

SUBDIVISION REVIEW COMMITTEE

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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ISSUE: Northstar Subdivision Plat No. 07-13

DATE OF DECISION: September 28, 2007

APPLICANT: Larry Epping of the Granada Land Company

PURPOSE OF REQUEST:

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

ACTION:

IT IS HEREBY ORDERED

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

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

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

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

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

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

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

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

Decision Issued According to Salem Revised Code 63.046 and 63.332.

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

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 15, 2007, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.

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

Case Planner: Garrett Stephenson, Associate Planner, Ext. 7556, gstephenson@cityofsalem.net

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

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

FINDINGS AND ORDER

PROCEDURAL FINDINGS

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

SUBSTANTIVE FINDINGS

1. Request

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

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

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

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

2. Salem Area Comprehensive Plan (SACP)

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

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

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

3. Prior Land Use Cases

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

(August 24, 1998)

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

Annexation Case (ANX) No. C-553

(January 23, 2002)

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

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

(November 7, 2006)

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

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

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

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

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

(June 25, 2007)

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

4. Surrounding Zoning and Land Uses

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

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

5. Existing Site Conditions

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

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

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

Landslide Susceptibility: SRC Chapter 69 "Landslide Hazards" sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe development. The subject property does not contain any mapped landslide hazard points and a subdivision request incurs 3 "activity" points. The cumulative total of 3 landslide hazard susceptibility points indicates a "low landslide hazard," therefore, no geologic assessment or geotechnical report were required.

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

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

6. Site Analysis and Parcel Layout

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RM1 Front Yards and Yards Adjacent to Streets

Dwellings (SRC 111.050(l))

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

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

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

Parking areas

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

RM1 Interior Side and Rear Yards

Dwellings

- Per the requirements of SRC 146.090 and SRC 146.100

Side Yards

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

Rear Yards

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

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

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

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

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

Parking Areas

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

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

RM2 Front Yards and Yards Adjacent to Streets

Dwellings

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

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

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

Parking areas

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

RM2 Interior Side and Rear Yards

Dwellings

- Per the requirements of SRC 146.090 and SRC 146.100

Side Yards

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

Rear Yards

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

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

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

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

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

Parking Areas

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

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

Front Yards and

Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Accessway Standards (1-2 Lots):

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

Accessway Standards (3-4 Lots):

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

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

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

7. Citizen and Neighborhood Association Comments

Comments Received Prior to Subdivision Review Conference:

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

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

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

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

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

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

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

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

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

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

Comments Received at the Subdivision Review Conference:

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

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

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

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

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

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

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

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

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

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

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

Comments Received After the Subdivision Review Conference:

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

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

8. City Department Comments

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

and Hazelgreen Road NE.

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

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

9. Public Agency Comments

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

10. Private Service Provider Comments

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

11. Criteria for Granting a Subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. 63.046(b)(4): The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

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

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

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

12. Criteria for Granting a Variance for a Subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Conclusion

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

IT IS HEREBY ORDERED

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

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

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

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

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

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

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

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

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

Decision Issued According to Salem Revised Code 63.046 and 63.332.

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

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

This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 15, 2007, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions of the subdivision ordinance (SRC Chapter 63). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, Planning Commission may amend, rescind, or affirm the action, or refer the matter to the staff for additional information.


Glenn W. Gross, Urban Planning Administrator

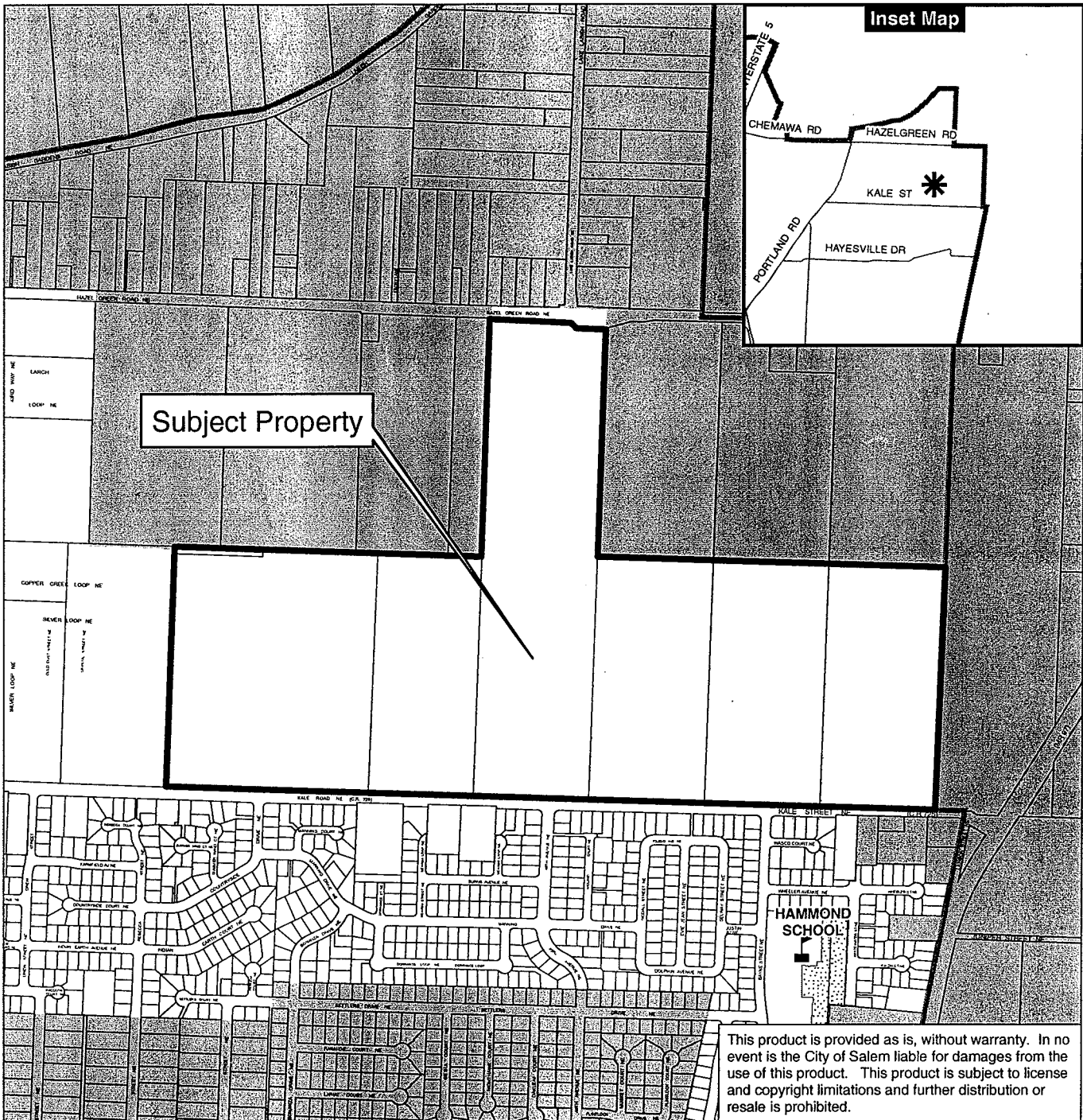
- Attachments:
1. Vicinity Map
 2. Tentative Subdivision Plan
 3. Applicant's Written Statement
 4. School District Comments
 5. Parks Division Comments
 6. Public Works Comments dated September 19, 2007
 7. Marion County Comments
 8. Preliminary Declaration, UGA 07-1
 9. Planning Commission Resolution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

Prepared by Garrett Stephenson, Associate Planner

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Vicinity Map

4400-5200 blocks of Kale Road NE



Legend

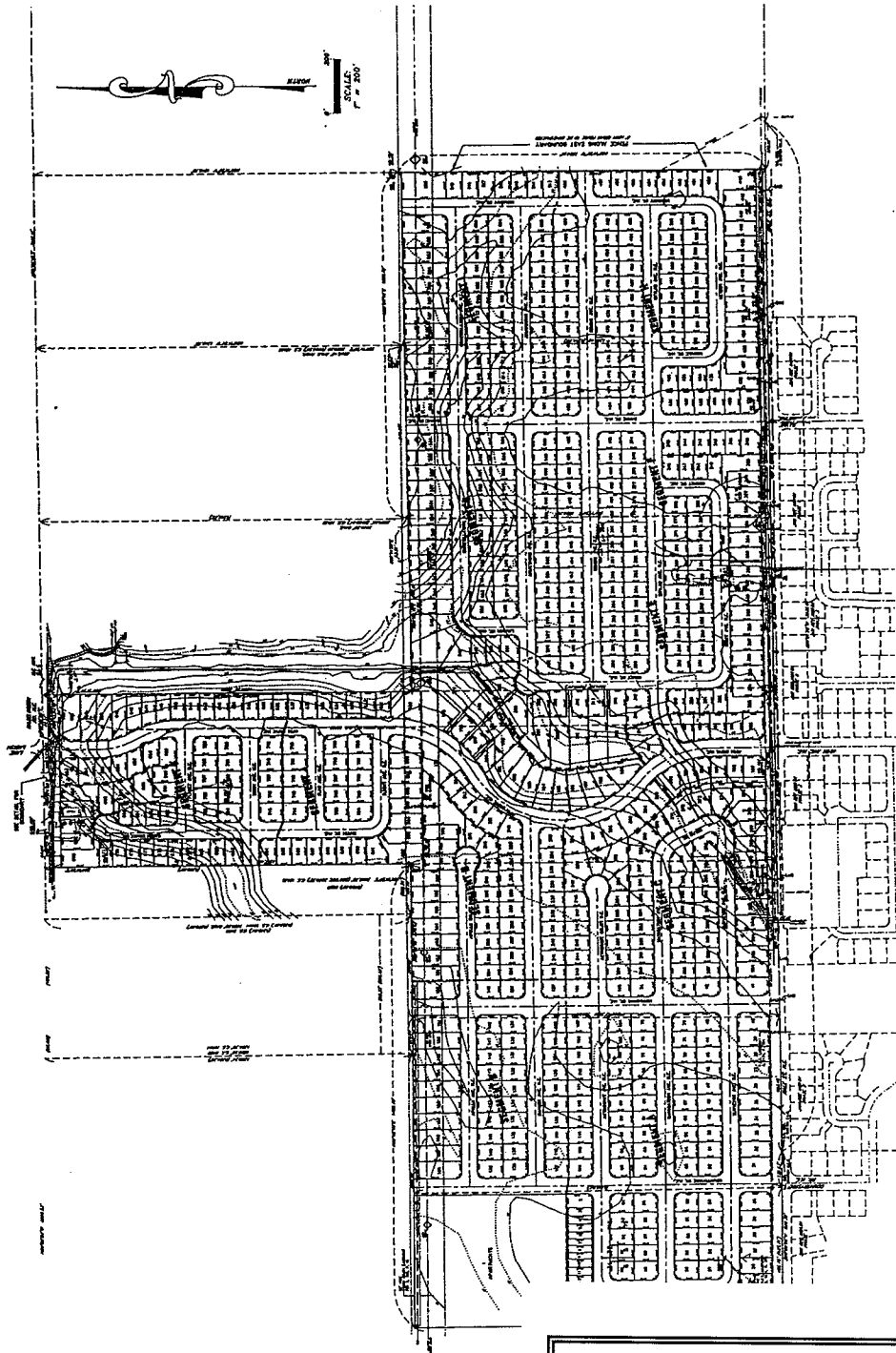
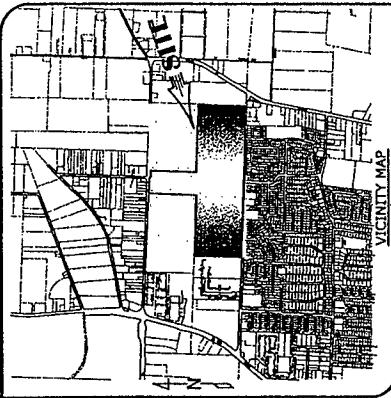
- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Schools
- Parks

0 210 420 840 Feet



NORTHSTAR

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



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

NUMBER OF LOTS

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

Drawing Number
4519
Sheet Number
1 of 7

**PRELIMINARY
PLAN**

NORTHSTAR

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

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



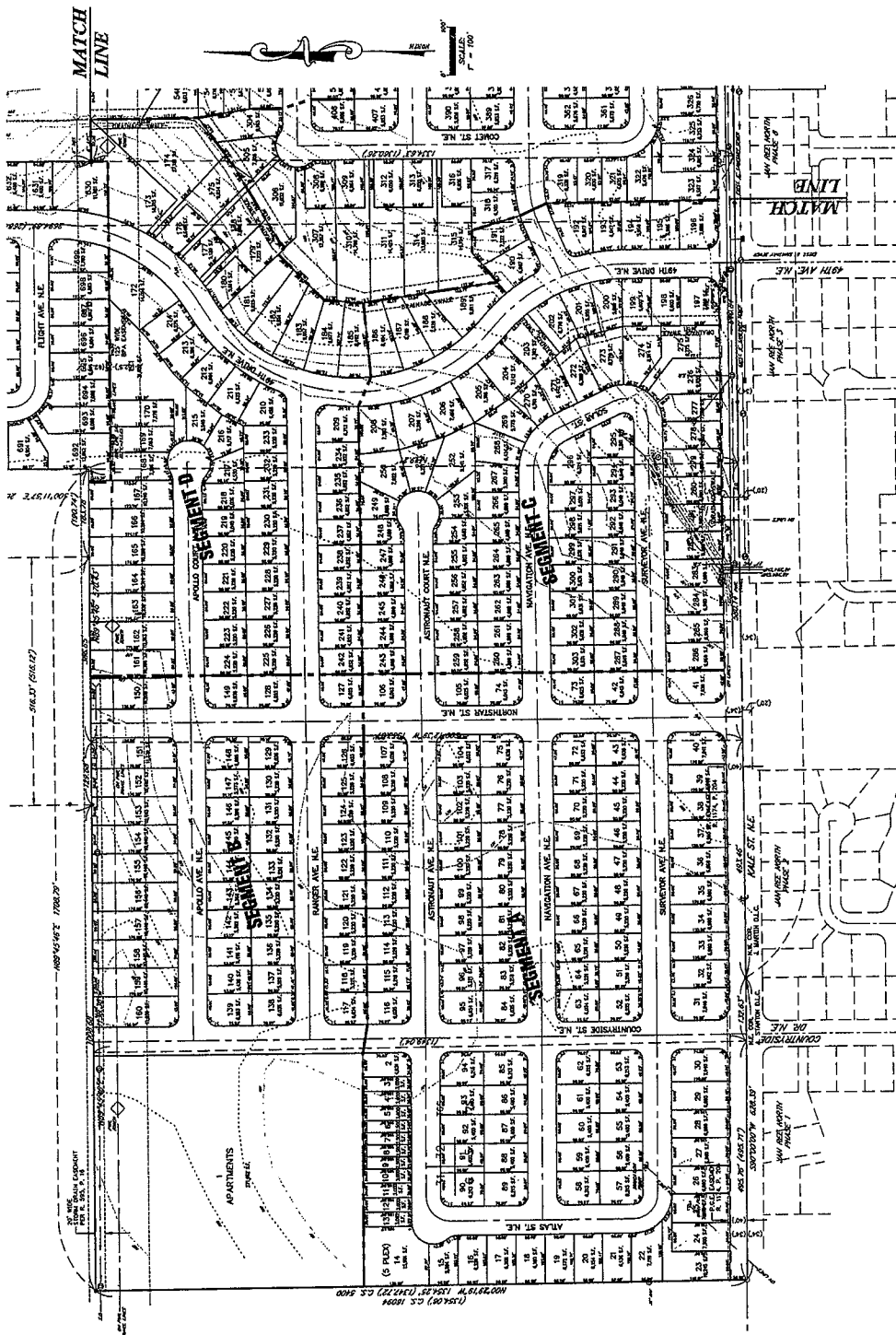
REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
EXPIRATION DATE: 12/31/2002

TECH
NO SERVICES, INC.
1100 N. 10TH AVE., SUITE 100
SALEM, OREGON 97301
503.596.1234

ATTACHMENT 2

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

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



Drawing Number
4519
 Sheet Number
2 of 7

**PRELIMINARY
 PLAN**

NORTHSTAR

Design: J.E.S.
 Checked: J.E.S.
 Date: Feb. 2007
 Scale: AS SHOWN
 10-00000

NO CHANGES, ADDITIONS OR
 DELETIONS TO BE MADE TO
 THIS PLAN WITHOUT THE
 AUTHORIZATION OF THE DESIGN
 ENGINEER.
 DIMENSIONS & NOTES TAKE
 PRECEDENCE OVER THIS
 REPRESENTATION.



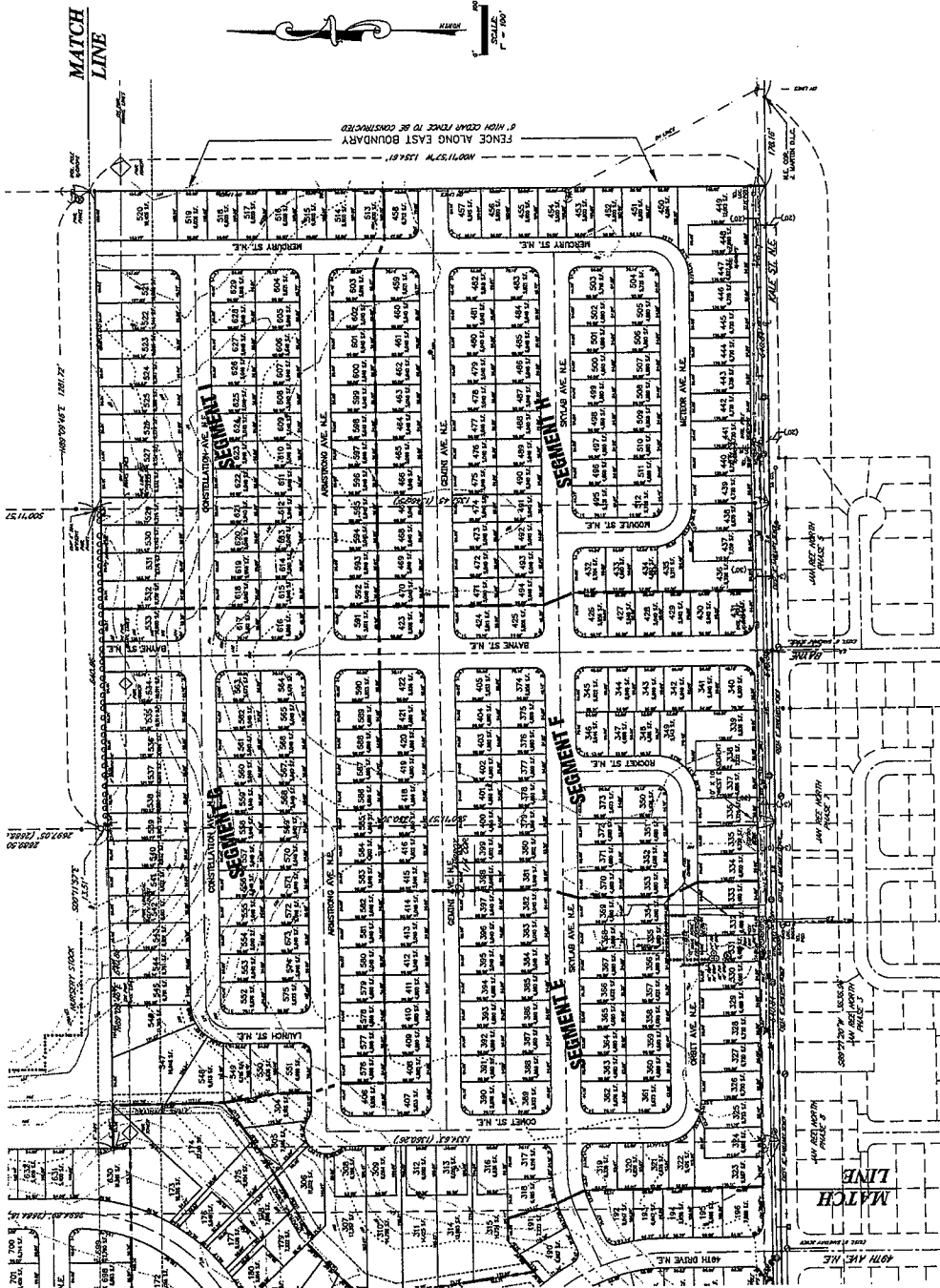
ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 08/01/2008 BY 60322

MULTI / TECH
 ENGINEERING & ARCHITECTURE, INC.
 1000 SW 10TH AVE., SUITE 100
 SALEM, OREGON 97302
 PHONE: 503-585-1234 FAX: 503-585-1235

NORTHSTAR

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

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



Drawing Number
4519
Sheet Number
3 of 7

**PRELIMINARY
PLAN**

NORTHSTAR

DESIGNED BY
E.L.G.
CHECKED BY
C.H.G.
DATE: JUL 2002
BY: J.E.S.

NO CHANGES, MODIFICATIONS OR
REPRESENTATIONS TO BE MADE TO
THIS PLAN WITHOUT THE WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES HAVE
BEEN CHECKED FOR ACCURACY
BY THE DESIGNER.



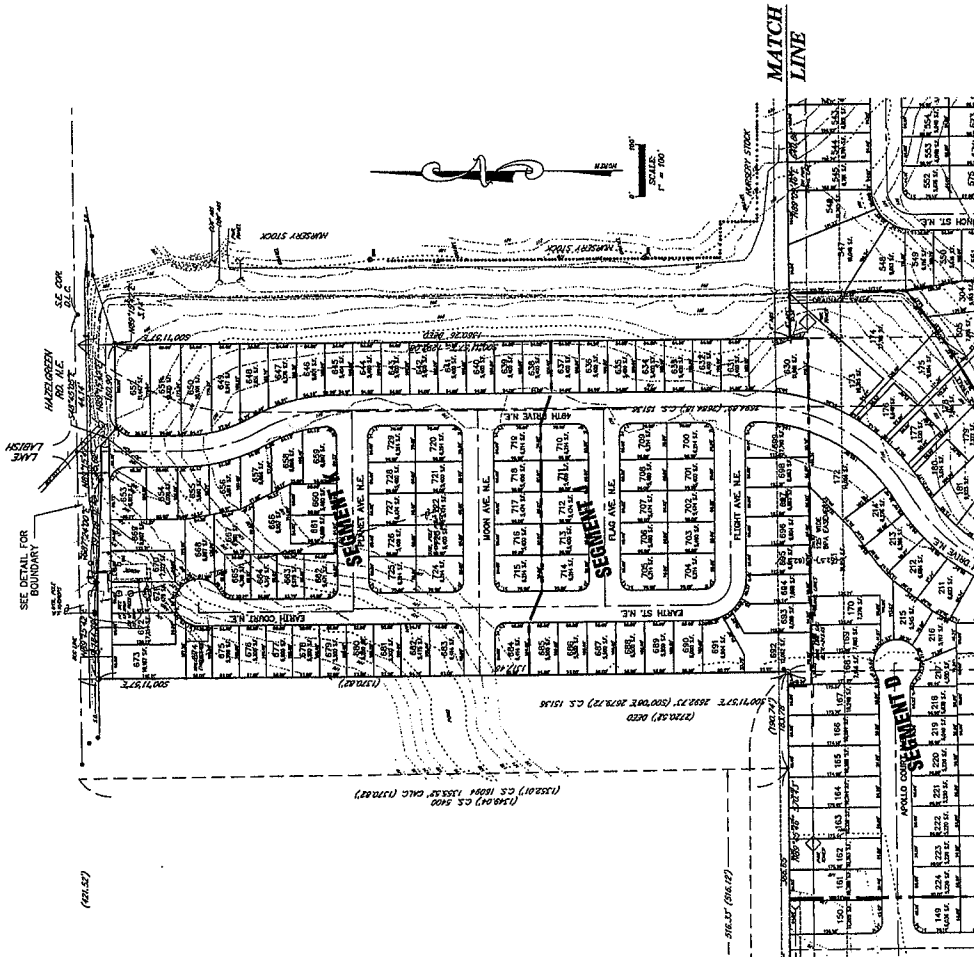
THIS PLAN IS A PRELIMINARY
SUBDIVISION PLAN
AND IS NOT TO BE USED FOR
CONSTRUCTION.

MULTI / TECH
ENGINEERING & ARCHITECTURE, INC.
1000 N. 10TH ST., SUITE 100, SALEM, OR 97302
503-586-1234

NORTHSTAR

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

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



Drawing Number
4519
Sheet Number
4 of 7

**PRELIMINARY
PLAN**

NORTHSTAR

Design: M.D.C.
Checked: M.D.C.
Date: FEB. 2002
Scale: AS SHOWN
BY: M.D.C.

NO CHANGES, ADDITIONS OR
REVISIONS TO BE MADE TO
THIS PLAN WITHOUT THE
AUTHORIZATION OF THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.



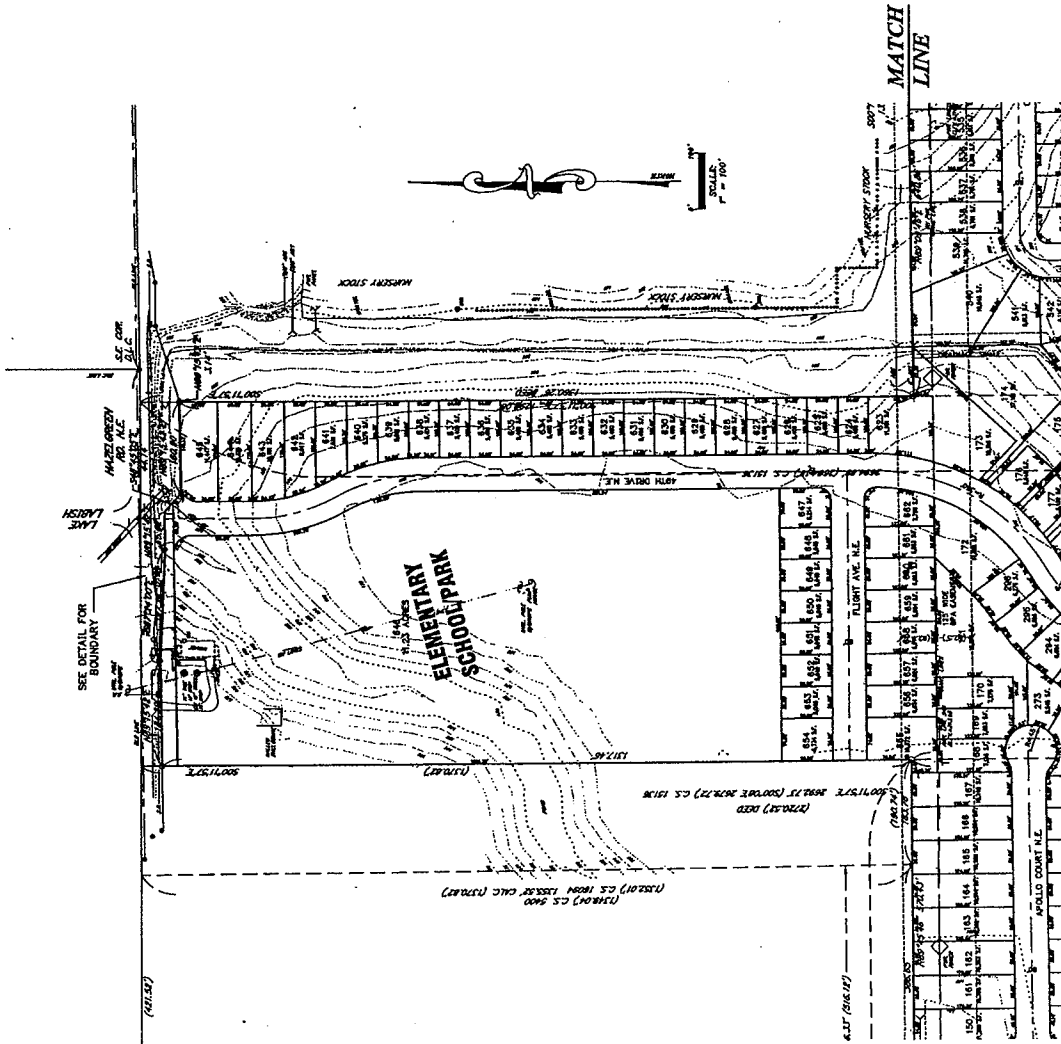
QUALITY CONTROL
REVIEWED BY: M.D.C.
DATE: FEB. 2002

MULTI / TECH
ENGINEERING & ARCHITECTURE, INC.
1000 N. 10TH ST. SUITE 200
SALEM, OREGON 97302
TEL: 503-584-1234 FAX: 503-584-1235

NORTHSTAR

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

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



Drawing Number
4519
Sheet Number
5 of 7

**SCHOOL/PARK
OPTION**

NORTHSTAR

Design: J.L.A.
Checked: J.L.A.
Date: FEB. 2007
Scale: AS SHOWN
As-Built

NO CHANGES, MODIFICATIONS OR
REPRESENTATIONS TO BE MADE TO
THIS PLAN WITHOUT THE WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.



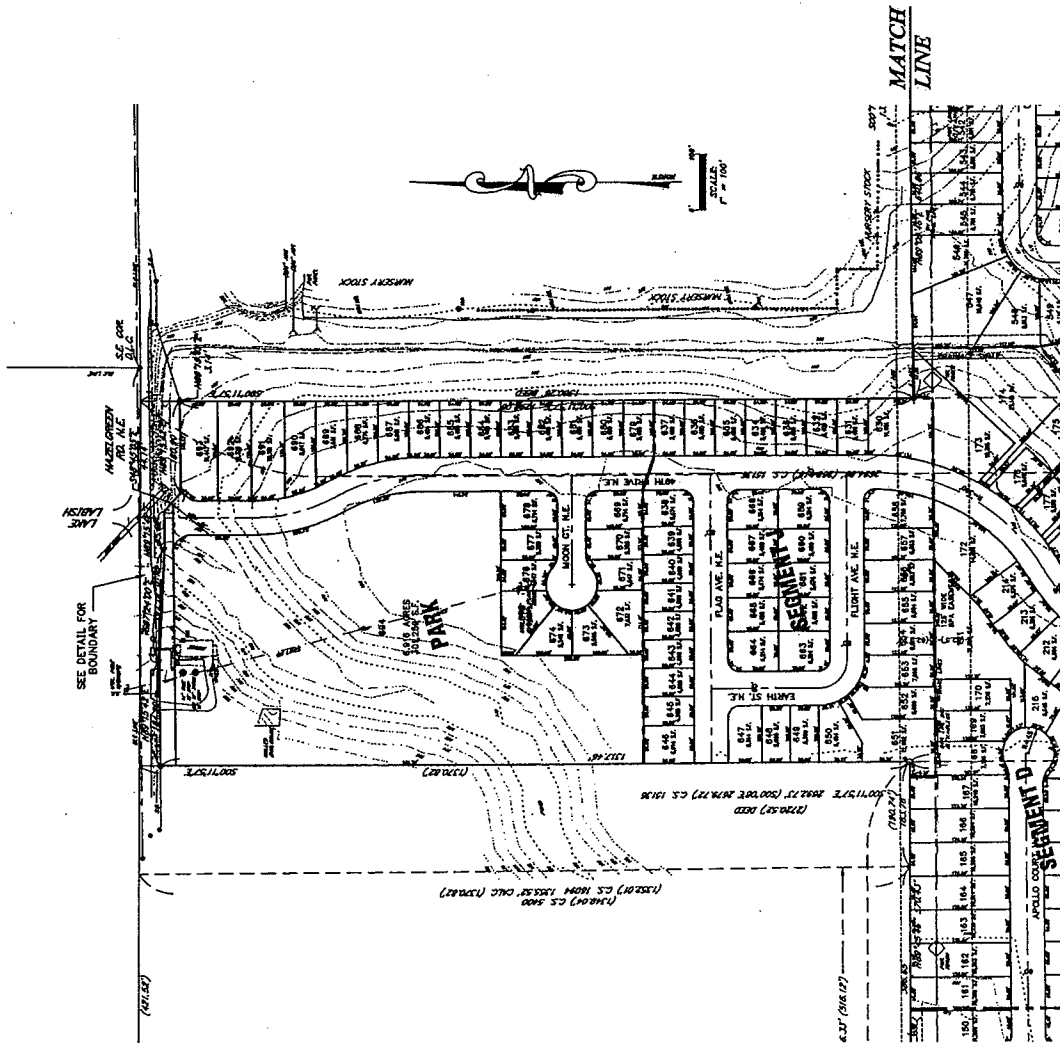
THIS PLAN IS A PRELIMINARY DESIGN AND
SHOULD NOT BE USED FOR CONSTRUCTION
UNLESS IT IS APPROVED BY THE
APPROPRIATE AGENCIES.

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

NORTHSTAR

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

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



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

Drawing Number
4519

Sheet Number
6 of 7

PARK
OPTION

NORTHSTAR

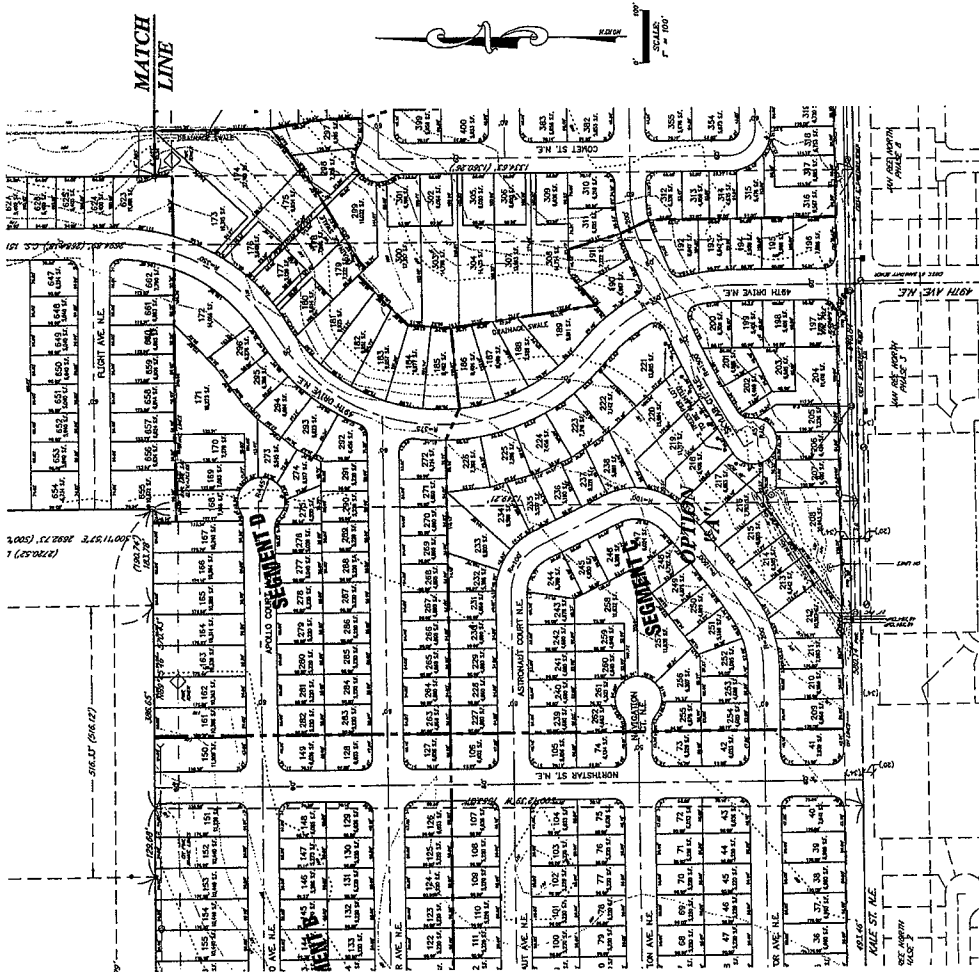
NO CHANGE, MODIFICATION OR
REVISIONS TO BE MADE
WITHOUT THE WRITTEN
AUTHORIZATION OF THE DESIGN
ENGINEER.

DATE: 10/1/87
BY: J.E. EPPING
FOR: L.T. EPPING

NORTHSTAR

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

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



Drawing Number
4519
Sheet Number
7 of 7

OPTION "A"
FOR SEGMENT "C"

NORTHSTAR

Design: *[Signature]*
Drawn: *[Signature]*
Date: **JUN 2002**
Scale: **AS SHOWN**
AS-BUILT:

ALL DIMENSIONS AND LOCATIONS ARE
REPRESENTATIONS TO BE MADE TO
FIELD SURVEYING WITHOUT MISTAKE
BY THE ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.



NORTHSTAR ENGINEERING, INC.
1000 N. 10TH AVE., SUITE 100
SALEM, OREGON 97301
503.595.1234
FAX 503.595.1235
WWW.NORTHSTAR-ENG.COM

MULTI / TECH
ENGINEERING SERVICES, INC.
1000 N. 10TH AVE., SUITE 100
SALEM, OREGON 97301
503.595.1234
FAX 503.595.1235
WWW.NORTHSTAR-ENG.COM

The subject site is relatively flat and is primarily being used for agricultural production of crops and grasses. On-site natural features include a small stretch of an open drainage channel referred to as the North Fork of the Little Pudding River, an associated floodplain and jurisdictional wetlands identified in the City's local wetlands inventory. There are no identified landslide hazards on the subject site.

The subject site is located north of Kale Road NE between Portland Road and Cordon Road NE and Hazelgreen Road NE abuts a portion of the subject site along the northern boundary of Tax Lot 200. Kale Road is designated as a Minor Arterial, Portland Road is designated as a Major Arterial, and Hazelgreen and Cordon Road are both designated as Parkways in the Salem Transportation System Plan (STSP). The nearest Salem Area Mass Transit route is located to the west of the subject site at the intersection of Kale Road and Happy Drive. Pedestrian circulation is currently provided via an intermittent sidewalk along the south side of Kale Road and Bayne Drive, adjacent to Hammond Elementary School.

Surrounding properties are zoned and used as follows:

North: UT-20 (Urban Transition-20 acre minimum), plant nursery. Property across Hazelgreen Road is zoned UT-5 (Urban Transition-5 acre minimum) and is developed with home sites.

South: (across Kale Road) RS (Single Family Residential) and UT-10 (Urban Transition-10 acre minimum), single family dwellings.

West: RM-2 (Multiple Family Residential-2), mobile home park.

East: EFU (Exclusive Farm Use), fruit orchard

PREVIOUS ACTIONS:

As stated previously, on November 7, 2006 the Salem Planning Commission approved a Comprehensive Plan Map Amendment and corresponding Zone Change application (CPC/ZC 05-12) for the 148.06 acre subject site. (Please see attached Resolution PC 06-18 for more detailed information.) This land use action changed the map designation for the subject site from "Industrial" to "Single-Family Residential" and "Multi-Family Residential" and the zoning from Industrial Business Campus (IBC) and Industrial Park (IP) to Single-Family Residential (RS) for 131.91 acres, Multi-Family Residential-1 (RM1) for 7.26 acres and Multi-Family Residential-2 (RM2) for 8.89 acres. The following conditions were imposed as part of CPC/ZC 05-12:

1. The applicant shall dedicate sufficient right-of-way to equal a half-width of 36 feet along Kale Road NE and construct a 23-foot half-street improvement on the development side of Kale Road NE when the property is developed.
2. The applicant shall link the proposed development to adequate water facilities, and adequate sewer facilities.
3. The applicant shall provide a 30-foot wide buffer along the boundary of those properties designated RS, from the edge of building to the property line, to buffer the proposed residential land from Industrial Designated and agriculturally zoned land, respectively. In addition, a sight-obscuring fence shall be required on the eastern boundary of the portion that abuts the urban

growth boundary. Those boundaries that abut residentially designated land (RS, RM1 and RM2) shall not be subject to this condition. (Per Attachment 5, email correspondence dated December 4, 2006 from Michael Cerbone, Assistant Urban Planning Administrator, the intent of the condition was to require a bufferyard in lieu of the standard building setback requirement in the RS zone. Therefore, there would not be an additional setback required on top of the bufferyard requirement.)

4. The applicant shall provide appropriate Multiple Family Residential bufferyards as required by SRC 132 along the periphery of that property designated RM1 or RM2.

An Urban Growth Area Preliminary Declaration is currently being reviewed for the subject site. This decision will set forth the off-site public improvement linking requirements for the subject site.

PUBLIC OUTREACH:

The Applicant attended the March 13th Northgate Neighborhood Association Meeting to present an overview of the Tentative Subdivision Application and afford neighborhood residents an opportunity to ask questions/share concerns.

PROPOSAL:

The Applicant is proposing to divide the 131.91 acres of the site zoned RS into lots for single-family residential development. The Applicant is also proposing to divide the portion of the site zoned RM-1 into lots for duplexes, while 2.65 acres of the site zoned RM-2 will be divided into lots for a five-plex and townhouses and the remaining 6.24 acres of the site zoned RM-2 will be left intact for future development of a multi-family dwelling complex.

The City of Salem Parks Department and the Salem-Keizer School District have both expressed interest in locating a neighborhood park and elementary school facility within the subject site.

The Applicant has been working closely with the respective agencies throughout the development process to identify appropriate sites for these community facilities. At this point in the process, preliminary locations for these facilities have been identified; however, the respective agencies have not secured the necessary funds to purchase the property. Since there is no guarantee that necessary funds will be allocated to purchase a neighborhood park and/or school site on the subject property, the Applicant is proposing three alternative lot layouts: one not including a site for community facilities; the second with a neighborhood park site; and the third with a co-located neighborhood park and school site. By providing three alternative lot layouts for the portion of the site zoned RS, the Applicant intends to alleviate future amendments of the tentative subdivision proposal to accommodate the potential siting of a park and/or school facility.

Additionally, the Applicant has identified jurisdictional wetlands on the subject site directly west of the proposed extension of 49th Avenue NE, located in the area identified as "Segment C" on the Tentative Subdivision Plan. The preferred development option for "Segment C" is to relocate the drainage channel and mitigate wetland impacts in order to provide better street connectivity and reduce the number of flag lots. The proposed relocation of the drainage channel will require a Removal-Fill Permit from the Oregon Department of State Lands and

the United States Army Corps of Engineers. The Applicant will not receive confirmation of whether the Removal-Fill Permit has been approved until after the Tentative Subdivision Application is reviewed by City Staff. In the event this permit is not approved by the appropriate reviewing agencies, the Applicant requests City Staff consider a second lot configuration for the area of the Tentative Subdivision Plan identified as "Segment C". The optional lot configuration for Segment C avoids impacts to the jurisdictional wetlands and will be used if the Removal-Fill Permit is not approved.

Alternative 1-Residential Single-Family (Sheets 2, 3 & 4 of Plan Set)

The Applicant is requesting to subdivide the 131.91 acres of the site zoned RS into 679 lots ranging in size from 4316 sf to 27,181 sf. The resultant density for the Applicant's Alternative 1 proposal in the RS zone is approximately 5.13 dwelling units per acre.

Alternative 1.A-Residential Single-Family with Optional Segment C (Sheets 3, 4 & 7 of Plan Set)

The Applicant is requesting to subdivide the 131.91 acres of the site zoned RS into 672 lots ranging in size from 4203 sf to 27,181 sf. The resultant density for the Applicant's Alternative 1.A proposal in the RS zone is approximately five dwelling units per acre.

Alternative 2-Residential Single-Family with Neighborhood Park (Sheets 2, 3 & 6 of Plan Set)

The Applicant is requesting to reserve 6.92 acres zoned RS for a City of Salem Neighborhood Park and subdivide the remaining acreage into 643 lots ranging in size from 4316 sf to 27,181 sf. The resultant density for the Applicant's Alternative 2 proposal in the RS zone is approximately 5.13 dwelling units per acre.

Alternative 2.A-Residential Single-Family with Neighborhood Park and Optional Segment C (Sheets 3, 6 & 7 of Plan Set)

The Applicant is requesting to reserve 6.92 acres zoned RS for a City of Salem Neighborhood Park and subdivide the remaining acreage into 636 lots ranging in size from 4203 sf to 27,181 sf. The resultant density for the Applicant's Alternative 2.A proposal in the RS zone is approximately 4.99 dwelling units per acre.

Alternative 3-Residential Single-Family with Neighborhood Park and School (Sheets 2, 3 & 5 of Plan Set)

The Applicant is requesting to reserve 11.45 acres zoned RS for a combined City of Salem Neighborhood Park and Salem Keizer Elementary School and subdivide the remaining acreage into 618 lots ranging in size from 4316 sf to 27,181 sf. The resultant density for the Applicant's Alternative 3 proposal in the RS zone is approximately 5.11 dwelling units per acre.

Alternative 3.A-Residential Single-Family with Neighborhood Park and School and Optional Segment C (Sheets 3, 5 & 7 of Plan Set)

The Applicant is requesting to reserve 11.45 acres zoned RS for a combined City of Salem

Neighborhood Park and Salem Keizer Elementary School and subdivide the remaining acreage into 611 lots ranging in size from 4203 sf to 27,181 sf. The resultant density for the Applicant's Alternative 3.A proposal in the RS zone is approximately 4.99 dwelling units per acre.

Residential Multi-Family 1 (Sheet 2 of Plan Set)

The Applicant is requesting to subdivide the acres zoned RM1 into 36 duplex lots ranging in size from 5400 sf to 10,245 sf. The resultant density for the Applicant's proposal in the RM1 zone is approximately 10 units per acre.

Residential Multi-Family 2 (Sheet 2 of Plan Set)

The Applicant is requesting to reserve 6.24 acres of the site zoned RM2 as one lot to be developed in the future as a multi-family dwelling complex. The Applicant is proposing to divide the remaining 2.65 acres of the site zoned RM-2 into one 15,901 sf lot intended for a five-plex and 12 townhouse lots ranging in size from 2500 sf to 4931 sf.

APPLICANT'S PROPOSED FACTS AND FINDINGS:

Subdivision Review Criteria

Salem Revised Code (SRC) 63.046 sets forth the criteria to be met before approval can be granted to a tentative subdivision request. The following subsections are organized with approval criterion highlighted in **bold** print, followed by applicant's proposed findings of fact.

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

The proposed tentative subdivision utilizes the entire 148.06 acre site, with no remainder. The layout of the proposed subdivision responds to physical constraints of the site while accommodating the City's planned street connections. Primary access to the site will be provided via four connections to Kale Road NE and one connection to Hazelgreen Road NE. Adjoining properties to the north and east will be provided access to utilities and transportation facilities via six separate street connections. Thus, the proposed tentative subdivision proposal does not impede future use of the remainder of the site or adversely impact the safe and healthful development of any adjoining land or access thereto.

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

The applicant plans to design and construct adequate water, sewer, transportation, and storm drainage facilities to serve the proposed development in accordance with applicable provisions of the City's Subdivision Code, Public Facility Master Plans and the Applicant's approved UGA Preliminary Declaration. More specifically, the Applicant is proposing to convey stormwater runoff from the subject site to the North Fork of the Little Pudding River while ensuring the post-development runoff rate is equal to the pre-development runoff rate. Sanitary sewer and water facilities will be provided to the proposed lots via existing and/or upgraded utility lines located within Kale Road NE. Transportation facilities, including a network of collector and local streets and a pedestrian accessway designed to public street

standards, will be installed to provide vehicular and pedestrian circulation throughout the proposed subdivision.

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

As detailed below, the Applicant's proposed tentative subdivision plan complies with all applicable provisions of the Salem Revised Code, including the Salem Zoning Ordinance.

SRC Chapter 63 (Subdivisions):

Block Standards (SRC Section 63.135)

Block lengths shall be a maximum of 600 feet between street centerlines. In accordance with SRC Section 63.135, the Planning Administrator may administratively adjust these standards in cases where natural constraints or a surrounding street layout inhibit the number of street connections. The subject site is constrained by a creek and bordered on the west by property that is fully developed and on the north and south by streets with functional classifications that limit the number and spacing of intersections. Additionally, surrounding street patterns to the north and south dictate the location of street intersections. These limiting factors inhibit the Applicant's ability to design a street layout conforming to the prescribed block length standard. In order to minimize impacts to the drainage channel, the Applicant is only proposing a single vehicular crossing. Similarly, to protect the functional classification of Kale and Hazelgreen Roads, the Applicant is proposing a limited number of intersections aligned with existing street locations. As such, the Applicant requests the Planning Administrator administratively adjust the maximum block length standard for the proposed subdivision.

Lot Standards

Alternative 1-Residential Single-Family (Sheets 2, 3 & 4 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 1.

<i>Segment</i>	<i>Total # of Lots</i>	<i># of Conventional Lots</i>	<i># of Flag Lots</i>	<i># of Double Frontage Lots</i>
<i>A</i>	66	66	0	8
<i>B</i>	44	44	0	0
<i>C</i>	84	83	1	11
<i>D</i>	59	52	7	0
<i>E</i>	71	64	7	9
<i>F</i>	57	55	2	4
<i>G</i>	61	61	0	0
<i>H</i>	81	77	4	10
<i>I</i>	56	56	0	0
<i>J</i>	38	37	1	0
<i>K</i>	62	56	6	1
<i>TOTALS</i>	679	651	28	43

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 651 conventional lots conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 651 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size and dimension standards for flag lots are established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 28 flag lots conforms to the above referenced requirements.

Alternative 1.A-Residential Single-Family with Optional Segment C (Sheets 3, 4 & 7 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 1.A.

Segment	Total # of Lots	# of Conventional Lots	# of Flag Lots	# of Double Frontage Lots
A	66	66	0	8
B	44	44	0	0
C	77	69	8	5
D	59	52	7	0
E	71	64	7	19
F	57	55	2	4
G	61	61	0	0
H	81	77	4	10
I	56	56	0	0
J	38	37	1	0
K	62	56	6	1
TOTALS	672	636	36	37

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 636 conventional lots, conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 636 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis. The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 36 flag lots conforms to the above referenced requirements.

Alternative 2-Residential Single-Family with Neighborhood Park (Sheets 2, 3 & 6 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 2.

Segment	Total # of Lots	# of Conventional Lots	# of Flag Lots	# of Double Frontage Lots
A	66	66	0	8
B	44	44	0	0
C	84	83	1	11
D	59	52	7	0
E	71	63	8	9
F	57	55	2	4
G	61	61	0	0
H	81	77	4	1
I	56	56	0	0
J	39	38	1	0
K	25	25	0	0
TOTALS	643	620	23	42

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 620 conventional lots conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 620 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 23 flag lots conforms to the above referenced requirements.

Alternative 2.A-Residential Single-Family with Neighborhood Park and Optional Segment C (Sheets 3, 6 & 7 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 2.A.

<i>Segment</i>	<i>Total # of Lots</i>	<i># of Conventional Lots</i>	<i># of Flag Lots</i>	<i># of Double Frontage Lots</i>
<i>A</i>	66	66	0	8
<i>B</i>	44	44	0	0
<i>C</i>	77	69	8	5
<i>D</i>	59	52	7	0
<i>E</i>	71	63	8	19
<i>F</i>	57	55	2	4
<i>G</i>	61	61	0	0
<i>H</i>	81	77	4	10
<i>I</i>	56	56	0	0
<i>J</i>	39	38	1	0
<i>K</i>	25	25	0	0
<i>TOTALS</i>	636	606	30	36

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 606 conventional lots conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 606 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 30 flag lots conforms to the above referenced requirements.

Alternative 3-Residential Single-Family with Neighborhood Park and School (Sheets 2, 3 & 5 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 3.

Segment	Total # of Lots	# of Conventional Lots	# of Flag Lots	# of Double Frontage Lots
A	66	66	0	8
B	44	44	0	0
C	84	83	1	11
D	59	52	7	0
E	71	63	8	19
F	57	55	2	4
G	61	61	0	0
H	81	77	4	10
I	56	56	0	0
J	39	39	0	0
K	0	0	0	0
TOTALS	618	596	22	42

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 596 conventional lots conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 596 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 22 flag lots conforms to the above referenced requirements.

Alternative 3.A-Residential Single-Family with Neighborhood Park and School and Optional Segment C (Sheets 3, 5 & 7 of Plan Set)

The following table provides a detailed analysis of the number of lots per Segment for Alternative 3.A.

Segment	Total # of Lots	# of Conventional Lots	# of Flag Lots	# of Double Frontage Lots
A	66	66	0	8
B	44	44	0	0
C	77	69	8	5
D	59	52	7	0
E	71	63	8	9
F	57	55	2	4
G	61	61	0	0

<i>H</i>	81	77	4	10
<i>I</i>	56	56	0	0
<i>J</i>	39	39	0	0
<i>K</i>	0	0	0	0
TOTALS	611	582	29	36

Lot Size Analysis: The minimum lot size for conventional lots of 4000 square feet (sf) is established under SRC Sections 63.145(c) and 146.070(a). The Applicant's proposal to create 582 conventional lots conforms to the above referenced lot size requirement.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for conventional lots and 30 feet for cul de sac lots is established under SRC Sections 63.145(a & c) and 146.070(b). The Applicant's proposal to create 582 lots conforms to the above referenced lot width and frontage requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for single street frontage lots and 120 feet for double frontage lots is established under SRC Sections 63.145(b) and 146.070(b). All of the Applicant's single and double frontage conventional lots conform to the above-referenced lot depth requirements.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create 29 flag lots conforms to the above referenced requirements.

Residential Multi-Family 1 (Sheet 2 of Plan Set)

Lot Size Analysis: The minimum lot size of 4,000 square feet for duplex lots is established under SRC Section 148.240. The Applicant's proposal to create 36 duplex lots conforms to the above-referenced lot size requirements.

Lot Width/Frontage Analysis: The minimum lot width of 40 feet for duplex lots is established under SRC Sections 63.145(a & c) and 148.240(b). The Applicant's proposal to create 36 duplex lots conforms to the above-referenced lot width requirements.

Lot Depth Analysis: The minimum average lot depth of 70 feet for duplex lots is established under SRC Section 148.240(b). The Applicant's proposal to create 36 duplex lots conforms to the above-referenced lot depth requirement.

Flag Lots: The minimum lot size of 4000 square feet and minimum dimension standards of 40 feet by 70 feet for flag lots is established under SRC Sections 63.295 and 146.070. The Applicant's proposal to create three flag lots for duplexes conforms to the above-referenced lot size and dimension standards.

Residential Multi-Family 2 (Sheet 2 of Plan Set)

Lot Size Analysis: The minimum lot size of 1500 square feet for townhouse lots and 6,000 square feet for all other lots is established under SRC Section 148.240. The

Applicant's proposal to create 12 townhouse lots and one five-plex lot conforms to the above-referenced lot size requirements.

Lot Width/Frontage Analysis (Townhouse Lots): The minimum lot width of 20 feet for townhouse lots is established under SRC Section 148.240(b) and 139.070(b). The Applicant's proposal to create 12 townhouse lots conforms to the above-referenced lot width requirements.

Lot Area and Dimension Analysis (Multi-Family Dwelling Complex): The minimum lot size of 20,000 sf for multi-family development is established under SRC Section 148.390. The Applicant's proposal to create one 6.24 acre lot for the future development of approximately 164 apartment units conforms to the above referenced lot size and dimensional requirements. Front, side and rear yard improvements, as well as landscaping and parking requirements will be reviewed for conformance with applicable zoning provisions and multi-family development design standards at the time of building permit review.

Easements (SRC Section 63.165)

The subject site contains a 125-foot wide Bonneville Powerline Administration Easement containing overhead power transmission lines. The proposed lots containing this easement have been designed to adequately accommodate existing utility improvements and any future building improvements. Given the proximity of the power transmission lines to future residential development, it is important to note there is no causal relationship between long term exposure to electromagnetic fields and health related concerns. More specifically, the last annual monitoring report to City Council on the potential health risks associated with electromagnetism concluded there is no definitive evidence long-term exposure to electromagnetic fields will cause health related concerns. (For more detailed information, please refer to Attachment 6, Council Report dated September 22, 2003, titled Electromagnetic Fields Annual Monitoring Report.)

In addition to existing easements located on the site, the Applicant will provide all other necessary public utility easements to ensure the appropriate utility provider maintains access for future repair and maintenance of the facility. This includes easements for storm drainage facilities and underground utilities.

Utilities (SRC Section 63.175-215)

As stated previously, the Applicant plans to design and construct adequate water, sewer, transportation, and storm drainage facilities to serve the proposed development in accordance with applicable provisions of the City's Subdivision Code, Public Facility Master Plans and the Applicant's approved UGA Preliminary Declaration. Compliance with Code provisions and Public Works Design Standards and Specifications is assured through the permit review process.

Streets (SRC Section 63.225-245)

The layout of the proposed subdivision responds to physical constraints of the site while accommodating the City's planned street connections. Primary access to the proposed site is provided via four connections to Kale Road NE and one connection to Hazelgreen Road NE. The Applicant is also proposing to extend 49th Avenue NE

northward through the subject property. This street is designated as a collector street in the Salem Transportation System Plan and is intended to be the primary north-south connection from Kale Road to Hazelgreen Road for vehicles and bicycles. In accordance with SRC Section 63.235, the Applicant will be constructing all internal streets to the 60-foot wide local and/or collector street standard with curb, gutter, sidewalks, planter strips and bike lanes where appropriate. Additional boundary street and off-site transportation improvement necessitated by the traffic being generated from the proposed subdivision are identified in the Applicant's Traffic Impact Analysis completed by Associated Transportation Engineering & Planning, Inc. (ATEP) and dated February 1, 2007.

Access (SRC Section 63.295)

SRC Chapter 63, Table 63-1 requires accessways serving flag lots to be developed according to the following standards:

- Accessway serving 1-2 Lots: - 15 ft. paved width within a 20 ft. accessway
 - 150 foot maximum length.
 - No turnaround required.
- Accessway serving 3-4 Lots: - 20 ft. paved width within a 25 ft. accessway
 - 400 foot maximum length.
 - Turnaround required if over 150 feet.

The Applicant is proposing to construct flag lot accessways in accordance with the above referenced standards and provide all necessary access easements and maintenance agreements. Each of the alternative tentative plans submitted herewith conform to these standards.

SRC Chapter 64 (Comprehensive Planning): The Applicant's proposed subdivision conforms to the Salem Area Wastewater Management Master Plan, the Stormwater Master Plan, the Water System Master Plan, the Comprehensive Parks System Master Plan and the Salem Transportation System Plan, adopted under SRC 64.230 by providing the appropriate public improvement linking facilities and a site for a Neighborhood Park. More specifically, Alternatives 2 and 2.A provide a site for a Neighborhood Park conforming to Comprehensive Parks System Master Plan policies for developing Neighborhood Parks. The proposed park site is relatively flat and will have optimal pedestrian access to adjoining residential areas, limited frontage along a collector street and minimized improvements costs. Additionally, Alternatives 3 and 3.A provide a site for a joint Neighborhood Park and School facility conforming to the school acquisition and siting policies of the Salem Area Comprehensive Plan. The proposed school site will be centrally located within a new residential neighborhood and will be provided adequate pedestrian access via a network of city sidewalks and pedestrian accessways and adequate vehicular access via a network of internal residential local and collector streets. Acquisition of the site is being coordinated with both the City and the School District.

SRC Chapter 65 (Excavations and Fills): The Applicant is proposing to develop the property in accordance with the provisions of SRC Chapter 65 to insure any excavation or grading adjacent to public rights-of-way or within a public easement, designated waterway, or floodplain creates no imminent danger to public safety or public

facilities. Additionally, the Applicant is not proposing any grading activities causing surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred.

SRC Chapter 66 (Urban Growth Management): The subject property is located outside the Urban Service Area. Pursuant to the Urban Growth Management Program, an Urban Growth Area (UGA) Preliminary Declaration is required prior to development of the subject property. The Applicant applied for a UGA Preliminary Declaration on January 4, 2007 (UGA07-1). The Applicant is required to conform to provisions of the UGA Preliminary Declaration at the time of development of the subject property.

SRC Chapter 68 (Tree Preservation): A total of six trees having a diameter-at-breast height (dbh) of 10 inches or greater have been identified on the subject site. As shown on Sheets 2 & 7 of the Tentative Subdivision Plan Set, the Applicant has identified one 18" Ash for removal to accommodate public infrastructure improvements and/or a private accessway. As proposed, 84% of the trees will be retained on-site in conformance with SRC Section 68.100(d)(1).

SRC Chapter 69 (Landslide Hazards): The City of Salem's adopted Landslide Hazard Susceptibility Map does not identify any landslide hazard risks within the boundaries of the subject site; therefore provisions of Chapter 69 are not applicable.

SRC Chapter 126 (Wetlands): The drainage channel has been identified as a jurisdictional wetland. The Applicant is coordinating with the Oregon Department of State Lands and United States Army Corps of Engineers for a Removal-Fill Permit to relocate a portion of the drainage channel, mitigate wetland impacts and construct a street and pedestrian crossing. In the event this permit is not approved by the appropriate reviewing agencies, the Applicant requests City Staff consider a second lot configuration for the area of the Tentative Subdivision Plan identified as "Segment C". The optional lot configuration for Segment C avoids impacts to the jurisdictional wetlands and will be used if the Removal-Fill Permit is not approved.

SRC Chapter 140 (Floodplain Overlay Zones): The North Fork of the Little Pudding River traverses the subject site, flowing south to north as an open drainage way that eventually discharges into the Little Pudding River. A small section of this drainage way located in the northeast portion of Segment D is identified as a FEMA regulated waterway on Flood Insurance Rate Map Panel Number 213 of 1150 date January 19, 2000. Any development of public or private improvements within a FEMA regulated waterway or associated special flood hazard area will require a Floodplain Development Permit. The City will review a Floodplain Development Permit to ensure conformance with SRC Chapter 140.

SRC Chapters 146 and 148 (Single Family and Multi Family Residential Zones): The Subdivision Code, more specifically SRC 63.145(i), requires lots be suitable for the general purpose for which they are likely to be used. By meeting the lot size and dimensions requirements of the RS, RM1 and RM2 zoning districts, the Applicant is proposing lots of sufficient size and configuration to accommodate future development of "permitted," "special," or "conditional" uses in the respective zoning districts.

D. 63.046(b)(4): The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

Oregon Administrative Rule (OAR) 660-012-0055(4)(b) states "Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, must apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted." The City of Salem has not adopted code amendments to fully comply with OAR 660-012-0045(3) or (4), the Oregon Transportation Planning Rule (TPR), and the City is currently under periodic review for compliance with those sections of the TPR. Thus, the City of Salem must apply the relevant sections of OAR 660-012-0055(4)(b) to all land use and limited land use decisions. The proposed subdivision is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and will therefore be reviewed for consistency with the State's TPR multi-modal connectivity requirements.

The nearest neighborhood activity center is Hammond Elementary School, located southeast of the subject site. There is also a transit stop located west of the subject site at the intersection of Kale Road and Happy Drive. The Applicant will construct all internal and boundary streets in accordance with the City's adopted local and collector street standards, thereby fulfilling requirements of pedestrian connectivity and providing pedestrian access from within the subdivision to adjacent residential areas, transit stops, and the surrounding neighborhood.

The Applicant will also provide a pedestrian accessway from 49th Avenue NE to Comet Avenue NE to reduce out-of-direction travel for residents accessing the northern or easterly portion of the proposed subdivision. All of the above referenced improvements will ensure safe and efficient access to any future neighborhood park and/or school established on the subject site.

CONCLUSION

As outlined in the above facts and findings, the Applicant's proposed tentative subdivision plans conform to the City's Comprehensive Plan provisions, Urban Growth Management Program provisions and applicable Subdivision and Zoning Code standards. The Applicant respectfully requests City Staff approve the tentative subdivision plans as submitted.

Attachments:

1. Vicinity Map
2. Applicant's Tentative Subdivision Plan Set
3. Traffic Impact Analysis
4. Comprehensive Plan Map Amendment Zone Change Resolution PC 06-18
5. Email Correspondence dated December 4, 2006 from Michael Cerbone regarding clarification of bufferyard condition on CPC/ZC 05-12
6. Council Report dated September 22, 2003, titled Electromagnetic Fields Annual Monitoring Report

NORTHSTAR SUBDIVISION VARIANCE FINDINGS

Applicant proposes to create 12 townhouse lots ranging in size from 2500 sf to 4931 sf in the portion of the subject site zoned RM-2. Per SRC 148.310(c), townhouses, as defined in SRC 139.020(c), are permitted uses in the RM-2 zone. In accordance with the lot area and dimension standards set forth in SRC 148.390, townhouse lots may be a minimum of 1500 sf in area with a minimum lot depth of 70-feet. However, unlike the RM-1 and Compact Development (CD) Overlay zoning districts, there is no explicit minimum lot width standard for townhouse lots in the RM-2 zone. Whereas the prescribed minimum lot width for townhouse lots in RM-1 and CD Overlay zoning districts is 20-feet, the minimum lot width standard in the RM-2 zone for all residential uses is 40-feet. This omission appears to be an oversight given the purpose of the RM-2 zoning district to encourage higher density development and the fact that both other zoning districts, which allow townhouse lots outright, provide for a 20-foot minimum lot width. As such, Applicant requests a variance from the minimum lot width standard set forth in SRC 148.390 and lot frontage standard set forth in SRC 63.145(d), as well as a variance to the 3:1 lot depth to width ratio requirement set forth in SRC Sections 148.390(a), 63.145(b) & (d) in order to facilitate the creation of 12 townhouse lots as part of the Northstar Subdivision development. Justification for these variances is as follows:

63.332. BASIC CONDITIONS FOR A VARIANCE. (a) No variance shall be granted except upon a finding by the planning administrator that each of the following conditions is met:

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

Proposed Finding: The location and configuration of the RM-2 zoned portion of the subject site makes it conducive to townhouse lot development. The proposed townhouse lots will, in effect, create a transition area between the duplex lots being proposed in the RM-1 zoned portion of the site and the future multi-family dwelling complex being proposed in the remaining RM-2 portion of the site. However, to meet minimum density requirements of the RM-2 zone, the townhouse lots need to be narrower than the prescribed 40-feet. Allowing narrower lot widths for townhouse lots in the RM-2 zone is consistent with narrower minimum lot width provisions of the RM-1 and CD Overlay zoning districts. Additionally, to provide an adequate building footprint for a narrower lot, the lot depth to width ratio needs to be varied. Otherwise, a 30-foot wide townhouse lot would be limited to a lot depth of only 90-feet, which creates unnecessary hardship at the building permit phase to provide for necessary setbacks and building footprints.

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

Proposed Finding: The requested variances are necessary to develop townhouse lots in the RM-2 zone. Without the variances, the Applicant would not be able to meet minimum density requirements or provide for adequate building footprints.

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

Proposed Findings: There is no reasonably practical means whereby townhouse lots can be developed in the RM-2 zone without the granting of the variances.

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

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

Tanya M. Sanders

From: Ashley J. DeForest
Sent: Wednesday, February 28, 2007 2:06 PM
To: Tanya M. Sanders
Subject: FW: Kale Street Bufferyard Condition

SAALFELD GRIGGS PC
Ashley DeForest
Land Use Planner
tel: 503-399-1070
e-mail: adeforest@sglaw.com
www.sglaw.com

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-----Original Message-----

From: Michael Cerbone [mailto:MCerbone@cityofsalem.net]
Sent: Monday, December 04, 2006 1:27 PM
To: Ashley J. DeForest
Cc: Judith Moore
Subject: Re: Kale Street Bufferyard Condition

Ashley,

The intent of the condition was to require a bufferyard in lieu of the setback. Therefore there would not be an additional setback required on top of the bufferyard requirement.

Best,

Michael Cerbone
Assistant Urban Planning Administrator
City of Salem
555 Liberty Street SE - Room 305
Salem, Oregon 97301
(503) 588-6173 ext. 7598
mcerbone@cityofsalem.net

>>> "Ashley J. DeForest" <adeforest@sglaw.com> 12/4/2006 10:43 AM >>>
Michael,

I hope you had a nice weekend. I was organizing my correspondence on the Kale file and noticed that I never received a written response on the interpretation of the bufferyard condition. For Condition #3 of CPC/ZC 05-12, can you please confirm that the City will be requiring the 30-foot buffer as the rear/side yard setback requirement for the lots

located along the boundary of the subject property that abuts land designated industrial and/or agriculture? I appreciate your help in this matter to alleviate any future confusion regarding the location of the bufferyard.

Thanks,

Ashley

SAALFELD GRIGGS PC
Ashley DeForest
Land Use Planner
tel: 503-399-1070
e-mail: adeforest@sglaw.com
www.sglaw.com <<http://www.sglaw.com/>>

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Please contact me if you would like to discuss our preparation of an opinion that conforms to these new rules.

RECEIVED

AUG 14 2007

SAALFELD GRIGGS^{PC}

August 14, 2007

Via Hand Delivery

Garrett Stephenson
Associate Planner
Dept. of Community Development
City Hall
555 Liberty St. SE, Room 305
Salem, OR 97301

RE: Subdivision Plat No. 07-13; 4400-5200 Blocks of Kale Road NE "Northstar"
Our File No. 8458

Dear Mr. Stephenson:

We represent Applicant Granada Land Co. The SRC on the proposed Northstar Subdivision was held July 31, 2007. The record was left open through August 14th, 2007 for additional written comments. This letter contains Applicant's post hearing comments. Applicant will have the opportunity for final written rebuttal through the end of the day of August 21, 2007.

1. Schools

Testimony was received regarding school conditions in the area. Applicant has proposed a school site on the alternative site plan. However, it is within the sole discretion of the Salem-Keizer School District as to whether it will acquire a site in the neighborhood and whether it will develop a school there. This is why ORS 195.001(11) provides that school capacity is not a criterion for a residential subdivision approval. The 2007 legislature also authorized school districts to adopt "construction excise taxes" as a means of funding capital improvements (SB 1036).

2. Phasing of Street Improvements

Required street improvements will be constructed in conjunction with phases of the subdivision. Attachment 1 is a letter dated August 6, 2007 from Associated Transportation Engineering

and Planning which sets out a phasing plan for street improvements based upon trip generation. Applicant requests that this phasing plan be included in the conditions of approval.

3. Kale and Cordon

Marion County requested left turn pocket on Cordon at Kale. Applicant agrees to a condition of approval which clarifies that the northbound left turn pocket will be built to city standards, triggered by the sale of the 700th lot.

4. Transit

The Transit District stated that they wanted some bus shelter pull outs on Kale. The Applicant consents to a condition of up to three shelter pullouts to be located near the north/south street intersections on Kale. These pullouts would be built phase by phase as frontage improvements to Kale are constructed.

5. Sidewalk Curb and Gutter Gaps (Public Works Recommended Condition #6)

There are 3 gaps in the street/sidewalk system on the south side of Kale. One gap (south of the proposed Northstar Street) will be completed through the pending partition application by that owner. This Applicant should not be required to put other developers' improvements in for them. However, Applicant will build the curb, gutter and sidewalk in the other 2 gaps when the corresponding north side of Kale frontage is built, so long as the City has acquired the necessary right of way. Applicant can not acquire the right of way for these off-site improvements as it has no legal means to do so. Gutters on the south side gaps will drain into existing systems without capacity analysis by Applicant.

6. Stormwater

The County submitted a letter regarding stormwater. The Applicant consents to a condition requiring design of stormwater detention to the Intergovernmental Agreement standard for this area which is no increase in discharge up to a 100-year event.

7. Fifth Connection to Kale

After several meetings with Public Works on street locations, the Applicant agreed to four street connections to Kale as shown on Applicant's plans. Planning staff has now suggested a fifth connection on the east end of the project at Mercury or Meteor Streets. Applicant opposes this fifth connection to Kale for the following reasons:

- a. Public Works already agreed to the street patterns and locations;
- b. Connectivity is already met;
- c. No additional connections should be made to Kale because it is an arterial;
- d. Cordon Road is too close to the east side of the subject property for another connection to be made at Kale.

8. Public Works Condition #5

As a general issue the Applicant does not agree that the improvements required at Portland Road are fair. Nevertheless Applicant acknowledges that the project has some traffic impacts and agrees to making the improvements in Public Works recommended condition #5 in mitigation thereof.

9. Setback

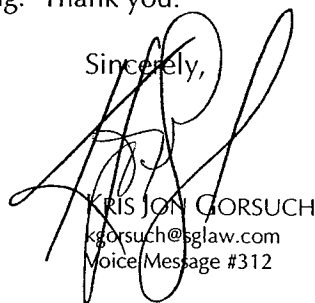
The bufferyard/setback of 30 feet on lots abutting land designated industrial or agricultural was set out in the comprehensive plan amendment decision. Applicant agrees with the 30 foot bufferyard/setback and objects to any additional requirement.

10. Park Size

Applicant agrees that a neighborhood park can be located on the subject property as shown on the submitted alternative site plan. Staff has agreed that the park will not be a "large urban park".

The Applicant thanks staff for its through review of this matter and for Applicant's opportunity to provide these additional written comments. If you have any questions please do not hesitate to contact me or Mr. Grenz at Multi-Tech Engineering. Thank you.

Sincerely,



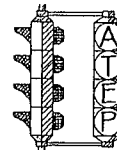
KRIS JON GORSUCH
kgorsuch@sglaw.com
Voice/Message #312

KJG:jsc
Attachments
cc: Larry Epping
Mark Grenz

Associated Transportation Engineering & Planning, Inc.

Attachment 1

Date: August 6, 2007
To: Mr. Mark Grenz, PE, IC
From: Karl Birky, PE
Re: Northstar Estates – Phasing offsite intersection improvements



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING Inc.

A.T.E.P., Inc. Tel.: 503.364.5066
P.O. Box 3047 FAX: 503.364.1260
Salem, OR. 97302 e-mail: kbirky@atepinc.com

Mr. Grenz:

You have asked that I review the boundary street intersection improvements and the offsite intersection improvements included in the Northstar Estates conditions of approval. Northstar Estates will add 920 homes when the 6th Phase of the development is complete. This memo is intended to provide you and decision makers with information you might find helpful.

The Kale Road at Cordon Road intersection will still be functioning at a volume to capacity (v/c) ratio of 0.120 when Northstar Estates Phase 6 is built. One can consider the intersection will be carrying 12% of its capacity when the planned subdivision is complete. I note that ODOT uses a left turn warrant analysis and that the addition of a left turn lane is warranted as homes in Phases 1 through 4 (703 homes) are being occupied. My recommendation is that the improvement of Kale Road at Cordon Road be completed as part of Phase 4 so traffic volumes do not grow so great that warrants are triggered.

The Portland Road at Hazelgreen Road intersection is functioning at LOS D with a v/c of 0.673 today. It is working but clearly will need attention in my opinion before the Kale Road at Cordon Road intersection. After Phase 1 is completed, I believe the intersection will function at 0.797. This is just under 0.80 (80%). You should consider improving the Portland Road at Hazelgreen Road as part of Phase 2 of Northstar Estates so the v/c ratio does not go above 0.80. Phases 1 & 2 included 494 homes. The intersection is an ODOT intersection and my experience has been that this may extend the approval and construction timetable. You might ask to be permitted to bond this project so construction of future phases can continue.

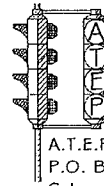
Finally, I note that as part of Phase 1 you will be required to make boundary street improvements on Kale Road. I believe the intersection of Countryside Road at Kale Road will require left turn pockets on all four legs.

I thank you for asking ATEP to provide this information to you.

Karl Birky, PE

Associated Transportation Engineering & Planning, Inc.

Date: September 6, 2007
To: Mr. Mark Grenz, PE, IC
From: Karl Birky, PE
Re: Northstar Estates – Timing of offsite improvements



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING Inc.

A.T.E.P., Inc. Tel.: 503.364.5066
P.O. Box 3047 FAX: 503.364.1260
Salem, OR. 97302 e-mail: kbirky@atepinc.com

Mr. Grenz:

You have asked that I clarify the timing of boundary street intersection improvements and the offsite intersection improvements recommendation for the Northstar Estates conditions of approval. Northstar Estates will add 920 homes when complete. This memo is my recommendation for timing street improvements.

The Kale Road at Cordon Road intersection will still be functioning at a volume to capacity (v/c) ratio of 0.120 when Northstar Estates complete. The ODOT left turn warrant analysis methodology suggests a left turn lane is warranted when 703 homes are occupied. My recommendation is that the improvement (addition of a left turn refuge) of Kale Road at Cordon Road be completed when the 700th home is complete so traffic volumes do not trigger left turn warrants being met.

The Portland Road at Hazelgreen Road intersection is functioning at LOS D with a v/c of 0.673 today. It is working today, but clearly will need attention in my opinion before the Kale Road at Cordon Road intersection. I believe the intersection will function acceptably at a v/c 0.797 when 352 homes are built and occupied. The intersection is nearing 80% of capacity. You should consider improving the Portland Road at Hazelgreen Road before the 500th home lot in Northstar Estates is complete so the v/c ratio does not go above 0.80. I have assumed that there will remain unbuilt homes and unoccupied homes on other lots when the 500th lot is completed. This intersection is an ODOT intersection and my experience has been that this may extend the approval and construction timetable. You might ask to be permitted to bond this project so construction of future phases can continue. You should consider beginning the planning process sooner rather than later.

Finally improvements on Kale Road should be completed as the streets in Northstar Estates are built and connect to Kale Road. I believe the intersection of Countryside Road at Kale Road will require left turn pockets on all four legs and they should be built when Countryside Road connects to Kale Road from the north. I can be reached at 503-364-5066.



DAVID FRIDENMAKER, Director
Planning and Construction
3630 State Street • Salem, Oregon 97301
503-399-3290 • FAX: 503-375-7847

Sandy Husk, Superintendent

July 17, 2007

Garrett Stephenson, Associate Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity
Salem, Subdivision Plat No. 07-13, 4400-5200 Kale Rd. NE

Below are the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3290.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Hazel Green Elementary School
2. Estimated change in student enrollment due to proposed development: 202
3. Current school capacity: 171
4. Estimate of school enrollment including new development: 298
5. Ratio of estimated school enrollment to total capacity including new development: 174%.
6. Walk Zone Review: Eligible for transportation to Elementary School.
7. Estimate of additional students due to previous 2006 land use applications: 21
8. Estimate of additional students due to previous 2007 land use applications: 0
9. Estimated cumulative impact of 2006-2007 land use actions on school capacity: 187 to 187% of capacity
10. Nearest AM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles
11. Nearest PM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Whiteaker Middle School
2. Estimated change in student enrollment due to proposed development: 93
3. Current school capacity: 862
4. Estimate of school enrollment including new development: 877
5. Ratio of estimated school enrollment to total capacity including new development: 102%
6. Walk Zone Review: Eligible for transportation to Middle School.
7. Estimate of additional students due to previous 2006 land use applications: 59
8. Estimate of additional students due to previous 2007 land use applications: 2
9. Estimated cumulative impact of 2006-2007 land use actions on school capacity: 109 to 109% of capacity
10. Nearest AM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles
11. Nearest PM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: McNary High School
2. Estimated change in student enrollment due to proposed development: 118
3. Current school capacity: 1,890
4. Estimate of school enrollment including new development: 2,196
5. Ratio of estimated school enrollment to total capacity including new development: 116%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2006 land use applications: 79
8. Estimate of additional students due to previous 2007 land use applications: 6
9. Estimated cumulative impact of 2006-2007 land use actions on school capacity: 120 to 121% of capacity
10. Nearest AM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles
11. Nearest PM Bus Stop Location: Kale Rd. NE & Copper Creek Loop NE, 0.7 miles

ESTIMATE SUMMARY (GRADES K TO 12):

1. Total estimated change in student enrollment: 413
2. Total estimated student enrollment over capacity: 245
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: \$ 3,831,896
4. Total estimated additional income to District for new facilities due to change in student enrollment: \$ 0

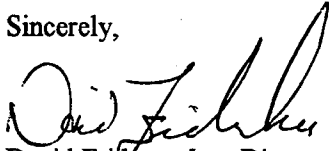
Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

When new development location is eligible for transportation, developer should provide a safe pedestrian route to the nearest school bus stop. At large or remote developments, the developer should identify and provide new school bus stop locations acceptable to the School District.

ASSUMPTIONS:

1. When land use request is granted, 730 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2005-06 grant funding is estimated at 5.04%.
7. General Fund Budget Amount for the 2006-07 school year is \$7,811 per student (ADM). The State School Fund Revenue for 2006-07 is estimated to be \$6,983 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,



David Friedenmaker, Director
Planning and Construction

- c: Ron DeWilde, Director of Facilities
Patti Hoffert, Director of Secondary Education
Melissa Cole, Director of Secondary Education
Ron Speck, Director of Elementary Education
Steve Larson, Director of Elementary Education
Mike Bednarek, Special Projects Coordinator, Elementary Education Dept.
Oscar Vega, Risk Management Dept.
Michael Shields, Transportation Dept.

DATE: July 30, 2007
TO: Garrett Stephenson, Associate Planner, Dept. of Community Development
FROM: Lisa Tyler, Landscape Architect, Park Planning Services, Dept. of Community Services
RE: SRC 07-13 Northstar

The following comments relate to the proposed subdivision of 148.74 in the 4400-5200 blocks of Kale Road NE.

Permitting

The property is inside the City Limits and **outside** the Urban Service Area (USA). The development will need to comply with the requirements of UGA 07-01. The property is zoned mixed Residential.

Park Service and Pedestrian Access

Portions of the property are in the 1/2 mile park service areas of Hammond School Park (developed) and Kale Road park property (undeveloped). A portion of the property is unserved by park land. The subdivision layout is required to comply with the conditions UGA 07-01 and to the satisfaction of Community Services - Park Planning Section.

Landscape requirements: The proposed development shall comply with the landscaping requirements of the Salem Revised Code (SRC) Chapter 132, the underlying zoning and Multi-Family Design Review.

Required yards - Buffers and setbacks - Landscaped buffers are determined based on proposed use of the property and existing uses of adjacent property.

- Building setbacks from the underlying zone apply.
- There are no buffer requirements for single family or duplex residential development.
- The portion of the property to be developed for Multi family housing will have to comply with the requirements of the Development Design Handbook, including planting and irrigation

Street Trees - SRC 132.210

- Street Trees are required within or along the right-of-way of all public streets.
- If 50' right-of-way is approved, street trees may have to be located on private property and will be the responsibility of the property owner. If the planting strip within the public right-of-way is less than 5' wide, the Urban Forester will need to approve the type of trees to be planted. The City Urban Forestry section maintains only trees planted on public property.
- Permission is required for any planting or removal of street trees or driveway construction near a street tree located within the public right-of-way. See SRC Chapt. 86 for specific requirements.
- Street tree planting permits will be provided with residential building permits.
- The following is the link to the street tree list available on the City's website:
http://www.cityofsalem.net/system/galleries/download/parks/Tree_Lists_2006.pdf
- The Urban Forester, Jan Staszewski can be contacted at jstaszewski@cityofsalem.net or 503-361-2215.

Resource Conservation - SRC132.200

A minimum of 25% of the significant trees on the site and all significant trees within the required yards shall be preserved or replanted as required in Chapter 132.200.

PUBLIC



WORKS

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SEP 20 2007

MEMO

COMMUNITY DEVELOPMENT

TO: Garrett Stephenson, Associate Planner
Department of Community Development

FROM: Tony C. Martin, P.E., Senior Development Services Engineer
Public Works Department

DATE: September 19, 2007

SUBJECT: **REVISED PUBLIC WORKS RECOMMENDATIONS
SUBDIVISION PLAT NO. 07-13
4400-5200 BLOCKS OF KALE ROAD NE
MIXED-DENSITY RESIDENTIAL DEVELOPMENT
"NORTHSTAR SUBDIVISION"**

PROPOSAL

To divide approximately 148.74 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, with concurrent variances to the lot dimensional standards of SRC Chapters 63.145(b), 63.145(d), and SRC Chapter 148.390(a). These variances allow townhouse lots within the RM2-zoned portion of the subject property, which is zoned RM1 (Multi-Family Residential), RM2 (Multi-Family Residential), and RS (Single-Family Residential). This property is generally located within the 4400-5200 blocks of Kale Road NE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. **Urban Growth Area Development (UGA) Permit** - Comply with the conditions of UGA Preliminary Declaration 07-1 issued June 25, 2007.
2. No direct driveway access shall be allowed onto Kale Road NE or Hazel Green Road NE.
3. Design and construct a complete storm drainage system at the time of development. The applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal. The stormwater shall not surpass the hydraulic capacity of the Little Pudding River at the Hazelgreen Road NE crossing.
4. Coordinate with Marion County to identify the need for and location of a special stormwater detention facility to serve the region.
5. Determine the 100-year floodplain flow path along the North Fork Little Pudding River from Kale Road NE to Hazel Green Road NE.

Code authority references are abbreviated in this document as follows: *Salem Works Design Standards (PWDS)*; *Salem Transportation System Plan Management Plan (SMP)*.

ATTACHMENT 6

6. Construct the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property. The line shall extend from the existing terminus in Portland Road NE, extend along Hazelgreen Road NE and connect to the 12-inch Master Plan line constructed in the 49th Avenue NE extension between Kale Road NE and Hazelgreen Road NE.
7. Prior to the creation of the 400th lot, construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation.
8. Provide pedestrian connectivity on both sides of Kale Road NE within the city limits to Portland Road NE. As directed by the Public Works Director, either:
 - a. Construct curb, sidewalks, and gutter as specified the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
 - b. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition, and sidewalk improvements, in an amount specified by the Public Works Director.
9. Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE.
10. Construct left-turn lanes on Kale Road NE at each of the intersections into the subdivision.
11. Coordinate with Marion County to construct improvements at the intersection of Cordon Road NE and Kale Road NE to mitigate traffic impacts.

FACTS AND FINDINGS

Urban Growth Area Development (UGA) Permit

Comply with the conditions of UGA Preliminary Declaration 07-1 issued June 25, 2007.

Streets

1. Kale Road NE
 - a. This street is designated as a **minor arterial** street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a

72-foot-wide right-of-way. Kale Road NE is an underimproved boundary street that has varied improvements and right-of-way adjacent to the subject property.

- b. Property Line Radius - Sufficient right-of-way shall be dedicated at arterial or collector and local street intersections to provide a 25-foot property line (turn) radius (PWDS Streets 2.15).
- c. Improvement - Provide for safe, orderly, and efficient pedestrian connectivity to Portland Road NE along both sides of Kale Road NE. As directed by the Public Works Director, either:
 - i. Construct curb, sidewalks, and gutter as specified the City's Street Design Standards and convey land for dedication of adequate right-of-way to construct all required street and sidewalk improvements to the satisfaction of the Public Works Director; or
 - ii. Pay a fee-in-lieu for all or a portion of the required right-of-way acquisition and sidewalk improvements, in an amount specified by the Public Works Director.
- d. Access control - Spacing between access points (driveways and streets) shall be a minimum of 370 feet on center. Uses permitted direct access are limited to those generating 100 or more trips per day, and parks (PWDS Development Bulletin No. 34). No direct access shall be allowed to Kale Road NE.

2. Hazel Green Road NE

- a. This street is designated as a **parkway** in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot right-of-way. Hazel Green Road NE is an underimproved boundary street with an approximate 24-foot turnpike improvement with a varied right-of-way adjacent to the subject property.
- b. Property Line Radius - Sufficient right-of-way shall be dedicated at parkway and collector street intersections to provide a 30-foot property line (turn) radius (PWDS Streets 2.15).
- c. Access control - Access spacing shall be limited to one-mile intervals for arterial or collector street intersections and major intersections.
 - i. No direct access shall be allowed onto Hazel Green Road NE and all driveways shall be closed with the phased improvements along the full frontage of the subject property.

3. 49th Avenue NE Collector Street Extension:

- a. This street is designated as a future north/south **collector** street in the Salem TSP. This extension is to connect Kale Road NE to Hazel Green Road NE in a

rough alignment with 49th Avenue NE to Lake Labish Road NE intersection at Hazel Green Road NE. The standard for this street classification depends on whether a parking lot is to be provided.

4. Internal Streets

- a. At the time of development, the applicant shall be required to comply with local street standards (30-foot improvement within a 60-foot right-of-way) for all public streets within the proposed development in the alignments to be approved to the satisfaction of the Director of Public Works.
 - i. For local streets, street standards may be reduced to a 30-foot improvement within a 50-foot right-of-way if: (1) cul-de-sac; (2) cross slope is 8 percent or greater; or (3) the standard right-of-way would result in lot depths of less than 80 feet (SRC 63.235(f)).
- b. Sufficient right-of-way shall be dedicated at local street intersections to provide a 20-foot property line (turn) radius (SRC 63.225(g)).

5. Connectivity Standard - Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system (SRC 63.225(p)).

- a. The applicant's site plans reflect adequate connectivity to undeveloped properties where practical. Street connections to Kale Road NE are located at existing street connections as required. One additional connection was made to facilitate a northerly connection to a major undeveloped property to the north. Additional connections were not deemed necessary. Connectivity to the east along the "pan handle" is restricted due to the physical constraints of the North Fork Little Pudding River.
6. Vision clearance requirements shall be observed at all street and driveway intersections (SRC 76.170).
7. Street lights shall be installed in and along the proposed development as required (SRC 63.245).

Traffic

A Transportation Impact Analysis (TIA) was submitted in June 2007 and the required mitigation is identified in the Recommended Conditions of Plat Approval.

A subsequent review received September 10, 2007, identified the timing of required improvements. The applicant's engineer indicates the intersection of Portland Road NE and Hazel Green Road NE will function at a volume to capacity (v/c) ratio of 0.797 when 352 homes are constructed and occupied. The improvement must be completed to ensure the v/c ratio does not exceed 0.80. Staff does not concur with the applicant's engineer that indicates the

intersection will continue to operate below a v/c of 0.80 when the 500th lot is completed. Staff supports the improvements must be constructed prior to the creation of the 400th lot.

To avoid delays in approval of the intersection improvements, the applicant should provide a preliminary design for review by City Traffic Engineer and ODOT to identify potential right-of-way requirements and construction issues.

Storm Drainage

1. Existing Conditions

- a. The North Fork Little Pudding River crosses through the subject property. There are two large drainage swales that drain into the Little Pudding River.
- b. There are public storm drainage facilities in Kale Road NE.
- c. There is a 36-inch public storm drain line within a 31-foot easement along the north property line that outfalls into the drainage swale within the property.

2. The North Fork Little Pudding River drains over 640 acres, which classifies it as Type "C" waterway as defined in the Public Works Design Standards. The Type "C" waterway's conveyance systems shall be designed to accommodate fish passage to the greatest extent practicable as determined by the Director. Open channels shall be used exclusively except where culverts, bridges, or other closed systems are approved by the Director.

- a. The design flows for a Type "C" waterway require this river to carry a 100-year storm event. Because of storm drainage concerns down stream, the design flow will need to be evaluated at the time of development and shall not surpass the hydraulic capacity of the Hazelgreen Road NE crossing near Lake Labish Road NE.
- b. All federal, state, and local permits shall be required prior to any waterway improvements and disposal points.
 - i. The Little Pudding River System is defined by DEQ as a "water quality limited stream" due to temperature, bacteria, and DDT. The DEQ-led regulatory programs associated with these water quality limited streams will likely dictate specific site and stormwater management design, construction, post-construction consideration, and measures (PWDS-Storm).

3. The applicant shall be required to design and construct a complete storm drainage system at the time of development. The applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal (SRC 63.195).

4. Dedicate a drainage easement adjacent to the North Fork Little Pudding River. The open channel drainage easement shall be, at a minimum, the 100-year floodway, 10 feet from the top of recognized bank, or 15 feet from the centerline, whichever is greatest.
5. This property is located within the area defined in a Stormwater Management Agreement between the City of Salem, City of Keizer, and Marion County. Coordination is required between the jurisdictions with respect to stormwater management within this area and requires special stormwater detention including a regional detention facility.

Water

1. Existing Conditions
 - a. There is a 16-inch public water line in Kale Road NE.
2. As a condition of water service, all developments shall be required to provide public water mains of sufficient size for fire protection to adjacent parcels. This shall include the extension of water mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way (SRC 63.175; PWDS 2.00).
3. Any public water line crossing adjacent lots or parcels shall require a minimum 10-foot-wide public easement to provide access for maintenance or repair and for protection of the system (SRC 63.165).
4. Water meters shall be placed along the right-of-way of the internal streets of the subject property (City of Salem Policy and Procedure WA 2-7).
5. Each lot shall have an independent water service from the meter to the lot (SRC 72.093).
6. Water service lines for the flag lots shall be located within the access easement.
7. Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.

Sanitary Sewer

1. Existing Conditions
 - a. There is an 18-inch public sanitary sewer line in Kale Road NE.
2. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the

street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (SRC 63.185; PWDS Sewers 2.00).

3. Any public sanitary sewer crossing adjacent lots or parcels shall require a minimum 10-foot-wide easement to provide access for maintenance or repair and for protection of the system (SRC 63.165).
4. Sanitary sewer service lines for flag lots shall be located within the access easement.
5. The applicant shall be required to provide separate sewer services for each lot (SRC 63.185).
6. Any existing septic tank systems shall be abandoned (SRC 73.110).

Natural Hazards

1. A National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality is required for all construction activities that disturb one acre or more. Proof of a valid permit must be submitted at the time of plans submission. Plans will not be accepted for review without a valid NPDES permit or written certification by the applicant that a permit is not required for this project. City permits will not be issued without a valid NPDES erosion control plan approval letter (SRC 75.050).
2. There is an existing floodplain located on the subject property as designated on the Federal Emergency Management Agency's (FEMA) floodplain maps. The 100-year base flood elevation will need to be determined. The applicant shall determine the 100-year flow path along the North Fork Little Pudding from Kale Road NE to Hazel Green Road NE. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 140.

General Comments

1. All development activity will require building and/or construction permits in accordance with the SRC, the PWDS, and *Standard Construction Specifications*. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Public Works Department.
2. Building over pipelines or within utility easements is prohibited (SRC 63.165; Policy and Procedure GM 1-24).
3. All utilities and roadway facilities shall be designed and constructed to meet the requirements of the City of Salem PWDS and *Standard Construction Specifications*.

4. All utility easements required to extend sanitary sewer, water, or storm drainage systems to or through the subject property or adjacent properties shall be the obligation of the applicant (SRC 63.165).
5. The applicant is advised to contact Public Works Development Services staff at 503-588-6211 prior to clearing and grubbing operations to determine permitting requirements.

Prepared by: Leta Gay Snyder, Development Services Planner
Public Works Department



Marion County

OREGON

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SURVEY

July 31, 2007

Garrett Stephenson
Planning Division, City of Salem
555 Liberty St. SE, Room 305
Salem, OR 97301

RE: Subdivision Review Conference for North Star Residential Estates
4400-5200 blocks of Kale Road NE

Dear Garrett:

Thank you for the opportunity to comment on the proposed transportation impacts on this case. We understand the applicant has proposed to develop a subdivision located in the 4400-5200 blocks of Kale Road NE, resulting in up to 730 lots. This would generate a significant amount of traffic on Kale Road, Cordon Road and other County Roads in the area.

We have reviewed the Transportation Impact Analysis (TIA), and the subsequent revision, that was submitted for the proposed subdivision. We submitted comments to the City regarding the content of the TIA and the analyses. We were under the impression that the City also had concerns. Attached are copies of our comments. We still have some issues with the study and its conclusions. The main points of dissension include: the number of trips used in the analyses are less than those identified in the report; there are significant issues with the trip assignment and routing of trips; the growth rate used on County facilities is too low; and requested left turn warrants were not included.

It appears there was an error in the number of trips actually used in the traffic analyses. It also predicts most of the trips coming north on Cordon Road will turn left at Hayesville Road, not Kale Road. When using more reasonable routing and trips, it is expected that an additional 78 vehicles will turn left onto Kale Road from Cordon Road because of the proposed development during the pm peak hour. This almost triples the number of vehicles turning left, compared to the 41 vehicles turning left now.

In lieu of yet another revision to the TIA we have settled on potential mitigations. If the developer does not agree to the following conditions, the TIA shall be revised to our satisfaction:

ATTACHMENT 7

To: Garrett Stephenson, Planning Division, City of Salem
From: Karen Odenthal, Civil Engineering Associate
Re: Subdivision Review Conference for North Star Residential Estates 4400-529-1
Kale Road NE

Page 2

1. Construct the remainder of Kale Road to urban standards from the development to Cordon Road. This shall include turn lanes, bike lanes and sidewalks where appropriate.
2. The traffic from the development impacts many county facilities in the area that are not System Development Charge (SDC) eligible. We would normally require a proportional share contribution to these facilities. In lieu of contributing proportional shares, the developer shall construct a northbound left turn lane on Cordon Road at Kale Road to Marion County standards. The improvements shall be constructed prior to the construction of Phase II. All plans shall be reviewed and approved by Marion County Public Works.

We feel this is a reasonable request considering the impact the proposed development has on the intersection of Kale Road and Cordon Road.

These comments only address traffic concerns. Additional comments regarding hydrology concerns are addressed separately. A memo from Bob Pankratz, Marion County Project Engineer, is attached with the hydrology concerns in reference to the North Star Development.

Please contact me at 503-588-5036 if you have any questions.

Sincerely,

Karen Odenthal

Karen Odenthal
Civil Engineering Associate

KO/nv

c: Mike McCarthy
Eric Destival, City of Salem
Bob Pankratz

Enclosures:

Bob Pankratz memo dated 07/30/07
E-mail comments to City of Salem dated 07/25/07
E-mail comments to City of Salem dated 03/01/07

Interoffice Memo

TO: Karen Odenthal
Marion County PWD

FROM: Bob Pankratz

DATE: July 30, 2007

RE: Northstar Development Comments – Hydrology Concerns

The North Fork of the Little Pudding River (NF-LPR) traverses the subject property from south to north for approximately 3,200 feet. Pursuant to the SKAPAC agreement signed between the Cities of Salem and Keizer and Marion County, the Lake Labish Road NE area, just north of Hazelgreen Road NE has been defined as a “special area” and is identified in Exhibit 2 of this agreement.

The interconnectedness between Salem’s, Keizer’s, Marion County’s and the Lake Labish drainage systems within the Little Pudding River basin has merited unique consideration and made certain areas subject to special detention standards or “maximum release rates”. There should be no net increase in runoff to the NF-LPR and that the change in flow regime does not adversely impact the downstream channels or culverts.

A portion of the East Salem Sewer and Drainage District (ESSD) drains into the NF-LPR. The ESSD has had a master drainage plan compiled by the Danish Hydraulic Institute has identified the subject development property as being a prime location for the placement of a regional detention basin. This proposed detention basin would be approximately 5.2 acre-feet in volume and reduce the downstream peak discharge by 4.2% in the area directly downstream of the basin or just north of Hazelgreen Road.

It has been noted by County staff that the project is considering the option of piping the stream. We sincerely hope that this option is not chosen for two major reasons. The first being the loss of natural water quality treatment afforded by grassed swales and secondly, the loss of water storage in the slow moving overbanks regions of the swale’s conveyance cross-section. The post-development peak outflow rate at the northern portion of the project should not be increased by the installation of piping.

Also, Marion County's NPDES Phase II permit calls for the reduction of pollutants to our streams to the maximum extent possible. The location and topography of this development makes it a good candidate for a regional detention/water quality system that could help achieve both regional detention and water quality improvement to our waterways.

Should the Park development option be selected, it would be the perfect location for the construction of a regional detention and water quality basin. The park could be graded at a lower elevation to attenuate the excess stormwater runoff created by major storm events.

We should take advantage of this excellent opportunity to construct water quantity and quality structure(s) that improves the flow to the downstream properties.

From: Karen Odenthal
To: Destival, Eric
Date: 07/25/2007 11:28:04 AM
Subject: Comments on North Star TIA

Eric,

Here are our comments on the North Star TIA. We are still concerned about the accuracy of the study and are not necessarily ready to agree to mitigations at this stage. I am taking a look at what we might agree to. I am looking forward to seeing Karl's left turn analyses and the proportional share calculations.

Thanks,

Karen

Karen Odenthal
Civil Engineering Associate
5155 Silverton Road NE, Salem
503-588-5036
kodenthal@co.marion.or.us

North Star Residential Estates TIA
Comments
7/24/07 JW/KO

The Traffix analysis does not use the trip generation numbers from Table 5. The weekday p.m. peak hour analysis is 109 trips short of what is in Table 5 and the weekday a.m. peak hour analysis is 40 trips short of what is in Table 5. Unless there is a reason for the discrepancy, this issue needs to be resolved before any proportional share discussions can occur and final improvements can be determined.

There are significant issues with the trip assignment/routing of trips in the site-generated trip figures.

- All of the site-generated traffic figures should show more traffic using the Kale Street/Cordon Road intersection to head to and from the south on Cordon Road instead of routing all of it through the Hayesville/49th Avenue intersection.
- Figures 20, 21, 24, and 25 should show balanced volumes between intersection numbers 13 and 18. These figures currently show no eastbound left-turning and southbound right-turning volume at the Kale Street/Cordon Road intersection, but do show turning movements at the Hazelgreen Road/Cordon Road intersection. These volumes need to balance. Currently, the analysis shows the Kale Street/Cordon Road intersection operating better than it will in both the Phase 6 build out analysis and 2028 analysis.
- Figures 8, 9, 12, 13, 16, and 17 show eastbound and westbound through volumes at the Bayne Street/Kale Street intersection and no volumes turning into or out of the access at 49th Avenue. The site plan does not show an additional driveway between these two roadways therefore they should balance.
- Figures 12 and 13 should show turning movements at the 49th Avenue/Kale Street intersection. Phase 2 includes the extension of 49th Avenue and it will likely carry some level of traffic at this stage.
- Figures 16 and 17 should show turning movements at the Bayne Street/Kale Street intersection. Phase 3 includes the extension of Bayne Street and it will likely carry some level of traffic at this stage.
- Figures 16, 17, 20, 21, 24, 25, 28, and 29 show turning movement volumes at the Countryside/Kale Street intersection that are higher than what was estimated to use this intersection upon completion of Phase 2. A review of the site plan indicates that it would be very unlikely that Phases 3, 4, 5, and 6 would contribute additional traffic to this intersection since it is located on the very west end of the subdivision and primarily serves Phase 1.

The growth rate used on County facilities is too low. Marion County's adopted Rural Transportation System Plan anticipates volumes to grow on Cordon Rd at 3% per year and volumes on Hazelgreen Road to grow at 2% per year. The growth rates in the analysis will need to be updated to reflect the anticipated traffic demand on the County facilities.

The traffic study should analyze all access points to the public road system. The Northstar Drive/Kale Road intersection has not been included in the study and should be. Although it is not located on a County facility, having this intersection in the analysis would make it much easier to follow the trip assignment logic.

A left-turn lane warrant analysis is required at the Hayesville Drive/Cordon Road, Kale Street/Cordon Road, and Hazelgreen/Lake Labish intersections using ODOT's left-turn lane criteria. This analysis is missing from the TIA report.

From: Karen Odenthal
To: EDestival@cityofsalem.net
Date: 03/01/2007 1:47:46 PM
Subject: Comments on North Star Residential Estates TIA

Eric,

I have attached my comments on the North Star Residential Estates TIA. Please let me know when you are finished with your review and we can get together with Karl. If you would prefer, I can send you a more formal letter with our comments.

I will be on vacation next week. If you have any questions please call me at 566-4147, or Jerilyn if I am not available.

Thanks,

Karen Odenthal
Civil Engineering Associate
5155 Silverton Road NE, Salem
503-588-5036
kodonthal@co.marion.or.us

CC: Odenthal, Karen; Schmitt, Cindy

Comments on

North Star Residential Estates Transportation Impact Analysis – Feb. 1, 2007

- The growth rate of 1.12% per year seems low. In the Marion County Rural Transportation System Plan, Cordon Road between Hayesville Road and Hazelgreen Road is anticipated to grow at about 3% per year. Hazelgreen Road from the Salem UGB to Cordon Road is anticipated to grow at about 2% per year. The analysis should reflect these growth rates.
- The traffic counts on several intersections were conducted during icy and snowy conditions, which may not accurately reflect existing conditions. Counts conducted between January 10th and January 17th may need to be redone. This affects counts on intersections 7, 8, 10, 11, 14, & 18. Comparing counts to previous counts on intersection 18 shows that this may have been accounted for. Suggest City and ODOT evaluate counts on their facilities.
- The traffic routing seems a bit odd. The analysis shows that all of the traffic heading south on Cordon Road for the first three phases turns on 49th and then on Hayesville before turning on Cordon Road. Only those that are dropping kids off at school in route to somewhere else would be expected to use this route. Most would be expected to stay on Kale Road and turn right on Cordon Road. The same is true for the pm peak in the reverse direction. There are several odd routings internally to the development with trips not using the most direct road to access Kale Road. Also fewer trips than would be expected use the Hazelgreen Road access once phase six is completed.
- The site plan shows four access points from the development to Kale Road. The analysis only evaluates three. Is the trip assignment off? It doesn't appear to balance.
- The trip generation assumptions in Table 5 do not match the am and pm peak hour trips from the traffic calculations (page 2-1 in the appendix). Suggest using Table 5 values in analysis.
- Check left turn lane warrants for Hayesville/Cordon, Kale/Cordon, and Hazelgreen/Lake Labish intersections using ODOT warrant criteria.
- Used incorrect left turn phasing on Hayesville at Lancaster in the analysis. It should be permissive left turn phasing, not protected left turn phasing.

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



UGA DEVELOPMENT REVIEW COMMITTEE

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

DATE OF DECISION: June 25, 2007

APPLICANT: Larry Epping, Granada Land Company

PURPOSE OF REQUEST:

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

ACTION:

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

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

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

A. Linking Street Requirements

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

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

B. Boundary Street Requirements

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

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

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

C. Traffic Mitigation Requirements

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

D. Storm Drainage Requirements

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

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

E. Water Service Requirements

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

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

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

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

F. Sanitary Sewer Requirements

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

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

G. Parks Requirements

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

Date of Preliminary Declaration: June 25, 2007

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

This Preliminary Declaration will expire on June 25, 2009

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

Prepared by Garrett Stephenson, Associate Planner

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MAR 2 2007

CITY OF *Salem*
AT YOUR SERVICE

COMMUNITY
DEV. DEPT.

MEMO

WORKS

TO: Garrett Stephenson, Associate Planner
Department of Community Development

FROM: Tony C. Martin, P.E., Senior Development Services Engineer *GD FOR TM*
Public Works Department

DATE: March 1, 2007

SUBJECT: REVISED PUBLIC WORKS RECOMMENDATIONS
UGA NO. 07-1 PRELIMINARY DECLARATION
4400-5200 BLOCKS OF KALE ROAD NE
PHASED RESIDENTIAL DEVELOPMENT

PROPOSAL

To determine the public facilities required by the Urban Growth Management Program to develop a phased residential development on approximately 148.74 acres in RS (Single Family Residential) and RM1 and RM2 (Multiply Family Residential) zones in the 4400-5200 blocks of Kale Road NE.

RECOMMENDED CONDITIONS:

UGA required improvements may be constructed in phases consistent with a development plan approved by the Public Works Director.

Linking Street

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

Boundary Street

Kale Road NE:

1. Convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of centerline adjacent to the subject property.
2. Construct a 23-foot half-width improvement on the development side, including street lights and sidewalks, and 17-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property.

Code authority references are abbreviated in this document as follows: *S Works Design Standards* (PWDS); *Salem Transportation System Plan Management Plan* (SMP).

EXHIBIT 1

Garrett Stephenson, Associate Planner

March 1, 2007

Page 2

Hazel Green Road NE:

1. Convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side.
2. Construct a maximum 40-foot half-width boundary street improvement on the development side and a 17-foot turnpike improvement on the opposite side of centerline along the full frontage of the subject property in an alignment approved by the Director of Public Works. These improvements shall include streetlights and sidewalks.

49th Avenue Collector Street Extension:

1. Convey land for dedication sufficient to equal 60 feet of right-of-way.
2. Construct a minimum 34-foot improvement along the full frontage of the subject property.

Linking Storm

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

Linking Water

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

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

Linking Sewer

Construct *Salem Wastewater Master Plan* lines necessary to serve the development to adequate sewer facilities in alignments to be approved by the Director of Public Works.

Traffic

Transportation Impact Analysis (TIA) - The applicant shall be required to provide a TIA to identify the impacts of this proposed development on the public transportation system in the area, and

construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; PWDS Bulletin No.19).

UGA INFRASTRUCTURE DETAIL

Urban Growth Area Development (UGA) Permit

An Urban Growth Area Development (UGA) Permit is required because the subject property is either located outside of the Urban Service Area (USA), or is located inside the USA in an area without required facilities (SRC 66.050). A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 66.

Streets

1. Linking Streets - The subject property is currently linked to an adequate linking street, Kale Road NE. Secondary linking streets may be required to accommodate the increase in traffic volumes generated by this proposal.

An adequate linking street is defined as: (1) The nearest point on a street that has a minimum 34-foot improvement within a 60-foot-wide right-of-way (collectors or arterials); or (2) a street that has a minimum 30-foot-wide improvement within a 60-foot-wide right-of-way (local) (SRC 66.100(b)).

In order to provide an adequate second link to serve the proposed development, the applicant shall be required to construct a linking street improvement in Kale Road NE from the east line of the subject property to Cordon Road. The linking street improvement shall include a minimum 34-foot-wide paved improvement within adequate right-of-way to construct the improvement.

2. Boundary Streets - All streets abutting the property boundaries shall be designed to the greater of the standards of SRC 63.225 and SRC 63.235 and the standards of linking streets in SRC 66.100. The boundary streets for this development are: (1) Kale Road NE; (2) Hazel Green Road NE; and (3) 49th Avenue Collector Street Extension. These streets shall be constructed as described below:

Kale Road NE:

- a. Existing Conditions - This street has a varied improvement and right-of-way along the full frontage of the subject property.
- b. Standard - This street is designated as a *minor arterial* street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. This street has a varied improvement and right-of-way adjacent to the subject property.

c. Improvement Requirements

Dedication - The applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 36 feet on the development side of centerline (SRC 63.237).

Property Line Radius - Sufficient right-of-way shall be dedicated at arterial and local street intersections to provide a 25-foot property line (turn) radius (PWDS Streets 2.15).

Improvements - The applicant shall construct a 23-foot half-width improvement on the development side and 17-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).

- d. Access Control: Street connection locations to Kale Road NE shall be approved by the Public Works Director.

Hazel Green Road NE:

- a. Existing Condition - This street has an approximate 24-foot turnpike improvement within a 68-foot to 118-foot right-of-way. Section of the right-of-way accommodates the North Fork Little Pudding River.

- b. Standard - This street is designated as a *parkway* in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot right-of-way.

c. Improvement Requirements

Dedication - The applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side (SRC 63.237).

Property Line Radius - Sufficient right-of-way shall be dedicated at parkway and collector street intersections to provide a 30-foot property line (turn) radius (PWDS Streets 2.15).

Improvements - The applicant shall construct a maximum 40-foot half-width improvement on the development side and 17-foot-wide turnpike improvement on the opposite side of the centerline, along the full frontage of the subject property as approved by the Director of Public Works (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).

- i. Along Hazel Green Road NE, the North Fork Little Pudding River affects the alignment of the boundary street improvements adjacent to the subject property. Construct a boundary street improvement along the full frontage of the subject property in an alignment to be approved by the Director of Public Works.
- d. Access Control - Access spacing shall be limited to one-mile intervals for arterial or collector street intersections and major intersections (PWDS Development Bulletin No. 34).

49th Avenue Collector Street Extension:

- a. This street is designated as a north/south *collector street* in the Salem TSP. This extension is to connect Kale Road NE to Hazel Green Road NE in a rough alignment with 49th Avenue NE or Lake Labish Road NE. The standard for this street classification depends on whether parking is to be provided. A Type B collector requires a 40-foot-wide offset improvement that allows for parking on one side, and a Type A collector requires a 34-foot improvement all within a 60-foot-wide right-of-way.
 - b. Improvement Requirements
 - Dedication - The applicant shall convey land for dedication sufficient to equal 60 feet of right-of-way (SRC 63.237).
 - Property Line Radius - Sufficient right-of-way shall be dedicated at collector and arterial street intersections to provide a 30-foot property line (turn) radius (PWDS Streets 2.15).
 - Improvements - The applicant shall construct a minimum 34-foot improvement along the full frontage within subject property (SRC 66.100(c); SRC 63.225; SRC 63.235). These improvements shall include streetlights and sidewalks (SRC 63.225(a); PWDS Streets 2.21).
3. Right-of-Way Acquisition - Right-of-way required for boundary and linking street improvements is the obligation of the applicant. If the applicant is unable to obtain the required right-of-way after good faith attempts, they shall prepare the legal descriptions thereof and transmit them to the City Attorney, who shall proceed to acquire them through exercise of the City's power of eminent domain as though the public improvements were to be funded by the City. All costs incurred as a part of this procedure shall be paid by the applicant (SRC 66.090). All rights-of-way, easements, and titles to property acquired by the developer shall be deeded or dedicated, free of all liens and encumbrances, to the City prior to commencement of any construction of required facilities (SRC 66.090).

MEMO

Traffic

Transportation Impact Analysis (TIA) - As a requirement of development, the applicant shall be required to provide a Transportation Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; PWDS Bulletin No.19). The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site, and review and approve the TIA for conformance with City Standards. Construction plans for the development will not be reviewed without an approved TIA or a waiver from the City Traffic Engineer.

Storm Drainage

1. Existing Conditions:
 - a. The subject property is within the Little Pudding Drainage Basin. The North Fork Little Pudding River crosses the subject property.
 - b. There are public storm drain lines and drainage ditches in Kale Road NE.
 - c. There is a public storm drain line from the west that outfalls to a drainage ditch that crosses the subject property. This drainage ditch ties into the North Fork Little Pudding River at Hazel Green Road NE
2. There is a Stormwater Management Agreement between The City of Salem, City of Keizer, and Marion County that requires coordination between the jurisdictions with respect to stormwater management within three watersheds, one of which is the Hazel Green/Labish Special Area within the Little Pudding River Basin. These special areas may be subject to special detention standards and/or maximum release rates.
3. Linking Storm Facilities - The *City of Salem, Stormwater Master Plan* identifies deficiencies along the North Fork Little Pudding River from Kale Road NE to Lake Labish flats. These deficiencies are: (1) bridge crossing at Kale Road NE, (2) bridge crossing at Hazel Green Road NE, (3) an undersized culvert on Lake Labish Road NE north of Hazel Green Road NE, and (4) conveyance deficiencies within the channel between Kale Road NE and the Lake Labish flats.
 - a. Submit a drainage study at the time of development, consistent with the Stormwater Management Design Standards as approved by the Public Works Director. The drainage study shall: (1) identify all applicable deficiencies shown on the *Stormwater Master Plan* for the North Fork Little Pudding River from Kale Road SE to the Urban Growth Boundary; (2) specify on-site methods for minimizing stormwater runoff; and (3) identify off-site improvements needed to mitigate stormwater impacts.

- b. Construct all on-site and off-site improvements needed to mitigate stormwater impacts as specified in the approved drainage study.
4. The North Fork Little Pudding River at Kale Road NE is a class "C" waterway. The proposed realignment of the North Fork Little Pudding River requires the river to be constructed to carry a 100-year design storm event. Reduced carrying capacity will need to be reviewed and approved to the satisfaction of the Director of Public Works. All Federal and State permits shall be required prior to development.
5. Individual infiltration systems may be necessary for each lot to restrict the flows into the storm drainage system. Any infiltration design shall be reviewed and approved by the Director of Public Works at the time of development.

Water

1. Existing Conditions:
 - a. There is a 16-inch public water line in Kale Road NE.
 - b. There is no public water line in Hazel Green Road NE.
2. Linking Water Facilities - 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 66.120). As specified in the *Water System Master Plan*, the applicant shall be required to construct the following systems within the Phased Development as approved by the Director of Public Works:
 - a. Construct *Salem Water System Master Plan* facilities through the subject property within alignments approved by the Director of Public Works:
 - i. A 12-inch Master Plan water line between Kale Road NE and Hazel Green Road NE, and
 - ii. Extend the 16-inch Master Plan water line between Kale Road NE and the north line of the subject property in an alignment to be approved by the Director of Public Works.
3. Public water lines crossing adjacent lots or parcels shall require a minimum 10-foot-wide public easement to provide access for maintenance or repair and for protection of the system (SRC 63.165).
4. Any existing unused wells shall be abandoned to meet the requirements of the Oregon State Board of Water Resources.

MEMORANDUM

TO: Garrett Stephenson, Associate Planner, Dept. of Community Development
THROUGH: Thom Kaffun, Parks Project Section Manager, Dept. of Community Services
FROM: Lisa Tyler, Landscape Architect, Dept. of Community Services
DATE: 26 April 2007
SUBJECT: UGA Development Permit Application No.07-01
4400 to 5200 blocks of Kale Road NE

ISSUE: What park facilities would be required by Chapter 66, the Urban Growth Management Program, to develop the subject property?

FACTS AND FINDINGS:

1. The approximately 148.74 acre subject property is located outside the Urban Service Area (USA). Because the development is proposed before becoming part of the USA, an Urban Growth Area (UGA) Development Permit is required and must conform to the requirements of the Urban Growth Management Plan, SRC Chapter 66. This means that certain public facilities may be required. Park requirements are based on policies in the adopted Comprehensive Park System Master Plan (CPSMP).
2. SRC 66.125, Standards for Park Sites, stipulates that the Development Review Committee shall require that an Urban Growth Area (UGA) Development Permit applicant reserve property necessary for an adequate neighborhood park, access to park sites, recreation route or similar uninterrupted linkage based upon the CPSMP.
3. Pursuant to SRC 66.505, a reimbursement district may be formed to reimburse the developer for the proportional costs associated with providing public facilities to the park property to be conveyed to the City. Such costs include the engineering and construction costs for street lights, sewer, water, storm pipes and detention, sidewalks, curb and gutters that may be installed abutting the park property.
4. Neighborhood park locations are based on average service areas having a radius of 1/3 mile, a middle distance used to implement the 1/4 to 1/2 mile service area radius required in the CPSMP.
5. The subject property is zoned Single Family Residential, and Multiple Family Residential. The proposed use is to develop approximately 900 residential units on the property including single family and multi-family housing.
6. Policy states that to determine if a property is served it should be within 1/2 mile of a neighborhood park. The 1/2 mile distance is measured from the nearest point on the park property to the farthest point on the subject property. The farthest point on the property is approximately 3630 feet from Hammond School Park (partially developed) and 4300 feet from park property (undeveloped) between Kale Road and Wheat Court. The subject property is not entirely within the service area of an existing neighborhood park.
7. The Park System Master Plan indicates the need for a growth related Neighborhood and Large Urban Parks within 1/2 mile of the subject property.
8. A series of detailed park land siting criteria, known as "administrative procedures," are used to assist in determining the location of the neighborhood Preferred Park Area and also generally described in the CPSMP as policy 1.7, which delineates "preferred" neighborhood park locations. The site selection criteria states: "Site selection criteria shall be used to evaluate and select new park and recreation sites. These criteria should address the following issues: 1. Central location; 2. Neighborhood access; 3. Location of complimentary public facilities (e.g. schools); 4. Population distribution within the service area; 5. Available sites; 6. Land acquisition costs 7. Location of other

park and recreation facilities in adjoining service areas; and 8. Unique features and/or natural assets.

9. A response to each of the park siting criteria is as follows:

1. *Central location:* The subject property is undeveloped 148.74 acres site. The zoning was recently changed from industrial to single and multi-family residential. The property is bordered by Kale Road on the south, the farm land and the UGA border the east, Hazel Green Road, farm land and a landscape plant nursery border the north, and farmland and multi-family residential developments border the west side of the property. The area north of Hazel Green consists of residential properties, typically larger than standard urban size lots.

2. *Neighborhood access:* The subject property is in an area of single family, multi-family, commercial and industrial development. The nearest residential areas are south, west and north. The northern portion of the property is centrally located in the unserved residential properties within the UGA. The neighborhood would access the site by existing streets and future connections.

3. *Location of complimentary public facilities (e.g. schools):* The Hammond, Yoshikai and Hazel Green Elementary and Stephens Middle schools are within 1/2 mile of the subject property. McKay High School is the approximately 2.75 miles south. The Salem-Keizer School District has indicated another elementary school is needed in the area.

4. *Population distribution within the service area:* Residential development to urban density are to the south and west of the subject property. The residential area to the north is underdeveloped in comparison to urban densities.

5. *Available sites:* Vacant, undeveloped, and/or under-developed land are available on the subject property and to the west. A commercial landscape nursery is to the east. The Subject property is the largest property under single ownership in the unserved area.

6. *Land acquisition costs:* The subject property is in the City Limits and zoned for residential development and would be priced accordingly. The properties to the west and east are outside the city limits, are zoned Industrial, and may be priced lower.

7. *Location of other park and recreation facilities in adjoining service area:* Hammond School Park is a 9.1 acre site with 5.25 acres of recreation open space located to the south. Park property on Kale Road is a 4.8 acre undeveloped park site located to the west. The Parks Master Plan indicates a 100 acre Large Urban Park proposed in this area.

8. *Unique features and/or natural assets.* The north Fork of the Little Pudding River flows south to north through the site. A Bonneville Power Authority utility easement splits the property along a east west axis.

10. *Conclusion:* The subject property is not adequately served by parks. The northern portion of the property is outside the 1/2 mile neighborhood park service area. The Park Master Plan indicates the need for parkland in this area. The developer has had discussions with City and School District staff concerning this requirement.

RECOMMENDATIONS:

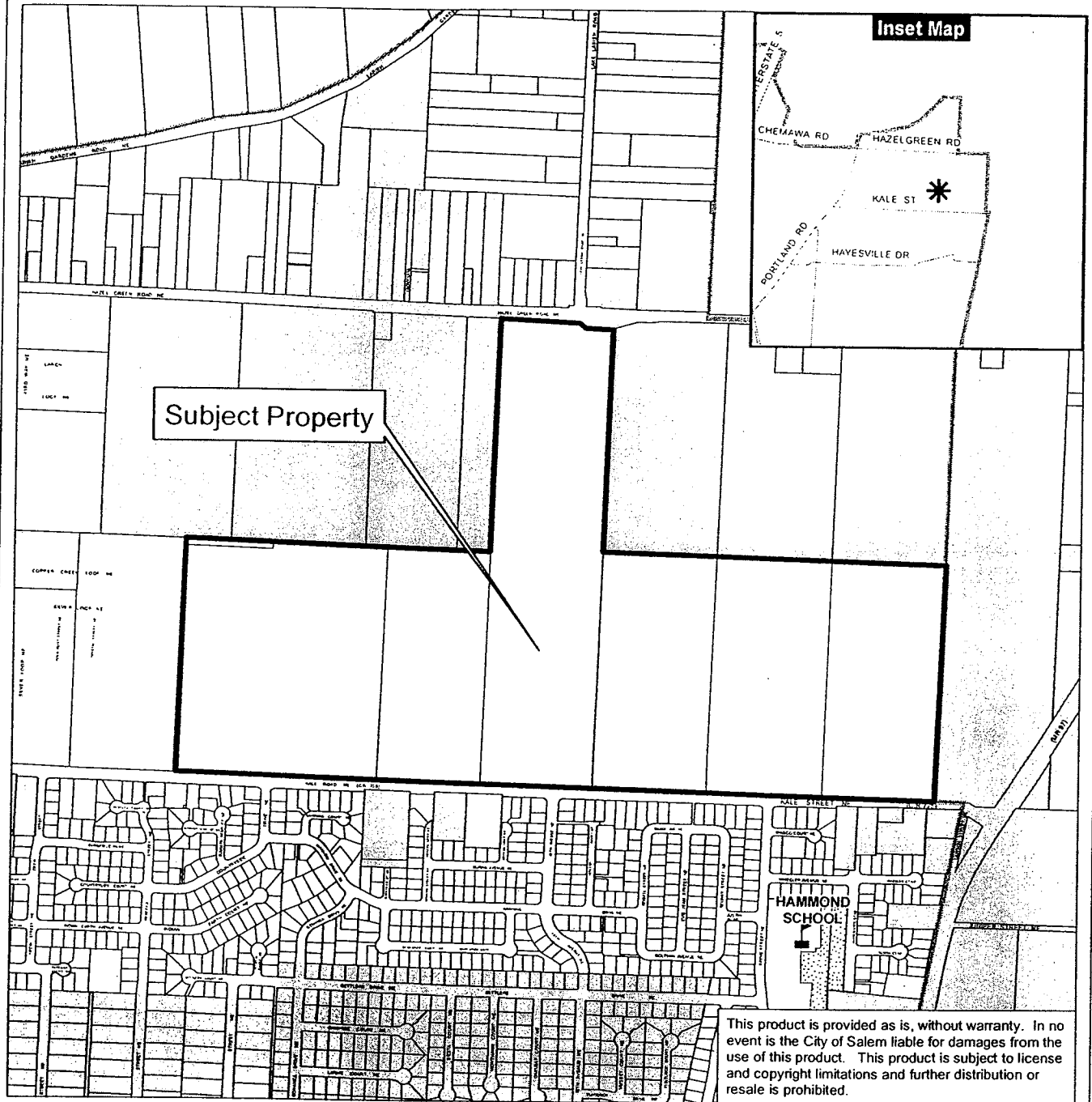
1. Based on the policies of the Comprehensive Park System Master Plan, the provisions of SRC 66.125, and the findings above, 6.9 acres of neighborhood park land (or approximately that size depending on the final subdivision layout), and an access route or other park linkages are needed to serve the subject property. Title to a platted, future neighborhood park in this service area shall be paid for and transferred to the City prior to or simultaneously with the recording of the plat for the final phase of the Northstar Subdivision. This condition may be met by providing a 6.9 acre neighborhood park on the subject property or, on approval of a joint use agreement for a site between the City of Salem and the Salem-Keizer School District, co-locating a 6.9 acre neighborhood park with a new

elementary school on the subject property.

2. The above condition will not apply if the City acquires adequate neighborhood park acreage elsewhere in the vicinity to serve the property's park need.

Encl.: Map

Vicinity Map Kale Road NE



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Legend

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Schools
- Parks

0 205 410 820 Feet



CITY OF *Salem*

RESOLUTION NO.: PC 06-18

COMPREHENSIVE PLAN CHANGE/ ZONE CHANGE NO. 05-12

WHEREAS, a petition for Comprehensive Plan Change from

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

and a zone change from

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

for property located at

4400 - 5200 Blocks of Kale Rd NE

was filed by

Granada Land Company (Larry Epping)

with the Planning Commission of the City of Salem, and

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

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

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

Section 1. FINDINGS:

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

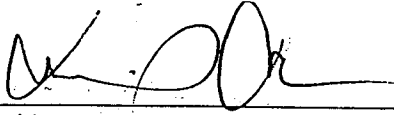
Section 2. ORDER:

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

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

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

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



President, Planning Commission

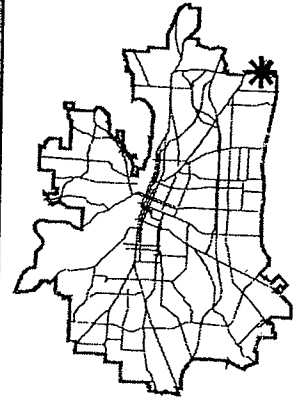
APPEAL PERIOD ENDS: November 30, 2006

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

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

Vicinity Map - Kale Road NE

Location Within
Urban Growth Boundary



Subject Properties

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Created: 11-02-05

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

Outside Salem City Limits

Taxlots

ctrlline arc

0 200 400 800 Feet



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

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

IP
(Industrial Park)

IBC
(Industrial Business Campus)

NORTH STAR

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

[illegible]

IP (Industrial Park)
To
RM1 (Residential
Multiple Family 1
Approx. 7.26 Acres

RECEIVED

COMMUNITY
DEV. DEPT.