

NOTICE OF DECISION

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



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

ADMINISTRATIVE DECISION FOR CLASS 2 TIME EXTENSION

CASE NO.: SUB07-13AEXT
AMANDA NO.: 15-109539-LD
DATE OF DECISION : July 13, 2015
PROPERTY LOCATION: 4400-5200 Blocks of Kale Road NE / 97305
OWNER: Larry Epping, Tran Co.
REPRESENTATIVE: Mark Grenz, Multi-Tech Engineering Services, Inc.

REQUEST

A Class 2 Extension to extend the amended subdivision approval for the Northstar subdivision (Subdivision Case No. SUB07-13A) by two years to December 18, 2017. SUB07-13A granted tentative approval to divide approximately 148.74 acres into multi-family and single-family residential lots, with six alternative subdivision layouts resulting in up to approximately 730 lots and concurrent variances to allow townhouse lots on the portion of the subject property zoned RM-2 (Multiple Family Residential). Urban Growth Preliminary Declaration UGA07-01 was granted in association with the subdivision and, pursuant to SRC 200.025(g)(1), remains in effect as long as SUB07-13A remains valid.

The subject property is approximately 148.74 acres in size, zoned RS (Single Family Residential) and RM-1 and RM-2 (Multiple Family Residential), and located in the 4400-5200 Blocks of Kale Road NE (Marion County Assessor's Map and Tax Lot Numbers 062W32C 00200; 00800; 00900; 1000; and 062W32D 00701 and 01100).

BACKGROUND

On December 18, 2007, the Subdivision Review Committee approved amendments to the Northstar subdivision, a proposal to divide approximately 148.74 acres into multi-family and single family residential lots, with six alternative subdivision layouts resulting in up to approximately 730 lots and concurrent variances to allow townhouse lots on the portion of the subject property zoned RM-2 (Multiple Family Residential). Urban Growth Preliminary Declaration UGA07-01 was granted in association with the Northstar tentative subdivision plan. Two-year extensions of the amended approval were granted in 2009, 2011, and 2013. The most recent extension is set to expire on December 18, 2015.

Pursuant to SRC 200.025(g), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid as long as the tentative subdivision approval remains valid. Therefore, UGA07-01 and its terms and conditions would remain in effect for the duration of the subject Class 2 Extension.

On May 22, 2015, the applicant submitted a request to extend the approval of the Northstar subdivision (Case No. 07-13A-EXT) for an additional period of two years (Attachment A). On May 26, 2015, the application was deemed complete; public notice was provided pursuant to Salem Revised Code (SRC) requirements on May 29, 2015. A revised notice was provided on June 26, 2015 and the comment deadline was extended to July 10, 2015.

FINDINGS

1. Amended tentative subdivision plat No. 07-13A was approved on December 18, 2007 (Attachment C). However, due to changing economic conditions, the applicant was not able to commence with development of the project within the initial 2-year effective period of the subdivision approval, or prior to the expiration of subsequent two-year extensions granted in 2009, 2011, and 2013. As a result, the applicant has requested a fourth and final 2-year extension, which would extend the expiration period for the amended tentative subdivision plan approval to December 18, 2017.
2. Under the City's Unified Development Code, extension requests are classified under one of the following two classes:
 - **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
 - **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have been changes to the standards and criteria used to approve the original application, this new extension request is classified as a Class 2 Extension.

3. Neighborhood Association and Citizen Comments

- A. The subject property is located within the Northgate Neighborhood Association. No written comments were received from the Neighborhood Association public prior to the July 10 deadline.
- B. All property owners within 250 feet of the subject property were mailed notification and request for comments on the proposed extension. Prior to the July 10 deadline, one property owner submitted comments concerned about excessive vehicular traffic and speeding on Kale Street NE.

Staff Response: Approval criteria in SRC 300.0850(b)(2) specify that a Class 2 Extension "shall be granted if there have been no changes to standards and criteria used to approve the original application that would require modification of the original approval." As described in Finding #7 below, the adoption of the Unified Development Code did not result in substantive changes to approval criteria or standards that would require modification of the original approval. Therefore, the Class 2 Extension requested by the applicant must be approved.

The amended tentative subdivision plan contains a number of conditions requiring off-site improvements to mitigate traffic impacts on the street network in the vicinity, including contribution to neighborhood traffic calming devices, construction of left turn lanes on Kale Street NE, and improvements to the Cordon Road NE/Kale Street NE and Portland Road NE/Hazegreen Road NE intersections. The subdivision is also subject to the requirements of Urban Growth Area Preliminary Declaration 7-01, which remains in effect as long as the subdivision approval is valid. Pursuant to SRC Table 300-3, this is the applicant's fourth and final allowed extension to SUB07-13A. If the applicant does not exercise approval rights granted in SUB07-13A, prior to the expiration date of the final extension, the approval will be rendered null and void. In that event, any proposal for a tentative subdivision on the subject property would require a new application and be subject to an updated evaluation based on conditions in the vicinity at that time.

4. City Department and Public Agency Comments

- The Salem Fire Department and Public Works Department reviewed the proposal and indicated that they have no comments.

5. Public and Private Service Provider Comments

Notification and request for comments on the proposed extension was distributed to public and private agencies and service providers for the subject property. Public and private agencies submitted the following comments:

- Portland General Electric (PGE) reviewed the proposal, and submitted comments indicating that a 10-foot public utility easement (PUE) is required on all front street lots.

6. Class 2 Time Extension Approval Criteria

SRC 300.850(b)(4)(B) establishes the following approval criterion which must be met in order for a Class 2 Time Extension to be approved:

A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

7. Analysis of Class 2 Time Extension Approval Criteria

A Class 2 Extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

Finding: Amended Subdivision 07-13 was approved in 2007 under the requirements of former SRC Chapter 63 (Subdivisions). Since the approval of the most recent extension of the amended subdivision approval in 2013, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria.

The standards and criteria applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions require modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same. Because there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval, this criterion is met.

DECISION

Based on the requirements of SRC 300.850(b)(4)(B), the proposed Class 2 Extension complies with the requirements for an affirmative decision.

The Class 2 Extension to extend the tentative subdivision approval granted in SUB07-13A, for the Northstar subdivision, on property approximately 148.74 acres in size, zoned RS (Single Family Residential) and RM-1 and RM-2 (Multiple Family Residential), and located in the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Map and Tax Lot Numbers 062W32C 00200; 00800; 00900;

1000; and 062W32D 00701 and 01100) is hereby **APPROVED**. The extension shall be valid through **December 18, 2017**.



Christopher Green, Planner II
Urban Planning Administrator Designee

Attachments: A. Applicant's Extension Request
B. Vicinity Map
C. Decision of the Subdivision Review Committee approving Case No. SUB07-13A

Application Deemed Complete: May 26, 2015
Decision Mailing Date: July 13, 2015
Decision Effective Date: July 29, 2015
State Mandated Decision Date: October 1, 2015

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 **Tuesday, July 28, 2015 by 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 Hearings Officer will review the appeal at a public hearing. The Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information.

MEMO



Date: May 20, 2015

To: Glenn Gross
Urban Planning Administrator
Community Development
Planning Division
555 SE Liberty Street, Room 305
Salem, Oregon 97302

RE: Time Extension Request: SUB 07-
13/4400-5200 blocks of Kale
Road/Northstar Subdivision

Dear Glenn:

Pursuant to SRC 63.049(b), we are hereby requesting a time extension for the Northstar Subdivision (SUB 07-13 Amendment) approval. Approval was affirmed by the Subdivision Review Conference on December 18, 2007. In 2009, 2011, and 2013, the applicant requested 2-year time extensions and was granted approval. Therefore, the approval now expires on December 18, 2015.

Due to some unforeseen circumstances and the slowly recovering economy, the engineering on the project has not been completed. Therefore, the applicant is requesting a two year time extension for SUB 07-13, extending the date to December 18, 2017.

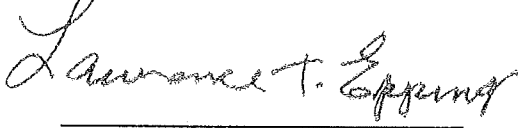
UGA 07-1 will expire on June 25, 2015, however, per SRC 200.025(g)(1):

"If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and his successors in interests shall be bound to complete all terms and conditions of the permit."

Therefore, an extension to the UGA is not required and it remains valid as long as the Subdivision approval is valid.

If you have any questions regarding this issue, please call me.

Sincerely,

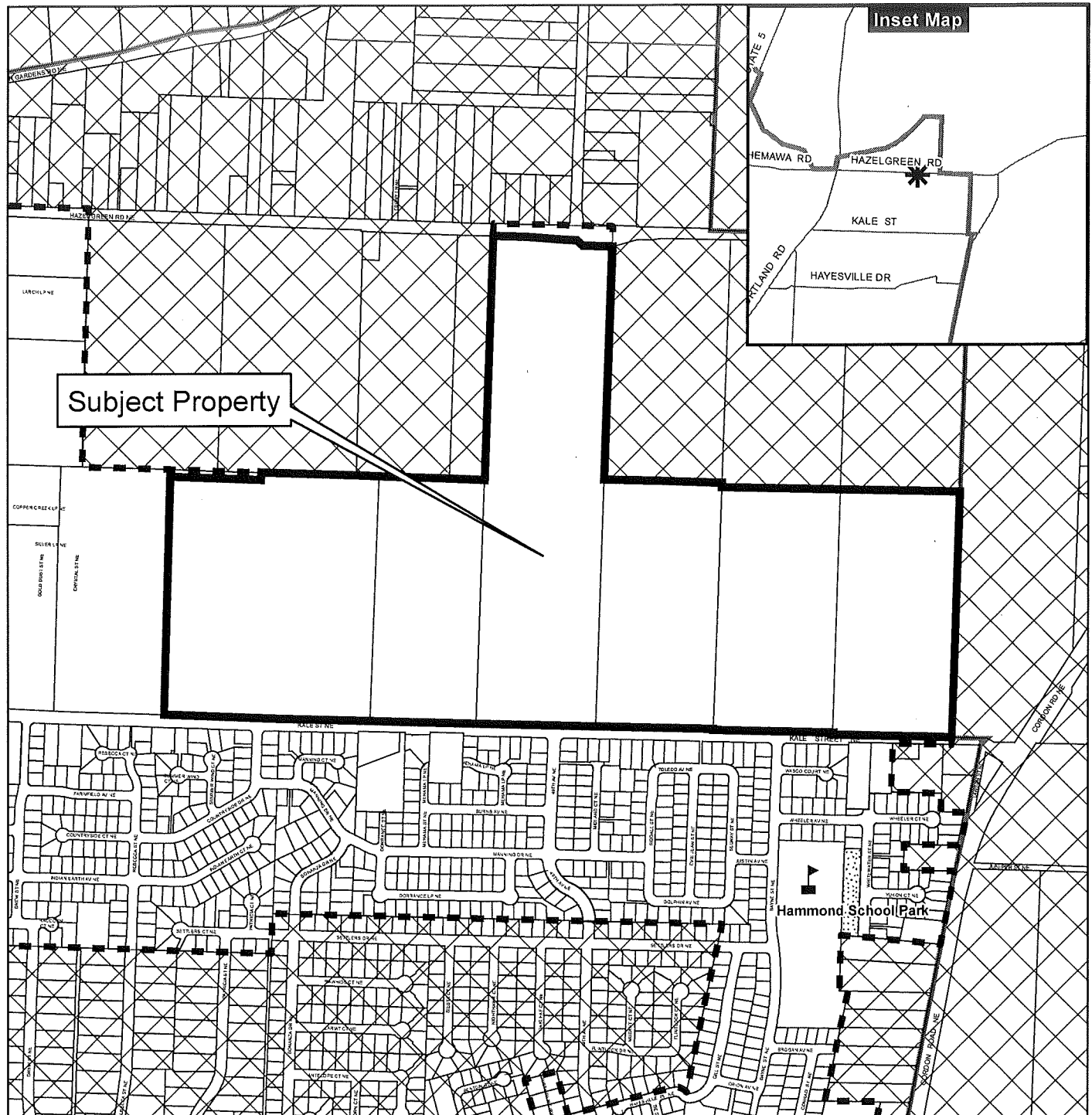


Date: 5-20-15

Larry Epping

Vicinity Map

4400-5200 blocks of Kale Road NE



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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MULTI TECH ENGINEERING

DEC 20 2007

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.

SUBDIVISION REVIEW

COMMITTEE

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

City of Salem
AT YOUR SERVICE

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 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 Gordon 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 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.

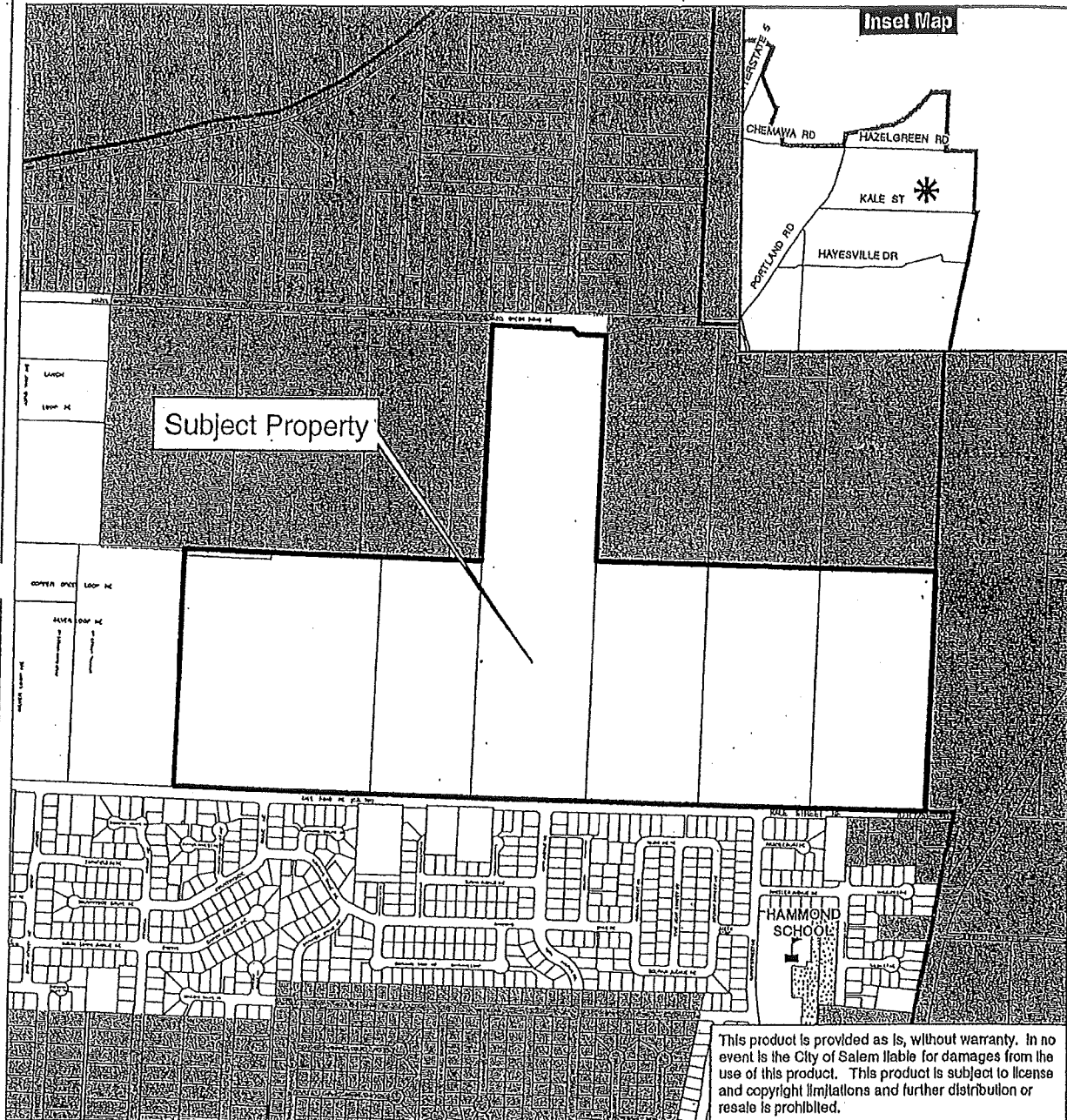
The Findings and Order of the Subdivision Review Committee for Subdivision 07-13A, dated December 18, 2007, are hereby adopted as part of this decision, and by this reference, incorporated herein. This tentative decision is valid and remains in effect for a period of two years. Under SRC 63.049, this 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

Vicinity Map 4400-5200 blocks of Kale Road NE



Legend

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

0 210 420 840 Feet



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ATTACHMENT 1