

Partition

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Applicant:

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Applicant's Representative:

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Site:

-2592 Kuebler Road S

-083W17B/Tax Lot 100

-34.13 Acres

-RA (Residential Agriculture)

-3 Parcel Partition

Background:

In 2002, the subject property was platted in the County under Partition Plat 2002-007. A title report and deeds have been provided.

The subject property was Annexed into the City of Salem under Case No. ANXC-637 and zoned RA (Residential Agriculture).

On January 11, 2024, PRE-AP23-98 was held with the applicant and City staff to discuss the development of the subject property.

On June 12, 2024, the Sunnyslope Neighborhood Association was notified via email about the proposed partition within their neighborhood.

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.005(d):

UDC 205.005(d)(1):

Proposal: The subject property consists of approximately 34.23 acres (083W17B/Tax Lot 100) and is zoned RA (Residential Agriculture).

The proposal is to partition the subject property into 3 Parcels (A shadow plan has been provided):

Proposed:

Parcel 1- 5.00 Acres

Parcel 2- 5.00 Acres

Parcel 3- 22.72 Acres

Lot Frontage: All three parcels have lot frontage along Croisan Creek Road to the east. Parcels 1 and 2 will have frontage on Ballyntyne Road S and Parcel 3 will have frontage on Kuebler Road S.

City Infrastructure standards: 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 Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable land. Public facilities and services are available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

A Preliminary Stormwater Report dated October 24, 2024 has been provided as part of this submittal.

The subject property is located outside of the Urban Service Area. Per SRC Chapter 200, a Partition application would not require a UGA permit.

UDC 205.005(d)(2): "The tentative partition plan does not impede the future use or development of the property or adjacent land."

Applicant Findings: Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. A shadow plan has been provided to show how the land could be further divided.

The subject property is not part of an active Homeowners Association (HOA).

Therefore, the approval does not impede future use of the remainder surrounding properties. The proposal provides for further development of the site consistent with current zoning standards and the current approval.

UDC 205.005(d)(3): "Development within the tentative partition plan can be adequately served by City infrastructure."

Applicant Findings: The subject property is located outside of the Urban Service Area. Per SRC Chapter 200, a Partition application would not require a UGA permit.

The City's adopted facility plans, and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements. All existing and proposed utilities have been identified. The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development and provide for future development of any adjoining properties. All conditions of approval will be met at the time of development.

The subject property will be served by wells and septic. City of Salem water and sewer service can be available to the proposed parcels for future development. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

UDC 205.005(d)(4): "The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan."

Applicant Findings:

General Circulation: The proposed partition will result in the creation of three parcels. The existing streets will provide safe and efficient access to the parcels and the existing street system, by providing direct access to the site.

Boundary Streets: Kuebler Road S abuts the subject property to the north. Croisan Creek Road abuts the subject property to the east, and Ballyntyne Road abuts the subject property to the south.

Internal Streets: Croisan Creek Road will eventually run north/south through the subject property. There is an internal street proposed, Croisan Creek Road will provide access to all three parcels, but will not connect to Kuebler Road until further development of Parcel 3.

The major street network in the area has been established and is consistent with the Salem 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 partition.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the 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 subject property once the access ways are hard-surfaced and physically connected to the public street system.

UDC 205.005(d)(5): "The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition."

Applicant Findings: The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. The partition is served with other adequate transportation infrastructure, and the existing street system adjacent the property and the access easement will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property physically connected to the public street system.

UDC 205.005(d)(6): "The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable."

Applicant Findings: The partition code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lot 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 partition plan takes into consideration the topography and vegetation of the site. At this time the applicant does not want to remove any trees on the site. However, due to right-of-way dedication that may be required, there are several trees that would need to be removed for improvements. If additional trees need to be removed, the applicant will apply for an Adjustment to the TCP.

There are 283 trees located within the boundary of the development. There are 23 trees proposed for removal. Therefore, preserving 92% of the trees on the site.

Trees to be removed that are located in the potential right-of-way:

Kuebler Road

33" Oak

24" Fir

21" Fir

26" Fir

13" Fir

25" Walnut

23" Fir

24" Fir

15" Walnut

15" Walnut

27" Walnut

10" Pine

10" Pine

17" Pine

11" Pine

Ballyntyne Road

14" Apple

30" Oak

18" Alder

15" Alder

24" Oak

16" Oak

24" Oak

24" Oak

There are thirty-five (35) significant Oregon White Oaks located on the subject property. Due to the potential right-of-way dedication/improvements, five (5) significant Oregon White Oak trees are proposed for removal.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan. The subdivision code regulates minimum lot sizes. 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.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, this criteria has been met.

UDC 205.005(d)(7): "The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels."

Applicant 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 proposed parcels are of sufficient size and dimensions to permit future development of single-family dwellings on the new parcels. The parcel dimensions are illustrated on the tentative site plan. The subdivision and zone codes regulate minimum lot sizes. 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.

The proposal is to partition the subject property (34.23 acres) into three (3) Parcels and right-of-way:

Proposed:

*Parcel 1- 5.00 Acres

*Parcel 2- 5.00 Acres

*Parcel 3- 22.72 Acres (Water Quality Facility)

*Right-of-way dedication/improvements- 1.51 Acres

Tree Conservation Plan

Applicant Findings: There are 283 trees located within the boundary of the development. Twenty-three (23) trees are designated for removal. Therefore, preserving 92% of the street on the site. All the trees proposed for removal are located within the proposed right-of-way dedication and improvements.

There are thirty-five (35) significant Oregon White Oaks located on the subject property. Due to the potential right-of-way dedication/improvements, five (5) significant Oregon White Oak trees are proposed for removal.

SRC 808.035

(d) Approval criteria:

(1) An application for a tree conservation plan shall be granted if the following criteria are met:

(A) No heritage trees are designated for removal.

(B) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

(C) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.

(D) Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.

(E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

Applicant Findings:

- (A) There are no heritage trees located on the subject property.
- (B) There are 35 significant trees designated for removal, with 5 being proposed for removal. All 5 significant trees designated, or removal are located within the right-of-way and where improvements will have to be made.

*33" Oak

*30" Oak

*24" Oak

*24" Oak

*24" Oak

- (C) Croisan Creek runs along the eastern portion of the site. There is no trees or vegetation proposed for removal within the riparian corridor.
- (D) There are 283 trees located within the boundary of the development. Twenty-three (23) trees are designated for removal. Therefore, preserving 92% of the street on the site.
- (E) More than 30% of the trees on site are being preserved.

(2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:

(A)Streets. The removal is necessary due to:

- (i)The location and alignment of existing streets extended to the boundary of the subject property;***
- (ii)The planned alignment of a street identified in the Salem Transportation System Plan (TSP);***
- (iii)A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;***
- (iv)Any relocation of the proposed street resulting in lots that do not meet lot standards;***
- (v)A required boundary street improvement.***

(B)Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

(C)Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.

(D)Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:

- (i)Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and***
- (ii)The following may be excluded from the total site area for purposes of calculating density:***
 - (aa)Riparian corridors, provided the riparian corridor is not graded or developed;***
 - (bb)Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and***
 - (cc)Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.***

Applicant Findings:

All the trees proposed for removal are located within the proposed right-of-way dedication and improvements.

There are thirty-five (35) significant Oregon White Oaks located on the subject property. Due to the potential right-of-way dedication/improvements, five (5) significant Oregon White Oak trees are proposed for removal.

(e)Mitigation measures. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:

(1) Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.

(2)Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed. The lot(s) where the solar array(s) will be located shall be specified in the conditions of the associated land division approval.

(3)Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed. The lot(s) where the charging stations will be located shall be specified in the conditions of the associated land division approval.

(4)Open space lot. One or more lots within the development shall be designated as an open space lot planted at a minimum density of two trees for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches. The lot(s) within the development that will be designated as an open space lot shall be specified in the conditions of the associated land division approval and shall be perpetually operated and maintained by a home owners' association.

Applicant Findings:

There are 283 trees located within the boundary of the development. Twenty-three (23) trees are designated for removal. Therefore, preserving 92% of the street on the site. Therefore, more than 30% of the trees on site are being preserved.