

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION / URBAN GROWTH PRELIMINARY DECLARATION / CLASS 2  
ADJUSTMENT CASE NO.: SUB-UGA-ADJ20-05**

**APPLICATION NO.: 20-113633-LD / 20-113629-LD / 20-113635-ZO**

**NOTICE OF DECISION DATE:** March 17, 2021

**SUMMARY:** A subdivision tentative plan to divide approximately 16 acres into 45 lots.

**REQUEST:** A phase subdivision tentative plan and Urban Growth Area Preliminary Declaration to divide approximately 16 acres into 45 lots. The applicant is requesting an alternative street standard to allow 52-foot right of way in lieu of 60-foot for a street section (Joynak Street) and to and increase the block length of Big Mountain Avenue from 600-feet to 1,200-feet and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width.

The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential), and located on the 5870 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 0803W16C / 600).

**APPLICANT:** Brandie Dalton, Multi-Tech Engineering, on behalf of Kevin Harrison

**LOCATION:** 5871 Liberty Road S, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.015(d) – Phased Subdivision Tentative Plan; 200.025 – Urban Growth Preliminary Declaration; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated March 17, 2021.

**DECISION:** The **Planning Administrator APPROVED** Phased Subdivision, Urban Growth Preliminary Declaration, and Class 2 Adjustment SUB-UGA-ADJ20-05 subject to the following conditions of approval:

- Condition 1:** Lots 1 and 35 shall contain at least a total of 148 units when developed.
- Condition 2:** Lots 3-34 and 36-45 shall be townhouse development with one dwelling unit per lot, notwithstanding if applicable development standards of individual lots allow additional units.
- Condition 3:** Prior to final plat, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

- Condition 4:** Construct stormwater facilities based on regulations in effect on the original application date of the tentative plan submittal. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
- Condition 5:** Construct internal streets to Local street standards, with the following exception: Joynak Street S is authorized for a minimum 52-foot-wide right-of-way to the intersection with Big Mountain Avenue S pursuant to SRC 803.065(a)(3).
- Condition 6:** The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600).
- Condition 7:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.
- Condition 8:** Convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.
- Condition 9:** Along the Liberty Road S frontage of the subject property, construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, Street Trees, and Streetlights shall be designed to accommodate a future Major Arterial street and be located in the ultimate location. The street configuration may be modified as needed to minimize removal of significant oak trees.
- Condition 10:** Prior to recording the final plat for the first phase of this project, design and construct a traffic signal at the intersection of Liberty Road S and Davis Road S. or provide adequate security acceptable to the Director of Public works to secure the construction of said signal.
- Condition 11:** The existing Oak tree located within the Right-Of-Way of Liberty Road shall be preserved unless approval is granted under SRC 86.
- Condition 12:** Trees on Lot 1 and Lot 35 are not authorized to be removed, shall be preserved and are not part of TCP20-10. Any removal of trees on Lot 1 or Lot 35 shall be through a separate TCP (as part of future division) or a separate land use application.
- Condition 13:** Removal of a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building foot print on Lot 20 is authorized.
- Condition 14:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.

- Condition 15:** The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.
- Condition 16:** The applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.
- Condition 17:** Construct a temporary pedestrian route abutting the property frontage and along Liberty Road S from the south line of the subject property to Mildred Lane S.
- Condition 18:** Phase 1, as shown on the applicant's plan, shall be constructed as the first phase. The internal local streets, as shown on the plan, will be constructed with the associated phases.

The rights granted by the attached decision must be exercised, or an extension granted, by April 2, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>December 4, 2020</u>
Notice of Decision Mailing Date:	<u>March 17, 2021</u>
Decision Effective Date:	<u>April 2, 2021</u>
State Mandate Date:	<u>June 6, 2021</u>

Case Manager: Olivia Dias, Current Planning Manager, [odias@cityofsalem.net](mailto: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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, April 1, 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) 205, 200, and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council 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  
(SUBDIVISION PLAT NO. 20-05)**

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

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>APPROVAL OF PHASED TENTATIVE</b>	)	
<b>SUBDIVISION PLAT, URBAN GROWTH</b>	)	
<b>PRELIMINARY DECLARATION &amp;</b>	)	
<b>ADJUSTMENT CASE NO. 20-05</b>	)	<b>March 17, 2021</b>
<b>5871 LIBERTY ROAD S</b>	)	

**REQUEST**

A phase subdivision tentative plan and Urban Growth Area Preliminary Declaration to divide approximately 16 acres into 45 lots. The applicant is requesting an alternative street standard to allow 52-foot right of way in lieu of 60-foot for a street section (Joynak Street) and to increase the block length of Big Mountain Avenue from 600-feet to 1,200-feet and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width.

The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential), and located on the 5870 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 0803W16C / 600).

**DECISION**

- A. The phased subdivision tentative plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- |                     |  |
|---------------------|--|
| <b>Condition 1:</b> | Lots 1 and 35 shall contain at least a total of 148 units when developed.  |
| <b>Condition 2:</b> | Lots 3-34 and 36-45 shall be townhouse development with one dwelling unit per lot, notwithstanding if applicable development standards of individual lots allow additional units.  |
| <b>Condition 3:</b> | Prior to final plat, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.  |
| <b>Condition 4:</b> | Construct stormwater facilities based on regulations in effect on the original application date of the tentative plan submittal. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets. |

- Condition 5:** Construct internal streets to Local street standards, with the following exception: Joynak Street S is authorized for a minimum 52-foot-wide right-of-way to the intersection with Big Mountain Avenue S pursuant to SRC 803.065(a)(3).
- Condition 6:** The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600).
- Condition 7:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.
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- Condition 10:** Prior to recording the final plat for the first phase of this project, design and construct a traffic signal at the intersection of Liberty Road S and Davis Road S. or provide adequate security acceptable to the Director of Public works to secure the construction of said signal.
- Condition 11:** The existing Oak tree located within the Right-Of-Way of Liberty Road shall be preserved unless approval is granted under SRC 86.
- Condition 12:** Trees on Lot 1 and Lot 35 are not authorized to be removed, shall be preserved and are not part of TCP20-10. Any removal of trees on Lot 1 or Lot 35 shall be through a separate TCP (as part of future division) or a separate land use application.
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- Condition 14:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.

- Condition 15:** The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.
- Condition 16:** The applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.
- Condition 17:** Construct a temporary pedestrian route abutting the property frontage and along Liberty Road S from the south line of the subject property to Mildred Lane S.
- Condition 18:** Phase 1, as shown on the applicant's plan, shall be constructed as the first phase. The internal local streets, as shown on the plan, will be constructed with the associated phases.

- B. The Urban Growth Preliminary Declaration permit is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein.
- C. The Class 2 Adjustment is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

### **PROCEDURAL FINDINGS**

1. On August 18, 2020, a consolidated application for a Phased Subdivision Tentative Plan, Urban Growth Preliminary Declaration and Class 2 Adjustment applications were filed for a proposal to divide an approximately 16-acre property on the 5871 Liberty Road S (Attachment A) into 45 lots over the course of two phases.
2. After the applicant submitted additional information was submitted, the applications were deemed complete for processing on December 4, 2020. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on December 4, 2020.
3. After extensions granted by the applicant, the state-mandated local decision deadline is June 6, 2021.

### **SUBSTANTIVE FINDINGS**

#### **1. Proposal**

The tentative plan proposes to divide 16 acres into 45 lots for townhome development (Attachment B). The lots range from approximately 1,707 square feet to 292,813 square feet in size. The applicant is requesting an alternative street standard to allow 52-foot right of way in lieu of 60-foot for a street section (Joynak Street) and to increase the block length of Big Mountain Avenue from 600-feet to 1,200-feet and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width.

The applicant has proposed two phases which will be platted in numerical order.

## 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, can be found in the record, the Tentative Subdivision Plan can be found in **Attachment B**.

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

## 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. Existing Conditions

### Site and Vicinity

The subject property contains approximately 16 acres and consists of a single tax lot, which extends approximately 1,700 feet westward from Liberty Road and approximately 280 feet of frontage along Liberty Road.

The subject property consists of a hillside which peaks at approximately 652 feet in elevation near the northwest corner of the subject property. The subject property is primarily open and grassy, with a concentration of trees and shrubs near the center of the property.

### Salem Area Comprehensive Plan (SACP) Designation

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

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

North:	Multiple Family Residential
South:	Developing Residential
East:	(Across Liberty Street); Developing Residential
West:	Multiple Family Residential

### Zoning and Surrounding Land Use

The subject property is zoned RM-II (Multi-Family Residential) and has a single family dwelling. The surrounding properties are zoned and used as follows:

North: RM-II and RM-I (Multiple Family Residential); townhomes and vacant,

South: RS (Single Family Residential); single family dwellings,

East: (Across Doaks Ferry Road NW); RS (Single Family Residential), single family dwellings and vacant land.

West: RM-II (Multiple Family Residential); vacant

### Relationship to Urban Service Area

The subject property is outside of the City's Urban Service Area.

### Infrastructure

*Water:* The subject property is within two water service levels, S-3 and S-4.

A 12-inch S-3 water line is located in Liberty Road S.

An 8-inch S-3 mains located in Joynak Street S at the northern boundary, Eagle Dance Street S and Big Mountain Avenue S.

The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property.

*Sewer:* An 8-inch sewer main is located in Joynak Street S.

An 8-inch sewer main is located in Eagle Dance Street S.

An 8-inch sewer line is located in Liberty Road S. The sewer main is approximately 10 feet deep.

*Storm Drainage:* A existing storm mains are located in Eagle Dance Avenue S, Joynak Street S, and Liberty Road S.

*Streets:* Liberty Road South currently abuts the subject property along the east boundary. Liberty Road South is designated as a Major Arterial street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 68-foot improvement within a 96-foot-wide right-of-way.
- The abutting portion of Liberty Road South is currently an approximately 40-foot-wide improvement within an 80-foot-wide right-of-way.



Eagle Dance Avenue currently terminates along the subject property southern boundary. Eagle Dance Avenue is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- The abutting portion currently has an approximately 30-foot-wide improvement within a 60-foot-wide right-of-way.

Joynak Street S currently terminates along the subject property northern boundary. Joynak Street is designated as a Local street in the Salem Transportation System Plan (TSP).

- The alternative standard for this street classification is a 30-foot improvement within a 50-foot-wide right-of-way.
- The abutting portion currently has an approximately 30-foot-wide improvement within a 50-foot-wide right-of-way.

Big Mountain currently terminates along the subject property southern boundary. This segment of Big Mountain is designated as a Local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- The abutting portion of Landau Street SE currently has an approximately 30-foot-wide improvement within a 50-foot-wide right-of-way.

## 5. Land Use History

- **Annexation C-587:** The annexation and rezone of subject property to City of Salem RA (Residential Agriculture).
- **UGA07-14:** An Urban Growth Preliminary Declaration Permit to determine the public facilities.
- **CPC-ZC19-03:** A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 15.8-acre property from “Developing Residential” with RA (Residential Agriculture) zoning to “Multifamily Residential” with RM-2 (Multiple Family Residential) zoning with associated conditions of approval.

## 6. Public and Private Agency Review

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

**Fire Department** – The Salem Fire Department submitted comments that fire hydrants are required within 600 feet of all portions of the exterior of the dwelling units. Fire Department access is required to be provided within 150 feet of all portions of the structures. Dead end Fire Department access roads in excess of 150 feet will require an approved turnaround. Developments of more than 30 dwelling units will require two approved means of Fire Department access (all measurements are along approved route).

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, middle school and high school levels to serve future development. The school district indicated that the subject property is currently outside of the “walk zone” of the assigned elementary, middle, and high schools and, as currently configured, students residing within the development would be eligible for transportation to assigned schools. With the required street connection of Joynak Street S from Davis Road to Mildred Lane, the boundary for the middle school walk zone will be adjusted and the subject property will be within the Walk Zone for the middle school.

**Portland General Electric (PGE)** reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots

## **7. Neighborhood Association Comments and Public Comments**

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. The property is not part of a Homeowners Association. The subject property is within the Sunnyslope Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” Sunnyslope and 17 property owners or tenants provide comments prior to the comment period ending, which are summarized below:

- A. **Safety of crossing Liberty Street to access park.** Comments submitted express concern about the safety of crossing Liberty Street to access Bryan Johnson Park.

**Staff Response:** The applicant is required to construct a new traffic signal at the Liberty/Davis intersection to mitigate traffic congestion, which will also provide a safe crossing to the east side of Liberty Road.

- B. **Internal Streets.** Several comments received express concerns with the increase in block length and reduction of Right-Of-Way to 52 feet.

**Staff Response:** 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 extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. The reduction in right-of-way width to 52 feet will reduce the size of the planter strip abutting the street and will match the existing width of Joynak Street S. The travel lanes and sidewalks will conform to local street standards.

- C. **Alignment of Big Mountain Ave at north property line:** The property owner to the north requested the alignment of Big Mountain Avenue be modified to provide for future lot depth of 80 feet on the property to the north, while continuing the street north.

**Staff Response:** The minimum lot depth for single family lots is 70 feet. The west right-of-way line of Big Mountain Avenue S is proposed to be located at least 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600), which will meet the depth standard A condition of approval has been added to ensure the new street provides sufficient depth for a single-family lot.

- D. **Traffic congestion on Liberty Street and Mildred Lane and Big Mountain Ave:**

**Staff Response:** The applicant submitted a traffic impact analysis demonstrating the impacts of the proposed development on the transportation system. The proposed development does not cause the existing street system to function at an unacceptable level of service pursuant to Public Works Design Standards with the exception of the Liberty/Davis intersection. The applicant is required to construct a new traffic signal at the Liberty/Davis intersection to mitigate traffic congestion. The local street connections required under CPC-ZC19-03 will provide additional routes for local traffic which will disperse traffic on Liberty Street S and Mildred Lane S.

- E. **Traffic Signals at Liberty Street and Davis Road:** Concerns about the need for a traffic signal at Liberty Street and Davis Street for pedestrians and a signal at Liberty Street and Mildred Street for those walking to Bryan Johnson Park. Traffic concerns were expressed about the speed limit on Liberty Street, which should be reduced and the added traffic to Big Mountain Ave will be detrimental to the residential neighborhood.

**Staff Response:** 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 Liberty Street and the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. As conditioned below, the proposal will be required to construct a traffic signal at Liberty and Davis Rd which will address traffic concerns and provide a safe pedestrian crossing. Future development of Lots 1 and 35, will trigger additional street improvements. 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.

- F. **Type of dwelling, and lack of green space:** Comments related to the type of dwellings to be built on the subject property. Many comments preferred single-family dwellings to be built and voiced concerns about renters and multi-family developments.

**Staff Response:** Green space for subdivisions are not regulated under the City of Salem zoning code. Any future multiple family development will be reviewed for conformance with zoning requirements, including open space. The property is zone Multiple Family Residential (RM-II) and allows for multiple family developments and townhouse development; there isn't a requirement to only allow single family dwellings on the subject property.

- G. **Crime:** Comments submitted raise concerns about an increase in crime due to the new townhouses being rented.

**Staff Response:** Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for a tentative subdivision plan do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed subdivision would exceed what would otherwise occur from any other legal development of property within the City.

- H. **Property Values:** Comments submitted expressing concerns about multiple family units lowering property values in the area. Comments included the neighboring subdivision having restrictions on multiple family developments.

**Staff Response:** Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The townhome dwelling parcels proposed within the subdivision range from approximately 1,700 square feet to 134,800 square feet, which exceeds the minimum lot size requirements for townhouse development of 1,500 square feet. Their size and layout are consistent with the pattern of the surrounding neighborhood and the multiple family zone.

## 8. Criteria for Granting a Subdivision Tentative Plan

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

SRC Chapter 205.015(d) sets forth the criteria that must be met before approval can be granted to a phased subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.015(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 205.015(d)(1): The tentative phased subdivision meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).**

**Finding:** Compliance with the criteria for tentative subdivision plan approval, as set forth in SRC 205.010(d), is addressed within the findings below.

**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 514 (Multiple Family Residential): The proposed subdivision would divide the 15.8-acre property into 45 lots and a public facility for stormwater treatment, with no remainder. The minimum lot area requirements of the RM-II zone are established under SRC 514.010 as follows:

**(a) Land division in the RM-II zone.** Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

**Finding:** The subject property is 15.8 acres in size, requiring a minimum 190 dwelling units and a maximum of 442 dwelling units. The proposal includes three large lots, greater than 20,000 square foot, two for future Multi-Family development and one designated as a regional stormwater facility. The remaining 42 lots are proposed for townhouse development.

**(b) Lot Standards for RS zone** (see SRC Chapter 514, Table 514-2)

Requirement	Minimum Standard
Lot Area (Townhouses)	1,500 square feet
Lot Width (Townhouses)	20 feet
Lot Depth	70 feet 120 feet (Double Frontage) Max 300% of average lot width
Street Frontage (Townhouses)	20 feet

**Finding:** Proposed lots in the subdivision range from approximately 1,707 square feet to 292,813 square feet in size. Fourteen of the proposed lots exceed maximum lot depth standards, set forth in SRC Chapter 514, Table 514-2.<sup>1</sup> The applicant has requested a Class 2 Adjustment to the maximum lot depth standard, which is addressed below in Section 8. The remaining 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.

<sup>1</sup> Proposed lots 4, 6, 9, 11, 12, 13, 17, 18, 21-25, 30, 31, 33 and 37-44, exceed the Lot Depth maximum 300% average lot width.

- (c) Dwelling unit density.** Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted.

Dwelling Density Unit	Standard	
Single Family, Two Family, Three Family, Four family and Multiple Family	Minimum	Maximum
	12 dwelling units per acre	28 dwelling units per acre

The subject property is 15.8 acres in size, requiring a minimum 190 dwelling units and a maximum of 442 dwelling units. The proposal includes two large lots, greater than 20,000 square foot, for future development. The remaining 42 lots are proposed for townhomes for at least one unit on each lot. Individual lots may meet standards for more than one dwelling unit, based on density in the zone.

To ensure the overall density is met for the 15.8 acres, the remaining minimum of 148 units shall be met on Lots 1 and 35 as part of future development. The applicant has provided future development plans showing the overall minimum density can be met. The applicant indicates that Lot 1 will contain at least 66 multi-family units and Lot 35 will contain 156 multi-family units, exceeding the minimum density for the existing property. The following conditions applies:

- Condition 1:** Lots 1 and 35 shall contain at least a total of 148 units when developed.
- Condition 2:** Lots 3-34 and 36-45 shall be developed with at least one townhouse dwelling unit per lot, unless applicable development standards of individual lots allow additional units.

**Setback Requirements:** SRC Chapter 514 establishes the following setback standards for development within an RM-II (Multiple 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

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

*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. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Five of the proposed lots in the phased subdivision are corner lots. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant.

Those lots abutting Liberty Road S will not have access to the existing major arterial and will be required to access to the local street.

The proposal conforms to the requirements of SRC Chapter 800.

*SRC 800.025 (Flag Lots):* Lots can be created without the minimum required frontage on a public street when flag lot accessways conforming to the standards of Table 800-1 are provided. Flag lot accessways shall be privately and not publicly maintained.

SRC 800.025 establishes the following development standards for flag lot accessways serving 1 to 2 residentially zoned lots:

Flag Lot Accessway Standards (1-2 Lots)( Residential Zone)	
Length	150 ft. Max.
Width	20 ft. Min.
Paved Width	15 ft. Min.
Parking	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>

The proposed flag lot accessway is to serve proposed Lot 28 and 29 is approximately 130 feet in length and 25 feet in width. Flag lot accessways serving one to two residentially zoned lots is required to be paved to a minimum width of 15 feet. The proposed flag lots conform to the flag lot standards of SRC 800.025.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

**Condition 3:** Prior to final plat approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

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

**(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.

**SRC Chapter 71 (Stormwater):** The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards 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 proposed lots.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004 which were in effect at the time of submittal of the original tentative plan application and have subsequently been amended. Pursuant to state law, the rules and regulations in effect on the date an application was submitted are the rules and regulations that can be applied to a development proposal. As conditioned above, to demonstrate the proposed lots can meet the PWDS, the applicant provided an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Prior to final plat, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

**Condition 4:** Construct stormwater facilities based on regulations in effect on the original application date of the tentative plan submittal. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

As conditioned, the proposal meets the requirements of SRC Chapter 71.

**SRC Chapter 200 (Urban Growth Management):** The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located outside of the Urban Service Area and the applicant has applied for an Urban Growth Preliminary Declaration Permit, which is addressed below.



SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated July 20, 2020 (**Attachment D**).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal as application shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

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

*SRC 803.015 (Traffic Impact Analysis)*: Because the proposed phased subdivision is projected to be less than 1,000 daily trips onto Liberty Street S, a Major Arterial street, a TIA is not required. Despite that, the applicant submitted a TIA which determined the signal light located at Liberty Street and Davis Street is warranted as a condition of this development, since the intersection will function at a level of service F. The Assistant City Traffic Engineer has determined that the traffic generated from this phase of development is not sufficient to warrant construction of the Liberty Street and Mildred Lane Traffic Signal based on the findings of the TIA. This intersection will continue to function as a level of service C after full build out of this phase. Future development on Lots 1 and 35 may warrant additional improvements.

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

*SRC 803.025 (Right-of-Way and Pavement Widths)*: The applicant is required to convey land for right-of-way along Liberty Street S.

**Finding:** Liberty Street S abuts the subject property and do not meet the current right-of-way or improvement width standards for a Major Arterial. In implementing boundary street requirements pursuant to SRC 803.040, conditions below require the applicant to dedicate additional right-of-way and convey 48-feet from centerline of Liberty Street S.

Since the surrounding area is mostly undeveloped, a Minor Arterial improvement width is all that is currently warranted to ensure safe and efficient travel in the area. Construction of a Major Arterial pavement width along a limited does not provide any additional travel lanes or transportation capacity. By comparison, the Minor Arterial standard includes provisions for three travel lanes and two bike lanes. This interim Minor Arterial improvement provides benefit by adding a center turn lane without the excess Major Arterial pavement that is an ineffective and undesirable use of developer and SDC funds. The sidewalk and street trees along Liberty Road S shall be installed according to the Major Arterial standard. The street configuration may be modified as needed to minimize removal of existing street trees.

*SRC 803.030 (Street Spacing):* The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

- (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
- (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
- (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.
- (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

**Finding:** Due to pre-existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on both sides of Big Mountain Avenue between Mildred Lane SE and Joynak Street SE. The applicant is proposing 1,200-feet spacing between two streets, within the subdivision. The street locations will meet the exemption of SRC 803.030(b)(2) to exceed the 600-foot intervals.

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property.

**Finding:** The existing configuration of both Joynak Street S and Big Mountain Avenue do not meet current street standards. The applicant is proposing to continue each street, matching the existing right-of-way width and improvement. The applicant shall construct internal streets to adopted Local street standards, with the following exception: the internal extension of Joynak Street S to the intersection with Big Mountain Avenue S is authorized for a minimum 52-foot-wide right-of-way pursuant to SRC 803.065(a)(3), due to the pre-existing development and a significant cross-slope in the area.

**Condition 5:** Construct internal streets to Local street standards, with the following exception: Joynak Street S is authorized for a minimum 52-foot-wide right-of-way to the intersection with Big Mountain Avenue S pursuant to SRC 803.065(a)(3).

**CPC/ZC19-03 Conditions of Approval:**

**CPC/ZC19-03 - Condition 3:** The required Local street connections through the subject property are described as follows:

- a. Joynak Street S shall be extended into or through the subject property at the time of future development.
- b. Honey Bee Street S shall be extended into or through the subject property at the time of future development.
- c. Fire Cloud Avenue S shall be extended from the west line of the subject property, and shall connect to proposed Fire Cloud Avenue S within Marion County Tax Lot Number 083W16CC / 1500.
- d. Eagle Dance Street S and Big Mountain Avenue S shall be extended through subject property at the time of future development.
- e. Stub a Local street to the north line of the subject property abutting Marion County Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property and its steep topography.

**CPC/ZC19-03 - Condition 4:** Provide access to Marion County Tax Lot Number 083W16C / 800 through the Local street system within the proposed development.

**Finding:** The applicant has provided a tentative subdivision plan, which provides a connection to the existing Big Mountain Avenue and Eagle Dance Street S through the subject property and stubbing to adjacent undeveloped properties (083W16CC / 1500). A connection to proposed Fire Cloud Avenue is made along the western property line. Joynak Street S is extended through the property and connects to Mildred Lane, the extension of Joynak Street S provides frontage to Tax Lot Number 083W16C / 800, and Honey Bee Street S is extended to connect to Joynak Street S. The proposed street plan does provide a street stub abutting a small portion of 083W16C / 101, which is the best way to address the topography issues on the property, thereby complying with the conditions of approval. Comments were received about the future lot depth of abutting properties. The minimum lot depth for single family lots is 70 feet. The west right-of-way line of Big Mountain Avenue S is proposed to be located at least 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600), which will meet the depth standard A condition of approval has been added to ensure the new street provides sufficient depth for a single-family lot.

**Condition 6:** The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600).

*SRC 803.035 (Street Standards):* 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.

**Finding:** 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.

*SRC 803.035 (Street Standards):* Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets.

**Finding:** Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

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

*SRC 803.040 (Boundary Streets):* Liberty Road S is a boundary street, running along the entire eastern frontage of the subject property.

**Finding:** Liberty Road S abuts the subject property and does not meet the current right-of-way or improvement width standards for a Major Arterial. Pursuant to SRC 803.040, the applicant shall be required to convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.

Liberty Road S is a Boundary Street for the subject property requiring a half-street improvement meeting the Major Arterial standards of the TSP. The construction to a Major Arterial pavement width is an undesirable improvement until further development occurs in the area and along the transportation system in the area. Since the surrounding area is mostly undeveloped, a Minor Arterial improvement width is all that is currently warranted to ensure safe and efficient travel in the area.

Therefore, an interim alternate street standard of a 23-foot-wide half-street improvement is acceptable due to the existing configuration of Liberty Road S in the vicinity of the subject property pursuant to SRC 803.065(a)(3). Along the Liberty Road S frontage of the subject property, the applicant shall be required to construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, street trees, and streetlights shall be designed to accommodate a future Major Arterial street. The location of sidewalk, street trees, and streetlights in the ultimate location for the applicable street classification will ensure the pavement width can be expanded without jeopardizing the street trees and property line sidewalks.

- Condition 8:** Convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.
- Condition 9:** Along the Liberty Road S frontage of the subject property, construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, Street Trees, and Streetlights shall be designed to accommodate a future Major Arterial street and be located in the ultimate location. The street configuration may be modified as needed to minimize removal of significant oak trees.

In addition, previous Comprehensive Plan Change and Zone Change application, CPC-ZC19-03, required that traffic signals be constructed at the intersections of both Liberty Road S at Davis Road S and Liberty Road S at Mildred Lane S to mitigate the impacts to the transportation system.

**CPC/ZC19-03 - Condition 1:** Construct a traffic signal at the intersection of Liberty Road S and Davis Road S City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE and shall be designed to accommodate the east leg extension of Rainier Drive SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

**CPC/ZC19-03 - Condition 2:** Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

The proposed developments proportional impact is to construct a traffic signal at the intersection of Liberty Road S and Davis Road S in accordance with Condition 1 of CPC-ZC19-03. After review of the Traffic Impact Analysis (TIA) submitted with the application, the Assistant City Traffic Engineer has determined that the Liberty/Davis Traffic Signal is warranted as a condition of the proposed development based on the TIA findings. The intersection currently functions at a level of service F.

The Assistant City Traffic Engineer has determined that the traffic generated from this phase of development is not sufficient to warrant construction of the Liberty/Mildred Traffic Signal based on the findings of the TIA. This intersection will continue to function as a level of service C after full build out of this phase. Future development on Lots 1 and 35 may warrant additional improvements.

- Condition 10:** Prior to recording the final plat for the first phase of this project, design and construct a traffic signal at the intersection of Liberty Road S and Davis Road S. or provide adequate security acceptable to the Director of Public works to secure the construction of said signal.

As conditioned, the proposal conforms to applicable street requirements.

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

SRC Chapter 601 (Floodplain Overlay): 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.

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 (TCP20-10) was submitted in conjunction with the phased subdivision tentative plan. TCP20-10 identifies 28 trees on the subject property, with 18 trees proposed for preservation. The applicant is proposing to remove an Oak Tree currently within the right-of-way of Liberty Road, which cannot be removed under the Tree Conservation Plan application, since it is not on the subject property. Therefore, the 28-inch Oak tree within the right-of way of Liberty Road shall be preserved unless a permit under SRC 86 has been approved.

**Condition 11:** The existing Oak tree located within the Right-Of-Way of Liberty Road shall be preserved unless approval is granted under SRC 86.

In addition, a tree conservation plan (TCP) is only required in conjunction with development of single family or two family uses. The applicant has indicated that Lot 1 and Lot 35 will be developed for multiple family development to meet the density standard of the Multiple Family Residential (RM-II) zoning district. There are 19 trees located on Lots 1 and 35 which cannot be removed under the current TCP. The applicant would be required to apply for a separate TCP for any future division of these lots, which could allow the removal of trees. Conversely, development of a multi- family would allow the applicant to request removal of trees as part of the design review and site plan review applications. Therefore, the 19 trees located on Lots 1 and 35 shall be preserved, unless additional land use applications authorize the removal.

The land area to be developed in conjunction with the single-family use contains seven trees. Based on the lot configuration and street location and construction only three trees are designated for preservation or 42% of the trees on the land area. The proposal for this application will remove a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building foot print on Lot 20. This will preserve two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.

- Condition 12:** Trees on Lot 1 and Lot 35 are not authorized to be removed, shall be preserved and are not part of TCP20-10. Any removal of trees on Lot 1 or Lot 35 shall be through a separate TCP (as part of future division) or a separate land use application.
- Condition 13:** Removal of a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building foot print on Lot 20 is authorized.
- Condition 14:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.

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 wetlands on the subject property. Notice of the proposal was provided to the Department of State Lands (DSL), pursuant to SRC 809.025. DSL indicates that wetlands may be present, and an onsite inspection by a qualified wetland consultant is recommended. State and Federal permits may be required. The Public Works Design Standards require that all applicable state and federal permits be acquired as a condition of permit approval. The tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

**SRC Chapter 810 (Landslide Hazards):** 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 are areas on the subject property assigned two landslide hazard susceptibility points. The proposed subdivision adds three activity points to the proposal, which results in a total of five points. Pursuant to SRC Chapter 810, Table 810-1E, the proposed phased subdivision is classified as a moderate landslide risk and requires a geologic assessment.

A geologic assessment prepared by Redmond and Associates, dated November 13, 2020, was submitted and reviewed by the City. The assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205 - Final Plat:** No final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat shall be recorded without receiving final plat approval.

A required field survey and subdivision plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC, shall be submitted. The applicant is advised that the subject property appears to have several easements which 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 a townhouse dwelling each, or development of other SRC Chapter 514 "permitted," "special," or "conditional" uses. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. The proposal includes several streets providing connectivity to adjacent land. 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 and sewer infrastructure is available along the perimeter of the site. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement.

The subject property is located within the S-3 and S-4 water service levels. S-3 water mains are located in abutting streets. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property.

The Urban Growth Preliminary Declaration required a linking connecting to the S-3 water system, the applicant shall construct the S-3 Skyline #2 Reservoir, and water mains connecting those facilities. Since temporary capacity is available from the S-3 Champion Hill Reservoir, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee.



**Condition 15:** The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.

The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property. As a condition of development in the S-4 water service level, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

**Condition 16:** The applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

Sewer mains are located in abutting streets and are available to serve the proposed development.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004 which were in effect at the time of submittal of the original tentative plan application and have subsequently been amended. Pursuant to state law, the rules and regulations in effect on the date an application was submitted are the rules and regulations that can be applied to a development proposal. As conditioned above, to demonstrate the proposed lots can meet the PWDS, the applicant provided an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Prior to final plat, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

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

As 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:** Liberty Road S abuts the subject property and does not meet the current right-of-way or improvement width standards for a Major Arterial. Pursuant to SRC 803.040, the applicant shall be required to convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.

Liberty Road S is a Boundary Street for the subject property requiring a half-street improvement meeting the Major Arterial standards of the TSP. The construction to a Major Arterial pavement width is an undesirable improvement until further development occurs in the area and along the transportation system in the area. Since the surrounding area is mostly undeveloped, a Minor Arterial improvement width is warranted to ensure safe and efficient travel in the area.

Therefore, an interim alternate street standard of a 23-foot-wide half-street improvement is acceptable due to the existing configuration of Liberty Road S in the vicinity of the subject property pursuant to SRC 803.065(a)(3). Along the Liberty Road S frontage of the subject property, the applicant shall be required to construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, street trees, and streetlights shall be designed to accommodate a future Major Arterial street. The location of sidewalk, street trees, and streetlights in the ultimate location for the applicable street classification will ensure the pavement width can be expanded without jeopardizing the street trees and property line sidewalks.

Due to pre-existing development, the proposed subdivision is precluded from meeting the 600-foot intervals for block length on both sides of Big Mountain Avenue between Mildred Lane SE and Joynak Street SE. The applicant is proposing 1,200-foot spacing between two streets, within in subdivision. The street locations will meet the exemption of SRC 803.030(b)(2) to exceed the 600-foot intervals.

The existing configuration of both Joynak Street S and Big Mountain Avenue do not meet current street standards. The applicant is proposing to continue each street, matching the existing right-of-way width and improvement. Due to the pre-existing development the applicant shall construct internal streets to Local street standards, with the following exception: the internal extension of Joynak Street S to the intersection with Big Mountain Avenue S is authorized for a minimum 52-foot-wide right-of-way pursuant to SRC 803.065(a)(3).

As proposed and conditioned, the subdivision conforms to the TSP. The proposal meets this criterion.

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

**Finding:** Conditions above implement required boundary street improvements along the abutting portions of Liberty Road. Once the frontage of the property is developed with a boundary street, there will be an approximately 165 feet between the end of the sidewalk and the existing sidewalk connecting to Mildred Lane. Efficient circulation of pedestrian traffic from the proposed subdivision will travel east to Liberty Road and south to Mildred Lane to access Bryan Johnson Park, located at 400 Mildred Lane. To ensure pedestrians have a safe place outside of vehicle travel lanes the following condition applies:

**Condition 17:** Construct a temporary pedestrian route abutting the property frontage and along Liberty Road S from the south line of the subject property to Mildred Lane S.

The proposed network of boundary and internal streets serving the subdivision provides direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System

Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

**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:** The proposed subdivision is situated within one-half mile of two neighborhood activity centers:

- Bryan Johnson Park, an approximately 15-acre public park located at 400 Mildred Lane SE, approximately 1,600 feet east of the subject property.
- Secor Park, an approximately nine-acre public park located at 5555 Stockton Ave S, approximately 2,900 feet north of the subject property.
- Crossler Middle School, located at 1155 Davis Road S, approximately 1,000 feet north of the subject property.
- Bus stops and routes along Davis Road S, at its intersection with Joynak Street S.

The proposed subdivision is an extension of a subdivision which has access to existing minor arterial and major arterial street. The subject property will provide internal streets with safe and convenient bicycle and pedestrian access and provide boundary street improvements connecting northward to existing bicycle and pedestrian facilities to Davis Road S and to the south connecting to Mildred Lane S. New internal streets will connect the proposal to Mildred Lane and Davis Road. The new connections of local streets will provide a safe pedestrian connection to the middle school to the north and a signal crosswalk, located at Davis Road and Liberty Road, for pedestrians to cross Liberty Road at an intersection and access nearby park amenities.

The proposal meets this 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 subdivision generates less than 1,000 average daily vehicle trips to Liberty Road S, a Major Arterial street. Therefore, a Traffic Impact Analysis is not required as part of the proposed subdivision submittal. The applicant submitted a TIA with the subdivision application. The Assistant City Traffic Engineer has determined that the tentative subdivision plan mitigates impacts to the transportation system consistent with the TIA and the requirements of CPC-ZC19-03, as conditioned.

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. A number of existing natural and built conditions on the subject property are considered in the street and lot configuration proposed by the applicant. Limiting factors include existing development to the north, south and west of the property.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards, with the adjustments for maximum block length and street width. No existing conditions of topography or vegetation have been identified on the site which would necessitate further 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 townhouse and multi-family residential development of the site while minimizing disruptions to topography and vegetation.

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, therefore a UGA Preliminary Declaration is needed for the proposed development. The UGA criterion is addressed below.

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

**Staff Response:** The proposal is to plat the subdivision in two phases with Phase 1 containing 19 lot, which includes a stormwater facility and Phase 2 containing 26 lots.

The configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from Phase 1 and Phase 2 in a logical and efficient manner.

**Condition 18:** Phase 1, as shown on the applicant's plan, shall be constructed as the first phase. The internal local streets, as shown on the plan, will constructed with the associated phases.

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

**Staff Response:** The proposed phasing boundary, as shown on the proposed utility plan, provides for Phase 1 to function as a standalone subdivision, while retaining logical connections to future development of Phase 2.

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

**Staff Response:** The proposed configuration of lots and streets within both phases are designed to provide for efficient connection of utilities and other infrastructure from Phase 1 to Phase 2. Because there are only two phases proposed, a design which supports the orderly and efficient extension of utilities to Phase 2 effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

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

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

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

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

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

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

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

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Minor and Major Arterial streets (SRC 200.055(b)). Liberty Road S abutting the subject property is an adequate linking street.

Liberty Road S is authorized as an interim alternative street standard in order to be built to Minor Arterial standards, but within a Major Arterial width right-of-way pursuant to SRC 803.065(a)(3) because construction to a Major Arterial pavement width is an undesirable use of developer and SDC funds for improvements that provide no short- or long-term benefit to the transportation system.

An alternate street standard of a 23-foot-wide half-street improvement is acceptable due to the existing configuration of Liberty Road S in the vicinity of the subject property. The Minor Arterial standard includes provisions for three travel lanes and two bike lanes. The sidewalk and street trees along Liberty Road S shall be installed according to the Major Arterial standard. The street configuration may be modified as needed to minimize removal of significant oaks trees.

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

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060(a)). Existing adequate sewer facilities are available abutting the subject property. No linking sewer facilities are required.

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

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities (SRC 200.065(a)). The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005.

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

**Finding:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070(a)). The S-3 system in this area is deficient in storage capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-3 Skyline #2 Reservoir. At this time, temporary storage capacities are available from the S-3 Champion Hill Reservoir.

As a condition of linking to the S-3 water system, the applicant shall be required to construct the S-3 Skyline #2 Reservoir, and water mains connecting those facilities. Because temporary capacity is available, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee of \$90,000 and completion of a Temporary Facilities Access Agreement (TFAA) at the time of development pursuant to SRC 200.080(a). The temporary access fee is based on the water-rate-funded portion of the Skyline #2 reservoir, which was \$1,200,000. This component total was divided by the number of remaining lots that can temporarily be served by the Skyline #2 reservoir, which is estimated to be 600 dwelling units, equaling \$2,000 per unit. The project proposes 45 new lots, totaling approximately \$90,000 in temporary access fees. The temporary facilities access agreement is required as a condition of final plat approval, and the temporary access fee of \$2,000 per unit is required as a condition of building permit issuance for each lot.

There are no S-4 water mains in the vicinity of the subject property. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property. As a condition of development in the S-4 water service level, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

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

**Finding:** Prior to development approval, the applicant shall reserve for dedication that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Park System Master Plan (SRC 200.075(a)).

The Comprehensive Park System Master Plan shows that the proposed development is served by the Bryan Johnston Park and Secor Park.

## **10. Criteria for Granting a Class 2 Adjustment**

Because of limitations on access to the subject property, and because of the property's overall size and dimensions, the applicant has requested a Class 2 Adjustments with the subdivision. The adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width. Proposed lots 4, 6, 9, 11, 12, 13, 17, 18, 21-25, 30, 31, 33 and 37-44, exceed the Lot Depth maximum 300% average lot width.

Pursuant to SRC 250.005(d)(2), an application for a Class 2 Adjustment shall be granted if the following criteria are met:

**A. 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**

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

**Findings:**

**Maximum lot depth from 300 percent of average lot width:**

The intent and purpose of the maximum lot depth standard is to provide for future buildable lots, which can maintain property line setbacks. The maximum lot depth is 300 percent of the average width of the lot, which prevents narrow lots which can have adequate open space on the side yard, maintain side yard setback and to consider future development of potential lots. The proposal is to develop townhouses which will be required to be attached, eliminating the setback between some dwellings and will provide for additional open space and separation in the front or rear of the property, equally or better meeting the standard.

The proposal meets this criterion.

**B. 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:**

**Maximum lot depth from 300 percent of average lot width:**

The proposed adjustment will not unreasonably impact the existing or potential uses or development in the surrounding area. The proposal is to create lots for a townhouse development. The existing Multiple Family Residential zone does not provide for townhouse configurations which do not exceed this standard. The proposal is to develop townhouses which will be required to be attached, eliminating the setback between some dwellings and will provide for additional open space and separation in the front or rear of the property, equally or better meeting the standard

As condition, the proposal meets this criterion.

**C. 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** The one adjustment requested by the applicant is related to configuration of the existing property, build townhouses and accommodate steep slopes in the vicinity. The adjustments are consistent with the overall purpose of the RS (Single Family Residential) zone.



## 11. Conclusion

Based upon review of SRC 205.005, SRC 205.010(d) and 250.05(d)(2) the findings contained under Sections 8-10 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision.

### IT IS HEREBY ORDERED

That consolidated Subdivision, Urban Growth Preliminary Declaration and Class 2 Adjustment No. SUB-UGA-ADJ20-05, which includes the following requests:

A phase subdivision tentative plan and Urban Growth Area Preliminary Declaration to divide approximately 16 acres into 45 lots. The applicant is requesting an alternative street standard to allow 52-foot right of way in lieu of 60-foot for a street section (Joynak Street) and to and increase the block length of Big Mountain Avenue from 600-feet to 1,200-feet and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width.

The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential), and located on the 5870 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 0803W16C / 600) shall be GRANTED as follows:

- A. The subdivision tentative plan is **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:

#### **Prior to final subdivision plat:**

- Condition 1:** Lots 1 and 35 shall contain at least a total of 148 units when developed.
- Condition 2:** Lots 3-34 and 36-45 shall be townhouse development with one dwelling unit per lot, notwithstanding if applicable development standards of individual lots allow additional units.
- Condition 3:** Prior to final plat approval, "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 4:** Construct stormwater facilities based on regulations in effect on the original application date of the tentative plan submittal. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

- Condition 5:** Construct internal streets to Local street standards, with the following exception: Joynak Street S is authorized for a minimum 52-foot-wide right-of-way to the intersection with Big Mountain Avenue S pursuant to SRC 803.065(a)(3).
- Condition 6:** The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600).
- Condition 7:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.
- Condition 8:** Convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.
- Condition 9:** Along the Liberty Road S frontage of the subject property, construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, Street Trees, and Streetlights shall be designed to accommodate a future Major Arterial street and be located in the ultimate location. The street configuration may be modified as needed to minimize removal of significant oak trees.
- Condition 10:** Prior to recording the final plat for the first phase of this project, design and construct a traffic signal at the intersection of Liberty Road S and Davis Road S. or provide adequate security acceptable to the Director of Public works to secure the construction of said signal.
- Condition 11:** The existing Oak tree located within the Right-Of-Way of Liberty Road shall be preserved unless approval is granted under SRC 86.
- Condition 12:** Trees on Lot 1 and Lot 35 are not authorized to be removed, shall be preserved and are not part of TCP20-10. Any removal of trees on Lot 1 or Lot 35 shall be through a separate TCP (as part of future division) or a separate land use application.
- Condition 13:** Removal of a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building foot print on Lot 20 is authorized.
- Condition 14:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.

- Condition 15:** The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.
- Condition 16:** The applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.
- Condition 17:** Construct a temporary pedestrian route abutting the property frontage and along Liberty Road S from the south line of the subject property to Mildred Lane S.
- Condition 18:** Phase 1, as shown on the applicant's plan, shall be constructed as the first phase. The internal local streets, as shown on the plan, will be constructed with the associated phases.

- B. The Urban Growth Area Preliminary Declaration for the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property is **APPROVED**, subject to the applicable standards of the Salem Revised Code the findings contained herein.
- C. The Class 2 Adjustment is **APPROVED** to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width, subject to the applicable standards of the Salem Revised Code the findings contained herein.



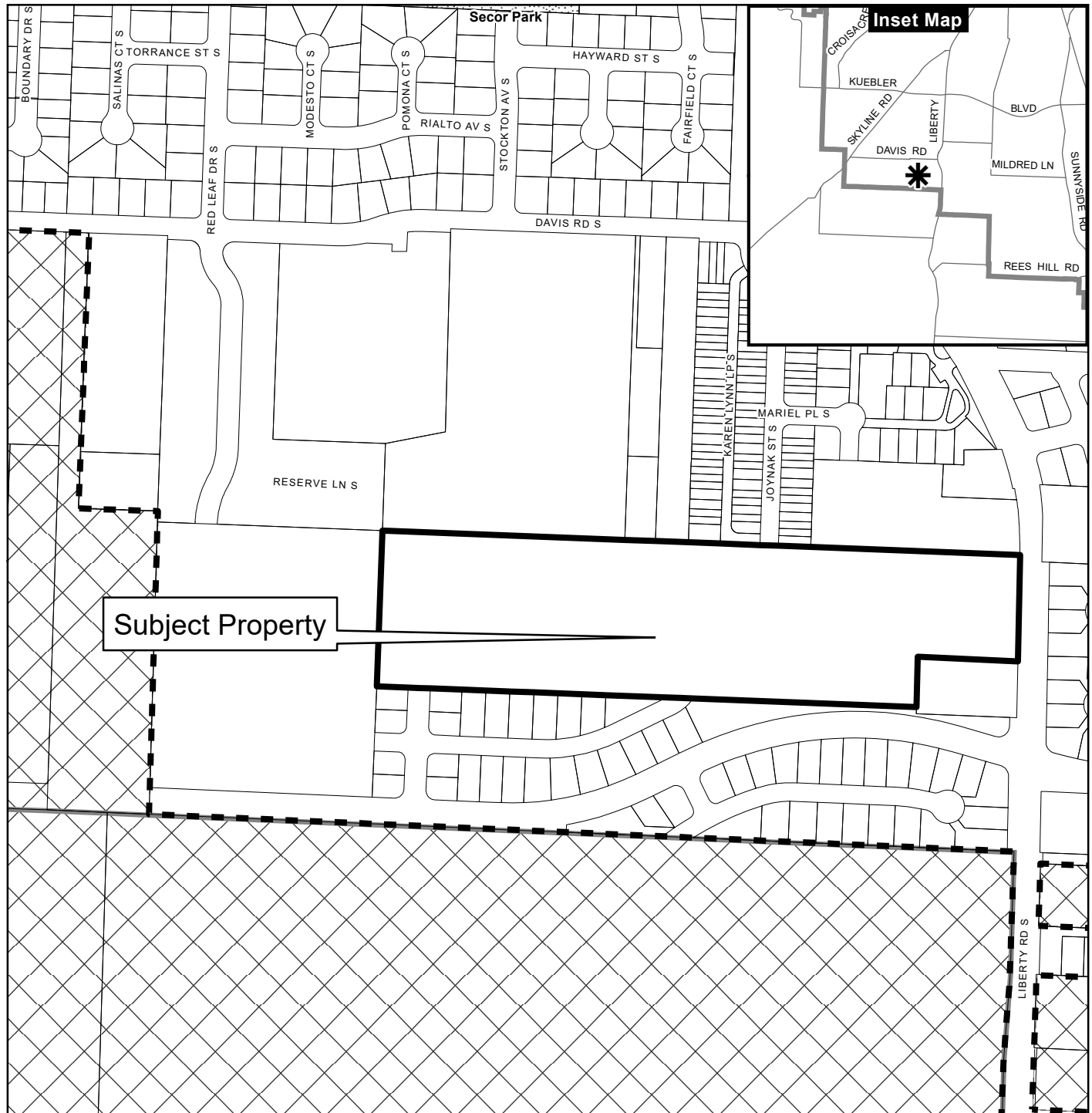
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Olivia Dias, Current Planning Manager, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

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

# Vicinity Map

## 5871 Liberty Road S



### Legend

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

Parks

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

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0 100 200 400 Feet





Owner / Developer:

**HARRISON INDUSTRIES, L.L.C.**

10355 Liberty Road S.  
SALEM, OREGON 97306

# LIBERTY ROAD SUBDIVISION

SEC. 16, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

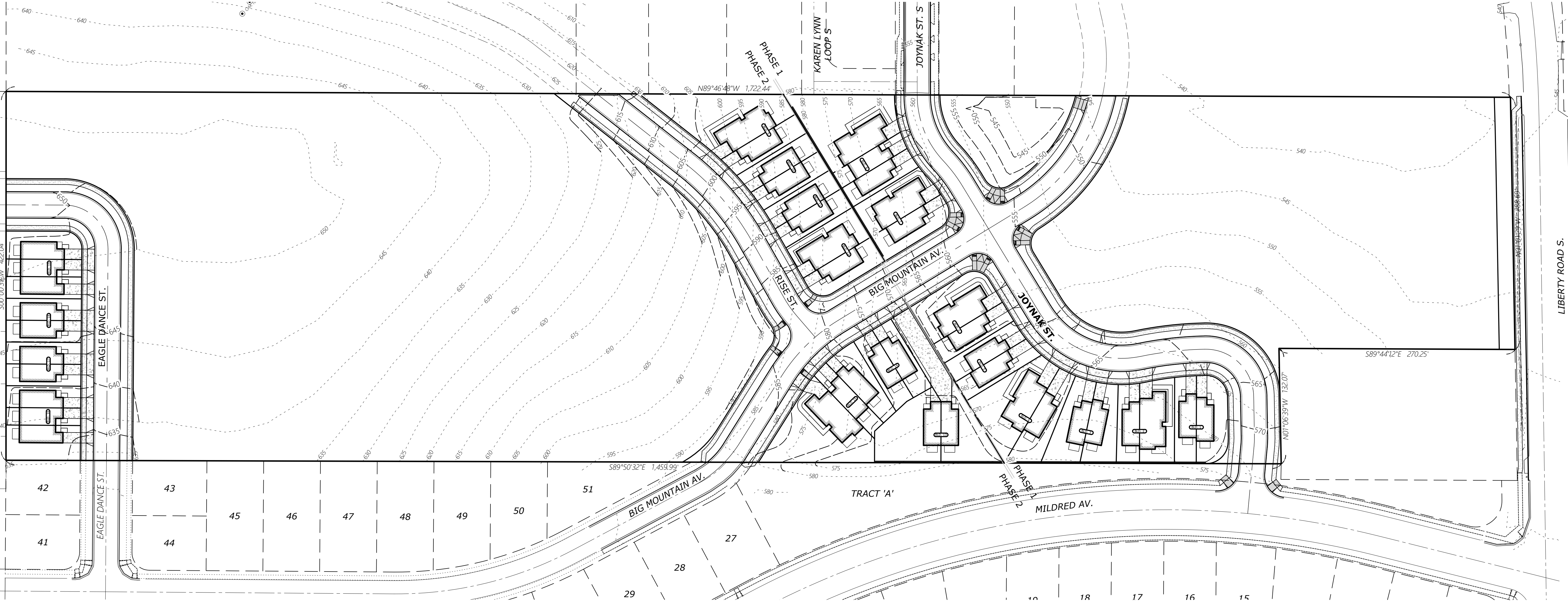
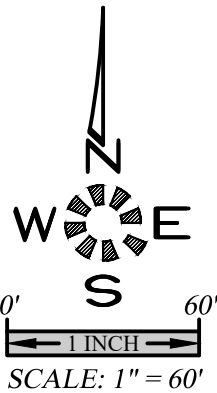
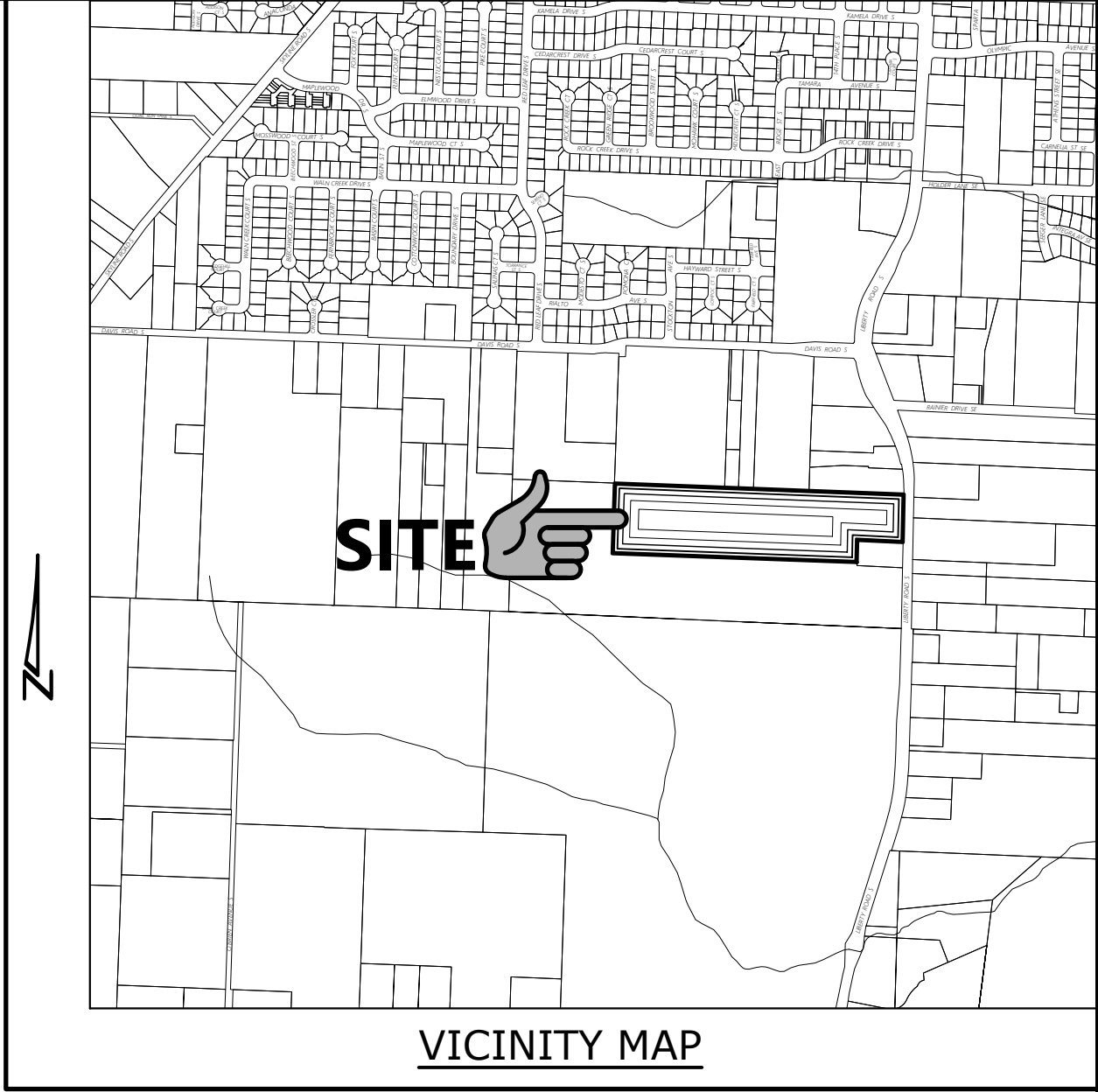
ATTACHMENT B

PARCEL SIZE:  
DEVELOPABLE AREA — 15.870 Ac.  
NUMBER OF UNITS — 45  
DENSITY — 2.84 UNITS/AC.  
LARGEST LOT — 292,813 S.F.  
SMALLEST LOT — 1,707 S.F.  
AVERAGE — 12,808 S.F.

UTILITIES:  
CABLE — COMCAST CABLE SERVICES  
ELECTRIC — P.G.E.  
PHONE — FRONTIER COMMUNICATIONS  
GAS — N.W. NATURAL  
STORM DRAIN,  
SANITARY SEWER,  
WATER — CITY OF SALEM

**PRELIMINARY SHEET INDEX**

SHEET P101	COVER SHEET
SHEET P102	EXISTING CONDITIONS PLAN — WEST
SHEET P103	EXISTING CONDITIONS PLAN — EAST
SHEET P201	SITE PLAN — PARCELS — WEST
SHEET P202	SITE PLAN — PARCELS — EAST
SHEET P203	SITE PLAN — IMPROVEMENTS — WEST
SHEET P204	SITE PLAN — IMPROVEMENTS — EAST
SHEET P301	TREE CONSERVATION PLAN — WEST
SHEET P302	TREE CONSERVATION PLAN — EAST
SHEET P401	UTILITY PLAN — WEST
SHEET P402	UTILITY PLAN — EAST
SHEET P403	OFFSITE STORM DRAINAGE PLAN
SHEET P404	OFFSITE STORM DRAINAGE PLAN
SHEET P501	STREET PLAN — JOYNAK STREET
SHEET P502	STREET PLAN — BIG MOUNTAIN AV.
SHEET P503	STREET PLAN — RISE STREET
SHEET P504	STREET PLAN — EAGLE DANCE STREET
SHEET P601	GRADING PLAN — WEST
SHEET P602	GRADING PLAN — EAST



MULTI/TECH

ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OR. 97302  
PH. (503) 363-5277 FAX (503) 366-5600  
www.mtengr.com office@mtengr.com

PRELIMINARY  
COVER SHEET

LIBERTY ROAD  
SUBDIVISION

NO CHANGES, MODIFICATIONS  
OR REVISIONS CAN BE  
MADE TO THESE DRAWINGS  
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AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: JAN. 2020  
Scale: AS SHOWN  
As-Built: ---

REGISTERED PROFESSIONAL  
ENGINEER  
MARION COUNTY, OREGON  
JULY 1, 1998  
MARK GREVIL

EXPIRES: 06-30-2021  
JOB # 6720

**P101**

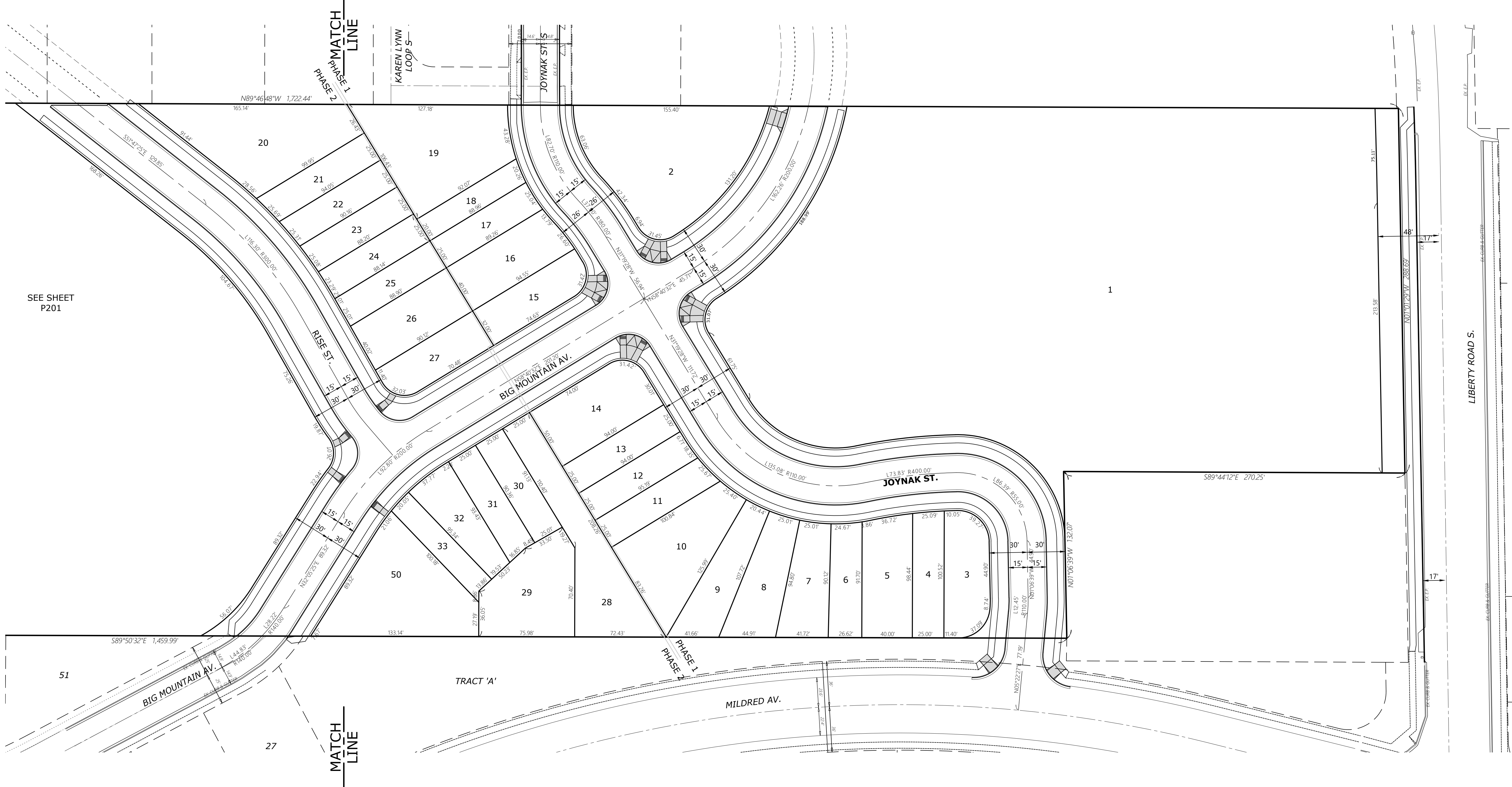
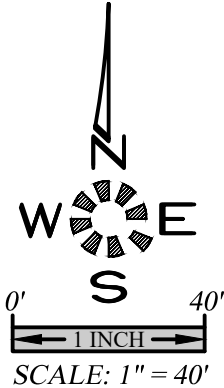






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Parcel Table		<del>Parcel Table</del>		Parcel Table		Parcel Table		Parcel Table		Parcel Table		Parcel Table		Parcel Table		Parcel Table		Parcel Table		Parcel Table	
Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.	Parcel #	Area S.F.
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3	3,370.06	8	3,416.36	13	2,350.00	20	7,435.48	25	2,213.00	29	5,031.87	36	<del>3,418.22</del>	41	2,151.40	43	5,355.04	46	8,199.10	50	6,569.18
4	2,490.53	9	3,361.63	14	4,614.76	21	2,420.64	26	3,580.42	30	2,268.63	37	1,707.19	41	5,226.66	44	<del>1,731.48</del>	47	8,218.39	51	7,292.98
5	3,813.91	10	5,779.03	17	2,218.20	22	2,298.44	27	2,807.33	31	2,281.17	38	2,138.01	42	2,155.86	44	5,226.66	48	8,201.21	52	<del>35,649.17</del>
6	2,317.52	11	2,440.37	18	1,805.27	23	2,225.44	27	7,072.47	32	2,814.45	39	2,142.47	42	5,298.75	45	2,697.80	49	7,746.16		



2. RE-ALIGN JOYNAK STREET.  
1. WIDEN STREETS AND ADJUT LOT.

P.H.S. 01/21/2021  
P.H.S. 11/25/2020

Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: JAN. 2020  
Scale: AS SHOWN  
As-Built: ----



EXPIRES: 06-30-2021

JOB # 6727

**P202**

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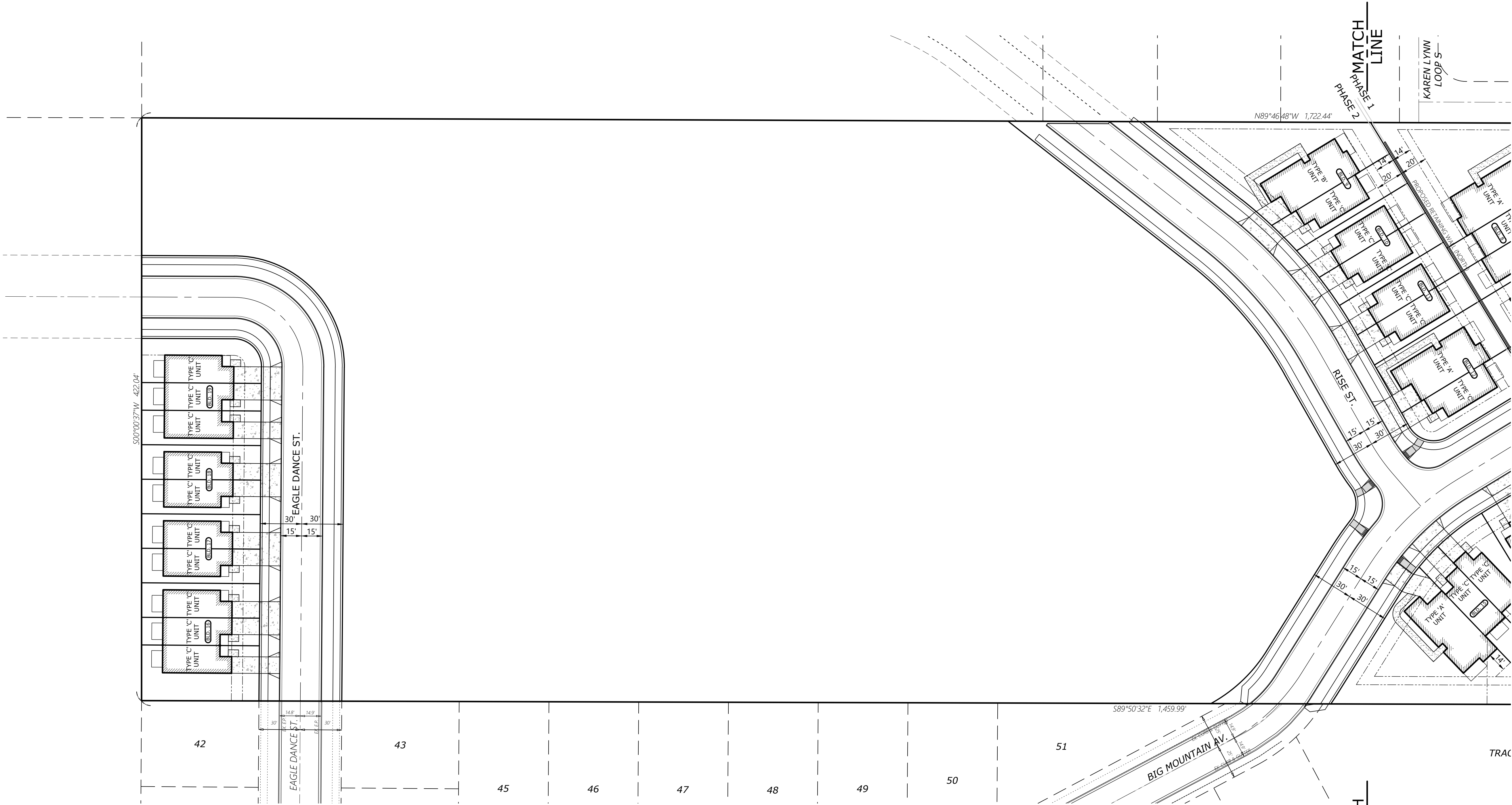
## LIBERTY ROAD SUBDIVISION

## PRELIMINARY SITE PLAN PARCELS - EAST

MULTI/TECH

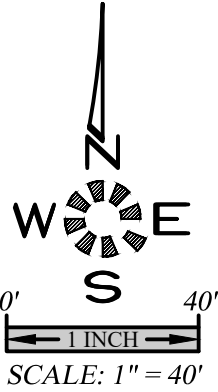
ENGINEERING SERVICES, INC.  
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SEE SHEET  
P204

SEE SHEET P102 OR P103  
FOR PARCEL AREAS

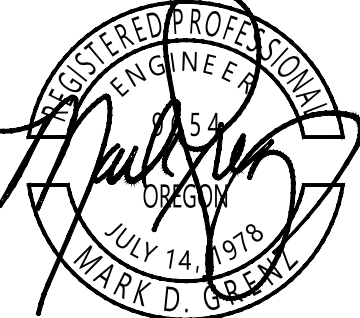


## PRELIMINARY SITE PLAN IMPROVEMENTS - WEST

## LIBERTY ROAD SUBDIVISION

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Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: JAN. 2020  
Scale: AS SHOWN  
As-Built: ----



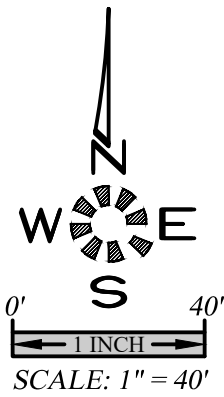
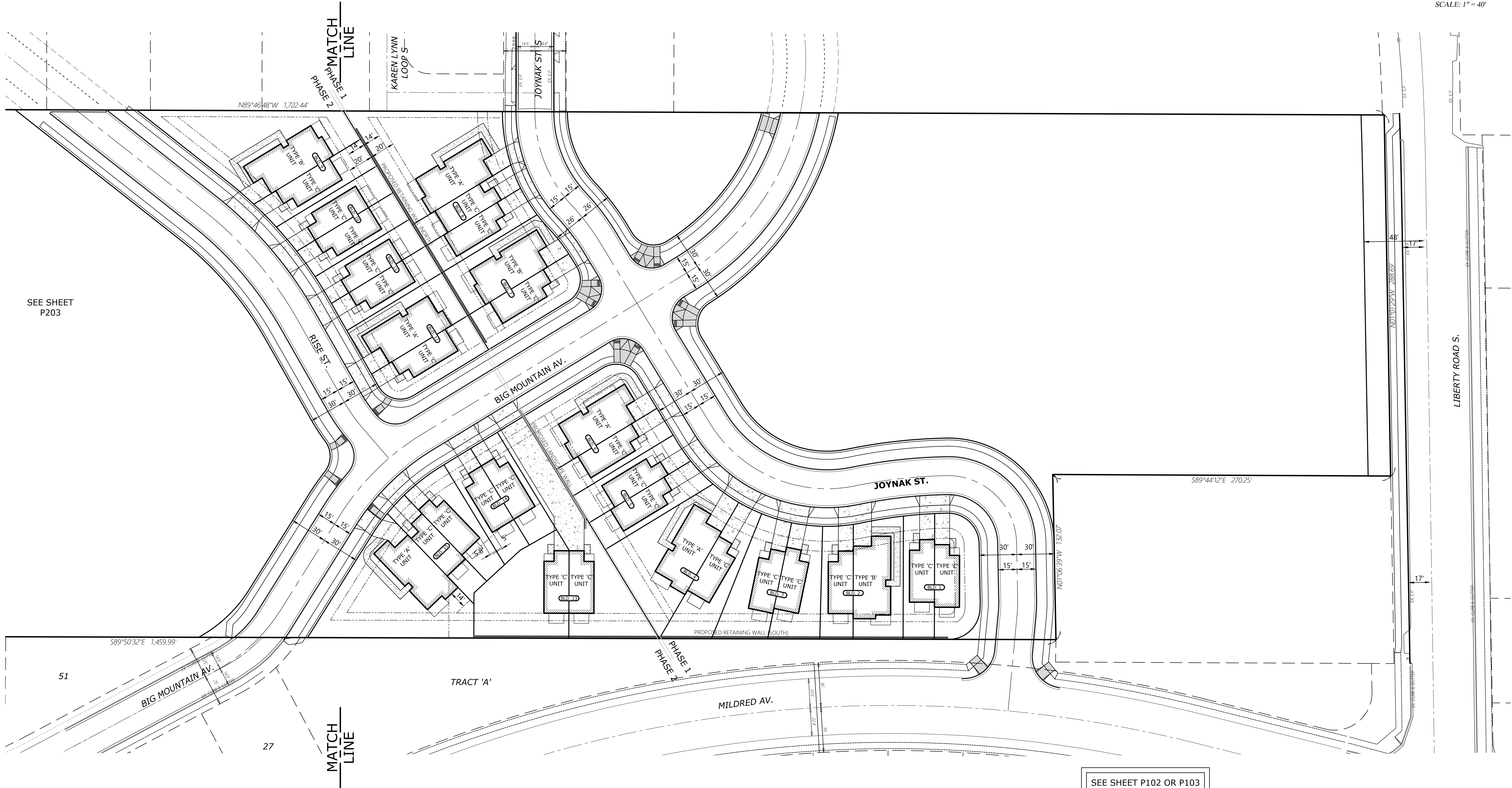
EXPIRES: 06-30-2021

JOB # 6727

# P203



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**PRELIMINARY  
SITE PLAN  
IMPROVEMENTS - EAST**

**LIBERTY ROAD  
SUBDIVISION**

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PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

67270 75048P  
Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: JAN. 2020  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_



EXPIRES: 06-30-2021

JOB # 6727

**P204**

# ***Liberty Road***

## **Subdivision Application**

Revised-January 28, 2021

### **BACKGROUND:**

The subject property is approximately 15.8 acres in size and located at 5871 Liberty Road South (083W16C/600). The subject property is zoned RMII.

In 2007, Urban Growth Area Permit (UGA07-14) was approved for the subject property.

On June 28, 2018, a pre-application conference (PRE-AP18-74) was held with City of Salem staff to discuss development of the subject property.

On May 8, 2019, a Comprehensive Plan Change/Zone Change (CPC-ZC19-03) application was approved by the City to rezone the subject property from RA to RMII.

### **PROPOSAL:**

The subject property is 15.8 acres in size and zoned RMII (Multi-Family Residential). The applicant is proposing to divide the subject property into 45 lots (2 Phases), with 42 lots designated for townhomes and 2 lots (Lots 1 and 35) designated for future multi-family development. Lot 2 will be designated for a regional detention and water quality system.

Phase 1: Lots 1-19

Phase 2: Lots 20-45

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

The subject property is located at 5871 Liberty Road and identified as 083W16C/600.



The subject property is located south of Davis Road and west of Liberty Road. The vicinity map is shown above. The surrounding land uses within the vicinity are zoned and used as follows and as shown:

North: RA (Residential Agriculture) and RMII (Multi-Family Residential); existing single-family dwellings and vacant land

East: Across Liberty Road, RS (Single Family Residential); existing single-family dwellings

South: Whispering Winds Subdivision, RS (Single Family Residential); existing single-family dwellings

West: RMII (Multi-Family Residential); existing apartments and vacant land

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

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

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

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

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

Findings: An adjustment to lot width to depth ratio is being requested for Lot 4, Lot 6, Lots 9, 11, 12, 13, Lots 17-18, Lots 21-25, Lots 30, 31, 33, and Lots 37-44.

The applicant is proposing to divide the subject property into 45 lots (2 Phases), with 2 (Lots 1 and 35) of the lots designated for future multi-family development. Lot 2 will be designated for a regional detention and water quality system.

Density: The subject property is zoned RMII and is about 15.87 acres in size. The minimum density required on the site is 190 units with a maximum of 445 units allowed.

Lots 3-34 and Lots 36-45 being designated for townhomes=42 townhomes  
Lot 1 being designated for multi-family development=66 apartment units  
Lot 35 being designated for multi-family development=156 apartment units

Therefore, there will be a total density of 264 units throughout the subject property.

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

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

Therefore, this criteria has been met.

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

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

Prior to development of the site, stormwater detention will be designated and designed on the lots. A preliminary drainage report dated August 17, 2020, has been provided as part of this submittal.

Therefore, this criteria has been met.

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

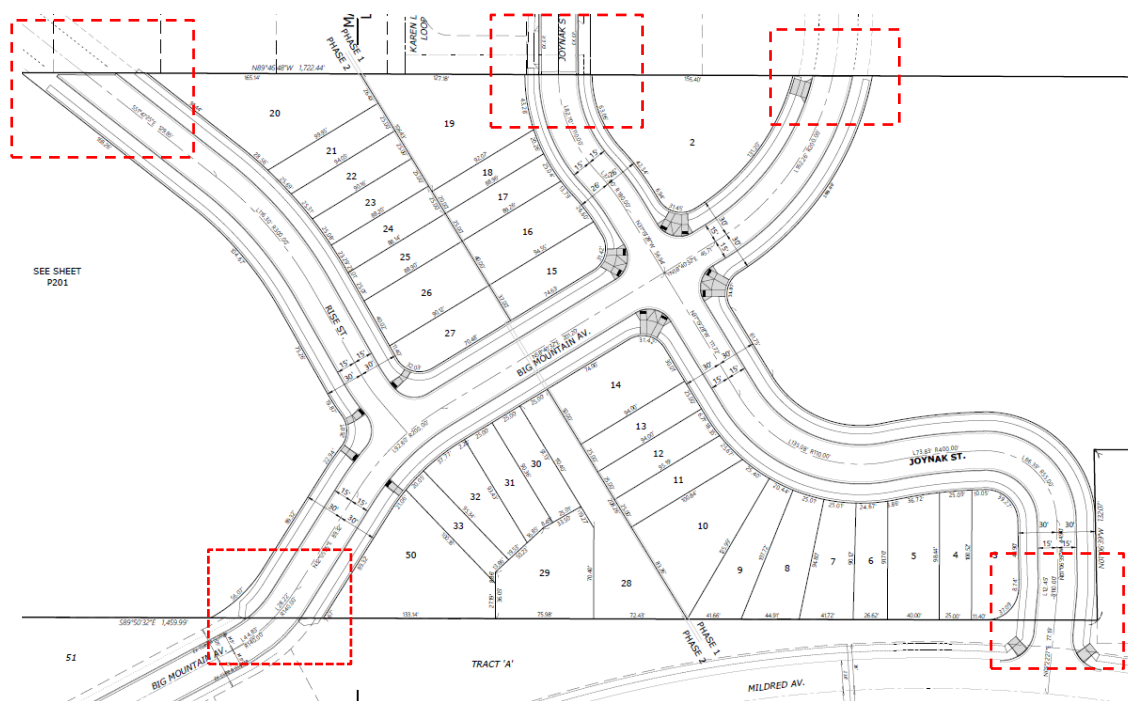
Findings: There are no wetlands or floodplains located on the subject property.

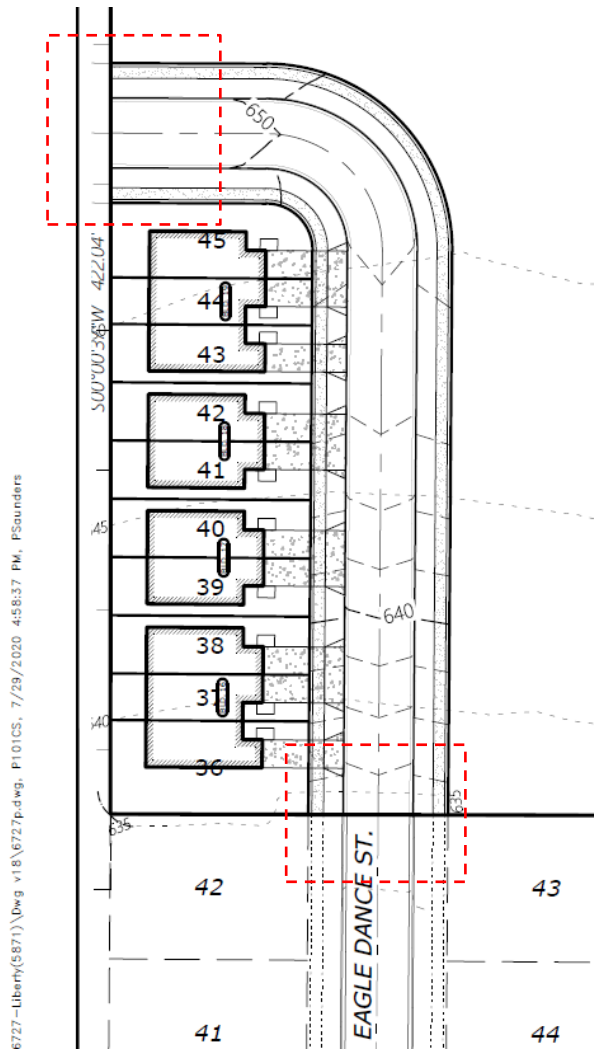
A geological assessment is currently being prepared and will be submitted when complete.

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

Findings: The purpose of this subdivision is to create a mixed housing development, with 42 lots designated for townhomes and 2 larger lots designated for future multi-family development. The 2 lots (Lots 1 and 35) designated for multi-family will be fully developed at a later date. Lot 2 will be designated for a regional detention and water quality system.

Per the requirements of CPC-ZC19-03, there are several internal streets that connect to adjacent properties. The tentative subdivision does not impede the future use or development of the property or adjacent land. Shadow plans for Lots 1 and 35 have been provided.





All proposed lots and surrounding properties have direct access onto the existing internal street system. The subdivision does not impede the future use of the property or adjacent land.

Therefore, this criteria has been met.

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

Findings: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of



developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

The subject property is within ½ mile from Secor Park to the north and Bryan Johnston Park to the east. Therefore, the subject property is served by parks.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. On-site detention and a pump station are being provided within the proposed subdivision.

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

Therefore, this criterion has been satisfied.

#### **Proposed Stormwater Management System:**

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

A preliminary stormwater report dated August 17, 2020 is part of the package that has been submitted. Lot 2 will be designated for a regional detention and water quality system.

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

Findings: The major street system is in place due to prior development. Per the requirements of CPC-ZC19-03, there are several internal streets that connect to adjacent properties. Liberty Street is located to the east and designated as a 'major arterial' and Mildred Avenue is located to the south and designated as a 'minor arterial' on the Salem Transportation System Plan.

Per the requirements of CPC-ZC19-03, there are several internal streets that connect to adjacent properties. The existing and proposed street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval.

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

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

#### Transportation Planning Rule Review:

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

When developed, the development on the lots will provide bicycle and pedestrian facilities on-site to encourage people to walk and reduce vehicle trips. There is currently one bus route that runs along Liberty Road, north of the site (Route 8/Liberty Road), this will help to reduce vehicle usage and encourage other modes of transportation to and from the site, when developed.

A Revised Traffic Impact Analysis (TIA) dated March 5, 2019, and a Traffic Memo dated October 21, 2020 has been provided.

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

Findings: The subject property is located in a developed area where improved streets and sidewalks exist. At the time of development, all internal local streets serving the development will provide the necessary connections and access to the local streets and circulation system serving this neighborhood.

**Block Length:** Blocks shall be a maximum of 600 feet between street centerlines. Per the requirements of CPC-ZC19-03, there are several internal streets that connect to adjacent properties. The blocks do not exceed 600 feet in length, and there are more than enough existing street connections. As shown above, there are several internal streets that connect to adjacent properties. There are three (3) street connections being provided to the north and three (3) to the south, along with one (1) to the west as shown on the site plans.

The subject property only has street frontage on the east side of the property, Liberty Road. No access is proposed onto Liberty Road. Access will be taken from the



proposed internal streets.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding neighborhoods.

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

Therefore, this criterion has been or will be satisfied.

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

Findings: The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system. Per the requirements of CPC-ZC19-03, there are several internal streets connections throughout the site and to adjacent properties.

Therefore, via existing paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods.

Therefore, this criteria has been met.

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

Findings: The proposal is for a 45-lot subdivision. A Revised Traffic Impact Analysis dated March 5, 2019 and a Traffic Memo dated October 21, 2020, have been submitted as part of this application packet. The proposed subdivision plan mitigates impacts to

the transportation system by providing adequate access and circulation for all 45-lots.

Therefore, this criterion has been met.

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

Findings: An adjustment to lot width to depth ratio is being requested for Lot 4, Lot 6, Lots 9, 11, 12, 13, Lots 17-18, Lots 21-25, Lots 30, 31, 33, and Lots 37-44.

The applicant is proposing to divide the subject property into 45 lots (2 Phases), with 2 (Lots 1 and 35) of the lots designated for future multi-family development. Lot 2 will be designated for a regional detention and water quality system.

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

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

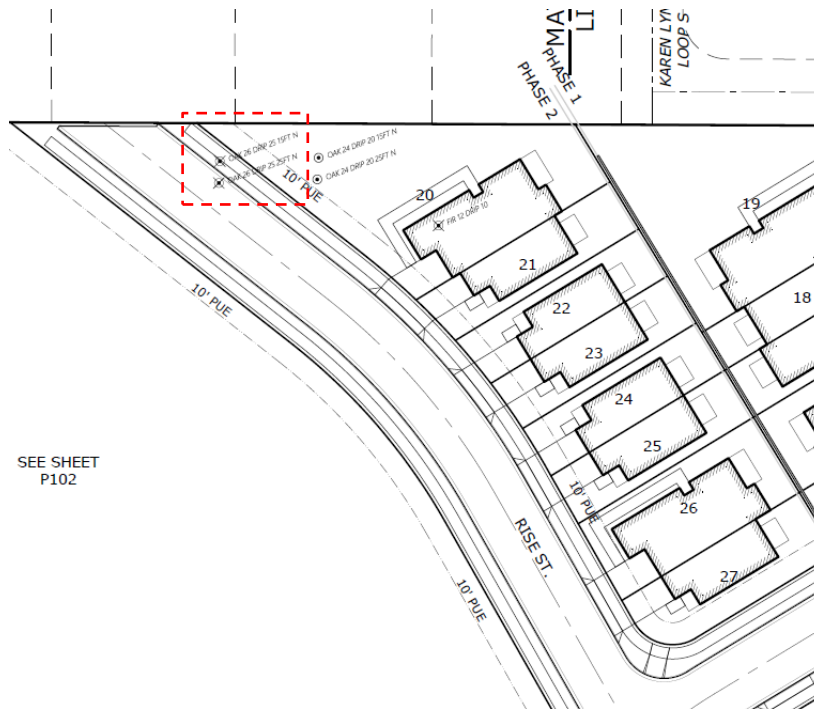
The subdivision plan takes into consideration the topography and vegetation of the site. The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

There are 25 trees located within the boundary of the site. Ten (10) trees are designated for removal, with eighteen (18) designated for preservation. Therefore, the applicant is preserving 36% of the trees on site. There are nine (9) significant Oregon White Oaks located on the site. Only two (2) of the Oregon White Oaks are designated removal due to their location within the right-of-way.

100% 28 TOTAL TREES WITHIN BOUNDARY.  
36% 18 TREES TO REMAIN.

⊗ = EXISTING TREE WHICH MAY BE  
REMOVED.

⊙ = EXISTING TREE TO REMAIN.



The layout of the future lots will take into consideration the topography and vegetation of the site.

Therefore, this criteria has been met.

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

Findings: The property and development are located outside the Urban Service Area (USA). A UGA was issued in 2007, however the use and zoning of the property has changed, therefore, the applicant is requesting a new Urban Growth Area Preliminary Declaration.

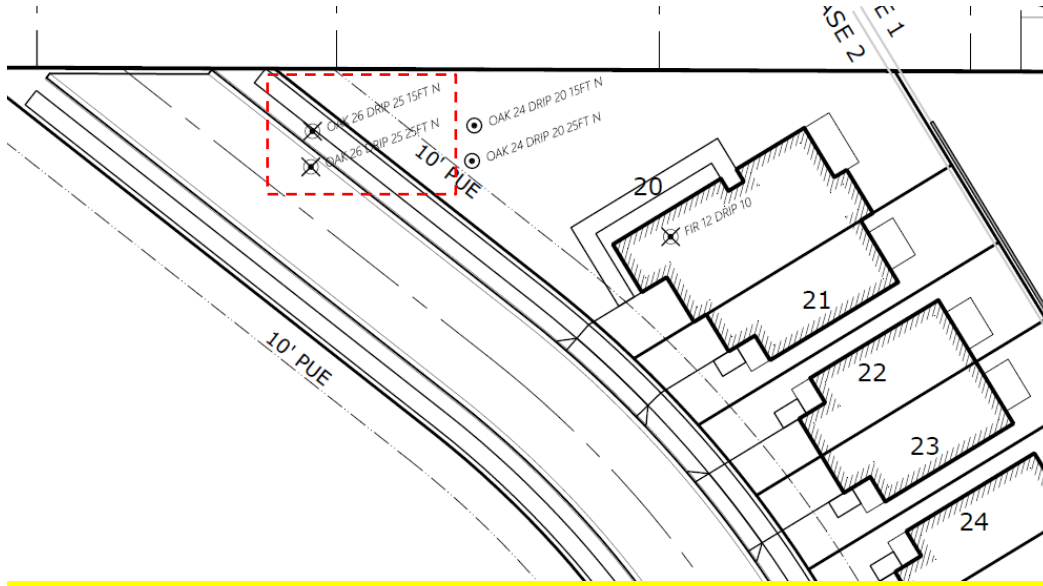
Therefore, this criterion has been met.

### **TREE CONSERVATION/REMOVAL PLAN**

There are 25 trees located within the boundary of the site. Ten (10) trees are designated for removal, with eighteen (18) designated for preservation. Therefore, the applicant is preserving 36% of the trees on site. There are nine (9) significant Oregon White Oaks located on the site. Only two (2) of the Oregon White Oaks are designated

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removal due to their location within the right-of-way.



## **Liberty Road Subdivision**

Alternative Street Standards Request

January 2021

In the pursuit of this project, we have set out both horizontal and vertical street designs that are necessary to facilitate the development of this project.

The conditions of approval for the project, through the Comp Plan/Zone Change set out specific street connection and extension point with the development of the site.

The project includes extensive topographic features along with Existing streets stubbed to the site from Joynak St along the north side and Big Mountain Ave along the south side.

To gain access to this site a connection was also proposed off of Mildred Lane along the south side as well.

The Request is to allow the use of 52 foot right of way along Joynak St from its existing terminus to the intersection with the new Big Mountain Ave right of way. The balance of the right of ways for the project are intended to be 60o feet in width. This request is made to allow for a better connection of the walkways to the existing street.

We are also requesting the use of centerline radius for the project's local streets that are less than the minimum required for a local street. Again, the alignment of the roadways have been set out to minimize the negative

impacts from the site topographic elements on the roadways. The need to meet ADA and PROWAG design standards at the intersections with Mib Mountain Ave and Rise St and then in a short distance with Joynak St force the need to make horizontal changes in a shorter distance. We do not believe that the safety of the roadways is being compromised by these shorter radii.

Again, to make the ADA and PROWAG standards work, we have had to create a short section of roadway along Big Mountain that has a vertical slope greater than 12%. This is to aid in the creation of intersections and pedestrian crossings that are 5% or less to aid in those movements.

The attached conceptual street designs have been provided to aid in the consideration of these requests.





**DESIGN EXCEPTION REQUESTS**  
Liberty Road Subdivision

M. Grenz, P.E.

February 16th, 2021

DIVISION	SECTION	EXCEPTION	REASON	CITY ENGINEER APPROVAL	
				INITIALS	Date
Street Design Standards	6.8(d)	<p>Allow the use of a centerline radius that is less than the 160 foot radius set out in Section 6.8(d). This is the case for Joynak St in the area of Station 1+34 To 2+20, 2+94 to 4+30, and 6+34 to 7+20.</p> <p>Also in Eagle Dance St at the north end, where we make a hard turn to the west.</p>	<p>The proposed center line alignments were selected to achieve both an acceptable horizontal alignment change and to match to the existing streets in the adjoining properties. During the Comp Plan/Zone Change, there were requirements set out that drive the street alignments shown.</p> <p>To aid in the vertical design elements of the project, street locations were used to assist with the topographic issues that effect the site.</p> <p>The indented street alignments will provide a safe and effective street pattern for the project and match the Requirements from the zone change</p>		
	6.9(b)	<p>Allow the use of a minimum "K" value of 12 for crest curves and 8 for sag curves.</p> <p>This request would be applied to all streets within the development.</p>	<p>The request is being made due to the extreme topographic conditions that exist on the project. The need to achieve the PROWAG design requirements at intersections and not create excessive cuts and fills on the site an hamper access to the lots.</p>		
	6.9(b)	<p>Allow the use of a minimum sag curve K value of 4.0 for street grades that transition the running slope to an intersection with Big Mountain Ave.</p> <p>This request applies to other locations as needed to facilitate the development of ADA Ped Crossings</p>	<p>The topographic conditions that exist on the west portion of the site, make the street grade transition very difficult. Increasing the length of the vertical curve, will force the street deeper into the site and make PROWAG standard compliance very difficult at the intersection of Two Avenue and Three Street.</p>		
	6.9(b)	<p>Allow the use of a minimum sag curve of 4.12 in the approach of an intersection.</p> <p>This request applies to One Ave at Station 7+20</p>	<p>The topographic conditions that exist on the site in this portion of the site again make the street design grade transition very difficult. Increasing the length of the vertical curve, will force greater grading and increase access difficulty to the adjoining lots.</p>		
	6.4	<p>Reduce the number of Ped Crossings at mid block locations</p>	<p>Along Big Mountain Ave at the intersection with Rise Street, the slope along Big Mountain has been set to allow for the construction of a PROWAG compliant Ped crossing on the west side of the intersection but the slope is Greater than the max 5% on the east side of the intersection.</p> <p>As such, we request that the easterly Ped crossing be eliminated for this project.</p>		

February 17<sup>th</sup>, 2021

Brian Martin, P.E.  
City Engineer  
City of Salem  
Department of Public Works  
555 Liberty Street SE  
Salem, OR 97301

RE: Liberty Rd Subdivision  
Street Design Exception Request

Brian,

Attached you will find a formal Design Exception Request for the public streets to be constructed within the Liberty Road Subdivision.

During the land use process for the Comp Plan and Zone Change, we were required to provide specific street connections and extension, such that the site topographic conditions greatly impacted the design of those streets. We were required to connect to existing streets and to provide street extension to specific locations. These required extensions also increased the negative impacts that the site topographic elements impacted the designs.

We noted during the land use process that it was likely that design exceptions would be needed for this project.

We have worked with staff on the designs that are included in the attached plans. We believe that we



have made sufficient adjustments to mitigate the few exceptions being requested.

We have discussed the attached requests with Don Whitehurst and Kevin Hottmann as well.

We have attached the street design sheets to aid you in this request. We are happy to meet with you and discuss the details of the request being made.

Sincerely,


Mark D. Grenz, P.E., IC., E.N., G.E.





## MEMO

**TO:** Olivia Dias, Current Planning Manager  
Community Development Department

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

**DATE:** March 10, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB-UGA-ADJ20-05 (20-113633-LD)  
5871 LIBERTY ROAD S  
45-LOT PHASED SUBDIVISION AND UGA PRELIMINARY  
DECLARATION**

**PROPOSAL**

A Phased Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration to divide approximately 16 acres into 45 lots. The applicant is requesting an alternative street standard to allow 52-foot right-of-way in lieu of 60-foot for a street section (Joynak Street S), to increase the block length of Big Mountain Avenue S from 600 feet to 1,200 feet, and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width. The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential), and located at 5871 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 0803W16C 00600).

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.
2. Along the Liberty Road S frontage of the subject property, construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. Sidewalks, street trees, and streetlights shall be designed to accommodate a future Major Arterial street. The street configuration may be modified as needed to minimize removal of street trees.
3. Extend a temporary pedestrian route along Liberty Road S from the south line of the subject property to Mildred Lane S.

4. Construct internal streets to Local street standards, with the following modifications:
  - a. Joynak Street S is authorized for a minimum 52-foot-wide right-of-way to the intersection with Big Mountain Avenue S pursuant to SRC 803.065(a)(3).
  - b. The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600).
5. Construct a traffic signal at the intersection of Liberty Road S and Davis Road S.
6. Construct the Skyline #2 S-3 reservoir or enter into a temporary facilities access agreement specifying that payment of a temporary access fee of \$2,000 per dwelling unit is to be collected at the time of building permit issuance.
7. Construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.
8. Construct stormwater facilities based on regulations in effect on the original application date of the tentative plan submittal. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
9. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

## **FACTS AND FINDINGS**

### **Water**

1. Existing Conditions
  - a. The subject property is located within the S-3 and S-4 water service levels.
  - b. A 12-inch S-3 water main is located in Liberty Road S.
  - c. There are 8-inch S-3 mains located in Joynak Street S at the northern boundary, and in Eagle Dance Street S and Big Mountain Avenue S along the southern boundary of the subject property.
  - d. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in Joynak Street S.
- b. An 8-inch sewer main is located in Eagle Dance Street S.
- c. An 8-inch sewer line is located in Liberty Road S. The sewer main is approximately 10 feet deep.

## Storm Drainage

### 1. Existing Conditions

- a. Existing storm mains are located in Eagle Dance Avenue S, Joynak Street S, and Liberty Road S.

## Streets

### 1. Liberty Road S

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 40-foot improvement within a 80-foot-wide right-of-way abutting the subject property.

### 2. Joynak Street S

- a. Standard—This street is designated as a Local street in the Salem TSP and was approved for an alternative street. The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 50-foot right-of-way abutting the subject property.

### 3. Eagle Dance Avenue S

- 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 30-foot improvement within a 60-foot right-of-way abutting the subject property.

4. Big Mountain Avenue S

- 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 30-foot improvement within a 50-foot right-of-way abutting the subject property.

**Natural Resources**

1. Wetlands—There are no Salem-Keizer Local Wetland Inventory linear channel wetlands nor hydric soils mapped on the subject property.
2. Floodplain—There is no floodplain or floodway areas mapped on the subject property.
3. Landslide Hazards—City records show there are 2-point landslide hazard areas mapped on the subject property.

**Parks**

The subject property is served by Bryan Johnston Park and Secor Park.

**CRITERIA AND FINDINGS**

*COMPLIANCE WITH CPC-ZC19-03*

**Condition 1 – Liberty/Davis Traffic Signal**

The Assistant City Traffic Engineer has determined that the Liberty/Davis Traffic Signal is warranted as a condition of the proposed development based on the findings of the Traffic Impact Analysis (TIA). The intersection currently functions at a level of service F.

**Condition 2 – Liberty/Mildred Traffic Signal**

The Assistant City Traffic Engineer has determined that the traffic generated from this phase of development is not sufficient to warrant construction of the Liberty/Mildred Traffic Signal based on the findings of the TIA. This intersection will continue to function as a level of service C after full build out of this phase.

**Condition 3 – Required Local Street Connections:**

The application provides all required local street connections as follows:

- a. Joynak Street S is extended through the subject property.

- b. A Local street stub is extended to the north line of the subject property abutting Map and Tax Lot Number 083W16C00101 in an alignment that accommodates future extension through the neighboring property and its steep topography.
- c. Honey Bee Street S is extended through the subject property.
- d. A Local street stub is extended to the west line of the subject property connecting to proposed Fire Cloud Avenue S within Map and Tax Lot Number 083W16CC01500.
- e. Eagle Dance Street S and Big Mountain Avenue S are extended through subject property.
- f. Access is provided to Map and Tax Lot Number 083W16C00800 through the Local street system within the proposed development.

#### *URBAN GROWTH PRELIMINARY DECLARATION*

The subject property is located outside the Urban Service Area in an area without adequate facilities as defined in SRC Chapter 200. Analysis of the subject property based on relevant standards in SRC 200.035 through SRC 200.075 is as follows:

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

**Findings**—An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Minor and Major Arterial streets (SRC 200.055(b)). Liberty Road S abutting the subject property is an adequate linking street.

Liberty Road S is authorized as an interim alternative street standard in order to be built to Minor Arterial standards, but within a Major Arterial width right-of-way pursuant to SRC 803.065(a)(3). Construction of a Major Arterial pavement width along a limited frontage produces a “box car” effect that does not provide any additional travel lanes or transportation capacity. By comparison, the Minor Arterial standard includes provisions for three travel lanes and two bike lanes. This interim Minor Arterial improvement provides benefit by adding a center turn lane without the excess Major Arterial pavement that is an ineffective and undesirable use of developer and SDC funds. The sidewalk and street trees along Liberty Road S shall be installed according to the Major Arterial standard. The street configuration may be modified as needed to minimize removal of existing street trees.

**SRC 200.060—Standards for Sewer Improvements**

**Findings—**The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060(a)). Existing adequate sewer facilities are available abutting the subject property. No linking sewer facilities are required.

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

**Findings—**The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities (SRC 200.065(a)). The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005.

**SRC 200.070—Standards for Water Improvements**

**Findings—**The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070(a)). The S-3 system in this area is deficient in storage capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-3 Skyline #2 Reservoir. At this time, temporary storage capacities are available from the S-3 Champion Hill Reservoir.

As a condition of linking to the S-3 water system, the applicant shall be required to construct the S-3 Skyline #2 Reservoir, and water mains connecting those facilities. Because temporary capacity is available, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee of \$90,000 and completion of a Temporary Facilities Access Agreement (TFAA) at the time of development pursuant to SRC 200.080(a). The temporary access fee is based on the water-rate-funded portion of the Skyline #2 reservoir, which was \$1,200,000. This component total was divided by the number of remaining lots that can temporarily be served by the Skyline #2 reservoir, which is estimated to be 600 dwelling units, equaling \$2,000 per unit. The project proposes 45 new lots, totaling approximately \$90,000 in temporary access fees. The temporary facilities access agreement is required as a condition of final plat approval, and the temporary access fee of \$2,000 per unit is required as a condition of building permit issuance for each lot.

There are no S-4 water mains in the vicinity of the subject property. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property. As a condition of development in the S-4 water service level, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

**SRC 200.075—Standards for Park Sites**

**Findings—**Prior to development approval, the applicant shall reserve for dedication that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Park System Master Plan* (SRC 200.075(a)).

The *Comprehensive Park System Master Plan* shows that the proposed development is served by the Bryan Johnston Park and Secor Park

***SUBDIVISION***

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

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

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

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

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.



According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2-point mapped landslide hazard areas on the subject property indicating a moderate landslide hazard risk on the property. The proposed subdivision development adds 3 activity points, for a total of 5 points, indicating a moderate landslide hazard risk on the site. A geological assessment dated November 13, 2020, by Redmond and Associates, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

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

**Findings**—The subject property is located within the S-3 and S-4 water service levels. S-3 water mains are located in abutting streets. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property.

The Urban Growth Preliminary Declaration required a linking connecting to the S-3 water system; the applicant shall construct the S-3 Skyline #2 Reservoir and water mains connecting those facilities. Since temporary capacity is available from the S-3 Champion Hill Reservoir, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee.

There are no S-4 water mains in the vicinity of the subject property. The nearest S-4 water main is located in Barbaresco Street S approximately 2,000 feet west of the subject property. As a condition of development in the S-4 water service level, the applicant shall construct a minimum 12-inch S-4 water main from the existing S-4 water system in Barbaresco Street S to the subject property.

Sewer mains are located in abutting streets and are available to serve the proposed development.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004, that were in effect at the time of submittal of the original tentative plan application. To demonstrate the proposed parcels can meet the PWDS, the applicant provided an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Prior to final plat, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

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

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

**Finding**—The proposed development’s transportation impact warrants construction of a traffic signal at the intersection of Liberty Road S and Davis Road S in accordance with Condition 1 of CPC-ZC19-03.

Liberty Road S abuts the subject property and does not meet the current right-of-way or improvement width standards for a Major Arterial. Pursuant to SRC 803.040, the applicant shall be required to convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Liberty Road S.

Liberty Road S is authorized as an interim alternative street standard in order to be built to Minor Arterial standards, but within a Major Arterial width right-of-way pursuant to SRC 803.065(a)(3). Construction of a Major Arterial pavement width along a limited frontage produces a “box car” effect that does not provide any additional travel lanes or transportation capacity. By comparison, the Minor Arterial standard includes provisions for three travel lanes and two bike lanes. This interim Minor Arterial improvement provides benefit by adding a center turn lane without the excess Major Arterial pavement that is an ineffective and undesirable use of developer and SDC funds. The sidewalk and street trees along Liberty Road S shall be installed according to the Major Arterial standard. The street configuration may be modified as needed to minimize removal of existing street trees.

Construct internal streets to Local street standards, with the following exception: the internal extension of Joynak Street S to the intersection with Big Mountain Avenue S is authorized for a minimum 52-foot-wide right-of-way pursuant to SRC 803.065(a)(3). Joynak Street S is located in an area of extreme cross-slope that is not conducive to a standard street cross-section.

**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 *Comprehensive Park System Master Plan* shows that the proposed development is served by the Bryan Johnston Park and Secor Park. Access to the park is available through the existing transportation system. To ensure pedestrian connectivity from the property frontage to Mildred Lane S, the applicant shall extend a temporary pedestrian route along Liberty Road S from the south line of the subject property to Mildred Lane S.

**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 subdivision generates less than 1,000 average daily vehicle trips to Mildred Lane S, a Major Arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal. The applicant submitted a TIA with the subdivision application. The Assistant City Traffic Engineer has determined that the tentative subdivision plan mitigates impacts to the transportation system consistent with the TIA and the requirements of CPC-ZC19-03.

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

**Findings**—As noted above, the tentative phased subdivision plan meets applicable criteria upon completion of the recommended conditions of approval.

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

**Findings**—Phase 1 is located in the lower elevations within the subject property. Infrastructure is available to serve Phase 1 from Joynak Street S. The upper elevations of Phase 2 can be orderly and efficiently constructed through connection to those systems extended within Phase 1.

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

**Findings**—The internal street system of Phase 1 connects to Mildred Lane S and Joynak Street S. All City utilities needed to serve each phase can be located within that same phase, with the exception of the off-site S-4 water connection.

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

**Findings**—The infrastructure required to serve each phase supports the requirements for the phase subdivision as a whole. All street connections required pursuant to CPC-ZC19-03 are provided within each phase. Future phases within the subject property will warrant construction of the Liberty/Mildred signal.

## ***RESPONSE TO CITIZEN COMMENTS***

1. Alignment of Big Mountain Avenue S at north property line: The property owner to the north requested the alignment of Big Mountain Avenue be modified to provide for future lot depth of 80 feet on the property to the north, while continuing the street north.

**Staff Response:** The minimum lot depth for single family lots is 70 feet. The west right-of-way line of Big Mountain Avenue S shall be located a minimum of 70 feet from the west property line of the northerly adjacent property (Marion County tax lot 083W16CD00600)

2. Traffic congestion on Liberty and Mildred Streets and Big Mountain Avenue S:

**Staff Response:** The applicant submitted a traffic impact analysis demonstrating the impacts of the proposed development on the transportation system. The proposed development does not cause the existing street system to function at an unacceptable level of service pursuant to PWDS with the exception of the Liberty/Davis intersection. The applicant is required to construct a new traffic signal at the Liberty/Davis intersection to mitigate traffic congestion. The local street connections required under CPC-ZC19-03 will limit local traffic from using Liberty Street S and Mildred Lane S.

cc: File