

#6502



## Pre-Application Report

Community Development Department  
Planning Division

555 Liberty Street SE/Room 305  
Phone: 503-588-6173  
[www.cityofsalem.net/zoning](http://www.cityofsalem.net/zoning)

Case Number / AMANDA No. PRE-AP17-57 / 17-112572-PA  
Conference Date and Time July 17, 2017 at 3:15 pm  
Applicant: MSF Development  
Representative: Multi-Tech Engineering Services, Inc.  
Case Manager Christopher Green, AICP *CSA*

Pre-Application Conference Required: ☒ Yes ☐ No

Project Description & Property Information	
Project Description	Annexation and development of an 80-lot subdivision for residential development on approximately 19.89 acres just south of the City limits.
Property Address	6719 Devon Avenue SE
Assessor's Map and Tax Lot Number	083W22C00300
Existing Use	Rural residential; vacant
Neighborhood Association	N/A
Adjacent Neighborhood Association	South Gateway Neighborhood Association
Comprehensive Plan Map Designation	Developing Residential
Zoning	UT (Marion County – Urban Transition)
Overlay Zone	N/A
Urban Service Area	<p>The subject property is located outside the City's Urban Service Area.</p> <p><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.</p>
Urban Renewal Area	N/A
Past Land Use Actions	N/A

## **Planning Division Comments**

### **Proposal**

Annexation and development of an 80-lot subdivision for residential development on approximately 19.89 acres just south of the City limits.

### **Additional Planning Comments**

- Connectivity to adjacent undeveloped properties is required to the extent that existing or approved development on those properties allows for extension of a safe, efficient street network. In the case of the subject property, this includes multiple street connections to the property to the south (currently shown) and a westward connection from the Lone Oak Road extension to serve Tax Lot 900. The configuration of the currently approved Oak Ridge Estates tentative subdivision on the abutting property to the north does not allow a direct connection from the subject property. In the event that the configuration of the Oak Ridge Estates development changes, a subdivision on the subject property would be required to provide an additional northward connection to Tax Lot 200.
- Based on the level of detail provided, the proposed subdivision appears to meet most development standards. Because the plans provided are conceptual, staff cannot evaluate compliance with more specific standards such as lot dimensions at this time.

### **Agency Comments**

- Staff from the Fire Department submitted comments referring to comments shared in the pre-application conference related to the need to develop a second fire department access for review and approval, or the need to install fire sprinklers in all structures. Fire hydrants will be required, spacing will be determined based on if structures have fire sprinklers or not.
- Staff from the Community Development Department, Building and Safety Division, submitted comments indicating no issues with the proposal at this time.
- Staff from the Public Works Department address issues related to utilities, transportation, and other infrastructure requirements in a separate memo.
- Salem-Keizer Mass Transit District ("Cherriots") submitted comments indicating that the development would be approximately 1.5 miles from the closest transit service. There are no plans at this time to expand service in the vicinity.

### **Required Land Use Applications**

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property (annexation with comprehensive plan change and zone change) based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications (urban growth area preliminary declaration, conditional use, site plan review, multiple family residential design review, driveway approach permit) may be required depending on the specific proposal at the time of future development.

The application submittal packets for these applications, which include a summary of the review procedure, submittal requirements, and approval criteria, are attached to this report.

The applicable land use application fees for these applications can be found on the Planning Division's website at the following location: <http://new.cityofsalem.net/CityDocuments/planning-fees.pdf#search=land%20use%20fee>

Required Land Use Applications				
Zoning		Site Plan Review		
	Conditional Use		Class 1 Site Plan Review	
	Comprehensive Plan Change		Class 2 Site Plan Review	
	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 Plan		Class 3 Permit	
	Manufactured Dwelling Park Subdivision		Temporary	
Relief			Adjustment	
	Adjustment – Class 1	Other		
	Adjustment – Class 2	X	Annexation (voter approval)	
	Variance		Annexation (voter-exempt)	
Natural Resources			Sign Adjustment	
X	Tree Conservation Plan		Sign Conditional Use	
	Tree Conservation Plan Adjustment		Sign Variance	
	Tree Removal Permit		SWMU Zone Development Phasing Plan	
	Tree Variance	X	Urban Growth Preliminary Declaration	
	Willamette Greenway Permit – Class 1		Validation of Unit of Land	
	Willamette Greenway Permit – Class 2		Class 2 Driveway Approach Permit	

**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.

#### **Annexation Review Process**

Subject to SRC Table 260-1, the existing Developing Residential designation of the property on the Comprehensive Plan Map would result in an automatic zone change to RA (Residential Agriculture) or RS (Single Family Residential) upon annexation. Therefore, no concurrent comprehensive plan change or zone change would be necessary to develop the property as a single family residential subdivision.

The proposed annexation would be a petitioner-initiated annexation subject to the review procedure, submittal requirements, and criteria of SRC Chapter 260, except it would be exempt from requirements related to sending the proposed annexation to the voters if all of the property owners sign the petition. To be exempt from the voter annexation process, the applicant must provide a current deed and a list of all owners of the property, and all of these owners must sign the annexation petition.

The City Council will hold a public hearing to receive public testimony and comments regarding the proposed annexation. Following the public hearing, the City Council will determine whether or not to approve the proposed annexation. If the City Council approves the proposed annexation, it will adopt an ordinance to annex the subject property inside the city limits and withdraw the subject property from special service districts.

The City will notify the State of the territory proposed for annexation. The effective date of the annexation is the date on which the City files the annexation records with the Oregon Secretary of State.

#### **Subdivision Review Process**

The review procedure, submittal requirements, and approval criteria for subdivisions can be found under Chapter 205 (Land Division and Reconfiguration). The submittal requirements for a subdivision application are included under SRC 205.030.

**Subdivision Approval Criteria.** In order for a subdivision to be approved it must be demonstrated that the subdivision meets the approval criteria identified below. The burden is on the applicant to submit sufficient information to demonstrate conformance with the approval criteria.

**Tentative Subdivision Plan (SRC 205.010(d)):** A tentative subdivision plan shall be approved if all of the following criteria are met:

- (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.*
  - (B) City infrastructure standards.*
  - (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.*
- (2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.*
- (3) Development within the tentative subdivision plan can be adequately served by City infrastructure.*
- (4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.*
- (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.*
- (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.*
- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.*
- (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.*
- (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.*
- (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.*

If the tentative subdivision is approved, public construction plans for required streets and public infrastructure to serve the subdivision must be reviewed and approved by the City's Public Works Department, the required streets and public infrastructure must be constructed, and a final subdivision plat must be prepared by a land surveyor for recording with the County. Before the final subdivision plat can be recorded with the County, however, it must first be reviewed and signed by the City Surveyor and the Urban Planning Administrator.

### **Development Standards**

Future development of the property will primarily be subject to the provisions of the following chapters of the SRC:

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

- SRC Chapter 200 - Urban Growth Management
- SRC Chapter 205 – Land Division and Reconfiguration
- SRC Chapter 260 – Annexation Procedures

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

- SRC Chapter 86 – Trees and Shrubs
- SRC Chapter 511 – RS – Single Family Residential
- 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 808 - Preservation of Trees and Vegetation
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code

### **RS Zone Standards (SRC Chapter 511)**

The subject property is currently zoned by Marion County as UT (Urban Transition). Upon annexation, the subject property will be automatically rezoned to RA (Residential Agriculture) or RS (Single Family Residential). SRC 265.015(a)(2) provides that when property zoned RA is subject to an approved tentative subdivision plan, the property is automatically rezoned to RS (Single Family Residential) on the date of recording the final subdivision plat with the County. As such, the following summary of applicable development standards is based on the future RS zoning of the property once the final subdivision plat is recorded.

The following summary of applicable development standards is based on the future RS zoning of the property.

- **Use:** The subject property is proposed to be subdivided into approximately 212 lots in order to allow for the development of single family dwellings. The allowed uses within the RS zone are established under SRC 511.005, Table 511-1. Single family dwellings are a

permitted use within the RS zone. Duplexes are permitted on corner lots 7,000 square feet or larger.

- **Lot Standards:** Lot standards within the RS zone are established under SRC 511.010(a), Table 511-2. A summary of the lot standards for single family dwellings within the RS zones is provided in the table below.

RS Zone Lot Standards		
Lot Area	Min. 4,000 sq. ft.	
	Min. 5,500 sq. ft.	Applicable to infill lots.
Lot Width	Min. 40 ft.	
Lot Depth	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

- **Setbacks:** Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010, Table 511-3. A summary of the required setbacks for single family dwellings within the RS zone is provided in the table below.

RS Zone Setbacks		
Abutting Street	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Front ( <i>Infill Lot</i> )	Min. 12 ft.	
Interior Side	Min. 5 ft.	
	Min. 10 ft.	Applicable to infill lots ( <i>flag lots</i> ) where the interior side setback abuts lots zoned RA and RS.

RS Zone Setbacks		
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

**Garage Setback:** In addition to the setbacks identified above, the off-street parking, loading, and driveways chapter of the code (SRC Chapter 806) requires, pursuant to SRC 806.025(b), garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way.

- **Lot Coverage:** Lot coverage requirements within the RS zone are established under SRC 511.010(c), Table 511-4. The maximum lot coverage for single family and two family buildings and accessory structures within the RS zone is 60 percent.
- **Height:** Maximum height limitations within the RS Zone are established under SRC 511.010(c), and Table 511-4. The maximum building height for new single family or two family dwellings within the RS zone is 35 feet. The maximum height for accessory structures within the RS zone is 15 feet.
- **Garages Required:** Pursuant to SRC 511.010(e), each new dwelling constructed within the RS zone after February 8, 2006, is required to have a garage that is constructed of like materials and color as the dwelling and which can be attached to, or detached from, the dwelling.

#### General Development Standards (SRC Chapter 800)

**Flag Lots:** The applicant's proposal includes four flag lots. SRC 800.025 establishes standards for flag lots and the flag lot accessways to serve them. The lot area and dimensions for flag lots shall conform to the above identified lot area and dimension requirements of the RS zone, provided, however, the above identified lot area and dimension requirements must be met exclusive of the flag lot accessway serving the lots. SRC Chapter 800, Table 800-1, establishes the following standards for flag lot accessways:

Table 800-1: Flag Lot Accessway Standards			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
1-2 Lots (Residential Zoned Property)	150 ft. <sup>(1)</sup>	Min. 20 ft.	Min. 15 ft.
3-4 Lots (Residential Zoned Property)	400 ft. <sup>(1)</sup>	Min. 25 ft.	Min. 20 ft.
<p align="center"><b>Limitations and Qualifications</b></p> <p>(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.</p>			



A maximum of 4 lots may be served by a flag lot accessway. Flag lot accessway grade shall conform to the Salem Fire Prevention Code. Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards. SRC 800.025(e) also places a limit on the maximum number of flag lots that can be included in a subdivision. Not more than 15 percent of the lots within a subdivision can be developed as flag lots.

### **Street Standards (SRC Chapter 803)**

Required street improvements are addressed specifically in the comments provided by the Public Works Department. The streets within the proposed subdivision must conform to the standards included in SRC Chapter 803 (Streets and Right-of-Way Improvements). Identified below are some important standards from SRC Chapter 803 that affect the layout of streets within proposed subdivisions.

#### **▪ Street Spacing/Block Standards (SRC 803.030):**

- ❖ **Length:** Maximum 600 feet from right-of-way line to right-of-way line, unless greater length justified by special conditions.
- ❖ **Width:** Maximum 400 feet / Minimum 120 feet.

- **Street Connectivity (SRC 803.035(a)):** Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one half mile of the development. Applicants shall also provide for the extension of local streets to adjoining undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the property shall be provided at no greater than 600-foot intervals unless physical conditions make a street connection impossible or it would violate the provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995.

As described earlier in this memo, street connectivity is required to adjacent properties and street spacing/block length standards must be met unless topographic conditions or adjacent developments make those connections impracticable. Based on the conceptual layout provided at this time, it appears that the row of lots on the west side of the Lone Oak Road extension exceed the block length standard, and a street connection is needed to the abutting property to the west. The subject property is approximately 1,304 feet in width, so at least one southward connection is needed between the existing Devon Avenue SE and the proposed extension of Lone Oak Road SE. If only one southward connection is made in the space between these streets, it must be located to allow blocks on either side to meet the street spacing standards set forth in SRC 803.030.

#### **Street Grade (SRC 808.035(c)):**

- ❖ **Parkway and Arterial Streets:** Max. 6%
- ❖ **Collector Street:** Max. 8%
- ❖ **Local Street:** Max. 12%

The proposed streets within the subdivision will be local streets and must therefore conform to a maximum grade of 12 percent.

■ **Cul-de-sac Length (SRC 803.035(f)):**

- ❖ **Length:** Maximum 800 ft., provided no portion of the cul-de-sac is more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.

**Natural Resources**

- **Trees (SRC Chapter 808):** There are trees present on the subject property. 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 the proposed subdivision. 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 wetland areas mapped on the subject property.
- **Landslide Hazard Susceptibility (SRC Chapter 810):** According to the City's adopted landslide hazard susceptibility maps, there are large areas on the subject property with 2 landslide hazard points. There are 3 activity points associated with subdivisions. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), the cumulative total of 5 points indicates a moderate landslide hazard risk and a geologic assessment may 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(s):** 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  
[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: <http://www.cityofsalem.net/south-gateway-neighborhood-association>.

**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/Pages/salem-revised-code.aspx>

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