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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

FAIRVIEW REFINEMENT PLAN MINOR AMENDMENT / SUBDIVISION / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO.: FRPA-SUB-DAP21-03

APPLICATION NO.: 21-108635-ZO, 21-106892-LD, 21-116632-ZO

NOTICE OF DECISION DATE: October 29, 2021

SUMMARY: An application for a 29-lot residential subdivision of approximately 4.46 of the former Fairview Training Center site, together with a minor amendment to the Fairview Refinement Plan II refinement plan and a driveway approach permit for the proposed private street access onto Strong Road SE.

REQUEST: A consolidated application for a proposed 29-lot residential subdivision of approximately 4.46 acres of the former Fairview Training Center site. The application includes the following:

- 1) A Tentative Subdivision to divide the approximate 4.46-acre property into 29 residential lots ranging in size from approximately 2,590 square feet to 5,370 square feet.
- 2) A Minor Amendment to the Fairview Refinement Plan II refinement plan to:
 - a) Increase the number of dwelling units allowed within the refinement plan from 457 to 465; and
 - b) Increase the maximum allowed driveway depth from 20 feet to 24 feet.
- 3) A Class 2 Driveway Approach Permit for the proposed private street access onto Strong Road SE.

The property is zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan and is located at 3990 Old Strong Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W11A00100, 00200, and 00300)."

APPLICANT: Ward Development LLC (Steve Ward, Marcus Ward, Kyle Ward, Travis Ward, Ryan Ward)

LOCATION: 3990 Old Strong Rd SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 530.035(e)(1) – Amendments to refinement plans; 205.010(d) – Subdivision Tentative Plan; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated October 29, 2021.

DECISION: The **Planning Administrator APPROVED** Fairview Refinement Plan Minor Amendment / Subdivision / Class 2 Driveway Approach Permit Case No. FRPA-SUB-DAP21-03 subject to the following conditions of approval:

Condition 1: Prior to final subdivision plat approval the applicant shall submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

City Attorney for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to, private streets, private utilities, open spaces, common facilities, and community areas.

- Condition 2:** Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.
- Condition 3:** Construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112, of the Marion County Records, but have not been constructed to date.
- Condition 4:** Complete streetscape improvements, including but not limited to stormwater and streets trees, along the frontage of Strong Road SE.
- Condition 5:** Construct the proposed internal streets (private) to Fairview Refinement Plan II and Public Works Design Standards (PWDS).
- Condition 6:** Provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards (PWDS) to accommodate future impervious surface on all proposed lots.
- Condition 7:** A 10-foot-wide public utility easement is required, where needed, along the street frontages of Reed Road SE, Strong Road SE, and the internal private streets pursuant to SRC 803.035(n).
- Condition 8:** Provide a public access and utility easement for the proposed private streets within the development.
- Condition 9:** All necessary (existing and proposed) access and utility easements shall be shown on the final plat.
- Condition 10:** Trees shall be provided on both sides of the internal private streets within the subdivision. The trees shall be planted at the time of dwelling unit construction.

The rights granted by the attached decision must be exercised, or an extension granted, by November 16, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>August 20, 2021</u>
Notice of Decision Mailing Date:	<u>October 29, 2021</u>
Decision Effective Date:	<u>November 16, 2021</u>
State Mandate Date:	<u>December 18, 2021</u>

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, November 15, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 530, 205, 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(FAIRVIEW REFINEMENT PLAN MINOR AMENDMENT, SUBDIVISION PLAT, AND
DRIVEWAY APPROACH PERMIT NO. FRPA-SUB-DAP21-03)**

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

IN THE MATTER OF THE)	FINDINGS AND ORDER
APPROVAL OF FAIRVIEW REFINEMENT)	
MINOR AMENDMENT, TENTATIVE)	
SUBDIVISION PLAT, & DRIVEWAY)	OCTOBER 29, 2021
APPROACH PERMIT NO.)	
FRPA-SUB-DAP21-03; 3990 OLD STRONG)	
ROAD SE)	

REQUEST

A consolidated application for a proposed 29-lot residential subdivision of approximately 4.46 acres of the former Fairview Training Center site. The application includes the following:

- 1) A Tentative Subdivision to divide the approximate 4.46-acre property into 29 residential lots ranging in size from approximately 2,590 square feet to 5,370 square feet.
- 2) A Minor Amendment to the Fairview Refinement Plan II refinement plan to:
 - a) Increase the number of dwelling units allowed within the refinement plan from 457 to 465; and
 - b) Increase the maximum allowed driveway depth from 20 feet to 24 feet.
- 3) A Class 2 Driveway Approach Permit for the proposed private street access onto Strong Road SE.

The property is zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan and is located at 3990 Old Strong Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W11A00100, 00200, and 00300).

DECISION

The Fairview Refinement Plan Minor Amendment, Tentative Subdivision Plan, and Class 2 Driveway Approach Permit are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated.

- Condition 1:** Prior to final subdivision plat approval the applicant shall submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to, private streets, private utilities, open spaces, common facilities, and community areas.

- Condition 2:** Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.
- Condition 3:** Construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112, of the Marion County Records, but have not been constructed to date.
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- Condition 9:** All necessary (existing and proposed) access and utility easements shall be shown on the final plat.
- Condition 10:** Trees shall be provided on both sides of the internal private streets within the subdivision. The trees shall be planted at the time of dwelling unit construction.

PROCEDURAL FINDINGS

1. On April 9, 2021, an application for tentative subdivision plan and Fairview Refinement Plan Minor Amendment was filed by Steve Ward on behalf of the applicant, Ward Development, LLC, proposing to divide property located at 3990 Old Strong Road SE into 29 residential lots.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on August 20, 2021. Public notice of the proposal was subsequently sent, pursuant to SRC requirements, to surrounding property owners and tenants within 250 feet of the subject property on September 3, 2021. Notice was also posted on the property by pursuant to SRC requirements by the City's case manager. The state-mandated local decision deadline for the application is December 18, 2021.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide a 4.46-acre property located at 3990 Old Strong Road SE (**Attachment A**) into 29 single-family residential lots, ranging in size from approximately 2,590 square feet to 5,370 square feet.

In addition to the subdivision, the proposal includes a requested minor amendment to the adopted Fairview refinement plan applicable to the property, *Fairview Refinement Plan II*, to increase the number of dwelling units allowed within the refinement plan from 457 to 465; and increase the maximum allowed driveway depth for the individual proposed lots from 20 feet to 24 feet.

Vehicular access within the subdivision is proposed to be provided by a private street off Strong Road SE. In addition to providing vehicular access, the proposed internal private street also provides for pedestrian connectivity through the site with sidewalks on both sides of the street. Because the proposed internal street within the subdivision is private, a Class 2 driveway approach permit

2. Applicant's Plans and Statement.

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

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

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

3. Summary of Record.

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

4. Salem Area Comprehensive Plan (SACP)

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

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

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

5. Zoning

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

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

Relationship to Urban Service Area

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

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

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

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle

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

6. Public and Private Agency Review

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no objections.
- B. The City of Salem Fire Department reviewed the proposal and indicated that fire department access and water supply will be required at the time of development.
- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment G**.
- D. The Salem-Keizer School District review the proposal and provided comments that are included in **Attachment H**. The School District indicates, in summary, that the property is served by Morningside Elementary School, Leslie Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Morningside Elementary School and Leslie Middle School to accommodate the projected increase in student enrollment resulting from the future development of the lots, but South Salem High School will be overcapacity.

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

- E. Cherriots public transit reviewed the proposal and provided comments that are included in **Attachment I**. Cherriots indicates that sidewalk infrastructure along the frontage of Old Strong Road should be required as well as throughout the entire development. Cherriots indicates they are interested in working with the developer for transit stops on Reed Road or Strong Road.

Staff Response: As shown on the tentative subdivision plan, the proposed subdivision will be served with a private internal street. The proposed street will include 5-foot-wide sidewalks on both sides of the street to provide for pedestrian access within the subdivision.

With the improvement of Strong Road and Lindburg Road, Old Strong Road is no longer needed for access to the Fairview site and the surrounding area. As such, it is anticipated that Old Strong Road will be vacated in the future and the right-of-way incorporated into the adjacent Fairview Park. The Fairview Park Master (**Attachment J**) calls for the future removal of the Old Strong Road street improvement and the development of two parking areas, trails, and park landscaping in the general area of the vacated right-of-way. Because Old Strong Road is not planned for future street

access to the Fairview site and the surrounding area, sidewalk improvements along Old Strong Road are not warranted for the proposed development.

The nearest transit service available to the subject property is provided by Cherriots Route 6: Fairview Industrial, which runs along Fairview Industrial Drive SE to the northeast of the subject property. Because there is currently no transit service provided along Strong Road SE or Reed Road SE, a transit stop along either of these streets is not warranted at this time. Transit stops along these streets may be provided in the future, however, if transit service routes are changed to provide service along Strong Road or Reed Road.

7. Neighborhood Association and Public Comments

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

Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), applications for Fairview refinement plan minor amendments and tentative subdivision plans require neighborhood association contact.

The application materials provided by the applicant indicate that the Morningside Neighborhood Association was contacted by the applicant prior to application submittal on March 31, 2021; thereby satisfying the requirements of SRC 300.310. In addition, the applicant attended the April 14, 2021, neighborhood association meeting to present the proposal.

Neighborhood Association Comments

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

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

Homeowners Association

The application materials provided by the applicant indicate that the subject property is not subject to a Homeowners Association (HOA).

8. **FAIRVIEW REFINEMENT PLAN MINOR AMENDMENT APPROVAL CRITERIA**

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

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

Finding: Two amendments to the Fairview Refinement Plan II refinement plan have been submitted in connection with the proposed subdivision. The first amendment proposes to increase the number of dwelling units allowed within the refinement plan from 457 to 465.

The second amendment proposes to increase the maximum allowed driveway depth for the future dwellings to be constructed on the lots from 20 feet to 24 feet.

The proposed amendments satisfy this approval criterion as follows:

Maximum Allowed Dwelling Units:

The original requirements of the Fairview Refinement Plan II refinement plan indicated that it was anticipated the refinement plan area would have units for about 280 families. This identified maximum 280 dwelling units was subsequently amended in June of 2021 with the approval of a major amendment to the refinement plan as part of the approval of the second phase of the Grove Apartments (Case No. FRPA-DR-SPR-ADJ-DAP21-02). The major amendment to the refinement plan increased the maximum number of dwelling units allowed within the refinement plan from 280 to 457.

Residential development currently approved to be developed within the refinement plan is summarized in the below table.

Approved Residential Development with Fairview Refinement Plan II		
Development	Case No.	Dwelling Units
Legacy Heights Subdivision	SUB-FRPA20-03	73
Grove Apartments (Phase I)	DR-SPR-REP-PLA-ADJ-DAP18-08	180
Grove Apartments (Phase II)	FRPA-DR-SPR-ADJ-DAP21-02	183
Total:		436

As identified in the table above, there are 436 dwelling units currently approved for development within the refinement plan. Based on the maximum 457 total dwelling units currently allowed, a total of 21 dwelling units remain before the maximum number of dwelling units within the refinement plan is reached.

The subdivision included with this application proposes the creation of 29 additional single-family residential lots. The 29 proposed single-family residential lots will result in the maximum number of dwelling units within the refinement plan being exceeded by eight dwelling units. The applicant has therefore requested a minor amendment to the refinement plan to increase the maximum number of units allowed within the refinement plan from 457 to 465.

The written statement provided by the applicant (**Attachment F**) indicates that AU zone within the refinement plan requires a minimum of six dwelling units per acre and a maximum of 35 dwelling units per acre. The applicant explains that the 29 proposed lots allow the development to have a density of 6.5 units per acre.

Staff concurs with the written statement provided by the applicant. The subject property is located within the AU overlay area of the refinement plan and the required residential density specified in the AU area is a minimum of six dwelling units per acre and a maximum of 35 dwelling units per acre.

Pursuant to Section 2 of the refinement plan (Permitted Land Uses), the Permitted Uses Table SRC 530-1 is adopted as the permitted uses for the AU, MI, and VC overlays of the refinement plan. Under SRC Table 530-1, single family detached dwellings and townhouses are permitted uses in the AU overlay area of the refinement plan.

Based on the size of the subject property, approximately 4.46 acres, and the density requirements applicable to the AU area of the refinement plan, a minimum of 27 dwelling units would be required and a maximum of 156 dwelling units would otherwise be allowed. The 29 residential units proposed within the subdivision fall within the allowed number of units on the property based on the density requirement of the AU overlay area of the refinement plan and represent a resulting dwelling unit density of 6.5 dwelling units per acre, which is only slightly above the minimum six dwelling unit per acre density otherwise required. If the subdivision were instead limited a maximum of 21 dwelling units based on the current maximum 457 dwelling units allowed within the refinement plan overall, the resulting density would be approximately 4.7 dwelling units per acre, which falls below the minimum six dwelling unit per acre requirement of the AU area of the refinement plan.

Pursuant to SRC 530.035(b)(1), a minor amendment to a refinement plan is any amendment that does not result in a substantial change to the refinement plan. Pursuant to SRC 530.035(b)(2), a major amendment to a refinement plan is any amendment that results in a substantial change to a refinement plan. A substantial change to a refinement plan includes a number of different things, one of which is a change that increases or decreases the number of proposed residential units per acre by more than 20 percent or exceeds the maximum number of dwelling units permitted within the FMU zone.

Although the proposed 29 additional dwelling units result in the current maximum allowed number of residential units within the refinement plan being exceeded, it only exceeds the maximum allowed number by eight dwelling units and those eight additional dwelling units correspondingly only result in a 1.75 percent increase to the current 457 dwelling unit maximum allowed within the refinement plan. The resulting proposed increase in residential dwelling units is small and does not increase the required residential density of the refinement plan or the overall number of units allowed within the refinement plan by more than 20 percent and therefore qualifies as a minor amendment.

The proposed increase to the maximum number dwelling units allowed within the refinement plan from 457 to 465 will not result in a substantial change to the refinement plan because the proposed use is an allowed within the AU area of the refinement plan, the proposed 29 residential units fall within the required 6 to 35 dwelling unit per acre density range of the AU area, the resulting eight additional dwelling units beyond the currently allowed maximum does not exceed 20 percent thereby triggering a major amendment to the refinement plan, and the resulting total number of residential units will not exceed the maximum 2,000 units allowed overall throughout the FMU zone. This approval criterion is met.

Maximum Driveway Depth:

The written statement provided by the applicant (**Attachment F**) indicates that the AU overlay area allows a maximum 20-foot setback from abutting streets. The proposed amendment will allow longer full-size vehicles to parking in their respective driveways without overhanging the public sidewalk. The applicant explains that any full-size vehicle parking 3 ft. to 4 ft. away from the garage will inherently overhang the public sidewalk which will prevent pedestrians from safely navigating the public sidewalk.

Staff concurs with the applicant's written statement. The proposed amendment to increase the maximum allowed driveway depth from 20 feet to 24 feet allows for vehicles to be reasonably parked within the driveway leading to the garage without overhanging the public sidewalk and obstructing pedestrian access. The proposed increase in length from 20 feet to 24 feet represents a 20 percent increase to the maximum driveway length standard. Because the proposed increase in maximum driveway length does not exceed 20 percent, the modification qualifies as a minor amendment under SRC 530.035(b) and will not result in a substantial change to the refinement plan. This approval criterion is met.

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

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

Maximum Allowed Dwelling Units:

The written statement provided by the applicant (**Attachment F**) indicates that the surrounding existing or potential uses or development include the City Park to the west, Fairview Industrial Park to the north and east, and The Grove Apartment project to the south. The park is not yet development. The Grove Phase I is developed and the Grove Phase II was recently approved by the Planning Commission. Fairview Industrial Park is substantially developed. The applicant indicates that the proposed minor amendment has no impact on surrounding properties.

Staff concurs with the findings included in the applicant's written statement. The proposed eight dwelling unit increase to the maximum number of dwelling units allowed within the refinement plan will not result in unreasonable impacts on surrounding existing or potential uses or development. The proposed residential use of the property is compactible with Fairview Park to the west and the multiple family development to the south. The proposed residential use will not impact the office and industrial uses located within Fairview Industrial Park. This approval criterion is met.

Maximum Driveway Depth:

The written statement provided by the applicant (**Attachment F**) indicates that the surrounding existing or potential uses or development include the City Park to the west, Fairview Industrial Park to the north and east, and The Grove Apartment project to the south. The park is not yet development. The Grove Phase I is developed and the Grove Phase II was recently approved by the Planning Commission. Fairview Industrial Park is substantially developed. The applicant indicates that the proposed minor amendment has no impact on surrounding properties.

Staff concurs with the findings included in the applicant's written statement. The proposed increase to the maximum allowed driveway depth for the future residential uses within the subdivision from 20 feet to 24 feet will not result in unreasonable impacts on surrounding existing or potential uses or development. The proposed small increase in maximum allowed driveway depth will allow for vehicles to be reasonably parked within the driveways leading to the garages without the potential for overhang into the street and obstruction of the sidewalk. This approval criterion is met.

9. TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

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

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

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

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

SRC Chapter 530 (Fairview Mixed-Use Zone)

The subject property is zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, all development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a

Refinement Plan, and the development standards set forth in SRC Chapter 530. The Fairview Plan is the master plan that identifies the overall goals and policies for development of the Fairview site and refinement plans are detailed regulatory plans that implement the Fairview Plan.

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

Because the subject property is located within the Fairview Refinement Plan II refinement plan, the majority of the standards applicable to the proposed development are contained within the refinement plan. The FMU zone does, however, include the following additional standards which apply generally to development within the FMU zone:

General Development Standards (SRC 530.045):

- Nonresidential development in MI area. Except for activities falling under basic education, no building used exclusively for a nonresidential use within the MI area shall have a building footprint greater than 6,000 square feet. Activities falling under basic education located within the MI area may have a building footprint greater than 6000 square feet.

The subject property is located within the AU (Adaptive Use), not the MI (Mixed-Intensity), overlay area of the refinement plan. This FMU zone standard is therefore not applicable to the proposed development.

- Open space. A minimum of 20 acres of land within the FMU zone shall be reserved as natural open space.

Natural open space areas were identified as part of the refinement plan approval process. The subject property is not identified in the refinement plan as being part of a natural open space area. This FMU zone standard is therefore not applicable to the proposed development.

- Maximum number of dwelling units. The maximum number of dwelling units permitted in the FMU zone shall be 2000.

The number of dwelling units within the FMU zone has not yet reached the maximum limit of 2,000.

- FMU zone boundary setback. All buildings and accessory structures within the FMU zone shall be set back a minimum of 20 feet from the FMU zone boundary.

The subject property is located adjacent to the boundary of the FMU zone along Old Strong Road SE and Reed Road SE. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is being

approved with the subdivision for any of the lots at this time, this setback requirement is currently not applicable. Future development of the proposed lots, however, will be reviewed for conformance with this required FMU zone boundary setback at the time of building permit/site plan review approval.

Historic Preservation (SRC 530.060):

Any structure existing on December 24, 2003, identified for demolition shall, prior to issuance of a demolition permit, be documented according to the survey and inventory practices set forth by the Oregon State Historical Preservation Office.

There are no existing buildings or structures remaining on the subject property. All previous existing structures on the subject property, and throughout the Fairview site, have been documented as required under SRC 530.060.

Natural Resource Guidelines (SRC 530.065):

The FMU Zone recognizes the importance of the presence of natural resources on the site and how those resources help to define the special character of the property. As such, SRC Chapter 530.065 establishes natural resource guidelines to address their preservation. The Fairview Plan, any subsequent refinement plan, and any development within the FMU Zone shall identify how existing natural resources will be protected and how natural hazards will be mitigated through compliance with the following:

- (1) SRC Chapter 808 (Preservation of Trees and Vegetation)
- (2) SRC Chapter 809 (Wetlands)
- (3) SRC Chapter 810 (Landslide Hazards)

SRC Chapter 808 (Preservation of Trees & Vegetation)

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

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

The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 32 trees on the property, one of which is a significant oak. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 32 total trees existing on the property, the proposed tree conservation plan identifies 13 trees (*41 percent*) for preservation and 19 trees (*59 percent*) for removal. The significant oak on the property is proposed for preservation.

The proposed tree conservation plan exceeds the minimum preservation requirements of SRC Chapter 808 and is in substantial conformance with the Tree Inventory and Preservation Plan (Plate 8) of the refinement plan. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

SRC Chapter 809 (Wetlands)

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The City's wetlands ordinance, SRC Chapter 809, establishes requirements for notification to the Oregon Department of State Lands when an application for development is received in an area designated as a wetland on the official wetlands map.

The Fairview Refinement Plan II refinement plan does not identify any wetlands areas on the portion of the site subject to the proposed subdivision request. However, in review of the Salem-Keizer Local Wetland Inventory (LWI), there is a mapped wetland channel located at the eastern edge of the property near the intersection of Reed Road SE and Old Strong Road SE.

Due to the location of the mapped wetland area in relation to the subject property, notice of the proposed development was sent to the Oregon Department of State Lands (DSL). Comments received from DSL indicate, in summary, that based on the submitted site plan it appears that the proposed development will not impact jurisdictional wetlands or waterways of the State and that a State permit will not likely be required for this activity. As required under SRC Chapter 809, notice of the proposed development was submitted to the DSL. Compliance with any DSL requirements is required to be coordinated between the applicant and DSL staff.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance, SRC Chapter 810, establishes standards and requirements for the use of land within areas of landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 to 6 points indicates a

moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a geotechnical engineering report, prepared by GeoEngineers Inc. and dated April 21, 2021, for the proposed development in conformance with the requirements of SRC Chapter 810.

Fairview Refinement Plan II

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

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

The 29-lot subdivision included with this proposal is located within one of these overlay areas, the AU area. The proposed subdivision conforms to the applicable development standards of the Fairview Refinement Plan II refinement plan as described below:

Refinement Plan Section 2 (Permitted Land Uses)

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

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

The proposed subdivision includes lots for single family uses in the AU area. As identified under Table 530-1 of the FMU zone, single family detached dwellings are permitted in the AU area of the refinement plan.

Because the proposed residential uses within the subdivision are permitted within the FMU zone they are also permitted within the refinement plan.

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

▪ ***Density:***

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

The subject property totals approximately 4.46 acres in size and will include 29 dwelling units. The resulting proposed 6.5 dwelling unit per acre density exceeds the minimum required density of 6 dwelling units per acre and does not exceed the maximum allowed density of 35 dwelling units per acre.

The tentative subdivision plan includes a note indicating that, “All lots to have work unit or ADU over the garage.” Pursuant to SRC 700.007(a)(6)(A), accessory dwelling units are exempt from dwelling unit density requirements, including requirements for minimum or maximum numbers of dwelling units. Based on the requirements of SRC 700.007(a)(6)(A), if accessory dwelling units will be included within the proposed development, they are exempt from the density and maximum allowed dwelling unit requirements of the refinement plan because they are accessory to the primary use.

▪ **Lot Standards:**

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

AU Area Lot Standards		
Lot Area	AU	Min. 1,000 sq. ft.
Lot Width	AU	Min. 22 ft.
Lot Depth	AU	Min. 40 ft.

The original tentative subdivision plan submitted by the applicant is included as **Attachment B**. The original plan included several Homeowner’s Association (HOA) tracts that were intended to be under the control of the corresponding abutting lots. These individual HOA tracts, however, resulted in some of the proposed lots not having any frontage on the proposed internal private streets. In order to address this issue the applicant submitted a revised tentative subdivision plan (**Attachment C**) that removed many of the individual HOA tracts in order to ensure that each of the lots within the subdivision met the minimum required 22-foot lot width and that all of the lots had frontage on a street.

Lot sizes for the 29 proposed lots within the revised tentative subdivision plan range from approximately 2,590 square feet to 7,401 square feet, therefore exceeding minimum required lot area standards. As shown on the revised tentative subdivision plan, all of the proposed lots also exceed minimum lot width and depth requirements.

▪ **Lot Coverage**

Lot coverage requirements within the AU area of the refinement plan are summarized in the following table:

AU Area Lot Coverage Standards		
Building Coverage	AU	Max. 70%
Building Footprint	AU	Max. 10,000 sq. ft.
		Max. 1,000 sq. ft. (applicable to accessory structures)

The lot coverage requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is being

approved with the subdivision for any of the lots at this time, the lot coverage requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with lot coverage requirements at the time of building permit/site plan review approval.

▪ **Setbacks:**

Setback requirements for buildings and accessory structures within the AU area of the refinement plan are summarized in the following table:

Summary of Setbacks		
Building & Accessory Structures		
FMU Zone Boundary	AU	Min. 20 ft. from FMU zone boundary <i>(applicable to all buildings and accessory structures)</i>
Front Abutting Street	AU	Min. 10 ft. / Max. 20 ft.
Side Street	AU	Min. 10 ft. / Max. 20 ft.
Side Interior	AU	Min. 5 ft. <i>(applicable to detached single family)</i>
Rear Principal Building	AU	Min. 0 ft. <i>(applicable to single family)</i>
Rear Other Buildings	AU	Min. 5 ft.
		Min. 2 ft. <i>(applicable to residential accessory buildings)</i>

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

▪ **Building Dimensions:**

Building dimension requirements within the AU area of the refinement plan are summarized in the following table:

Building Dimension Standards		
Height	AU	Max. 45 ft. <i>(applicable to buildings)</i>
		Max. 18 ft. <i>(applicable to accessory structures)</i>

The building dimension requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes

only the subdivision of the land to create lots, and no buildings or specific development is being approved with the subdivision for any of the lots at this time, the building dimension requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with building dimension requirements at the time of building permit/site plan review approval.

▪ **Parking & Loading:**

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

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

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

▪ **Driveway/Curb Cuts:**

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

Driveway & Curb Cut Standards		
Maximum Per Parcel	AU	Max. 1 (<i>applicable to single family</i>)
Access	AU	Only from lesser class right-of-way (ROW)/Easement
Separate Wheel Tracks Allowed	AU	Yes (<i>allowed only for single family, duplex, and their accessory structures</i>)
Width (<i>Driveway serving 1-4 stalls</i>)	AU	Min. 8 ft. (<i>applicable to single family</i>)
Depth	AU	Maximum 20 ft. (<i>applicable to single family, duplex, and their accessory structures</i>)

Curb Cuts	AU	Max. 2 per parcel
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The driveway and curb cut requirements of the refinement plan are applicable to the specific proposed development of each individual lot. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is being approved with the subdivision for any of the lots at this time, the driveway and curb cut requirements are not applicable. Future development of the proposed lots will be reviewed for conformance with driveway and curb cut requirements at the time of building permit/site plan review approval.

As identified in this decision the applicant has requested a minor amendment to the maximum allowed 20-foot driveway depth standard of the refinement plan. The proposed minor amendment requests to increase the maximum allowed driveway depth serving the future single-family dwellings on each lot from 20 ft. to 24 ft. Analysis of the refinement plan minor amendment and findings demonstrating conformance with the minor amendment approval criteria are included in Section 8 of this decision.

SRC Chapter 205 (Land Division and Reconfiguration)

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

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

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

Condition 1: Prior to final subdivision plat approval the applicant shall submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to, private streets, private utilities, open spaces, common facilities, and community areas.

SRC Chapter 230 (Historic Preservation)

SRC Chapter 230 (Historic Preservation) establishes requirements for the preservation of historic buildings and structures as well as archaeological resources. Requirements specific to the preservation of archaeological resources are included under SRC 230.105.

The proposed project is located within a known high probability archeological zone. In order to determine whether there are any archaeological resources present on the site a cultural resources investigation for the property was conducted by SWCA Environmental Consultants on behalf of the applicant. The investigation report indicates that three archeological resources had been previously recorded within the immediate project area potentially associated with a mid- to late 1800s farm. The report indicates that SWCA archaeologists were unable to find these archaeological resources and no cultural materials dating prior to the 1950s were observed either on the surface or during subsurface testing. The report recommends that because the Fairview Training Center holds historical importance for the area, and with a now demolished associated building located within the project area, an inadvertent discovery plan be followed if cultural resources are encountered during project-related activities.

In order to ensure that the proposed development conforms to the archaeological resource preservation requirements of SRC 230.105 and that there will be no adverse effects on archaeological resources as a result of the proposed development, the following condition of approval shall apply:

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

City Infrastructure Standards (SRC Chapters 802 and 803)

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

- Water:** The subject property is located within the G-0 and S-1 water service levels. A 36-inch water main is located in Old Strong Road SE, an 8-inch water main is located in Reed Road SE, and a 16-inch water main is located in Strong Road SE.
- Sewer:** A 27-inch sewer main is located in Old Strong Road SE and an 18-inch sewer main is located within Reed Road SE which crosses through the northeastern corner of the property.
- Storm Drainage:** A 10-inch storm main is located in Old Strong Road SE, a 12-inch storm main is located within Reed Road SE, and a 10-inch storm main is located in Strong Road SE. The West Middle Fork of Pringle Creek is also located near the northeastern corner of the property.

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

Old Strong Road SE is located along the northern boundary of the subject property. Old Strong Road is designated as a local street in the TSP. The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

Reed Road SE is located along the eastern boundary of the subject property. Reed Road is designated as a minor arterial street in the TSP. The standard for this classification of street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

In order to ensure that infrastructure is provided to serve the proposed development consistent with the Unified Development Code and the Refinement Plan II refinement plan, the following conditions of approval are established:

- Condition 3:** Construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112, of the Marion County Records, but have not been constructed to date.
- Condition 4:** Complete streetscape improvements, including but not limited to stormwater and streets trees, along the frontage of Strong Road SE.
- Condition 5:** Construct the proposed internal streets (private) to Fairview Refinement Plan II and Public Works Design Standards (PWDS).
- Condition 6:** Provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards (PWDS) to accommodate future impervious surface on all proposed lots.
- Condition 7:** A 10-foot-wide public utility easement is required, where needed, along the street frontages of Reed Road SE, Strong Road SE, and the internal private streets pursuant to SRC 803.035(n).
- Condition 8:** Provide a public access and utility easement for the proposed private streets within the development.
- Condition 9:** All necessary (existing and proposed) access and utility easements shall be shown on the final plat.

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

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

Finding: The proposed subdivision divides the entire 4.46-acre property into 29 lots with no remainder. The subject property is bordered by streets to the south and east and Fairview Park to the west and north. Based on the adopted master plan for Fairview Park, no street connectivity from within the subject property to the park is planned for or required. All of the lots within the proposed subdivision will be served by an internal private street, therefore ensuring unimpeded access.

The proposed subdivision will not impede the future use or development of the subject property or any adjacent land. This criterion is met.

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

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

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

Finding: The subject property is located adjacent to Strong Road SE, Reed Road SE, and Old Strong Road SE. Strong Road SE is designated as a collector street under the TSP, Reed Road SE is designated as a minor arterial street, and Old Strong Road SE is designated as a local street.

As required by the conditions of approval established for this decision, Reed Road is required to be improved from Fairview Industrial Drive SE to the southern boundary of the subject property to minor arterial standards in conformance with its classification under the TSP. The conditions of approval similarly require the uncompleted portions of the Strong Road SE to be completed along the frontage of the subject property in conformance with the TSP and the Fairview Refinement Plan II refinement plan.

The proposed lots within the subdivision will be served by private internal streets developed in conformance with the private street standards included in the Fairview Refinement Plan II refinement plan. This includes a 20-foot-wide travel lane with 4-foot-wide planter strips and 5-foot-wide property line sidewalks located on both sides of the street within an overall private street easement of 40 feet.

Condition of approval No. 2.e of Fairview Refinement Plan Major Amendment Case No. FRPA16-01 required the street cross sections of Fairview Refinement Plan II to be modified to provide for the installation of landscaping and street trees pursuant to the requirements of SRC Chapter 86. The cross section for the internal private street within the proposed subdivision includes 4-foot-wide planter strips on both sides of the street in conformance with this condition, but it is not clear from the application materials submitted within the subdivision that trees will be along the street.

In order to ensure that the design of the proposed private internal streets within the subdivision comply with the requirements Condition 2.e of Fairview Refinement Plan Major

Amendment Case No. FRPA16-01 and Fairview Refinement Plan II, which implements the Salem TSP for this portion of the Fairview Training Center site, the following condition of approval is established:

Condition 10: Trees shall be provided on both sides of the internal private streets within the subdivision. The trees shall be planted at the time of dwelling unit construction.

In addition, as shown on the tentative subdivision plan, the proposed internal street within the subdivision terminates as a cul-de-sac. A cul-de-sac is necessary in this case, rather than extending the street through to make a second connection to Strong Road, due to intersection spacing requirements from Reed Road SE which preclude a second street connection from being made.

Due to the smaller size of the property and the size of the proposed lots, it is not possible to develop a standard size cul-de-sac with a 90-foot diameter right-of-way at the turnaround; and although the refinement plan includes standards for smaller width private streets it does not include a corresponding standard for smaller diameter private cul-de-sac turnarounds. As such, the applicant has proposed an alternative smaller cul-de-sac turnaround design that is similar to the cul-de-sac design that has been approved and successfully utilized in the Fairview Addition West refinement plan.

Because the proposed cul-de-sac design does not meet the SRC standard dimension requirements and because no such alternative design currently exists in the refinement plan, an alternative street standard, pursuant to SRC 803.065(a)(1) & (3), is approved to allow the proposed alternative cul-de-sac design.

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

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

Finding: Access to the proposed subdivision will be provided by the City's existing network of public streets. Access to the proposed residential lots within the subdivision will be provided by private streets.

Due to the smaller size of the property, its location at the corner of Strong Road SE and Reed Road SE, and its adjacency to Fairview Park, options for street connectivity are limited for the proposed development. As such, the proposed subdivision includes an internal private street that connects to Strong Road in only one location and terminates in a cul-de-sac.

Additional street connectivity to the north and west of the subject property is not possible due to Fairview Park. The adopted master plan for the park does not identify any needed internal street connections from the subject property to the park; therefore no connection is

provided. A connection to Reed Road SE, other than that required secondary fire department access, is not possible due to Reed Road's classification as a minor arterial street and intersection spacing requirements. Similarly, a second street connection to Strong Road SE where the proposed cul-de-sac would otherwise be extended to connect is not possible due to required intersection spacing from Reed Road.

Though the options for street connectivity within the subdivision are limited based on existing conditions, the site is largely served by the existing public street network and the proposed internal private street provides necessary access to the lots within the subdivision. The existing public streets adjacent to the perimeter of the site and the internal private street within the subdivision provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision. This approval criterion is met.

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

Finding: Safe and convenient pedestrian and bicycle access is provided from within the subdivision to the surrounding area by a network of proposed streets, which include sidewalks on both sides. The proposed subdivision meets this approval criterion.

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

Finding: The proposed 29-lot subdivision generates less than 1,000 average daily vehicle trips onto a collector street. Therefore, pursuant to SRC 803.015(b), a traffic impact analysis is not required for the proposed subdivision and this approval criterion is not applicable.

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

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

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

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

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

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

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

10. CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA

Pursuant to SRC 804.001 and the driveway approach standards included under Section 7, Table 1, of the refinement plan, the driveway approach standards of SRC Chapter 804 (Driveway Approaches) apply to driveway approaches onto public streets and the driveway/curb cut standards of the refinement plan apply only to driveway approaches onto private streets.

The proposed development includes one driveway approach, in the form of a private street, onto a public street - Strong Road SE. Strong Road SE is designated as a collector street under the City's transportation System Plan (TSP). Pursuant to SRC 804.025(a)(2), a Class 2 Driveway Approach Permit is required for a driveway approach onto a collector street serving a use other than Single Family, Two Family, Three Family, or Four Family. A Class 2 Driveway Approach permit is therefore required for the proposed private street driveway approach onto Strong Road SE.

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Driveway Approach Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Driveway Approach Permit, or for the issuance of certain conditions to ensure the criteria are met.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;

Finding: The Public Works Department reviewed the proposed driveway approach for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveway approach meets the standards of SRC Chapter 804 and the Public Works Design Standards. This approval criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location;

Finding: The Public Works Department reviewed the proposal and provided comments indicating that there are no site conditions prohibiting the location of the proposed driveway. This approval criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized;

Finding: Strong Road is designated as a collector street under the TSP. No access to an arterial street is proposed other than for required secondary fire department access. This approval criterion is therefore not applicable to the proposed development.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property;

Finding: The subject property is bordered by Strong Road SE to the south, Reed Road SE to the east, Old Strong Road SE to the north, and Fairview Park to the west.

Due to the presence of streets along the property's northern, southern, and eastern property lines, there is no possibility of shared access with adjacent properties. While the subject property is located adjacent to Fairview Park, shared access with the adjacent park is not possible because the adopted master plan for the park does not show vehicle access to that specific portion of the park site.

Though shared access with adjacent properties is not possible, the proposed private street does connect to Strong Road SE, which is the street with the lower street classification. This approval criterion is therefore met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards;

Finding: The proposed driveway approach onto Strong Road meets the vision clearance standards of SRC Chapter 805. This approval criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding: The Public Works Department reviewed the proposed driveway approach for conformance with the requirements of SRC Chapter 804 and indicated that no evidence has been submitted to indicate that the proposed driveway approach will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This approval criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding: The Public Works Department reviewed the proposed driveway approach and indicated that staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This approval criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding: The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveway approach is located on a collector street and does not create a significant impact to adjacent streets and intersections. This approval criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is located on property zoned FMU (Fairview Mixed-Use) and is surrounded by other property either zoned FMU or IBC (Industrial Business Campus) and IC (Industrial Commercial) within the Fairview Industrial Park. The subject property is therefore not in a purely residential zoned area. The proposed driveway will not have an adverse impact to residentially zoned property or the functionality of adjacent streets. This approval criterion is met.

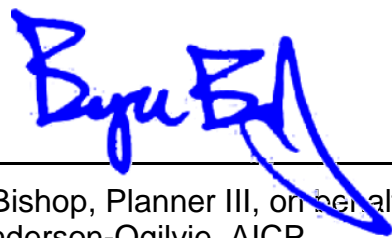
11. Conclusion

Based upon review of SRC 530.035, SRC 205.010, & SRC 804.025, the findings contained under Sections 8, 9, and 10 above, and the comments described, the Fairview Refinement Plan Minor Amendment, Tentative Subdivision Plan, and Class 2 Driveway Approach Permit comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Fairview Refinement Plan Minor Amendment, Tentative Subdivision Plan, and Class 2 Driveway Approach Permit Case No. FRPA-SUB-DAP21-03, for property located at 3990 Old Strong Road SE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final subdivision plat approval the applicant shall submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to, private streets, private utilities, open spaces, common facilities, and community areas.
- Condition 2:** Prior to grading permit and building permit approvals for the proposed development the applicant shall submit an Inadvertent Discovery Plan to the City Archaeologist for the project which shall be in place during all ground disturbing activity associated with the project.
- Condition 3:** Construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112, of the Marion County Records, but have not been constructed to date.
- Condition 4:** Complete streetscape improvements, including but not limited to stormwater and streets trees, along the frontage of Strong Road SE.
- Condition 5:** Construct the proposed internal streets (private) to Fairview Refinement Plan II and Public Works Design Standards (PWDS).
- Condition 6:** Provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards (PWDS) to accommodate future impervious surface on all proposed lots.
- Condition 7:** A 10-foot-wide public utility easement is required, where needed, along the street frontages of Reed Road SE, Strong Road SE, and the internal private streets pursuant to SRC 803.035(n).
- Condition 8:** Provide a public access and utility easement for the proposed private streets within the development.
- Condition 9:** All necessary (existing and proposed) access and utility easements shall be shown on the final plat.
- Condition 10:** Trees shall be provided on both sides of the internal private streets within the subdivision. The trees shall be planted at the time of dwelling unit construction.

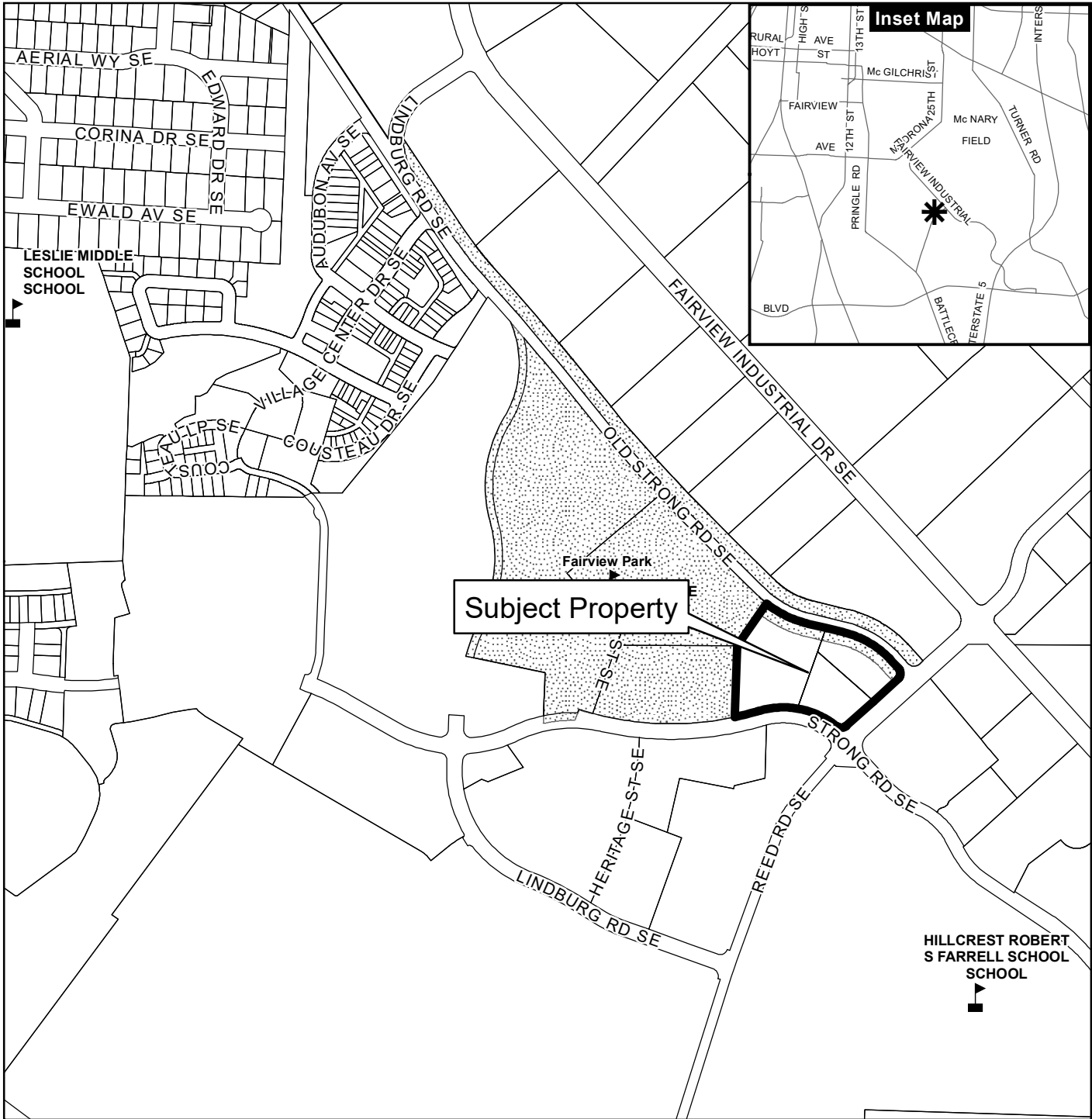


Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Original Tentative Subdivision Plan
 - C. Revised Tentative Subdivision Plan
 - D. Overall Utility Plan
 - E. Streets Plan
 - F. Applicant's Written Statement
 - G. City of Salem Public Works Department Comments
 - H. Salem-Keizer School District Comments
 - I. Cherriots Comments
 - J. Fairview Park Master Plan

Vicinity Map

3990 Old Strong Road SE



Legend

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

Parks

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

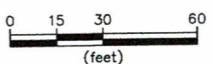
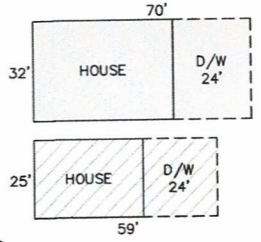
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Attachment B

BUILDING/D/W ENVELOPE LEGEND

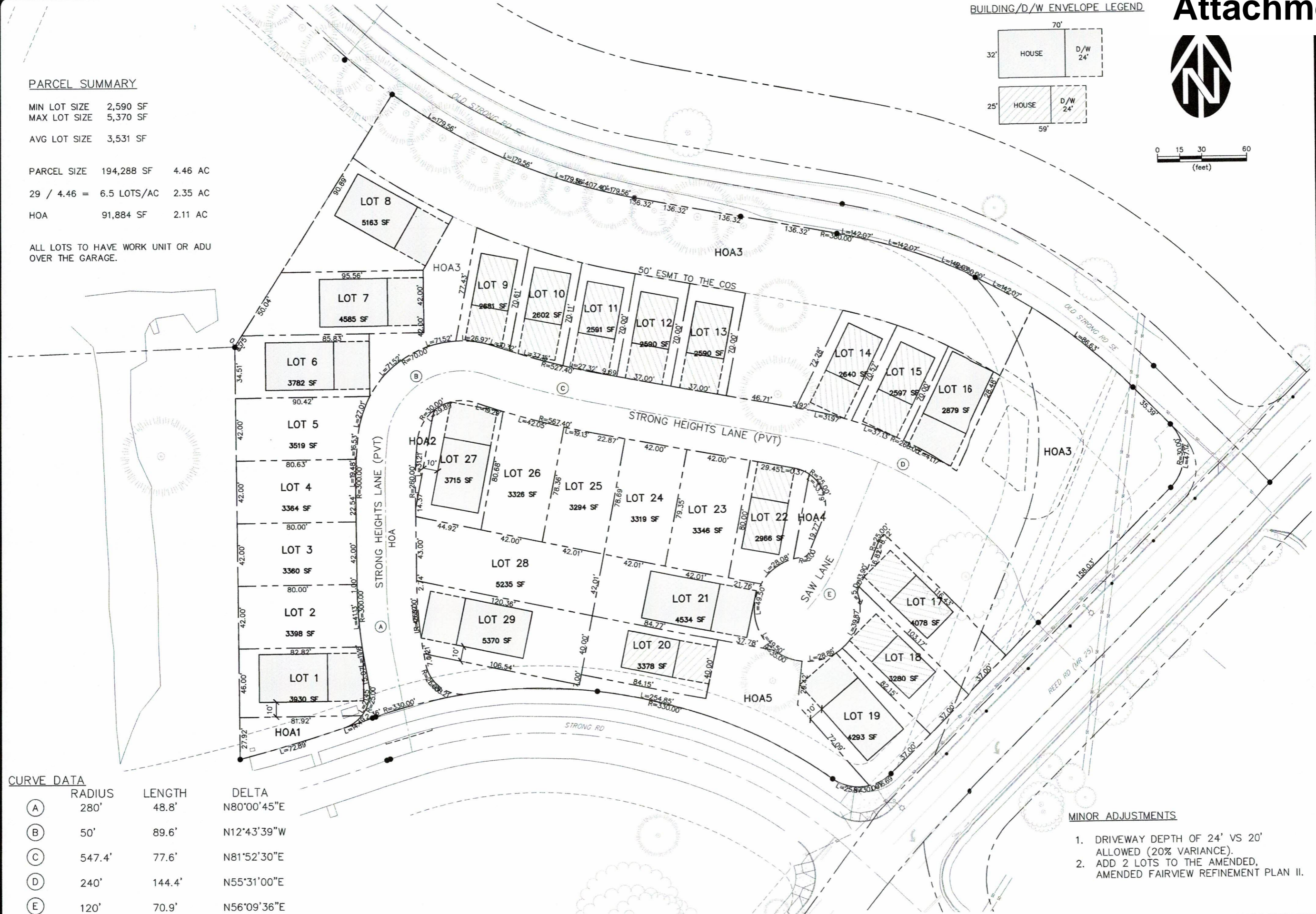


PARCEL SUMMARY

MIN LOT SIZE 2,590 SF
MAX LOT SIZE 5,370 SF
AVG LOT SIZE 3,531 SF

PARCEL SIZE 194,288 SF 4.46 AC
29 / 4.46 = 6.5 LOTS/AC 2.35 AC
HOA 91,884 SF 2.11 AC

ALL LOTS TO HAVE WORK UNIT OR ADU OVER THE GARAGE.



CURVE DATA

	RADIUS	LENGTH	DELTA
(A)	280'	48.8'	N80°00'45"E
(B)	50'	89.6'	N12°43'39"W
(C)	547.4'	77.6'	N81°52'30"E
(D)	240'	144.4'	N55°31'00"E
(E)	120'	70.9'	N56°09'36"E

MINOR ADJUSTMENTS

1. DRIVEWAY DEPTH OF 24' VS 20' ALLOWED (20% VARIANCE).
2. ADD 2 LOTS TO THE AMENDED, AMENDED FAIRVIEW REFINEMENT PLAN II.

VERIFY SCALE
BAR IS ONE INCH ON
THIS SHEET. ALL
DIMENSIONS ARE
AS SHOWN ON THIS
SHEET. ADJUST
SCALES ACCORDINGLY.

DATE: FEB 2021

NO. 1

DATE

DESCRIPTION

REVISIONS

REGISTERED PROFESSIONAL
ENGINEER
11849
JULY 16, 2016
STEVEN A. SAW
RENEW: 6/30/2022

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. SE, Suite 100, Salem, OR 97302
Phone: (503) 565-2474 Fax: (503) 565-3986
E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC
STRONG HEIGHTS SUBDIVISION

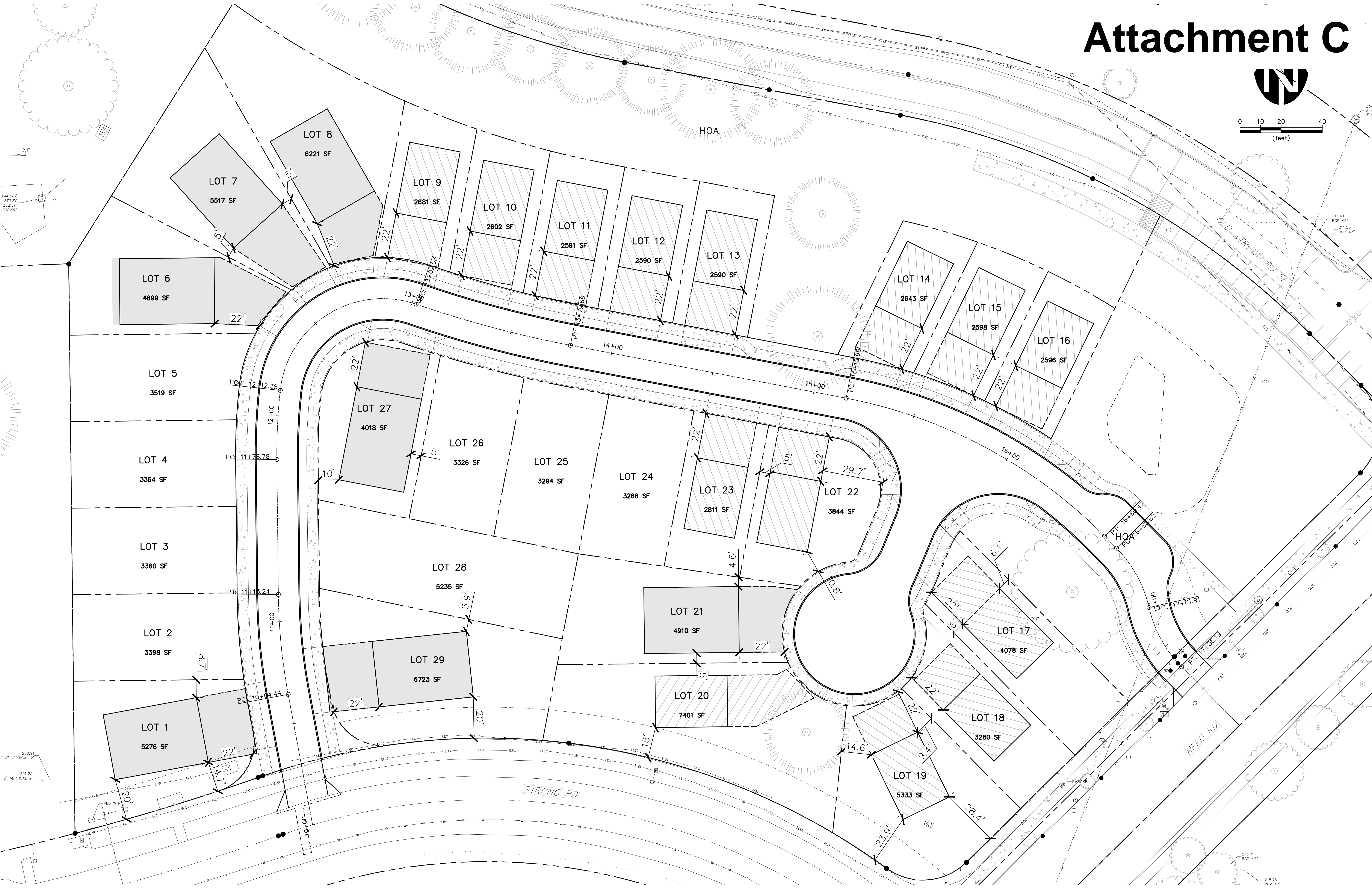
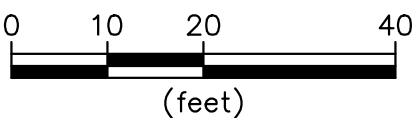
OVERALL LOT LAYOUT

DRAWING
G-3

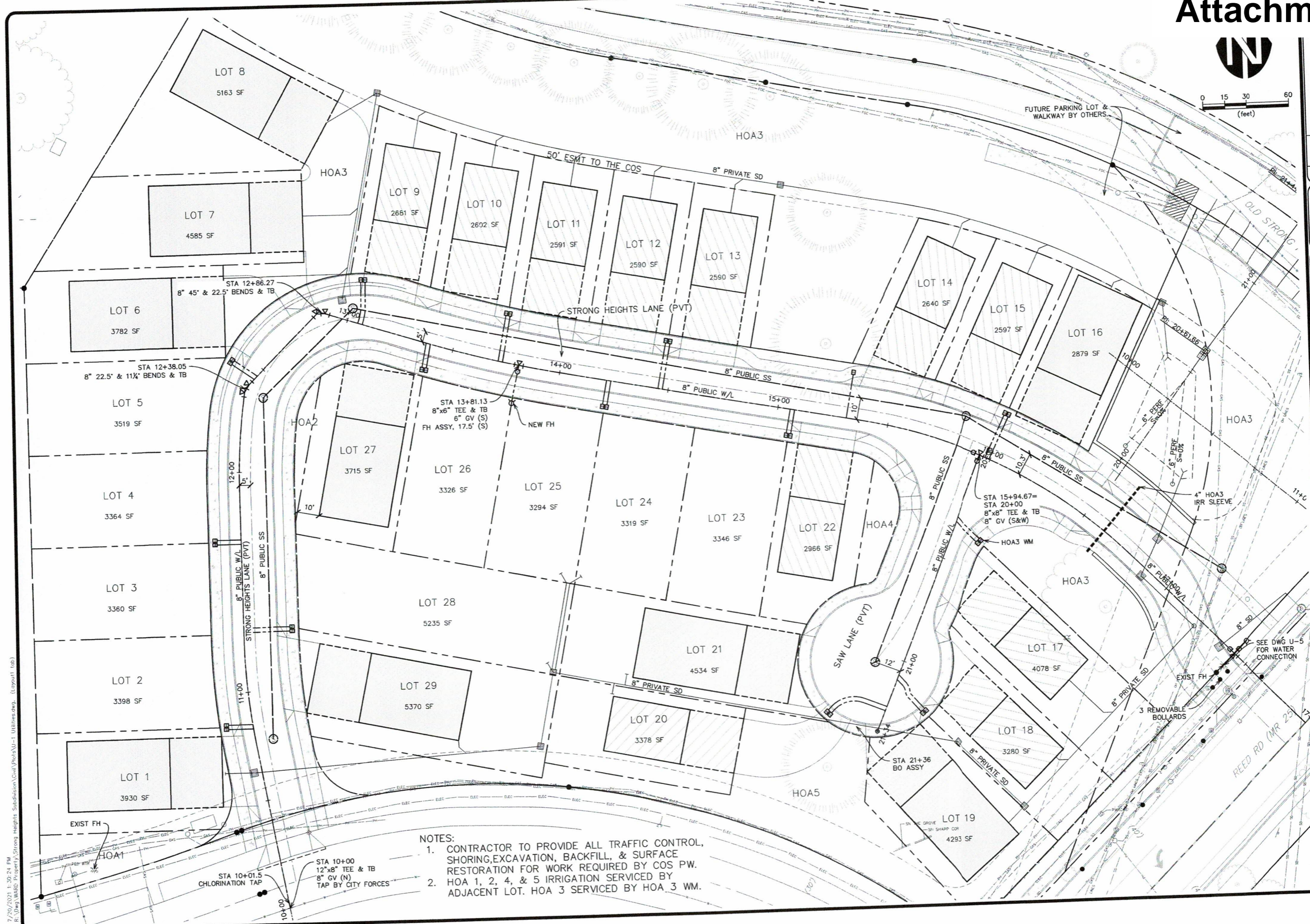
JOB NUMBER
2720.7000.0

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B:\VWD\WARD Property\Strong Heights Subdivision\CD\Plots\G-3 Overall Lot Layout.dwg (Layout1 tab)

Attachment C



Attachment D



- NOTES:
1. CONTRACTOR TO PROVIDE ALL TRAFFIC CONTROL, SHORING, EXCAVATION, BACKFILL, & SURFACE RESTORATION FOR WORK REQUIRED BY COS PW.
 2. HOA 1, 2, 4, & 5 IRRIGATION SERVICED BY ADJACENT LOT. HOA 3 SERVICED BY HOA 3 WM.

NO.	DATE	DESCRIPTION
1	NOV 15, 2021	ISSUED FOR PERMIT
2	FEB 2021	REVISED

VERIFY SCALE
DATE: FEB 2021

REGISTERED PROFESSIONAL ENGINEER
WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr., S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westtech@westtech-eng.com

WARD DEVELOPMENT, LLC
STRONG HEIGHTS SUBDIVISION
OVERALL UTILITY PLAN
DRAWING U-1
JOB NUMBER 2720.7000.0

Attachment E

LEGEND

- AC PAVEMENT
4" AC OVER 12" CR BASE
OVER COMPACTED SUBGRADE
- HEAVY DUTY PCC
6" PCC OVER 2" CR BASE
OVER COMPACTED SUBGRADE
- LIGHT DUTY PCC
4" PCC OVER 2" CR BASE
OVER COMPACTED SUBGRADE
- (W) RETAINING WALL (DTL 8310A)
- (C) CURB (SEE DWG ST-2)
- (E) END CURB
- (S) SAWCUT
- (M) MATCH



0 15 30 60
(feet)

VERIFY SCALE
BASED ON 1" = 30'
IF NOT ONE INCH ON
DRAWING, SCALE
SHALL BE ACCORDING
TO THE FOLLOWING
DATE: FEB 2021

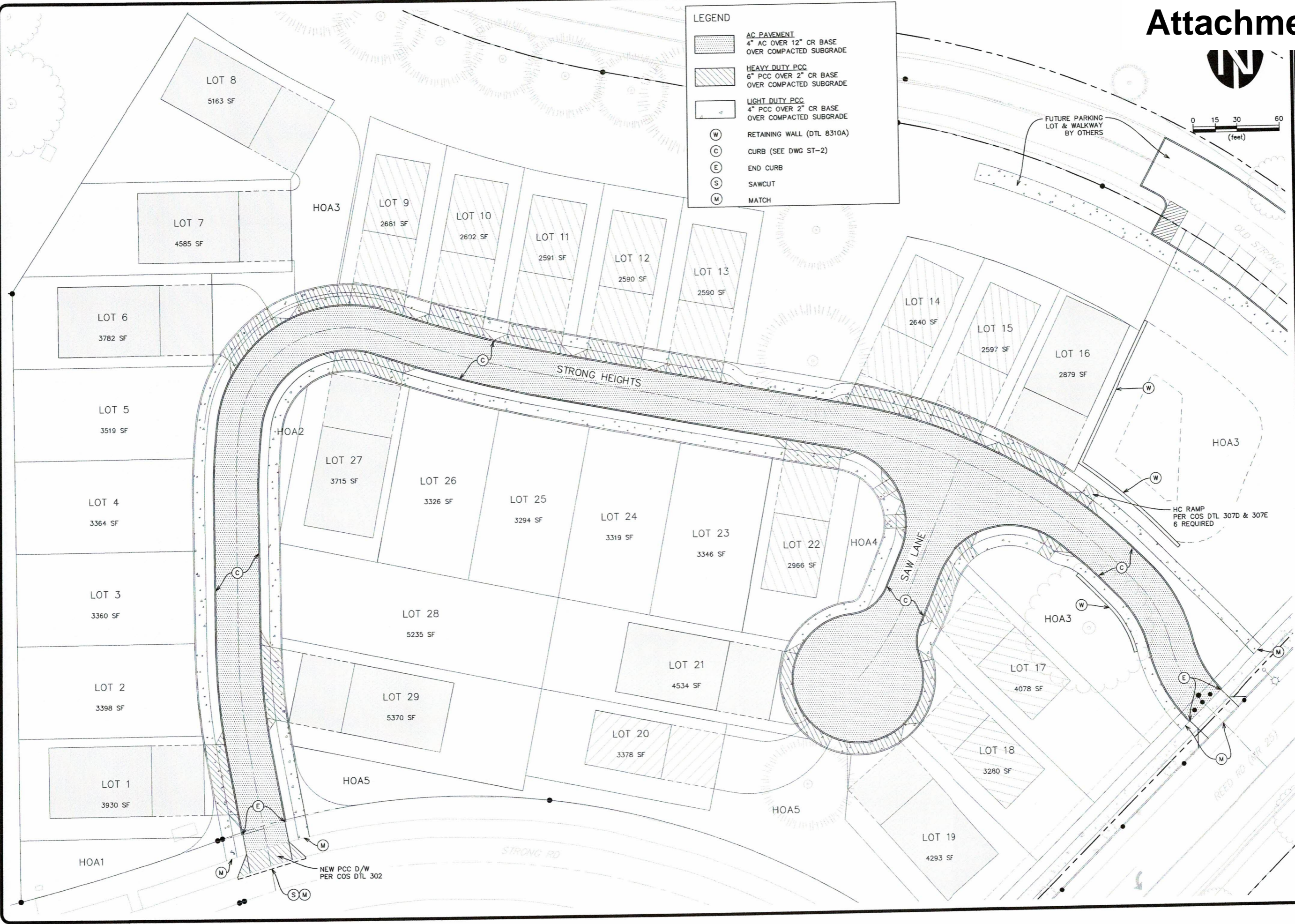


WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
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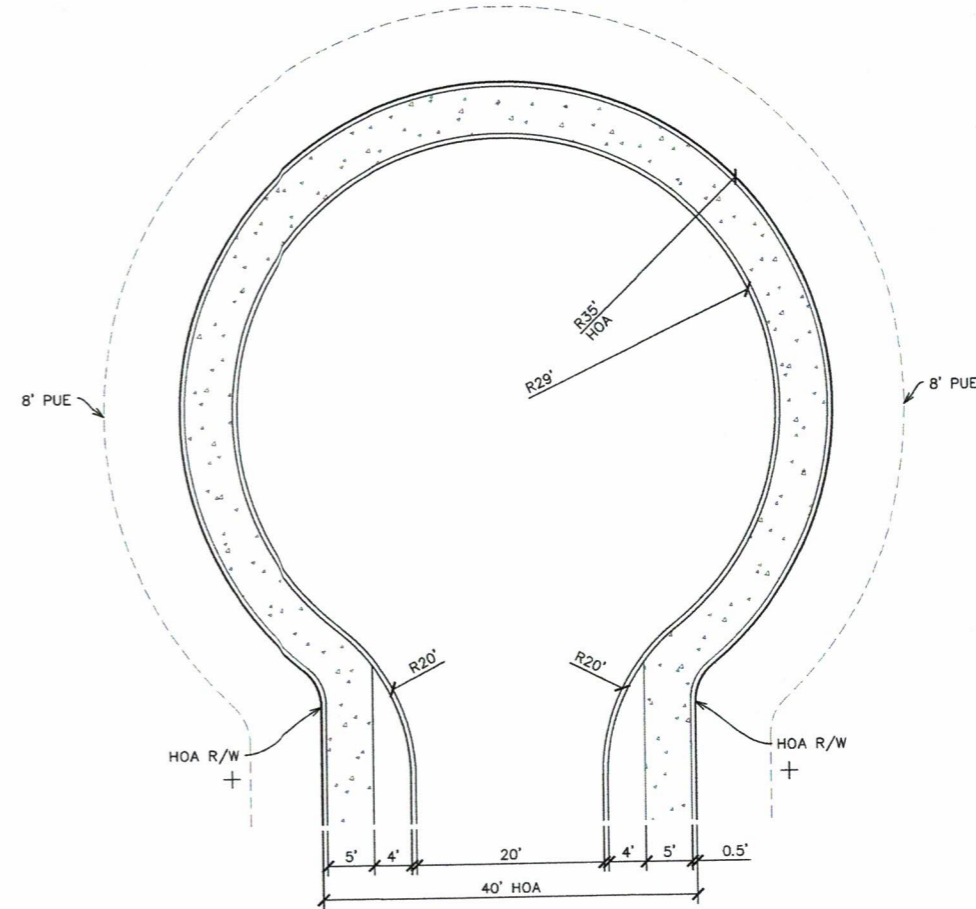
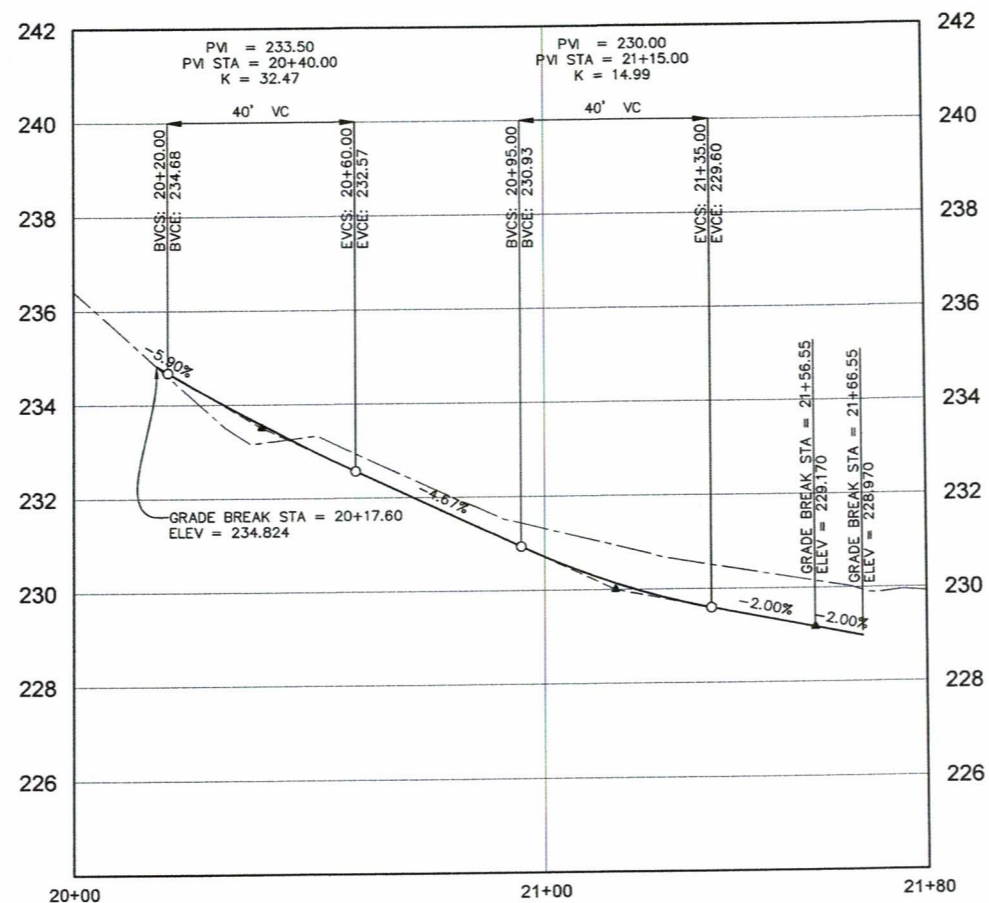
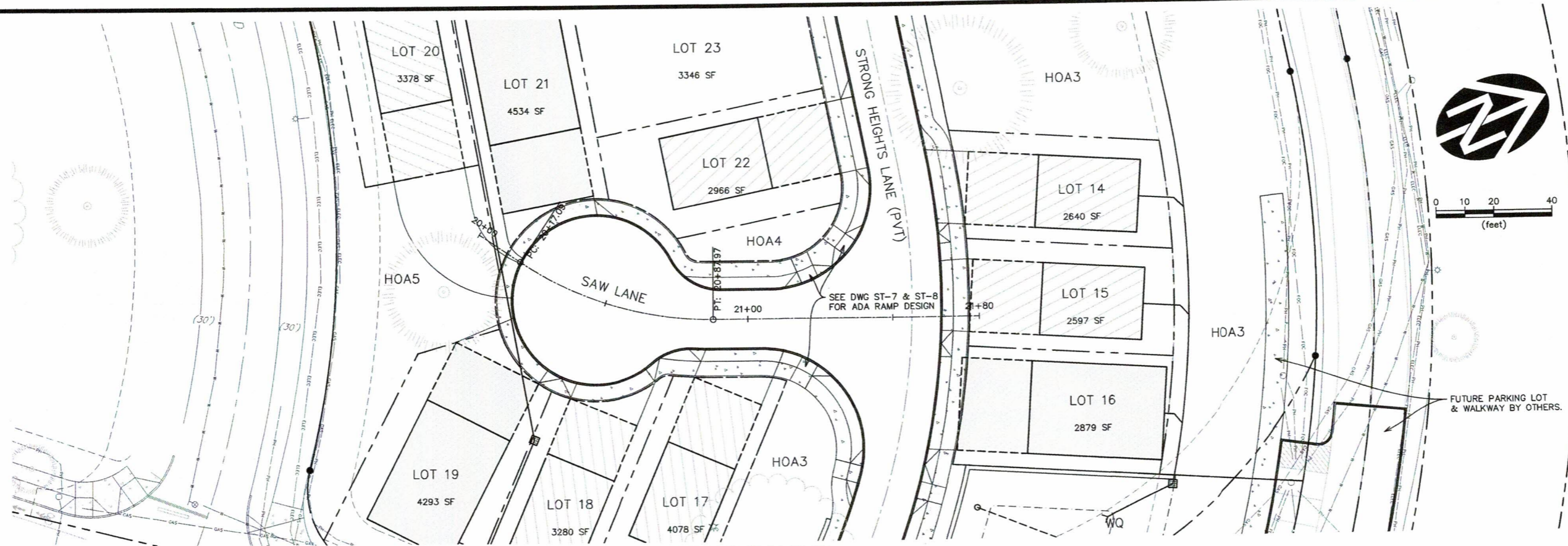
WARD DEVELOPMENT, LLC
STRONG HEIGHTS SUBDIVISION
SURFACING PLAN

DRAWING
ST-9
JOB NUMBER
2720.7000.0

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7/20/2021 1:29:09 PM
R:\Dwg\WARD Property\Strong Heights Subdivision\Drawings\ST-3 Street P-P.dwg (ST-6 tab)



NO.	DATE	DESCRIPTION	BY
1			

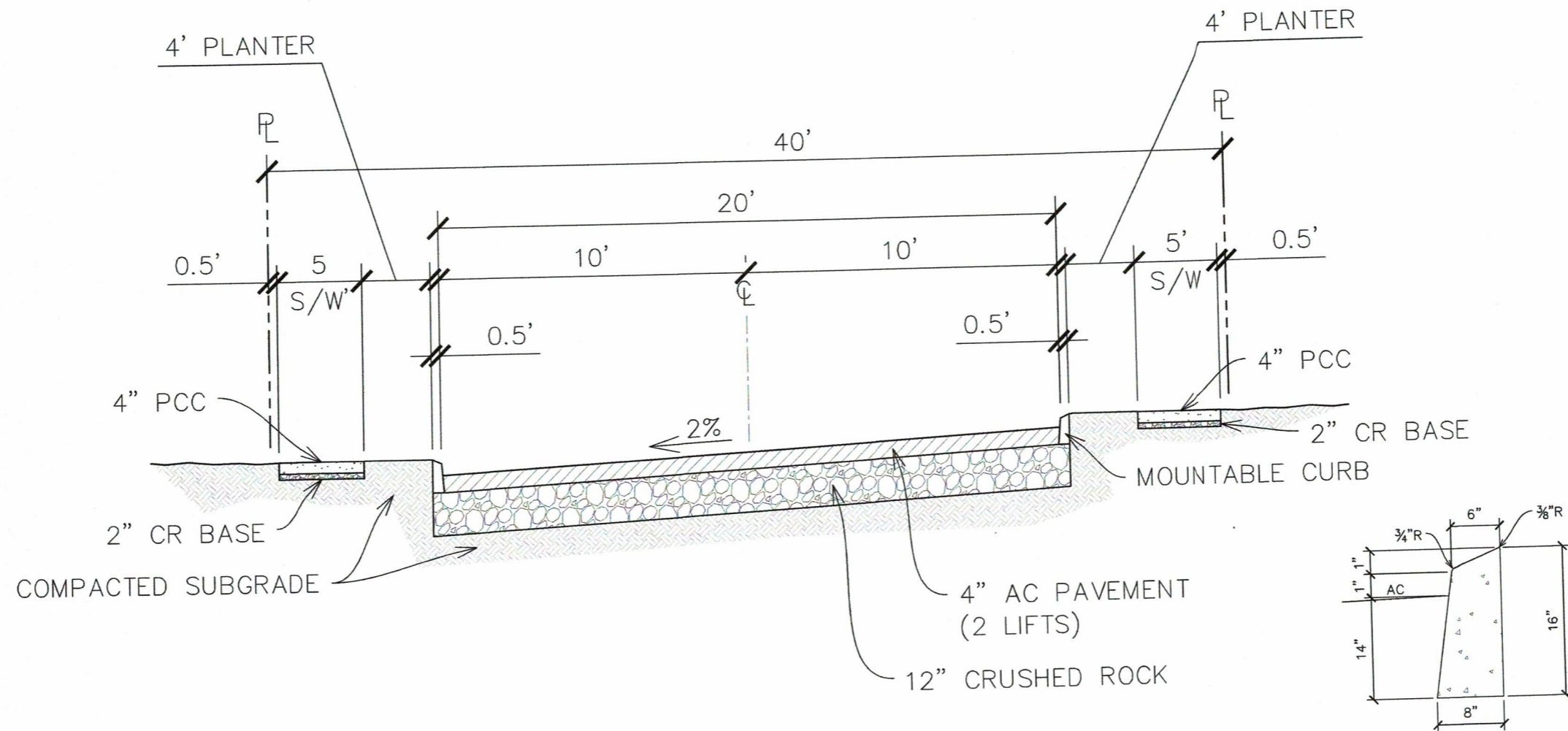
VERIFY SCALE
DATE: FEB 2021

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

WARD DEVELOPMENT, LLC
STRONG HEIGHTS SUBDIVISION
SAW LANE (PVT)
PLAN-PROFILE

DRAWING
ST-6

JOB NUMBER
2720.7000.0



TYPICAL STREET SECTION

N.T.S.

MOUNTABLE CURB

N.T.S.

NOTES:

1. STREETS CLASSIFIED AS PRIVATE STREETS WITH CURBS IN ACCORDANCE WITH THE APPROVED AMENDED REFINEMENT PLAN.
2. NO PARALLEL STREET PARKING ALLOWED.
3. STREET MAINTAINED BY HOA.

DESIGN EXCEPTION REQUESTED FOR PRIVATE STREETS:

1. VERTICAL CURVE K VALUES.
2. HORIZONTAL CURVE RADIUS AT STRONG HEIGHTS 90° CORNER.
3. DRIVEWAY APRON VS CURB RETURN AT STRONG ROAD.
4. MOUNTABLE CURB FOR PCC CURBS.
5. 2% CROSS SLOPE IN LIEU OF A NORMAL CROWNED STREET.

Sec. 205.010. - Subdivision tentative plan.

(d) *Criteria.* A tentative subdivision plan shall be approved if all of the following criteria are met:

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

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

The Fairview Refinement Plan Standards are as follows for the AU Zoning:

Minimum Lot Area = 100 SF

Maximum lot area = 5,000 SF

Lot Width = 20' Minimum

Lot Depth = 40' Minimum/200' Maximum

All proposed lots exceed the Minimum Lot Area. The Minimum Lot size proposed is 2,590 SF. Only one lot exceeds the Maximum Area with an area of 5,370 SF or 7.4% over the allowable maximum area. This is due to the irregular shape of the property. All lots exceed the 20' minimum width. All lots exceed the 40' minimum depth and no lots exceed the 200' maximum depth.

(B) City infrastructure standards.

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

The property is not in the floodplain. No special setback are required for development of the property. A geological assessment is included with the application and no special development requirements are recommended. There is not a vision clearance concern with the proposed private drive access point to Strong Road.

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

The only adjacent land is the City Park property. The proposed development takes into account the current adopted park master plan.

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

All infrastructure is immediately adjacent to the subdivision and is adequate to serve the development. Proposed utility extensions are shown on the tentative plat.

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

Numerous discussions occurred with Public Works on the proposed private street system. Public Works has agreed the street system proposed with one access to Strong Road and an emergency access to Reed Road is all that will be allowed for this development.

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

The street system adjacent to the site is already fully developed. The internal private streets proposed with access to the existing public streets are all that will be allowed by Public Works.

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

Safe and convenient pedestrian and bike access is proposed via private streets. The surrounding area is either fully developed or will be fully developed with the proposed Reed Road Improvements to allow safe and convenient access to the surrounding neighborhood.

The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Strong and Reed Roads are already improved to City Standards. Public Works has approved drawing for the improvement of Reed Road to Minor Arterial Standards which will mitigate any potential transportation impacts.

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

Site Topography and the existing Public Street network severely limit the development. The layout as proposed is required to meet standards and minimize variances.

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

The only vegetation on the site is a number of trees and blackberries. The topography and vegetation were severely disturbed years ago when existing structures were removed. The tentative plan proposes to save 39.45% of the existing trees which is well in excess of City Standards.

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

The Tentative Plan conforms to the UGA requirements.

Sec. 530.035 Amendments to Refinement Plans

(d) *Submittal requirements.* In addition to the submittal requirements for a Type II or Type III application under SRC chapter 300, an application for a minor or major amendment to a refinement plan shall include:

(1) The specific amendment proposed; and

1. Increase the number of residential units from 280 to 282.

2. Increase the maximum allowed driveway depth from 20' to 24'

(2) A statement documenting the need for the amendment.

1. The AU zone requires a minimum density of 6 dwelling units/acre and a maximum of 35 dwelling units/acre. The addition of 2 residential units, increasing the number of lots from 27 to 29 allows the development to have a density of 6.5 lots/acre.

2. The AU zone allows a maximum of 20' setback from abutting streets. The proposed amendment will allow longer full size vehicles to park in their respective driveways without overhanging the public sidewalk. Any full size vehicle parking 3' to 4' away from the garage will inherently overhang the public sidewalk which will prevent pedestrians from safely navigating the public sidewalk.

(e) *Criteria*

(1) *Minor amendment.* A minor amendment shall be approved if all of the following criteria are met:

(A) The proposed amendment does not substantially change the refinement plan.

1. The proposed amendment to increases the number of units from 280 to 282 or less than 1%. The addition of the 2 lots allow Strong Heights to optimize the use of the property and allow for a density of 6.5 units/acre. The 1% change does not substantially change the refinement plan.

2. The proposed amendment to increase the setback from 20' to 24' does not substantially change the refinement plan and will provide a safe passable sidewalk for pedestrians by minimizing potential conflicts with parked vehicles.

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

1 & 2. The surrounding existing or potential uses or development include the City Park to the west, Fairview Industrial Park to the north and east and The Grove Apartment project to the south. The park is not yet developed. The Grove Phase I is developed. The Grove Phase II was recently approved by the Planning Commission. Fairview Industrial Park is substantially developed. The proposed minor amendment has no impact on the surrounding properties.



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

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

DATE: October 21, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
FRPA-SUB21-03 (21-106892)
3990 OLD STRONG ROAD SE
29-LOT SUBDIVISION**

PROPOSAL

A consolidated application for a proposed 29-lot residential subdivision of approximately 4.46 acres of the former Fairview Training Center site. The application includes the following:

1. A Tentative Subdivision to divide the approximate 4.46-acre property into 29 residential lots ranging in size from approximately 2,590 square feet to 5,370 square feet.
2. A Minor Amendment to the Fairview Refinement Plan II to increase the number of dwelling units allowed within the refinement plan from 457 to 465, and increase the maximum allowed driveway depth from 20 feet to 24 feet.
3. A Class 2 Driveway Approach Permit for the proposed private street access onto Strong Road SE.

The property is zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II and is located at 3990 Old Strong Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W11A00100, 00200, and 00300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112, of the Marion County Records, but have not been constructed to date.

2. Complete streetscape improvements, including but not limited to stormwater and streets trees, along the frontage of Strong Road SE.
3. Construct the proposed internal streets (private) to Fairview Refinement Plan II and PWDS.
4. Provide an engineered stormwater design pursuant to SRC 71 and the PWDS to accommodate future impervious surface on all proposed lots.
5. A 10-foot-wide public utility easement is required, where needed, along the street frontages of Reed Road SE, Strong Road SE, and the internal private streets pursuant to SRC 803.035(n).
6. Provide a public access and utility easement for the proposed private streets within the development.
7. All necessary (existing and proposed) access and utility easements shall be shown on the final plat.

FACTS AND FINDINGS

Streets

1. Old Strong Road SE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 28-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
2. Reed Road SE
 - a. Standard—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.
 - b. Existing Condition—This street has an approximate 32-foot improvement within a 82-foot-wide right-of-way abutting the subject property.
3. Strong Road SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 36-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 28-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the G-0 and S-1 water service level.
- b. A 36-inch water main is located in Old Strong Road SE.
- c. An 8-inch water main is located in Reed Road SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- d. A 16-inch water main is located in Strong Road SE. Mains of this size generally convey flows of 1,900 to 4,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. A 27-inch sewer main is located in Old Strong Road SE.
- b. An 18-inch sewer main is located within Reed Road SE and crosses through the northeastern corner of the parcel.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Old Strong Road SE.
- b. A 12-inch storm main is located within Reed Road SE.
- c. A 10-inch storm main is located in Strong Road SE.
- d. The West Middle Fork of Pringle Creek is located near the northeastern corner of the parcel.

Parks

The proposed development is served by Fairview Park, an undeveloped park directly adjacent to the subject property.

CRITERIA AND FINDINGS

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

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

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

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

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property

A 10-foot-wide public utility easement is required, where needed, along the street frontages of Reed Road SE, Strong Road SE, and the internal private streets pursuant to SRC 803.035(n).

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response received from DSL indicates that, based on the submitted site plan, it appears the proposed project will not impact jurisdictional wetlands or waterways of the State and a State permit will not likely be required. The applicant is responsible for determining whether any permits are required with DSL.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2- and 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geotechnical Engineering Report, prepared by GeoEngineers and dated April 21, 2021, was submitted to the City of Salem with the subdivision application. This report demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

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

Findings—Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

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

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

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

Findings—Reed Road SE abuts the subject property and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 803.040, the applicant shall construct a full-street improvement along Reed Road SE from Fairview Industrial Drive SE to Strong Road SE to Minor Arterial street standards. These improvements have been designed, approved, and secured pursuant to a First Amendment to Improvement Agreement between the City and Ward Development LLC in Reel 4538, Page 112 of the Marion County Records, but have not been constructed to date.

Strong Road SE abutting the subject property meets or exceeds the right-of-way width and pavement width standards pursuant to the refinement plan; however, it is lacking stormwater plantings and street trees. The applicant shall complete streetscape improvements, including but not limited to stormwater and streets trees, along the frontage of Strong Road SE.

The proposed private street is designed with a cul-de-sac that does not meet existing standards. The cul-de-sac is authorized as an alternative street standard pursuant to SRC 803.065(a)(3).

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

Findings—The subject property is served by future Fairview Park, which is an undeveloped park site located within a half-mile of the subject property. Access to the park is available through the existing transportation system.

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

Findings—The proposed 29-lot subdivision generates less than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

Finding— The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding—There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an arterial are minimized;**

Finding—The proposed driveway is not accessing onto an Arterial street.

(4) The proposed driveway approach, where possible:

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

Finding—The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

(5) Proposed driveway approach meets vision clearance standards;

Finding—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed driveway approach is located on a Collector street and does not create a significant impact to adjacent streets and intersections,

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
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Christy Perry, Superintendent

September 16, 2021

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

RE: Land Use Activity Case No. FRPA-SUB-DAP21-03, 3990 Old Strong Rd SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

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

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Morningside	Elementary	275	445	62%
Leslie	Middle	757	969	78%
South Salem	High	2,223	2,248	99%

Table 2

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

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

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	58	DU	0.291	17
Middle			0.114	7
High			0.128	7

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Morningside	Elem.	275	52	17	69	445	77%
Leslie	Mid.	757	25	7	32	969	81%
South Salem	High	2,223	119	7	126	2,248	105%

Table 4

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

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

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

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

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	17	\$60,840	\$1,034,280
Middle	7	\$72,735	\$509,145
High	7	\$84,630	\$592,410
TOTAL			\$2,135,835

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation



RESPONSE TO REQUEST FOR COMMENTS and LAND USE NOTICES

AGENCY: City of Salem

CASE/APP NUMBER: ERPA-SUB-DAP21-03

TITLE/DESCRIPTION: 3990 Old Strong Rd SE, Salem OR 97302

Partitioning	<input type="checkbox"/>	Planned Unit DVMT	<input type="checkbox"/>
Hearing Officer	<input type="checkbox"/>	Pre-application	<input type="checkbox"/>
Administrative	<input type="checkbox"/>	Subdivision	<input checked="" type="checkbox"/>
Non-Variance	<input type="checkbox"/>	UGA Development	<input type="checkbox"/>
Non-Variance Partitioning	<input type="checkbox"/>	Multi-Family Housing	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Zoning	<input type="checkbox"/>
Design Review	<input type="checkbox"/>	Site Plan Review	<input type="checkbox"/>
Staff Report	<input type="checkbox"/>	Other: Franchise Utility Review	<input type="checkbox"/>

COMMENTS: Cherriots reviewed the proposal and have the following comments. Sidewalk infrastructure along the frontage of Old Strong Rd should be required as well as throughout the entire development. We are also interested in working with the developer for transit stops on Reed Rd or Strong Rd.

Response from:

Name Chris French

Title Service Planning Manager

Email address chris.french@cherriots.org



Figure 5-1 Fairview Park Master Plan
Fairview Park Master Plan

June 2016