

ISSUE: Northstar Subdivision Plat No. 07-13 Amendment

DATE OF DECISION: December 18, 2007

APPLICANT: Larry Epping, Granada Land Company

PURPOSE OF REQUEST:

To modify conditions of approval 12, 17, and 20 of tentative subdivision number 07-13 (approved September 28, 2007), for property zoned RS (Single Family Residential), RM1 (Multiple Family Residential), and RM2 (Multiple Family Residential) and generally located within the 4400-5200 blocks of Kale Road NE.

ACTION:

IT IS HEREBY ORDERED

That Amendment to Subdivision Plat No.06-20 to divide approximately 25.86 acres into 103 lots with lots ranging in size from 5,314 square feet to 14,394 square feet in an RA (Residential Agriculture) zone and divide approximately 6.96 acres into a 62-lot townhouse development in an RM2 (Multiple Family Residential) zone with lot sizes ranging from 2,580 square feet to 7,210 square feet; with two concurrent variances: 1) to allow the finished street grades within the subdivision to exceed 12 percent (SRC 63.255(b)); and 2) to permit proposed Lots 1, 4, 5, 22 through 27, and 30 through 41 to be less than the 120-foot depth required for double frontage lots (SRC 63.145(b)) for property located at 1746 Davis Road S and 5991 Liberty Road S shall be GRANTED subject to SRC Chapters 63, 145, and 148 and the following conditions:

PRIOR TO FINAL PLAT:

- 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

Segment	Lot Number	Front Lot Line
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 Hazelgreen 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.~~

Prior to any construction activity in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem, for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works.

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 Hazelgreen 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 Hazelgreen 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 the Public Works Director, either:~~

- ~~a. Construct curb, sidewalks, and gutter as specified in 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.~~

Construct curbs along both sides of Kale Road NE's existing right-of-way and construct sidewalk along the north side of Kale Road NE from the east boundary of the subject property to Portland Road NE.

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.~~

The applicant shall obtain a Major Construction permit from Marion County to construct a left-turn refuge, designed to Marion County Standards, on Cordon Road NE at the intersection with Kale Road NE. The improvements shall be constructed or bonded prior to plat approval for Segments H or I. A copy of the permit shall be furnished to City of Salem Public Works Department.

Condition 21: Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen 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: October 15, 2007
State Mandated Decision Date: February 12, 2008
Decision Date: December 18, 2007

Decision Issued According to Salem Revised Code 63.046 and 63.332.

The Findings and Order of the Subdivision Review Committee for Subdivision 07-13A, dated December 18, 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 applicants 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 applicants 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 **January 2, 2008, 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: Caroline Berry, Senior Planner, Ext. 7556, cberry@cityofsalem.net

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

IN THE MATTER OF)	
TENTATIVE AMENDED SUBDIVISION)	FINDINGS AND ORDER
PLAT APPLICATION NO. 07-13;)	
4400-5200 BLOCKS OF KALE ROAD NE)	

PROCEDURAL FINDINGS

1. On March 20, 2007, an application for a subdivision was submitted to the Salem Community Development Department by Larry Epping, 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 on June 25, 2007. The application was subsequently deemed complete for processing on July 2, 2007.
2. The Subdivision Review Conference was held on July 31, 2007 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.
3. On September 10, 2007, the applicant submitted additional information concerning public improvements as required by the Subdivision Review Committee based on "phases" that were determined by the number of residential building permits anticipated for development within the subject property.
4. The tentative subdivision request 07-13 was approved subject to 24 conditions on September 28, 2007.
5. On October 10, 2007, the Applicant requested an amendment of the approved tentative subdivision, and submitted the proper application and fees.
6. Notice of the filing of this amended subdivision request was mailed to the owners of all property located within 250 feet of the subject property on October 13, 2007.
7. A Subdivision Review Conference was held on November 13, 2007 to hear the application and receive testimony from interested parties.

SUBSTANTIVE FINDINGS

The following sections provide information on the application materials submitted and comments received to date.

1. Request

To modify conditions of approval 12, 17, and 20 of tentative subdivision number 07-13 (approved September 28, 2007), for property zoned RS (Single Family Residential), RM1 (Multiple Family Residential), and RM2 (Multiple Family Residential) and generally located within the 4400-5200 blocks of Kale Road NE.

The Applicant's original request that received tentative approval was 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, and to the lot dimensional standards of SRC Chapter 63.145(b), 63.145(d) and SRC Chapter 148.390(a) in order to 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) (SACP Designation Multi Family Residential and Single Family Residential), and is generally located within the 4400-5200 Blocks of Kale Road NE.

The RS zone implements the SACP designation and single family subdivision development pursuant to SRC Chapter 146.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (Attachment 1).

The Applicant's amendment proposal is made a part of this report as Attachment 2.

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. 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.

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. The following conditions of approval from this action apply to the proposed subdivision:

- 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 buffer yards as required by SRC Chapter 132 along the periphery of that property designated RM1 or RM2.

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.

Subdivision Case No. 07-13 (September 28, 2007)

This is a request for an approval of six alternative lot patterns for the subject property. The subject action is an amendment to this proposal. A copy of the subdivision decision is made a part of this report as Attachment 4.

4. 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 Hazelgreen 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 Hazelgreen 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. Existing land uses to the west and east are multiple family residential and agriculture, respectively.

North: Marion County UT-5 (Urban Transition); single-family homes, light agriculture

East: Marion County EFU (Exclusive Farm Use), 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 Hazelgreen Road NE and Kale Road NE and was recently used for the production of grasses. It consists of approximately 148.06 acres in gross area. There are two single-family homes and a few ancillary structures located on the property. 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 submitted a Tree Conservation Plan proposing the removal of one (1) of these trees (TCP 07-17).

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.

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 south to north. 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 Hazelgreen 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).

6. Lot Layout

The applicant's tentative subdivision proposal is to divide 148.06 acres into multi-family and single family lots, with six alternatives for such division resulting in approximately 730 lots. 131.95 acres of the site is zoned RS for single family residential development. The applicant is also proposing to divide the 7.26 acres 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. The remaining 6.24 acres of the site zoned RM-2 will be left intact for future development of a multi-family dwelling complex.

7. Neighborhood Association and Citizen Comments

The Northgate Neighborhood and the owners of all property located within 250 feet of the subject property were notified of the proposal.

Comments Received Prior to the Subdivision Review Conference

A. The Northgate Neighborhood Association provided comments indicating the following:

"It is our understanding that this review conference will cover clarification of three items:

1. Marion County regional retention system;
2. Turn lanes at intersections of Kale Road NE with Cordon Road NE, and Kale Road NE with Portland Road NE;
3. Kale Road NE, sidewalks, curbs, and bicycle lanes between the subdivision and Portland Road NE."

Northgate Neighborhood Association continues to be in support of North Star project and is interested in an outcome that best serves the community."

B. An area property owner submitted comments indicating the following:

"It appears that your plan shows lots on the BPA power line right-of-way. I suspect that you cannot build under this power line."

Staff Response: A 125-foot-wide BPA easement runs across the subject property. No structures may be permitted within this easement. Lots affected by this easement have been made deeper to account for it.

C. An area property owner submitted comments indicating the following:

"Definitely needs to build a school and park. Currently, our neighborhood school is over capacity and we don't have a park yet."

Comments Received during the Subdivision Review Conference:

Several persons attended the Subdivision Review Conference regarding Subdivision 07-13 Amendment on November 13, 2007. Two neighboring property owners completed and returned

the Subdivision Review Conference Response Sheet. One comment received stated that he reviewed the proposal and had no comment. The other comment received concerned traffic impacts in regard to pedestrian safety and noise conditions on Kale. She also stated that she is opposed to the project unless the majority of traffic is moved north to Hazelgreen.

Staff Response: The provision of a park is required by the Community Services Department. On the other hand, state law prevents the City from requiring the applicant to provide a school.

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 Community Services Department, Parks Division (Urban Forester) reviewed the proposal and indicated that they have no comments.
- C. The Fire Department reviewed the proposal and did not submit comments.
- D. The Public Works Department, Engineering Section provided comments indicating that proposed streets should retain their proposed street names and street types throughout the development.

9. Public Agency Comments

- A. The Salem-Keizer School District reviewed the proposal and indicated that there is not enough information provided with the notification to determine an impact, if any, on the School District.
- 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 Public Works provided comments which are made a part of this report as Attachment 3 and also attended the Subdivision Review Conference. In summary, these comments propose that a left-turn lane from Cordon Road onto Kale Road should be triggered by the occupation of the 120th dwelling unit.

10. Private Service Provider Comments

- A. QWEST reviewed the proposal and did not submit comments.
- B. Portland General Electric provided comments indicating that development costs will be assessed per current tariff and service requirements and that a 10-foot public utility easement shall be required on all front street lots.

The Subdivision Review Committee reviewed the information presented above, along with information presented by the applicant and surrounding property owners at the Subdivision Review Conference held on November 13, 2007.

11. Criteria for Granting a Subdivision and Applicant's Request for Modification of Amendments

Salem Revised Code (SRC) 63.046 sets forth the criteria that must be met before approval can be granted for a tentative subdivision plat. The applicant's proposed amendment to their Tentative Subdivision Plat application shall be considered in light of the following approval criteria, and a decision thereon shall be issued.

The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator bases his findings. 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.

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. 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. 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.

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 Hazelgreen 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.

Applicant's Request: The applicant proposes the following language to replace the conditions described above:

Proposed Condition 12: Prior to any construction activity in Segments J or K, the applicant will have a meeting with Marion County to explore the availability of funding from the East Salem Service District for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works.

The Public Works Department reviewed the proposed amended condition and offers the following discussion and recommended changes. 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 among the jurisdictions with respect to stormwater management within this area and requires special stormwater detention including a regional detention facility. Amended Condition No. 12 provides a Phased Improvement of a regional stormwater facility subject to approval from the jurisdictions for the potential development of the facility:

Amended Condition 12: Prior to any construction plan approval in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem for a regional stormwater detention facility. The results of the meeting will be provided to the City of Salem Public Works Department.

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 Hazelgreen 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 Hazelgreen 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.

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 Hazelgreen 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.

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 Hazelgreen 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 Hazelgreen 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.

Hazelgreen 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. Hazelgreen 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 Hazelgreen 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 Hazelgreen Road NE in a rough alignment with 49th Avenue NE to Lake Labish Road NE intersection at Hazelgreen 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 Hazelgreen 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 North Star 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.

Applicant's Request: The applicant proposes the following language to replace the conditions described above:

Proposed Condition 17: The "fee-in-lieu" for any portion not constructed will be based on competitive construction costs for the work as if completed by the applicant. Right-of-way acquisition costs would not be part of the fee.

The Public Works Department reviewed the proposed amended condition and offers the following discussion and recommended changes. This amendment allows for pedestrian connectivity along the north side of Kale Road NE with sidewalks and an improved street section with curbs on both sides from the subject property to Portland Road NE. A large portion of Kale Road NE is improved along the south side and with the development of the remaining properties; the right-of-way and sidewalk improvements will be required.

Amended Condition 17: Construct curbs along both sides of Kale Road NE's existing right-of-way and construct sidewalk along the north side of Kale Road NE from the east boundary of the subject property to Portland Road NE.

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.

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 Hazelgreen 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. Hazelgreen 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 provides 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:

Applicant's Request: The applicant proposes the following language to replace the conditions described above:

Proposed Condition 20: The applicant agrees to construct a "left-turn" refuge on Cordon Road at the Kale Road intersection. The applicant agrees that prior to the creation of the 700th lot, construction plans shall be submitted to Marion County Public Works for review and approval of the proposed improvements. The applicant agrees to obtain a Major Construction permit from Marion County for the work and to furnish the City of Salem Public Works Department with a copy of said permit.

The Public Works Department reviewed the proposed amended condition and offers the following discussion and recommended changes. Marion County has requested improvements at the intersection of Cordon Road NE and Kale Road NE to mitigate traffic impacts. These improvements will be based on the phase of development agreed to by Marion County to construct a left-turn refuge on Cordon Road at the intersection with Kale Road NE. A copy of the Marion County permit shall be furnished to City of Salem Public Works Department.

Amended Condition 20: The applicant shall obtain a Major Construction permit from Marion County to construct a left-turn refuge, designed to Marion County Standards, on Cordon Road NE at the intersection with Kale Road NE. The improvements shall be constructed or bonded prior to plat approval for Segments H or I. A copy of the permit shall be furnished to City of Salem Public Works Department

Condition 21: Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen 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, 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 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, except as may be waived by variance granted as provided in SRC Chapter 63:

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 Hazelgreen 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 (DSL) 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.

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.

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. 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.

This proposal includes several new *local street* and a new *collector street*, as well as boundary street improvements to Kale Road and Hazelgreen 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.

- E. The planning administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of the decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to a notice of filing under SRC 63.042.**

The adopted findings and conclusions are contained herein and are made a part of the record. The certificate of mailing is contained in the staff file.

12. Criteria for Granting a Variance for a Subdivision

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.

Pursuant to SRC 63.330 Variances for a Subdivision, upon proper notice, and after written application and proof by the applicant, the Planning Administrator may grant a variance if the Planning Administrator finds that the conditions set forth in SRC 63.332 Basic Conditions for a Variance exist. The Subdivision Code (SRC 63.332) specifies the following criteria that must be found to exist before the variance can be granted:

- (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.

Staff Findings: There are special conditions inherent in the properties which make strict compliance with the provisions of SRC 63.145(b) an unreasonable hardship. Staff concurs with the Applicant's statement. 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.

Staff Findings: 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.

Staff Findings: 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 partition.**

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.

Staff Findings: Staff concurs with the Applicant's statement. The requested variances will have no adverse effect on public health and safety on surrounding property owners.

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 SRC Chapter 63.332.

13. CONCLUSION

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 SRC Chapter 63.332.

IT IS HEREBY ORDERED

That Amendment to Subdivision Plat No.06-20 to divide approximately 25.86 acres into 103 lots with lots ranging in size from 5,314 square feet to 14,394 square feet in an RA (Residential Agriculture) zone and divide approximately 6.96 acres into a 62-lot townhouse development in an RM2 (Multiple Family Residential) zone with lot sizes ranging from 2,580 square feet to 7,210 square feet; with two concurrent variances: 1) to allow the finished street grades within the subdivision to exceed 12 percent (SRC 63.255(b)); and 2) to permit proposed Lots 1, 4, 5, 22 through 27, and 30 through 41 to be less than the 120-foot depth required for double frontage lots (SRC 63.145(b)) for property located at 1746 Davis Road S and 5991 Liberty Road S shall be GRANTED subject to SRC Chapters 63, 145, and 148 and the following

conditions:

PRIOR TO FINAL PLAT:

- 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 Hazelgreen 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.~~

Prior to any construction activity in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem, for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works.

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 Hazelgreen 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 Hazelgreen 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 the Public Works Director, either:~~

~~a. Construct curb, sidewalks, and gutter as specified in 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.~~

Construct curbs along both sides of Kale Road NE's existing right-of-way and construct sidewalk along the north side of Kale Road NE from the east boundary of the subject property to Portland Road NE.

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 Gordon Road NE and Kale Road to mitigate traffic impacts.~~

The applicant shall obtain a Major Construction permit from Marion County to construct a left-turn refuge, designed to Marion County Standards, on Cordon Road NE at the intersection with Kale Road NE. The improvements shall be constructed or bonded prior to plat approval for Segments H or I. A copy of the permit shall be furnished to City of Salem Public Works Department.

- Condition 21:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen 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: October 15, 2007
State Mandated Decision Date: February 12, 2008
Decision Date: December 18, 2007

Decision Issued According to Salem Revised Code 63.046 and 63.332.

The Findings and Order of the Subdivision Review Committee for Subdivision 07-13A, dated December 18, 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 applicants 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 applicants 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 **January 2, 2008, 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.

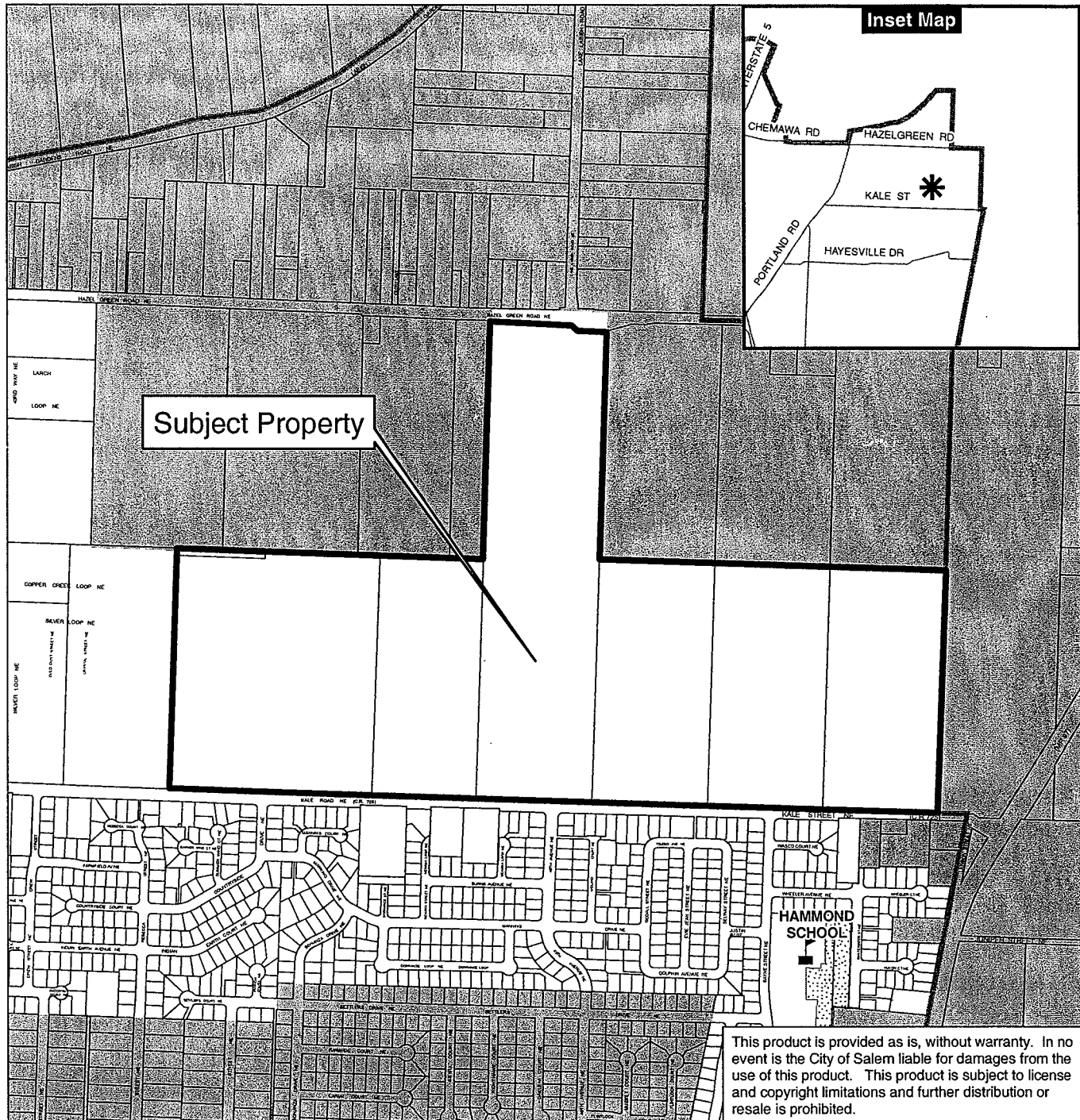

Glenn W. Gross, Urban Planning Administrator

- Attachments:
1. Vicinity Map
 2. Applicant's Request for Subdivision Amendment
 3. Public Works Department Comments Dated November 7, 2007
 4. Approval of North Star Subdivision Plat No 07-13 on September 28, 2007






Prepared by Caroline Berry, Senior Planner

G:\Group\CD\PLANNING\STFRPRTS\2007\SUB07-13f&oamendmentmodified.cvb.w

4400-5200 blocks of Kale Road NE



Legend

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



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0 210 420 840 Feet

Recommended methods for compliance with conditions 12, 17, and 20:

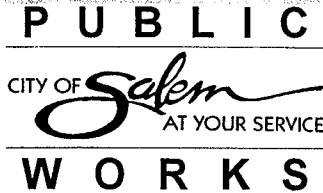
Condition 12: Prior to any construction activity in Segments J or K, the applicant will have a meeting with Marion County to explore the availability of funding from the East Salem Service District for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works.

Condition 17: The "fee-in-lieu" for any portion not constructed will be based on competitive construction costs for the work as if completed by the applicant. Right-of-way acquisition costs would not be part of the fee.

Condition 20: The applicant agrees to construct a "Left-turn" refuge on Cordon Road at the Kale Road Intersection. The applicant agrees that prior to the creation of the 700th lot, construction plans shall be submitted to Marion County Public Works for review and approval of the proposed improvements. The applicant agrees to obtain a Major Construction permit from Marion County for the work and to furnish the City of Salem Public Works Department with a copy of said permit.

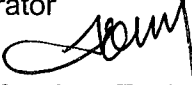
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NOV 07 2007



COMMUNITY DEVELOPMENT

MEMO

TO: Judith Moore, Assistant Planning Administrator
Community Development Department 

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

DATE: November 7, 2007

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

PROPOSAL

The proposal is to amend Subdivision 07-13, issued September 28, 2007, creating approximately 730 lots on 148.06 acres in Multiple Family and Single Family Residential zones in the 4400-5200 Block of Kale Road NE. The request is to clarify conditions 12, 17, and 20 concerning development issues with Marion County and pedestrian connectivity along Kale Road NE.

RECOMMENDATIONS

Public Works recommends the following changes to the conditions 12, 17, and 20 of Subdivision Plat No. 07-13:

Condition 12: Coordinate with Marion County to identify the need for and location of a special stormwater detention facility to serve the region.

Discussion: 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. This amendment allows for a Phased Improvement of a regional stormwater facility subject to the decision from the jurisdictions for the potential development of the facility.

Amendment: *Prior to any construction plan approval in Segments J or K, the applicant will have a meeting with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer, and City of Salem for a regional stormwater detention facility. The results of the meeting will be provided to the City of Salem Public Works Department.*

Condition 17: Provide pedestrian connectivity on both sides of Kale Road NE within the City limits to Portland Road NE. 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.

Discussion: This amendment allows for pedestrian connectivity along the north side of Kale Road NE with sidewalks and an improved street section with curbs on both side from the subject property to Portland Road NE. A large portion of Kale Road NE is improved along the south side and with the development of the remaining properties, the right-of-way and sidewalk improvements will be required.

Amendment: *Construct curbs along both sides of Kale Road NE and construct sidewalk along the north side of Kale Road NE from the east boundary of the subject property to Portland Road NE, ~~East Row~~ ^{East Row}*

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

Discussion: Marion County has requested improvements at the intersection of Cordon Road NE and Kale Road NE to mitigate traffic impacts. These improvements will be based on the Phase of Development agreed to by Marion County to construct a left-turn refuge on Cordon Road at the intersection with Kale Road NE. Copy of the Marion County permit shall be furnished to City of Salem Public Works Department.

Amendment: *The applicant shall obtain a Major Construction permit from Marion County to construct a left-turn refuge, designed to Marion County Standards, on Cordon Road NE at the intersection with Kale Road NE. The improvements shall be constructed or bonded prior to plat approval for Segments H or I. A copy of the permit shall be furnished to City of Salem Public Works Department.*

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

SUBDIVISION REVIEW COMMITTEE

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



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.

ATTACHMENT 4

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.

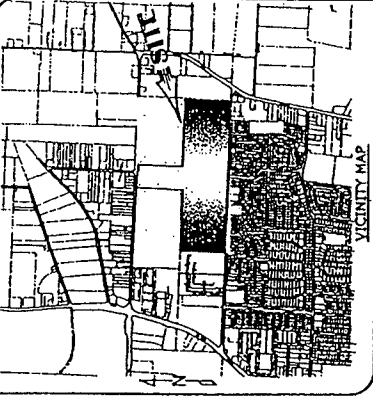
This decision is final unless written appeal from an aggrieved party is received by the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **October 15, 2007, at 5:00 p.m.** The appeal must state where the decision failed to conform to the provisions 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

NORTHSTAR

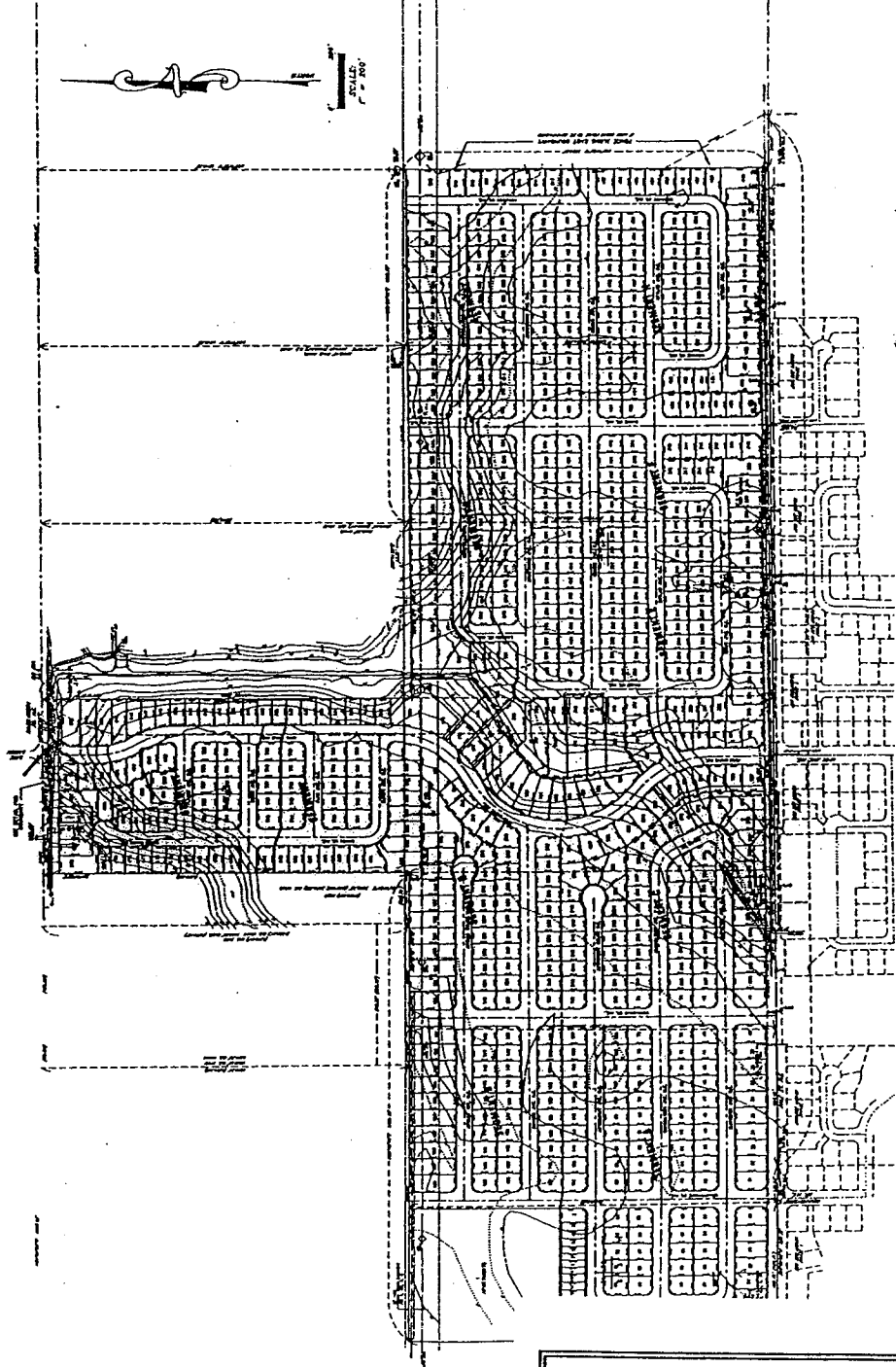
SEC. 32, T. 6 S., R. 2 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON



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

NUMBER OF LOTS

OPTION 1 (LOTS ONLY) - 729
OPTION 2 (W/ PARK AND SCHOOL) - 669
OPTION 3 (W/ PARK ONLY) - 654



Drawing Number
4519
Sheet Number
1 of 7

PRELIMINARY
PLAN

NORTHSTAR

DESIGNED BY
J.L.S.
CHECKED BY
J.L.S.
DATE
10-20-01

NO CHANGES, MODIFICATIONS OR
REVISIONS TO THIS PLAN SHALL BE
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APPROVAL OF THE ENGINEER.
THESE PLANS ARE NOT TO BE
USED FOR ANY OTHER PROJECT
WITHOUT THE WRITTEN
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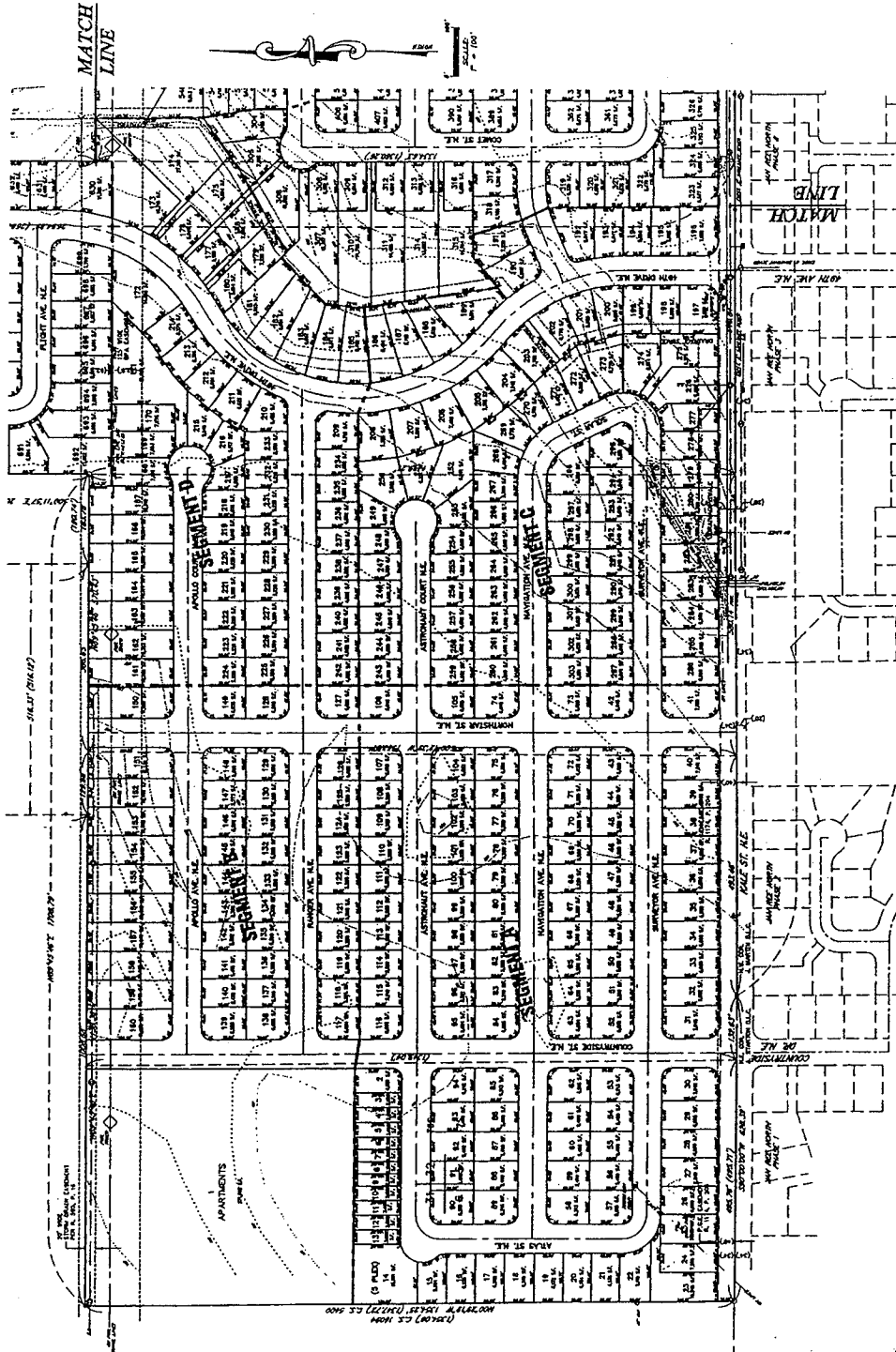
PREPARED BY
J.L.S.
DATE
10-20-01

TECH
J.L.S.

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

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ENGINEER'S SIGNATURE
AND SEAL.

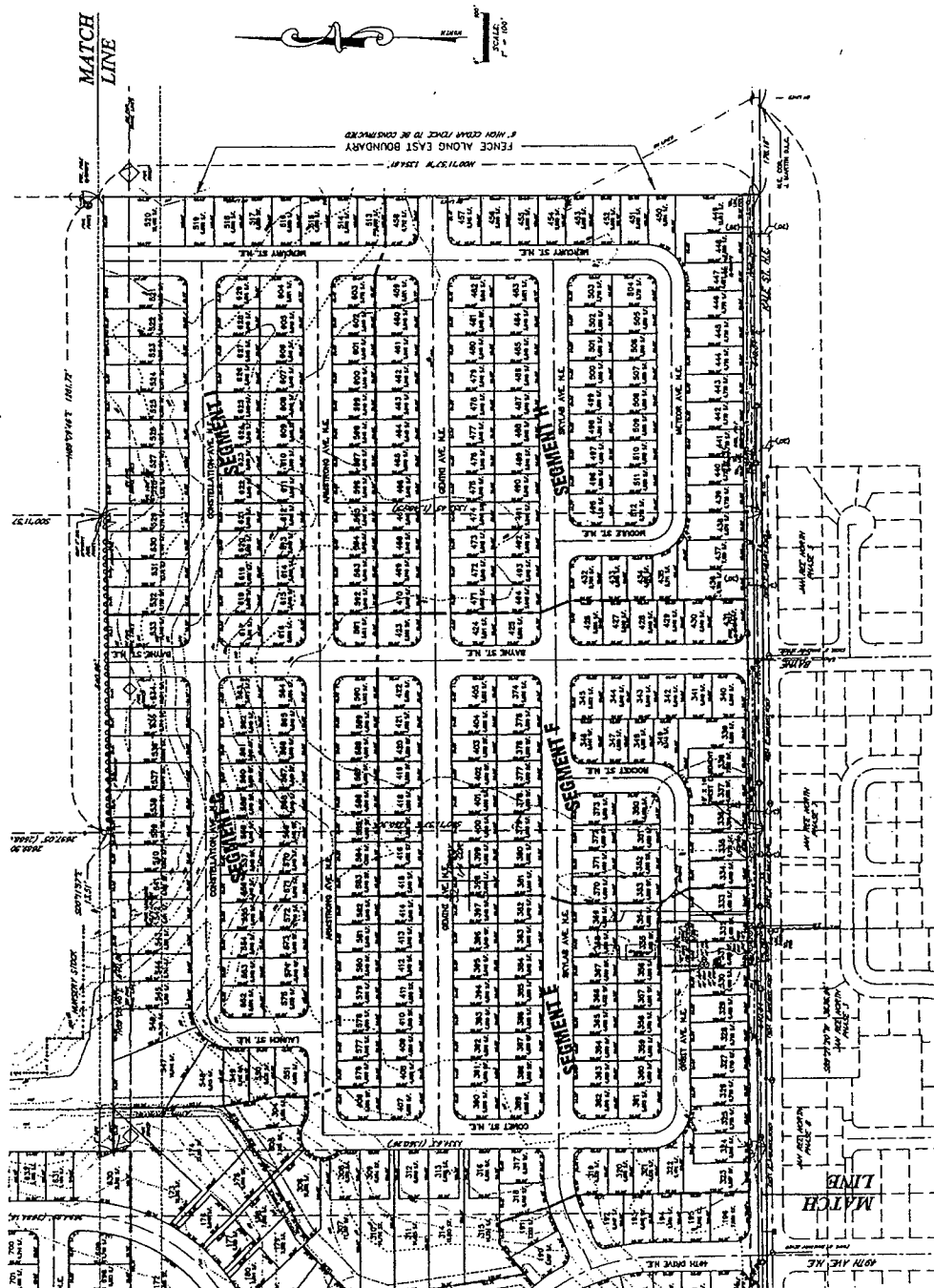


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DATE 10/1/00 BY 1045

MULTI / TECH
ENGINEERING & ARCHITECTURE, INC.
1000 SW 10th Ave., Suite 100
Salem, Oregon 97302
(503) 586-1234

**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



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Design: M.D.G.
Drawn: J.B.H.
Checked: M.D.G.
Date: Feb. 2007
Scale: AS SHOWN
As Built:

NORTHSTAR

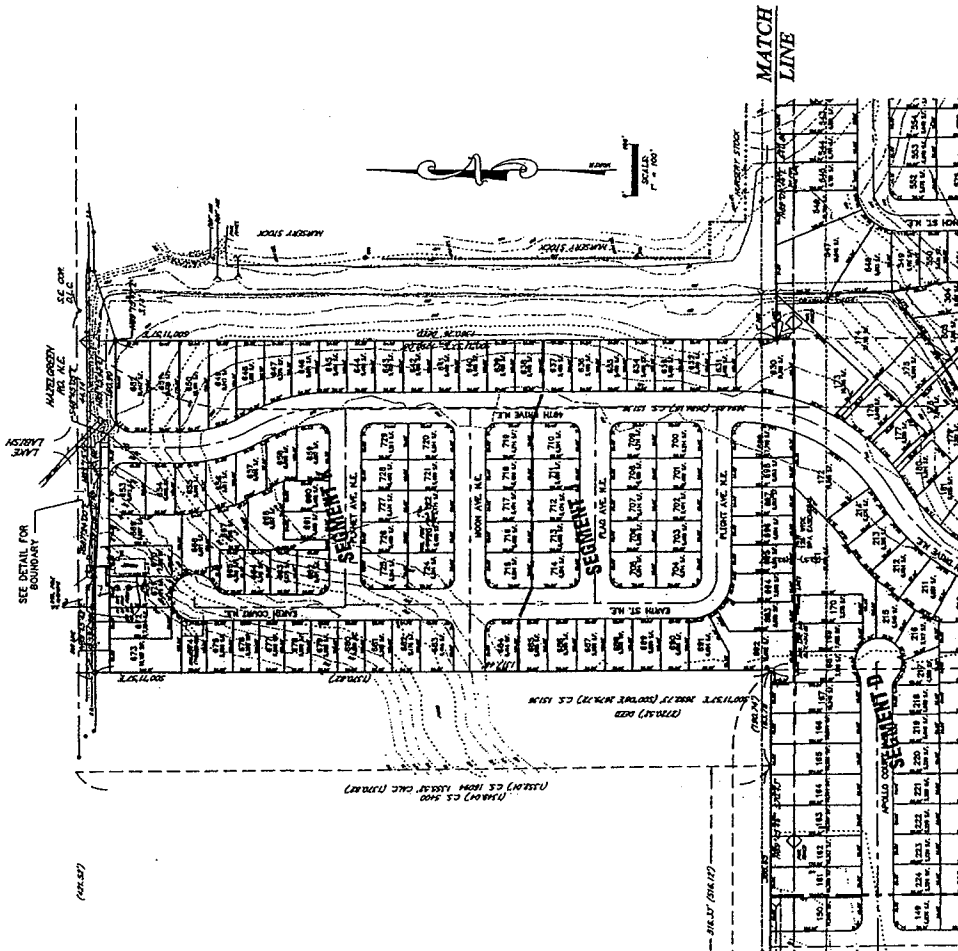
**PRELIMINARY
PLAN**

Drawing Number
4519
Sheet Number
3 of 7

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



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

Drawing Number
4519
Sheet Number
4 of 7

NORTHSTAR

PRELIMINARY PLAN

NO CHANGE, NOT TO BE USED FOR CONSTRUCTION WITHOUT THE OWNER'S APPROVAL. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

DESIGN: J.E.S.
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CHECKED: J.E.S.
SCALE: AS SHOWN
AS-BUILT:

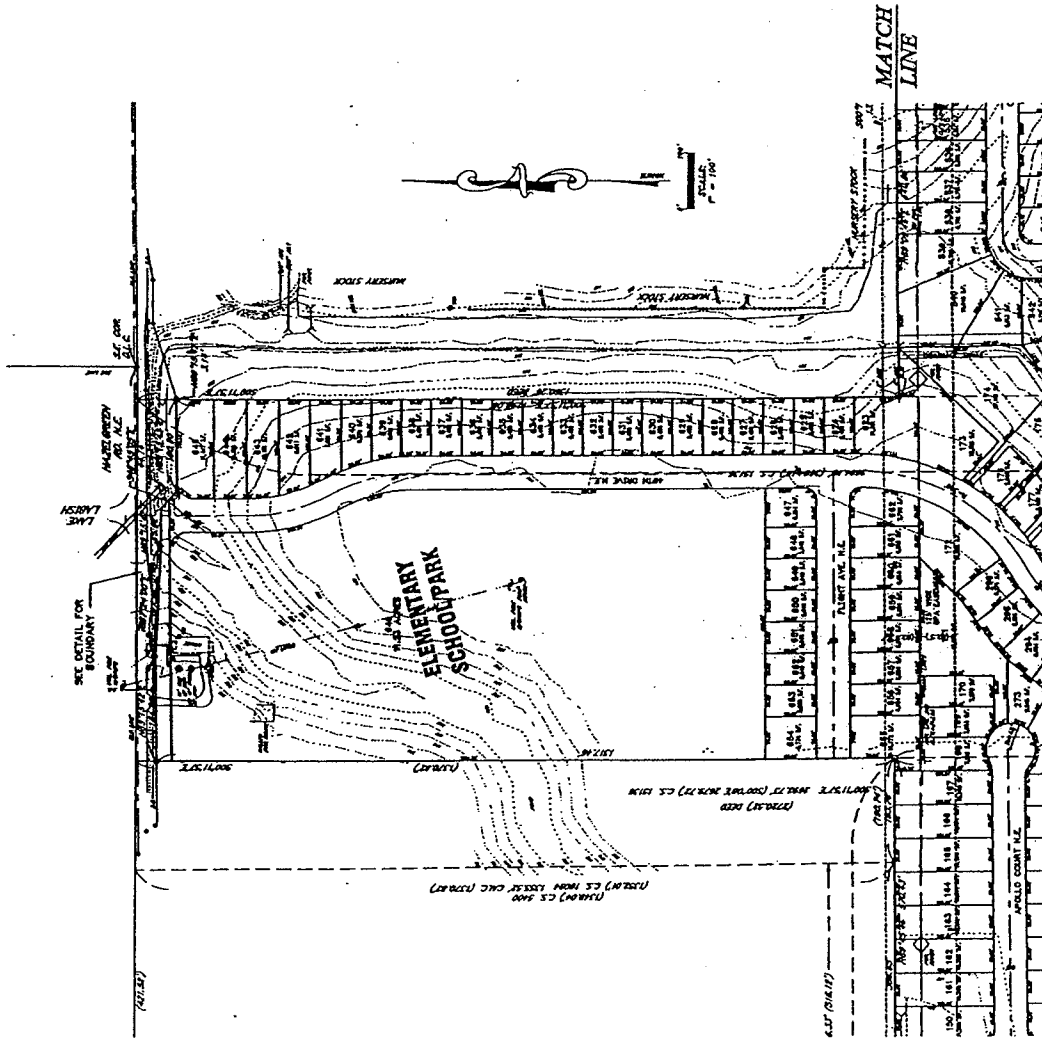
MULTI / TECH

ENGINEERING & SURVEYING, INC.
1000 N. 10TH ST., SUITE 100
SALEM, OREGON 97302
PHONE: 503-586-1234
FAX: 503-586-1235

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



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MULTI / TECH
ENGINEERING SERVICES, INC.
1000 SW 10th Ave, Suite 100
Salem, OR 97302
(503) 555-1234

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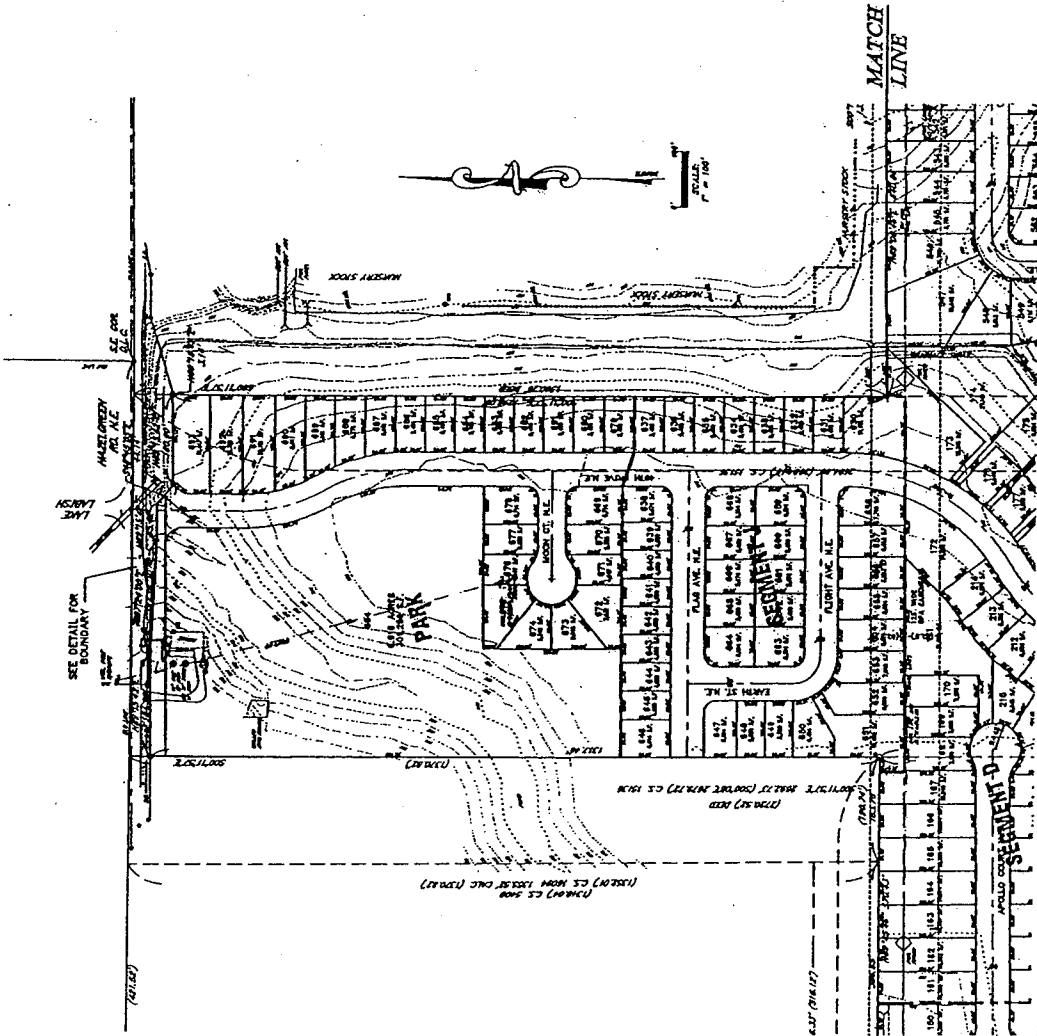
**SCHOOL/PARK
OPTION**

Drawing Number
4519
Sheet Number
5 of 7

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 N. 10TH ST. SUITE 100
SALEM, OREGON 97302
TEL: 325-1234 FAX: 325-5678

ALL CITY RECORDS SHALL BE
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THE CITY OF SALEM RECORDS
MANAGEMENT POLICY.



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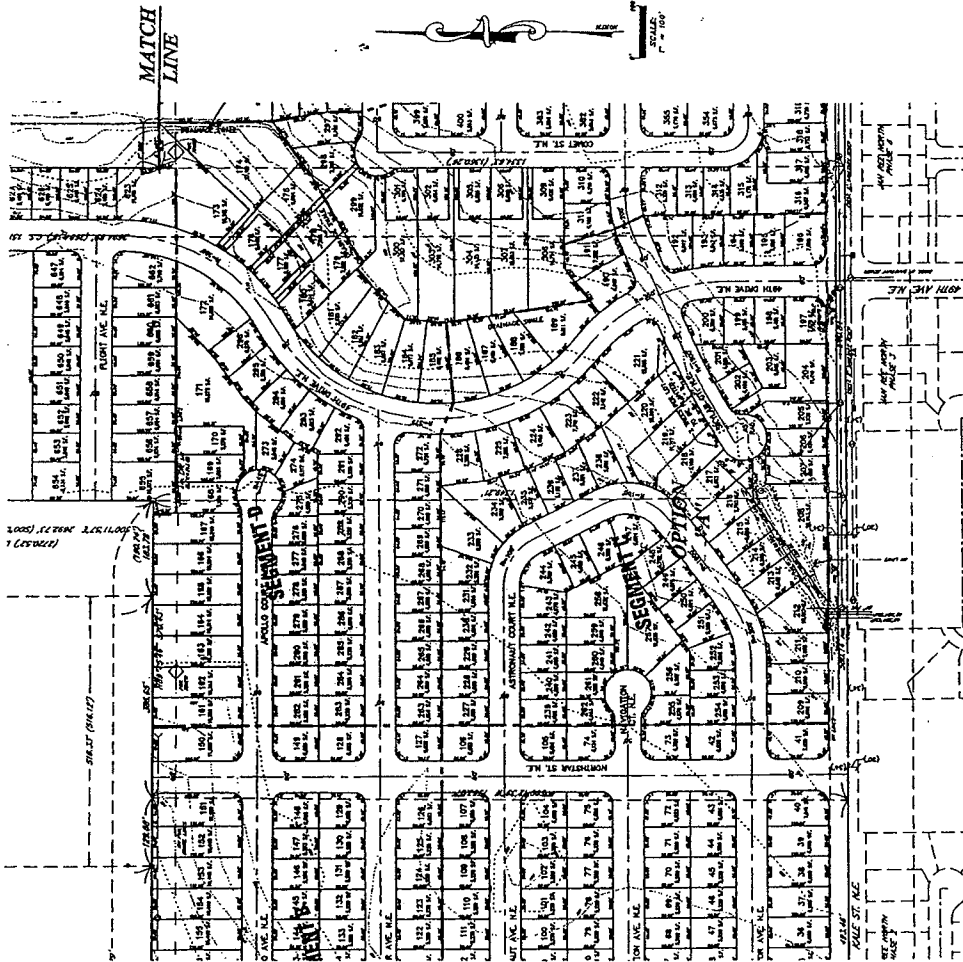
**PARK
OPTION**

Drawing Number
4519
Sheet Number
6 of 7

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"

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Design: J.E.P.
Drawn: J.E.P.
Date: 12/1/2002
Scale: AS SHOWN
A-SHOWN

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