

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION CASE NO. SUB14-01

APPLICATION NO. : 13-119992-LD

NOTICE OF DECISION DATE: **MARCH 21, 2014**

REQUEST: A subdivision to divide 7.32 acres into 6 lots ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet), with a Class 2 Adjustment to:

- 1) Allow the number of flag lots within the subdivision to exceed 15 percent;
- 2) Allow more than 4 lots to be served by a flag lot accessway; and
- 3) Allow the length of the flag lot accessway to exceed 400 ft.

The property is zoned CO (Commercial Office) and CR (Commercial Retail) and is located at 2521 and 2531 Boone Road SE (Marion County Assessor's Map and Tax Lot Numbers: 083W11D/600 and 083W12C/702).

APPLICANT: M & T PARTNERS, INC.

LOCATION: 2521 & 2531 BOONE RD SE

CRITERIA: Salem Revised Code Chapters 63 and 250

DECISION: The Planning Administrator **GRANTED** Subdivision Case No. SUB14-01 subject to the following conditions of approval prior to final plat approval, unless otherwise indicated:

Condition 1. Design sewer and water systems to serve each lot.

Condition 2: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements as approved by the Public Works Director and required by SRC 70.100.

Condition 3: Stormwater infrastructure provided to serve new development within the subdivision shall comply with the applicant's stormwater management plan.

The rights granted by the attached decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Subdivision Plan: April 8, 2016
Class 2 Adjustment: April 8, 2016

A copy of the decision is attached.

Application Deemed Complete: January 23, 2014
Notice of Decision Mailing Date: March 21, 2014
Decision Effective Date: April 8, 2014

State Mandate Date: May 23, 2014

Case Manager: Bryce Bishop, Planner II, bbishop@cityofsalem.net ~~BB~~

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., APRIL 7, 2014.** The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 63 and 250. 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, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 14-01)**

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

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

**IN THE MATTER OF THE
APPROVAL OF TENTATIVE
SUBDIVISION PLAN NO. 14-01;
2521 & 2531 BOONE ROAD SE**

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**FINDINGS AND ORDER
MARCH 21, 2014**

REQUEST

To divide approximately 7.32 acres into 6 lots ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet), with a Class 2 Adjustment to:

- 1) Allow the number of flag lots within the subdivision to exceed 15 percent;
- 2) Allow more than 4 lots to be served by a flag lot accessway; and
- 3) Allow the length of the flag lot accessway to exceed 400 ft.

The property is zoned CO (Commercial Office) and CR (Commercial Retail) and is located at 2521 and 2531 Boone Road SE (Marion County Assessor's Map and Tax Lot Numbers: 083W11D/600 and 083W12C/702).

DECISION

The tentative partition plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated:

- Condition 1:** Design sewer and water systems to serve each lot.
- Condition 2:** Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements as approved by the Public Works Director and required by SRC 70.100.
- Condition 3:** Stormwater infrastructure provided to serve new development within the subdivision shall comply with the applicant's stormwater management plan.

PROCEDURAL FINDINGS

On December 20, 2013, an application for tentative subdivision plan was filed proposing to divide property located at 2521 and 2531 Boone Road SE (Attachment 1) into 6 lots. The proposed subdivision included a request for a Class 2 Adjustment to allow more than 15 percents of the lot within the subdivision to be flag lots, to allow more than four lots to be served by a flag lot accessway, and to allow the length of the flag lot accessway to exceed 400 feet.

After additional information was provided by the applicant, the application was deemed complete for processing on January 23, 2014. Notice to surrounding property owners was mailed pursuant to Salem Revised Code (SRC) requirements on January 23, 2014. Notice was posted on the subject property pursuant to SRC requirements on January 24, 2014.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Land Use Plan Map: The subject property is designated "Commercial" on the Salem Area Comprehensive Plan (SACP) Map.

Urban Growth Policies: The subject property is located inside 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 requirements contained under SRC Chapter 66, an Urban Growth Area (UGA) Development Permit Preliminary Declaration is required when property is located outside the boundaries of the Urban Service Area. On September 7, 2012, UGA Preliminary Declaration No. 12-11 was issued identifying the public facilities required for development of the subject property.

2. Zoning

The southern portion of the subject property is zoned CO (Commercial Office) and the northern portion of the subject property is zoned CR (Commercial Retail). The zoning of surrounding properties is as follows:

North: Across Kuebler Boulevard SE, RA (Residential Agriculture) and RS (Single Family Residential)
South: Across Boone Road SE, RA (Residential Agriculture) and RS (Single Family Residential)
East: CR (Commercial Retail)
West: Across Battle Creek Road SE, CN (Neighborhood Commercial) and RM2 (Multiple Family Residential)

3. Natural Features

Trees: The City's tree preservation ordinance (SRC Chapter 68) establishes requirements for the preservation of heritage trees, significant trees (*Oregon white oaks 24 inches or more in diameter*), trees and native vegetation within riparian corridors, and trees on lots or parcels 20,000 square feet or greater in size. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves." There are no trees on the subject property.

Pursuant to SRC Chapter 68.100(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Because there are no trees on the subject property and because the proposed subdivision is not for the purpose of creating lots to be used for the construction of single family dwelling units or duplex dwelling units, a tree conservation plan is not required.

Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands or waterways on the subject property. Therefore, there are no impacts related to jurisdictional wetlands or waterways as a result of the proposed subdivision and development of the property.

Landslide Susceptibility: The City's landslide hazard ordinance (SRC Chapter 69) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property contains 2 mapped landslide hazard susceptibility points. There are 3 activity points associated with the proposed development activity, a subdivision. Pursuant to the requirements of SRC Chapter 69, the cumulative total of 5 points between those associated with the land and those associated with the proposed development activity indicates a moderate landslide risk and therefore a geologic assessment is required. As part of the previous development approvals for the subject property, a geologic assessment was submitted and approved for the subject property in conformance with SRC Chapter 69.

4. Site Analysis and Parcel Layout

The subject property is approximately 7.32 acres in size. The southern portion of the property that is zoned CO is currently developed with two office buildings. The northern portion of the property that is zoned CR is currently undeveloped.

The tentative plan proposes to divide the property into six lots (Attachment 2) ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet).

The two existing office buildings, and the parking serving them, are located on proposed Lots 5 and 6. Lots 5 and 6 are zoned CO. The remaining four lots within the subdivision, proposed Lots 1 through 4, are undeveloped. Lots 1 through 4 are zoned CR.

Vehicular access to the lots within the subdivision will be taken from a proposed flag lot accessway off Boone Road SE.

Lot Area and Dimensions: The minimum lot area requirements of the CO zone are established under SRC 150.070. The minimum lot area requirement for non-residential uses is 6,000 square feet. Minimum lot dimension requirements for non-residential uses within the CO zone are not specified. However, the subdivision code, under SRC 63.145(a) and (b), establishes minimum lot dimension requirements that apply when minimum lot dimension standards are not otherwise specified in the zone. SRC 63.145(a) and (b) require a minimum lot width of 40 feet and a minimum lot depth of 70 feet. Lot depth cannot exceed 300 percent of the average lot width.

The CO zoned lots within the subdivision, proposed Lots 5 and 6, are approximately 102,191 and 67,474 square feet in size. The proposed lots exceed minimum lot area and dimension requirements and therefore conform to applicable lot area and dimension standards.

The minimum lot area and dimension requirements of the CR zone are established under SRC 152.070. Pursuant to this section, there are no minimum lot area or dimension requirements in the CR zone, except for the minimum street frontage requirement of SRC 130.260. SRC 130.260 requires all lots, except those used for single family dwellings, to have a minimum street frontage of 16 feet.

The CR zoned lots within the subdivision, proposed Lots 1 through 4, range from approximately 34,630 to 40,075 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards.

Flag Lots: The subdivision code, under SRC 63.155(d), allows flag lots to be created within subdivisions when the lots are created in conformance with the flag lot standards set forth in SRC 63.295. The subdivision code defines a flag lot as, "a lot or parcel that is set back from the street at the rear or at the side of another lot or parcel, with vehicular access to the street provided by an accessway." Based on the definition of "flag lot," the proposed subdivision includes four flag lots (Lots 1, 2, 3, and 4). These lots are flag lots because they are setback from Boone Road SE, located behind proposed Lots 5 and 6, and accessed by a flag lot accessway.

SRC 63.295(a) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The four proposed flag lots within the subdivision exceed the 15 percent maximum. In order to address this issue, the applicants have submitted a Class 2 Adjustment with the subdivision seeking approval to exceed the 15 percent maximum. The analysis of the requested Class 2 Adjustment for conformance with the applicable approval criteria is included in Section 10 of this report.

Flag Lot Accessway: SRC 63.295(d) and Table 63-1 establish standards for flag lot accessways serving flag lots. Vehicle access to the lots within proposed subdivision will be provided by a flag lot accessway off Boone Road SE. Because the proposed flag lot accessway serves more than 4 lots and is greater than 400 feet in length, the applicants have submitted a Class 2 Adjustment with the subdivision seeking approval to allow more than four lots to be served by the flag lot accessway and to allow it to be greater than 400 feet in length. The analysis of the requested Class 2 Adjustment for conformance with the applicable approval criteria is included in Section 10 of this report.

Setbacks and Lot Coverage Requirements: Proposed Lots 5 and 6 are zoned CO. Within the CO zone, a minimum 12-foot setback is required for buildings, accessory structures, and parking areas adjacent to a street. A minimum 5-foot setback is required for buildings and accessory structures adjacent to interior side and rear property lines, unless a greater bufferyard setback is required under

SRC Chapter 132. Maximum lot coverage within the CO zone is 60 percent. The setbacks and lot coverage for the existing development located on proposed Lots 5 and 6 conform to the setbacks and lot coverage requirements of the CO zone.

Proposed Lots 1 through 4 are zoned CR. Within the CR zone, a minimum 5-foot setback for buildings and accessory structures, and a minimum 6-10 foot setback for parking areas, is required adjacent to a street. Setbacks for buildings, accessory structures, and parking areas adjacent to interior side and rear property lines are based on the bufferyard requirements of SRC Chapter 132. The CR zone does not establish a maximum lot coverage requirement. Future development of Lots 1 through 4 will be reviewed for conformance with the applicable setback and lot coverage requirements of the CR zone at the time of Site Plan Review for development of the proposed lots.

All of the lots within the proposed subdivision are of a size and configuration that is suitable to accommodate the development of uses permitted in the zone in conformance with the applicable standard of the Salem Revised Code.

5. Neighborhood Association Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association. The neighborhood association was notified of the proposed application and provided comments that are included as Attachment 3.

In summary, the neighborhood association explains that they are in support of the application under the condition that all site and street improvement conditions which accompanied the original approval remain in force and that the improvements occur using the same time period restrictions as if the property had not been subdivided. The neighborhood association expressed their commitment that improvements to Kuebler Boulevard between Commercial Street and I-5 should be completed no later than the future improvements to the I-5/Kuebler interchange.

Staff Response: As indicated in comments provided by the City's Public Works Department (Attachment 4), Urban Growth Area (UGA) Development Permit Preliminary Declaration 12-11 was approved for the subject property on September 7, 2012. The preliminary declaration establishes requirements for each development phase, including boundary and off-site transportation improvements, consistent with the conditions of Zone Change 09-3 and CPC/ZC 06-6. Approval of the proposed subdivision does not affect the timing of construction of the required improvements.

6. Citizen Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed application. Notice of the proposed application was also posted on the subject property. One comment was received from an area property owner expressing concern about the addition of four retail buildings being served by one access point on Boone Road and that further deferral of required improvements imposed by the final approval for Comprehensive Plan Change/Zone Change Case No. 06-6 would in their opinion reverse the City Council's decision on the Comp. Plan/Zone Change.

Staff Response: As part of the conditions of approval for Comprehensive Plan Change/Zone Change Case No. 06-6, Kuebler Boulevard is required to be widened and a right-in access from Kuebler Boulevard provided. This project is expected to reduce the amount of traffic using Boone Road by providing access to the development from Kuebler. On September 7, 2012, Urban Growth Area (UGA) Development Permit Preliminary Declaration 12-11 was approved for the subject property establishing requirements, including boundary and off-site transportation improvement requirements, for each development phase consistent with the conditions of Zone Change 09-3 and CPC/ZC 06-6. Compliance with the Preliminary Declaration for Urban Growth Area (UGA) Development Permit No. 12-11 remains a requirement for development of the subject property.

7. City Department Comments

- A. The Fire Department reviewed the proposal and indicated they have no objections to it.
- B. The Police Department reviewed the proposal and indicated that they have no comments.

- C. The Public Works Department reviewed the proposal and provided comments pertaining to requirements for streets, storm drainage, water, and sanitary sewer services. Comments from the Public Works Department are included as Attachment 4.

8. Private Service Provider Comments

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that easements are required for all underground electrical.

9. Criteria for Granting a Subdivision

Salem Revised Code (SRC) Chapter 63.046(b) and 63.051 set forth the criteria that must be met before approval can be granted to a subdivision request. This staff report addresses the approval criteria of SRC 63.046 (decision of the Planning Administrator for a Subdivision) and evaluates the considerations of SRC 63.051 (Purpose of Tentative Plan Review; Requirements and Conditions).

The following subsections are organized with approval criteria shown in **bold**, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 63.051 are addressed within the specific findings which evaluate the proposal's conformance with the criteria of SRC 63.046. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

A. SRC 63.046(b)(1): Approval 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.

Finding: The proposed subdivision divides the 7.32 acre property into 6 lots with no remainder. Property to the east of the subject property is currently undeveloped. As indicated in the written statement provided by the applicant's representative (Attachment 5), development of the subject property and development of the commercially zoned property to the east of the subject property will be coordinated with regards to building placement, driveway access, parking and circulation, internal utility infrastructure, and public improvements. Conditions of approval established in connection with Comprehensive Plan Change/Zone Change Case No. 06-6 and Zone Change Case No. 09-3 ensure that development of the subject property, and the undeveloped property to the east, is coordinated with regards to on-site and off-site improvements. As indicated in the applicant's statement, because these requirements are incorporated into the subdivision design, the future use of the subject property will not be impeded and the safe and healthful development of remaining adjoining commercial land to the east, and access to it, will not be adversely affected.

The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone. Approval of the subdivision does not impede future use of the subject property or access to abutting properties. This criterion is met.

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

Finding: The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of water, sewer, streets, and storm drainage facilities. While SRC Chapter 63 does not require submission of facility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate city water, sewer, transportation, and storm drainage facilities to serve the proposed lots prior to final plat approval without impeding service to the surrounding area. The applicant shall construct improvements to the specifications of the Public Works Department memo dated March 21, 2014 (Attachment 4).

A summary of existing improvements are as follows:

Streets: The subject property is bordered by Kuebler Boulevard SE, Battle Creek Road SE, and Boone Road SE. Kuebler Boulevard is designated as a parkway with the Salem Transportation System Plan (TSP). The standard for a parkway is an 80-foot-wide improvement within a minimum 120-foot-wide right of way. Kuebler Boulevard is currently improved with a varied turnpike pavement

section within a varied right-of-way of 150 to 180 feet in width. The intersection with Battle Creek Road has a signal.

Battle Creek Road is designated as a minor arterial street within the TSP. The standard for this classification of street is a 46-foot-wide improvement within a 72-foot-wide right-of-way. Battle Creek Road was recently improved as a condition of UGA Phase 1 to provide a varied improvement up to 56 feet in width within a 72-foot-wide right-of-way.

Boone Road is designated as a collector street within the TSP. The standard for this classification of street is a 34-foot-wide improvement within a 60-foot-wide right-of-way. Boone Road was recently improved as a condition of UGA Phase 1 to provide a varied improvement up to 58 feet in width within a varied right-of-way of 60 feet to 78 feet in width.

Water: The Salem Water System Master Plan identifies the subject property as being located within the S-2 water service level. The Public Works Department indicates that there is a 12-inch water main located in Battle Creek Road, a 10-inch water main located in Kuebler Boulevard, and 24-inch and 30-inch water lines located in Boone Road.

Sanitary Sewer: The Public Works Department indicates that there is an 8-inch public sewer line located at the southeast corner of the subject property and no sewer available in Kuebler Boulevard and Battle Creek Road.

Storm Drainage: The Public Works Department indicates that there is a drainage ditch in Battle Creek Road along the full frontage of the subject property, a drainage ditch in Kuebler Boulevard adjacent to the subject property, and an 18-inch storm main located in Boone Road SE.

On September 7, 2012, Urban Growth Area (UGA) Development Permit Preliminary Declaration 12-11 was approved for the subject property establishing requirements for each development phase consistent with the conditions of Zone Change 09-3 and CPC/ZC 06-6. Boundary and off-site transportation improvements are specified in the preliminary declaration. The proposed subdivision does not create transportation impacts that warrant boundary street or off-site improvements at this time. Transportation improvements for future building projects will be addressed in Site Plan Review decisions consistent with the appropriate provisions of UGA 12-11, ZC 09-3, and CPC/ZC 06-6.

On January 1, 2014, new stormwater requirements contained under SRC Chapter 71 became effective. Because the proposed subdivision was submitted prior to the effective date of the new requirements, provisions for stormwater management on the site are subject to the requirements of the SRC prior to the adoption of the new stormwater standards. As part of the proposed subdivision, the applicants submitted a stormwater management plan to manage stormwater in conformance with the stormwater standards applicable at the time the subdivision application was submitted. As specified in SRC 71.080(c), because the applicant submitted the stormwater management plan as part of the subdivision prior to the effective date of the new stormwater standards, the proposed subdivision and future Site Plan Review applications for development of the lots within the subdivision shall comply with the applicant's stormwater management plan instead of the stormwater requirements that became effective on January 1, 2014.

As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development. To ensure the adequate provision of water, sewer, streets, and storm services to the subject property, the following conditions of approval shall apply:

Condition 1: Design sewer and water systems to serve each lot.

Condition 2: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements as approved by the Public Works Director and required by SRC 70.100.

Condition 3: Stormwater infrastructure provided to serve new development within the subdivision shall comply with the applicant's stormwater management plan.

C. 63.046(b)(3): The tentative plan complies with all applicable standards of the Salem Revised Code, including the Salem zoning ordinance, unless a variance or adjustment has been obtained.

Finding: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the Subdivision Code, Zoning Code, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the 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 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 review of the proposed subdivision. The proposed subdivision, as conditioned, conforms to the applicable provisions of SRC Chapter 63 as follows:

Parcel Configuration: The proposed subdivision creates six lots ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet).

SRC 63.145, SRC 150.070, and SRC 152.070 specify minimum lot area, dimension, and frontage requirements in the CO and CR zones. As identified under section 4 of this report, the proposed lots satisfy minimum lot size, dimension, and frontage standards.

The proposed lots will be suitable for the general purpose for which they may be used, and the lots are of a size and design that will not be detrimental to the public health, safety, and welfare.

Adequate Utilities: The Salem Public Works Department reviewed the proposal and determined that water, sewer, and storm drainage infrastructure is available and appears to be adequate to serve future development. Conditions of approval established as part of this decision ensure that such utilities are provided in conformance with the City's public facility plans.

Street Connectivity: SRC 63.225(p) requires that developments provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Developments shall also provide for the extension of local streets to adjoining major undeveloped properties for eventual connection with the existing street system.

The lots within the proposed subdivision are intended to be part of a larger commercial retail and office center occupying the 28 acres of land located between Kuebler Boulevard, Boone Road, Battle Creek Road, and 27th Avenue. Three different streets border the subject property and provide connectivity to Salem's surrounding transportation network in conformance with this standard.

A flag lot accessway off Boone Road SE is proposed to provide primary vehicular access to the individual proposed lots within the subdivision. Because of limitations on access to the subject property, and because of the property's overall size and dimensions, the proposed flag lot accessway exceeds some of the standards applicable to flag lot accessways. In order to address this issue, the applicant has requested a Class 2 Adjustment with the subdivision seeking approval to allow more than 4 lots to be served by a flag lot accessway and the length of the flag lot accessway to exceed 400 ft.

Analysis of the requested Class 2 Adjustment for conformance with the applicable approval criteria contained within SRC Chapter 250 is included in Section 10 of this report.

Hazards, Site Disruption, and Limitations to Development: The City's landslide hazard ordinance (SRC Chapter 69) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property contains 2 mapped landslide hazard susceptibility points. There are 3 activity points associated with the proposed development activity, a subdivision. Pursuant to the requirements of SRC Chapter 69, the cumulative total of 5 points between those associated with the land and those associated with the proposed development activity indicates a moderate landslide risk and therefore a geologic assessment is required. As part of the previous

development approvals for the subject property, a geologic assessment was submitted and approved for the subject property in conformance with SRC Chapter 69.

The City's wetlands ordinance, SRC Chapter 126, establishes requirements for notification to the Oregon Department of State Lands when an application for development is received in an area designated as a wetland on the official wetlands map. According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands or waterways identified on the subject property. Pursuant to SRC Chapter 126, a wetlands notice to the DSL is not required in conjunction with the proposed subdivision.

SRC Chapter 65 (Excavation and Fills): SRC Chapter 65 (Excavations and Fills) establishes standards to ensure 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.

Pursuant to SRC 65.040, and prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way, or adjoining or within an easement (or future right-of-way or easement), or within or adjoining a designated waterway, or within a floodplain overlay zone.

SRC Chapter 66 (Urban Growth Management): The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 66, an Urban Growth Area (UGA) Development Permit Preliminary Declaration is required when property is located outside the boundaries of the Urban Service Area. On September 7, 2012, UGA Preliminary Declaration No. 12-11 was issued identifying the public facilities required for development of the subject property. Development of the subject property is required to comply with the requirements of UGA Development Permit Preliminary Declaration No. 12-11.

SRC Chapters 68 (Tree Preservation): The City's tree preservation ordinance (SRC Chapter 68) establishes requirements for the preservation of heritage trees, significant trees (*Oregon white oaks 24 inches or more in diameter*), trees and native vegetation within riparian corridors, and trees on lots or parcels 20,000 square feet or greater in size. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves." There are no trees on the subject property.

Pursuant to SRC Chapter 68.100(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Because there are no trees on the subject property and because the proposed subdivision is not for the purpose of creating lots to be used for the construction of single family dwelling units or duplex dwelling units, a tree conservation plan is not required.

SRC Chapter 69 (Landslide Hazards): The City's landslide hazard ordinance (SRC Chapter 69) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property contains 2 mapped landslide hazard susceptibility points. There are 3 activity points associated with the proposed development activity, a subdivision. Pursuant to the requirements of SRC Chapter 69, the cumulative total of 5 points between those associated with the land and those associated with the proposed development activity indicates a moderate landslide risk and therefore a geologic assessment is required. As part of the previous development approvals for the subject property, a geologic assessment was submitted and approved for the subject property in conformance with SRC Chapter 69.

SRC Chapter 126 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal

wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands or waterways on the subject property. Therefore, there are no impacts related to jurisdictional wetlands or waterways as a result of the proposed subdivision and development of the property.

SRC Chapter 150 (Commercial Office Zone) & 152 (Commercial Retail Zone): The subdivision code, SRC 63.145(i), requires that lots be suitable for the general purpose for which they are likely to be used. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare; or sanitary needs of users of the lot.

The lots within the proposed subdivision are zoned CO (Commercial Office) and CR (Commercial Retail). The lots meet SRC Chapter 63 (Subdivision), SRC Chapter 150 (Commercial Office), and SRC Chapter 152 (Commercial Retail) minimum lot size, dimension, and street frontage standards. The lots are suitable for the general purpose for which they may be used and are of size and design that is not detrimental to the public health, safety, or welfare.

The two proposed CO zoned lots are already developed in conformance with the applicable standards of the code. The four proposed CR zoned lots are currently undeveloped. Future development of these lots will be reviewed for conformance with applicable code standards at the time of Site Plan Review for development of the individual lots.

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

Finding: The subject property, along with the contiguous property to the east, are intended to be developed as an office and commercial retail center, which when developed, will in itself represent an activity center within neighborhood. Existing streets surrounding the property will provide access to the proposed development. Bicycle and pedestrian access will be available along the frontage of Boone Road and along the internal driveway providing access to the subdivision in conformance with this criterion.

10. Criteria for Granting a Class 2 Adjustment

Because of limitations on access to the subject property, and because of the property's overall size and dimensions, the applicant has requested a Class 2 Adjustment with the subdivision seeking approval to allow:

- 1) The number of flag lots within the subdivision to exceed 15 percent;
- 2) More than 4 lots to be served by a flag lot accessway; and
- 3) The length of the flag lot accessway to exceed 400 ft.

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

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

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

Applicant's Statement: The written statement provided by the applicant's representative (Attachment 5) indicates that the application satisfies criterion (A)(ii). It is explained that Comprehensive Plan Change/Zone Change 06-6 established conditions of approval limiting the number and location of driveways that can provide access to the public streets and that these conditions of approval were established to assure adequate access to the contiguous development and efficient flow of traffic on the public streets. The applicant's statement indicates that because of these access limitations, it is necessary to serve the development with reciprocal easements for access to the driveways. The applicant's statement also indicates that the large size of the property makes it impractical to limit the length of the accessway to 400 feet. The applicant's statement explains that the proposed access to the lots provides them with appropriate access to the common driveway, as required by the conditions of

approval, and that there will be adequate turn-around space for emergency vehicles at the end of the accessway within each lot. For these reasons, it is explained that the purpose underlying the three specific development standards proposed for adjustment are equally or better met by the proposed development and this criterion is satisfied.

Finding: Staff concurs with the applicant. Points of access to the subject property and the adjacent property to the east were limited by previous land use approvals in order to promote the efficient circulation of traffic and minimize impacts to surrounding properties. Because of the size of the subject property and there being only one point of access to Boone Road SE, access to the individual lots within the subdivision are required to come from the existing driveway via a flag lot accessway.

The proposed subdivision is consistent with other commercial developments where joint access easements are provided across adjacent properties in order to gain access to joint driveways. In addition, though four of the proposed lots within the subdivision technically meet the definition of "flag lot" under SRC Chapter 63, only one of the proposed lots does not have frontage on a street. Because the proposed access to the subdivision is consistent with the conditions of approval of CPC/ZC06-6, and because the proposed flag lot accessway will provide for safe access to the development, the proposal equally meets the purpose underlying the development standards proposed for adjustment. This criterion is met.

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

Applicant's Statement: The written statement provided by the applicant's representative indicates that this criterion applies only to property located within residential zone and therefore does not apply to this application.

Finding: Staff concurs with the applicant. Because the subject property is zoned CO and CR, this criterion is not applicable to the proposed development.

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

Applicant's Statement: The written statement provided by the applicant's representative indicates that the purpose of the zone in this case was established through the zone change cases that applied the CR and CO zones to the subject property. The purpose was to enable a consolidated, coordinated office and commercial retail center on the contiguous 28 acre site. Conditions of approval specify how aspects of the development, including access to the public street, are to be coordinated. It is explained that the requested adjustments fulfill the requirements of those conditions by providing internal access to the property from the common driveway that will access the public street. Though the proposed flag lots lie greater than 400 feet distant from the common driveway as a result of the size of the property, the project remains consistent with the overall purpose of limiting access to the public street to the specified number and location of common driveways. The cumulative effect of the three requested Adjustments results in a project that conforms to the zoning conditions of approval, and which is consistent with the purpose of the zone.

Finding: Staff concurs with the applicant. Approval of the proposed adjustments does not cumulatively result in a project that is inconsistent with the overall purpose of the zone. The zoning of the property was changed to CO (Commercial Office) and CR (Commercial Retail). The intent of these zones is to provide land for the development of various commercial office and retail uses. The previous comprehensive plan change and zone changes which applied these zone districts to the subject property and the contiguous property to the east established conditions of approval in order to minimize the impacts of the proposed development to surrounding properties.

The requested adjustments allow for the subject property to be developed as a part of an office and commercial retail center consistent with the conditions of approval of the previous comprehensive plan change and zone changes that applied the CO and CR zone districts to the subject property and consistent with the purpose of the CO and CR zones. This criterion is met.

11. Conclusion

Based upon review of SRC 63.046(b), 63.051, 250.005(d)(2), the findings contained under sections 9 and 10 above, and the comments described, the tentative subdivision and Class 2 Adjustment comply with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to divide approximately 7.32 acres into 6 lots ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet), with a Class 2 Adjustment to:

- 1) Allow the number of flag lots within the subdivision to exceed 15 percent;
- 2) Allow more than 4 lots to be served by a flag lot accessway; and
- 3) Allow the length of the flag lot accessway to exceed 400 ft;

for property zoned CO (Commercial Office) and CR (Commercial Retail) and located at 2521 and 2531 Boone Road SE, is hereby GRANTED subject to SRC Chapters 63, 150, 152, 250, and the following conditions prior to final plat approval, unless otherwise indicated:

Condition 1: Design sewer and water systems to serve each lot.

Condition 2: Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements as approved by the Public Works Director and required by SRC 70.100.

Condition 3: Stormwater infrastructure provided to serve new development within the subdivision shall comply with the applicant's stormwater management plan.



Bryce Bishop, Planner II,
Urban Planning Administrator Designee

Attachments: 1. Vicinity Map
 2. Applicant's Tentative Subdivision Plan
 3. South Gateway Neighborhood Association Comments
 4. City of Salem Public Works Department Comments
 5. Applicant's Written Statement

Application Deemed Complete: January 23, 2014
Notice of Decision Mailing Date: March 21, 2014
Decision Effective Date: April 8, 2014
State Mandated Decision Date: May 23, 2014

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

Tentative Subdivision Plan: April 8, 2016
Class 2 Adjustment: April 8, 2016

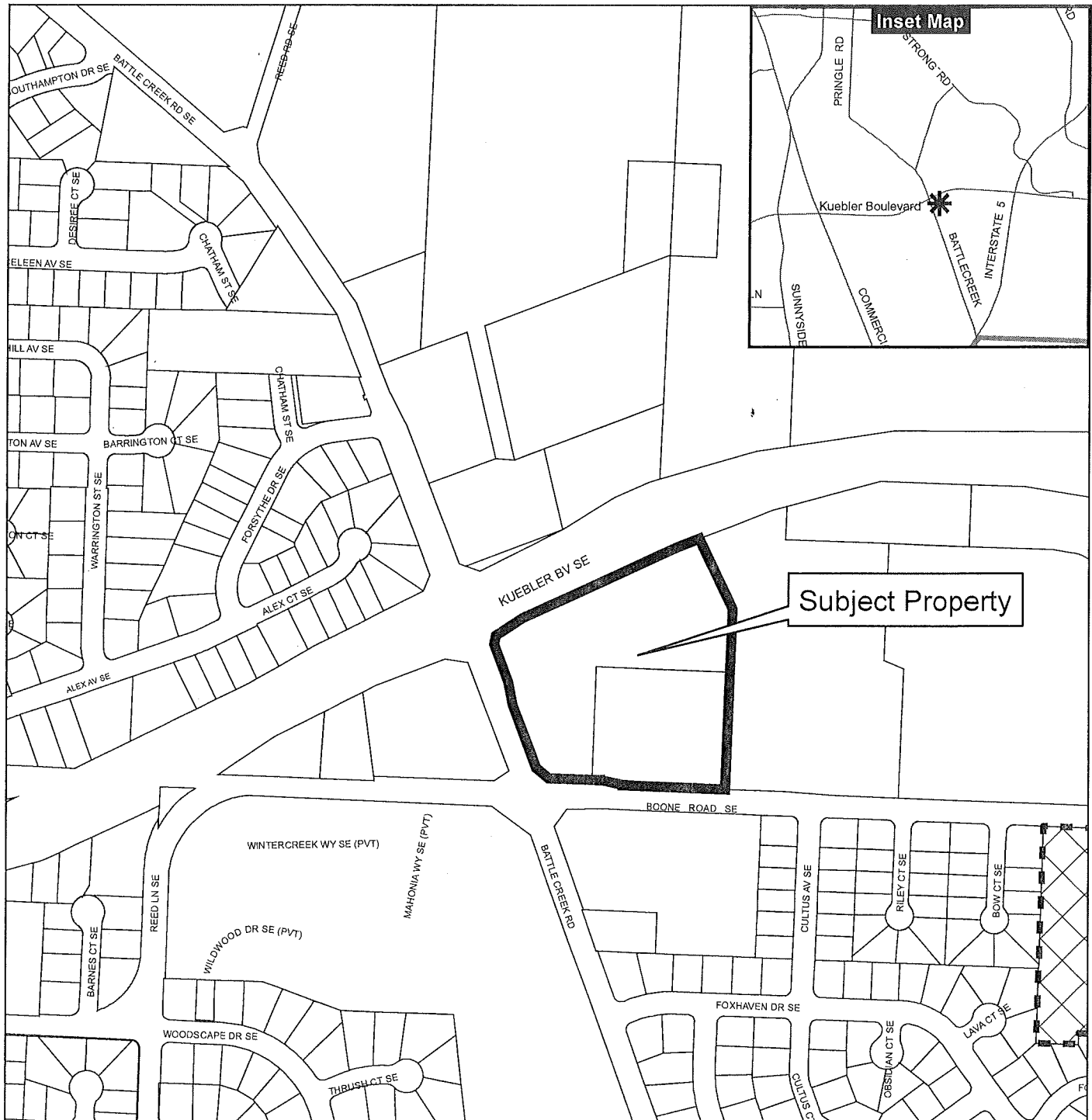
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, April 7, 2014, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

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Vicinity Map 2521 & 2531 Boone Road SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

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

0 100 200 400 Feet

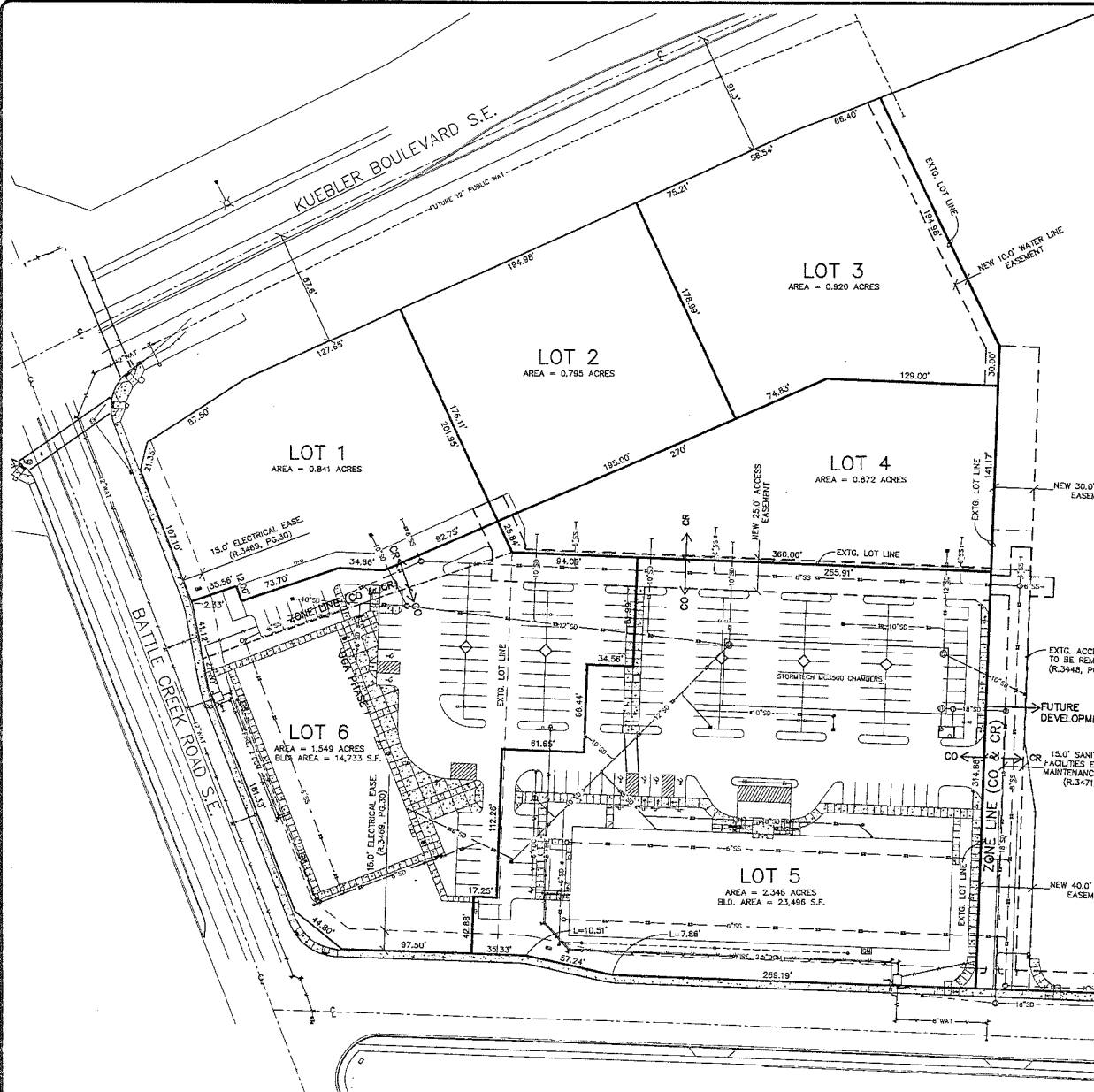


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ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 2

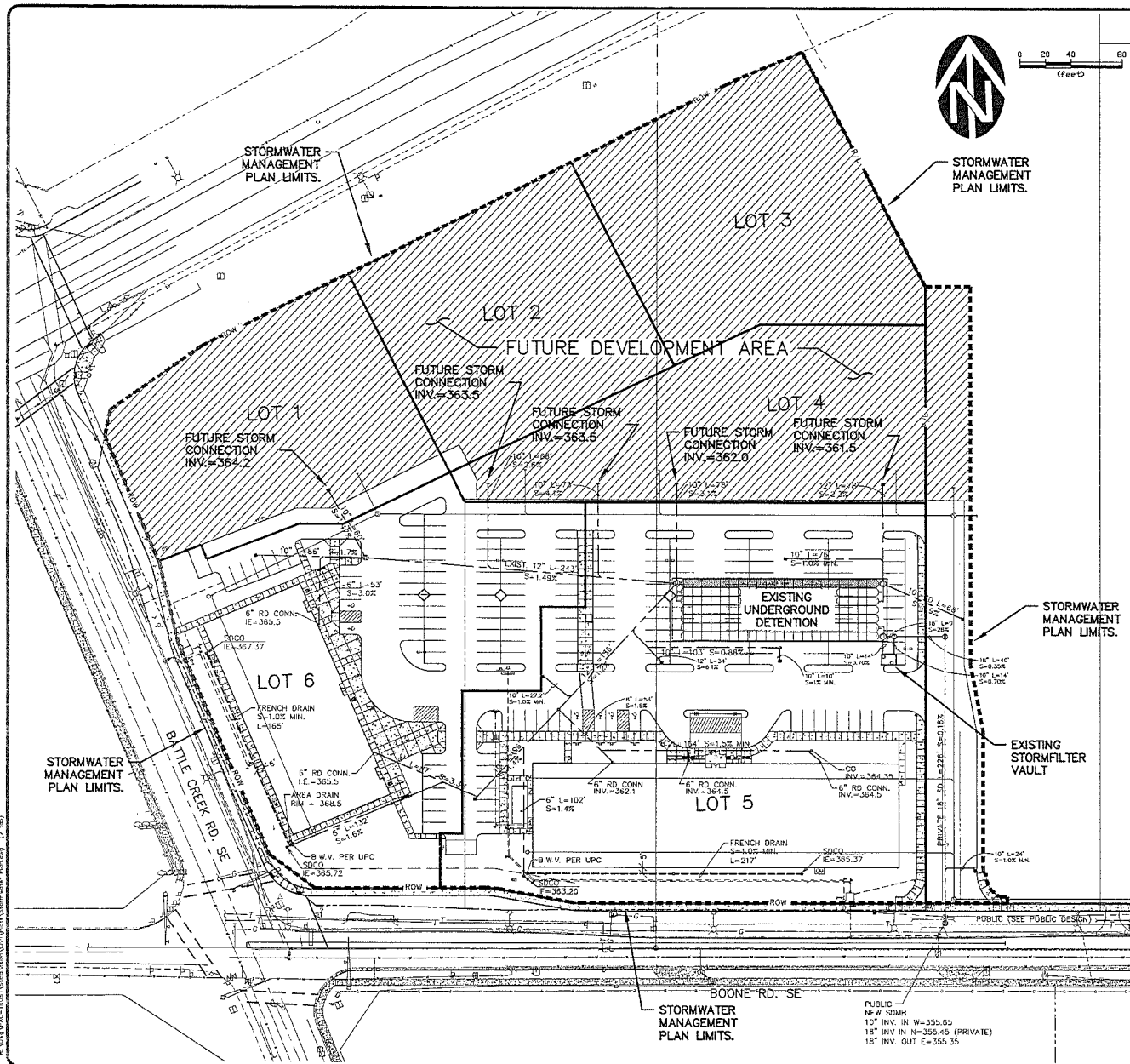
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LOTS 1-6 SEWER & STORM WILL BE PRIVATE. A SEWER & STORM MAINTENANCE AGREEMENT TO COMPLY WITH SRC 70.100 AND WILL BE RECORDED PRIOR TO PLAT.

DRAWING 1 JOB NUMBER 2672.7000.0	M. & T. PARTNERS PROPOSED PRELIMINARY SUBDIVISION PLAN KUEBLER GATEWAY TENTATIVE SUBDIVISION PLAN	 M&T PARTNERS, INC. CONSULTING ENGINEERS AND ARCHITECTS 1841 Irvine Boulevard Dr., Suite 100, Irvine, CA 92612 Phone (949) 255-9474 Fax (949) 255-3866 E-mail info@m-and-t.com	REVIEW REVIEW		VERY GOOD GOOD FAIR POOR 0
			DATE 1 DATE 2 DATE 3 DATE 4 DATE 5 DATE 6 DATE 7 DATE 8 DATE 9 DATE 10 DATE 11 DATE 12 DATE 13 DATE 14 DATE 15 DATE 16 DATE 17 DATE 18 DATE 19 DATE 20 DATE 21 DATE 22 DATE 23 DATE 24 DATE 25 DATE 26 DATE 27 DATE 28 DATE 29 DATE 30 DATE 31 DATE 32 DATE 33 DATE 34 DATE 35 DATE 36 DATE 37 DATE 38 DATE 39 DATE 40 DATE 41 DATE 42 DATE 43 DATE 44 DATE 45 DATE 46 DATE 47 DATE 48 DATE 49 DATE 50 DATE 51 DATE 52 DATE 53 DATE 54 DATE 55 DATE 56 DATE 57 DATE 58 DATE 59 DATE 60 DATE 61 DATE 62 DATE 63 DATE 64 DATE 65 DATE 66 DATE 67 DATE 68 DATE 69 DATE 70 DATE 71 DATE 72 DATE 73 DATE 74 DATE 75 DATE 76 DATE 77 DATE 78 DATE 79 DATE 80 DATE 81 DATE 82 DATE 83 DATE 84 DATE 85 DATE 86 DATE 87 DATE 88 DATE 89 DATE 90 DATE 91 DATE 92 DATE 93 DATE 94 DATE 95 DATE 96 DATE 97 DATE 98 DATE 99 DATE 100	DSN DESIGNED BY CHECKED BY DATE 1 DATE 2 DATE 3 DATE 4 DATE 5 DATE 6 DATE 7 DATE 8 DATE 9 DATE 10 DATE 11 DATE 12 DATE 13 DATE 14 DATE 15 DATE 16 DATE 17 DATE 18 DATE 19 DATE 20 DATE 21 DATE 22 DATE 23 DATE 24 DATE 25 DATE 26 DATE 27 DATE 28 DATE 29 DATE 30 DATE 31 DATE 32 DATE 33 DATE 34 DATE 35 DATE 36 DATE 37 DATE 38 DATE 39 DATE 40 DATE 41 DATE 42 DATE 43 DATE 44 DATE 45 DATE 46 DATE 47 DATE 48 DATE 49 DATE 50 DATE 51 DATE 52 DATE 53 DATE 54 DATE 55 DATE 56 DATE 57 DATE 58 DATE 59 DATE 60 DATE 61 DATE 62 DATE 63 DATE 64 DATE 65 DATE 66 DATE 67 DATE 68 DATE 69 DATE 70 DATE 71 DATE 72 DATE 73 DATE 74 DATE 75 DATE 76 DATE 77 DATE 78 DATE 79 DATE 80 DATE 81 DATE 82 DATE 83 DATE 84 DATE 85 DATE 86 DATE 87 DATE 88 DATE 89 DATE 90 DATE 91 DATE 92 DATE 93 DATE 94 DATE 95 DATE 96 DATE 97 DATE 98 DATE 99 DATE 100	

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STORMWATER NARRATIVE

Stormwater Management Plan Narrative

Summary:

The existing stormwater detention and water quality treatment system is sized for the Stormwater Management Plan limits at buildout including all future impervious areas, per the specifications below.

Detention Requirements:

Provide detention for the difference between the 5 yr predeveloped storm event and the 50 yr developed storm event based on the rational method at buildout.

- Existing Detention Required (see spreadsheet) = 21,382 CF
- Existing Detention Provided = 23,000 CF

Stormwater Quality Treatment Requirements:

- Existing Stormwater Treatment Required = None Required
- Existing Stormwater Treatment Provided = ConTech StormFilter Vault sized to treat 0.86 cfs (equal to the detention 5 yr predeveloped release rate)

Future Development Detention & Treatment Requirements

Stormwater detention and water quality is provided for the entire subdivision at buildout. However, Green Stormwater Infrastructure (GSI) filtration BMPs will be provided for an impervious area equal to 50% of building footprint for lots 1-4 (as shown on this plan) if a building is constructed. GSI will be located somewhere on each lot and will be constructed at the time of development of each lot. The GSI will be designed to filter a 1.38 inch storm over 24 hours (Type IA) using the Santa Barbara Unit Hydrograph Method and assume a 2 inch/hour media filtration rate. GSI will be planted with approved plantings. Storms of additional size will overflow and enter the existing stormwater system. A minimum of 18 inches of filtration media (as approved by the City) and underdrain system will be provided in each GSI to convey filtered water to the existing system. No additional stormwater detention or stormwater quality treatment requirements are required.

STORMWATER DETENTION CALC'S FOR EXISTING UNDERGROUND DETENTION

CITY OF SALEM REQUIRED DETENTION VOLUME									
Client:	PAC-TRUST		Date:	23-Aug-12					
Project Name:	Kaiser Developments		Site Number:	2672.00					
Developed Conditions:	Undeveloped (Historic) Conditions								
Storm Frequency, years:	50		Storm Frequency, years:	5					
A. Impervious Surface Area, Acres:	6.50		A. Total Area, Acres:	7.57					
C. Runoff Coefficient, Impervious Surface:	0.90		C. Runoff Coefficient:	0.30					
A. Porous Surface Area, Acres:	1.07		A. Masonry/Roughness Coefficient:	0.30					
C. Runoff Coefficient, Porous Surface:	0.17		C. Runoff Coefficient:	0.37					
C. Weighted Average Runoff Coefficient:	0.89		C. Slope, percent:	3.23					
A. Total Area, Acres:	7.57		A. Length, feet:	650					
Detention Overflow Elevation, feet:	364.00		T. Time of Concentration, minutes:	57					
Outlet Pipe Inlet Elevation, feet:	359.00		D. Allowable Outflow, cfs:	0.86					
H. Maximum Flood, feet:	3.00								
D. Orifice Diameter, inches:	3.7								
Time (minutes)	C * A (Acres)	Partial Intensity (in/hr)	Inflow (cfs)	Accumulated Inflow Volume (cubic feet)	Outflow (cfs)	Accumulated Outflow Volume (cubic feet)	Required Detention Volume (cubic feet)		
0	6.03	2.75	16.59	978	0.86	209	4717		
5	6.03	2.40	14.58	946	0.86	311	3135		
10	6.03	2.15	12.78	827	0.86	362	1844		
15	6.03	1.95	11.17	684	0.86	414	6390		
20	6.03	1.75	9.75	529	0.86	466	4630		
25	6.03	1.55	8.38	377	0.86	518	7263		
30	6.03	1.35	7.00	227	0.86	577	8995		
35	6.03	1.15	5.62	77	0.86	636	10326		
40	6.03	0.95	4.25	-74	0.86	695	11282		
45	6.03	0.75	2.87	-157	0.86	753	11918		
50	6.03	0.55	1.50	-260	0.86	812	12348		
55	6.03	0.35	0.15	-315	0.86	871	12695		
60	6.03	0.15	-0.15	-315	0.86	930	13032		
65	6.03	0.05	-0.05	-315	0.86	989	13369		
70	6.03	0.05	-0.05	-315	0.86	1048	13706		
75	6.03	0.05	-0.05	-315	0.86	1107	14043		
80	6.03	0.05	-0.05	-315	0.86	1166	14380		
85	6.03	0.05	-0.05	-315	0.86	1225	14717		
90	6.03	0.05	-0.05	-315	0.86	1284	15054		
95	6.03	0.05	-0.05	-315	0.86	1343	15391		
100	6.03	0.05	-0.05	-315	0.86	1402	15728		
105	6.03	0.05	-0.05	-315	0.86	1461	16065		
110	6.03	0.05	-0.05	-315	0.86	1520	16402		
115	6.03	0.05	-0.05	-315	0.86	1579	16739		
120	6.03	0.05	-0.05	-315	0.86	1638	17076		
125	6.03	0.05	-0.05	-315	0.86	1697	17413		
130	6.03	0.05	-0.05	-315	0.86	1756	17750		
135	6.03	0.05	-0.05	-315	0.86	1815	18087		
140	6.03	0.05	-0.05	-315	0.86	1874	18424		
145	6.03	0.05	-0.05	-315	0.86	1933	18761		
150	6.03	0.05	-0.05	-315	0.86	1992	19098		
155	6.03	0.05	-0.05	-315	0.86	2051	19435		
160	6.03	0.05	-0.05	-315	0.86	2110	19772		
165	6.03	0.05	-0.05	-315	0.86	2169	20109		
170	6.03	0.05	-0.05	-315	0.86	2228	20446		
175	6.03	0.05	-0.05	-315	0.86	2287	20783		
180	6.03	0.05	-0.05	-315	0.86	2346	21120		
185	6.03	0.05	-0.05	-315	0.86	2405	21457		
190	6.03	0.05	-0.05	-315	0.86	2464	21794		
195	6.03	0.05	-0.05	-315	0.86	2523	22131		
200	6.03	0.05	-0.05	-315	0.86	2582	22468		
205	6.03	0.05	-0.05	-315	0.86	2641	22805		
210	6.03	0.05	-0.05	-315	0.86	2700	23142		
215	6.03	0.05	-0.05	-315	0.86	2759	23479		
220	6.03	0.05	-0.05	-315	0.86	2818	23816		
225	6.03	0.05	-0.05	-315	0.86	2877	24153		
230	6.03	0.05	-0.05	-315	0.86	2936	24490		
235	6.03	0.05	-0.05	-315	0.86	2995	24827		
240	6.03	0.05	-0.05	-315	0.86	3054	25164		
245	6.03	0.05	-0.05	-315	0.86	3113	25501		
250	6.03	0.05	-0.05	-315	0.86	3172	25838		
255	6.03	0.05	-0.05	-315	0.86	3231	26175		
260	6.03	0.05	-0.05	-315	0.86	3290	26512		
265	6.03	0.05	-0.05	-315	0.86	3349	26849		
270	6.03	0.05	-0.05	-315	0.86	3408	27186		
275	6.03	0.05	-0.05	-315	0.86	3467	27523		
280	6.03	0.05	-0.05	-315	0.86	3526	27860		
285	6.03	0.05	-0.05	-315	0.86	3585	28197		
290	6.03	0.05	-0.05	-315	0.86	3644	28534		
295	6.03	0.05	-0.05	-315	0.86	3703	28871		
300	6.03	0.05	-0.05	-315	0.86	3762	29208		
305	6.03	0.05	-0.05	-315	0.86	3821	29545		
310	6.03	0.05	-0.05	-315	0.86	3880	29882		
315	6.03	0.05	-0.05	-315	0.86	3939	30219		
320	6.03	0.05	-0.05	-315	0.86	3998	30556		
325	6.03	0.05	-0.05	-315	0.86	4057	30893		
330	6.03	0.05	-0.05	-315	0.86	4116	31230		
335	6.03	0.05	-0.05	-315	0.86	4175	31567		
340	6.03	0.05	-0.05	-315	0.86	4234	31904		
345	6.03	0.05	-0.05	-315	0.86	4293	32241		
350	6.03	0.05	-0.05	-315	0.86	4352	32578		

WESTEC ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 3841 Forbes Island Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 586-2474 Fax: (503) 586-3056
 E-mail: westec@westec-inc.com

DATE: DEC. 2013

NO. DATE

DESCRIPTION

REVISIONS

M & T PARTNERS

PROPOSED PRELIMINARY SUBDIVISION PLAN

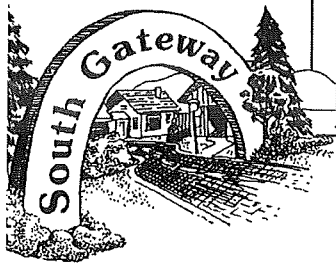
STORMWATER MANAGEMENT PLAN

DRAWING

2

JOB NUMBER

2672.7000.0



NEIGHBORHOOD ASSOCIATION
555 LIBERTY ST. SE ROOM 300 SALEM OREGON 97301 • TELEPHONE (503) 588-6261

February 5, 2014

Mr. Bryce Bishop, Case Manager
Salem Planning Division
555 Liberty Street, SE, Room 505
Salem, Oregon 97301

Dear Mr. Bishop:

Re: Property Owners : M & T Partners
Property Location : 2521 and 2531 Boone Road, SE
Case No. : SUB 14-01
AMANDA App. No. : 13-119992-LD

After discussion and review of the above-proposed application, the South Gateway Neighborhood Association (SGNA) will support this application under the following condition. That all site and street improvement conditions which accompanied the original approval remain in force and that said improvements will occur using the same time period restrictions as if the property had not been subdivided. SGNA reiterates its strong commitment that the improvements to Kuebler Boulevard between Commercial Street and I-5 should be completed no later than the future improvements to the I-5/Kuebler interchange. Additionally (relating to the Miller partition and the Elite Care site review) street improvements to Boone Road, west of Battlecreek, and Reed Lane—ending at Woodscape Drive and Barnes Road remain unsettled continuing a life-threatening traffic situation in that area.

SGNA reserves the right to amend this position up to and including the date the final determination is made by the City.

Stephen C. Withers, Chairman
Development/Land Use Committee
South Gateway Neighborhood Association
5434 Salal Street, SE; Salem, Oregon 97306
503.540.0442 (landline) 503.510.6004 (mobile)

SW*pw

CC Peter Fernandez, Public Works Director
Glenn Gross, Urban Planning Administrator

ATTACHMENT 3

TO: Bryce Bishop, Planner II
Community Development Department

FROM: Glenn Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: March 21, 2014

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
SUBDIVISION PLAT NO. 14-01 (13-119992)
2521 AND 2531 BOONE ROAD SE
SIX-LOT SUBDIVISION



RECEIVED
MAR 20 2014
COMMUNITY DEVELOPMENT

PROPOSAL

A subdivision to divide 7.32 acres into six lots ranging in size from approximately 0.795 acres (34,630 square feet) to approximately 2.35 acres (102,192 square feet), with a Class 2 Adjustment to:

1. Allow the number of flag lots within the subdivision to exceed 15 percent;
2. Allow more than four lots to be served by a flag lot accessway; and
3. Allow the length of the flag lot accessway to exceed 400 feet.

The property is zoned CO (Commercial Office) and CR (Commercial Retail) and is located at 2521 and 2531 Boone Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Design sewer and water systems to serve each lot.
2. Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements as approved by the Public Works Director and required by SRC 70.100.
3. Stormwater infrastructure provided to serve new development within the subdivision shall comply with the applicant's stormwater management plan.

ATTACHMENT 4

FACTS

Urban Growth Area Development Permit—Urban Growth Area Development (UGA) Preliminary Declaration 12-11 was issued September 25, 2012, establishing requirements for development of the subject property.

Streets

1. Battle Creek Road SE

- a. Existing Conditions—This street was recently improved as a condition of UGA Phase 1 to provide a variable improvement up to 56 feet wide within a 72-foot-wide right-of-way. There is a slope easement along the full frontage of Battle Creek Road SE (Battle Creek) adjacent to the subject property.
- b. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

2. Kuebler Boulevard SE

- a. Existing Conditions—Kuebler Boulevard SE (Kuebler) has a varied turnpike pavement section within a varied right-of-way of 180 feet to 150 feet in width. The intersection with Battle Creek has a signal.
- b. Standard—This street is designated as a parkway in the Salem TSP. The standard for this classification of street is an 80-foot-wide improvement within a minimum 120-foot-wide right-of-way.

3. Boone Road SE

- a. Existing Conditions—This street was recently improved as a condition of UGA Phase 1 to provide a variable improvement up to 58 feet wide within a varied right-of-way of 60 feet to 78 feet in width.
- b. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

Storm Drainage

Existing Conditions

- a. There is a drainage ditch in Battle Creek along the full frontage of the subject property.
- b. There is a drainage ditch in Kuebler adjacent to the subject property. There is a grade change where the drainage flows split.

- c. An 18-inch storm main is located in Boone Road SE (Boone).

Water

Existing Conditions

- a. The subject property is within the S-2 water service level.
- b. A 12-inch water main is located in Battle Creek.
- c. A 10-inch water main is located in Kuebler.
- d. There are 24-inch and 30-inch water lines in Boone.

Sanitary Sewer

Existing Sewer

- a. There is no sewer available in Kuebler and Battle Creek.
- b. An 8-inch public sewer line is located at the southeast corner of the subject property.

CRITERIA AND FINDINGS

SRC 63.046(b) and 63.051 indicate the criteria that must be found to exist before an affirmative decision may be made. These criteria and the corresponding findings are as follows:

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

Finding—The water, sewer, and storm infrastructure is available and appears to be adequate to serve future development. The detailed design for serving each parcel shall be provided in conjunction with the final plat approval.

New stormwater requirements in SRC Chapter 71 and PWDS became effective January 1, 2014. The proposed subdivision was submitted prior to the effective date of the new requirements. However, Site Plan Review applications for proposed developments within the subdivision will be submitted under the new requirements.

As specified in SRC 71.080(c), because the applicant has submitted a stormwater management plan as a part of the subdivision application prior to the effective date of the new ordinance, future Site Plan Review applications shall comply with the applicant's stormwater management plan instead of the stormwater requirements that became effective January 1, 2014.

SRC 63.046(b)(3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.

Finding—Public Works staff has analyzed the proposed development for compliance with applicable provisions of SRC Chapters 21, 63-66, 69-70, 72-78, 80, and 140. Any Code provisions found to be out of compliance are shown in the recommended conditions of development.

The applicant shall provide the required field survey and partition plat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC 63.060(a), the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), ORS 672.007(2)(b), ORS 672.045(2), ORS 672.060(4), OAR 850-020-0015(4)&(10), OAR 820-020-0020(2) and OAR 820-020-0045(5).

SRC 63.051(a)(2)—The proposed street system in and adjacent to a subdivision or partition conforms to the *Salem Transportation System Plan* adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.

Findings—The applicant's site plan provides for safe and orderly circulation of traffic into and through the proposed subdivision. Traffic circulation through lots 1 through 4 will be addressed with individual Site Plan Review applications.

Boundary and off-site transportation improvements are specified in the Preliminary Declaration for Urban Growth Area (UGA) Development Permit No. 12-11, which establishes requirements for each development phase of the proposed subdivision consistent with conditions of Zone Change 09-3 and CPC/ZC 06-6. The proposed subdivision does not create transportation impacts that warrant boundary street or off-site improvements at this time. Transportation improvements for future building projects will be addressed in Site Plan Review decisions consistent with the appropriate provisions of UGA 12-11, ZC 09-3, and CPC/ZC 06-6.

SRC 63.051(a)(3)—The proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.

Findings—Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed subdivision in compliance with the conditions of approval.

Bryce Bishop, Planner II

March 21, 2014

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MEMO

SRC 63.051(a)(5)—The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC Chapter 65.

Findings—Prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way, or adjoining or within an easement (or future right-of-way or easement), or within or adjoining a designated waterway, or within a floodplain overlay zone (SRC 65.040).

Prepared by: Robin Bunse, C.F.M., Administrative Analyst II

cc: File

**APPLICANT'S STATEMENT FOR M&T PARTNERS, INC. -
KUEBLER GATEWAY COMMERCIAL PROJECT SUBDIVISION**

Background

M&T Partners, Inc. (M&T) proposes to subdivide its 7.32 acre property located along the east side of Battle Creek Road, between Kuebler Blvd. and Boone Road. The M&T property makes up the western end of the Kuebler Gateway commercial project, which consists of a 28 acre tract situated between Kuebler Blvd., Boone Road, 27th Avenue, and Battle Creek Road. The contiguous Kuebler Gateway site is planned and zoned for a commercial retail and office center. M&T Partners, Inc. is a wholly-owned subsidiary of Pacific Realty Associates, L.P., which owns the rest of the commercial property adjacent to the east of M&T. The first phase of the development, consisting of two office buildings, has been built on the M&T property. One of the buildings is occupied by Salem Clinic.

The M&T property currently exists as two contiguous Tax Lots, identified as Tax Lot 600 on Assessor's map T8S-R3W-Section 11D, and Tax Lot 702 on map -12C. Tax Lot 600 is 4.73 acres and has frontage along Battle Creek Road, Boone Road, and Kuebler Blvd. Tax Lot 702 is 2.59 acres and has frontage along Boone Road. The parcels currently share two common property boundaries, a north-south line that constitutes an eastern/western boundary, and an east-west line that constitutes a northern/southern boundary.

The M&T property is zoned CO and CR (Zone Change Case 09-3). The CO zoning borders Boone Road, and includes Tax Lot 702 and the southern part of Tax Lot 600. The two office buildings are within the CO zoned area of the property. The remaining land to the north, which is all within Tax Lot 600 and borders Kuebler Blvd., is zoned CR and is vacant.

Access to the property is provided by a driveway to Boone Road, which runs along the east side of the property. This driveway will also serve as an access in common with the adjoining commercial land to the east, in keeping with a condition of approval adopted at the time of zoning approval, Comp Plan Amendment/Zone Change Case 06-6.

Subdivision Preliminary Plan

The purpose of the proposed subdivision is to create future building lots for the next stage of the site's development. The proposal is to divide the property into six lots, two of which will contain the existing buildings. As shown on the preliminary subdivision plan provided by Westech Engineering, the Project Engineer, Lot 1 is at the corner of Battle Creek Road and Kuebler; Lots 2 and 3 are located along the Kuebler frontage; Lot 4 is situated in between Lots 2 and 3 on the north, Lot 5 on the south, and the common access drive; Lot 5 is located along the Boone Road frontage and is the site of the Salem Clinic Building, and Lot 6 borders Boone Road and Battle Creek Road, and includes the second office building.

The size, zoning, and existing condition of each proposed lot is as follows:

Lot 1	.841 acre/36,634 squ ft.	CR	vacant
Lot 2	.795 acre/34,630 squ. ft.	CR	vacant
Lot 3	.920 acre/42,835 squ. ft.	CR	vacant
Lot 4	.872 acre/37,984 squ. ft.	CR	vacant
Lot 5	2.346 acres/102,192 squ ft.	CO	developed, Salem Clinic
Lot 6	1.549 acres/67,474 squ ft.	CO/ CR (northern edge),	developed, office building

There is no minimum lot size in the CR zone. The minimum lot size for most non-residential uses in the CO zone is 6,000 squ. ft. The proposed lots satisfy the applicable lot size requirements.

The primary access to all of the proposed lots is the common driveway to Boone Road. None of the lots have individual access to any of the bordering public streets. Reciprocal access easements will allow all six of the lots in this subdivision to access the common driveway to Boone Road, as well as lots created in the future from the commercial area to the east as it is developed. As more than four lots will have access to the easement; more than 15% of the lots in this subdivision will be "flag lots", and the length of the flag lot access easement will be greater than 400', Class 2 Adjustments to SRC 63.295(a) and (d) (ref Table 63-1) are required. The requirements for the Adjustments are addressed as part of this report.

Findings for Approval of a Subdivision, SRC 63.046

(b) Before approval of a tentative plan, the planning administrator shall make affirmative findings that :

(1) Approval 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 of any adjoining land or access thereto.

The proposed subdivision constitutes all of the land in the ownership of M&T Partners, Inc., at this location. The subdivision is proposed to create building lots that will promote and enhance the future use of the property. The development of the property is being coordinated with the future development of the commercial land to the east with regards to building placement, driveway access, parking and circulation, internal utility infrastructure, and public improvements, among other factors. Both the subject property and the adjoining commercial land to the east are subject to the conditions of approval adopted in the decision for CPC-ZC 06-6, which assures that incremental development provides for the future use of remaining portions of the 28 acre site. Because the development of the overall 28 acre site is coordinated by the conditions of approval with regards to on-site and off-site improvements, and these requirements are incorporated into the subdivision design, the future use of the M&T property will not be impeded, and the safe and healthful development of the remaining adjoining commercial land to the east, and the access to it, will not be adversely affected. Approval of the subdivision will benefit the future use and development of the contiguous property by including incremental development of facilities that will serve both properties.

(2) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plan.

The water, sewer, street and storm drainage facilities have been designed by Westech Engineering, the Project Engineer, and permits for construction were issued by the City. As stated by the Project Engineer, during 2013 the applicant submitted private and public construction drawings that were reviewed and approved by the City of Salem. The private improvements consisted of two buildings, a parking lot, private sanitary sewer system, private water system, and a private storm drain system. The storm drain system included detention and stormwater quality treatment for a 7.57 acre site. The public improvements consisted of

widening Boone Road, Battle Creek Road SE and a portion of Kuebler Blvd., as well as public sanitary sewer, storm and water line infrastructure. After City plan approval the applicant constructed the private (PERMIT # 12-115538-CO et al) and public improvements (PERMIT # 12-107400-02-PC) later that year in 2013. To date, the City has accepted the public improvements, thereby acknowledging that the improvements were constructed per City standards. Improvements constructed during this project provide the necessary infrastructure consisting of private sanitary sewer, private storm sewer, and public water that are available to fully serve this proposed subdivision.

(3) The tentative plan complies with all applicable standards of this Code, including the Salem zoning ordinance, unless a variance or adjustment therefor has been obtained.

The subdivision property is zoned CO and CR. There is no minimum lot size in the CR zone. The minimum lot size for most non-residential uses in the CO zone is 6,000 square feet. The two proposed lots in the CO part of the property are substantially larger than 6,000 square feet, and they are developed. All applicable standards of the Code were met at the time of development. The proposed undeveloped lots also meet the applicable lot standards of 63.145. The subdivision borders the adjacent, vacant CR land to the east only along the east line of Lot 3. Because the proposed lot and the adjoining land are zoned CR it is expected that the bufferyard setback requirement will be minimal.

Three features of the subdivision require Adjustments. More than four lots will be served by an access easement; Lots 1, 2, 3, and 6 are flag lots; and the length of the accessway exceeds 400'. Class 2 Adjustments to the standards of SRC 63.295(a) and (d) and Table 63-1 are requested for these features, and the criteria of SRC 250.005(d)(2) are addressed below.

At the time the development of a lot is proposed, the site plan will be required to demonstrate compliance with the applicable standards for property line setbacks, parking, access, landscaping, etc.

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

There are no residential areas adjacent to the proposed subdivision, and no neighborhood activity centers within a half-mile. The nearest residential area is located to the north-east, across Boone Road. An internal driveway along the east side of the subdivision provides access to Boone Road. This driveway will also serve as access to the adjoining commercial land to the east of the subdivision. Easements will provide access to each proposed lot, as well as future lots. Bicycle and pedestrian access will be available along Boone Road, and along the internal driveway providing access to the subdivision. Boone Road is a public street, and sidewalks and a bike lane will be located along Boone Road. By providing a direct link to Boone Road, the public street that serves the nearest residential area, safe and convenient bicycle and pedestrian access will be available from within the subdivision.

Adjustments, SRC Chapter 250

Class 2 Adjustments are requested to allow more than four lots to be served by the accessway, to allow the number of flag lots in the subdivision to exceed 15%, and to allow the length of the access to the flag lots to be greater than 400'. The criteria for a Class 2 Adjustment in SRC 250.005(d)(2) are addressed as follows:

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is*
 - (i) Clearly inapplicable to the proposed development, or*
 - (ii) Equally or better met by the proposed development*

The application satisfies (A)(ii). The property is subject to the conditions of approval of CPC/ZC 06-6, which apply to the entire contiguous 28 acres. Those conditions limit the number and the location of the driveways that can provide access to the public streets. These are one driveway to Boone Road, one driveway to 27th Avenue (at the far east end of the 28 acre site), and one right-in only from Kuebler Blvd. The limited number and specific location of the driveways makes it necessary to serve the development property with reciprocal easements for access to the driveways. In addition, the size and dimensions of the subdivision, in particular its depth to the west of the Boone Road driveway, results in the necessity for four flag lots, and an accessway length that exceeds 400'.

The large size of the property is a geographic feature that makes it impractical to limit the length of the accessway to 400' (ref Table 63-1 footnote 4). There will be adequate turn-around space for emergency vehicles at the end of the accessway within each lot. The conditions of approval that limited the number of driveways to the public street, and specified their locations, was adopted to assure adequate access to the contiguous development and efficient flow of traffic on the public streets. The proposed access to the lots and the property provides them with appropriate access to the common driveway, as required by the conditions of approval. For these reasons, the purpose underlying the three specific development standards proposed for adjustment are equally or better met by the proposed development, and this criterion is satisfied.

(B) (This criterion applies only to property located in a residential zone. The subject property is zoned CR. Therefore, this criterion does not apply.)

(C) If more than one adjustment has been requested the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone. Three Adjustments are requested; to allow more than four lots to be served by the accessway, to allow more than 15% of the lots to be flag lots, and to allow the length of the accessway to exceed 400'. The purpose of the zone in this case was established through the zone change cases that applied the CR and CO zones, CPC/ ZC 06-6 and ZC 09-3. The purpose was to enable a consolidated, coordinated retail and office center on the contiguous 28 acre site. Conditions of approval specify how aspects of the development, including access to the public street, are to be coordinated. The requested Adjustments fulfill the requirements of those conditions by providing internal access to the property from the common driveway that will access the public street. The proposed flag lots lie greater than 400' distant from the common driveway as a result of the size of the property. However, the project remains consistent with the overall purpose of limiting access to the public street to the specified number and location of common driveways. Therefore, the cumulative effect of the three requested Adjustments results in a project that conforms to the zoning conditions of approval, and which is still consistent with the overall purpose of the zone. These factors satisfy this criterion.

Summary

The land to be subdivided is part of the larger, approved, commercial center project. The subdivision organizes the future development of this part of the overall commercial site, and it coordinates future development with the provision of public services. It will have no effect on off-site properties and it will not change the relationship of the commercial center to adjoining properties. The exterior boundaries of the larger, approved, project site will not change as a result of the subdivision. Access to the subdivision lots from the external streets will remain as specified in the project conditions of approval. The proposed subdivision covers all of the property in the M&T ownership and there is no remainder that is not part of the subdivision. The subdivision will not adversely affect the safe and healthful development of the remaining commercial land within the project site to the east, or affect its access. The provisions made for water, sewer, streets, and storm drainage facilities for the subdivision comply with the City's public facility plan. The tentative subdivision plan addresses the applicable standards of the Zone Code, through compliance with the standards and by showing how the three requested Adjustments are equally consistent with the standards. The subdivision provides for all private and public facilities needed to serve the project.

For the facts and reasons presented, the subdivision addresses and satisfies the criteria for approval.