition 4:** Any existing septic tank systems shall be abandoned.
- Condition 5:** All necessary (existing and proposed) access and utility easements must be shown on the final plat as determined by the Director of Public Works and recorded on the deeds to individual lots affected by such easements.
- Condition 6:** The deadline for final platting of the entirety of the proposed subdivision shall be 10 years from the date of tentative approval.
- Condition 7:** Use of lots 15 through 30, 53 through 62, and 85 through 94 shall be restricted to duplexes. Compliance with this condition is required at the time of building permit.
- Condition 8:** Proposed Lot 25 shall have either a minimum street frontage of 30 feet or obtain street system connectivity from the accessway proposed to serve Lots 23 and 24. In the latter case, the accessway must measure 25 feet in width and at the time of development, feature a 20-foot-wide paved surface. In neither case may the depth of Lot 25 be less than 120 feet.



**Condition 9:** The following table shall set forth the front lot lines for all infill (flag) lots.

<b>Segment</b>	<b>Lot Number</b>	<b>Front Lot Line</b>
A	23	North
A	24	North
C	275	North
C (Option A)	203	West
C (Option A)	204	West
C (Option A)	207	North
C (Option A)	208	North
C (Option A)	220	Northwest
C (Option A)	258	South
C (Option A)	259	South
C (Option A)	260	South
D	169	South
D	170	South
D	171	South
D	174	Northwest
D	175	Northwest
D	178	Northwest
D	179	Northwest
E	307	East
E	310	East
E	311	East
E	314	East
E	315	East
E	323	North
E	324	North
F	338	North
F	339	North
H	436	North
H	437	North

Segment	Lot Number	Front Lot Line
H	448	North
H	449	North
J	692	North
K	666	West
K	667	West
K	669	South
K	670	South
K	672	South
K	673	South

- Condition 10:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the accessway.
- Condition 11:** The Applicant shall design and construct a complete storm drainage system at the time of development. The Applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal. The stormwater shall not increase the hydraulic capacity of the Little Pudding River at the Hazel Green Road crossing.
- Condition 12:** Coordinate with Marion County to identify the need for and location of a special storm water detention facility to serve the region.
- Condition 13:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazel Green Road.
- Condition 14:** Construct the 16-inch Master Plan water line between Kale Road and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road and connect to the 12-inch Master Plan line constructed in the 49<sup>th</sup> Avenue NE extension between Kale Road NE and Hazelgreen Road NE.
- Condition 15:** No direct driveway access shall be allowed onto Kale Road NE or Hazel Green Road NE.
- Condition 16:** Prior to the creation of the 400<sup>th</sup> lot, construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.
- Condition 17:** Provide pedestrian connectivity on both sides of Kale Road within the City limits to Portland Road. As directed by Public Works Director, either:
- Construct curb, sidewalks, and gutter as specified the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
  - Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.

- Condition 18:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.
- Condition 19:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision.
- Condition 20:** Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road to mitigate traffic impacts.
- Condition 21:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazel Green Road NE. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit.
- Condition 22:** The Applicant shall comply with the conditions of UGA Preliminary Declaration 07-1, issued on June 25, 2007.
- Condition 23:** The Applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands.
- Condition 24:** Prior to recordation of the Final Plat, a Final Tree Conservation Plan, including revisions that may result from an approved Adjustment, shall be submitted to the Community Development Department for review and an on-site inspection.

Application Filing Date: July 2, 2007  
State Mandated Decision Date: October 30, 2007  
Decision Date: September 28, 2007

Decision Issued According to Salem Revised Code 63.046 and 63.332.

The Findings and Order of the Subdivision Review Committee for Subdivision 07-13, dated September 28, 2007, are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of two years. Under SRC 63.049, this tentative decision is void after two years if not finalized. To finalize the subdivision the Applicant must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of a final plat does not relieve the Applicant from complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 15, 2007, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Garrett Stephenson, Associate Planner, Ext. 7556, [gstephenson@cityofsalem.net](mailto:gstephenson@cityofsalem.net)

**BEFORE THE SUBDIVISION REVIEW COMMITTEE  
OF THE CITY OF SALEM  
(TENTATIVE SUBDIVISION PLAT NO. 07-13)**

**IN THE MATTER OF  
TENTATIVE APPROVAL OF  
SUBDIVISION PLAT NO. 07-13;  
4400-5200 BLOCKS OF KALE ROAD NE**

**FINDINGS AND ORDER**

**PROCEDURAL FINDINGS**

1. On March 20, 2007, an application for a subdivision was submitted to the Salem Community Development Department by Larry Epping of the Granada Land Company. He is represented in this application by Ashley DeForest of Saalfeld Griggs PC. This application was deemed incomplete on April 9, 2007, pending the issuance of a Preliminary Declaration for UGA Permit 07-1. A Preliminary Declaration was issued for this UGA permit on June 25, 2007. The application was subsequently deemed complete for processing on July 2.
2. On July 3, 2007, notification of the proposal was mailed to the Northgate Neighborhood Association and the owners of all property located within 250 feet of the subject property. Notification was also provided to public and private service providers and other City departments. Notice of the Subdivision Review Conference was posted on the subject property on July 19, 2007.
3. A Subdivision Review Conference was held on July 31, 2007, at 9:00 a.m. to hear the application and receive testimony from interested parties. Per the request of an interested party, the written record of this meeting was held open until 5:00 p.m. on August 14, 2007.
4. On September 10, 2007, the applicant submitted additional information requesting public improvements be required based on "phases" determined by the number of building permits requested for development within the subject property.

**SUBSTANTIVE FINDINGS**

**1. Request**

To divide approximately 148.06 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, and concurrent variances to the lot dimensional standards of SRC Chapter 63.145(a) and (b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2 zoned portion of the subject property, which is zoned RM1 (Multiple Family Residential), RM2 (Multiple Family Residential), and RS (Single-Family Residential) (SACP designation "Multi-Family Residential" and "Single-Family Residential") and generally located within the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Maps 062W32C and 062W32D, tax lots 200, 800, 900, 1000, 1100, and 701).

A vicinity map of the subject property is made a part of this report as Attachment 1.

The Applicant's tentative plan(s) are attached to this report as Attachment 2.

The Applicant's written proposal and subsequent submissions are made a part of this report as Attachment 3.

**2. Salem Area Comprehensive Plan (SACP)**

**Land Use Plan Map:** The subject property is designated as "Multi-Family Residential" and "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map.

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



Growth Management: The subject property is located outside of the City's Urban Service Area. The Urban Service Area is the area of the City that is stipulated to feature adequate public infrastructure, such as streets, water service, sewer service, public drainage facilities, and parks. Pursuant to the Urban Growth Management Program (SRC Chapter 66), an Urban Growth Area Development Permit is not required when property is located within the boundaries of the Urban Service Area. Such a permit is required for the subject property because it lies outside of the Urban Service Area. A preliminary declaration of public facilities necessary to serve the proposed development (UGA 07-1) has been issued. The Applicant must complete all required public facility enhancements in order to obtain the UGA Permit. This preliminary declaration is made a part of this staff report as Attachment 8.

### **3. Prior Land Use Cases**

#### ***Commission-Initiated Zone Change (CIZC) No. 98-4***

***(August 24, 1998)***

This action involved the annexation of the subject property, the application of an "Industrial" Comprehensive Plan designation, and the application of the IP (Industrial Park) zoning district. This action did not apply to tax lots 701 or 1100 of Marion County Assessor's Map 062W32D.

#### ***Annexation Case (ANX) No. C-553***

***(January 23, 2002)***

This was an annexation of tax lots 701 and 1100 of Marion County Assessor's Map 062W32D. The subject property was zoned IBC (Industrial Business Park).

#### ***Comprehensive Plan Change/Zone Change (CPC/ZC) No. 05-12***

***(November 7, 2006)***

This action established the current Comprehensive Plan designations and zoning districts to the subject property (Multiple-Family and Single-Family Residential). The following conditions of approval were attached to the Planning Commission's decision and apply to the proposed subdivision (Attachment 9).

- a. The Applicant shall dedicate sufficient right-of-way to equal a half-width of 36 feet along Kale Road NE and construct a 23-foot half-street improvement on the development side of Kale Road NE when the property is developed.
- b. The Applicant shall link the proposed development to adequate water facilities and adequate sewer facilities.
- c. The Applicant shall provide a 30-foot-wide buffer along the boundary of those properties designated RS (Single-Family Residential) to buffer the proposed residential land from Industrial-designated and agriculturally-zoned land, respectively. In addition, a sight-obscuring fence shall be required on the eastern boundary of the portion that abuts the urban growth boundary. Those boundaries that abut residentially designated land (RS, RM1 and RM2) shall not be subject to this condition.
- d. The Applicant shall provide Multiple Family Residential bufferyards as required by SRC 132 along the periphery of that property designated RM1 or RM2.

The Planning Commission resolution approving the proposed CPC/ZC is made a part of this staff report as Attachment 9. In order to ensure that the conditions of approval of this decision are completed, the following condition of approval shall apply:

**Condition 1:** Comply with the conditions of approval of Comprehensive Plan Change/Zone Change 05-12.

#### ***Urban Growth Area Development Permit (Preliminary Declaration) 07-1***

***(June 25, 2007)***

This action is a preliminary declaration of the public infrastructure required to serve the proposed development. A UGA Development Permit is issued once the conditions of the preliminary declaration are satisfied. Preliminary Declaration UGA 07-1 is made a part of this staff report as Attachment 8.

#### 4. Surrounding Zoning and Land Uses

The subject property consists of 148.06 acres within seven (7) tax lots under the same ownership, six of which make up the bulk of the site itself. Two major roads, Kale Road NE and Hazel Green Road NE border the subject property. The subject property abuts Kale Road for approximately 0.81 miles (4,277 feet). The site also has approximately 0.12 miles (634 feet) of frontage along Hazel Green Road to the north. Located in an area of suburban-rural transition, the subject property is adjacent to single-family subdivisions to the south, and large single-family lots and small farms under Marion County jurisdiction to the north. Uses to the west and east are multiple family residential and heavy agriculture, respectively.

North: Marion County UT-5 (Urban Transition); single-family homes, light agriculture  
East: Marion County EFU (Exclusive Farm Use), heavy agriculture  
South: RS (Single-Family Residential), RA (Residential Agriculture) and Marion County UT-5; single-family homes, vacant land, parks  
West: RM2 (Multiple Family Residential) and Marion County UT-20 (Urban Transition); manufactured home park, agricultural uses

#### 5. Existing Site Conditions

The subject property is located between Hazel Green Road NE and Kale Road NE and is currently being utilized for the production of grasses. It consists of approximately 148.06 acres in gross area. The subject property originally consisted of 148.74 acres, 0.68 acres of which were recently deeded to an adjacent property owner (Attachment 3, page 1). There are two single-family homes and a few ancillary structures currently located on the site. The North Fork of the Little Pudding River runs from north to south through the subject property.

**Trees:** Pursuant to SRC Chapter 68 "Preservation of Trees and Vegetation," if the Applicant wishes to remove trees in conjunction with development, they must submit a Tree Conservation Plan (TCP), which is reviewed by City staff. Any onsite tree removal must be performed according to an approved TCP. There are six (6) trees located on the subject property and the Applicant has submitted a Tree Conservation Plan proposing the removal of one (1) of these trees (TCP 07-17). This plan is currently under review and, if approved, it will be binding on the subject property until notices of final completion are issued on the lots that will contain existing trees.

**Wetlands:** Wetlands are regulated by the U. S. Army Corps of Engineers through the Oregon Department of State Lands (DSL). The City of Salem has adopted maps and data (Local Wetland Inventory) which generally show areas with potential or existing wetlands. The Local Wetland Inventory identifies two mapped wetlands located on the subject property, denoted as PU-C and PU-D. The DSL was notified of the proposed subdivision on July 16, 2007 and provided comments that indicate a removal-fill permit may be required, and that the Applicant must provide a wetland determination/delineation report. The Applicant shall apply for a removal/fill permit from the DSL in order to install a swale that will re-direct the existing closed channel of the North Fork of the Little Pudding River. Contingent upon the DSL's approval of this proposal are two potential lot layouts (Segments C and C - Option A), of which "Segment C" provides for a re-directed swale and "Segment C - Option A" allows for the current flow path of the stream. Both of these layouts are under review for this subdivision, and it is not known as of the date of this report whether or not the permit will be granted. The subject property also contains hydric soils which are potentially indicative of wetlands. If other wetlands are suspected on the subject property, the Applicant should notify DSL in order to ascertain what, if any, mitigation requirements may be imposed.

**Landslide Susceptibility:** SRC Chapter 69 "Landslide Hazards" sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. 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 a safe development. The subject property does not contain any mapped landslide hazard points and a subdivision request incurs 3 "activity" points. The cumulative total of 3 landslide hazard susceptibility points indicates a "low landslide hazard," therefore, no geologic assessment or geotechnical report were required.

**Natural Hazards:** The North Fork of the Little Pudding River traverses the subject property from north to south. There is a FEMA (Federal Emergency Management Agency) mapped flood plain affecting the northern portion of the subject property that is tied to the presence of this waterway. Typically, building within flood plains is permitted as long as the Applicant either elevates residential structures a minimum of one foot above base flood elevation or otherwise installs flood protection measures. The

Applicant must determine the 100-year base flood elevation along the river from Hazel Green Road NE to Kale Road NE, so that any structures built within that flood plain can be sufficiently elevated. Additional design standards may also apply to structures built within a flood plain (SRC 140.100). Development standards intended to mitigate the threat of flooding are also set forth in SRC 140.100. Development within the floodplain is subject to a Floodplain Development Permit (SRC 140.190) (Attachment 6).

## 6. Site Analysis and Parcel Layout

This subdivision proposes a relatively large number of lots within three (3) different zoning districts. Consequently, the character of the proposed development will differ throughout the subject property where different zoning districts are in effect. Broadly speaking, the application proposes a 6.24 acre lot to be reserved for a multiple family dwelling complex: a 15,901 square-foot lot for a future five-plex, twelve townhouse lots, 36 duplex lots, and the remainder of the property to be divided into single-family residential lots. For the single-family dwelling lots, proposed lot areas range from 4,203 square feet to 27,181 square feet, with single-family density of 4.99 - 5.13 dwelling units per acre. (Area and density calculations are based on Applicant's statement (Attachment 3.))

The zoning of the subject property was recently changed through Comprehensive Plan Amendment/Zone Change 05-12 from IBC (Industrial Business Campus) and IG (General Industrial) to RM1 (Multiple Family Residential), RM2 (Multiple Family Residential) and RS (Single Family Residential). A condition of approval of CPC/ZC 05-12 requires that "the applicant shall provide a 30-foot-wide buffer along the boundary of those properties designated RS (single-family residential) to buffer the proposed residential land from industrial designated and agriculturally zoned land, respectively." In addition to this buffer, "a sight-obscuring fence shall be required on the eastern boundary on the portion that abuts the Urban Growth Boundary." According to a communication between the Assistant Planning Administrator and the applicant dated December 4, 2006, the stated intent of this condition was not to require an additional 30-foot-wide buffer strip around the subject property, but rather to "require a bufferyard in lieu of a setback" (Attachment 3). Accordingly, no dwellings may be built within 30 feet of the lot lines abutting any land that is designated by the Salem Area Comprehensive Plan as "Industrial" or land that is zoned for agriculture within Marion County. This requirement is reflected in Condition 1, which requires the Applicant to adhere to all conditions of approval of CPC/ZC 05-12.

Three basic platting alternatives have been submitted for review in order to preserve project flexibility to meet the eventual requirements for a new neighborhood park and elementary school. Three basic platting alternatives were submitted for review. The first proposal shows a residential subdivision of the entire property, the second shows a parkland concept as part of the residential subdivision, and the third proposes a site for shared parkland and school district property. Compounding these options is the development's likely impact to the North Fork of the Little Pudding River, which is partially tiled beneath the subject property. The proposal includes a re-direction and opening of this stream within a new drainage swale. This proposal is contingent upon a Removal/Fill Permit from the Department of State Lands (DSL). If this permit is not granted, the Applicant has proposed an alternative lot layout to account for the current configuration of the river and an open swale to direct river stream flow. In total, there are six (6) potential lot layouts for the subject property that will be reviewed by the Planning Division and other City departments. The following table describes the six independent subdivision proposal alternatives:

TABLE 1 PROPOSED SUBDIVISION ALTERNATIVES		
	Segment C (Existing flow path of the North Fork of the Little Pudding River)	Segment C "Option A" (Proposed swale for North Fork of the Little Pudding River)
Alternative 1 (Lots only)	1	1A
Alternative 2 (Neighborhood Park)	2	2A
Alternative 3 (Neighborhood Park and Elementary School)	3	3A

Under normal circumstances, a single subdivision request will be reviewed and modified as needed. In this case, the Applicant has requested a unitary review of each of the six (6) alternative designs listed above. In essence, this request involves six (6) separate subdivision requests for the same subject property. All 6 alternatives have been reviewed as detailed in this staff report, and each will be referred to as shown in the table above.

The Applicant has divided the proposed subdivision into eleven "segments," or independent portions of land to be developed in a specific way. These are not phases as no particular order has been proposed for their development and each segment must be individually reviewed for applicable development standards. Phasing has been proposed by the Applicant, but it does not directly correspond to individual segments. There are multiple versions of several segments due to the potential park land and school district sites, as well as any future DSL requirements for the redirection of the North Fork of the Little Pudding River. The following table shows information on proposed segments of the subdivision:

<b>TABLE 2 SUBDIVISION SEGMENT IDENTIFICATION</b>			
<b>Segment</b>	<b>Total Lots</b>	<b>Zoning</b>	<b>Comments</b>
A	102	RM1/RM2	Features 36 duplex lots, 12 townhouse lots, and one five-plex multi-family lot
B	44	RM2	Features 6.24 acre apartment lot
C	84	RS	Pending DSL removal-fill permit to relocate stream
C (Option "A")	77	RS	Proposed option if removal-fill permit is denied
D	59	RS	
E	71	RS	
F	57	RS	
G	61	RS	
H	81	RS	
I	56	RS	
J	38	RS	
K	62	RS	
Park (alternative)	64	RS	Proposed park and residential option replaces segment K and an alternative segment J.
Park/School (alternative)	39	RS	Proposed park, school, and residential option replaces segments J and K.

**Existing Buildings and Infrastructure:** Two dwellings and several ancillary structures are located on the subject property. According to the tentative plan, these are to be removed prior to development. Four of the six proposed plat alternatives require the removal of these structures, and it appears that the existing house that may be retained in proposed Segment K will not meet the minimum required setback from Hazel Green Road NE after required right-of-way is dedicated for boundary-street improvements. Therefore, the Applicant must remove all existing buildings. In order to ensure that these houses are removed prior to development, the following condition of approval shall apply:

**Condition 2:** Obtain any necessary demolition permits and remove all existing structures on the subject property.

It appears that several wells and/or septic systems may also be present on the subject property. All newly created lots must be served with public water, sewer, and storm drainage services, therefore any existing unused wells and septic systems must be abandoned. In order to ensure compliance with this requirement, the following conditions of approval shall apply:

**Condition 3:** Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.

**Condition 4:** Any existing septic tank systems shall be abandoned.

There is a large, 125-foot-wide easement benefitting the Bonneville Power Administration (BPA) bisecting the subject property from east to west. Several power line towers are located within this easement, and are to remain on the subject property. This easement will affect several dozen proposed single-family lots and a proposed multiple-family apartment complex lot. Proposed lot sizes in this area appear to accommodate this easement by providing sufficient space for a single-family dwelling and the easement. The easement must be recorded on the deeds for all affected lots and on the tentative plat. In order to ensure compliance with this requirement, the following condition of approval shall apply:

**Condition 5:** All necessary (existing and proposed) access and utility easements must be shown on the final plat as determined by the Director of Public Works and recorded on the deeds to individual lots affected by such easements.

**Phasing:** The Applicant requests that this development be permitted to be constructed in phases. The Salem Revised Code permits phasing of subdivisions when requested and where the entire development can be reviewed during the initial tentative decision process. In the case of non-phased subdivisions, the final plat of a tentatively-approved subdivision must be recorded within two (2) years of the date of approval. Pursuant to SRC 63.049, for developments to be constructed in phases, the final platting of the final phase must be completed within ten (10) years of the tentative approval date. Once tentative approval is granted, the order and timing of the construction of each phase are under the discretion of the Applicant, provided that all phases are constructed and platted within this 10-year time frame. The Applicant has proposed a "phasing plan" for public infrastructure construction, which was submitted on September 10, 2007 (Attachment 3). This plan requests pre-determined building permit thresholds to trigger public street improvements and should not be confused with phasing as it applies to the subdivision process itself. Regardless of the pace or timing of public infrastructure construction, the deadline for the platting of the proposed subdivision shall be 10 years from the date of approval.

**Condition 6:** The deadline for final platting of the entirety of the proposed subdivision shall be ten (10) years from the date of tentative approval.

**Lot Area:** Pursuant to SRC 63.145(c), "each lot shall comprise a minimum of 4,000 square feet . . . except for an infill lot in the RA and RS zones, which shall have a minimum lot area of 5,500 square feet . . . or as otherwise stipulated in the zoning district where it is located." This provision allows minimum lot sizes in zones other than RA and RS to be determined by the underlying zoning district. Accordingly, the sizes of the lots in this proposed subdivision vary throughout the three zoning districts that effect the site. For example, within the RM2 (Multiple Family Residential) zone, the absolute minimum lot size is 1,500 square feet for townhouse uses, whereas the minimum lot size within the RS zone is 4,000 square feet for all dwellings with street frontage and 5,500 square feet for infill (flag) lots. The following is a summary of minimum required lot sizes in each zone:

**RS - (SRC 146.070(a)):** Frontage Lot - 4,000 sq. ft      Infill (flag) Lot - 5,500 sq. ft.

**RM1 - (SRC 148.240(a)):** Townhouse Lot - 1500 sq. ft. Duplex or higher density Lot - 4,000 sq. ft.

**RM2 - (SRC 148.390(c)):** Townhouse Lot - 1500 sq. ft.      Triplex or higher density Lot - 6,000 sq. ft.

As previously shown, there are fourteen potential segments of the subdivision (eleven identified by the Applicant, with three additional to account for alternative segment plans). The following table shows the smallest and largest lot sizes within each potential segment. Each number denotes square footage of single-family lots unless otherwise indicated.

TABLE 3 LOT SIZE (SMALLEST/LARGEST) WITHIN EACH SEGMENT OF THE SUBDIVISION				
Segment	Zone	Largest Lot	Smallest Lot	Comments
A	RM1/ RM2	10,245 (single-family/duplex) 19,901 (5-plex)	5,219 (single-family) 2,500 (townhouse)	Features 36 duplex lots, 12 townhouse lots, and one five-plex multi-family lot
B	RM2	11,239 (single-family) 271,952 (apartment lot)	5,219	Features 6.24 acre apartment lot
C	RS	9,811	4,660	Pending DSL removal-fill permit to relocate stream
C (Option "A")	RS	9,811	4,203	Proposed option if removal-fill permit is denied
D	RS	27,181	4,550	
E	RS	17,357	4,662	
F	RS	9,836	4,680	
G	RS	19,048	4,802	
H	RS	12,012	4,680	
I	RS	16,406	5,040	
J	RS	12,062	5,400	
K	RS	11,447	4,316	
Park (alternative)	RS	11,447 (single-family) 6,916 (park)	4,647	Proposed park and residential option replaces segment K and an alternative segment J.
Park/School (alternative)	RS	11,981 (single-family) 11.23 acres (school/park)	5,040	Proposed park, school, and residential option replaces segments J and K.

As demonstrated above, all proposed lot areas are consistent with the requirements of the zoning districts where they are located.

**Dwelling Unit Density:** Dwelling unit density requirements are intended to regulate the character and intensity of development within different residential zones. As there are three zones affecting the subject property, density requirements vary across the extent of the site. Within the RS and RA zones, no specific density requirements apply. Although the Salem Revised Code does not have a minimum or maximum single-family residential density, the Salem Area Comprehensive Plan designation does indicate a target density of 6.5 dwelling units per acre in the aggregate of all residential development. This target is an overall goal rather than a development standard. Rather,

the RS zone has a de facto maximum density of about 11 units per acre, as the minimum lot size is 4,000 square feet. The proposed development features a single-family residential density of about 5 dwelling units per acre (Attachment 3).

Unlike the RA and RS zones, the multiple-family residential (RM1 and RM2) zones have prescribed density requirements. Pursuant to SRC 148.220, within the RM1 zone the minimum number of dwelling units is 8 per acre and the maximum is 14 dwelling units per acre. Staff calculations indicate that the density range of the developable RM1 area of the subject property is between 55 and 100 units. The Applicant's proposal is for 36 duplex lots within the RM1 zone, for a total build-out of 72 units, and is therefore consistent with density requirements in that zone. Construction of duplexes is necessary to meet density requirements for the RM1 portion of the subject property, therefore, the following condition of approval shall apply:

**Condition 7:** Use of lots 15 through 30, 53 through 62, and 85 through 94 shall be restricted to duplexes. Compliance with this condition is required at the time of building permit.

Pursuant to SRC 148.370, the RM2 zone requires a minimum density of 12 units per acre and a maximum of 28 units per acre. Staff reviewed each type of proposed development within the RM2 zone independently for density requirements. For the area of the proposed 12 townhouses, a minimum density of 10 units and a maximum density of 24 units is required. The "5-plex" lot of 15,901 square feet is subject to a minimum density of 5 units and maximum of 11 units. The 6.24-acre area reserved for apartment buildings must be developed with a density of no less than 75 units and no more than 175 units.

Pursuant to SRC Chapter 148, all multiple-family development of more than two units on a lot must conform to the Multiple-Family Design Standards or Guidelines of the *Development Design Review Handbook*. Accordingly, the proposed "5-plex" and apartment complex must submit to either Administrative or Discretionary Design Review at the time of development. As compliance with this requirement is required at the time of building permit submittal, no condition of approval is needed to ensure compliance.

In summary, the proposed development is consistent with all applicable density requirements.

**Lot Dimensions:** SRC Chapters 63.145(a) & (b) and 145.070(b) require a minimum lot width of 40 feet and a minimum lot depth of 70 feet. The depth of a proposed lot may also not exceed 300 percent of its average width. For double-frontage lots, the minimum depth is 120 feet, unless a lesser depth is approved by the Planning Administrator based on unusual topographical or physical conditions.

For flag lots in subdivisions, SRC Chapters 63.285(a) establishes that flag lots shall have two dimensional requirements, each perpendicular to the other and generally running parallel to the parcel boundaries, and excluding the accessway in all instances. The average length across one dimension of the parcel shall be not less than 40 feet and the average length across the perpendicular dimension of the parcel shall be no less than 70 feet.

The following table shows the number of flag lots and double frontage lots within the proposed segments.

TABLE 4 FLAG LOTS AND DOUBLE FRONTAGE LOTS WITHIN SEGMENTS OF THE SUBDIVISION				
Segment	Total Lots	Number of Flag Lots	Number of Double-Frontage Lots	Comments
A	102	2	17	Features 36 duplex lots, 12 townhouse lots, and one five-plex multi-family lot
B	44	0	0	Features 6.24 acre apartment lot
C	84	1	11	Pending DSL removal-fill permit to relocate stream
C (Option "A")	77	8	9	Proposed option if removal-fill permit is denied
D	59	7	0	
E	71	7	9	
F	57	2	4	
G	61	0	0	
H	81	4	10	
I	56	0	0	
J	38	1	0	
K	62	6	1	
Park (alternative)	64	0	0	Proposed park and residential option replaces segment K and an alternative segment J.
Park/School (alternative)	39	0	0	Proposed park, school, and residential option replaces segments J and K

Staff reviewed all proposed lots for consistency with dimensional requirements. In summary, all lots other than those intended for townhouses are consistent with all applicable lot dimensional requirements. Furthermore, staff has evaluated all proposed flag lots and double-frontage lots and has also determined these to be consistent with applicable lot dimensional standards.

Although the proposed townhouse lots are permitted uses within the RM2 zone where they are proposed to be located, they are not consistent with the lot dimensional requirements of SRC 63.145. In order to allow this permitted use to be established, concurrent variances to SRC 63.145 (a) (lot width), 63.145(b) (lot depth), and 63.145(d) (street frontage) are required. These requested variances shall be evaluated in terms of the subdivision variance process as implemented by SRC 63.332. Please see Section 12 for additional details and the portion of this report addressing those variance requests. The Applicant has also requested a variance to SRC 148.390(a), which sets forth dimensional standards that are identical to those required by SRC 63.145. As these standards simply duplicate the variable lot dimensions of SRC 63.145, no additional variances to corresponding standards in the zoning code are necessary.

**Lot and Block Standards:** Pursuant to SRC 63.135, block length may be no greater than 600 feet between streets and block widths must be no less than 120 feet and no greater than 400 feet. Longer block lengths may be allowed where the Planning Administrator determines that the adjacent layout or special conditions justify greater length.

The Applicant has proposed several blocks that are longer than 600 feet and has submitted evidence indicating that such block layouts are necessary to accommodate the channel of the North Fork of the



Little Pudding River: The applicant stated that the subject site is constrained by a creek and bordered on the west by property that is fully developed and on the north and south by streets with functional classifications that limit the number and spacing of intersections. Surrounding street patterns to the north and south dictate the location of street intersections. These limiting factors inhibit the Applicant's ability to design a street layout conforming to the prescribed block length standard. Staff recognizes that this additional block length is necessary to limit impacts to this stream and finds that sufficient evidence exists to allow block lengths greater than 600 feet on that basis.

Similarly, deviations from maximum block width may be allowed where "topographical or other physical features dictate otherwise." The block width is greater than 400 feet where the North Fork of the Little Pudding River crosses the center of the subject property. As the presence of this stream presents a physical constraint to conformance with this requirement, block widths greater than 400 feet may be allowed in that area. Block widths are also affected by the 125-foot-wide BPA easement that bisects the subject property. As this easement includes existing infrastructure, it constitutes a physical condition of the subject property that cannot be easily accommodated by requiring strict compliance with lot and block width standards. In summary, where physical conditions allow, the proposal is consistent with block width standards.

Please see the Applicant's statement for additional information on this issue (Attachment 3).

**Street Frontage:** SRC Chapter 63.145(d) establishes a minimum frontage requirement of 40 feet for lots adjacent to streets, unless the frontage is located along a cul-de-sac or on the outside of curves having a radius of 200 feet or less and a direction change of 60 degrees or more. In these cases, the minimum frontage requirement is 30 feet. Staff analysis has determined that all proposed lots meet applicable frontage requirements (where they are not flag lots), with the exception of Lot 25. This lot is located at the most southwestern corner of the subject property and has approximately 20 feet of street frontage. As this lot is adjacent to two flag lots served with a 20-foot-wide accessway, this accessway may simply be widened to conform to the requirements of accessways serving 3 or 4 lots or parcels (SRC Table 63-1). Alternatively, the SW curve of Atlas Street NE may be re-configured to provide adequate street frontage. In any case, the remedy must not reduce the depth of proposed Lot 25 to less than 120 feet, as the lot has frontage on two public streets. The following condition of approval shall be applied in order to ensure the proper development of Lot 25:

**Condition 8:** Proposed Lot 25 shall have either a minimum street frontage of 30 feet or obtain street system connectivity from the accessway proposed to serve Lots 23 and 24. In the latter case, the accessway must measure 25 feet in width and, at the time of development, feature a 20-foot-wide paved surface. In neither case may the depth of Lot 25 be less than 120 feet.

**Front Lot Line Designation:** SRC Chapter 63.145(e) establishes requirements for the designation of front property lines. Pursuant to SRC 63.145 (e)(4), in the case where proposed lots are contiguous to a public street, the front lot line shall be that line which has frontage along a public street. For infill (flag) lots, SRC 63.145(e)(3) requires that the front lot line shall be that outside property line that is an extension of the accessway or the line separating the flag portion of the lot or parcel from the lot or parcel between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs. In situations where the Planning Administrator otherwise directs, in which case the front lot or parcel line shall be set forth in the conditions of approval, which shall be recorded on deeds conveying the lots. Many flag lots are proposed for different segments of the subdivision. In order to ensure the maximum amount of buildable area as well as to provide flexibility for future construction, the following table designates the front lot lines for all proposed flag lots and shall be set forth in the conditions of approval.

**Condition 9:** The following table shall designate the front lot lines for all infill (flag) lots.

<b>Segment</b>	<b>Lot Number</b>	<b>Front Lot Line</b>
A	23	North
A	24	North
C	275	North
C (Option A)	203	West
C (Option A)	204	West
C (Option A)	207	North
C (Option A)	208	North
C (Option A)	220	Northwest
C (Option A)	258	South
C (Option A)	259	South
C (Option A)	260	South
D	169	South
D	170	South
D	171	South
D	174	Northwest
D	175	Northwest
D	178	Northwest
D	179	Northwest
E	307	East
E	310	East
E	311	East
E	314	East
E	315	East
E	323	North
E	324	North
F	338	North
F	339	North
H	436	North

Segment	Lot Number	Front Lot Line
H	437	North
H	448	North
H	449	North
J	692	North
K	666	West
K	667	West
K	669	South
K	670	South
K	672	South
K	673	South

**Setback Requirements, RM1 Zone:** The Applicant has proposed 36 duplex lots within the RM1-zoned portion of the subject property. For the purpose of determining building setbacks, the standards applicable to dwellings in the RS (Single-Family Residential) zone will apply.

#### **RM1 Front Yards and Yards Adjacent to Streets**

Dwellings (SRC 111.050(l))

- Per the requirements of SRC 146.080
  - Minimum 12 feet (on a local street)
  - Minimum 20 feet (larger street classification)

Apartments, Court Apartments, Condominiums, Residential Care, etc.

- 1 foot per foot of building height, no less than 12 feet but not required more than 20 feet
- Per requirements of the Development Design Handbook

Parking areas

- Per the requirements of the Development Design Handbook; or
  - 12 feet adjacent to a street, whichever greater
  - Per the bufferyard requirements of SRC Chapter 132 for front yards not adjacent to streets

#### **RM1 Interior Side and Rear Yards**

Dwellings

- Per the requirements of SRC 146.090 and SRC 146.100

Side Yards

- Minimum 5 feet (for a lot with street frontage)
- Minimum 10 feet (or infill (flag) lots)

#### Rear Yards

- ▶ Minimum 14 feet (for a single-story building)
- ▶ Minimum 20 feet (for a two-story building)

Apartments, Court Apartments, Condominiums, Residential Care, etc.

- Per the bufferyard requirements of SRC Chapter 132 Landscaping (Bufferyard requirements do not feature distinctions between side and rear yards)

According to SRC Table 132-1, a minimum 10-foot-wide "B" bufferyard is required between three or more units per lot or parcel and land being used for agricultural production. A minimum 6-foot sight-obscuring fence or wall is also required.

Additional setbacks are required for multiple-family developments abutting land zoned RA or RS.

#### Parking Areas

- As required by SRC Chapter 132 and the Development Design Handbook

**Setback Requirements, RM2 Zone:** The proposed development within the RM2 zone will include townhouses and multi-family (apartment) complexes. For townhouses, the setback standards of the RS (Single-Family Residential) zone apply. Multiple-family development must be set back according to the requirements set forth below, SRC Chapter 132 (which requires buffering of multiple-family developments from adjacent conflicting uses), and the *Development Design Handbook*. All development proposals of 3 or more units per lot are subject to either Administrative or Discretionary Design Review.

#### RM2 Front Yards and Yards Adjacent to Streets

##### Dwellings

- Per the requirements of SRC 146.080
  - ▶ Minimum 12 feet (*on a local street*)
  - ▶ Minimum 20 feet (*larger street classification*)

Apartments, Court Apartments, Condominiums, Residential Care, etc.

- 1 foot per foot of building height, no less than 12 feet but not required more than 20 feet
- Per requirements of the Development Design Handbook

##### Parking areas

- Per the requirements of the Development Design Handbook; or  
12 feet adjacent to a street, whichever greater  
Per the bufferyard requirements of SRC Chapter 132 for front yards not adjacent to streets.

#### RM2 Interior Side and Rear Yards

##### Dwellings

- Per the requirements of SRC 146.090 and SRC 146.100

#### Side Yards

- ▶ Minimum 5 feet (for a lot with street frontage).
- ▶ Minimum 10 feet (or infill (flag) lots)

#### Rear Yards

- ▶ Minimum 14 feet (for a single-story building)
- ▶ Minimum 20 feet (for a two-story building)

Apartments, Court Apartments, Condominiums, Residential Care, etc.

- Per the bufferyard requirements of SRC Chapter 132 "Landscaping"

According to SRC Table 132-1, a minimum 10-foot-wide "B" bufferyard is required between three or more units per lot or parcel and land being used for agricultural production. A minimum 6-foot sight-obscuring fence or wall is also required.

- Additional setbacks are required for multiple-family developments abutting land zoned RA or RS

#### Parking Areas

- As required by SRC Chapter 132 and the Development Design Handbook

**Setback Requirements, RS Zone:** The proposal includes a large number of single-family dwelling lots. A 30-foot setback for any dwelling constructed on these lots apply when they abut any land under the jurisdiction of Marion County, as this land is intended for farm and industrial use.

#### Front Yards and

**Yards Adjacent to Streets:**

- Minimum 12 feet (*on a local street*)
- Minimum 20 feet (*larger street classification*)

**Rear Yards:**

- Minimum 14 feet (*for a single-story building*)
- Minimum 20 feet (*for a two-story building*)

**Interior Side Yards:**

- Minimum 5 feet (for a lot with street frontage)
- Minimum 10 feet (for infill (flag) lots)

**Garages and Setbacks:** On February 8, 2006, Ordinance No. 71-05 went into effect establishing new residential development standards within the RA (Residential Agriculture) and RS (Single Family Residential) zones. Under the new standards, SRC Chapter 146.130 and 145.130 (Garages and Setbacks) require that all new dwellings constructed within the RS and RA zones have either an attached or detached garage.

Minimum setbacks to garages are included under SRC Chapter 146.130(c) and 145.130(c), which require that the vehicle entrance of any garage or carport be set back a minimum of 20 feet from one of the following lines, whichever is closest:

- a. The right-of-way line, property line abutting an accessway, or most interior access easement line;
- b. The outside curbline; or
- c. The edge of the sidewalk furthest from the street.

**Height:** The following table describes maximum height restrictions in the RM1, RM2, and RS zones. All quantities are measured in feet.

TABLE 5 MAXIMUM HEIGHT RESTRICTIONS IN THE RM1, RM2, AND RS ZONES				
Zone	Dwellings	Duplexes	Apartments	Other
RM1	35	35	35	70
RM2	35	35	50	70
RS	35	NA	NA	50

Maximum height for accessory structures in all zones is set forth in SRC Chapter 131.

**Access and Circulation:** Sufficient street system access is required for all parcels within any proposed subdivision and the developer must provide his or her "fair share" of improvements to existing boundary and linking streets. The subject property abuts two boundary streets, Kale Road NE to the south and Hazel Green NE to the north. Kale Road is designated as a *minor arterial* by the Salem Transportation System Plan (STSP), a classification that requires a 46-foot-wide paved improvement within a 72-foot-wide public right-of-way. Hazel Green Road is designated a *parkway*, which requires an 80-foot-wide paved improvement within a 120-foot-wide public right-of-way. Where these streets lack a sufficient amount of designated right-of-way and improvement width, the developer shall dedicate sufficient right-of-way to equal half of that required, and provide a full half-width street improvement on the development side of the street centerline and a sufficient paved travel lane on the opposite side. These boundary street improvements include sidewalks, bicycle lanes, street lights, and street trees.

A new north-south *collector* street, 49<sup>th</sup> Drive NE, is proposed to connect Lake Labish Road NE (abutting the northern extent of the site) to 49<sup>th</sup> Avenue NE (abutting the southern boundary of the site). This street follows the contours of the North Fork of the Little Pudding River, which makes an "s-curve" in the center of the subject property. According to the STSP, *collector* streets feature a 34-foot-wide paved improvement within a 60-foot wide right-of-way. Bike lanes or paved shoulders are generally part of *collector street* design standards. Sidewalks, street trees, and street lamps are also required.

Several new internal local streets are intended to connect the proposed lots to existing boundary streets and the proposed collector street. As shared roadways, local streets are designed to accommodate low traffic loads and low speed. Consequently, bicycles share these roadways. Five-foot wide sidewalks, street lamps, planting strips, and street trees are all required as *local street* construction standards. As shown on the tentative plan, proposed *local streets* are generally laid out in a grid-pattern resulting in rectangular lots and blocks, except where curved lot patterns are necessitated by the North Fork of the Little Pudding River. Local street connections are proposed for Countryside Drive NE and Bayne Street NE, which terminate at Kale Road. Segments D, C, K, Segment C (Option "A"), and the Park alternative segment features cul-de-sac turnarounds. The cul-de-sacs must feature a minimum circular radius of 45 feet. In summary, all proposed streets and cul-de-sacs appear to be consistent with applicable design standards (SRC 63.235).

Pursuant to SRC Chapter 63.225(p), "connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals," unless the Planning Administrator determines that physical or topographic conditions make a connection impractical, that buildings or other existing developments preclude a connection, or that streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995. The Applicant has provided findings indicating that the channel of the North Fork of the Little Pudding River presents a physical condition that precludes certain additional street connections, particularly those that may cross the stream. Consequently, no

easterly connection is required across the Little Pudding River in the northern portion of tax lot 200 of Marion County Assessor's Map 062W32C. Due to the current or proposed configuration of the swale for the Little Pudding River where it reaches Kale Road, access points are also limited on Kale Road. Public Works has provided comments that connections to Kale Road, as proposed, are sufficient to safely serve the proposed development and that potential locations of additional connections are not desirable. Therefore, no additional street system connections or connections to adjacent undeveloped properties are required.

**Flag lots:** Pursuant to SRC 63.295, the Planning Administrator may waive or relax any of the lot development standards set forth in SRC 63.145 for up to 15 percent of proposed lots. As street frontage is a requirement of all proposed lots, this provision limits the number of proposed flag lots to 15 percent of the total number of lots. Several lots are proposed that do not have street system access and are therefore considered "flag lots" for the purpose of applying development standards. Staff review indicates that less than 15 percent of lots are proposed to be flag lots for each alternative. The following table shows the approximate percentage of flag lots for each proposed alternative:

<b>TABLE 6 PERCENTAGE OF FLAG LOTS</b>		
	<b>Segment C (Existing flow path of the NFPLR)</b>	<b>Segment C "Option A" (Proposed swale for NFPLR)</b>
<b>Alternative 1 (Lots only)</b>	3.9%	5.2%
<b>Alternative 2 (Neighborhood Park)</b>	3.5%	4.6%
<b>Alternative 3 (Neighborhood Park and Elementary School)</b>	3.3%	4.5%

Pursuant to SRC Table 63-1, flag lots are required to be served by an accessway conforming to the standards set forth below:

**Accessway Standards (1-2 Lots):**

-Length: 150 ft. Max.  
 -Width: 20 ft. Min.  
 -Paved Width: 15 ft. Min.  
 -Parking: Not Allowed  
 -Turnaround: Not required

**Accessway Standards (3-4 Lots):**

-Length: 400 ft. Max.  
 -Width: 25 ft. Min.  
 -Paved Width: 20 ft. Min.  
 -Parking: Not Allowed  
 -Turnaround: Required when accessway length is greater than 150 ft.

Staff analysis has demonstrated that all accessways conform to applicable requirements. Each accessway must be paved at the time of development. If the accessway serving proposed Lots 23 and 24 will also serve Lot 25, this accessway must be enlarged to the standards applying to accessways serving 3 to 4 lots, as reflected in Condition 8. Irrevocable access rights for all lots utilizing the proposed accessways shall be shown on the final plat map and recorded on the deeds for individual lots. Finally, no parking shall be allowed within any proposed accessway. In order to ensure conformance with these requirements, the following condition of approval shall apply:

**Condition 10:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the accessway.

## 7. Citizen and Neighborhood Association Comments

### Comments Received Prior to Subdivision Review Conference:

- A. Two area property owners submitted questions regarding the effect of the proposal on the existing capacities of area schools.

**Staff Response:** Comments from the Salem-Keizer School District indicate that based on the assumption of a maximum build-out of 730 dwellings, the capacities of existing schools will be exceeded. Although this will increase the strain on existing educational facilities, Oregon State Law prevents the City from imposing System Development Charges (SDCs) on the developer in order to help pay for new schools. The Applicant has been in contact with the school district and has submitted an alternative tentative plan that shows a portion of the subject property being sold to the school district and the City for a combined elementary school and park. Comments from representatives of the school district indicate that they currently will not be able to purchase the designated portion of the subject property for a new school. The School District does not preclude itself from purchasing a portion of the property within the 10-year validity of this Subdivision's decision.

- B. One area property owner submitted comments suggesting the requirement of a forty-foot buffer area around the subject property adjacent to any Marion County EFU zone.

**Staff Response:** The current zoning of the subject property was established through Comprehensive Plan Change/Zone Change 05-12. A condition of approval of the zone change is to reserve a 30-foot-wide buffer around the portion of the subject property zoned RS (Single-Family Residential) adjacent to any agriculturally or industrially zoned land. This buffer will also include a sight-obscuring fence adjacent to the eastern boundary along the Urban Growth Boundary. This fence will separate the subject property from the adjacent Marion County EFU zone.

- C. One area property owner submitted questions regarding the potential for a new City park to be located on the subject property.

**Staff Response:** One variant of the proposed subdivision plan shows a proposed park located in the northern section of the subject property and another proposes a combined school-park option. The City acquires parkland depending on available funding levels and the suitability of the subject property to provide parkland that is consistent with the Park System Master Plan. Comments from the Community Services Department, Parks Planning Division indicate that the Applicant must provide land for a new park within the subject property as shown in the tentative plan.

- D. The Northgate Neighborhood Association voiced questions about the notification area and whether or not all notification materials are similar.

**Staff Response:** On July 3, 2007, a "Notification of Subdivision Filing" was sent to the owners of all property located within 250 feet of the subject property, including those adjacent properties that are outside of the City limits. This mailing was the same for all persons notified.

- E. One area property owner voiced questions regarding the traffic capacity of Kale Road and Hazel Green Road.

**Staff Response:** There would be an increase in the number of vehicle trips generated by this proposed development if completed. A Traffic Impact Analysis was submitted by the Applicant and is under review by the City Traffic Engineer. Boundary street and linking street improvement requirements will be imposed on the Applicant with the intention of ensuring that all boundary and linking streets are built to a configuration sufficient to handle the existing and future vehicle traffic. The Public Works Department has determined the required improvements to Kale and Hazel Green Roads as a result of the proposed development's impact to the existing street system. See Section 11, subsection A of this report for details on required infrastructure improvements.



**Comments Received at the Subdivision Review Conference:**

- A. The Northgate Neighborhood Association provided comments at the subdivision review conference indicating that the Association supports the proposed development. Additionally, the Neighborhood Association appreciates the applicant's public outreach, that the proposal will provide affordable housing, and that it minimizes multiple-family development.
- B. An area resident indicated that the City and Applicant should take measures to minimize the impact of traffic to Happy Drive NE, which is often utilized as a "shortcut" from Kale Road NE to Hayesville Drive NE.

**Staff Response:** Staff concurs that there is a potential impact of the development to traffic on Happy Drive NE. Although it is a collector street, it serves as the primary access point to single-family homes along its entire extent between Kale Road and Hayesville Drive. A condition of approval that requires \$5,000 for traffic calming devices on streets including Happy Drive shall apply. Please see the attached Public Works memorandum (Attachment 6).

- C. Three area residents voiced concerns with the probable impact of the proposed development on area schools, particularly to Hazel Green Elementary.

**Staff Response:** The City recognizes that the proposed development will increase the enrollment of area schools above their existing capacities. The City does not possess the authority to require the developer to dedicate land to the Salem-Keizer School District in order to mitigate the effects of area population increases. The Applicant has shown a willingness to provide land to the school district, but comments from district officials indicate that sufficient funds are not currently available to purchase this land.

- D. An area orchardist expressed concerns with the incompatibility of heavy agriculture with residential uses. He suggests the requirement of a 40-foot wide buffer and fence taller than 6 feet in order to buffer the orchards from the subject property.

**Staff Response:** As part of Comprehensive Plan Change/Zone Change 05-12, a condition of approval was applied to the property which requires a minimum 30-foot yard between residential uses and industrial/agricultural uses. A fence along the portion of the subject property that abuts the Urban Growth Boundary is also required by this condition.

- E. Two area residents expressed concern with the intersection of Cordon and Kale Roads, and that left turn lanes should be provided at this intersection.

**Staff Response:** The Public Works Department, Development Services Section has reviewed the Transportation Impact Analysis (TIA) submitted by the Applicant, which includes an estimation of the impact to this intersection. Although the intersection of Kale and Cordon Roads is under the jurisdiction of Marion County, a condition of approval will require that the Applicant coordinate with Marion County in order to make improvements to this intersection.

- F. An area property owner expressed concerns that the discharge point of the North Fork of the Little Pudding River at the north side of Kale Road was blocked and may lead to flooding.

**Staff Response:** The Applicant has proposed improvements to this stream which will open the channel and either change or improve the discharge point. Furthermore, the proposed development may not result in any increase in storm water runoff over pre-development levels, and must construct a complete storm drainage system at the time of development, including a storm water detention area.

- G. An area property owner and land developer expressed concerns about increases in crime rate and diminished public safety due to the establishment of multiple-family housing as part of the proposed development.

**Comments Received After the Subdivision Review Conference:**

- A. One area resident commented to staff during a telephone conversation that the traffic impact to Happy Drive NE could be severe and would be intensified because Happy Drive NE is often used as a "shortcut" between Kale Street NE and Hayesville Drive NE.

**Staff Response:** A condition of approval requiring the developer to commit funding for traffic calming devices (speed bumps) on local and collector streets, including Happy Drive NE, shall be required in order to address increased traffic to those streets.

**8. City Department Comments**

- A. The Police Department reviewed the proposal and indicated that an additional 0.5 police officer positions will be necessary in order to maintain current officer-to-population ratios.
- B. The Fire Department provided comments expressing no concerns with the proposal and also that the placement of new fire hydrants must be reviewed at the time of development.
- C. The Community Services Department, Parks Division (Urban Forester) reviewed the proposal and indicated that they have no comments.
- D. The Public Works Department, Engineering Division, commented that a field survey and subdivision plat is required pursuant to Oregon Revised Statutes and the Salem Revised Code.
- E. The Community Services Department, Parks Planning Division submitted comments indicating that a portion of the subject property is unserved by parkland and that the Applicant is required to comply with the conditions of UGA 07-1, which require the provision of a minimum 6.9 acres of parkland (Attachment 5).
- F. The Public Works Department, Development Services Section provided comments regarding the availability of public infrastructure and recommended conditions intended to ensure that all public construction is consistent with the all applicable master plans and design standards. In summary, the Public Works department recommended the following conditions of approval:
- **Urban Growth Area Development (UGA) Permit** - Comply with the conditions of UGA Preliminary Declaration 07-1 issued June 25, 2007.
  - No direct driveway access shall be allowed onto Kale Road NE or Hazel Green Road NE.
  - Design and construct a complete storm drainage system at the time of development. The applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal. The stormwater shall not surpass the hydraulic capacity of the Little Pudding River at the Hazelgreen Road NE crossing.
  - Coordinate with Marion County to identify the need for and location of a special stormwater detention facility to serve the region.
  - Determine the 100-year floodplain flow path along the North Fork Little Pudding River from Kale Road NE to Hazel Green Road NE.
  - Construct the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road NE and connect to the 12-inch Master Plan line constructed in the 49<sup>th</sup> Avenue NE extension between Kale Road NE

and Hazelgreen Road NE.

- Prior to the creation of the 400<sup>th</sup> lot, construct improvements at the Portland Road/Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.
- Provide pedestrian connectivity on both sides of Kale Road NE within the city limits to Portland Road NE. As directed by the Public Works Director, either:
  - a. Construct curb, sidewalks, and gutter as specified by the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
  - b. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.
- Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.
- Construct left-turn lanes on Kale Road NE at each of the intersections into the subdivision.
- Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road NE to mitigate traffic impacts.

These comments are made a part of this report as Attachment 6.

#### **9. Public Agency Comments**

- A. The Salem-Keizer School District reviewed the proposal and provided comments that are included as Attachment 4.
- B. The City of Keizer reviewed the proposal and submitted comments proposing a condition of approval that the applicant must mitigate off-site traffic impacts to the Chemawa Interchange.
- C. Marion County provided comments addressing intersection and storm drainage improvements (Attachment 7). Several conditions of approval have been suggested by the County. In order to ensure that the developer mitigate impacts to streets and drainages under the jurisdiction of Marion County, the applicant shall coordinate with Marion County to construct needed road improvements.
- D. Salem-Keizer Transit provided testimony at the Subdivision Review Conference indicating that no transit route presently serves the subject property, but that an additional route could possibly be provided by December of 2007, provided a need and funding exist. A request from Salem-Keizer Transit is that the applicant provides land for future transit stops.

#### **10. Private Service Provider Comments**

As of the date of this staff report, no comments have been received from private service providers.

## 11. Criteria for Granting a Subdivision

Salem Revised Code (SRC) Chapter 63.046(b) and 63.051 set forth the criteria that must be met before approval can be granted to a subdivision request. This staff report addresses the approval criteria of SRC 63.046 (Decision of the Planning Administrator for a Subdivision) and evaluates the considerations of SRC 63.051(Purpose of Tentative Plan Review; Requirements and Conditions). The following subsections are organized with approval criteria shown in **bold**, followed by findings of fact upon which the Planning Administrator bases his findings. The requirements of SRC 63.051 are addressed within the specific findings which evaluate the proposal's conformance with the criteria of SRC 63.046. Lack of compliance with the following land division standards is grounds for denial of tentative plat approval or for the issuance of certain conditions necessary to more fully satisfy such conditions. The Applicant's proposed subdivision, for the purpose of dividing the subject property into as many as 730 lots as described above, was reviewed for compliance with the following standards. As detailed in the facts and findings of this staff report, including all attachments hereto, the following approval criteria have been sufficiently addressed to warrant approval of the tentative subdivision plan, subject to conditions.

**Note:** A second review will occur for the created parcels at the time of building permit application to assure compliance with the zoning ordinance. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat.

**A. SRC 63.046(b)(1): Approval of the tentative subdivision plan does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto:**

The subject property consists of 148.06 acres, all of which shall be affected by the proposed subdivision. A general tentative plan has been submitted with several variations to account for conditions and circumstances that are as yet contingent on several factors, including the potential for the acquisition of school and parkland, and the requirements of the Oregon Department of State Lands (DSL) for removal/fill work within the North Fork of the Little Pudding River. Proposed and required street connections are included to provide sufficient access to existing and planned streets and adjacent undeveloped properties, and the layout of the proposed subdivision responds to the physical constraints of the site while accommodating the City's planned street connections. As proposed and with conditions of approval, all of these alternative tentative plans are consistent with applicable development standards and uses proposed, and are consistent with the zones in which they are located. Furthermore, all proposed lots are suitable for their intended uses. The proposal involves only the subject property and there is no evidence that the proposed subdivision and subsequent development of the newly created lots will adversely affect public services to any surrounding properties. Approval of the proposed subdivision does not impede future use of the subject property or access to abutting properties, given the condition of approval of CPC/ZC 05-12 requiring a 30-foot-wide buffer to isolate the proposed residential development from adjacent agricultural uses. This criterion has been met.

**B. SRC 63.046(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan:**

Storm Drainage: Pursuant to SRC 63.195, all lots shall be provided with adequate storm drainage connected to the storm drainage system of the city if such system is available at the time of development. There are public storm drainage facilities in Kale Road NE and a 36-inch public storm drain line within a 31-foot easement along the north property line that outfalls into the drainage swale within the property. The Applicant shall be required to design and construct a complete storm drainage system at the time of development, and shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal.

In terms of natural storm drainage ways, the North Fork Little Pudding River crosses through the subject property and there are two large drainage swales that drain into the Little Pudding River. The North Fork Little Pudding River drains over 640 acres, which classifies it as a Type "C" waterway as

defined in the Public Works Design Standards. The Type "C" waterway's conveyance systems shall be designed to accommodate fish passage to the greatest extent practicable as determined by the Director. Open channels shall be used exclusively except where culverts, bridges, or other closed systems are approved by the Director of Public Works. Due to the design flows for a Type "C" waterway requires it to carry a 100-year storm event. The design flow will need to be evaluated at the time of development and shall not increase the hydraulic capacity of the Hazelgreen Road NE crossing near Lake Labish Road NE. The Applicant must dedicate a drainage easement adjacent to the North Fork of the Little Pudding River. The open channel drainage easement shall be at a minimum the extent of the 100-year floodway, 10 feet from the top of recognized bank, or 15 feet from the stream centerline, whichever is greatest. All federal, state and local permits shall be required prior to any waterway improvements and disposal points. Refer to Public Works' comments (Attachment 6) for additional information pertaining to this stream.

In order to ensure that sufficient stormwater drainage facilities are available to serve the proposed development, the following conditions of approval shall apply:

- Condition 11:** The Applicant shall design and construct a complete storm drainage system at the time of development. The Applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal. The stormwater shall not increase the hydraulic capacity of the Little Pudding River at the Hazel Green Road crossing.
- Condition 12:** Coordinate with Marion County to identify the need for and location of a special storm water detention facility to serve the region.
- Condition 13:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazel Green Road.

Water: Pursuant to SRC 63.175, all lots shall be served by the public water system of the City of Salem and each lot shall have independent water service from the meter to the lot. There is a 16-inch public water line in Kale Road NE. As required by UGA 07-1, the Applicant must construct the following Salem Water System Master Plan facilities through the subject property within alignments approved by the Director of Public Works:

1. A 12-inch Master Plan water line between Kale Road NE and Hazel Green Road NE, and
2. Extend the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property in an alignment approved by the Director of Public Works.

Refer to Public Works' comments (Attachment 6) for additional information pertaining to required water system facilities. In order to ensure that sufficient public water service is available to serve the proposed development, the following condition of approval shall apply:

- Condition 14:** Construct the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road NE and connect to the 12-inch Master Plan line constructed in the 49<sup>th</sup> Avenue NE extension between Kale Road NE and Hazelgreen Road NE.

Sanitary Sewer: Pursuant to SRC 63.185, each individual lot's residential structure shall be served by its own sanitary sewer service line. There is an 18-inch public sanitary sewer line in Kale Road NE, which according to UGA 07-1 "may not be able to serve the north portion of the subject property." There are no sanitary sewer lines in Hazel Green Road NE. Pursuant to UGA 07-1, the Applicant shall construct Salem Wastewater Master Plan lines necessary to connect the development to adequate sewer facilities in alignments approved by the Director of Public Works.

Refer to Public Works' comments (Attachment 6) for additional information pertaining to required sewer system facilities.

**Streets:** As described in Section 6 of this report, several internal streets are proposed to be constructed as part of the development, and boundary street improvements shall be provided to Hazel Green Road NE and Kale Road NE. With the exception of the extension of 49<sup>th</sup> Drive NE through the subject property, all proposed internal streets are to be designated as *local streets*. The extension of 49<sup>th</sup> Drive is to be a *collector street*.

**Boundary Streets:** The subject property is bounded by two major streets, Kale Road NE and Hazel Green Road NE. The existing conditions of these streets and boundary street improvements required by UGA 07-1 are detailed below:

**Kale Road NE:** This street is designated as a *minor arterial* street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. Kale Road is an underimproved boundary street that has varied improvements and right-of-way adjacent to the subject property.

Pursuant to the requirements of UGA 07-1, the Applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of the centerline adjacent to the subject property. The Applicant shall also construct a 23-foot half-width improvement on the development side, including street lights and sidewalks, and a 17-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property.

**Hazel Green Road NE:** This street is designated as a *parkway* in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot right-of-way. Hazel Green Road is an underimproved boundary street with an approximate 24-foot turnpike improvement with a varied right-of-way adjacent to the subject property.

Pursuant to the requirements of UGA 07-1, the Applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side. The Applicant shall also construct a maximum 40-foot half-width boundary street improvement on the development side and a 17-foot turnpike improvement on the opposite side of the centerline along the full frontage of the subject property in an alignment approved by the Director of Public Works. These improvements shall include streetlights and sidewalks.

Both of these boundary street standards feature access controls with prohibit direct lot access. In order to ensure that such access is prevented, the following condition of approval shall apply:

**Condition 15:** No direct driveway access shall be allowed onto Kale Road NE or Hazel Green Road NE.

**Internal Streets:** The proposal includes a new internal *collector street* extension of 49<sup>th</sup> Avenue NE (49<sup>th</sup> Drive NE) and several new *local streets* laid out in a grid pattern. Requirements for these streets are described below:

**49<sup>th</sup> Avenue Collector Street Extension:** This street is designated as a future north/south *collector street* in the Salem TSP. This extension is to connect Kale Road NE to Hazel Green Road NE in a rough alignment with 49<sup>th</sup> Avenue NE to Lake Labish Road NE intersection at Hazel Green Road. The *collector* standard for this street depends on the Applicant's need for off-street parking, and is generally characterized by a 34-foot-wide paved improvement within a 60-foot-wide public right-of-way. A *Type B collector* requires a 40-foot-wide offset improvement that allows for parking on one side and a *Type A collector* requires a 34-foot improvement but does not allow parking.

**Internal Streets:** At the time of development, the Applicant shall be required to comply with *local street* standards (30-foot improvement within a 60-foot right-of-way) for all public streets within the proposed development in the alignments to be approved to the satisfaction of the Director of Public Works. *Local street* standards may be reduced to a 30-foot improvement

within a 50-foot right-of-way if: (1) the street is a cul-de-sac; (2) the existing cross slope is 8 percent or greater; or (3) the standard right-of-way would result in lot depths of less than 80 feet (SRC 63.235(f)). Sufficient right-of-way shall be dedicated at local street intersections to provide a 20-foot property line (turn) radius (SRC 63.225(g)). As shown on the tentative plan, all proposed streets will feature a 60-foot-wide public right-of-way.

**General Circulation:** Circulation through the subject property depends on primary connections to Kale and Hazel Green Roads via a proposed *collector street* extension of 49<sup>th</sup> Drive NE. Secondary local street connections are proposed at the current intersections of Bayne Street and Countryside Street with Kale Road, as well as a new local street intersection of proposed Northstar Street and Kale Road.

Several local streets will intersect with the extension of 49<sup>th</sup> Drive NE where such connections are not precluded by the flow path of the North Fork of the Little Pudding River. The vast majority of lots have sufficient street frontage to provide legal access to those lots. Where this is not the case, the Applicant has proposed flag lots that shall obtain street system access through accessways to be constructed in conformance with the requirements of SRC Table 63-1.

Pursuant to SRC 63.225(p), applicants must provide for the extension of local streets to adjoining major undeveloped properties and with the existing street system, at an interval of no less than 600 feet, unless the Planning Administrator finds that physical or other existing conditions preclude such connections. Under a strict application of this requirement, two additional street connections would be required to Kale Road NE east of the proposed extension of 49<sup>th</sup> Avenue NE. The Applicant has provided findings indicating that the channel of the North Fork of the Little Pudding River presents a physical condition that precludes certain additional street connections, particularly those that may cross that stream. Consequently, no easterly connection need be provided across the Little Pudding River in the northern portion of tax lot 200 of Marion County Assessor's Map 062W32C.

Due to the current or proposed configuration of the swale for the Little Pudding River where it reaches Kale Road, access points are limited due to this unique physical condition. Also, the adjacent layout of local street connections on the south side of Kale Road diminishes the utility of additional street connections to conform to the 600-foot maximum interval. Comments from Public Works specifically address this issue:

The Applicant's site plans reflect adequate connectivity to undeveloped properties where practical. Street connections to Kale Road are located at existing street connections as required. One additional connection was made to facilitate a northerly connection to a major undeveloped property to the north. Additional connections were not deemed necessary. Connectivity to the east along the "pan handle" is restricted due to the physical constraints of the North Fork Little Pudding River.

Consequently, there are two factors that limit the ability of the Applicant to provide additional connecting streets to Kale Road NE. One factor is the street pattern that is a result of the flow path of the North Fork of the Little Pudding River and the other is the existing street connections to the south of Kale Road NE. Also, as access control to Kale Road SE stipulates that connections may be spaced at a minimum of 370 feet, a connection at the eastern property line would likely be too close, at approximately 220 feet, to the intersection of Kale Road NE and Lawson Street NE. The sum of these factors support a determination by the Planning Administrator that physical conditions and existing development preclude additional connections to Kale Road NE and to the undeveloped property to the east of the North Fork of the Little Pudding River. Therefore, no street connections to boundary streets or to undeveloped property need be provided in addition to those shown on the tentative plan.

**Traffic Mitigation:** As required by UGA 07-1, the Applicant submitted a Transportation Impact Analysis (TIA) so that impacts to off-site transportation facilities could be anticipated and mitigated through required off-site transportation improvements. In order to ensure that off-site traffic impacts are mitigated and that affected linking streets and intersections are improved to accommodate increases in traffic generated by the proposed development, the following conditions of approval shall apply:

**Condition 16:** Prior to the creation of the 400<sup>th</sup> lot, construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional

westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.

**Condition 17:** Provide pedestrian connectivity on both sides of Kale Road within the City limits to Portland Road. As directed by Public Works Director, either:

- a. Construct curb, sidewalks, and gutter as specified the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
- b. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.

**Condition 18:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.

**Condition 19:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision.

**Condition 20:** Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road to mitigate traffic impacts.

Refer to the attached Public Works memorandum (Attachment 6) for additional details on required public transportation improvements.

Transportation Planning Rule Review: Oregon Administrative Rule (OAR) 660-012-0055(4)(b) states:

Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, must apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.

The City of Salem has not adopted code amendments to fully comply with OAR 660-012-0045(3) or (4), the Oregon Transportation Planning Rule (TPR). The city is currently under periodic review for compliance with those sections of the TPR. Thus, the City of Salem must apply the relevant sections of OAR 660-012-0055(4)(b) to all land use and limited land use decisions. The TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision is a "limited land use decision" pursuant to Oregon Revised Statutes (ORS) 197.015, and has therefore been reviewed in terms of the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) **Mass Transit:** No transit service is currently available to the subject property. Comments from Salem-Keizer Transit request that land should be made available for transit stops along Kale Road NE.
- (b) **Pedestrian Connectivity:** No sidewalks are present on the development side of Kale Road NE or Hazel Green Road NE. The Applicant shall be required to either extend public sidewalks from the site's boundary on Kale Road to the intersection of Kale and Portland Roads, or to pay an in-lieu fee for such improvement (Condition 6).
- (c) **Bicycles:** Kale Road is constructed with a varying improvement, between 21 to 24 feet in width. Hazel Green Road is constructed with a 24-foot-wide improvement. Paved shoulders are present on both roads.



Boundary street improvements shall be required in order to ensure compliance with the TPR with respect to bicycle and pedestrian connectivity. Any requirements for transit must be based on comments and suggestions from Salem-Keizer Transit (Cherriots). Comments from Salem-Keizer Transit indicate that no route presently serves the subject property, but that an additional route could possibly be provided by December of 2007, provided a need and funding exist. A request from Salem-Keizer Transit is that the applicant provide land for future transit stops. Compliance with this request is necessary to ensure that multi-modal connectivity to area transit stops is available. The following condition of approval shall apply to ensure that access to transit stops can be provided:

**Condition 21:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazel Green Road NE. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit.

The subject property, as proposed and conditioned, can be served with adequate multi-modal transportation infrastructure, and the street system adjacent to the property can provide for safe, orderly, and efficient circulation of traffic into, through, and out of the property.

The comments provided by the Public Works Department dated September 19, 2007 (Attachment 6), indicated there are adequate public facilities to serve the proposed development. The Applicant is required to construct all infrastructure improvements to the standards detailed in Public Works comments and must comply with the requirements of UGA 07-1. In order to ensure that requirements of the UGA Preliminary Declaration are completed, the following condition of approval shall apply:

**Condition 22:** The Applicant shall comply with the conditions of UGA Preliminary Declaration 07-1, issued June 25, 2007.

Compliance with the requirements identified in Public Works' Comments and the requirements of UGA 07-1 (Attachment 8) satisfies this criterion.

**C. 63.046(b)(3): The tentative subdivision plan complies with all applicable provisions of the Salem Revised Code, including the Salem zoning ordinance:**

**Finding:** The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals and governs development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drainage System Master Plans, and adopted design documents applicable to residential development. Alternatives 2 and 3 show a proposed park, which is required pursuant to the Park System Master Plan. Provided that the Applicant provides parkland as required by UGA 07-1, the proposal is consistent with the Park System Master Plan.

A second review occurs for the created parcels at the time of building permit application to assure compliance with the zoning ordinance. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat. The proposed subdivision meets all applicable provisions of the Salem Revised Code as detailed below:

**SRC Chapter 63 (Subdivisions):** The intent of the SRC Chapter 63 subdivision code is to provide for orderly development through the application of appropriate standards and regulations. The Applicant met all application submittal requirements necessary for adequate review of the proposed subdivision. As proposed, and with conditions of approval, the proposed subdivision conforms to all applicable SRC Chapter 63 requirements.

**Lot Configuration:** Section 6 of this report contains a detailed analysis of all proposed alternative lot layouts and their individual configurations. Staff reviewed these configurations for parcel size, dimensional requirements, layout, street frontage, and access standards. In summary, as proposed and with conditions of approval, all proposed lot configurations are consistent with applicable requirements of the Subdivision Code and underlying zone, with the exception of minimum lot dimensions of the subdivision code as they are applicable to townhouse lots. The Applicant has requested a variance to these requirements which is considered in Section 12 of this report.

**Adequate Utilities:** Section 11, subsection B contains an analysis of existing utilities and sets forth requirements for additional public infrastructure necessary to serve the proposed development.

Boundary streets of sufficient capacity exist to serve the subject property, and the Applicant shall construct adequate sewer, water, and storm drainage facilities. In summary, as proposed and with conditions of approval, adequate utilities will be constructed to serve the proposed development.

**Street Connectivity:** Section 6 contains a detailed evaluation of the site plan and its provision of connecting streets to adjacent properties and existing boundary streets. Certain practical difficulties in providing adequate street connectivity exist insofar as the North Fork of the Little Pudding River is a barrier to eastward street connections. Additionally, the lot configuration of the proposed subdivision has been designed to accommodate the direction of this stream. Comments from Public Works indicate that the number and placement of proposed street connections are sufficient for adequate boundary street connectivity for the subject property, and that additional connections are not desirable because of the location of existing intersections in the vicinity. In summary, adequate street system connectivity has been proposed.

**Hazards, Site Disruption, and Limitations to Development:** The presence of the North Fork of the Little Pudding River must be accommodated in order to allow development of the subject property. A storm drainage easement consisting of the greatest of the following measurements must be established: the entire width of the 100-year floodway, 10 feet from the top of the recognized bank, or 15 feet from the centerline of the stream. The Applicant also must determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazel Green Road NE, and any development within that floodplain requires an approved floodplain development permit. In order to ensure compliance with this requirement, the following condition of approval shall apply:

Additionally, comments from the Oregon Department of State Lands indicate that a wetland determination/delineation must be submitted in order for DSL to determine whether or not a removal/fill permit should be required, and if so, what mitigation for the disturbance of wetlands shall be required. In order to ensure compliance with this requirement, the following condition of approval shall apply:

**Condition 23:** The Applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands.

Provided that the Applicant completes all conditions necessary to mitigate the potential hazard presented by the North Fork of the Little Pudding River, the subject property can be safely developed.

**SRC Chapter 64 (Comprehensive Planning):** The subdivision, as proposed and with conditions of approval, conforms to the Salem Area Wastewater Management Master Plan, Stormwater Master Plan, Water System Master Plan, and Salem Transportation System Plan as detailed in the findings under Section 10.B of this report. The subject property has been identified as a site that has deficient access to parkland, therefore, parkland must be provided as part of this development, as required by UGA Permit No. 07-1 (Attachment 8).

**SRC Chapter 65 (Excavation and Fills):** The provisions of SRC Chapter 65 insure that any excavation or fill adjacent to public right-of-way, or within a public easement, designated waterway, or floodplain overlay zone creates no imminent danger to public safety or public facilities and does not create a public nuisance. SRC Chapter 65 also prohibits excavation or fill that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred. There is no evidence that the subject property cannot be developed consistent with the provisions of SRC Chapter 65.

**SRC Chapter 66 (Urban Growth Management):** The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to subdivision of property outside of the Salem Urban Service Area, an Urban Growth Area (UGA) Development Permit must be obtained. The proposed project is a subdivision and is located outside of the Salem Urban Service Area. A UGA Development Permit is required. This permit may be obtained by the Applicant provided that all required public facilities are provided as set forth in UGA 07-1 (Attachment 8).

**SRC Chapter 68 (Preservation of Trees and Vegetation):** The subdivision, as proposed, conforms to SRC Chapter 68 tree and vegetation protection standards. The tree preservation ordinance form (Exhibit M) submitted by the Applicant with the subdivision application indicates that there are 6 trees present on the property, 5 of which are intended for preservation. Therefore, a Tree Conservation Plan was submitted. The plan preserves 83 percent of existing trees on the subject property, and is therefore consistent with minimum preservation requirements. Deviation from an approved TCP may only be allowed through an approved TCP Adjustment. A final TCP map must be recorded with the

final plat and is subject to onsite verification at the time of final plat submittal.

**Condition 24:** Prior to recordation of the Final Plat, a Final Tree Conservation Plan, including revisions that may result from an approved adjustment, shall be submitted to the Community Development Department for review and an on-site inspection.

**SRC Chapter 69 (Landslide Hazards):** There are no landslide hazard susceptibility points mapped on the subject property. There are 3 activity points associated with a subdivision. The cumulative total of 3 landslide susceptibility points indicates a low landslide risk, therefore, no geological assessment is required.

**SRC Chapter 132 (Landscaping):** The provisions of SRC Chapter 132 require that all significant trees located within required yards, e.g., setback areas, be retained, or if removed, that the impact of the removal be mitigated through replanting measures. This provision of the code is a standard requirement that is applied ministerially and thus no additional conditions of approval are required to ensure that the subdivided property meets SRC Chapter 132 requirements.

**SRC Chapter 133 (Off-street Parking, Loading, and Driveways):** SRC Chapter 133 establishes minimum off-street parking space requirements and standards for the development of parking areas and driveways. Single family dwellings, duplexes, and townhouses are required to have a minimum of two off-street parking spaces per dwelling unit. At the time of future development of the subdivision a minimum of two off-street parking spaces will be required to satisfy SRC Chapter 133 requirements for parking. For multiple-family dwelling complexes featuring 4 or more dwelling units, a minimum of 1.5 parking spaces per unit shall be required. Sufficient parking must be included on any future site plans for the reserved multiple-family lots at the time building plans are submitted.

**SRC Chapter 146 (Single Family Residential):** A large portion of the subject property is zoned RS (Single-Family Residential). This zoning ordinance contains both use and development standards that apply to all property located within that zone. The proposal includes several alternative lot layouts, each of which includes several hundred single-family dwelling lots. The use component of the RS zone is satisfied as all proposed uses within that portion of the subject property affected by the RS zone are single-family residential. With regards to development standards, the proposed lots appear to be of such size and configuration to provide development consistent with SRC Chapter 146 provisions as discussed in Section 6 of this report. The subdivision, as proposed and conditioned, conforms to the provisions of SRC Chapter 146.

**SRC Chapter 148 (Multiple-Family Residential):** A large portion of the subject property is intended for multiple-family residential development. This area is split basically equally between the RM1 and RM2 zones, for the purpose of different density levels. Uses permitted within these zones are similar, with the exception that single-family homes are permitted within RM1 where they are not in RM2, and the density range is higher for RM2 than for RM1. Section 6 includes a detailed analysis of proposed development within these zones. All proposed uses within those zones are consistent with the requirements of the multi-family zones, and the proposed development is consistent with applicable development standards. The subdivision, as proposed, with variances, and as conditioned, conforms to the provisions of SRC Chapter 148.

**D. 63.046(b)(4):** The proposed subdivision 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.

**Finding:** This proposal includes several new *local street* and a new *collector street*, as well as boundary street improvements to Kale Road and Hazel Green Road. As described in the Salem Transportation System Plan, "the City of Salem shall design its streets to safely accommodate pedestrian, bicycle, and motor vehicle travel" (Salem Transportation System Plan, Section 3-2 (Street System Element), Policy 2.1). This multi-modal approach is affected by the "Street Classification and System and Basic Design Guidelines" contained in Section 3, Table 11. In essence, all new streets are required to accommodate multiple-modal transportation options, including bicycles and pedestrians. In the case of local streets, all new streets are required to be "shared roadways" or include bicycle routes. This is possible because of the low-volume, low-speed design intent for local streets. Furthermore, *local streets* are required to include sidewalks to ensure pedestrian accessibility and safety. For *collector streets* the requirements are similar, with the exception that bicycle lanes or a bike route must be provided. As these new streets are required to accommodate multi-modal transportation options, the proposed subdivision will be required to provide for safe and convenient bicycle and pedestrian transportation within internal streets. In order to connect internal multi-modal

transportation with the existing street system, boundary street improvements are required. These improvements help enact the multi-modal design standards for existing streets, with a scope that includes, at a minimum, the full-frontage of the subject property. The end result of this two-tiered transportation approach is a multi-modal connection of each proposed parcel to adjacent existing developments.

Provided that the Applicant complies with all conditions of approval related to transportation and transit, and that all streets are constructed to the satisfaction of the Director of Public Works with regards to bicycle and pedestrian accommodations, this subdivision is consistent with this criterion.

## **12. Criteria for Granting a Variance for a Subdivision**

Pursuant to SRC 63.330, the Planning Administrator may grant a variance from any of the requirements of SRC 63.115 to SRC 63.295 if, upon proper notice, and after written application and proof by the Applicant, the planning administrator finds that the conditions set forth in SRC 63.332 exist.

**Variance Request:** The Applicant requests variances to SRC 63.145(a) and (b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2-zoned portion of the subject property.

**Finding:** Townhouses are permitted uses within the RM1 and RM2 (Multi-Family Residential) zones. In both cases, the minimum lot areas required for townhouse lots are 1,500 square feet. Within the RM1 zone, the minimum lot dimensions required for townhouse lots are 20 feet in width by 70 feet in depth. It may be assumed that these are suitable dimensional standards for townhouses as these dimensions are targeted specifically for townhouses. Although the minimum lot size is the same for the RM2 zone, dimensional standards for townhouse lots are not addressed and the only lot dimensions set forth are similar to those required by SRC Chapter 63 "Subdivisions," or 40 feet by 70 feet. If strictly applied, the minimum dimensional standards of the RM2 zoning district would preclude most townhouse lots and require a minimum lot area of 2,800 square feet, thus obstructing a permitted use in that zone. Furthermore, the dimensional standards of SRC 63.145 and SRC 148.390 (a) are identical, implying that they are intended only for single-family homes (or duplexes in the case of SRC Chapter 148) and thus inappropriate for application to townhouse development. Pursuant to SRC 63.145(a), the minimum permitted lot width is 40 feet, or as may be otherwise allowed or required in the zoning district where it is located. This presents a clear connection between the subdivision code and the RM2 zoning code, whereby identical minimum lot standards set forth in both codes may be varied through the subdivision process. Consequently, the standard lot dimensional requirements in the subdivision code and restated in the RM2 zoning code may be regarded as one and the same.

The following is the consideration of the variances to the lot dimensions required by the Subdivision Code; specifically SRC 63.145 (a), which requires a minimum lot width of 40 feet, SRC 63.145(b), which requires a minimum lot depth of 70 feet and no more than 300 percent of the lot width, and 63.145(d), which requires a minimum 40 feet of street frontage. The intent of these variances is to allow townhouse lots with minimum dimensions of 20 feet by 70, which is the minimum lot dimensions set forth in the RM1 (Multiple Family Residential) zone. The Applicant has proposed twelve townhouse lots, the smallest of which will measure 25 feet in width and 100 feet in depth.

### **A. No variance shall be granted except upon a finding by the Planning Administrator that each of the following conditions is met:**

- (1) There are special conditions inherent in the property (such as topography, location, configuration, physical difficulties in providing municipal services, relationship to existing or planned streets and highways, soil conditions, vegetation, etc.) which would make strict compliance with a requirement of SRC 63.115 to 63.295 an unreasonable hardship, deprive the property of a valuable natural resource, or have an adverse effect on the public health, safety, and welfare;**

**Applicant's Statement:** The location and configuration of the RM2 zoned portion of the subject site makes it conducive to townhouse lot development. The proposed townhouse lots will, in effect, create a transition area between the duplex lots being proposed in the RM1 zoned portion of the site and the future multi-family dwelling complex being proposed in the remaining RM2 portion of the site. However, to meet minimum density requirements of the RM2 zone, the townhouse lots need to be narrower than the prescribed 40 feet. Allowing

narrower lot widths for townhouse lots in the RM2 zone is consistent with narrower minimum lot width provisions of the RM1 and Compact Development overlay zoning districts.

Additionally, to provide an adequate building footprint for a narrower lot, the lot depth-to-width ratio needs to be varied. Otherwise, a 30-foot wide townhouse lot would be limited to a depth of only 90 feet, which creates an unreasonable hardship at the building permit phase to provide for necessary setbacks and building footprints.

**Finding:** Staff concurs with the Applicants statements. If strict application of the minimum lot width and frontage requirement of SRC Chapter 63 were required, the townhouse portion of the proposal would not be able to meet the minimum density requirement of 10, as a 40-foot-width would only allow nine townhouses. Furthermore, the dissonance of the subdivision code and the underlying zone code (which not only permits the proposed use but also encourages it by imposing a minimum density requirement), creates an unreasonable hardship in establishing this permitted use. This criterion is met.

**(2) The variance is necessary for the proper development of the subdivision and the preservation of property rights and values;**

**Applicant's Statement:** The requested variances are necessary to develop townhouse lots in the RM2 zone. Without the variances, the Applicant will not be able to meet minimum density requirements to provide for adequate building footprints.

**Finding:** Staff concurs with the Applicant's statement. This criterion is met.

**(3) There are no reasonably practical means whereby the considerations found under (1) or (2) above can be satisfied without the granting of the variance;**

**Applicant's Statement:** There are no reasonably practical means whereby townhouse lots can be developed in the RM2 zone without the granting of the variances.

**Finding:** Staff concurs with the Applicant's statement. The variances are procedurally necessary in order to permit a use that is not adequately addressed in the lot standards of the subdivision code. This criterion is met.

**(4) It is unlikely that the variance will have adverse effect on the public health, safety, and welfare, or on the comfort and convenience of owners and occupants of land within and surrounding the proposed subdivision or subdivision.**

**Applicant's Statement:** The requested variances will have no adverse effect on public health and safety on surrounding property owners. Conversely, the requested variance will allow for the development of a transition area between the lower density duplexes and higher density multi-family dwelling complex.

**Finding:** Staff concurs with the Applicant's statement. As the variances are to allow through the subdivision code what is already permitted in the underlying zone, it is not likely that the proposed use would have any adverse effect on the public health and safety.

**Conclusion, Variance Request:** The variance to SRC 63.145 (specifically 63.145(a), 63.145(b), and 63.145(d)), in order to allow townhouse lots within the RM2-zoned portion of the subject property, is hereby GRANTED based on the fulfillment of the conditions and criteria set forth in 63.332.

**13. Conclusion**

Based upon the review of SRC 63.046 (b), the Findings set forth in Sections 11 and 12, and the comments and modifications described, the revised tentative plan complies with the applicable provisions of the Subdivision Code and the Salem zoning ordinance, and is in conformance with the purpose expressed in SRC 63.020 and the Salem Area Comprehensive Plan.

## IT IS HEREBY ORDERED

The request to divide approximately 148.06 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, and concurrent variances to the lot dimensional standards of SRC Chapter 63.145(a) and (b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2 zoned portion of the subject property, which is zoned RM1 (Multiple Family Residential), RM2 (Multiple Family Residential), and RS (Single-Family Residential) (SACP designation "Multi-Family Residential" and "Single-Family Residential" ) and generally located within the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Maps 062W32C and 062W32D, tax lots 200, 800, 900, 1000, 1100, and 701) is hereby GRANTED subject to SRC Chapters 63 and 146 and the following additional conditions, to be satisfied prior to final plat approval, unless otherwise indicated:

- Condition 1:** Comply with the conditions of approval of Comprehensive Plan Change/Zone Change 05-12.
- Condition 2:** Obtain any necessary demolition permits and remove all existing structures on the subject property.
- Condition 3:** Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.
- Condition 4:** Any existing septic tank systems shall be abandoned.
- Condition 5:** All necessary (existing and proposed) access and utility easements must be shown on the final plat as determined by the Director of Public Works and recorded on the deeds to individual lots affected by such easements.
- Condition 6:** The deadline for final platting of the entirety of the proposed subdivision shall be 10 years from the date of tentative approval.
- Condition 7:** Use of lots 15 through 30, 53 through 62, and 85 through 94 shall be restricted to duplexes. Compliance with this condition is required at the time of building permit.
- Condition 8:** Proposed Lot 25 shall have either a minimum street frontage of 30 feet or obtain street system connectivity from the accessway proposed to serve Lots 23 and 24. In the latter case, the accessway must measure 25 feet in width and at the time of development, feature a 20-foot-wide paved surface. In neither case may the depth of Lot 25 be less than 120 feet.
- Condition 9:** The following table shall set forth the front lot lines for all infill (flag) lots.

Segment	Lot Number	Front Lot Line
A	23	North
A	24	North
C	275	North
C (Option A)	203	West
C (Option A)	204	West
C (Option A)	207	North
C (Option A)	208	North
C (Option A)	220	Northwest
C (Option A)	258	South
C (Option A)	259	South
C (Option A)	260	South

Segment	Lot Number	Front Lot Line
D	169	South
D	170	South
D	171	South
D	174	Northwest
D	175	Northwest
D	178	Northwest
D	179	Northwest
E	307	East
E	310	East
E	311	East
E	314	East
E	315	East
E	323	North
E	324	North
F	338	North
F	339	North
H	436	North
H	437	North
H	448	North
H	449	North
J	692	North
K	666	West
K	667	West
K	669	South
K	670	South
K	672	South
K	673	South

**Condition 10:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the accessway.

**Condition 11:** The Applicant shall design and construct a complete storm drainage system at the time of development. The Applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point

of disposal. The stormwater shall not increase the hydraulic capacity of the Little Pudding River at the Hazel Green Road crossing.

- Condition 12:** Coordinate with Marion County to identify the need for and location of a special storm water detention facility to serve the region.
- Condition 13:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazel Green Road.
- Condition 14:** Construct the 16-inch Master Plan water line between Kale Road and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road and connect to the 12-inch Master Plan line constructed in the 49<sup>th</sup> Avenue NE extension between Kale Road NE and Hazelgreen Road NE.
- Condition 15:** No direct driveway access shall be allowed onto Kale Road NE or Hazel Green Road NE.
- Condition 16:** Prior to the creation of the 400<sup>th</sup> lot, construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.
- Condition 17:** Provide pedestrian connectivity on both sides of Kale Road within the City limits to Portland Road. As directed by Public Works Director, either:
- a. Construct curb, sidewalks, and gutter as specified the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
  - b. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.
- Condition 18:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.
- Condition 19:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision.
- Condition 20:** Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road to mitigate traffic impacts.
- Condition 21:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazel Green Road NE. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit.
- Condition 22:** The Applicant shall comply with the conditions of UGA Preliminary Declaration 07-1, issued on June 25, 2007.
- Condition 23:** The Applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands.
- Condition 24:** Prior to recordation of the Final Plat, a Final Tree Conservation Plan, including revisions that may result from an approved Adjustment, shall be submitted to the Community Development Department for review and an on-site inspection.

Application Filing Date: July 2, 2007  
State Mandated Decision Date: October 30, 2007  
Decision Date: September 28, 2007

Decision Issued According to Salem Revised Code 63.046 and 63.332.

The Findings and Order of the Subdivision Review Committee for Subdivision 07-13, dated September 28, 2007, are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of two years. Under SRC 63.049, this tentative decision is void after two years if not finalized. To finalize the subdivision the Applicant must complete the conditions



listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of a final plat does not relieve the Applicant from complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 15, 2007, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.



Glenn W. Gross, Urban Planning Administrator

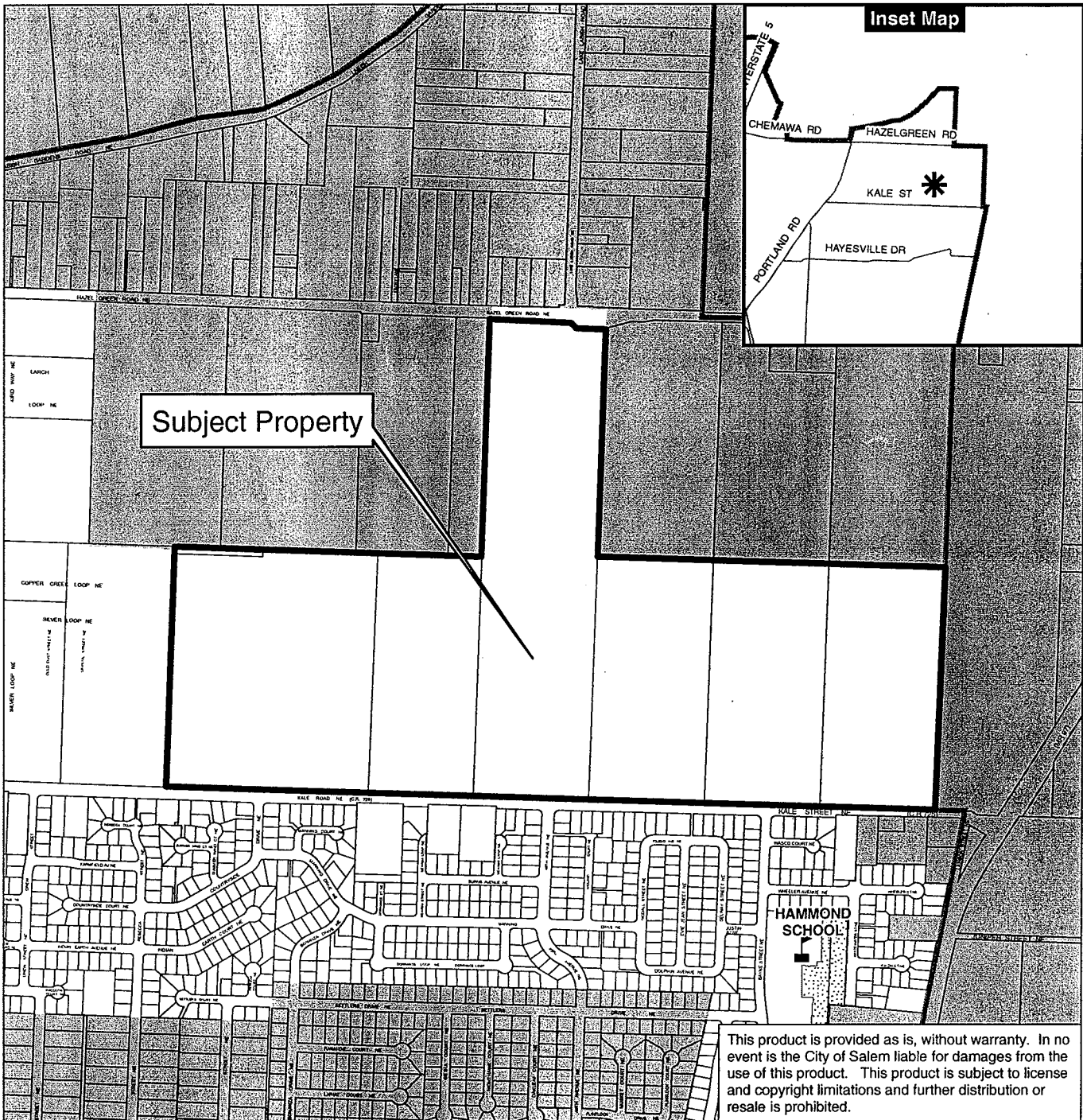
- Attachments:
1. Vicinity Map
  2. Tentative Subdivision Plan
  3. Applicant's Written Statement
  4. School District Comments
  5. Parks Division Comments
  6. Public Works Comments dated September 19, 2007
  7. Marion County Comments
  8. Preliminary Declaration, UGA 07-1
  9. Planning Commission Resolution No. PC 06-18, CPC/ZC 05-12

Prepared by Garrett Stephenson, Associate Planner

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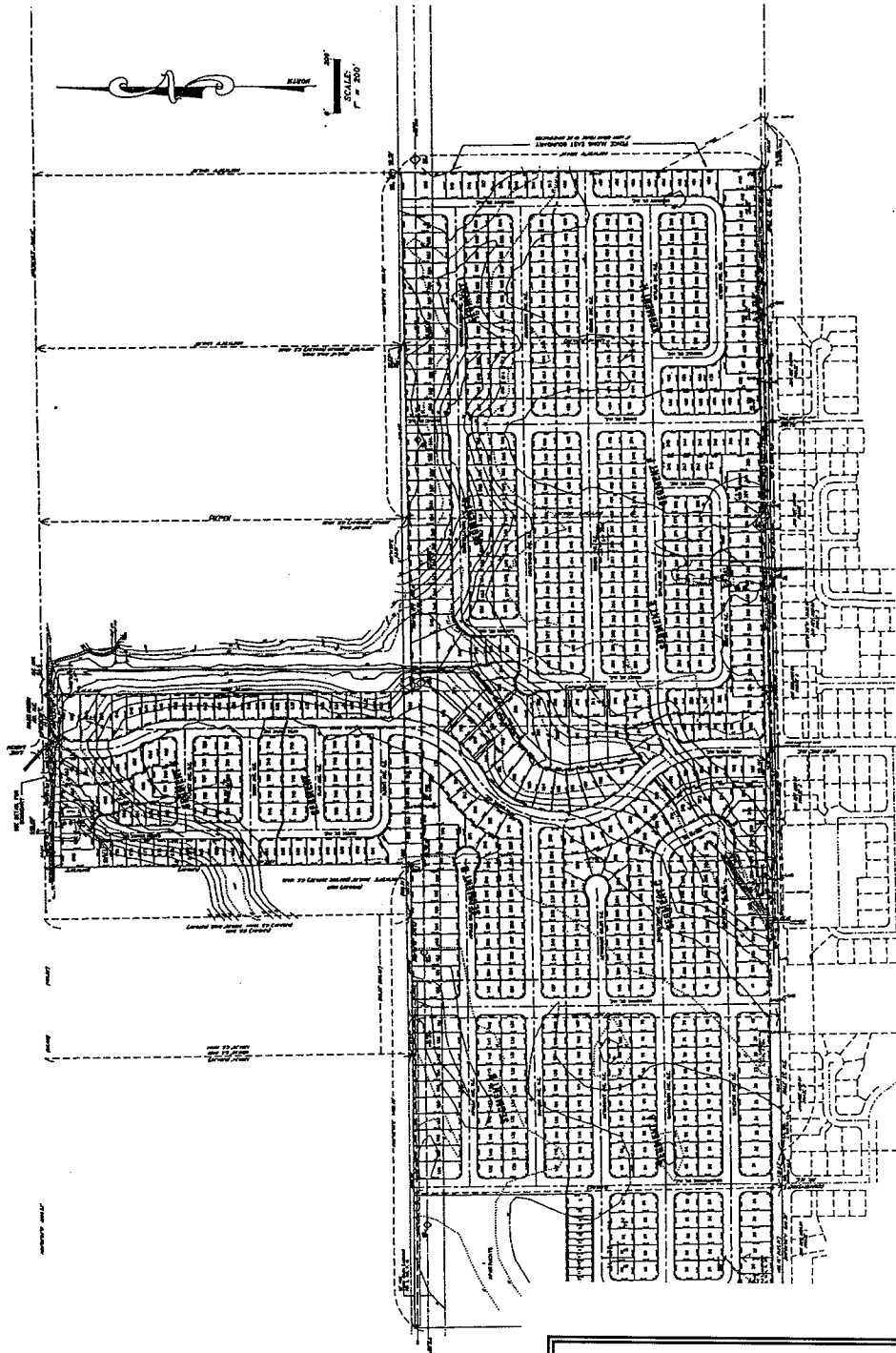
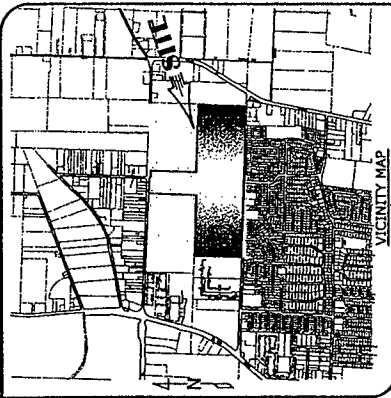
# Vicinity Map

## 4400-5200 blocks of Kale Road NE



# NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



*Owner / Developer:*  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302

## NUMBER OF LOTS

OPTION 1 (LOTS ONLY) - 728  
OPTION 2 (W/ PARK AND SCHOOL) - 669  
OPTION 3 (W/ PARK ONLY) - 684

Drawing Number  
**4519**  
Sheet Number  
**1 of 7**

**PRELIMINARY  
PLAN**

**NORTHSTAR**

DESIGNED BY: M.E.B.  
DRAWN BY: M.E.B.  
CHECKED BY: J.B. JOZ.  
DATE: JAN. 2002  
SCALE: AS SHOWN  
AS-BUILT:

NO CHANGES, NOTIFICATIONS OR  
MODIFICATIONS TO BE MADE TO  
THIS PLAN WITHOUT THE WRITTEN  
CONSENT OF THE ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER GRAPHICAL  
REPRESENTATION.



REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
EXPIRATION DATE: 12/31/2002

**TECH**  
NO SERVICES, INC.  
1100 N. 10TH AVE., SUITE 100  
SALEM, OREGON 97301  
503.595.1234

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

[illegible]

**PRELIMINARY  
PLAN**

**NORTHSTAR**

DESIGN: M.D.G.  
DRAWN: J.D.H.  
CHECKED: M.D.G.  
DATE: FEB. 2007  
SCALE: AS SHOWN  
AS-BUILT:

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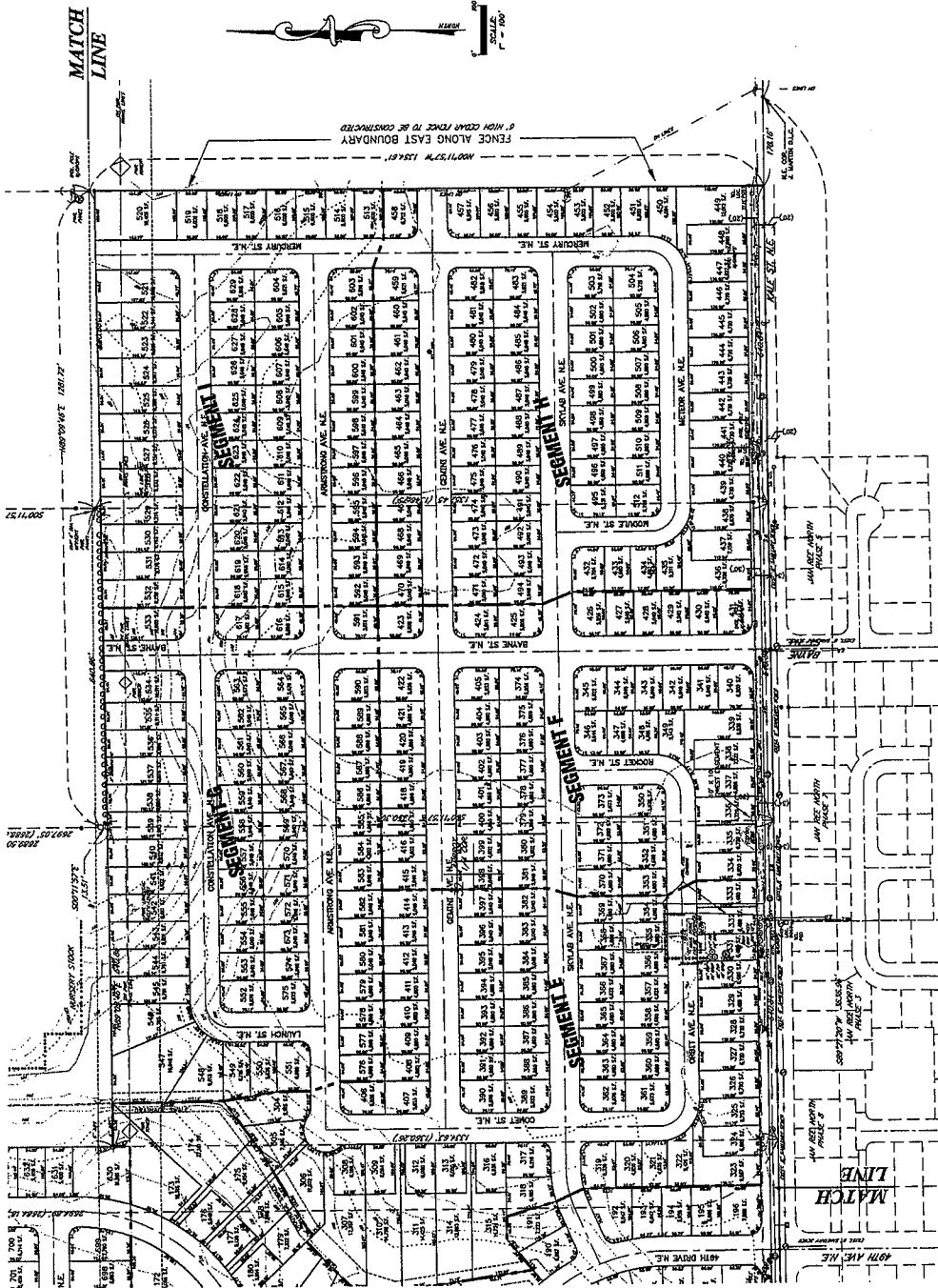
DESIGNATION: ENGINEERING ECONOMIST  
LIABILITY: NOT APPROVED

**MULTI/TECH**  
ENGINEERING SERVICES, INC.  
6800 130th ST., BLDG. 200, WILSON, MN 55394  
612/338-1001, 338-1100, 338-1104

# NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

*Owner / Developer*  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302



Drawing Number  
**4519**  
Sheet Number  
**3 of 7**

**PRELIMINARY  
PLAN**

**NORTHSTAR**

DESIGNED BY:  
CHECKED BY:  
DATE: JUL 2002  
AS-BUILT:

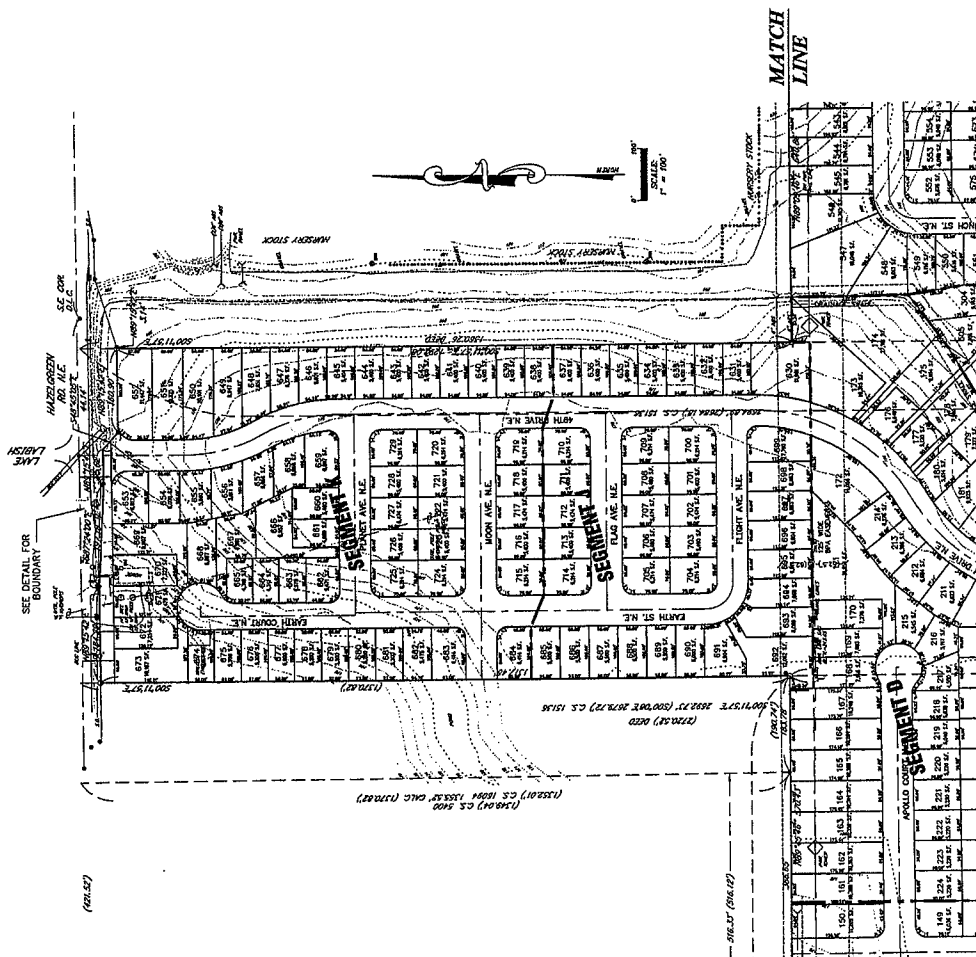


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ENGINEER.

**MULTI / TECH**  
ENGINEERING AND ARCHITECTURE, INC.  
1000 N. 10TH AVE., SUITE 100, SALEM, OR 97302  
TEL: 503-586-1234 FAX: 503-586-1235  
WWW.MTECH-OR.COM

SEC. 32, T. 6 S., R. 2 W., W. M.  
CITY OF SALEM  
MARION COUNTY, OREGON

*Owner/Developer:*  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302



Drawing Number  
**4519**  
Sheet Number  
**4 of 7**


# PRELIMINARY PLAN

**NORTHSTAR**

Design: M.D.G.  
Drawn: J.P.H.  
Checked: M.D.G.  
Date: FEB. 2007  
Scale: AS SHOWN  
As-Built:

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INSTEAD ENGINEERING COULD FROM  
LIABILITY IF NOT STAFFED APPROVED



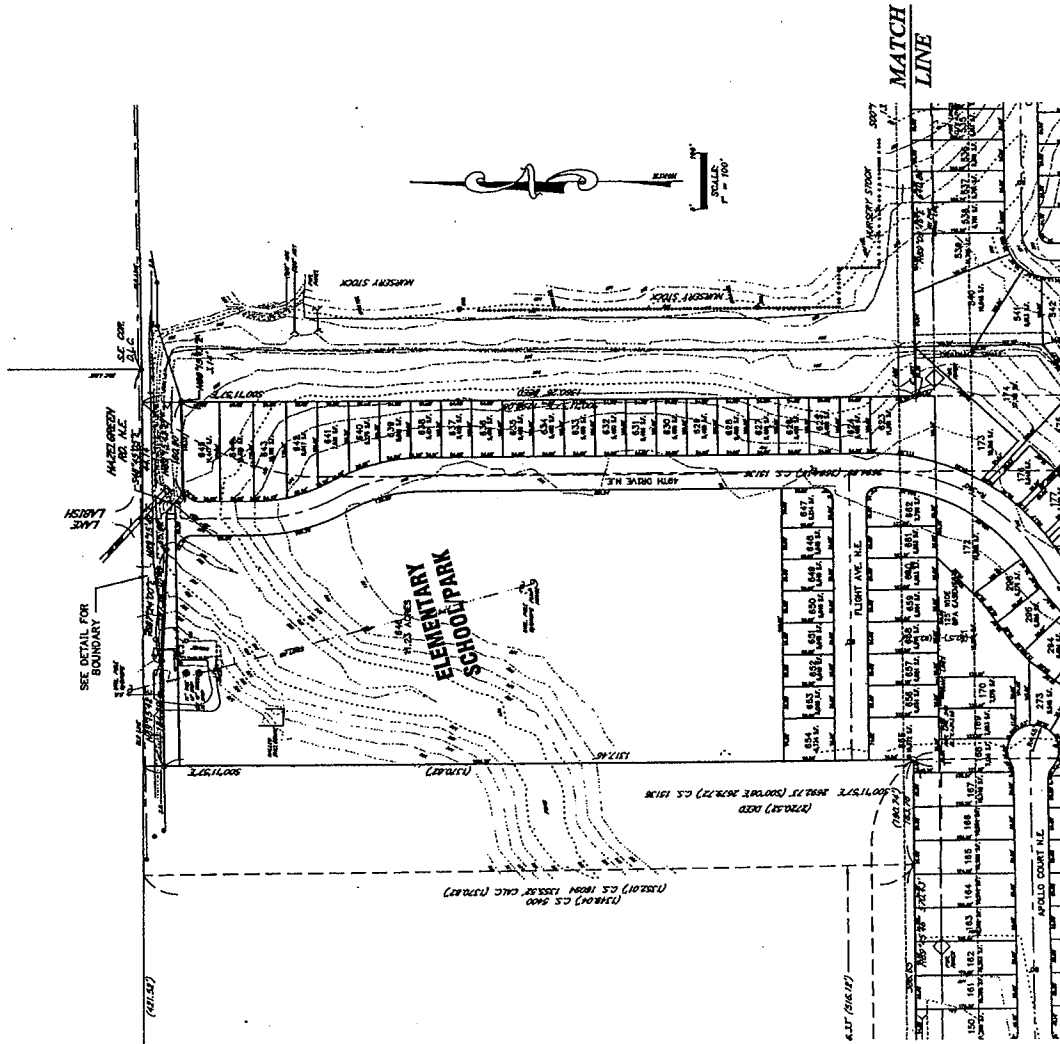
**MULTI / TECH**  
ENGINEERING SERVICES, INC.

1000 1300 ST. W. SUITE 100, ON. 57903  
TEL. 508-885-1111

# NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

Owner/Developer:  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302



THIS PLAN IS A PRELIMINARY DESIGN AND  
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UNLESS IT IS APPROVED BY THE  
APPROPRIATE AGENCIES.

**MULTI / TECH**  
ENGINEERING SERVICES, INC.  
1000 N. 10TH ST., SUITE 100  
SALEM, OREGON 97301  
TEL: (503) 585-1234 FAX: (503) 585-1235  
WWW.MULTITECH-OR.COM

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REPRESENTATION TO BE MADE TO  
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AUTHORIZATION OF THE DESIGN  
ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER GRAPHICAL  
REPRESENTATION.

**NORTHSTAR**

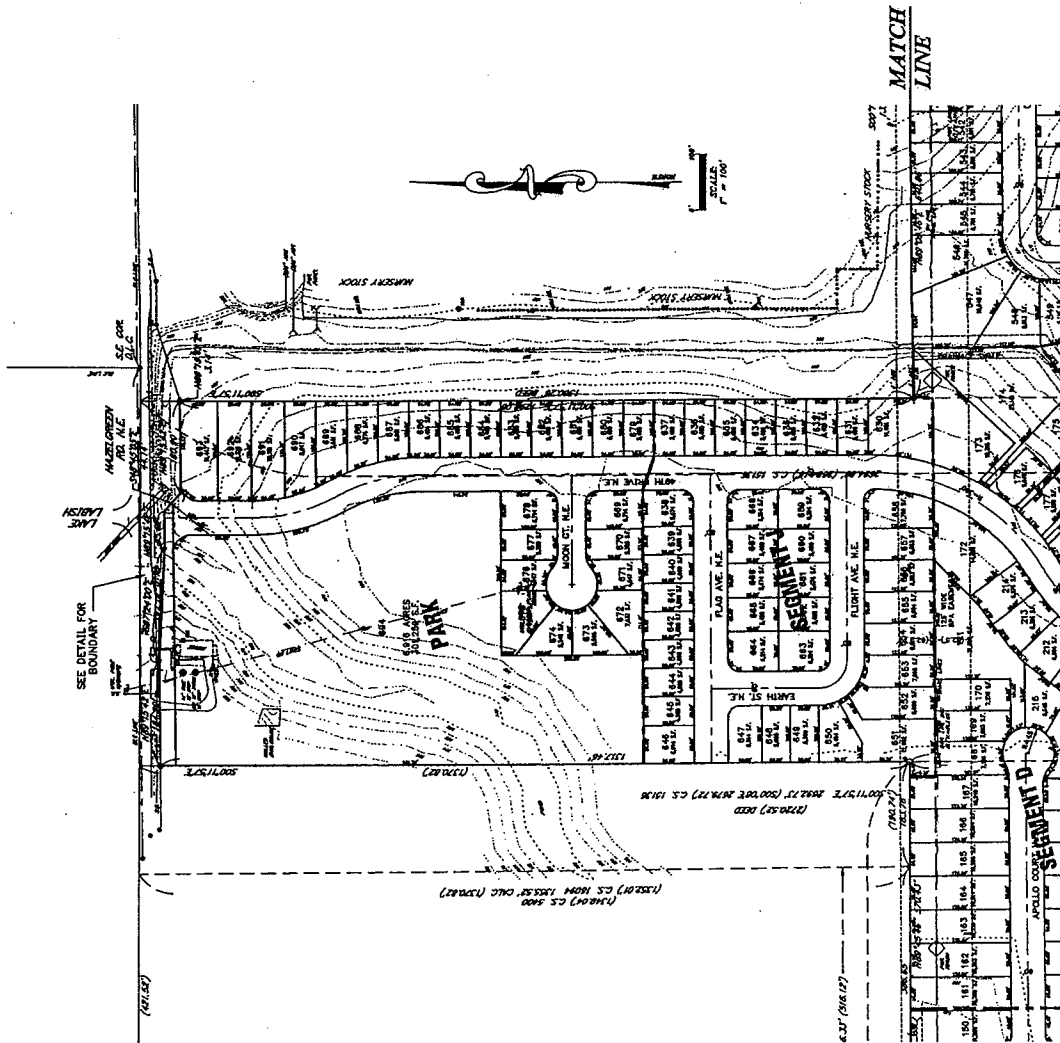
**SCHOOL/PARK  
OPTION**

Drawing Number  
**4519**  
Sheet Number  
**5 of 7**

# NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

Owner/Developer:  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302



Drawing Number  
**4519**

Sheet Number  
**6 of 7**

**PARK**  
OPTION

**NORTHSTAR**

NO CHANGE, MODIFICATION OR  
REVISIONS TO BE MADE  
WITHOUT THE WRITTEN  
AUTHORIZATION OF THE DESIGN  
ENGINEER.

DESIGNER'S & ENGINEER'S  
SEALS AND SIGNED  
REPRESENTATION

MULTI / TECH  
ENGINEERING SERVICES, INC.  
1000 10th St. S.E. Salem, OR 97302  
(503) 586-1000

REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
No. 10000  
J. L. EPPING

REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
No. 10000  
J. L. EPPING

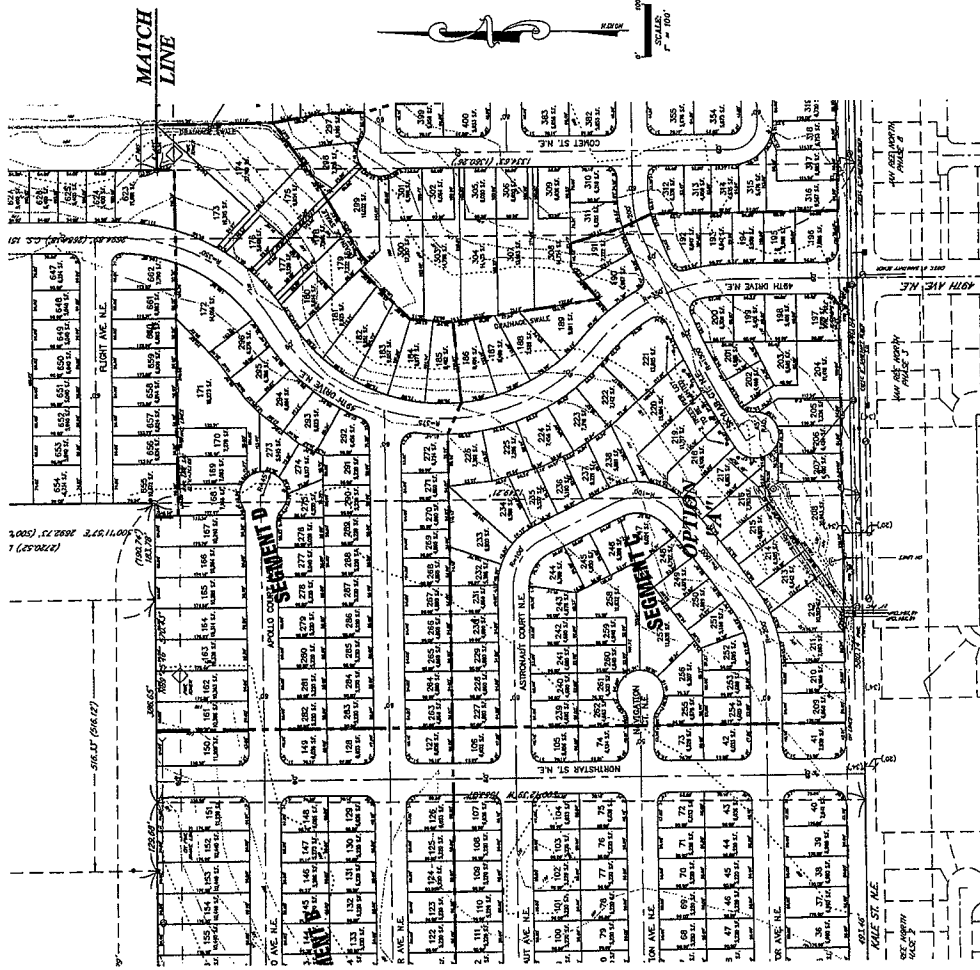
REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
No. 10000  
J. L. EPPING



# NORTHSTAR

SEC. 32, T. 6 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

*Owner / Developer:*  
**LAWRENCE T. EPPING**  
2485 LANCASTER DR. N.E.  
SALEM, OREGON 97302



Drawing Number  
**4519**  
Sheet Number  
**7 of 7**

OPTION "A"  
FOR SEGMENT "C"

**NORTHSTAR**

Design: M.E.S.  
Drawn: J.A.L.  
Date: FEB. 2002  
Scale: AS SHOWN  
AS-BUILT

ALL DIMENSIONS AND LOCATIONS ARE  
REPRESENTATIONS TO BE MADE TO  
FIELD SURVEYING WITHOUT MISTAKE  
BY THE ENGINEER.  
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REPRESENTATION.



NORTHSTAR ENGINEERING, INC.  
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WWW.NORTHSTAR-ENG.COM

**MULTI / TECH**  
ENGINEERING SERVICES, INC.  
1000 N. 10TH AVE., SUITE 100  
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503.595.1234  
FAX 503.595.1235  
WWW.NORTHSTAR-ENG.COM

# 4519

RECEIVED BY  
MULTI TECH ENGINEERING

DEC 20 2007

**ISSUE:** Northstar Subdivision Plat No. 07-13 Amendment

**DATE OF DECISION:** December 18, 2007

**APPLICANT:** Larry Epping, Granada Land Company

**PURPOSE OF REQUEST:**

To modify conditions of approval 12, 17, and 20 of tentative subdivision number 07-13 (approved September 28, 2007), for property zoned RS (Single Family Residential), RM1 (Multiple Family Residential), and RM2 (Multiple Family Residential) and generally located within the 4400-5200 blocks of Kale Road NE.

**ACTION:**

**IT IS HEREBY ORDERED**

That Amendment to Subdivision Plat No. 06-20 to divide approximately 25.86 acres into 103 lots with lots ranging in size from 5,314 square feet to 14,394 square feet in an RA (Residential Agriculture) zone and divide approximately 6.96 acres into a 62-lot townhouse development in an RM2 (Multiple Family Residential) zone with lot sizes ranging from 2,580 square feet to 7,210 square feet; with two concurrent variances: 1) to allow the finished street grades within the subdivision to exceed 12 percent (SRC 63.255(b)); and 2) to permit proposed Lots 1, 4, 5, 22 through 27, and 30 through 41 to be less than the 120-foot depth required for double frontage lots (SRC 63.145(b)) for property located at 1746 Davis Road S and 5991 Liberty Road S shall be GRANTED subject to SRC Chapters 63, 145, and 148 and the following conditions:

**PRIOR TO FINAL PLAT:**

- Condition 1:** Comply with the conditions of approval of Comprehensive Plan Change/Zone Change 05-12.
- Condition 2:** Obtain any necessary demolition permits and remove all existing structures on the subject property.
- Condition 3:** Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.
- Condition 4:** Any existing septic tank systems shall be abandoned.
- Condition 5:** All necessary (existing and proposed) access and utility easements must be shown on the final plat as determined by the Director of Public Works and recorded on the deeds to individual lots affected by such easements.
- Condition 6:** The deadline for final platting of the entirety of the proposed subdivision shall be 10 years from the date of tentative approval.
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- Condition 8:** Proposed Lot 25 shall have either a minimum street frontage of 30 feet or obtain street system connectivity from the accessway proposed to serve Lots 23 and 24. In the latter case, the accessway must measure 25 feet in width and at the time of development, feature a 20-foot-wide paved surface. In neither case may the depth of Lot 25 be less than 120 feet.

**SUBDIVISION REVIEW  
COMMITTEE**

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

City of Salem  
AT YOUR SERVICE

**Condition 9:** The following table shall set forth the front lot lines for all infill (flag) lots.

Segment	Lot Number	Front Lot Line
A	23	North
A	24	North
C	275	North
C (Option A)	203	West
C (Option A)	204	West
C (Option A)	207	North
C (Option A)	208	North
C (Option A)	220	Northwest
C (Option A)	258	South
C (Option A)	259	South
C (Option A)	260	South
D	169	South
D	170	South
D	171	South
D	174	Northwest
D	175	Northwest
D	178	Northwest
D	179	Northwest
E	307	East
E	310	East
E	311	East
E	314	East
E	315	East
E	323	North
E	324	North
F	338	North
F	339	North
H	436	North

Segment	Lot Number	Front Lot Line
H	449	North
J	692	North
K	666	West
K	667	West
K	669	South
K	670	South
K	672	South
K	673	South

**Condition 10:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the accessway.

**Condition 11:** The Applicant shall design and construct a complete storm drainage system at the time of development. The Applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal. The stormwater shall not increase the hydraulic capacity of the Little Pudding River at the Hazelgreen Road crossing.

**Condition 12:** ~~Coordinate with Marion County to identify the need for and location of a special storm water detention facility to serve the region.~~

**Prior to any construction activity in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem, for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works.**

**Condition 13:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazelgreen Road.

**Condition 14:** Construct the 16-inch Master Plan water line between Kale Road and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road and connect to the 12-inch Master Plan line constructed in the 49<sup>th</sup> Avenue NE extension between Kale Road NE and Hazelgreen Road NE.

**Condition 15:** No direct driveway access shall be allowed onto Kale Road NE or Hazelgreen Road NE.

**Condition 16:** Prior to the creation of the 400<sup>th</sup> lot, construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.

**Condition 17:** ~~Provide pedestrian connectivity on both sides of Kale Road within the City limits to Portland Road. As directed by the Public Works Director, either:~~

- ~~a. Construct curb, sidewalks, and gutter as specified in the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or~~
- ~~b. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.~~

**Construct curbs along both sides of Kale Road NE's existing right-of-way and construct sidewalk along the north side of Kale Road NE from the east boundary of the subject property to Portland Road NE.**

**Condition 18:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.

**Condition 19:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision.

**Condition 20:** ~~Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road to mitigate traffic impacts.~~

**The applicant shall obtain a Major Construction permit from Marion County to construct a left-turn refuge, designed to Marion County Standards, on Cordon Road NE at the intersection with Kale Road NE. The improvements shall be constructed or bonded prior to plat approval for Segments H or I. A copy of the permit shall be furnished to City of Salem Public Works Department.**

**Condition 21:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen Road NE. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit.

**Condition 22:** The Applicant shall comply with the conditions of UGA Preliminary Declaration 07-1, issued on June 25, 2007.

**Condition 23:** The Applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands.

**Condition 24:** Prior to recordation of the Final Plat, a Final Tree Conservation Plan, including revisions that may result from an approved Adjustment, shall be submitted to the Community Development Department for review and an on-site inspection.

Application Filing Date: October 15, 2007  
State Mandated Decision Date: February 12, 2008  
Decision Date: December 18, 2007

Decision Issued According to Salem Revised Code 63.046 and 63.332.

The Findings and Order of the Subdivision Review Committee for Subdivision 07-13A, dated December 18, 2007, are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of two years. Under SRC 63.049, this tentative decision is void after two years if not finalized. To finalize the subdivision the applicants must complete the conditions listed above and prepare a final plat for review and approval by the City of Salem, per SRC 63.052, before recordation. Approval of a final plat does not relieve the applicants from complying with other applicable provisions of the Salem Revised Code or the Oregon Revised Statutes that may govern development of this property.

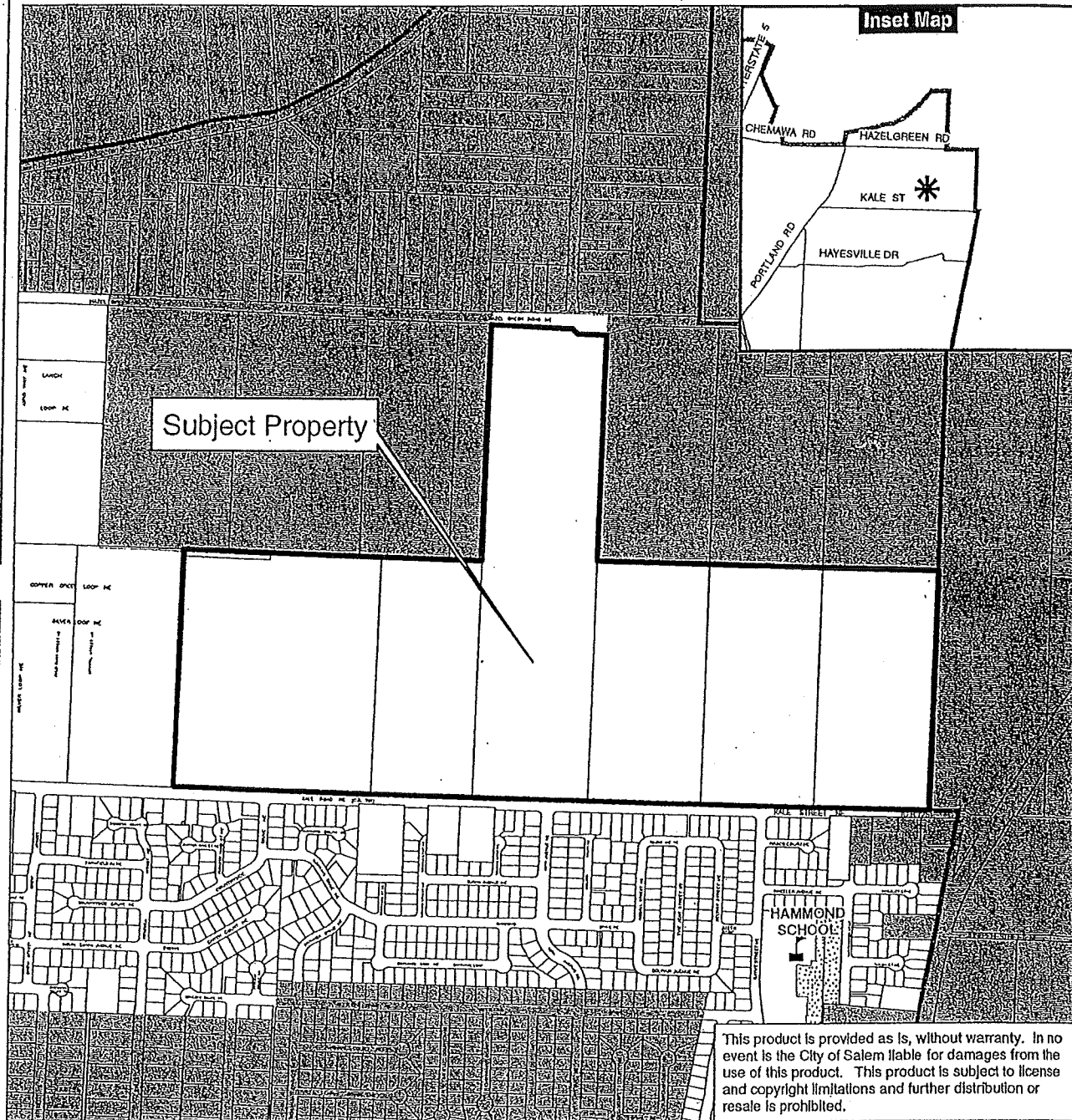
This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than January 2, 2008, at 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). 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, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center; 555 Liberty Street SE; Salem, Oregon 97301.

Case Planner: Caroline Berry, Senior Planner, Ext. 7556, cberry@cityofsalem.net

# Vicinity Map

## 4400-5200 blocks of Kale Road NE



## PLANNING COMMISSION

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

City of Salem  
AT YOUR SERVICE

RESOLUTION NO.: PC 06-18

COMPREHENSIVE PLAN CHANGE/ ZONE CHANGE NO. 05-12

WHEREAS, a petition for Comprehensive Plan Change from

"Industrial" to "Single Family Residential" and "Multiple Family Residential"

and a zone change from

IBC (Industrial Business Campus) and IP (Industrial Park) to RS (Single Family Residential – 132.59 acres), RM1 (Multiple Family Residential – 7.26 acres) and RM2 (Multiple Family Residential – 8.89 acres)

for property located at

4400 - 5200 Blocks of Kale Rd NE

was filed by

Granada Land Company (Larry Epping)

with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed plan was held before the Planning Commission on November 7, 2006, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact dated November 7, 2006, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

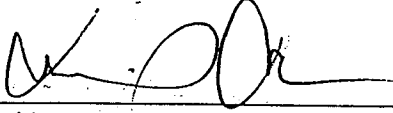
Based upon the foregoing findings and conclusions, it is hereby ordered:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change for the subject property from "Industrial" to "Single Family Residential" and "Multifamily Residential" be GRANTED.
- B. That the zone change from IP (Industrial Park) and IBC (Industrial Business Campus) to RS (Single Family Residential) and RM1 and RM2 (Multiple Family Residential) for the subject property be GRANTED, subject to the following conditions:
  1. The applicant shall dedicate sufficient right-of-way to equal a half-width of 36 feet along Kale Road NE and construct a 23-foot half-street improvement on the development side of Kale Road NE when the property is developed.
  2. The applicant shall link the proposed development to adequate water facilities; and adequate sewer facilities.

ATTACHMENT 9

3. The applicant shall provide a 30-foot wide buffer along the boundary of those properties designated RS (Single Family Residential) to buffer the proposed residential land from Industrial Designated and agriculturally zoned land, respectively. In addition, a sight-obscuring fence shall be required on the eastern boundary on the portion that abuts the urban growth boundary. Those boundaries that abut residentially designated land (RS, RM1 and RM2) shall not be subject to this condition.
4. The applicant shall provide appropriate Multiple Family Residential bufferyards as required by SRC 132 along the periphery of that property designated RM1 or RM2.

ADOPTED by the Planning Commission this 7th day of November, 2006.



\_\_\_\_\_  
President, Planning Commission

APPEAL PERIOD ENDS: November 30, 2006

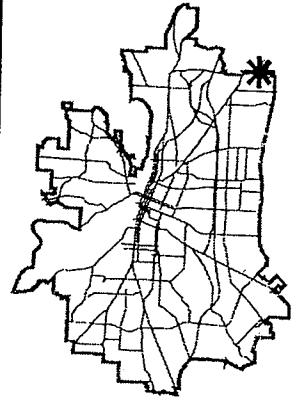
Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

**Planning Commission Vote: YES 5 NO 1 (Bennett) ABSENT 1 (Wiles)**



# Vicinity Map - Kale Road NE

Location Within  
Urban Growth Boundary



Subject Properties

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Created: 11-02-05

Outside Salem City Limits

Taxlots

ctrl+line arc

0 200 400 800 Feet



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

653 Single Family Dwelling Lots
62 Duplex Units (31 Duplex Lots)
<u>164 Apartment Units (1 lot)</u>
879 Total Units
685 Total Lots

IP (Industrial Park) and IBC  
(Industrial Business Campus)  
To  
RS (Single Family Residential)  
Approx. 132.59 Acres

IP  
(Industrial Park)

IBC  
(Industrial Business Campus)

NORTH STAR

58. 44 S.E. 1 and South half of Sec. 25, 22nd  
and 20th Ave. & East 10th Ave. is, probably, now in  
City of Salem, Oregon

Dines: George & Lucy Co.  
 3000 Franklin Ave.  
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IP (Industrial Park)  
To  
RM1 (Residential  
Multiple Family 1  
Approx. 7.26 Acres

RECEIVED

COMMUNITY  
DEV. DEPT.

# UGA DEVELOPMENT REVIEW COMMITTEE

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



**ISSUE:** Preliminary Declaration for Urban Growth Area Development Permit No. 07-1

**DATE OF DECISION:** June 25, 2007

**APPLICANT:** Larry Epping, Granada Land Company

## PURPOSE OF REQUEST:

To assure that major public facilities such as sewers, water and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program in order to develop the subject property that lies outside the USA (Urban Services Area) in an area without required facilities, and to determine conditions established in the UGA (Urban Growth Area) Development Permit. The proposal is for a multi-family and single-family subdivision on approximately 148.74 acres, zoned RS (Single-Family Residential), RM1 and RM2 (Multi-Family Residential) and located in the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Map 062W32C, taxlots 200, 800, 900, 700, and 1000, and 062W32D, taxlots 701 and 1100).

## ACTION:

The following is a Preliminary Declaration of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property. The Preliminary Declaration is subject to the terms of Salem Revised Code (SRC) Chapter 66, the Salem Transportation System Plan (STSP), the City of Salem Stormwater Management Master Plan, City of Salem Water System Master Plan, Salem Wastewater Management Master Plan, Public Works Design Standards, Comprehensive Parks System Master Plan, and conditioned on the provision of the public facilities as listed below.

This Preliminary Declaration for a UGA permit addresses only those facility requirements necessary to link the development to adequate facilities and boundary requirements abutting the property (SRC 66.140). All internal facility improvement requirements will be addressed at the time of development of the property. Salem Revised Code (SRC) Chapter 66 "Urban Growth Management" sets forth the City's authority for imposing linking and boundary facility improvement requirements. A reimbursement district, as defined in SRC 66.500(i), may be established to reimburse the developer for costs as allowed by SRC 66.505. The UGA Preliminary Declaration may be amended as set forth in SRC 66.200. However, as provided in SRC 66.200(d)(2), minor adjustments to the Preliminary Declaration that do not result in conflicts with the Master Plan, may be processed administratively.

The Facts and Findings of the Departments of Public Works and Community Services are attached as Exhibits 1 and 2. The applicant has the responsibility to provide the following facilities pursuant to the requirements of the UGA Development Permit and according to SRC Chapter 66:

### A. Linking Street Requirements

The subject property is currently linked to an adequate linking street, Kale Road NE.

The applicant shall construct a linking street improvement in Kale Road NE from the east line of the subject property to Cordon Road NE. The linking street improvement shall include a minimum 34-foot-wide paved improvement within adequate right-of-way to construct the improvement.

### B. Boundary Street Requirements

1. Kale Road NE: This street is designated as a *minor arterial* in the Salem Transportation System Plan (STSP). The construction standard for this street is a 46-foot-wide improvement within a 72-foot-wide right-of-way. Currently, this street has a varied improvement and right-of-way along the frontage of the subject property.

a. The applicant shall convey land for dedication for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of centerline adjacent to the subject property.

- b. The applicant shall construct a 23-foot half-width improvement on the development side, including street lights and sidewalks, and a 17-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property.
  2. Hazel Green Road NE: This street is designated as a *parkway* in the STSP. The standard construction for this classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way. Hazel Green Road currently has an approximately 24-foot turnpike improvement within right-of-way width that varies between 68 and 118 feet.
    - a. The applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side.
    - b. The applicant shall construct a maximum 40-foot half-width boundary street improvement on the development side and a 17-foot turnpike improvement on the opposite side of centerline along the full frontage of the subject property in an alignment approved by the Director of Public Works. These improvements shall include streetlights and sidewalks.
  3. 49<sup>th</sup> Avenue NE: 49<sup>th</sup> Avenue is designated as a *collector* street in the STSP and is intended to run north/south. This street is planned to connect Kale Road NE to Hazel Green Road NE in a rough alignment with the existing extent of 49<sup>th</sup> Avenue NE and Lake Labish Road NE. The *collector* standard for this street depends on the applicant's need for off-street parking. A *Type B collector* requires a 40-foot-wide offset improvement that allows for parking on one side and a *Type A collector* requires a 34-foot improvement but does not allow parking.
    - a. The applicant shall convey land for dedication sufficient to equal 60 feet of right-of-way.
    - b. The applicant shall construct a minimum 34-foot improvement along the full frontage of the subject property.

**C. Traffic Mitigation Requirements**

The applicant shall be required to provide a TIA to identify the impacts of this proposed development on the public transportation system in the area and construct any necessary mitigation measures identified in that report.

**D. Storm Drainage Requirements**

The subject property is within the Little Pudding Drainage Basin and the North Fork of the Little Pudding River crosses the subject property. There are public storm drain lines and drainage ditches in Kale Road NE. There is also a public storm drain line from the west that outfalls to a drainage ditch that crosses the subject property. This ditch ties into the North Fork of the Little Pudding River at Hazel Green Road NE.

1. The applicant shall submit a drainage study at the time of development, consistent with the Stormwater Management Design Standards as approved by the Public Works Director. The drainage study shall: (1) identify all applicable deficiencies shown on the *Stormwater Master Plan* for the North Fork Little Pudding River from Kale Road SE to the Urban Growth Boundary; (2) specify on-site methods for minimizing stormwater runoff; and (3) identify off-site improvements needed to mitigate stormwater impacts.
2. The applicant shall construct all on-site and off-site improvements needed to mitigate stormwater impacts as specified in the approved drainage study.

**E. Water Service Requirements**

There is a 16-inch public water line in Kale Road NE, but no public water line in Hazel Green Road NE.

The applicant shall construct *Salem Water System Master Plan* facilities through the subject property within alignments approved by the Director of Public Works:

1. A 12-inch Master Plan water line between Kale Road NE and Hazel Green Road NE, and

2. Extend the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property in an alignment to be approved by the Director of Public Works.

**F. Sanitary Sewer Requirements**

There is an 18-inch public sanitary sewer line in Kale Road NE. This sewer may not be able to serve to the north portion of the subject property. There is no sanitary sewer line in Hazel Green Road NE.

The applicant shall construct Salem Wastewater Master Plan lines necessary to connect the development to adequate sewer facilities in alignments approved by the Director of Public Works.

**G. Parks Requirements**

1. Based on the policies of the Comprehensive Park System Master Plan, the provisions of SRC 66.125, and the findings above, 6.9 acres of neighborhood park land (or approximately that size depending on the final subdivision layout), and an access route or other park linkages are needed to serve the subject property. Title to a platted, future neighborhood park in this service area shall be paid for and transferred to the City prior to or simultaneously with the recording of the plat for the final phase of the Northstar Subdivision. This condition may be met by providing a 6.9 acre neighborhood park on the subject property or, on approval of a joint use agreement for a site between the City of Salem and the Salem-Keizer School District, co-locating a 6.9 acre neighborhood park with a new elementary school on the subject property.
2. The above condition will not apply if the City acquires adequate neighborhood park acreage elsewhere in the vicinity to serve the property's park need.

Date of Preliminary Declaration: June 25, 2007

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, not later than **July 10, 2007, 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the Urban Growth Management Ordinance (SRC Chapter 66). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

This Preliminary Declaration will expire on June 25, 2009

Attachments: Exhibit 1: Facts and Findings of the Department of Public Works  
Exhibit 2: Facts and Findings of the Department of Community Services  
Exhibit 3: Vicinity Map

Prepared by Garrett Stephenson, Associate Planner

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