

NOTICE OF DECISION

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



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

ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: SUB22-10EXT1
AMANDA NO.: 24-119597-PLN
DATE OF DECISION: October 7, 2024
LOCATION: 1440 Boone Road SE
APPLICANT: Bill Stanley on behalf of Salem Properties of DE LLC

REQUEST

The first Class 1 Extension to extend the approval for a Tentative Subdivision Plan (Case No. SUB22-10) by two years. SUB22-10 granted approval to divide approximately 0.75 acres into nine lots. The subject properties are zoned RA (Residential Agriculture) and located at 1440 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: 083W14BB / 100 and 200 and a portion of Kuebler Blvd). A vicinity map is included as **Attachment A**.

BACKGROUND

On November 22, 2022, approval was granted for the Tentative Subdivision Plan (Case No. SUB22-10). The Tentative Subdivision Plan and Urban Growth Area Preliminary Declaration decision was set to expire on December 8, 2024.

On September 18, 2024, prior to when the decision was set to expire, the applicant submitted an extension letter request to extend the Tentative Subdivision Plan (Case No. SUB22-10) for a period of two years to December 8, 2026.

FINDINGS

1. Approval for the original application was granted on November 22, 2022, with an effective date of December 8, 2022. Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted.

Pursuant to 205.010(e), Subdivision Tentative Plan approval will expire unless an application for final plat is submitted within the time limits set forth in SRC 300.850. The applicant has not submitted for final plat for the subdivision, indicating in their findings that development work on this project has not yet started. Table 300-3 provides that the maximum time extension period for recording the Subdivision Tentative Plan approval shall be two years. The applicant is requesting a two-year time extension which would extend the expiration date for the Subdivision Tentative Plan approval to December 8, 2026.

2. Under the City's Unified Development Code, extension requests are classified under one of the following two classes:

- **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
- **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

3. Summary of Record

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 119597.

4. Class 1 Time Extension Approval Criteria

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application. As there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding: The application for a Subdivision Tentative Plan submitted on July 29, 2022, and reviewed for compliance with the approval criteria set forth in SRC Chapters 205 and 250. Since the original application was approved, the City's development code was amended in 2021 (Ordinance No. 13-21) and the Our Salem project (Ordinance No. 11-22), effective August 24, 2022. The development code revisions were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time remaining under their original approval. To that end, the adopted ordinances include the following requirement for the review of extension requests of land use applications:

Engrossed Ordinance Bill No 11-22, Section 3.

Land use applications submitted and/or approved prior to the effective date of this ordinance [August 24, 2022] that would require a Class 2 extension approval as a result of changes to standards or criteria included in this ordinance or Engrossed Ordinance 13-21 may, notwithstanding the applicability and approval criteria for Class 2 extensions included under


SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B), receive Class 1 extension approval provided the decision has not expired and there are remaining extensions available.

Therefore, because SUB22-10 was submitted prior to the effective date August 24, 2022; the extension request was received before the decision was set to expire; and because this is the first extension request for the subdivision where up to a maximum of four, two-year extensions are allowed, pursuant to SRC 300.850(b), Table 300-3; the requested extension meets the requirements of Section 3 of Ordinance Bill No. 11-22, and may receive a Class 1 Extension approval, notwithstanding SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B). The applicant is requesting one two-year extension which would extend the expiration date to **December 8, 2026**. This approval criterion is met.

IT IS HEREBY ORDERED

Based on the requirements of Section 3 of Ordinance Bill No. 11-22, the proposed Class 1 Extension complies with the requirements for an affirmative decision. The Class 1 Extension to extend the approval for Tentative Subdivision Plan and Urban Growth Area Preliminary Declaration, Case No. SUB22-10, is hereby **APPROVED**.

The extension shall be valid through December 8, 2026.

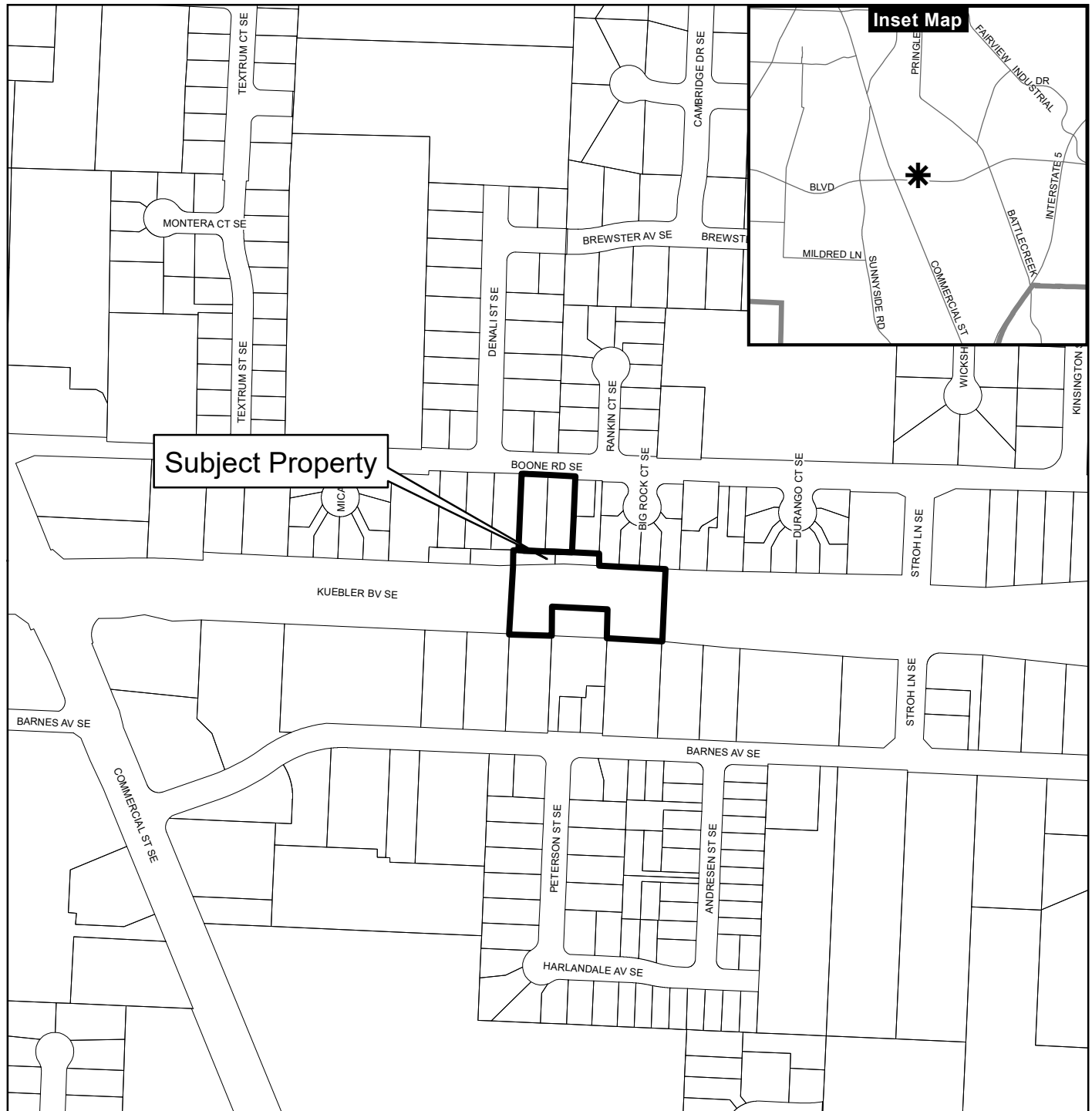


Jacob Brown, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Original Land Use Decision Case No. SUB22-10

Vicinity Map

1440 Boone Road SE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



NOTICE OF DECISION

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DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION TENTATIVE PLAN CASE NO.: SUB22-10

APPLICATION NO.: 22-115398-PLN

NOTICE OF DECISION DATE: November 22, 2022

REQUEST: A tentative phased subdivision plan to divide approximately 0.75 acre into nine lots ranging in size from 2,000 square feet to 11,300 square feet. The proposal includes creation of Lot 9, a land area containing Kuebler BLVD, which is dedicated to the City of Salem. The subject property is approximately 0.75 acre in size, zoned RA (Residential Agriculture), and located at 1440 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14BB / 100 and 200 and a portion of Kuebler Blvd).

APPLICANT: Gerald Horner, Willamette Engineering Inc, on behalf of Piche Group Investments LLC

LOCATION: 1440 Boone Rd SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 205.010(d) – Tentative Subdivision

FINDINGS: The findings are in the attached Decision dated November 22, 2022.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan Case No. SUB22-10 subject to the following conditions of approval:

- Condition 1:** All lots within the subdivision shall be developed with townhouse development.
- Condition 2:** Lot 1-4 shall provide access to Boone Road SE.
- Condition 3:** At final subdivision review, the accessway serving Lots 5-9 shall be a private street with a minimum right of way width of 30-feet, 22-feet of travel way and a five-foot sidewalk.
- Condition 4:** The sidewalk provided within the private street shall extend north on Lot 8 at least 20-feet.
- Condition 5:** Driveways on Lots 5 and 6 shall share a driveway and Lots 7 and 8 shall share a driveway.
- Condition 6:** Lots 1-4 can be reduced in size to connect all four townhouse, which will accommodate the Private Street.
- Condition 7:** "NO PARKING—FIRE LANE" signs shall be posted on both sides private street that is a fire apparatus roadway.

- Condition 8:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of Boone Road SE.
- Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side Boone Road SE.
- Condition 10:** Construct a half-street improvement along the frontage of Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 12:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 13:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 14:** Extend a public storm main to the western property line of the subject development.

The rights granted by the attached decision must be exercised, or an extension granted, by December 8, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>October 26, 2022</u>
Notice of Decision Mailing Date:	<u>November 22, 2022</u>
Decision Effective Date:	<u>December 8, 2022</u>
State Mandate Date:	<u>February 23, 2023</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

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., Wednesday, December 7, 2022. 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 205. 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

DECISION

IN THE MATTER OF THE)	FINDINGS AND ORDER
APPROVAL OF SUBDIVISION)	
TENTATIVE PLAN CASE NO. SUB22-10)	
1440 BOONE ROAD SE)	November 22, 2022

REQUEST

A tentative phased subdivision plan to divide 0.75 acre into nine lots ranging in size from 2,000 square feet to 11,300 square feet. The proposal includes a land area containing Kuebler Blvd, which is dedicated to the City of Salem.

The subject property is 0.75 acre in size, zoned RA (Residential Agriculture), and located on the 1440 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14BB / 100 and 200 and a portion of Kuebler Blvd).

PROCEDURAL FINDINGS

1. On July 28, 2022, an application for a Subdivision Tentative Plan was filed for a proposal to divide an approximately 0.75 acres located at the 1440 Boone Road SE (**Attachment A**) into nine lots.
2. After receiving missing information from the applicant, the application was deemed complete for processing on October 26, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on October 26, 2022, and public notice was posted on the subject property on October 28, 2022, pursuant to SRC 300.520(b)(2).
3. The 120-day state-mandated local decision deadline for this application is February 23, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide approximately 0.75 acres into a total of nine lots ranging in size from approximately 2,000 square feet to approximately 11,300 square feet in size. The proposal includes a private street with an alternative street design and creation of a remainder lot within Kuebler Boulevard.

2. Existing Conditions

Site and Vicinity

The subject property consists of multiple tax lot extending into Kuebler Boulevard. The abutting properties to the north, south, east and west are developed with single family dwellings.

The land area proposed for new development is currently vacant. Proposed Lot 9 contains Kuebler Boulevard and excess right-of-way, which will be retained by the City of Salem.

Salem Area Comprehensive Plan (SACP) Designation

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

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

North: (Across Boone Road SE) Developing Residential and Single Family Residential

South: (Across Kuebler Blvd) Developing Residential

East: Developing Residential

West: Developing Residential

Zoning and Surrounding Land Use

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

North: (Across Boone Road SE); RA (Residential Agriculture) and RS (Single Family Residential); Single Family Subdivisions

South: (Across Kuebler Blvd) RA (Residential Agriculture); large lot single family residential

East: RA (Residential Agriculture); large lot single family residential

West: RA (Residential Agriculture); large lot single family residential

Relationship to Urban Service Area

The subject properties are inside of the City’s Urban Service Area.

Infrastructure

Water: The subject property is located within the S-2 water service level. A 20-inch water main is located in Boone Road SE.

Sewer: An 8-inch sewer main is located in Boone Road SE.

- Storm Drainage:* An existing 10-inch storm main is located within Boone Road
- Parks:* The proposed development is served by Hilfiker Park approximately one-half a mile north of the subject property.
- Streets:* Boone Road SE abuts the subject property along the northern boundary of the subject property, is designated as a local street in the TSP.
- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - The abutting portion of Boone Road SE has an approximate 28-foot-wide improvement within a 53-foot-wide

3. 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 written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Phased Tentative Subdivision Plan: **Attachment B**
- Applicant's Written Statement: **Attachment C**

4. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 115398 PLN.

5. Land Use History

PAR97-49P: Partition to create two, 4,480 square foot parcels. (Withdrawn)

6. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated no concerns with the subdivision. Items including Fire Department access and water supply will

be required per the Oregon Fire Code at the time of development, including no parking signs along the private street.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full as **Attachment D**.

Salem Keizer School District – The Salem Keizer School District, reviewed the proposal and has provided comments included in full as **Attachment E**.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association. Proposed Lot 9, which will be retained by the City of Salem as right-of-way is within both Morningside Neighborhood Association and South Gateway Neighborhood Association.

Applicant 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), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On August 3, 2022, the applicant contacted the Morningside Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to Morningside 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. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Three public comments have been received indicating concerns about on street parking along Boone Road SE, narrowness of Boone Road SE and the need to widen the existing right-of-way. In addition, there are concerns about access to Kuebler Blvd and the density of the Subdivision.

Staff Response:

On-Street Parking:

This section of Boone Road SE is classified as a local street according to the Salem TSP. As identified in the conditions of approval, the proposed development will provide a half-street

improvement to local street standards along the development Frontage of Boone Road SE. Local streets are intended to provide parking on both sides of the street. Parking on both sides of the street can serve as a calming measure as vehicles generally drive slower when vehicles are parked on both sides of the street.

Boone Road SE:

The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. The proposal will result in a boundary street improvement of Boone Road SE and the extension of a new local street (private) through the subdivision with an alternative street standard for vehicle, and pedestrians. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

This section of Boone Road SE is classified as a local street according to the Salem TSP. As identified in the conditions of approval, the proposed development will provide a half-street improvement to local street standards along the development Frontage of Boone Road SE. This will provide adequate width for two 15-foot travel lanes and sidewalks.

Additionally, the Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of SDCs. Each single-family residence pays over \$4,000 in Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

Access to Kuebler Blvd:

The lots proposed for single family development will have access to a private street connecting to Boone Road SE. There will be no vehicle access to Kuebler Blvd from the subdivision. In order to create legal lots, the Subdivision does include land that encompasses parts of Kuebler Blvd, which will remain unchanged as right-of-way.

Kuebler Boulevard SE is designated as a parkway according to the Salem TSP. A connection from Boone Road SE to Kuebler Boulevard SE is not proposed (or planned) as part of this development. Direct access to Kuebler Boulevard SE is not permitted for the proposed development pursuant to the Salem Transportation System Plan (TSP) and SRC 804.040 which restricts access onto parkways. Access to a parkway may only be permitted for select arterial and collector streets; the proposed private street does not meet these criteria.

Density:

The single-family dwelling parcels proposed within the subdivision range from approximately 2,000 square feet in size, which is consistent with the minimum lot size requirement of 1,500 square feet for townhouse development.

The subject property is currently zoned RA (Residential Agriculture) and will change to RS (Single Family Residential) upon recording of a final subdivision plat. The RA and RS zones do not permit multi-family residential uses. While the community needs more diverse housing

options, including multi-family residential development, the City has to evaluate development requests as designed by the applicant for conformance with approval criteria and development standards. The City cannot require an applicant to develop a use that is not permitted under current zoning regulations. The City is required to allow middle housing (duplex, triplex, quadplex, townhouse and cottage cluster developments) in the RS zone with the passage of House Bill 2001. The City is expected to adopt regulations that comply with House Bill 2001 by the end of the year. The proposed lots are of sufficient size to each allow a duplex, at a minimum. The developer or future building has the option of building middle housing if they so choose.

DECISION CRITERIA

8. Analysis of Subdivision Tentative Plan Approval Criteria

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

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) and 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 0.75-acre land area into nine lots (Lot 9 will be excess right-of-way retained by the City of Salem). The subject property is currently zoned RA (Residential Agriculture) and will be reviewed under RS (Single Family Residential) pursuant to SRC 265.015. The applicant is proposing townhouse development on Lots 1-8, which is a special use in the zone.

The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Townhomes)	1,500 square feet
All Other Uses	6,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
All Other Uses	
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 2,000 square feet to 11,300 square feet. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

- Minimum 5 feet
- Minimum 0 feet, if connected townhomes

The subject property is undeveloped. Setbacks on the proposed lots will be evaluated at the time of building permit.

As conditioned, the proposal meets the requirements of SRC Chapter 511.

SRC Chapter 700 (Special Uses)

Sec. 700.085. - Townhouses. Where designated as a special use, townhouses shall comply with the additional standards set forth in this section.

(a) Permitted development.

- (1) Within the Residential Agriculture (RA), Single Family Residential (RS), and Duplex Residential (RD) Zones, not more than four townhouses, each on a separate platted lot, may be attached.
- (2) Within any zone, other than the Residential Agriculture (RA), Single Family Residential (RS), and Duplex Residential (RD) Zones, not more than six townhouses, each on a separate platted lot, may be attached.

(b) Interior side setback. Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet for new townhouses or three feet for existing townhouses; otherwise, the interior side setback requirements of the UDC shall not apply. The provisions of this subsection shall also apply to accessory structures.

The subdivision has been proposed and evaluated to meet development standards above for townhouse development. The applicant has shown each townhouse can be on a separate platted lot and attached with not more than six townhouses. As conditioned below, the applicant can alter the lot sizes and dimension to attach all four townhouses on Lots 1-4. There is adequate space to maintain lot development standards of SRC 511. To ensure the subdivision is developed under townhome development the following condition applies:

Condition 1: All lots within the subdivision shall be developed with townhouse development.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is undeveloped and future development will be reviewed at building permit, therefore is in compliance with SRC 800.015(a).

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. There are no double frontage lot, three flag lots and several corner lots proposed within the subdivision. The proposed subdivision has one corner lot, which does not meet the minimum depth and width for each frontage. To ensure lots access with less conflicts the following condition applies:

Condition 2: Lot 1-4 shall provide access to Boone Road SE.

As conditioned, the proposal conforms to the requirements of SRC Chapter 800.

Flag Lots:

SRC 800.025 establishes the following development standards for flag lot accessways serving residentially zoned lots:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	20 ft. Min.	25 ft. Min.
Paved Width	15 ft. Min.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	

Proposed lots 5-9 are flag lots. As shown on the applicant's tentative subdivision plan, the flag lot accessway serving lots 5-9 is approximately 25 feet in width and 140 feet in length, in conformance with the standards for flag lot accessways serving 1-2 lots.

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan includes four-lots with eight lots proposed to be a flag lot, exceeding the 15 percent maximum. The intent of this restriction on the number of flag lots is to provide a street to serve lots. To ensure this is met, the accessway shall be a private street. The property cannot provide a standard street section and an alternative street standard is addressed below analyzing the minimum necessary to provide adequate access.

Condition 3: At final subdivision review, the accessway serving Lots 5-9 shall be a private street with a minimum right of way width of 30-feet, 22-feet of travel way and a five-foot sidewalk.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and

construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

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 tentative plan.

A 10-inch storm main terminates at a catch basin approximately 50-feet east of the westerly property boundary. In conjunction with the street improvements required below, the applicant shall extend stormwater infrastructure to the westerly property boundary to serve upstream parcels and to ensure mains are laid prior to street improvement pursuant to SRC 76.110.

SRC Chapter 71 (Stormwater): The proposed partition is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all lots.

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.

The proposed development is subject to City of Salem Ordinance 8-20, SRC Chapter 71, and PWDS. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

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. 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 Chapter 200 (Urban Growth Management): The subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an Urban Growth Area Development permit is not required.

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

SRC 803.015 (Traffic Impact Analysis): The proposed nine-lot subdivision generates less than 200 new average daily vehicle trips to the Local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

SRC 803.020 (Public and Private Streets): The applicant proposes no internal streets within the subdivision. Although, as conditioned above the accessway shall be a private street, which is addressed below.

SRC 803.025 (*Right-of-Way and Pavement Widths*): Boone Road SE abuts the subject property and does not meet the current standard for a local street. As identified in the conditions of approval, the applicant is required dedicate right-of-way and construct a half-street improvement along the entire frontage of Boone Road SE.

The applicant's proposal is to serve Lots 5 -8 with a flag-lot accessway. The proposal will not meet SRC 800.025 and therefore a condition of approval requires a private street. The private street will require an Alternative Street Standard. Pursuant to SRC 803.020(b)(2), private streets shall be constructed to a public street standard. Staff recommends a minimum 22-foot improvement width, to accommodate two 11-foot travel lanes, and a five-foot sidewalk to provide safe pedestrian access to the residential development. The infill subdivision contains physical constraints, minimal width, that prevents the applicant from meeting SRC 803.020(b)(2). Pursuant to SRC 803.065(a)(1), the Director authorizes use of an alternative street standard for the new internal private street to allow for more efficient and denser in-fill development where the physical constraints do not allow for a public street to be constructed to local street standards through the site.

- Condition 4:** The sidewalk provided within the private street shall extend north on Lot 8 at least 20-feet.
- Condition 5:** Driveways on Lots 5 and 6 shall share a driveway and Lots 7 and 8 shall share a driveway.
- Condition 6:** Lots 1-4 can be reduced in size to connect all four townhouse, which will accommodate the Private Street.
- Condition 7:** "NO PARKING—FIRE LANE" signs shall be posted on both sides private street that is a fire apparatus roadway.

As conditioned, the proposal meets this requirement.

SRC 803.030 (*Street Spacing*): The subject property consists of two tax lot surrounded by developed residential land to the north, south, and west. The proposed configuration of the subdivision provides for at least 600-foot block length, required by subsection (a). In addition, local street connections are provided to adjoining undeveloped properties for eventual connection to the street system. There are no required connections to abutting properties. The approval included a condition of approval to provide the required connection to the subject property, which is consistent with the applicant's proposal.

SRC 803.035 (*Street Standards*): The proposed alignment of streets within the subdivision does not result in street spacing in excess of the maximum lengths established in subsection (a). Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The property abuts developed, residentially zoned, and not connections are required.

Subsection (l) requires sidewalks to be constructed parallel to and one foot from the adjacent right-of-way and the construction of sidewalks as part of street improvement projects.

The tentative subdivision plat shows property line sidewalks, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 8: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of Boone Road SE.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Boone Road SE abuts the subject property and does not meet the current right-of-way or improvement width standards for a Local street. In order to ensure that boundary street improvements are implemented consistent with the Transportation System Plan and Public Works Design Standards, the following condition applies;

Condition 9: Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side Boone Road SE.

Condition 10: Construct a half-street improvement along the frontage of Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

As conditioned, the proposal meets the requirements of SRC 803.040.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan is not required in conjunction with the subdivision tentative plan. The Lots created for single-

family do not contain trees. Lot 9, owned by the city of Salem, has trees which are not proposed for removal. Lot 9 is not proposed for single-family, two-family, three-family, four-family or cottage cluster, therefore a Tree Conservation Plan is not required. The applicant and the City of Salem are not proposing removal of any trees.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the subject property. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there no areas of landslide susceptibility on the subject property.

As proposed, the tentative subdivision plan complies with all applicable special development standards.

Final Plat:

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).

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 lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

Finding: 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 unless the applicant enters into an improvement agreement.

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.

Condition 11: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition 12: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(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.

Condition 13: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

A 10-inch storm main terminates at a catch basin approximately 50-feet east of the westerly property boundary. In conjunction with the street improvements required below, the applicant shall extend stormwater infrastructure to the westerly property boundary to serve upstream parcels and to ensure mains are laid prior to street improvement pursuant to SRC 76.110.

Condition 14: Extend a public storm main to the western property line of the subject development.

The proposed subdivision is located within the S-2 water service area and a 20-inch water main is located in Boone Road SE, which can serve the proposed subdivision.

As proposed and conditioned above, the proposal meets this criterion.

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

Finding: The proposed nine-lot subdivision generates less than 200 new average daily vehicle trips to the Local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

Boone Road SE abuts the subject property and does not meet the current standard for a local street. As identified in the conditions of approval, the applicant is required dedicate right-of-way and construct a half-street improvement along the entire frontage of Boone Road SE.

Internal Private Street, as conditioned above, meets an alternative street standard for a local street. As identified in the conditions of approval the applicant will be required to construct the street with a 22-foot wide improvement and five-foot sidewalk within a 30-foot right-of-way.

As proposed and conditioned above, the proposal meets this criterion.

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: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. The subject property does not contain mapped wetland areas, wetland channels, hydric soils and a mapped waterway. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

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: The tentative subdivision plan configures lots and streets to allow for reasonable development of the site while minimizing disruptions to topography. No existing trees are identified for removal with this subdivision. The proposal meets this 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 subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an Urban Growth Area Development permit is not required.

CONCLUSION

Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Subdivision Tentative Plan Case No. SUB22-10 is hereby **APPROVED** subject to SRC Chapter 205, 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:** All lots within the subdivision shall be developed with townhouse development.
- Condition 2:** Lot 1-4 shall provide access to Boone Road SE.
- Condition 3:** At final subdivision review, the accessway serving Lots 5-9 shall be a private street with a minimum right of way width of 30-feet, 22-feet of travel way and a five-foot sidewalk.
- Condition 4:** The sidewalk provided within the private street shall extend north on Lot 8 at least 20-feet.
- Condition 5:** Driveways on Lots 5 and 6 shall share a driveway and Lots 7 and 8 shall share a driveway.
- Condition 6:** Lots 1-4 can be reduced in size to connect all four townhouse, which will accommodate the Private Street.
- Condition 7:** "NO PARKING—FIRE LANE" signs shall be posted on both sides private street that is a fire apparatus roadway.
- Condition 8:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of Boone Road SE.

- Condition 9:** Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side Boone Road SE.
- Condition 10:** Construct a half-street improvement along the frontage of Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 12:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 13:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 14:** Extend a public storm main to the western property line of the subject development.

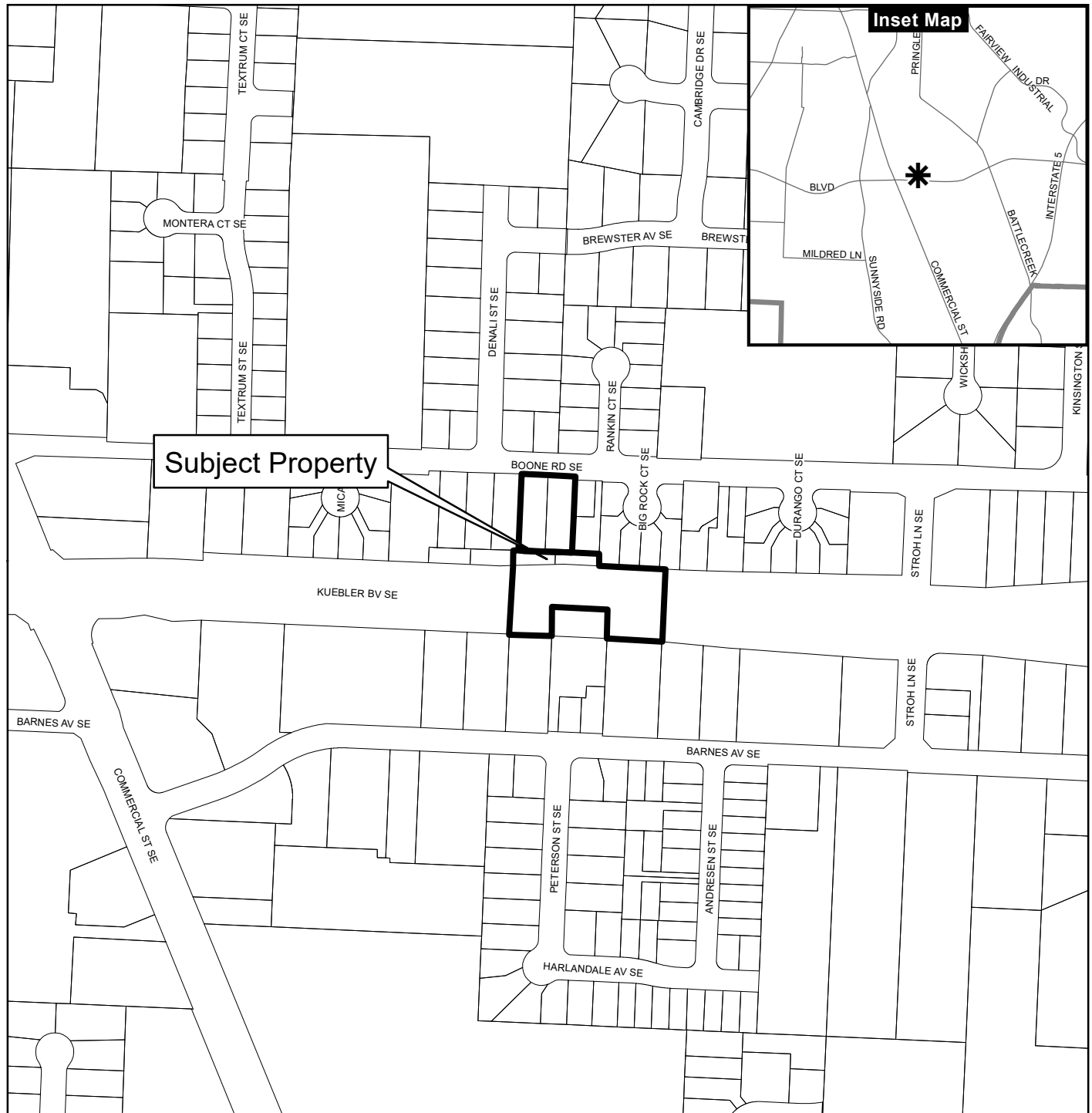


Olivia Dias, Current Planning Manager,
on behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator







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

Vicinity Map

1440 Boone Road SE



Legend

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

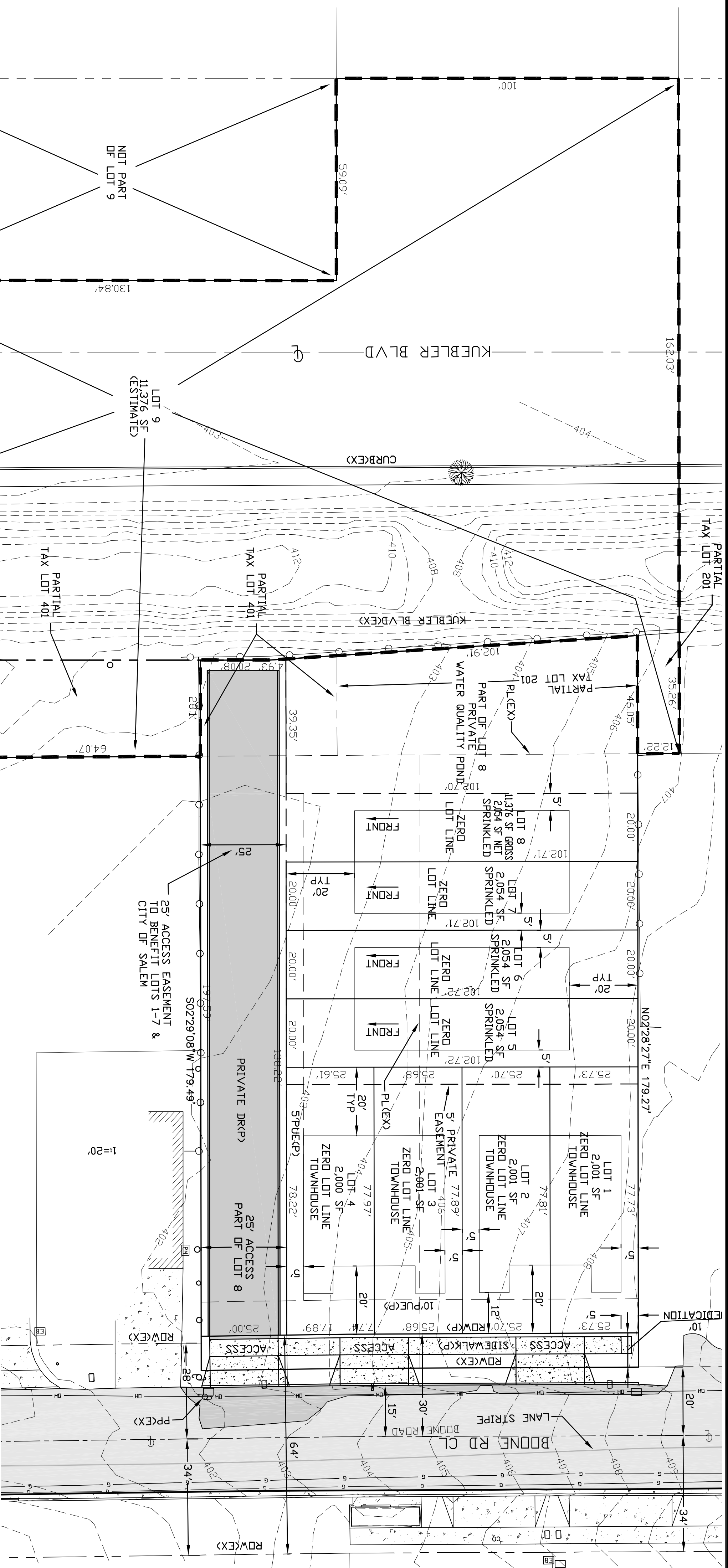
 Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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

0 100 200 400 Feet





DRAWING LIST:

- C1 TITLE SHEET, VICINITY MAP, PROJECT DATA, DRAWING LIST, SITE PLAN, GENERAL CONSTRUCTION NOTES.
- C2 EXISTING CONDITIONS
- C3 EXISTING LOT AND GRADING PLAN
- C4 SEWER AND WATER SERVICE PLAN
- T1 TREE PRESERVATION PLAN

BENCHMARK DATUM:

ELEVATIONS WERE ESTABLISHED BY RTK GPS OBSERVATIONS TO CITY OF SALEM BENCHMARK "8300". MARK IS A 2" ALUMINUM DISK IN THE CURB AT THE NORTHEAST CORNER OF BAXTER ROAD SE AND BAXTER COURT SE. ELEVATION = 406.76' (C.O.S. DATUM, NGVD29)

DEVELOPER IN COOPERATION WITH

CITY OF SALEM FOR LOT 9

SALEM PROPERTIES OF DE LLC
5305 RIVER RD N
KEIZER, OR 97303

SUBDIVISION DATA:

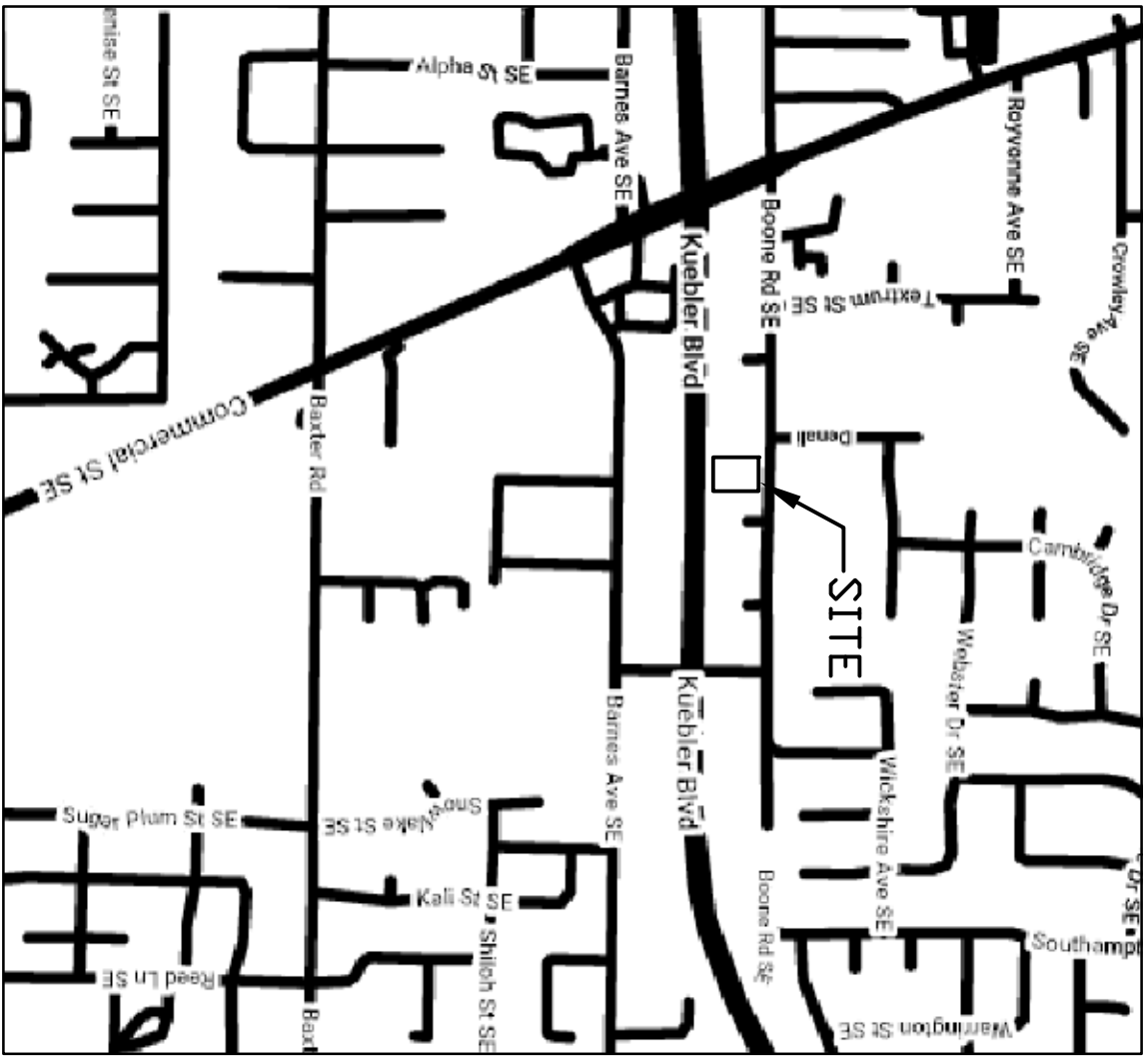
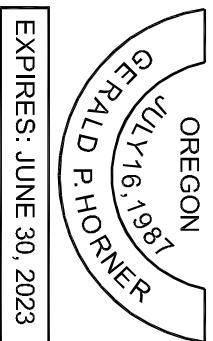
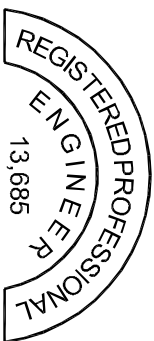
SEC. 14BB
T.8S, R.3.W., W.M.
TAX LOT 200,
MAP 083W14BB00200
MARION COUNTY
ZONE: RA

LOT DATA:

LOTS - 9
AVERAGE NET S.F. (EXCEPT LOT 9)
- 2,027 NET
TOTAL ACRES - 12.4 LOTS PER ACRE
TOTAL ACRES (AFTER ROW
DEDICATIONS) - 0.638 ACRES
TOTAL ACRES (BEFORE ROW
DEDICATION) - 0.667 ACRES

FOR APPLICATION

NOT FOR CONSTRUCTION



VICINITY MAP

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
FAX: 503-304-9512

TENTATIVE
SITE PLAN

MEREDITH HEIGHTS
SUBDIVISION APPLICATION

1440 & 1450 BOONE RD
SALEM, OREGON 97306

PROPOSED SUBDIVISION PLAN

SCALE 1"=30' FOR 22" x 34" PAPER
SCALE 1"=60' FOR 11" x 17" PAPER

REV.	DATE	BY	DESCRIPTION
0	07-20-22	GPH	ISSUED FOR APPLICATION
1	10-17-22	GPH	ADDED LOT 9, ADDED THE POND TO LOT 8

DESIGNED BY:	GPH
DRAWN BY:	RW
DATE:	07-20-22
JOB NO.	2021-105
CLIENT NO.	
DRAWING NO.	
REV.	

AUGUST 7, 2022
PROPOSED MEREDITH HEIGHTS SUBDIVISION APPLICATION
1440 AND 1450 BOONE ROAD SE, SALEM OREGON
DISCUSSION ON DEVELOPMENT STANDARDS

Requirements of the SRC 205.010(d) have been considered in the preparation of this subdivision application.

1. The lot standards concerning minimum width, minimum depth, and minimum areas of the proposed lots meet City of Salem development standards.
2. Frontage requirements of the proposed lots also meet City of Salem development standards.
3. Most front and rear lot designations are obvious. The front of Lots 1, 2, 3, and 4 will face north toward Boone Road. The front of Lots 5, 6, 7, and 8 will face East toward the private lane.
4. There are no flag lots proposed.
5. Existing City infrastructure has been reviewed. The only entrance to the subdivision is Boone Road. This access meets the requirements of the City of Salem Fire Department.
6. The Salem water, sanitary, and storm water systems have capacity for the increased demands from the proposed residential subdivision.
7. A geological and geotechnical investigation has not been prepared and is not required. There are no special setbacks or flood plain.
8. There are no new streets. Boone Road will be improved on the south side. A private drive will be constructed to access lots 5, 6, 7, and 8. There is no development through or from this Meredith Heights subdivision.
9. The current street system bordering the tentative subdivision conform to the City of Salem Transportation System.
 - a. Standard 6.4.1 – The development is bordered on the north by Boone Road and on the south by Kuebler Blvd. There is no adjacent land to develop. This standard is met.
 - b. Standard 6.4.2 - the street arrangement follows the natural contours of the property. This standard is met.

- c. Standard 6.4.3 – The private drive has access to an accepted city street. This standard is met.
- d. Standard 6.4.4 - the street centerline spacings are existing. This standard is met.
- e. Standard 6.4.5 – all street and private drive intersections meet Salem Public Works street intersection standards. This standard is met.
- f. Standard 6.4.6 – There are no street corners. This standard is met.
- g. Standard 6.4.7 – Boone Road is existing. This standard is met.
- h. Standard 6.4.8 – Boone Road is existing. This standard is does not apply.
- i. Standard 6.4.9 and 10 - Boone Road is existing. This standard is met.
- j. Street Right of Way Width –Existing Boone Road Street ROW is 28'. This application adds 2' to complete the 30' south side ROW for a local street.



MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

FROM: Laurel Christian, Development Services Planner II
Public Works Department

DATE: November 18, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB22-10 (22-115398)
1440 BOONE ROAD SE
9-LOT SUBDIVISION**

PROPOSAL

A tentative phased subdivision plan to divide approximately 0.75 acre into nine lots ranging in size from 2,000 square feet to 11,300 square feet. The proposal includes creation of Lot 9, a land area containing Kuebler Boulevard SE, which is dedicated to the City of Salem.

The subject property is approximately 0.75 acre in size, zoned RA (Residential Agriculture), and located at 1440 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers 083W14BB / 100 and 200 and a portion of Kuebler Boulevard SE).

RECOMMENDED CONDITIONS APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:
 - a. Dedicate a 10-foot public utility easement along the development street frontage of Boone Road SE.
 - b. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
 - c. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
 - d. Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side Boone Road SE.

2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):
 - a. Extend a public storm main to the western property line of the subject development.
 - b. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
 - c. Construct a half-street improvement along the frontage of Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

FACTS AND FINDINGS

Streets

1. Boone 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 53-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions
 - a. The subject property is located within the S-2 water service level.
 - b. A 20-inch water main is located in Boone Road SE.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located in Boone Road SE.

Storm Drainage

1. Existing Conditions
 - a. A 10-inch storm main is located in Boone Road SE.

Parks

The proposed development is served by Hilfiker Park approximately one-half a mile north of 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 along the street frontage of Boone Road SE pursuant to SRC 803.035(n).

Condition: Dedicate a 10-foot public utility easement along the development street frontage of and Boone Road SE.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

Findings—The subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an Urban Growth Area Development permit is not required.

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 tentative plan.

A 10-inch storm main terminates at a catch basin approximately 50 feet east of the westerly property boundary. In conjunction with the street improvements required below, the applicant shall extend stormwater infrastructure to the westerly property boundary to serve upstream parcels and to ensure mains are laid prior to street improvement pursuant to SRC 76.110.

Condition: Extend a public storm main to the western property line of the subject development.

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.

Condition: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Private water, sewer, and storm services shall be constructed to serve each lot. 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). 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.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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

Finding—Boone Road SE abuts the subject property and does not meet the current standard for a local street. As identified in the conditions of approval, the applicant is required to dedicate right-of-way and construct a half-street improvement along the entire frontage of Boone Road SE.

Condition: Convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side Boone Road SE.

Condition: Construct a half-street improvement along the frontage of Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The applicant's proposal is to serve Lots 5-9 with a flag-lot accessway. The proposal will not meet SRC 800.025; and therefore, a condition of approval requires a private street. The private street will require an Alternative Street Standard. Pursuant to SRC 803.020(b)(2), private streets shall be constructed to a public street standard. Staff recommends a minimum 22-foot improvement width, to accommodate two 11-foot travel lanes, and a 5-foot curblin sidewalk to provide safe pedestrian access to the residential development. The infill subdivision contains physical constraints and minimal width that prevents the applicant from meeting SRC 803.020(b)(2). Pursuant to SRC 803.065(a)(1), the Director authorizes use of an alternative street standard for the new internal private street to allow for more efficient and denser in-fill development where the physical constraints do not allow for a public street to be constructed to local street standards through the site.

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 Hilfiker Park, which is a park site located north of, and within a half-mile of, the subject property.

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 9-lot subdivision generates less than 200 new average daily vehicle trips to the Local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

RESPONSE TO COMMENTS

1. **Boone Road SE Improvement:** Comments received expressed concerns for the existing conditions of Boone Road SE and the impacts the proposed development would have on the transportation system.

Staff Response: This section of Boone Road SE is classified as a local street according to the Salem TSP. As identified in the conditions of approval, the proposed development will provide a half-street improvement to local street standards along the development of the frontage of Boone Road SE. This will provide adequate width for two 15-foot travel lanes and sidewalks.

Additionally, the Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of SDCs. Each single-family residence pays over \$4,000 in Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

2. **Kuebler Boulevard SE:** Comments received assert that the proposed development will provide a street connection between Boone Road SE and Kuebler Boulevard SE.

Staff Response: Kuebler Boulevard SE is designated as a parkway according to the Salem TSP. A connection from Boone Road SE to Kuebler Boulevard SE is not proposed (or planned) as part of this development. Direct access to Kuebler Boulevard SE is not permitted for the proposed development pursuant to the Salem TSP and SRC 804.040, which restricts access onto parkways. Access to a parkway may only be permitted for select arterial and collector streets; the proposed private street does not meet these criteria.

3. **Parking:** Comments received expressed concerns for a lack of available parking.

Staff Response: This section of Boone Road SE is classified as a local street according to the Salem TSP. As identified in the conditions of approval, the proposed development will provide a half-street improvement to local street standards along the

development of the frontage of Boone Road SE. Local streets are intended to provide parking on both sides of the street. Parking on both sides of the street can serve as a calming measure as vehicles generally drive slower when vehicles are parked on both sides of the street.

Prepared by: Laurel Christian, Development Services Planner II
cc: File



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Christy Perry, Superintendent

November 9, 2022

Olivia Dias, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. SUB22-10 at 1440 Boone 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
Pringle	Elementary	K thru 5
Judson	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
Pringle	Elementary	515	663	78%
Judson	Middle	860	1,059	81%
South Salem	High	2,258	2,248	100%

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 2021 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	8	DU	0.221	2
Middle			0.126	1
High			0.155	1

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
Pringle	Elem.	515	118	2	120	663	96%
Judson	Mid.	860	166	1	167	1,059	97%
South Salem	High	2,258	271	1	272	2,248	113%

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
Pringle	Elementary	Eligible for School Transportation
Judson	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	2	\$64,220	\$128,440
Middle	1	\$76,882	\$76,882
High	1	\$89,544	\$89,544
TOTAL			\$294,866

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 First Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation