



## Pre-Application Report

Community Development Department  
Planning Division

555 Liberty Street SE/Room 305

Phone: 503-588-6173

[www.cityofsalem.net/planning](http://www.cityofsalem.net/planning)

 @Salem Planning

Case Number / AMANDA No. PRE-AP16-57 / 16-111662-PA  
Conference Date and Time July 7, 2016, 1:15 pm  
Applicants Battle Creek LLC  
Boulder Hill LLC  
Drager LLC  
Craig S. Hobbs  
Morning Star Church  
Pringle Creek LLC  
Representative Brandie Dalton  
Multi-Tech Engineering Services  
Case Manager Christopher Green, AICP, Planner II *CJG*

Pre-Application Conference Required: ☒ Yes ☐ No

Project Description & Property Information	
Project Description	Comprehensive Plan and Zone Change for 15 taxlots encompassing approximately 99 acres along the north side of Kuebler Boulevard SE between Battle Creek Road SE and 27th Avenue SE. The applicant proposes a mix of CR (Retail Commercial), RM-2 (Multiple Family Residential), and RS (Single Family Residential) zoning for the area.
Property Address	2300-2700 of Kuebler Boulevard SE
Assessor's Map and Tax Lot Number	083W12C00600 083W11D00400 083W12C00700 083W11D00500 083W12C00800 083W11D00601 083W12C01700 083W11D00602 083W12C01701 083W12B01600 083W11D00100 083W12B01700 083W11D00200 083W11D00202 083W11D00300
Existing Use	Predominantly vacant with scattered rural residential
Neighborhood Association	Morningside Neighborhood Association
Adjacent Neighborhood Association	South Gateway Neighborhood Association
Comprehensive Plan Map Designation	Developing Residential; small portion of Community Service – Hospital adjacent to Hillcrest campus
Zoning	RA (Residential Agriculture); small portion of PH (Public Health) adjacent to Hillcrest campus

<b>Overlay Zone</b>	N/A
<b>Urban Service Area</b>	<p>The subject property is located outside the City's Urban Service Area.</p> <p><i><b>Note:</b> Because the property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration may be required for development of the subject property. See comments from Public Works Department.</i></p>
<b>Urban Renewal Area</b>	N/A
<b>Past Land Use Actions</b>	<p>On Tax Lots 100 and 200: LLA98-27 (1998) adjusted the common boundary between the properties.</p> <p>On Tax Lot 1701: VAR96-05 (1996) and CU00-11 (2000) related to increase the maximum parking spaces and temporary gravel parking for a portion of the parking spaces for Morning Star Community Church.</p>

## Planning Division Comments

### Proposal

Comprehensive Plan and Zone Change for 15 taxlots encompassing approximately 99 acres along the north side of Kuebler Boulevard SE between Battle Creek Road SE and 27th Avenue SE. The applicant proposes a mix of CR (Retail Commercial), RM-2 (Multiple Family Residential), and RS (Single Family Residential) zoning for the area.

### Applicant Questions

1. *Process and costs? (Comprehensive Plan/Zone Change; PUD; Master Plan; UGA Preliminary Declaration) Which process would the City recommend?*

Because of the scale and indefinite nature of the proposal presented at the pre-application conference, staff cannot recommend a specific process for the land use changes and development involved. Most likely, implementing the proposal would require a sequence of applications, or consolidated applications. As noted at the pre-application conference, the City does not have a review process in place to allow master planning and refinement of large undeveloped sites such as this one.

Based on the materials submitted and conversation at the pre-application conference, staff believes the potential changes on the properties could be summarized as follows:

- Land use changes (Comprehensive Plan Map and zone changes) for portions of the site intended for commercial or multifamily residential development.
- Land division and/or reconfiguration of property lines consistent with the proposed land use changes. This assumes that areas proposed for commercial and multifamily residential development do not conform exactly to existing property boundaries within the overall site.
- Land division(s) to create lots for single family residential development. Note that the current RA (Residential Agriculture) zoning that covers almost all of the site allows for single family residential development, so no land use changes would be needed on these portions of the site.
- Development review (Site Plan Review, Multifamily Design Review, etc.) prior to construction of commercial and multifamily residential portions of the development.

A Planned Unit Development process could take the place of most or all of these processes, but requires a relatively detailed level of design at an early stage. Some commercial development could be included within a PUD as a retail service area or convenience service area, but amount of commercial development shown on the concept map would most likely have to be developed separately, with a comprehensive plan map and zone change to "Commercial." Higher density multifamily development may also be somewhat limited within a PUD, which calculates residential unit density based on an average across the property under the existing zoning.

2. *What kind of improvements will be required when this site is subdivided?*

Because the site is outside of the Urban Service Area, required master-planned facilities associated with developing the site will be determined through an Urban Growth Area Preliminary Declaration. Otherwise, it is difficult to determine specific required improvements, without knowing the size and arrangement of proposed land uses or development intensity. The size of the site and scale of the development being proposed may also require facilities provided by other agencies, such as schools or transit facilities. The applicant is encouraged to coordinate with all service providers during program development for the site.

3. *Is the City aware of any issues on this site that the applicant should be aware of?*

In addition to issues described in this memo and comments from the Public Works Department, staff recommends that the applicant be aware of the issues described below. Please note that these issues are based on a concept level of detail in the proposal, and other issues may arise later on as a project of this scale is refined:

The site is within the boundaries of the Airport Overlay Zone, primarily within the Horizontal Area described in SRC 602.010(f) and shown in SRC Chapter 602, Figure 602-1. Within the Horizontal Area, an Airport Overlay Zone Variance must be obtained for any building, structure, object, or vegetative growth more than 150 feet above the airport elevation. The ground level of much of the site is more than 150 feet above the airport elevation, and coordination with Salem Municipal Airport staff is highly recommended.

At the moment, very little east-west vehicular or pedestrian connectivity is planned or exists across the site. Depending on the intensity of development eventually proposed, and the results of Transportation Planning Rule and traffic impact analyses, additional east-west transportation facilities may be needed.

The site includes significant borders with a mixed-use, master-planned site already in development (Fairview) and a state correctional facility (Hillcrest) which may be redeveloped in the future. Coordination will be needed to ensure orderly development where the site shares these borders.

The Morningside Neighborhood Plan, adopted in 2014, includes goals and policies serving as guidance for future development. The "Opportunity Areas Map" included in the plan shows the subject property as the site of a future park, with commercial office or mixed use development at the corner of Battle Creek Road SE and Kuebler Boulevard. As described in the memo, the applicant is encouraged to meet with Neighborhood Association representatives to share information about the project and identify potential issues.

In addition to restricted access on the Kuebler Boulevard frontage, the western edge of the area shown on the concept plan for CR zoning is very close to single family residential and other less intensive development across Battle Creek Road. Intensive retail development tends to be most suitable on the western edge of the site, near the intersection with 27<sup>th</sup> Avenue SE and adjacent to existing CR-zoned properties. Lower-impact commercial development, such as the office and mixed-use development suggested in the Morningside Neighborhood Plan, might be more suitable at the east end of the proposed commercial corridor on the site's Kuebler frontage.

### **Agency Comments**

- Public Works Department will submit comments in a separate memo, including responses to the following applicant questions not addressed above:
  - 4) *Any foreseen traffic issues?*
  - 5) *Will a TIA or TPR be required?*
- Building & Safety Division submitted comments indicating no issues at this time.

### **Required Land Use Applications**

The land use applications checked in the table below have been preliminary identified as being required for development of the subject property based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

The application n submittal packets for these applications, which include a summary of the review procedure, submittal requirements, and approval criteria, can be found on the Planning Division's website at the following location:

<http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Pages/LandUseApplicationInformation.aspx>

The applicable land use application fees for these applications can be found on the Planning Division's website at the following location:

[http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/Planning\\_Fees.pdf](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/Planning_Fees.pdf)

Required Land Use Applications				
Zoning		Site Plan Review		
	Conditional Use		Class 1 Site Plan Review	
X	Comprehensive Plan Change		Class 2 Site Plan Review	
X	Zone Change		Class 3 Site Plan Review	
	Temporary use Permit – Class 1	Design Review		
	Temporary Use Permit – Class 2		Class 1 Design Review	
	Non-Conforming Use Extension, Alteration, Expansion, or Substitution		Class 2 Design Review	
	Manufactured Dwelling Park Permit		Class 3 Design Review	
Land Divisions		Historic Design Review		
?	Property Line Adjustment		Major	Minor Commercial
	Property Boundary Verification		Major	Minor Public
?	Replat		Major	Minor Residential
	Partition	Wireless Communication Facilities		
X	Subdivision		Class 1 Permit	
?	Phased Subdivision		Class 2 Permit	
?	Planned Unit Development Tentative		Class 3 Permit	



Required Land Use Applications			
	Plan		
	Manufactured Dwelling Park Subdivision		Temporary
<b>Relief</b>			Adjustment
	Adjustment – Class 1	<b>Other</b>	
	Adjustment – Class 2	<b>X</b>	Airport Overlay Zone Height Variance
	Variance		Annexation (voter approval)
<b>Natural Resources</b>			Sign Adjustment
<b>X</b>	Tree Conservation Plan		Sign Adjustment
	Tree Conservation Plan Adjustment		Sign Conditional Use
	Tree Removal Permit		Sign Variance
	Tree Variance		SWMU Zone Development Phasing Plan
	Willamette Greenway Permit – Class 1	<b>X</b>	Urban Growth Preliminary Declaration
	Willamette Greenway Permit – Class 2		Validation of Unit of Land

#### Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review shall be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

#### Comprehensive Plan Map Amendment (SRC Chapter 64)

Developing Residential; small portion of Community Service – Hospital adjacent to Hillcrest campus

The majority of the subject property is currently designated "Developing Residential" on the Salem Area Comprehensive Plan map, with a small portion adjacent to the Hillcrest Youth Authority campus designated "Community Service - Hospital." The RM-2 zone proposed for portions of the site implements the "Multi-Family Residential" comprehensive plan designation, and the CR zone proposed for other portions of the site implements the "Commercial" comprehensive plan designation. Therefore, a comprehensive plan map amendment to change the comprehensive plan designation for a portion of the site to "Multi-Family Residential" and/or

"Commercial" will be required with the proposed zone change application to change the zoning of portions of the site to RM-2 and CR.

In order to change portions of the site's comprehensive plan map designation from Residential Agriculture and/or Community Service Hospital to Multifamily Residential and Commercial, an application for a Minor Comprehensive Plan Map Amendment is required. Single family residential development is allowed within the "Developing Residential" designation and RA (Residential Agriculture) zoning that covers most of the properties, so no comprehensive plan or zone change is required prior to single family residential development in these areas. Pursuant to SRC 265.015(a)(2), land zoned RA would be automatically converted by operation of law upon the recording of a final subdivision plat.

**Minor Plan Map Amendment Approval Criteria.** In order for a minor plan map amendment to be approved, it must be demonstrated that the approval criteria identified below are met. The burden is on the applicant to submit sufficient information to demonstrate conformance with the approval criteria. Staff will review the application when it is submitted and make a recommendation to the Planning Commission based on the merits of the request. The Planning Commission will in turn make a recommendation to the City Council.

**Minor Comprehensive Plan Map Amendment (SRC 64.025(e)(2):** A Minor Plan Map Amendment may be made if it complies with the following:

**(A)** The Minor Plan Map Amendment is justified based on the existence of one of the following:

**(i) Alteration in Circumstances.** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

**(ii) Equally or Better Suited Designation.** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

**(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation.** A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

**(aa)** Whether there was a mistake in the application of a land use designation to the property;

**(bb)** Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;

**(cc)** Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

**(dd)** Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

**(B)** The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

**(C)** The proposed plan map designation provides for the logical urbanization of land;

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

(E) The amendment is in the public interest and would be of general benefit.

### **Zone Change (SRC Chapter 265)**

Because of normal and anticipated growth of the City, changing development patterns, governmental policy decisions affecting land use, community needs and other unanticipated factors, the zoning pattern established by the Salem Revised Codes cannot remain fixed in perpetuity. The purpose of the Zone Changes chapter (SRC Chapter 265) is to establish procedures and criteria to, when appropriate, change zoning designations.

The subject property is currently zoned RA (Residential Agriculture), with a small portion adjacent to the Hillcrest Youth Correctional Facility. In order to change the zoning of the subject property from RA to a combination of RS, RM-2, and CR, an application for a zone change will be required. Because the proposed zone change will be consolidated with a minor comprehensive plan map amendment, both the zone change and the minor comprehensive plan map amendment will be reviewed through a public hearing with the Salem Planning Commission.

**Zone Change Approval Criteria.** In order for a zone change to be approved, it must be demonstrated that the approval criteria identified below are met. The burden is on the applicant to submit sufficient information to demonstrate conformance with the approval criteria.

### **Quasi-Judicial Zone Changes (SRC 265.005(e)):**

(1) A quasi-judicial zone change shall be granted if the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following:

(i) A mistake in the application of a land use designation to the property.

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.

(iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

(C) The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a



demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

### **Development Standards**

Future development of the property will primarily be subject to the provisions of the following chapters of the SRC, depending on the type of overall development proposal and sequencing selected by the applicant:

#### **Land Use Application & Development Review Chapters**

- SRC Chapter 64 – Comprehensive Planning
- SRC Chapter 200 – Urban Growth Management
- SRC Chapter 210 – Planned Unit Development
- SRC Chapter 220 – Site Plan Review
- SRC Chapter 225 – Design Review
- SRC Chapter 265 – Zone Changes

#### **Zoning & Development Standards Chapters**

- SRC Chapter 511 – Single Family Residential zone
- SRC Chapter 514 – Multiple Family Residential zone
- SRC Chapter 522 – Retail Commercial zone
- SRC Chapter 602 – Airport Overlay zone
- SRC Chapter 702 – Multiple Family Design Review Guidelines and Standards
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 – Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- SRC Chapter 809 - Wetlands
- SRC Chapter 810 – Landslide Hazards
- All other applicable provisions of the Salem Revised Code

### **Planned Unit Development Review Process**

The review procedure, submittal requirements, and approval criteria for planned unit developments can be found under SRC Chapter 210. The submittal requirements for a planned unit development application are included under SRC 210.025(c).

***Planned Unit Development Approval Criteria.*** In order for a PUD to be approved it must be demonstrated that the proposed PUD tentative plan meets the approval criteria identified below. The burden is on the applicant to submit sufficient information to demonstrate conformance with the approval criteria.

**Planned Unit Development Tentative Plan (SRC 210.025(d)):** A Planned Unit Development tentative plan shall be approved if all of the following criteria are met:

- (1) *The PUD tentative plan conforms to the development standards of this Chapter.*
- (2) *The PUD tentative plan provides one or more of the following:*
  - (A) *Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children's play areas, picnic and barbecue facilities, and community gardens;*
  - (B) *Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or recreational uses include, but are not limited to, community gardens, commons, and private parks;*
  - (C) *Common open space that will preserve significant natural or cultural features; or*
  - (D) *Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.*
  - (E) *Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.*
- (3) *If a retail service area or convenience area is proposed, the area is designed to:*
  - (A) *Adequately provide for privacy and minimize excessive noise on adjacent uses;*
  - (B) *Provide for adequate and safe ingress and egress; and*
  - (C) *Minimize the impact of vehicular traffic on adjacent residential uses.*

### **PUD Development Standards**

***PUD Location Requirements:*** SRC 210.005 establishes requirements for where Planned Unit Developments are allowed. Pursuant to SRC 210.005(a)(4), Planned Unit Developments are allowed within the RM-2 zone.

***Uses:*** The allowed uses within a PUD are identified under SRC 210.010. Within a PUD, uses that are allowed within the zone are allowed within a PUD; provided, however, certain uses may be restricted in location to convenience service areas or retail service areas as set forth in SRC 210.065.

***Planned Unit Development with Land Division:*** If individual lots or parcels are proposed to be created within a PUD, a subdivision or partition is required with the PUD tentative plan.

The PUD tentative plan and the subdivision or partition shall be processed as a consolidated application under SRC 300.120(c).

Pursuant to SRC 210.015(b), the applicable approval criteria and development standards for a PUD tentative plan with a subdivision or partition are the approval criteria and development standards set forth in SRC Chapter 210.

**Number of Allowed Dwelling Units with Entire Development:** Requirements for the number of dwelling units allowed within a PUD are established under SRC 210.045(a), Table 210-2. For PUDs within an RM-2 zone, the number of dwelling units allowed is based on the number of dwelling units allowed in underlying zone for the property (between 12 and 28 dwelling units per acre).

**Maximum Number of Units Allowed in Individual Building:** SRC 210.045(a), Table 210-2, establishes requirements for the number of dwelling units allowed within individual buildings. Within a PUD there is no maximum limit on the number of dwelling units allowed within a building provided that the overall number of dwelling units included within the development does not exceed the maximum number of dwelling units allowed within the PUD.

**Lot Standards:** Because PUDs are intended to provide for greater flexibility in site development standards, there are no minimum lot area or dimension standards established for PUDs.

**Setbacks:** Setbacks for buildings and accessory structures within PUDs are established under SRC 210.045(b), Table 210-3. Required setbacks within PUDs are established for the perimeter of the PUD and the interior of the PUD.

A summary of the required setbacks within PUDs are included in the table below.

PUD Setbacks		
<b>PUD Perimeter Setback (Abutting Street)</b>		
Buildings & Accessory Structures	Min. 12 ft.	Applicable on local streets
	Min. 20 ft.	Applicable on collector or arterial streets
<b>PUD Perimeter Setback (Interior Side)</b>		
Buildings & Accessory Structures	Min. 5 ft.	
<b>PUD Perimeter Setbacks (Interior Rear)</b>		
Buildings	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height, <u>when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.</u>
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height, <u>when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.</u>
	Min. 5 ft.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or

		RS zoned lot located outside the PUD.
Accessory Structures	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
<b>PUD Interior Setbacks (<i>Abutting Street</i>)</b>		
Buildings & Accessory Structures	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. <i>(When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805)</i>
<b>PUD Interior Setbacks (<i>Interior Side</i>)</b>		
Buildings & Accessory Structures	None	
<b>PUD Interior Setbacks (<i>Interior Rear</i>)</b>		
Buildings & Accessory Structures	None	

**Building Height:** Maximum height for buildings and accessory structures within a PUD are established under SRC 210.045(c), Table 210-4. The maximum height for buildings within an RM-2-zoned PUD one is 35 feet. The maximum height for accessory structures is 15 feet.

**Off-Street Parking, Loading, & Driveways:** Off-street parking within a PUD must conform to the requirements of SRC 210.045(d) and the requirements of SRC Chapter 806.

**Required Parking Spaces:** SRC 210.045(d)(1), Table 210-5, establishes parking requirements for residential uses within the PUD. For PUDs within an RM-2 zone, the following parking requirements apply:

Minimum Parking		
RM-2 zone	2.5 per dwelling unit	Applicable to the first 10 dwelling units.
	2 per dwelling unit	Applicable to each additional dwelling unit over 10 dwelling units.

**Parking Development Standards:** SRC 210.045(d)(2) establishes the following development standards for parking areas within a PUD:



- ❖ **Location:** Required parking spaces shall be located within the PUD, and may be either on-street, off-street, or a combination thereof.
- ❖ **Garage or Carport Vehicle Entrance Abutting Street:** The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be set back a minimum of 20 feet.
- ❖ **On-Street Parking Dimensions:** On-street parallel parking spaces shall be a minimum of 7 feet in width and 22 feet in length.
- ❖ **Landscaping & Screening:** All off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or carport, shall be effectively landscaped, designed to minimize the effect of a large number of cars in one area, and screened with ornamental evergreens or architectural features such as fences and walls.

**Location of Side Lot Lines:** SRC 210.045(e) requires, as far as practicable, side lot lines within a PUD to run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

**Limits on Common Open Space:** SRC 210.045(f) limits the types of site improvements that can be counted as common open space within a PUD. Streets, parking areas, traffic circles, and other similar transportation related improvements shall not be considered, or considered to be a part of, common open space.

**Utilities:** SRC 210.045(g) establishes requirements for provision of utilities within a PUD. Within a PUD, all utility services are required to be underground except for stormwater management facilities.

**Home Owners Association:** SRC 210.055 requires that the perpetual maintenance and operation of common open space within a PUD be provided by a home owners association. The articles of the home owners association shall meet the requirements of SRC 210.045(b) and shall be recorded with the Planned Unit Development.

#### **Site Plan Review Process (SRC Chapter 220)**

Site Plan Review provides a consistent and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that the development meets all applicable requirements of the SRC. Examples of issues reviewed as part of site plan review include: property zoning, parking lot layout and landscaping, pedestrian connectivity, landscaped buffer yards, and transportation and utility infrastructure.

Certain decisions made by City staff while reviewing site plans are discretionary in nature, thereby meeting the definition of a limited land use decision under ORS 197.015(12). These types of discretionary decisions require an opportunity for public comment and appeal under state law. The Class 3 site plan review process satisfies these requirements, thereby eliminating the threat of further appeals after building permit issuance.

#### **Natural Resources**

- **Trees (SRC Chapter 808):** The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and

trees on lots and parcels greater than 20,000 square feet. 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 trees present on the subject property, a tree conservation plan will be required in conjunction with proposed partitions or subdivisions that creates lots or parcels for Single Family or Two Family residential uses. Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property.

If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal.

- **Wetlands (SRC Chapter 809):** According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands present on the subject property. The West Middle Fork of Pringle Creek runs through the western portion of Tax Lot 200, roughly parallel to Reed Lane SE. Portions of the subject property contain wetland soils, and may require the applicant to notify Oregon Department of State Lands (DSL).
- **Landslide Hazard Susceptibility (SRC Chapter 810):** According to the City's adopted landslide hazard susceptibility maps the subject property is mapped with several areas of 2-3 landslide hazard susceptibility points. Some of the development activities proposed for the site have certain point values assigned; for instance, there are 3 activity points associated with subdivisions. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a cumulative total of 5 points or greater indicates a moderate landslide hazard risk. In that situation a geologic assessment and potentially a geotechnical report will be required in conjunction with the proposed development.

#### **Neighborhood Association Contact Information**

Staff recommends that applicants/property owners contact the neighborhood association regarding their proposals as soon as possible. This allows for the neighborhood association to be involved early in the process and helps to identify any potential issues that might arise.

**Neighborhood Association:** Morningside Neighborhood Association

**Meeting Date, Time, & Location:** 2<sup>nd</sup> Wednesday of each month, 6:30 p.m.  
Pringle Creek Community Painters Hall  
3911 Village Center Drive

**Neighborhood Association Chair** Pamela Schmidling  
503-585-6641  
[sidrakdragon@live.com](mailto:sidrakdragon@live.com)

The subject property is also located across Kuebler Boulevard from the South Gateway Neighborhood Association (SGNA).

**Neighborhood Association:** South Gateway Neighborhood Association

**Meeting Date, Time, & Location:** 2<sup>nd</sup> Thursday of each month, 6:30 p.m.  
Our Savior's Lutheran Church  
1770 Baxter Road SE

**Neighborhood Association Chair** T.J. Sullivan  
503-881-9911  
[tj@huggins.com](mailto:tj@huggins.com)

Specific contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website:

**Morningside Neighborhood Association:**

<http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/associations/pages/morningside.aspx>

**South Gateway Neighborhood Association:**

<http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/associations/pages/sgateway.aspx>

**Salem Revised Code Available On-Line**

For specific reference to the requirements of the Salem Revised Code (SRC) discussed in this report, the code can be accessed on-line through the City's website at:

<http://www.cityofsalem.net/Departments/Legal/Pages/SalemRevisedCodes.aspx>

For up to date information on the Planning Division, commission agendas and decisions, follow the Planning Division on **twitter at: @Salem\_Planning**



# MEMO

\*\*\*\*\***DELIVERED VIA EMAIL**\*\*\*\*\*

**TO:** Multi Tech Engineering Services Inc.  
office@mtengineering.net

**FROM:** Glenn Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** July 13, 2016

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PRE-APP NO. 16-57 (16-111662)  
4786 BATTLE CREEK ROAD SE  
CPC/ZC FOR 15 TAX LOTS**

## PROPOSAL

A Pre-Application Conference to discuss a Comprehensive Plan and Zone Change for 15 tax lots encompassing approximately 99 acres along the north side of Kuebler Boulevard SE between Battle Creek Road SE and 27th Avenue SE. The applicant proposes a mix of CR (Retail Commercial), RM-2 (Multiple Family Residential), and RS (Single Family Residential) zoning for the area.

The subject property is approximately 98.98 acres in size, primarily zoned RA (Residential Agriculture) with a small portion zoned PH (Public Health) and located at the 2300-2700 Blocks of Kuebler Boulevard SE, and extending northward to the Hillcrest Youth Correctional Facility campus (Marion County Assessor's Map and Tax Lot Numbers: 083W12C/Tax Lots 600, 700, 800, 1700, 1701; 08W11D/Tax Lots 100, 200, 202, 300, 400, 500, 601, 602; 08W12B/Tax Lots 1600 and 1700).

## SUMMARY OF FINDINGS

1. As a submittal requirement of the CPC/ZC application, the applicant will need to submit a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (*Oregon Administrative Rule* [OAR] 660-012-0060). The TPR Analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.
2. As a submittal requirement of a subdivision or site plan review application, the applicant shall be required to submit a Traffic Impact Analysis (TIA). The applicant shall be required to construct any mitigation measures identified in the TIA.
3. The internal street system for the proposed development shall comply with the Street Standards for connectivity (SRC 803.025(a)).



4. Prior to development of the property, an Urban Growth Area (UGA) Development Permit shall be required, as prescribed in SRC 200.005(e), because the subject property is located outside the Urban Service Area (USA). A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. Anticipating requirements of the UGA permit are as follows:
  - a. There are significant deficiencies in the S-1 water service level that will impact development in this area. As a condition of development in the S-1 water service level, the applicant may be required to:
    - i. Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in *Water System Master Plan*; or
    - ii. If temporary capacity is available, connect to the S-1 and/or S-2 water system as a temporary facility pursuant to SRC 200.080(a). This requirement generally includes payment of a temporary access fee based on the subject property's proportional contribution toward future S-1 improvements in the area. The temporary facility access agreement may also require additional land dedication within the subject property for future construction of Coburn Reservoir.
  - b. The Park Master Plan indicates that this site is not served by either by a developed or undeveloped park facility. Park service is therefore unknown at this time, and the applicant's design professionals are encouraged to coordinate with Parks planning staff.
  - c. Boundary street improvements are warranted along Battle Creek Road SE, Reed Road SE, and 27<sup>th</sup> Avenue SE. The extent of the improvements may vary depending on the results of the TPR analysis and TIA.
  - d. The applicant is advised that availability of sewer and storm service is limited along the north portion of the subject property due to topographic constraints. Off-site sewer and/or storm systems may be needed.
5. At the time of development, the applicant shall be required to design and construct a storm drainage system for areas of replaced and new impervious surfaces. If the development proposal meets the definition of a large project, as defined in SRC 71.005(a) (11), the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.
6. City records show the proposed development may be a moderate landslide hazard risk. The applicant shall be required to submit a geological assessment from a licensed engineering geologist pursuant to SRC Chapter 810.
7. There are Salem-Keizer Local Wetland Inventory (LWI) linear channel wetlands mapped on the subject property. The applicant shall contact the Oregon

Department of State Lands (DSL) to verify if any permits are required for future development. The applicant is required to verify mapped wetland area(s).

## **FACTS AND FINDINGS**

Urban Growth Area Development Permit—Prior to development of the property, an UGA Permit shall be required, as prescribed in SRC 200.005(e), because the subject property is located outside the Urban Service Area (USA). A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200.

Transportation Planning Rule—The applicant will need to submit a TPR Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) with the zone change application. The TPR Analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. New traffic counts will need to be performed after the completion of the current construction activity in the area, including the work being done at Madrona Avenue SE and 25<sup>th</sup> Street SE. The counts must also be performed when school is in session.

Transportation Impact Analysis—As a requirement of development, the applicant may be required to provide a Transportation Impact Analysis to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; SRC 803.015).

## **Water**

### **1. Existing Conditions**

- a. The subject property is located within the S-1 and S-2 water service levels.
- b. A 12-inch water line in the S-2 service level is located in Kuebler Boulevard SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. The S-1 water service level may potentially be served by the S-2 system with pressure reducing valves installed on all individual residences below the elevation of 385 feet. Public Works will need to evaluate this impact to the water service level capacity prior to development within this area.
- d. The S-2 water service may be required to be a looped connection dependent upon fire flow design requirements for the proposed development.

2. The subject property will be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The design of the reservoir has not been completed at this point; the applicant's design professional will need to coordinate with Utility Planning on the impacts that the Coburn Reservoir will have on this development, including potential easement and land acquisition needs that may impact the development of the site.
3. If capacity is available, the applicant may be eligible to connect to the S-1 and/or S-2 water systems as a temporary facility pursuant to SRC 200.080(a). This requirement generally includes payment of a temporary access fee based on the subject property's proportional contribution toward future S-1 improvements in the area. The temporary facility access agreement may also require additional land dedication within the subject property for future construction of Coburn Reservoir. Due to potential constraints on available reserve capacity in the S-2 water system, a more detailed evaluation of the potential projects impacts must be made to determine if the service can be provided by the S-2 system.

### **Sanitary Sewer**

#### **1. Existing Conditions**

- a. A 15-inch sewer line is located in Reed Road SE.
- b. A 24-Inch sewer line is located in 27<sup>th</sup> Avenue SE.
- c. The northern section of this project may have issues connecting to existing sewage facilities due to topographical constraints; Sanitary Sewer easements across the adjacent properties may be required to provide services to portions of this site.

### **Storm Drainage**

#### **1. Existing Conditions**

- a. Drainage patterns in this area are generally conveyed into Pringle Creek. The property is on a ridge in which the drainage flows either to the northwest toward the West Middle Fork of Pringle Creek or southeast to the Kuebler Boulevard SE ditch. Drainage easements across the impacted properties may be required.
2. At the time of development, the applicant shall be required to design and construct a storm drainage system for areas of replaced and new impervious surfaces. If the development proposal meets the definition of a large project, as defined in SRC 71.005(a) (11), the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.

## Parks

1. The Parks System Master Plan indicates that this site is not served by either by a developed or undeveloped park facility. Park service is therefore unknown at this time, and the applicant's design professionals are encouraged to coordinate with Parks planning staff.

## Natural Resources

1. For projects greater than one acre, a National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality is required for all construction activities that disturb one acre or more. Proof of a valid permit must be submitted at the time of plans submission. City construction permits will not be issued without a valid NPDES permit. City permits will not be issued without a valid NPDES erosion control plan approval letter or written certification by the applicant that a permit is not required for this project.
2. City records show there are category "3" landslide hazard areas mapped on the site. A subdivision is assigned 3 activity points, for a total of 6 activity points indicating a Moderate Landslide Risk per SRC Chapter 810. The applicant shall submit a geological assessment from a licensed engineering geologist per SRC Chapter 810. If the Assessment indicates landslide hazards on the site, the Building Official shall specify the requirements of a High Landslide Risk Assessment.
3. The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). A wetland delineation may be required by DSL. The applicant shall contact DSL to verify if any permits are required for future development.

## Streets

1. Reed Road SE
  - a. 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.
  - b. Existing Conditions—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
  - c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side (SRC 77.150) based on a rational nexus calculation.
  - d. Improvements—At a minimum, the applicant shall construct a half-street improvement to Minor Arterial street standards as specified in the City Street



Design Standards. The design of Reed Road SE should be coordinated with the Simpson Hills development to the west of Reed Road SE.

2. Battle Creek Road SE

- a. 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.
- b. Existing Conditions—This street has an approximate 20- to 46-foot improvement within a 60- to 72-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 36 feet on the development side (SRC 77.150) based on a rational nexus calculation.
- d. Improvements—At a minimum, the applicant shall construct a half-street improvement to Minor Arterial street standards as specified in the City Street Design Standards.

3. Kuebler Boulevard SE

- a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 70- to 80-foot improvement within a 120- to 150-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way—No additional dedications are anticipated at this time.
- d. Improvements—No improvements are warranted along Kuebler Boulevard SE except as specified in the TPR and/or TIA.
- e. Access control—No driveway access will be granted onto Kuebler Boulevard SE.

4. 27<sup>th</sup> Ave SE- Kuebler Boulevard SE to Marietta Street SE

- a. 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.
- b. Existing Conditions—This street has an approximate 20- to 40-foot improvement within a 40- to 60-foot-wide right-of-way abutting the subject property.

- c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side (SRC 77.150) based on a rational nexus calculation.
  - d. Improvements—At a minimum, the applicant shall construct a half-street improvement to Collector street standards as specified in the City Street Design Standards. The design of the improvements should be coordinated with the Kuebler Station project on the East side of 27<sup>th</sup> Avenue SE.
5. 27<sup>th</sup> Avenue SE—Marietta Street SE to Strong Road SE
- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
  - c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side (SRC 77.150) based on a rational nexus calculation.
  - d. Improvements—At a minimum, the applicant shall construct a half-street improvement to Collector street standards as specified in the City Street Design Standards. The existing intersection angle between 27<sup>th</sup> Avenue SE and Strong Road SE is not in compliance with PWDS 6.5. The intersection may need to be redesigned or closed. The applicant's design professionals should contact Tony Martin, Assistant Traffic Engineer, for details on the issues impacting this intersection.
6. Strong Road SE
- a. 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.
  - b. Existing Conditions—This street has an approximate 20- to 30-foot improvement within a 40- to 60-foot-wide right-of-way abutting the subject property.
  - c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side (SRC 77.150) based on a rational nexus calculation.
  - d. Improvements—At a minimum, the applicant shall construct a half-street improvement to Collector street standards as specified in the City Street Design Standards.

7. At the time of development, the applicant shall be required to comply with the Street Standards for connectivity (SRC 803.025(a)).

Prepared by: Nathan Coapstick, Project Coordinator  
cc: File