

Northstar

Modified Subdivision (SUB 07-13)

BACKGROUND:

On June 25, 2007, UGA Preliminary Declaration (UGA 07-1) was issued for the subject property (4400-5200 blocks of Kale Road).

The applicant received subdivision (SUB 07-13) approval on September 28, 2007, for 730 (Option 1), 669 (Option 2), and 694 (Option 3) lot subdivision (4400-5200 blocks of Kale Road).

The applicant amended Subdivision Case No. 07-13 (SUB 07-13A), and received approval on December 18, 2007, for 730 (Option 1), 669 (Option 2), and 694 (Option 3) lot subdivision (4400-5200 blocks of Kale Road).

The applicant received approval for Tree Conservation Plan (TCP 07-17) on property located within the 4400-5200 blocks of Kale Road.

The subject property is approximately 148 acres in size and located within the 4400-5200 blocks for Kale Road (062W32D/Tax Lots 701 & 1100 and 062W32C/Tax Lots 200, 700, 800, 900, and 1000). The subject properties are zoned RS (Single Family Residential), RM1 (Multi-Family Residential-1), and RM2 (Multi-Family Residential-2). The subject property is designated as "Single Family Residential" and "Multi-Family Residential" on the Salem Area Comprehensive Plan (SACP) Map.

PROPOSAL:

The proposal is to modify the segment lines within Subdivision Case No. SUB 07-13. The modification will not change or modify any Conditions of Approval. See attached site plan.

The SUB 07-13A was approved with three (3) options and eleven (11) Segments; the modification is for three (3) options and eleven (11) Segments, but with different segment lines. The total numbers of lots is not being modified, only the segment lines are proposed for modification.

Original (11 Segments):

- *Option 1 (lots only)=729
- *Option 2 (lots w/Park and School)=669
- *Option 3 (lots w/Park only)=694

Proposed Modification (11 Segments):

- *Option 1 (lots only)=729
- *Option 2 (lots w/Park and School)=669
- *Option 3 (lots w/Park only)=694

SITE VICINITY and CHARACTERISTICS:

The subject property is located on Kale Road. The vicinity map is attached as shown. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

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

EXISTING SITE CONDITIONS:

The subject property is approximately 148 acres in size. The modification does not change or impact trees, wetlands or landslides on the subject property. The modification is only to change the segment lines as shown on the site plans.

Trees: There are six (6) trees located on the subject property and the applicant has approval to remove one (1) of the trees per TCP Case No. 07-17. The applicant is not modifying the Tree Conservation Plan. Additional trees are not proposed to be removed.

Wetlands: On July 16, 2007, as part of the original approval, DSL provided comments indicating that a removal-fill permit may be required on the site. The applicant will obtain all required permits prior to development of the site.

Landslide Susceptibility: According to the City's adopted landslide hazard susceptibility maps, a geological assessment is not required.

ACCESS AND CIRCULATION:

The modification does not change or impact circulation to, from, or within the subdivision.

General Circulation: The modified subdivision will result in the creation of 729 lots, with three (3) preliminary plan options. Vehicular access to the proposed lots will be taken from proposed internal streets. All lots will have access onto Kale Road to the south and Hazel Green Road to the north. Stub streets have been provided along the east and west property lines for future development of surrounding properties. The internal streets will provide safe and efficient access to the lots and to the existing street system, by providing direct access to the site and to Kale Road and Hazel Green Road.

Boundary Streets: There are two streets abutting the subject property, Kale Road to the south, which is designated as a 'minor arterial' street and Hazel Green Road to the north, which is designated as a "parkway" in the Salem Transportation System Plan (TSP). Improvements to these streets will be made as outlined in the UGA 07-1.

Internal Streets: The proposed subdivision will have direct access onto Kale Road and Hazel Green Road via proposed internal streets. All internal streets are designed to Public Works street standards as shown on the site plans.

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1): The proposed modification does not change or impact compliance with the required criteria.

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in UDC 205.010(d) and UDC 205.015(d). The decision criteria for subdivisions without a concurrent variance under UDC 205.010(d) and UDC 205.015(d) must be found to exist before an affirmative decision may be made for a subdivision application.

The original and modified approved request for SUB 07-13 and SUB 07-13A was as stated below:

“A request to divide approximately 148.74 acres into multi-family and single-family residential lots, with six alternatives for such division resulting in up to approximately 730 lots, and concurrent variances to the lot dimensional standards of SRC Chapter 63.145(b), 63.145(d), and 148.390(a) in order to allow townhouse lots within the RM2-zoned portion of the subject property, which is zoned RM1 (Multi-Family Residential), RM2 (Multi-Family Residential), and RS (Single-Family Residential) and generally located within the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Maps 062W32C and 062W32D, tax lots 200, 800, 900, 1000, 1100, and 701).”

The original and modified approved request above is not changing or being affected. The modification is only to move segment lines as shown on the modified site plan. The SUB 07-13A was approved with three (3) options and eleven (11) Segments; the modification is for three (3) options and eleven (11) Segments, but with different segment lines. The total numbers of lots is not being modified, only the segment lines are proposed for modification.

(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

Applicant Findings: The proposed lots meet SRC Chapter 205 (Subdivision), Chapter 211 (Single Family Residential) minimum lot size, dimension (in the RS zoned portion), and street frontage standards. A variance to lot dimensions in the RM1 and RM2 zoned portions of the property were approved under SUB 07-13 and SUB 07-13A. All lots are suitable for the general purpose for which they are intended to be used, such as for the development code permitted uses. The lots are of size and design as not to be detrimental to the public health, safety, or welfare.

The subdivision code, SRC 205, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. 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 parcel or lot. As stated above, A variance to lot dimensions in the RM1 and RM2 zoned portions of the property were approved under SUB 07-13 and SUB 07-13A.

The modified proposal conforms to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The modification does not impact or change lot size or dimensions. The proposed subdivision (11 Segments) is in compliance with lots size requirements and required access. Therefore, this criteria has been met.

(B) City infrastructure standards.

Applicant Findings: As indicated in the original approval (SUB 07-13 and SUB 07-13A), the lots can be adequately served with water, sanitary sewer and storm drainage facilities. The subdivision can also be served with other utilities appropriate to the nature of the development.

The proposed development is subject to the Conditions of Approval per UGA 07-1. The modification will not impact the proposed utilities.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final subdivision plat.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Applicant Findings:

Wetlands: On July 16, 2007, as part of the original approval, DSL provided comments indicating that a removal-fill permit may be required on the site. The applicant will obtain all required permits prior to development of the site.

Landslide Susceptibility: According to the City's adopted landslide hazard susceptibility maps, a geological assessment is not required.

(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Applicant Findings: The modification is to change the segment lines within SUB 07-13, as shown on the site plan. The subject properties and adjacent properties will not be affected by this modification. Approval of the modified subdivision does not impede future use of the subject property. Adjacent properties are either developed with existing single family dwellings or are currently vacant land. Stub streets have been provided to properties to the east and west for future development.

The proposal provides for development of the site consistent with current zoning standards and SUB 07-13 dated September 28, 2007, and SUB 07-13A dated December 18, 2007. The proposal meets the criterion.

(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.

Applicant Findings: The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development, and provide for future development of any adjoining properties. The City's adopted facility plans and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

The property has an issued UGA (UGA 07-1). Public facilities are available to serve the property resulting from prior development in the subject area. UGA 07-1 outlines all the needed linking requirements and improvements to get services to the site.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. Therefore, this criteria has been met.

Proposed Storm Water Management System:

Applicant Findings: Storm water quality and quantity have been reviewed for this development. An LID (low impact development) Storm water technique will be used to mitigate the increase in pollutants contributed from development. This system may also be used to provide storage and water quantity control. The exact system will be determined at the time of design. Any proposed technique meets City of Salem Storm water Management standards in means and methods to provide all aspects of Storm water management.

Per Condition No. 11 of SUB 07-13, the applicant will design and construct a complete storm drainage system at the time of development. The applicant will design the storm drainage system based on the design standards in place at the time of the 2007 Subdivision approval.

(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Applicant Findings: The subdivision provides for hard-surfaced vehicle, bicycle and pedestrian access from the subdivision to the existing internal streets.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision modification is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service available to the site is provided via Route 15, located on Kale Road to the south of the site.
- (b) Pedestrian Connectivity: Improved pedestrian access is indicated on the site plan and will be provide via proposed sidewalks along the internal streets onto the existing sidewalk and proposed sidewalks on Kale and Hazel Green Road.

As an infill proposal, the transportation network in the area is already established or being established as more development occurs in the area. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

Findings for supporting this criterion are found in UGA 07-1. The major street network in the area has been identified has having been established and is consistent with the Salem Transportation System Plan. Improvements and linking requirements will be made as outlined in UGA 07-1. The subdivision is served with adequate transportation infrastructure and the street system adjacent to the property will conform to the Salem Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property.

The proposed subdivision will have direct access onto Kale Road and Hazel Green Road via proposed internal streets. All internal streets will be designed to Public Works street standards.

A TIA was submitted and approved by the City of Salem, with the SUB 07-13 approval. The modification is not changing the number of lots proposed; it is only modify segment lines within the subdivision. Therefore, the modification will not affect the TIA.

(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Applicant Findings: The subject property is located in a developed and developing area where improved streets and sidewalks exist or are proposed. The local street system serving the development provides the necessary connections and access to the Local Street and circulation system serving this residential neighborhood.

The subdivision will provide sidewalks along the proposed portion of the site where lots and Segments will be developed.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The Public Works Department addressed the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements via issued UGA 07-1. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application.

The proposed modification does not change the street layout or circulation that was originally approved. Therefore, this criteria has been met.

(6) The tentative subdivision plan 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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Applicant Findings: The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

Therefore, via existing and proposed paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods.

The proposed modification does not change the street layout that was originally approved. Therefore, this criteria has been met.

(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

The proposed modification does not change the street layout that was originally approved. A TIA was approved by the City of Salem in 2007. All mitigations required by the TIA and Conditions of Approval will be met.

Therefore, this criteria has been met.

(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Applicant Findings: Topography and vegetation was taken into consideration for the subdivision. A majority of the lots and all the streets are in compliance with the UDC. In order to allow townhouse lots within the RM2-zoned portion of the subject property, a variance to the lot dimensional standards was requested and approved with SUB 07-13.

(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Applicant Findings: The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. 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 parcel or lot.

The subdivision plan takes into consideration the topography and vegetation of the site. The applicant has an approved Tree Conservation Plan (TCP 07-17). The Tree Conservation Plan is not being modified.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

Topography and vegetation was taken into consideration for the subdivision. A majority of the lots and all the streets are in compliance with the UDC. In order to allow townhouse lots within the RM2-zoned portion of the subject property, a variance to the lot dimensional standards was requested and approved with SUB 07-13. Therefore, this criteria has been met.

10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Applicant Findings: The subject properties are subject to growth management requirements for public facilities. Urban Growth Area Permit-UGA 07-1 was approved for the subject property. Therefore, the applicant is subject to the requirements of UGA 07-1.

MODIFICATION CRITERIA-UDC 205-070(D)-See Proposed Modification Sheets 1-6

The SUB 07-13 and SUB07-13A were approved with three (3) options and eleven (11) Segments; the modification is for three (3) options and eleven (11) Segments, but with different segment lines. The total numbers of lots is not being modified, only the segment lines are proposed for modification.

Original (11 Segments):

*Option 1 (lots only)=729
*Option 2 (lots w/Park and School)=669
*Option 3 (lots w/Park only)=694

Proposed Modification (11 Segments):

*Option 1 (lots only)=729
*Option 2 (lots w/Park and School)=669
*Option 3 (lots w/Park only)=694

Criteria. An application for modification pursuant to this section shall be approved if all of the following criteria are met:

(1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and

Applicant Findings: The modification is in substantial conformance with the original approval and conditions of approval. The modification will not revise or eliminate any of the Conditions of Approval for SUB07-13, SUB07-13A, TCP07-17, and UGA07-1. The modification is only to change segment lines as shown on the site plan. The original was for eleven (11) Segments. The modification will continue to have eleven (11) Segments, but with modified segment lines. Therefore, the modification is not and will not be inconsistent with conditions of original approval.

(2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Applicant Findings: The proposed modification does not result in significant physical changes as shown on the site plan. The only changes are the segment lines within the eleven (11) Segments. See Proposed Modification Sheets 1-6. Therefore, the change in segment lines is not a significant change.

Conclusion

The SUB 07-13A was approved with three (3) options and eleven (11) Segments; the modification is for three (3) options and eleven (11) Segments, but with different segment lines. The total numbers of lots is not being modified, only the segment lines are proposed for modification as shown on the Proposed Modification Sheets 1-6.

Original (11 Segments):

*Option 1 (lots only)=729
*Option 2 (lots w/Park and School)=669
*Option 3 (lots w/Park only)=694

Proposed Modification (11 Segments):

*Option 1 (lots only)=729
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The proposed modification is in compliance with all applicable Code and the Conditions of Approval. All Conditions of Approval will be met as specified in the SUB07-13, SUB07-13A, and UGA07-1, along with requirements of this proposed modified decision.

Extension: The original decision expires on December 18, 2017. Due to waiting for the economy to recover and unforeseen circumstances for the property owner, the engineering on the property has not yet been completed. The findings above justify extending the subdivision timeline another 10 years. The proposed modified subdivision is in compliance with the original conditions of approval and the applicable

Code that was in place at the time of approval (2007). Therefore, the new expiration date is 2027 for the final eleventh (11th) segment of SUB07-13 as modified within this proposal.
