

# NOTICE OF DECISION

PLANNING DIVISION  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
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## DECISION OF THE PLANNING COMMISSION

**COMPREHENSIVE PLAN CHANGE / ZONE CHANGE / PLANNED UNIT DEVELOPMENT / SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO.: CPC-ZC-PUD-SUB-ADJ19-08**

**APPLICATION NO.: 18-124473-ZO / 18-124474-ZO / 18-124468-LD / 18-124472-LD / 19-118029-ZO**

**NOTICE OF DECISION DATE: OCTOBER 16, 2019**

**SUMMARY:** An application for a Planned Unit Development and Subdivision for 659 single family units and a 36-unit multi-family residential use, for a total of 695 units, for property approximately 122 acres in size.

**REQUEST:** An application for a 695-unit Planned Unit Development and Subdivision to be completed in six phases, a Minor Comprehensive Plan Map Amendment and Zone Change from CR (Retail Commercial) to RM-II (Multi-Family Residential) for approximately 2.11 acres, and from IP (Industrial Park) to RS (Single Family Residential) for approximately 3.25 acres, and a Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36-unit multi-family portion of the PUD from 77 spaces (2.14 per unit) to 64 spaces (1.77 spaces per unit).

For property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential), CR (Retail Commercial), and IP (Industrial Park), and located at 255 Cordon Road NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300, and 00400, 072W29C / 00100, 00101, 00199, 00200, 00300, and 00400).

**APPLICANT:** Mark Grenz, Multi-Tech Engineering, on behalf of East Park, LLC (Randy Myers, Kiril Ivanov)

**LOCATION:** 255 Cordon Rd NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE, Salem OR / 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 64.025(e)(2), 265.005(e), 205.010(d), 210.025(d), 250.005(d)(2)

**FINDINGS:** The findings are in the attached Decision dated October 16, 2019.

**DECISION:** The **Planning Commission APPROVED** Comprehensive Plan Change / Zone Change / Planning Unit Development / Subdivision / Class 2 Adjustment Case No. CPC-ZC-PUD-SUB-TCP19-08 subject to the following conditions of approval:

A. APPROVE Minor Comprehensive Plan Map Amendment from “Industrial” to “Single Family Residential” and “Commercial” to “Multiple Family Residential”.

B. APPROVE Zone Change from IP (Industrial Park) to RS (Single Family Residential) and from CR (Retail Commercial) to RM-II (Multi-Family Residential), subject to the following conditions of approval:

**Condition 1:** The transportation impacts from the 122-acre site shall be limited to a maximum cumulative total of 14,157 average daily vehicle trips as required by Order No. 10-C-689.

**Condition 2:** The requirements of land use case number UGA 09-07 and UGA09-07MOD1 may be completed incrementally with each specific phase as indicated in the conditions of approval.

C. APPROVE Planned Unit Development Tentative Plan and Subdivision Tentative Plan, subject to the following conditions of approval:

All phases:

**Condition 3:** Prior to final plat approval of any phase, the applicant shall either 1) demonstrate that taxlot 072W29C00199 was a legally created unit of land, or 2) the unit of land shall be validated through the validation process provided in SRC 205.060.

**Condition 4:** Adequate Fire Department access and water supply shall be required for each phase of development.

**Condition 5:** Contrasting building materials and colors shall be incorporated into the design for the proposed multi-family buildings.

**Condition 6:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Condition 7:** The PUD Final Plan shall demonstrate that the off-street parking area complies with the minimum interior parking area landscaping requirements of SRC Chapter 806.

**Condition 8:** The PUD Final Plan shall demonstrate that a minimum of 4 bicycle parking spaces will be provided for the proposed multi-family residential use in compliance with the development standards of SRC 806.060.

**Condition 9:** All significant trees on the subject property shall be protected and preserved through development unless the removal is approved through SRC Chapter 808.

**Condition 10:** Prior to commencing work in any mapped wetland area, obtain state/federal wetland permits.

**Condition 11:** Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.

**Condition 12:** Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.

**Condition 13:** Provide a 10-foot public utility easement along the street frontage of all internal streets.

**Condition 14:** Extend City infrastructure to adjacent parcels pursuant to PWDS.

**Condition 15:** Construct water, stormwater, and sewer systems to serve each lot.

**Condition 16:** Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.

**Condition 17:** Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.

**Condition 18:** Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provisions to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

**Condition 19:** Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.

**Condition 20:** Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.

**Condition 21:** Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.

**Condition 22:** As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.

**Condition 23:** Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street

NE as shown on the applicant's preliminary utility plan. (UGA 9)

**Condition 24:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.

**Condition 25:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.

**Condition 26:** Construct Greencrest Street NE within Phase 1 to Collector B standards.

**Condition 27:** Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.

**Condition 28:** Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

**Condition 29:** Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

**Condition 30:** As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.

**Condition 31:** Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

**Condition 32:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.

**Condition 33:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property.

**Condition 34:** Construct Greencrest Street NE within Phase 2 to Collector B standards.

**Condition 35:** Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

**Condition 36:** Construct a 12-inch water main in (future) Greencrest Street NE to State Street.

**Condition 37:** Construct Greencrest Street NE to State Street to Collector B standards.

**Condition 38:** Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

**Condition 39:** Construct a 12-inch water main along the Phase 4 frontage of State Street to the western boundary of the subject property pursuant to PWDS.

**Condition 40:** Construct a 15-inch sewer main to the State Street Pump Station.

**Condition 41:** Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street.

**Condition 42:** Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

**Condition 43:** Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street.

**Condition 44:** Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

**Condition 45:** Construct a 12-inch water main along the Phase 5 frontage of State Street.

**Condition 46:** Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.

**Condition 47:** Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.

**Condition 48:** Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE.

**Condition 49:** Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE.

**Condition 50:** Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

**Condition 51:** Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.

**Condition 52:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.

**Condition 53:** Provide right-of-way for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.

**Condition 54:** Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

D. APPROVE Class 2 Adjustment to Lot Standards and Street Connectivity, subject to the following condition of approval:

**Condition 55:** The adjusted off-street parking requirement, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable off-street parking requirements, unless adjusted through a future land use action.

**VOTE:**

Yes 7      No 0      Absent 1 (Levin)

  
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Chane Griggs, President  
Salem Planning Commission

Application Deemed Complete:	<u>June 12, 2019</u>
Public Hearing Date:	<u>September 17, 2019</u>
Notice of Decision Mailing Date:	<u>October 16, 2019</u>
Decision Effective Date:	<u>November 1, 2019</u>

Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Thursday, October 31, 2019. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64, 265, 205, 210 and 250. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

## **FACTS & FINDINGS**

### **COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE, PLANNED UNIT DEVELOPMENT, SUBDIVISION, AND CLASS 2 ADJUSTMENT CASE NO. CPC-ZC-PUD-SUB-ADJ19-08**

**OCTOBER 16, 2019**

#### **PROCEDURAL FINDINGS**

On December 14, 2018, an application was filed for a Comprehensive Plan Map Amendment, Zone Change, Planned Unit Development, and Subdivision Tentative Plan by Mark Grenz, Multi-Tech Engineering Inc., on behalf of the applicant East Park LLC, represented by Randy Myers.

After receiving additional information, the consolidated application was deemed complete for processing on June 12, 2019, however at the applicant's request, the application was placed on hold to allow for additional information to be provided.

On August 13, 2019, the applicant applied for a Class 2 Adjustment, final plans and written statements were submitted, processing of the application continued. Notice of the public hearing was sent pursuant to Salem Revised Code (SRC) requirements on August 28, 2019.

On September 17, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, closed the public hearing and left the written record open for 7 days for new evidence, followed by 7 days for rebuttal from all parties, and 7 days for applicant's final argument. On October 15, 2019 the Planning Commission conducted deliberations and voted to approve the consolidated application subject to the revised conditions of approval outlined in the September 24, 2019 supplemental staff report.

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.178). Pursuant to ORS 227.178(7) and ORS 227.178(10), the requested consolidated Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change, Planned Unit Development Tentative Plan, Subdivision Tentative Plan, and Class 2 Adjustment shall not be subject to the 120-day period set forth in ORS 227.178.

#### **PROPOSAL**

The purpose of the request is to allow for future mixed density residential development of the subject property for 659 single family units and a 36-unit multi-family residential use, for a total of 695 units for property approximately 122 acres in size.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation from "Industrial" to "Single Family Residential" for a portion

of property approximately 3.25 acres in size and from “Commercial” to “Multiple Family Residential” for a portion of property approximately 2.11 acres in size.

- 2) A Quasi-Judicial Zone Change to change the zoning designation from IP (Industrial Park) to RS (Single Family Residential) for a portion of property approximately 3.25 acres in size and from CR (Retail Commercial) to RM-II (Multiple Family Residential) for a portion of property approximately 2.11 acres in size.
- 3) A Planned Unit Development Tentative Plan and Subdivision Tentative Plan for 659 single family units and a 36-unit multi-family residential use, for a total of 695 units to be completed in six phases of development.

<b>Phase Number</b>	<b>Phase Size</b>	<b>Number of units</b>
1	21.83 acres	147 units
2	12.4 acres	94 units
3	18.79 acres	106 units
4	13.46 acres	99 units
5	13.41 acres	101 units
6	22.46 acres	112 single family units, 36 multi-family units
<b>Total</b>		<b>695</b>

- 4) A Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36-unit multi-family portion of the PUD from 77 spaces (2.14 per unit) to 64 spaces (1.77 spaces per unit).

### **APPLICANT’S PLANS AND STATEMENT**

The applicant’s proposed site plan and building plans are included as Attachment B, and the applicant’s statement addressing the applicable approval criteria for the consolidated request is included as Attachment C.

### **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

### **SUBSTANTIVE FINDINGS**

#### **Salem Area Comprehensive Plan (SACP)**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Single Family Residential”, “Multiple Family Residential”, “Commercial” and “Industrial”.

The Comprehensive Plan designations of surrounding properties include:

- North: (Across Auburn Road NE) “Developing Residential” and “Single Family Residential”
- South: (Across State Street) “Multiple Family Residential” and “Developing Residential”
- East: (Across Cordon Road NE), the Urban Growth Boundary follows Cordon Road NE in this area, there is no Salem Area Comprehensive Plan designation for land outside of the Urban Growth Boundary.
- West: Salem Greene Estates and Pin Oak Mobile Home Park – “Multiple Family Residential”

### **Zoning**

The subject property is zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential). Surrounding properties are zoned and used as follows:

- North: Across Auburn Street NE – RS (Single Family Residential) and Marion County UT-5 (Urban Transitional).
- South: Across State Street – RL (Limited Multiple-Family Residential), RM (Multiple Family Residential), and UD (Urban Development) – Single Family Dwellings
- East: Across Cordon Road NE – Marion County I (Industrial), P (Public), and AR (Acreage Residential); Marion County Fire Department, vehicle equipment and storage, landscape supply, residential uses.
- West: Marion County RM (Multiple Family Residential) – Mobile Home Parks

### **Public and Private Agency Review**

**Salem Public Works Department** - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (**Attachment D**).

**Salem Fire Department** – The Salem Fire Department reviewed the application and indicated they have no concerns with the comp plan and zoning amendment. Fire reviewed the applicant’s tentative PUD/Subdivision plan and commented that Fire Department access and water supply will be required at each phase of construction. Phase 1 and Phase 5 do not appear to meet Fire Department access requirements, buildings within these phases may require sprinklers or alternatively, secondary emergency vehicle access may need to be provided.

**Condition 4:** Adequate Fire Department access and water supply shall be required for each phase of development.

**Salem Building and Safety Division** – The Building and Safety Division has reviewed the proposal and indicated no concerns.

**Oregon Department of Land Conservation and Development (DLCD)** – No comments received.

**Marion County Public Works** – Comments from Marion County Public Works were received on September 6, 2019, comments are included as **Attachment E**.

**Salem-Keizer Public Schools** – Comments from Salem-Keizer Public Schools were received on September 4, 2019, comments are included as **Attachment F**.

**Salem-Keizer Transit** – No comments received.

### **Neighborhood Association and Public Comments**

The subject property is located adjacent to the boundaries of the East Lancaster Neighborhood Association (ELNA). ELNA reviewed the proposal and provided a written response dated September 6, 2019, which is included as **Attachment G**. In addition, all property owners within 250 feet of the subject property were mailed notification of the proposed application. A summary of the concerns raised, and a response from staff is included below:

- 1) Traffic impact on all surrounding streets.

**Staff Response:** The applicant's Transportation Impact Analysis identifies transportation improvements that should be required with each phase of development so that transportation system in the surrounding area will be able to support the anticipated increase in trips the proposed development will generate. A condition of approval from the 2010 annexation decision limited the number of average daily trips to no more than 14,157 for the 122 acre site. The Transportation Impact Analysis has been reviewed by the Assistant City Traffic Engineer, who concurs with the findings and recommendations of the report. Upon completion of all required improvements, the property will be served by City infrastructure needed to support the proposed use.

- 2) School capacity.

**Staff Response:** Salem-Keizer Public Schools was notified of the proposal and provided comments which are included in the staff report that address the potential effect of the proposed development on school enrollment. The school district anticipates that as the City grows that additional student capacity will be required in order to meet future demands. Land use applications reviewed by the City help the school district accurately forecast where growth in the City is occurring, so that resources may be focused on schools that are at or exceeding capacity. However, there are no approval criteria related to school design capacity or enrollment to considered for this consolidated application.

- 3) Flooding that might occur due to an inadequate drainage system in the vicinity.

**Staff Response:** The proposed development is subject to the current stormwater detention and treatment requirements of SRC Chapter 71, and is required to meet Public Works Design Standards. To demonstrate the proposed parcels can

meet the stormwater requirements, the applicant is required to provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. The stormwater requirements help to ensure that the future impervious surfaces of development proposal have no greater impact on the surrounding drainage system than the pre-development condition.

- 4) Chemicals and pesticides on the property from past agricultural practices.

**Staff Response:** The Oregon Department of Environmental Quality has information related to environmental contamination for the subject property. A 2009 site assessment report prepared by a registered professional geologist at Hart Crowser, Inc., is available for review on the DEQ website. DEQ has concluded that no further action is needed, and that the property should be fine for human residential occupancy.

- 5) Tree preservation.

**Staff Response:** ELNA is requesting that trees not be removed until development occurs in the specific phase or area that the trees are located in. The applicant has applied for a tree conservation plan which designates 165 of the 236 existing trees (69.9 percent) for removal. Once the tree conservation plan is approved, the applicant may remove all the trees designated for removal on the plan. Staff understands the comments and concerns from the neighborhood, and recommends that the developer, rather than removing all trees designated for removal on the tree conservation plan at once, only remove those trees when necessary.

- 6) The riparian area along the creek should be restored.

**Staff Response:** The riparian area along the West Fork Little Pudding River will be left as open space for the Planned Unit Development, the area will include walking paths and benches for active and passive recreation. No native vegetation or trees may be removed from the riparian area with the proposed development, the applicant is encouraged to remove invasive species and replant or restore the creek area with native plants and trees.

## **FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP AMENDMENT**

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

**SRC 64.025(e)(2)(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 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 the 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.

**Finding:** The applicant's findings address (ii) above, demonstrating that the proposed Single Family Residential and Multiple Family Residential designations are equally or better suited for the subject property than the current Industrial and Commercial designations.

*Industrial to Single Family Residential Finding (3.25 acres):*

The applicant indicates that the existing "Industrial" portion of the site at one time was used for railroad right-of-way but is no longer used for that purpose. The "Industrial" portion is located within the center of the proposed PUD, and is surrounded by single-family and multi-family zoning. Developing the narrow strip land with an industrial use is not feasible, nor would the use be compatible with the surrounding area.

Planned Unit Developments are not permitted within the IP (Industrial Park) zone. The proposed residential designation is compatible with the surrounding residential designations. The proposed change in designation will allow for cohesive development of the property. In addition, the proposed designation will increase the City's supply of residential land, and contribute to the City's future housing needs. The proposed "Single

Family Residential” designation is equally or better suited than the existing “Industrial” designation.

*Commercial to Multiple Family Residential Finding (2.11 acres):*

The applicant indicates that there is a lack of vacant RM-II designated sites in the nearby vicinity, and that the proposed change in designation from “Commercial” to “Multiple Family Residential” will allow for additional mixed housing to be provided within the proposed PUD, while leaving approximately 12 acres of commercially designated land available for future commercial development.

Planned Unit Developments are not permitted within the CR (Retail Commercial) zone, the proposed change in designation will allow for additional housing opportunities in the proposed Planned Unit Development. The proposed designation will increase the City’s supply of needed multiple family residential land, and will therefor contribute to the City’s future housing needs. The proposed “Multiple Family Residential” designation is equally or better suited than the existing “Commercial” designation.

**SRC 64.025(e)(2)(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;**

**Finding:** The property is subject to the conditions found in UGA09-07 and UGA09-07MOD1 which indicate how the property is capable of being served. Conditions address boundary streets (including street sections under the jurisdiction of Marion County), internal street extensions, water main extensions, construction of a sewer pump station and sewer main extensions, and the limitation of stormwater runoff. The conditions are distributed by phase, which are based on the phasing shown on the applicant’s preliminary utility plans and the suggested phasing provided by Transight Consulting LLC in the TIA provided. Upon completion of all improvements required in UGA09-07 and UGA09-07MOD1, the property will be served with City infrastructure needed to support the proposed use.

**SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;**

**Finding:** The subject property is located within the Urban Growth Boundary (UGB), in an area that is surrounded by existing residential neighborhoods and services. Public facilities required to serve the subject property have been determined through a previously approved Urban Growth Area Preliminary Declaration (UGA09-07 and UGA09-07MOD1). The proposed comprehensive plan map amendment will allow the logical and efficient use of vacant land and contribute to the housing needs of the community.

**SRC 64.025(e)(2)(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**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed

as follows:

Salem Urban Area Goals and Policies, General Development (Pages 23-26, Salem Comprehensive Policies Plan):

*To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

*Optimal Use of the Land B.7*

*Structure and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.*

**Finding:** The RS (Single Family Residential) and RM-II (Multi-Family Residential) zoning designations will allow a variety of housing types in a manner that will accommodate the density requirements of the Salem Area Comprehensive Plan, and the allowable densities within the Planned Unit Development Chapter.

*Development Compatibility B.12*

*Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

**Finding:** Future development within the proposed Planned unit development is required to comply with the height and setback limitations of Chapter 210. The development standards help ensure that development is adequately buffered from surrounding uses. All buildings and structures are limited to a maximum height of 35 feet.

Salem Urban Area Goals and Policies, Residential Goal (Page 30-33, Salem Comprehensive Policies Plan):

*To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*

*Infill Development E.3*

*City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.*

**Finding:** The property was formally the Pictsweet Mushroom Farm. In 2001, operations were terminated, and former structures were removed from the property to prepare the site for future redevelopment. In 2011, the property was rezoned and annexed into the City of Salem to be developed at urban density. The proposal will allow for future infill development of vacant underutilized land, consistent with this goal.

*The applicable Statewide Planning Goals are addressed as follows:*

**Statewide Planning Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Finding:** Notice of the proposal was provided to the East Lancaster Neighborhood Association (ELNA), and the East Salem Suburban Neighborhood Association (ESSNA), to surrounding property owners within the notice area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

**Statewide Planning Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

**Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands**

**Finding:** The subject property is not identified as agricultural land or forest land, these Statewide Planning Goals are not applicable to this application.

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**Finding:** The West Fork Little Pudding River, a mapped waterway, flows across the northern end of the subject property. Mapped wetlands are also present on the site. The subject property contains a total of 35 significant trees, defined in SRC Chapter 808 as Oregon white oaks (*Quercus garryana*) with a diameter in breast height of 24 inches or greater. Development of the subject property is subject to the requirements of SRC Chapter 808, Preservation of Trees and Vegetation, and SRC Chapter 809, Wetlands. The proposal is consistent with Goal 5.

**Statewide Planning Goal 6– Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water and land resources of the state.*

**Finding:** Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. There are no significant natural resources located on the subject property. Future development of the property is subject to tree preservation, stormwater and waste water requirements of the UDC

which are intended to minimize the impact of development on natural resources. The proposal is consistent with Goal 6.

**Statewide Planning Goal 7 – Areas Subject to Natural Hazards:** *To protect people and property from natural hazards.*

**Finding:** The subject property is not located within a floodplain or floodway. The subject property does contain areas of mapped landslide hazards equal to 2-3 hazard points, pursuant to SRC Chapter 810, Landslide Hazards, the applicant is required to provide a geological assessment of the subject property. The applicant provided a geological assessment of the subject property, prepared by Redmond Geotechnical Services, dated December 21, 2018, which meets the requirements of SRC Chapter 810. The proposal is consistent with Goal 7.

**Statewide Planning Goal 8 – Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Finding:** The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.

**Statewide Planning Goal 9 – Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035, and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The proposal includes a change in designation from "Industrial" to "Single Family Residential" for a portion of property approximately 3.25 acres in size. The EOA indicates that the City has a surplus of available industrial land, the proposed change in designation to "Single Family Residential" will not have an impact on the supply on the available commercial and industrial land to meet the city's employment and economic development needs.

The proposal also includes a change from "Commercial" to "Multiple-Family Residential" for a portion of property approximately 2.11 acres in size. The EOA indicates that the City currently has a deficit of available commercial land, however, the adopted Housing Needs Analysis also indicates that the City has a deficit of available Multiple Family Residential designated property. The proposal will reduce the amount of Commercially designated land by 2.11 acres, however, the subject property will have approximately 12.82 acres of commercially designated land for future development to meet the city's employment and economic development needs. The proposal is consistent with Goal 9.

**Statewide Planning Goal 10 – Housing:** *To provide for the housing needs of citizens of the state.*

**Finding:** In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land.

The proposed comprehensive plan map amendment would convert a portion of the land from “Industrial” to “Single Family Residential” and from “Commercial” to “Multiple Family Residential” designations. The proposed residential designations would allow for mixed density residential development of the subject property.

The current “Industrial” designation does not allow residential uses, and the “Commercial” designation only allows multiple family residential uses with a conditional use permit. The proposal will contribute approximately 5.36 acres of additional land to the City’s supply of residential lands, which will help provide diverse housing options to meet the future needs of the City. The proposal is in compliance with Goal 10.

**Statewide Planning Goal 11 – Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Finding:** The subject property was annexed into the City of Salem in 2011. The subject property is located outside the Urban Service Areas (USA). In 2009, an Urban Growth Area Preliminary Declaration was approved for the subject property (UGA09-07), which identified the required public services necessary to serve the subject property. The request allows for the efficient use and development of property with the extension of new public services.

**Statewide Planning Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

**Finding:** Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

The applicant has submitted a Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends to uphold the condition in the 2010 annexation of the subject property (Order No. 10-C-689) to limit the development on the 122 acre site to 14,157 average daily vehicle trips in order to ensure compliance with the Transportation Planning Rule.

**Statewide Planning Goal 13 – Energy Conservation:** *To conserve energy.*

**Finding:** The applicant indicates that the proposed redevelopment plan will repurpose vacant land and that the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

**Statewide Planning Goal 14 – Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Finding:** The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property have been determined by a previously approved Urban Growth Area Preliminary Declaration (UGA09-07, and UGA09-07MOD1). The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB, and contribute to the housing needs of the community in compliance with Goal 14.

**Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources**

**Finding:** The subject property is not located within the Willamette River Greenway or in an estuary or coastal area, these Statewide Planning Goals are not applicable to this application.

**SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.**

**Finding:** The proposed comprehensive plan map amendment will benefit the community by allowing underutilized land surrounded by existing residential neighborhoods and community services, to be developed in a way that will help the City meet future housing needs. The proposal satisfies this criterion.

## **NEIGHBORHOOD PLAN FINDINGS**

The subject property is located within the boundary of the East Lancaster Neighborhood Association (ELNA). ELNA has an approved neighborhood plan which was adopted by the Salem City Council on January 16, 1984. Because the subject property was not in City limits at the time the neighborhood plan was adopted, the property does not appear on the land use plan map and does not have a neighborhood plan designation, therefore, a change to the neighborhood plan designation for the subject property is not required.

## **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT**

The following analysis addresses the proposed zone change for the subject property from IP (Industrial Park) to RS (Single Family Residential) and from CR (Retail Commercial) to RM-II (Multiple Family Residential).

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

**SRC 265.005(e)(1)(A). The zone change is justified based on 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.**

**Finding:** The applicant's findings address (iii) above, demonstrating that the proposed RS (Single Family Residential) and RM-II (Multi-Family Residential) designations are equally or better suited for the subject property than the respective IP (Industrial Park) and CR (Retail Commercial) designations.

*IP (Industrial Park) to RS (Single Family Residential) Finding (3.25 acres):*

The applicant indicates that the existing IP (Industrial Park) portion of the site at one time was used for railroad right-of-way but is no longer used for that purpose. The IP zoned portion is located within the center of the proposed PUD, and is surrounded by single-family and multi-family zoning. Developing the narrow strip land with an industrial use is not feasible, nor would the use be compatible with the surrounding area.

Planned Unit Developments are not permitted within the IP (Industrial Park) zone. The proposed residential designation is compatible with the surrounding residential

designations. The proposed change in designation will allow for cohesive development of the property. In addition, the proposed designation will increase the City's supply of residential land, and contribute to the City's future housing needs. The proposed RS (Single Family Residential) designation is equally or better suited than the existing IP (Industrial Park) designation.

*CR (Retail Commercial) to RM-II (Multiple Family Residential) Finding (2.11 acres):*

The applicant indicates that there is a lack of vacant RM-II designated sites in the nearby vicinity, and that the proposed change in designation from CR (Retail Commercial) to RM-II (Multiple Family Residential) will allow for additional mixed housing to be provided within the proposed PUD, while leaving approximately 12 acres of commercially designated land available for future commercial development.

Planned Unit Developments are not permitted within the CR (Retail Commercial) zone, the proposed change in designation will allow for additional housing opportunities in the proposed Planned Unit Development. The proposed designation will increase the City's supply of needed multiple family residential land, and will therefor contribute to the City's future housing needs. The proposed RM-II (Multiple Family Residential) designation is equally or better suited than the existing CR (Retail Commercial) designation.

**(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.**

**Finding:** The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this collective application.

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

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this order, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The proposal satisfies this criterion.

**(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.**

**Finding:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through 2035, and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The proposal includes a change in designation from “Industrial” to “Single Family Residential” for a portion of property approximately 3.25 acres in size. The EOA indicates that the City has a surplus of available industrial land, the proposed change in designation to “Single Family Residential” will not have an impact on the supply on the available commercial and industrial land to meet the city’s employment and economic development needs.

The proposal also includes a change from “Commercial” to “Multiple-Family Residential” for a portion of property approximately 2.11 acres in size. The EOA indicates that the City currently has a deficit of available commercial land, however, the adopted Housing Needs Analysis also indicates that the City has a deficit of available Multiple Family Residential designated property. The proposal will reduce the amount of Commercially designated land by 2.11 acres, however, the subject property will have approximately 12.82 acres of commercially designated land for future development to meet the city’s employment and economic development needs.

**(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.**

**Finding:** The applicant has submitted a Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends to uphold the condition in the 2010 annexation of the subject property (Order No. 10-C-689) to limit the development on the 122 acre site to 14,157 average daily vehicle trips in order to ensure compliance with the Transportation Planning Rule.

**Condition 1:** The transportation impacts from the 122-acre site shall be limited to a maximum cumulative total of 14,157 average daily vehicle trips as required by Order No. 10-C-689.

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

**Finding:** The property is subject to the conditions found in UGA09-07 and UGA09-07MOD1 which indicate how the property is capable of being served. Conditions address boundary streets (including street sections under the jurisdiction of Marion County), internal street extensions, water main extensions, construction of a sewer pump station and sewer main extensions, and the limitation of stormwater runoff. The conditions are distributed by phase, which are based on the phasing shown on the applicant's preliminary utility plans and the suggested phasing provided by Transight Consulting LLC in the TIA provided. Upon completion of all improvements required in UGA09-07 and UGA09-07MOD1, the property will be served with City infrastructure needed to support the proposed use.

**Condition 2:** The requirements of land use case number UGA 09-07 and UGA09-07MOD1 may be completed incrementally with each specific phase as indicated in the conditions of approval.

## **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A PLANNED UNIT DEVELOPMENT-SUBDIVISION**

SRC 210.015 provides that if individual lots are to be created within a Planned Unit Development (PUD), a subdivision shall be required with the PUD tentative plan; the consolidated PUD tentative plan and subdivision plan must meet the applicable approval criteria and development of the PUD ordinance, SRC Chapter 210.

SRC 210.025(d) sets forth sets forth the following criteria that must be met before approval can be granted to Planned Unit Development. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the planned unit development tentative plan for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the planned unit development tentative plan, or for the issuance of certain conditions to ensure the criteria are met.

**(1) *The PUD tentative plan conforms to the development standards of this Chapter.***

**Finding:** The proposed development conforms to the standards applicable to Planned Unit Developments included under SRC Chapter 210 as follows:

**Zones/Overlay Zones Where PUDs are Allowed (SRC 210.005):**

SRC 210.005 establishes a list of zones and overlay zones where Planned Unit Developments are allowed. Pursuant to SRC 210.005(a)(4), PUDs are allowed within the RS (Single Family Residential), RM-I and RM-II (Multiple Family Residential) zone. Included with the proposed development is a request to change the Comprehensive Plan Map designation for a portion of the subject property from "Industrial" to "Single Family Residential" and the zoning from IP (Industrial Park) to RS (Single Family Residential), and a request to change a portion of the subject property from "Commercial" to "Multiple Family Residential" and the zoning from CR (Retail Commercial) to RM-II (Multi-Family Residential). The proposed RS, RM-I and RM-II zoning of the subject property will allow for the development of a PUD. The proposed development conforms to this standard.

**Minimum Number of Dwelling Units within PUD (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for minimum numbers of dwelling units within PUDs. Within the RS zone, there is no minimum number of dwelling units. Within the RM-I and RM-II zones, the minimum number of dwelling units required in a PUD must conform to the minimum density requirement of the underlying zone.

<b>Zoning</b>	<b>Min. Density</b>	<b>Lot Size (w/out streets)</b>	<b>Min. Dwellings</b>
RS	No Minimum	56.5 acres	NA
RM-I	8 units/acre	8 acres	64
RM-II	12 units/acre	9.71	117
<b>Total</b>			<b>181</b>

**Maximum Number of Dwelling Units within PUD (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for maximum numbers of dwelling units within PUDs. Within the RS, RM-I and RM-II zones, the maximum number of dwelling units allowed in a PUD may not exceed the maximum density requirement of the underlying zones.

<b>Zoning</b>	<b>Max. Density</b>	<b>Lot Size</b>	<b>Max. Dwellings</b>
RS	1 unit/4,000 SF	56.5 acres	615
RM-I	14 units/acre	8 acres	112
RM-II	28 units/acre	9.71 acres	271
<b>Total</b>			<b>998</b>

The proposed development conforms to the minimum and maximum dwelling unit allowances of this chapter as demonstrated below.

<b>Zoning</b>	<b>Min. Density</b>	<b>Max. Density</b>	<b>Proposed Density</b>
RS	NA	615	460
RM-I	64	112	98
RM-II	117	271	137
<b>Total</b>	<b>181</b>	<b>998</b>	<b>695</b>

**Maximum Number of Dwelling Units within a Building (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for maximum numbers of dwelling units allowed within a single building. Within the RS, RM-I, and RM-II zones there is no maximum limit on the number of dwelling units that may be located within an individual building, other than the maximum number of dwelling units allowed for the entire PUD. The proposed development includes a multi-family residential portion with three buildings containing a total of 36-units, 12-units per building. The proposed development conforms to this standard.

**Setbacks (SRC 210.045(b) – Table 210-3):**

SRC 210.045, Table 210-3, establishes minimum building and accessory structure setback requirements for Planned Unit Developments. A summary of the setbacks applicable to the proposed development is included in the table below:

<b>Summary of Required PUD Setbacks</b>		
<b>Perimeter Setbacks – Abutting Street</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. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Perimeter Setbacks – Not Abutting Street, Interior Side</b>		
Buildings	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	
Accessory Structures	Min. 5 ft.	
<b>Perimeter Setbacks – Not Abutting Street, Interior Rear</b>		
Buildings	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	
Accessory Structures	Min. 5 ft.	
<b>Interior Setbacks – Abutting Street</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. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Interior Setbacks – Not Abutting Street, Interior Front, Side and Rear</b>		

Summary of Required PUD Setbacks		
Buildings	None	
Accessory Structures	None	

For the single-family portion of the Planned Unit Development, compliance with all applicable minimum setback requirements of Table 210-3 will be verified at the time of building permit application for each individual unit.

The proposed 36-unit multi-family complex has the following setback requirements:

**North** – Interior PUD setback, not abutting a street, no minimum building setback.

**South** – Perimeter PUD setback, not abutting a street, minimum five feet.

**East** – Perimeter PUD setback, not abutting a street, minimum five feet.

**West** – Perimeter PUD setback, abutting Greencrest Street NE, a collector street, minimum 20 feet.

The proposed site plan shows a minimum building and vehicle use area setback of 20 feet adjacent to Greencrest Street NE, and perimeter PUD setbacks of 15 feet or more to the south and east, in compliance with the minimum standard.

**Height (SRC 210.045(c) – Table 210-4):**

SRC 210.045(c), Table 210-4, establishes maximum allowable heights for buildings and accessory structures within PUDs. Within the RS, RM-I, and RM-II zones, maximum building height is limited to 35 feet. Accessory structure height is limited to a maximum of 15 feet. Compliance with the maximum height allowance for buildings and accessory structures within the PUD will be verified at the time of building permit application.

**Parking (SRC 210.045(d)):**

SRC 210.045(d) establishes specific requirements for parking within PUDs that apply beyond the City’s off-street parking, loading, and driveways chapter (SRC Chapter 806). The parking requirements established under SRC 210.045 include requirements for the minimum number of parking spaces and parking location, setbacks, dimensions, landscaping, and screening.

▪ **Minimum Required Parking (SRC 210.045(d)(1), Table 210-5).**

Within the RS zone, SRC 210.045(d), Table 210-5, requires a minimum of 2 parking spaces per dwelling unit. Single family detached dwelling units are proposed within the RS zoned portion of the PUD, plans for each dwelling unit will be reviewed for conformance with the minimum off-street parking requirement for the PUD at the time of building permit.

Within the RM-I and RM-II zones, SRC 210.045(d), Table 210-5, requires a

minimum of 2.5 parking spaces for the first 10 dwelling units and a minimum of 2 spaces per dwelling unit for the remaining dwelling units over 10. A combination of single family detached dwelling units and multi-family dwelling units are proposed within the RM-I and RM-II portions of the PUD. Plans for each individual dwelling unit will be reviewed for conformance with the minimum off-street parking requirement for a PUD at the time of building permit.

The proposed 36-unit apartment complex requires a minimum of 77 off-street parking spaces  $((10 \times 2.5) + (26 \times 2) = 77)$ . The applicant has requested an Adjustment to reduce the number of required off-street parking spaces for the 36-unit apartment complex, findings are included in the analysis of the Class 2 Adjustment approval criteria below.

- ***Parking Location (SRC 210.045(d)(2)(A)).***

SRC 210.045(d)(2)(A) requires parking for Planned Unit Developments to be located within the boundaries of the PUD. The parking may be either located on-street, off-street, or a combination thereof.

Off-street parking will be provided for each single-family dwelling unit. An off-street surface parking lot will be provided for the 36-unit multi-family portion of the PUD. All of the parking spaces proposed within the PUD are located within the boundaries of the PUD. The proposed development conforms to this standard.

- ***Garage/Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway (SRC 210.045(d)(2)(B)).***

SRC 210.045(d)(2)(B) requires the vehicle entrance of a garage or carport facing a street or flag lot accessway to be setback a minimum of 20 feet from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curbline; or
- (iii) The edge of the sidewalk furthest from the street.

Each single-family dwelling unit will be provided with a garage. The minimum setback for the garage abutting a street or flag lot accessway will be verified at the time of building permit review for each unit.

- ***Parking Space Dimensions (SRC 210.045(d)(2)(C)).***

SRC 210.045(d)(2)(C) requires on-street parallel parking spaces to be a minimum of 7 feet in width and a minimum of 22 feet in length. While on-street parking may occur on local streets, the proposed PUD does not include any designated on-street parallel parking spaces. As such, this standard is not applicable to the proposed development.

- ***Parking Area Landscaping and Screening (SRC 210.045(d)(2)(D)).***

SRC 210.045(d)(2)(D) requires all off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or

carport, to 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.

A surface parking lot containing approximately 64 off-street parking spaces is proposed to serve the 36-unit multi-family portion of the PUD. Interior landscaping meeting the requirements of SRC Chapter 806 is proposed within the off-street parking area. The interior landscaping and design of the parking lot minimizes the appearance of a large number of cars in one area, in conformance with this standard.

**Side Lot Lines (SRC 210.045(e)):**

SRC 210.045(e) requires that, as far as practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

As shown on the PUD tentative plan, to the greatest extent possible, the side lot lines of the proposed lots run at right angles to the public or private street they face. The proposed development conforms to this standard.

**Limits on Common Open Space (SRC 210.045(f)):**

SRC 210.045(f) places limitations on what can be counted towards common open space within Planned Unit Development. Pursuant to this section, streets, parking areas, traffic circles, and other similar transportation related improvements cannot be considered to be a part of common open space.

As shown on the PUD tentative plan, common open space is provided around the West Middle Fork Little Pudding River, which flows central to the development site. Pathways and benches will be provided as a recreational amenity. Significant trees will also be preserved within the development site. None of the common open space provided within the development is a vehicle only transportation-related improvement. The proposed development conforms to this standard.

**Utilities (SRC 210.045(g)):**

SRC 210.045(f) requires that all utilities, except for stormwater management facilities shall be underground. The proposed development will be served by underground utilities. The proposed development conforms to this standard.

**Design Standards for Multiple Family Buildings (SRC 210.050):**

Per SRC 210.050, when one or more multiple family buildings are proposed within a PUD, the buildings shall conform to the standards listed below.

- ***Buildings shall not present excessive visual mass or bulk (SRC 210.050(a)(1))***

The three proposed multi-family buildings each contain 12 dwelling units and have an overall length of approximately 100 feet. Horizontal offsets, decks and covered entryways help to reduce the visual bulk of the buildings.

- Buildings shall not have long, monotonous exterior walls (SRC 210.050(a)(2))***

The three proposed multi-family buildings each contain 12 dwelling units and have an overall length of approximately 100 feet. Horizontal offsets, decks and covered entryways help to reduce the visual bulk of the buildings.
- Buildings shall be sited with sensitivity to topography and natural landform (SRC 210.050(a)(3))***

The multi-family residential portion of the PUD is relatively flat and does not contain areas of mapped landslide hazards or wetlands. There are twelve significant trees (Oregon white oaks with a diameter at breast height of 24 inches or more) in the vicinity of the multi-family residential development. The plans indicate that all significant trees surrounding the multi-family residential development will be preserved.
- Buildings shall be designed to provide an appropriate transition to abutting properties (SRC 210.050(a)(4))***

The proposed 36-unit apartment complex abuts CR (Retail Commercial) zoning to the south and east, the buildings are setback approximately 15 feet from the abutting CR zoned property, greater than the minimum required building setback. The property abuts RM-II zoned property to the north that is part of the PUD, the building is setback approximately 50 feet from the RM-II zone, greater than the minimum required building setback. Setback areas will be landscaped and screened meeting the requirements of SRC Chapter 807.
- Buildings shall utilize architectural elements and façade materials to provide visual interest and continuity with other buildings in the PUD (SRC 210.050(a)(5))***

Horizontal offsets, decks and covered entryways help to reduce the visual bulk of the buildings. The applicant's statement does not indicate what façade materials or colors will be used to provide visual interest for the proposed buildings.

**Condition 5:** Contrasting building materials and colors shall be incorporated into the design for the proposed multi-family buildings.
- Individual private open space shall be provided for each dwelling unit (SRC 210.050(a)(6))***

The site plan for the 36-unit apartment complex indicates that each dwelling unit will have a private deck or patio, in compliance with this standard.
- When abutting property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided to buffer between the multiple family building and the adjacent RA or RS zoned property (SRC***

**210.050(a)(7))**

The multi-family portion of the PUD does not abut RA or RS zoned properties, this standard is not applicable.

**Home Owners Association (SRC 210.055):**

SRC 210.055 requires that the perpetual maintenance and operation of common open space within a Planned Unit Development shall be provided by a home owners association (HOA). The articles of the homeowner's association must additionally meet the requirements of SRC 210.055(b). Because the proposed development includes common open space it must be maintained by an HOA. In order to ensure conformance with the requirements of SRC 210.055, the following condition of approval is recommended to ensure the perpetual maintenance and operation of all common open space and facilities within the development:

**Condition 6:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Outdoor Storage Area Development Standards (SRC 210.060):**

SRC 210.060 establishes standards for outdoor storage areas, when such areas are included within a PUD. The proposed PUD does not include any outdoor storage areas. This standard is therefore not applicable to the proposed development.

**Convenience Service Area & Retail Service Area Development Standards (SRC 210.065):**

SRC 210.065 establishes requirements for convenience service areas and retail service areas when such areas are included within a PUD. Pursuant to SRC 210.065(b), a retail service area may be located within a PUD containing 150 or more dwelling units. Because the proposed PUD contains 150 or more dwelling units, a retail service area may be included within the PUD.

No retail service areas are proposed within the PUD; therefore this section is not applicable.

**Development Agreements (SRC 210.070):**

SRC 210.070(a) provides that the applicant for PUD approval may request a development agreement as authorized in ORS Chapter 94. The applicant has not requested a development agreement; therefore this section is not applicable.

**Other Provisions (SRC 210.075):**

SRC 210.075 identifies other provisions of the UDC that development with Planned Unit Developments must comply with.

**a. Trees on City Owned Property (SRC Chapter 86):**

The applicant's site plan shows the removal of multiple trees located within existing or future right-of-way along the property's Auburn Road NE frontage. Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86. An Alternatives Analysis is required for permits requesting removal of street trees pursuant to Salem Administrative Rule 109-500 Section 2.4.

**b. Floodplain Overlay Zone (SRC Chapter 601):**

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

**c. Public Improvements (SRC Chapter 802):**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 210 does not require submission of utility construction plans prior to Planned Unit Development tentative plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final PUD plan/plat approval without impeding service to the surrounding area.

The property is subject to the conditions found in UGA09-07 and UGA09-07MOD1 which indicate how the property is capable of being served as specified in existing infrastructure master plans. Conditions address boundary streets, internal street extensions, a water main extension, the construction of a sewer pump station and sewer main extensions, and the limitation of stormwater runoff. The conditions are determined by phases as shown on the applicant's preliminary utility plans and the suggested phasing provided by Transight Consulting LLC in the TIA provided.

The nearest available adequate water main is located near the intersection of Cordon Road SE and Gaffin Road SE. The applicant has applied for a public construction permit to build a 24-inch water main from this location to the northern boundary of the property as conditioned by UGA09-07MOD1. See permit number 19-109135-PC. Pursuant to UGA09-07MOD1, a 12-inch loop shall be made around the subject property in Auburn Road NE, (future) Greencrest Street NE, and State Street. Developments are required to extend public utility services to serve upstream and neighboring properties. The applicant shall extend the proposed 12-inch water main in State Street and Auburn Road NE to the western boundaries of the subject property pursuant to PWDS.

UGA09-07MOD1 indicates that a new sewer pump station along Auburn Road NE with a force main connecting to the East Salem Interceptor is needed to serve the northern portion of the site. Pursuant to PWDS, as a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. The applicant shall construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of (future) Ruby Avenue NE (private) and (future) Cougar Street NE (private) as shown on the applicant's preliminary utility plan as a condition of Phase 1, and construct a 15-inch sewer main to the State Street Pump Station as a condition of Phase 4.

The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. As a condition of all phases, the applicant shall design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.

All utilities (sewer, water, and storm drainage) shall be designed and constructed according to all applicable provisions of SRC and PWDS. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

**d. Streets and Right-of-Way Improvements (SRC Chapter 803):**

UGA09-07 requires the applicant to: (1) convey land for dedication along the frontage of Auburn Road NE (30 feet from centerline) and State Street (48 feet from centerline); (2) construct three-quarter street improvements to equal a 23-foot-wide Collector B improvement on the development side with a 12-foot-wide widening on the opposite side of Auburn Road NE and a 34-foot-wide Major Arterial improvement on the development side with a 12-foot-wide widening on the opposite side of State Street; (3) construct Greencrest Street NE to extend through the property as a Collector improvement within a 60-foot-wide right-of-way as specified in the Salem TSP; (4) enter into an agreement with Marion County for the street improvements and/or right-of-way dedication for Cordon Road NE; and (5) provide a Traffic Impact Analysis (TIA) to identify the impacts of this proposed development.

The subject property is abutted by Auburn Road NE, a Collector, to the north; State Street, a Major Arterial, to the south, and Cordon Road NE, a Parkway under Marion County jurisdiction, to the east. Auburn Road NE lacks adequate right-of-way and does not meet the current standard for a Collector street. However, Auburn Road NE also has multiple existing City Owned trees. Auburn Road NE is approved for an Alternative Street Standard pursuant to SRC 803.065(a)(3) because the existing City Owned trees along the development frontage make the construction of a Collector B improvement to PWDS undesirable. Instead, the street may have an alternate alignment to be approved by Public Works Director and shall be constructed with a minimum 29-foot-wide three-quarter-street improvement along the property frontage, except where parking is provided, in order to preserve existing City Owned trees.

Additionally, all internal private Local streets are approved to allow for a 50-foot right-of-way width with property-line sidewalks. Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. After reviewing the applicant's alternate design proposal, it is consistent with past practice and the Director authorizes the proposed 30-foot improvement, within a 50-foot right-way, and property-line sidewalks. The applicant shall construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.

State Street lacks adequate right-of-way and does not meet the current standard for a Major Arterial street. Right-of-way and street improvement requirements for Auburn Road NE and State Street are found in the conditions of approval and are divided by phase to account for proportionality.

The applicant's site plan shows the proposed intersection of (future) Cougar Street NE (private) at State Street offset from Cougar Court SE. Prior to commencement of work in Phase 4, the applicant shall align the intersection

of (future) Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

Cordon Road NE lacks adequate right-of-way and does not meet the current standard for a Parkway street. However, because Cordon Road NE is under the jurisdiction of Marion County, the requirements for right-of-way dedication and frontage improvements are specified by the TIA and an agreement that was required by Condition 3 of UGA09-07 between Marion County and the developer. As of this writing, the agreement is not complete. The agreement shall be recorded prior to commencing development on Phase 2.

The applicant's proposal shows the extension of (future) Greencrest Street NE, designated a Collector B in the Salem TSP, intersecting with State Street in an alignment that does not conform with the existing Salem TSP. The proposed intersection aligns with Oakmont Court SE, more than 600 feet east of the designed transportation system, therefore a TSP Amendment is required. As of this writing, the applicant has applied for a TSP Amendment, however approval has not yet been obtained. Prior to commencement of work in Phase 1, the applicant shall obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Pursuant to SRC 803.035(n), the applicant shall provide a 10-foot public utility easement along the frontage of all internal streets.

The applicant submitted a Traffic Impact Analysis (TIA), prepared by Transight Consulting, LLC and dated February 2019. The TIA included a phasing plan, dated April 26, 2019, for the proposed subdivision. The TIA and phasing plan specify that the following street improvements should occur with each phase as follows:

Phase 1:

- a. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- b. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE (also required by Condition 2 of UGA09-07).
- c. Construct Greencrest Street NE within Phase 1 to Collector B standards (also required by Condition 4 of UGA09-07).
- d. Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way if needed to accommodate the improvement.

- e. Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- a. Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way if needed to accommodate the improvement.
- b. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- c. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property (also required by Condition 2 of UGA09-07).
- d. Construct Greencrest Street NE in Phase 2 to Collector B standards (also required by Condition 4 of UGA09-07)
- e. Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way if needed to accommodate the improvement.

Phase 3:

- a. Construct Greencrest Street NE to State Street to Collector B standards (also required by Condition 4 of UGA09-07)
- b. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

- a. Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street (also required by Condition 1 of UGA09-07).
- b. Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
- c. Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street (also required by Condition 2 of UGA09-07).

- d. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

- a. Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.
- b. Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
- c. Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE (also required by Condition 1 of UGA09-07)
- d. Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE (also required by Condition 2 of UGA09-07)
- e. Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

- a. Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- b. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE (also required by Condition 2 of UGA09-07).
- c. Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.
- d. Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be

provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

**e. Driveway Access (SRC Chapter 804):**

No driveway approaches are proposed to public right-of-way within the proposed development.

**f. Vision Clearance (SRC Chapter 805):**

The proposed intersections shall meet the Public Works Design Standards vision clearance standards set forth in SRC Chapter 805.

**g. Off-Street Parking, Loading, and Driveways (SRC Chapter 806):**

*SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking shall be provided and maintained for each proposed new use or activity.

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*

Required off-street parking shall be located on the same development site as the use or activity it serves.

*SRC 806.015 - Amount of Off-Street Parking.*

Minimum and maximum off-street parking spaces for Planned Unit Developments are determined through Chapter 210, the applicant has requested an Adjustment to the minimum number of off-street parking spaces for the multi-family residential portion of the PUD; findings are included in the analysis of the Class 2 Adjustment approval criteria below.

*SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.*

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Adjacent to Buildings and Structures:** The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5 foot wide landscape strip or by a minimum 5 foot wide paved pedestrian walkway.

The proposed vehicle use area complies with the minimum perimeter setback standards identified in the PUD development standards, SRC Chapter 806,

and the minimum 5 foot setback requirement adjacent to a building or structure.

- a) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

The proposed PUD Tentative Plan does not provide a summary table indicating the size of the off-street parking area serving the 36-unit senior living facility. The off-street parking area appears to be less than 50,000 square feet in size, which requires a minimum 5 percent interior landscape area to be provided within the parking area. The proposed plan appears to comply with this standard, however, at the time of PUD Final Plan approval, the applicant shall provide a summary table indicating the size of the off-street parking area and the amount of interior parking area landscaping provided.

**Condition 7:** The PUD Final Plan shall demonstrate that the off-street parking area complies with the minimum interior parking area landscaping requirements of SRC Chapter 806.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of 5 feet.

- b) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- c) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the proposed off-street parking area. The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2).

Off-street parking area screening per SRC 806.035(m) is required for development of the proposed off-street parking area abutting residential zones.

### **Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or activity.

*SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.*

Bicycle parking shall be located on the same development site as the use or activity it serves.

*SRC 806.055 - Amount of Bicycle Parking.*

Per SRC Chapter 806, Table 806-8, multi-family uses are required to provide a minimum of one bicycle parking space per 10 dwelling units.

**Finding:** The proposal includes development of a 36-unit apartment complex, requiring a minimum of 4 bicycle parking spaces ( $36 / 10 = 3.6$ ). Bicycle parking for the proposed multi-family residential use is not indicated on the site plan.

**Condition 8:** The PUD Final Plan shall demonstrate that a minimum of 4 bicycle parking spaces will be provided for the proposed multi-family residential use in compliance with the development standards of SRC 806.060.

*SRC 806.060 – Bicycle Parking Development Standards.*

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- (c) Dimensions. Bicycle parking spaces shall be a minimum of six feet by two feet, and shall be served by a minimum four-foot-wide access aisle.
- (d) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

### **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

*SRC 806.075 - Amount of Off-Street Loading.*

For multi-family uses containing 0-49 dwelling units, no off-street loading spaces are required.

### **h. Preservation of Trees and Vegetation (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.”

Under the City’s tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant submitted a tree conservation plan in conjunction with the proposed planned unit development/subdivision identifying a total of 236 trees within the boundary of the property, 36 of which are significant trees (Oregon white oaks greater than 24” in diameter at breast height). There are no heritage trees located on the property and the applicant does not identify any riparian corridor trees or native vegetation proposed for removal on the property.

Of the 236 existing trees on the property, the proposed tree conservation plan identifies 71 trees (30.1%) for preservation and 165 trees (69.9%) for removal. The proposed tree conservation plan preserves 30.1 percent of the existing trees on the property, exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

As indicated on the applicant’s tentative plan tree conservation plan, Sheet P500, all significant trees on the subject property shall be protected and preserved through development unless the removal is approved through SRC Chapter 808.

**Condition 9:** All significant trees on the subject property shall be protected and preserved through development unless the removal is approved through SRC Chapter 808.

i. **Wetlands (SRC Chapter 809):**

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

The City’s wetlands ordinance, SRC Chapter 809, requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map. The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the

property. Prior to commencing work in any mapped wetland area, the applicant shall obtain state/federal wetland permits. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

**Condition 10:** Prior to commencing work in any mapped wetland area, obtain state/federal wetland permits.

**j. Landslide Hazards (SRC Chapter 810):**

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2-3 landslide hazard susceptibility points. There are 3 activity points associated with planned unit developments and subdivisions. The cumulative total of 6 points indicates a moderate landslide hazard susceptibility risk; pursuant to SRC Chapter 810, a geologic assessment is required in conjunction with the proposed development.

A Geotechnical Investigation, prepared by Redmond Geotechnical Services and dated December 21, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

As identified in the findings above, the PUD tentative plan conforms to the development standards of SRC Chapter 210. This criterion is met.

- (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 barbeque 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 active 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 active recreational use 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.***

**Finding:** As shown on the PUD tentative plan and indicated in the applicant's written statement, the proposed PUD includes common open space around the West Middle Fork Little Pudding River, which flows across the property. Walking paths and benches will be provided within the open space area providing approximately 13 acres of space for both active and passive

recreation use. The development plan also preserves existing significant trees located on private property. Walking paths will be provided to the future city park adjacent to the proposed PUD. This criterion is met.

- (3) ***If a retail service area or a convenience service 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.***

**Finding:** The proposed PUD does not include a retail service area or convenience service area; therefore, this standard is not applicable.

**SUMMARY OF CONDITIONS OF APPROVAL FOR PUBLIC IMPROVEMENTS (SRC Chapter 802) AND STREETS AND RIGHTS OF WAY IMPROVEMENTS (SRC Chapter 803)**

All phases:

- Condition 11:** Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.
- Condition 12:** Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.
- Condition 13:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 14:** Extend City infrastructure to adjacent parcels pursuant to PWDS.
- Condition 15:** Construct water, stormwater, and sewer systems to serve each lot.
- Condition 16:** Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
- Condition 17:** Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.
- Condition 18:** Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary

Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provides to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

- Condition 19:** Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
- Condition 20:** Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
- Condition 21:** Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.
- Condition 22:** As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
- Condition 23:** Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan. (UGA 9)
- Condition 24:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 25:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
- Condition 26:** Construct Greencrest Street NE within Phase 1 to Collector B standards.
- Condition 27:** Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 28:** Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- Condition 29:** Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.

- Condition 30:** As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.
- Condition 31:** Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 32:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 33:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property.
- Condition 34:** Construct Greencrest Street NE within Phase 2 to Collector B standards.
- Condition 35:** Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

- Condition 36:** Construct a 12-inch water main in (future) Greencrest Street NE to State Street.
- Condition 37:** Construct Greencrest Street NE to State Street to Collector B standards.
- Condition 38:** Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

- Condition 39:** Construct a 12-inch water main along the Phase 4 frontage of State Street to the western boundary of the subject property pursuant to PWDS.
- Condition 40:** Construct a 15-inch sewer main to the State Street Pump Station.

- Condition 41:** Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street.
- Condition 42:** Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
- Condition 43:** Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street.
- Condition 44:** Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

- Condition 45:** Construct a 12-inch water main along the Phase 5 frontage of State Street.
- Condition 46:** Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.
- Condition 47:** Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
- Condition 48:** Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE.
- Condition 49:** Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE.
- Condition 50:** Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

- Condition 51:** Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.

- Condition 52:** Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.
- Condition 53:** Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.
- Condition 54:** Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

## **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

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

**Finding:** The applicant is requesting a Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36-unit multi-family portion of the PUD from 77 spaces, or 2.14 spaces per unit, to 64 spaces, or 1.78 spaces per unit).

The minimum number of off-street parking spaces required for the 36-unit multi-family apartment complex per the Planned Unit Development chapter is 77 spaces, 2.5 spaces for the first 10 units, and 2 spaces per unit for each additional unit. The applicant is requesting to reduce the minimum off-street parking requirement from 77 spaces to 64 spaces, a 16.9 percent reduction.

The applicant explains that multi-family developments located outside a Planned Unit Development are required to provide a minimum of 1.5 spaces per dwelling unit, which would only require 54 off-street parking spaces to be provided for a 36-unit apartment complex. The applicant is proposing to provide approximately 1.78 spaces per dwelling unit, which is more than the minimum requirement for a typical multi-family development. The reduction in off-street parking will also allow for preservation of nearby significant trees, and will limit excessive amounts of paving. The Planning Commission finds that the Adjustment to reduce the off-street parking requirement is equally or better met by the applicant's development plan.

## Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

**Finding:** The subject property is located within a residential zone. The request to reduce the off-street parking requirement will reduce the amount of paved surface visible to the surrounding residential area, preserve significant trees, and will still provide more off-street parking spaces than are required for a multi-family development outside of a Planned Unit Development. The requested Adjustment will not detract from the livability or appearance of the surrounding residential area.

Any future development, beyond what is shown in the proposed plans, shall conform to the off-street parking requirements of the zoning code, unless adjusted through a future land use action.

**Condition 55:** The adjusted off-street parking requirement, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable off-street parking requirements, unless adjusted through a future land use action.

## Criterion 3:

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

**Finding:** One adjustment has been requested with this development, therefore this criterion is not applicable.

## CONCLUSION

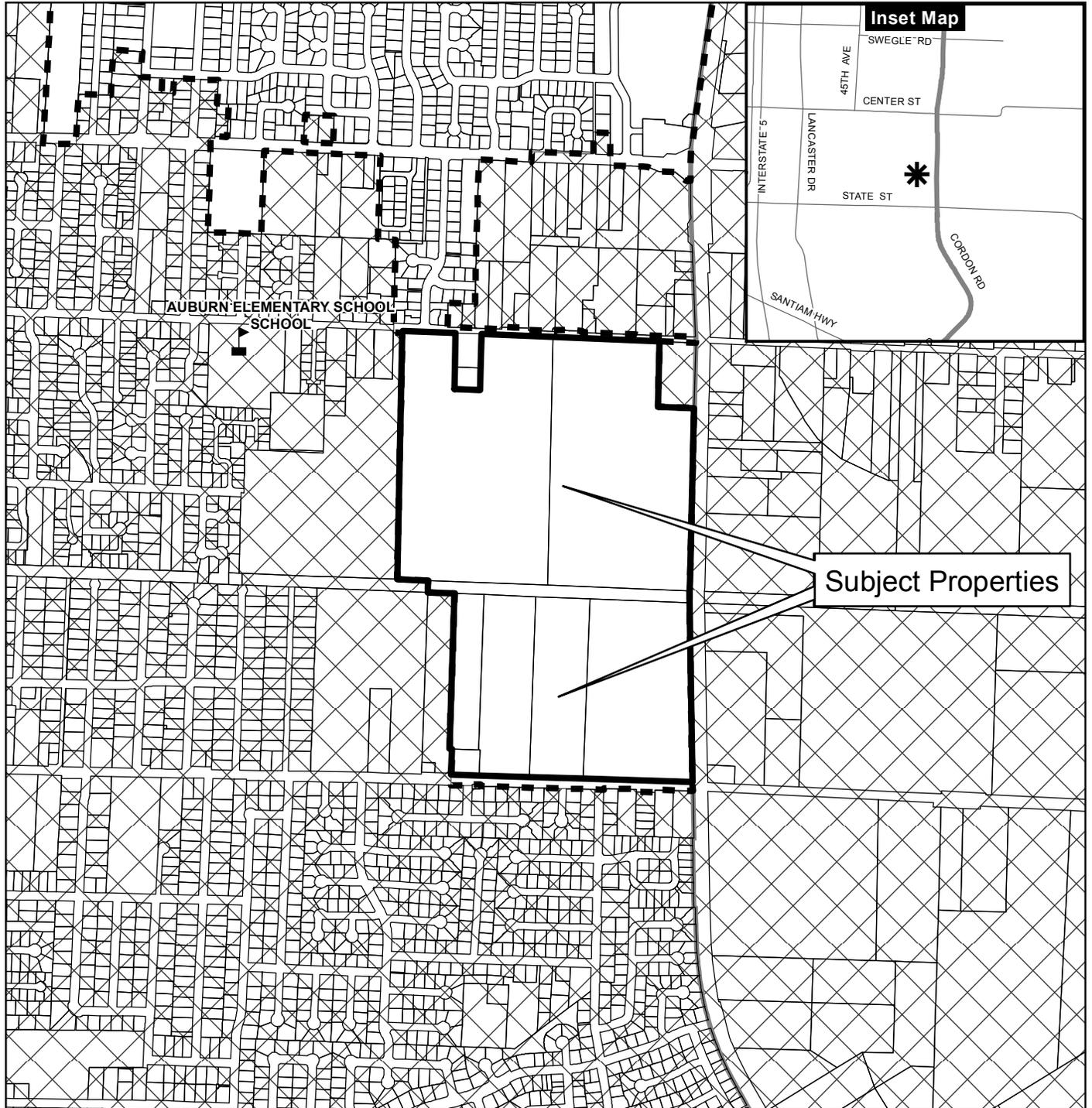
Based on the facts and findings presented herein, the Planning Commission finds that the proposed Comprehensive Plan Map Amendment, Zone Change, Planned Unit Development Tentative Plan, Subdivision Tentative Plan, and Class 2 Adjustment satisfy the applicable criteria contained under SRC 64.025(e)(2), 265.005(e)(1), SRC 210.025(d), SRC 205.010(d), and SRC 250.005(d)(2).

Attachments: A. Vicinity Map  
B. Applicant's Written Findings  
C. Applicant's Proposed Development Plans  
D. Public Works Memo  
E. Marion County Public Works Comments Dated September 6, 2019  
F. Salem-Keizer Public Schools Comments Dated September 4, 2019  
G. ELNA Comments Dated September 6, 2019

Prepared by Aaron Panko, Planner III

# Vicinity Map

## 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE



### Legend

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



0 100200 400 Feet



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Comprehensive Plan/Zone Change

East Park Estates

Revised-May 31, 2019

Background:

On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

The applicant is proposing to subdivide 122 acres into a six (6) Phase, 874-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 7.51 acres of park land and 12.29 acres of open space.

Proposal:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential'.



**EXISTING SITE CONDITIONS**

Vicinity Information:

The subject property contains approximately 122 acres. The subject property is zoned RS (Single-Family Residential), RM1 and RM2 (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park). The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

- North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
- East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
- South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
- West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

## **NEIGHBORHOOD PLAN**

The subject property is located within the East Lancaster Neighborhood Association (ELNA). The East Lancaster Neighborhood Plan was adopted by Salem City Council on January 16, 1984 (Ordinance No. 19-84). The subject property is not identified on the East Lancaster Neighborhood Land Use Plan Map.

The Land Use Intent Statement under D (Residential (page 6)) states the following:

*“According to the Salem Area Comprehensive Plan Map (March 1982), most of the land in ELNA is designated as Single Family Residential. A few areas are designated Multifamily Residential. To accommodate a mix of housing types, the ELNA plan has established tow subcategories:*

- 1. Single Family: The intent is to conserve the single-family character of the neighborhood by encouraging the maintenance of existing single-family housing and by promoting the development of new housing through traditional and nontraditional subdivision, planned unit development, and mobile home subdivisions. Zoning for this category shall be Residential Agriculture (RS) and Single Family Residential (RS).*
- 2. Multi Family Density: The intent is to provide a compatible mix of multi-family and single-family dwelling units in order to offer a variety of housing types to neighborhood residents.”*

The subject property contains approximately 122 acres. As shown on the September 2018 Salem Comprehensive Plan Map, the subject properties are designated ‘Single-Family Residential’, ‘Multi-Family Residential’, ‘Commercial’, and ‘Industrial’.

The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and change the comprehensive plan designation from ‘Commercial’ to ‘Multi-Family Residential’. The rezoning of these portions of the site will be consist with the intent of the ELNA Plan and consist with the existing zoning of the remainder of the property.

The rezoning of a portion of the CR zone will allow the entire site to be developed as a Planned Unit Development. Providing a mixture of housing types such as attached single family dwellings, detached single family dwellings, and multi-family units.

Therefore, by providing a Planned Unit Development with a compatible mixture of housing types on the site, the proposal is in compliance with the intent of the East Lancaster Neighborhood Association Plan.

## APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

### **SRC 64.020(f)(2) minor plan change criteria:**

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

#### **64.025(e)(2)(A)(ii): *Equally or Better Suited Designation***

Findings (CR to RM2): There is a lack of appropriately designated vacant RM2 sites within this vicinity located within the City limits. There is multi-family zoned property located to the west of the site that is located within the County and is fully developed. The subject property gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs. Rezoning 2.11 acres of the CR zone to RMII will allow additional housing to be provided within the proposed PUD, while still leaving 12.82 acres of CR zoned property for future commercial development.

Multi-family units are permitted in the CR zone through the Conditional Use Permit process. However, in order to provide private streets and greater amenities, the applicant is developing the site as a Planned Unit Development (PUD). Planned Unit Developments are not permitted within the CR zone. Therefore, this rezone is necessary in order to provide additional housing and develop the PUD.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land." With a multi-family designation, the subject property can be developed as multi-family dwellings within the proposed PUD; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system to provide more efficient circulation in this area of Salem.

In conclusion, due to the social, economic, or demographic patterns of the nearby vicinity, the current IP zone designation is no longer appropriate. Therefore, rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

Furthermore, due to the development of the site as a PUD and the additional of needed housing within the City limits, the proposed RM2 zoning is better suited than the current CR zone.

Therefore, this criterion has been met.

#### **64.025(e)(2)(B): *Services***

The City provided information at the pre-application conference (PRE-AP18-72) that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

**64.025(e)(2)(C): Urbanization**

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

**64.025(e)(2)(D): Comprehensive Plan/Applicable Goals**

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the planned unit development, and comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the planned unit development of the subject property into the City of Salem. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do exist on the site. Therefore, a geological assessment is not required. A geological assessment is being finalized and will be provided to the City of Salem.

There are no significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building.

The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The subject property will provide a location for commercial and residential uses. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current various zones. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new residential development, while still providing over 12 acres of CR zoned property within the southeast corner of the site.

Therefore, this proposal complies with Goal 9.

Goal 10 – Housing:

In 1998 and 2000, in order to meet State Wide Planning Goal 10 (Housing), properties along Wallace Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential'.

According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in

the Multi-Family Residential.” The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem’s Housing Needs Analysis dated December 2014, Page 48:

***“Increase land available for multifamily housing types in single-family designations. One approach to addressing a portion of the deficit of Multi-Family land is to increase opportunities for development of townhouses, duplexes, tri-plexes, and quad-plexes in the Single-Family and (possibly) Developing Residential designations. These types of multifamily housing are generally compatible with single-family detached housing.”***

The applicant’s proposal helps the City re-designate land while helping meet the housing needs. By rezoning the CR portion of this property, the applicant will be able to develop the site as a Planned Unit Development with a mixture of attached and detached housing types. Therefore, meeting the intent of the Housing Needs Analysis.

The development will also be located in an area in close proximity to existing and proposed services. Auburn Elementary School, Holland Youth Park and Auburn Center Golf Club are located to the west and east of the property. Commercial Services are currently available to the west along State Street.

The existing neighborhood consists of single family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards through the required Site Plan Review/Design Review process.

The City’s adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district’s master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments. A Traffic Impact Analysis is currently be finalized and will be provided to the City of Salem.

**64.025(e)(2)(E): Public Interest**

The public is benefitted by creating a well-located parcel of multi-family land and single-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and housing needs, and by providing a compatible use, the proposed change benefits the public.

**ZONE CHANGE CRITERIA SRC CHAPTER 265**

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RM2 zone will implement the requested "Multi-Family Residential" SACP map designation.

**ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):**

*(1) A quasi-judicial zone change shall be granted if all of 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 proposed zone would be compatible with the vicinity's development pattern; or*
- (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property 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.*

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the west, east, and south are located within the County and developed as multi-family and single-family residential dwellings. Properties to the north are located within the City of Salem and County and developed as single-family dwellings. The proposed zone change will allow the site to be developed as a Planned Unit Development with high density housing which will be compatible with the existing uses and additional amenities such as open space.

There is RM2 zoned property in the area. These sites are all developed. This site gives the applicant the ability to provide mixed housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RM2 property contiguous to the existing site that is vacant.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation and a single-family designation, the subject property can be developed as multi-family and single-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system.

In conclusion, there are no vacant sites located in this area. A multi-family and single-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

**(B) *City-initiated zone change.***

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Developing Residential" to 'Multi-Family Residential'.

The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family and single-family uses.

**Residential Development Goal**

The SACP states that one of the intents of the Residential Development goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

**Residential Development Policies**

Establishing Residential Uses: The applicant's proposal is to rezone 2.11 acres of the property from CR to RM2 to allow additional higher density to be built on the site within a Planned Unit Development. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All

necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located outside the Urban Service Area. Urban Growth Area Development Permit UGA09-07MOD1 has been approved for the property. At this time, a new UGA permit has not been deemed necessary.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: There are existing structure located on the subject property. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties within the area are developed as single-family development, multi-family development, and commercial development. The comprehensive plan encourages a mixture of housing types with in a neighborhoods that have access to commercial services.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and transportation, to be developed with a higher density of housing that is needed in this area.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. There are several parks located to the west and east of the subject property. Commercial services are located west of the site along State Street.

The existing neighborhood consists of single family housing and multi-family dwellings. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Planned Unit Development and Design Standards. The applicant will be required to go through the PUD and Design Review/Site Plan Review process prior to development.

Circulation System and Through Traffic: The subject property is located south of Auburn Road, west of Cordon Road, and north of State Street. The subject property will have direct access onto Auburn Road and State Street when developed. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards and Planned Unit Development guidelines.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards and PUD standards as outlined in the Code. As required by code, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. This development will be in a location with accessibility to the commercial developments west on State Street. Therefore, meeting the guidelines of providing housing within areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

#### **Salem-Keizer Housing Needs Analysis:**

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above. See findings under **64.025(e)(2)(D)**.

*(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the 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 zone change; or include both the demonstration and an amendment to the Comprehensive Plan.*

Applicant Response to (E): The applicant is proposing to change the zone of 2.11 acres from CR to RMII.

The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal because it does change the plan designation from an industrial use to a non-industrial use that will create development, which in turn creates jobs. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for residential uses along with new opportunity for the local labor force to obtain employment through development of the PUD. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with economic development and the goals of the Comprehensive Plan.

Data is available in the Economic Opportunity Analysis (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial and commercial land within the urban area for the 20-year planning period.

"Economic Opportunities Analysis" (EOA) report of October 2004, prepared for the Salem Regional Employment Center-Mill Creek Industrial Park Project. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of commercial land within the urban area for the 20-year planning period.

The EOA presents data regarding national, state, regional and local employment trends. The national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services, to increase (Table 1). The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase (Tables 2 and 3). The increase in job growth in these sectors is tied to the projected increases and changes in the population (p. 7). Job growth specific to Marion and Polk Counties is shown in Table 4, p. 9. This table shows an increase of 18,198 jobs from 2002 to 2012, with a large percentage of the new jobs occurring in the retail and service sections (p. 8). Employment in the services sector is projected at a faster rate than the other sectors (Table 4, p. 9).

The analysis in the EOA shows that employment in wholesale and retail trade within the urban area will likely continue to grow during the 20-year planning period. Within the Marion-Polk Counties region, employment in retail trade is projected to r-o-w 1.4% between 2002 and 2012. Within the category of finance, insurance and real estate, employment is projected to grow 1.4%, and employment in services is projected to grow 2.2% (Table 4). These employment categories are among the highest average annual rates of employment growth that are projected.

The proposal is to re-designate 2.11 acres of CR zoned land to RMII. However, 12.46 acres of CR zoned property will remain in the southeast corner of the site. This CR zoned portion of the subject site will provide a location for expanded opportunities for employment in retail trade and services, consistent with this employment growth projection.

The 2.11 acres of land being rezoned on subject property is not situated in an area feasible to provide commercial services. In addition, the economic study identifies the siting requirements for “service center retail” to include “excellent visibility to attract drive-by users and adequate proximity to major roadways”. The 2.11 acres of the property proposed to be rezoned is not in an area visible to major roadways. Therefore, it’s not suitable for commercial development. Whereas the 12.46 acres of the site currently zoned CR is located along the major, high-volume roadway, which affords it excellent visibility and accessibility to drive-by traffic.

By providing an additional area on the site for the development of residential dwellings, the proposal serves to provide an opportunity of a work/live environment while meeting the housing needs and the economic growth needs for the City of Salem.

Therefore, this criteria has been met.

*(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.*

Applicant Response to (F): The current zoning of the property is IP, CR, RS, RM1, and RM2. The applicant is proposing to change the zone of 2.11 acres from CR to RM2, so the site can be developed at a higher density within a Planned Unit Development.

A Traffic Impact Analysis is currently being reviewed by the City of Salem.

This criterion has been met.

**(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.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RM2 zone.

Therefore, this criteria has been met.

## **CONCLUSION**

We believe that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. As demonstrated herein, the “Multi-Family Residential” land use designation and corresponding RM2 (Multi-Family Residential) zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.



# Comprehensive Plan/Zone Change

## East Park Estates

Revised-May 31, 2019

### Background:

On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

The applicant is proposing to subdivide 122 acres into a six (6) Phase, 874-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 7.51 acres of park land and 12.29 acres of open space.

### Proposal:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.



### EXISTING SITE CONDITIONS

### Vicinity Information:

The subject property contains approximately 122 acres. The subject property is zoned RS (Single-Family Residential), RM1 and RM2 (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park). The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

- North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
- East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
- South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
- West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

## **NEIGHBORHOOD PLAN**

The subject property is located within the East Lancaster Neighborhood Association (ELNA). The East Lancaster Neighborhood Plan was adopted by Salem City Council on January 16, 1984 (Ordinance No. 19-84). The subject property is not identified on the East Lancaster Neighborhood Land Use Plan Map.

The Land Use Intent Statement under D (Residential (page 6)) states the following:

*“According to the Salem Area Comprehensive Plan Map (March 1982), most of the land in ELNA is designated as Single Family Residential. A few areas are designated Multifamily Residential. To accommodate a mix of housing types, the ELNA plan has established tow subcategories:*

- 1. Single Family: The intent is to conserve the single-family character of the neighborhood by encouraging the maintenance of existing single-family housing and by promoting the development of new housing through traditional and nontraditional subdivision, planned unit development, and mobile home subdivisions. Zoning for this category shall be Residential Agriculture (RS) and Single Family Residential (RS).*
- 2. Multi Family Density: The intent is to provide a compatible mix of multi-family and single-family dwelling units in order to offer a variety of housing types to neighborhood residents.”*

The subject property contains approximately 122 acres. As shown on the September 2018 Salem Comprehensive Plan Map, the subject properties are designated ‘Single-Family Residential’, ‘Multi-Family Residential’, ‘Commercial’, and ‘Industrial’.

The applicant is requesting to rezone the portion of the site zoned IP (3.25 acres) to RS and change the comprehensive plan designation from ‘Industrial’ to ‘Single-Family Residential’. The rezoning of this portion of the site will be consist with the intent of the ELNA Plan and consist with the existing zoning of the remainder of the property.

The rezoning of the IP zone will allow the entire site to be developed as a Planned Unit Development. Providing a mixture of housing types such as attached single family dwellings, detached single family dwellings, and multi-family units.

Therefore, by providing a Planned Unit Development with a compatible mixture of housing types on the site, the proposal is in compliance with the intent of the East Lancaster Neighborhood Association Plan.

## **APPLICANT’S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA**

### **SRC 64.020(f)(2) minor plan change criteria:**

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACCP. No substantive changes are needed to SACCP policies or

text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

**64.025(e)(2)(A)(i): Alteration in circumstances**

Findings (IP to RS): The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The IP zoned portion of the site is located within the center of the proposed PUD. The IP zoned portion is about 3.25 acres in size. The IP zone was at one time used for railroad right-of-way through the site but is no longer used for access. This IP portion of the site has been vacant for years and used as part of this property. Therefore, the use of the IP zone has changed.

As shown on the Salem Zone Map, the social, economic, or demographic patterns of the nearby vicinity have changed so the current IP zone designation is no longer appropriate. This is an area developed with single-family and multi-family dwellings, this 3.25-acre IP zoned property is no longer a feasible zone in this area. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

**64.025(e)(2)(A)(ii): Equally or Better Suited Designation**

Findings (IP to RS): The subject properties are approximately 103 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The IP zoned portion of the site is located within the center of the proposed PUD. The IP zoned portion is about 3.25 acres in size. This is an area developed with single-family and multi-family dwellings, this 3.25-acre IP zoned property is not a feasible zone in this area. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

The subject property will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system to provide more efficient circulation in this area of Salem.

In conclusion, due to the social, economic, or demographic patterns of the nearby vicinity, the current IP zone designation is no longer appropriate. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent. Therefore, it is a better suited for the site and neighborhood.

Therefore, this criterion has been met.

**64.025(e)(2)(B): Services**

The City provided information at the pre-application conference (PRE-AP18-72) that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

**64.025(e)(2)(C): Urbanization**

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

**64.025(e)(2)(D): Comprehensive Plan/Applicable Goals**

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the planned unit development, and comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the planned unit development of the subject property into the City of Salem. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do exist on the site. Therefore, a geological assessment is not required. A geological assessment is being finalized and will be provided to the City of Salem.

There are no significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building.

The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 9 – Economy of the State:

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal by providing a large development that will help provide jobs when under construction. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current zoning. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. There is 12.82 acres of CR zoned property for future commercial development. The site will offer economic diversification because it will provide for the expansion of new residential housing and commercial uses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents for the development of the site.

The subject property is unlikely to develop as industrial uses in the future because of its location and it is lacking many favorable conditions that are more readily available at the Mill Creek industrial site. For these reasons, removing this site from the industrial lands inventory will not have a significant impact on the economy of the city, the region or the State and the proposed change does not conflict with this Goal.

Goal 10 – Housing:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The applicant's proposal helps the City re-designate land while helping meet the housing needs. By rezoning the IP portions of this property, the applicant will be able to develop the site as a Planned Unit Development with a mixture of attached and detached housing types. Therefore, meeting the intent of the Housing Needs Analysis.

The development will also be located in an area in close proximity to existing and proposed services. Auburn Elementary School, Holland Youth Park and Auburn Center Golf Club are located to the west and east of the property. Commercial Services are currently available to the west along State Street.

The existing neighborhood consists of single family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Code requirements.

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Polices and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments. A Traffic Impact Analysis is currently be finalized and will be provided to the City of Salem.

Goal 14 – Urbanization:

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area

of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and outside the urban service area. The applicant has applied for a UGA permit. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

**64.025(e)(2)(E): Public Interest**

The public is benefitted by creating a well-located parcel of multi-family land and single-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and housing needs, and by providing a compatible use, the proposed change benefits the public.

**ZONE CHANGE CRITERIA SRC CHAPTER 265**

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RS zone will implement the requested "Single-Family Residential" SACP map designation.

**ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):**

*(1) A quasi-judicial zone change shall be granted if all of 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 proposed zone would be compatible with the vicinity's development pattern; or*
- (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property 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.*

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the west, east, and south are located within the County and developed as multi-family and single-family residential dwellings. Properties to the north are located within the City of Salem and County and developed as single-family dwellings. The proposed zone change will allow the site to be developed as a Planned Unit Development with high density housing which will be compatible with the existing uses and additional amenities such as open space.

There is RS zoned property in the area. These sites are all developed. This site gives the applicant the ability to provide mixed housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RS property contiguous to the existing site that is vacant. Plus this portion of the site is surrounded by RS zoned property. The subject portion of this site will never be developed as IP, It's not large enough for an industrial use and its surrounded by RS zoned land.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation and a single-family designation, the subject property can be developed as single-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property as a whole will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system.

In conclusion, there are no vacant sites located in this area. A single-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

**(B) City-initiated zone change.**

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Industrial" to 'Single-Family Residential'

The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family and single-family uses.

**Residential Development Goal**

The SACP states that one of the intents of the Residential Development goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

**Residential Development Policies**

Establishing Residential Uses: The applicant's proposal is to rezone 3.25 acres of the property from IP to RS to allow a higher density to be built on the site within a Planned Unit Development. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located outside the Urban Service Area. Urban Growth Area Development Permit UGA09-07MOD1 has been approved for the property. At this time, a new UGA permit has not been deemed necessary.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: There are existing structure located on the subject property. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties within the area are developed as single-family development, multi-family development, and commercial development. The comprehensive plan encourages a mixture of housing types within a neighborhoods that have access to commercial services.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and transportation, to be developed with a higher density of housing that is needed in this area.

Circulation System and Through Traffic: The subject property is located south of Auburn Road, west of Cordon Road, and north of State Street. The subject property will have direct access onto Auburn Road and State Street when developed. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards and Planned Unit Development guidelines.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards and PUD standards as outlined in the Code. As required by code, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. This development will be in a location with accessibility to the commercial developments west on State Street. Therefore, meeting the guidelines of providing housing within areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

### **Salem-Keizer Housing Needs Analysis:**

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above. See findings under **64.025(e)(2)(D)**.

*(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the 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 zone change; or include both the demonstration and an amendment to the Comprehensive Plan.*

Applicant Response to (E): The applicant is proposing to change the zone of 3.25 acres from IP to RS.

The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal because it does change the plan designation from an industrial use to a non-industrial use that will create development, which in turn creates jobs. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for residential uses along with new opportunity for the local labor forces to obtain employment through development of the PUD. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with economic development and the goals of the Comprehensive Plan.

Data is available in the Economic Opportunity Analysis (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial and commercial land within the urban area for the 20-year planning period.

The EOA presents data regarding national, state, regional and local employment trends. The national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services, to increase (Table 1). The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase (Tables 2 and 3). The increase in job growth in these sectors is tied to the projected increases and changes in the population (p. 7). Job growth specific to Marion and Polk Counties is shown in Table 4, p. 9. This table shows an increase of 18,198 jobs from 2002 to 2012, with a large percentage of the new jobs occurring in the retail and service sectors (p. 8). Employment in the services sector is projected at a faster rate than the other sectors (Table 4, p. 9). The analysis in the EOA shows that employment in wholesale and retail trade within the urban area will likely continue to grow during the 20-year planning period. Within the Marion-Polk Counties region, employment in retail trade is projected to r-o-w 1.4% between 2002 and 2012. Within the category of finance, insurance and real estate, employment is projected to grow 1.4%, and employment in services is projected to grow 2.2% (Table 4). These employment categories are among the highest average annual rates of employment growth that are projected.

The proposal is to re-designate 3.25 acres of undevelopable IP zoned land to RMII. However, 12.46 acres of CR zoned property will remain in the southeast corner of the site. This CR zoned portion of the subject site will provide a location for expanded opportunities for employment in retail trade and services, consistent with this employment growth projection.

The 3.25 acres of land being rezoned on subject property is not situated in an area feasible to provide industrial services. Its located in the center of the site and surrounded by residential zoned land. Therefore, it's not suitable for industrial development.

The Mill Creek Project has added 507 acres of developable land to the industrial inventory. This project is intended to provide “development ready” industrial sites where environmental factors have already been mitigated, and public infrastructure is readily available. Due to Mill Creek, the subject property will not be developed for industrial uses in the future. Unlike Mill Creek, the subject property is adjacent to residential neighborhoods and in close proximity to schools and commercial services (existing and future), which makes it an appropriate site for residential development.

Furthermore, by providing an additional area on the site for the development of residential dwellings, the site as a whole serves to provide an opportunity of a work/live environment while meeting the housing needs and the economic growth needs for the City of Salem.

Therefore, this criteria has been met.

*(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.*

Applicant Response to (F): The current zoning of the property is IP, CR, RS, RM1, and RM2. The applicant is proposing to change the zone of 3.25 acres from IP to RS, so the site can be developed at a higher density within a Planned Unit Development.

A Traffic Impact Analysis is currently being reviewed by the City of Salem.

This criterion has been met.

**(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.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RS zone.

Therefore, this criteria has been met.

## CONCLUSION

We believe that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. As demonstrated herein, the “Single-Family Residential” land use designation and corresponding RS (Single-Family Residential) zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.



# East Park Estates

## **SUB/PUD Application**

Revised-June 25, 2019

### **BACKGROUND:**

On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

On January 3, 2019, the required PUD Pre-Application Conference (PRE-AP18-126) was held with the applicant and City staff.

### **PROPOSAL:**

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	147 lots
Phase 2:	94 lots
Phase 3:	106 lots
Phase 4:	99 lots
Phase 5:	101 lots
Phase 6:	112 lots

### **SITE VICINITY AND CHARACTERISTICS:**

The subject property contains approximately 103 acres, including 12.29 acres of open space. The subject property is zoned RS (Single-Family Residential), RMI and RMII (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park).

The applicant has also submitted an application requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential' and 'Industrial' to 'Single-Family Residential'.

The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

- North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
- East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
- South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
- West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

**COMPLIANCE WITH THE SALEM AREA COMPREHENSIVE PLAN (SACP):**

Citizen involvement is provided via the City of Salem public hearing process necessary for the Subdivision/PUD application which allows public comment. The City's Plan is acknowledged to be in compliance with State Land Use Goals. The public hearing process is implemented by an administrative public hearing on the matter with written notification to property owners. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

In addition, the SACP and its implementing ordinances are adopted by the City through the public hearing process of the City Council ordinance procedure. The subject property is within the city limits and is within the urbanized area. The proposal does not affect the size or location of the city limits or urban growth boundary.

The Statewide Planning Goals are implemented by the adopted goals and policies of the SACP and its implementing ordinances and facility plans. The proposal accommodates the Statewide Goals by being located within an adopted Urban Growth Boundary.

The SACP Residential Development Goal requires the promotion of *“ . . . a variety of housing opportunities for all income levels and the adequate supply of developable land to support such housing.”* The SACP is implemented by the zone, Subdivision, and PUD codes under the provisions of SRC Chapter 510 (RA), 511 (RS), 513 (RMI), 514 (RMII), 522 (CR), 553 (IP), 205 (Land Division) and 210 (PUD). The proposal is for a single-family and multi-family development. The proposal meets Residential Goals and Policies by providing a variety of housing types within a proposed Planned Unit Development/Subdivision.

**CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1):**

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.

***(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.***

The proposal does not require any variances to lot development or street standards specified in the Code. UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. However, the proposed lots range in size from 3,150 to 9,264 square feet in size, with an average lot size of 4,120 square feet.

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

- Phase 1: 147 lots
- Phase 2: 94 lots
- Phase 3: 106 lots
- Phase 4: 99 lots
- Phase 5: 101 lots
- Phase 6: 112 lots

**Density-**Density within the PUD has been met as shown below:  
RS Zone-Minimum 4,000 square foot lot size required

<b>Lot Size w/Streets</b>	<b>Lot Size w/out Streets</b>
77.27 acres	56.50 acres
814 lots- max allowed	615 lots- max allowed
460 lots- proposed	460 lots- proposed
Density met	Density met

RM1 Zone-8 units minimum/14 units maximum

<b>Lot Size w/Streets</b>	<b>Lot Size w/out Streets</b>
11.7 acres	8 acres
94 units-min required	64 units-min required
164 units-max allowed	112 units-max allowed
98 units-proposed	98 units-proposed
Density met	Density met

RM2 Zone-12 units minimum/28 units maximum

<b>Lot Size w/Streets</b>	<b>Lot Size w/out Streets</b>
15.34 acres	9.71 acres
184 units-min required	117 units-min required
430 units-max allowed	272 units-max allowed
121+ units-proposed	121+ units-proposed
20 units proposed within the southwest corner of Russet Avenue and Greencrest Street	20 units proposed within the southwest corner of Russet Avenue and Greencrest Street
Density met	Density met

The proposal can conform 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 proposed subdivision is in compliance with lot size requirements and required access. Therefore, this criteria has been met.

***(B) City infrastructure standards.***

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. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. Therefore, this criterion has been met.

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

There are wetlands and a waterway that runs through the subject property. The City will notify DSL to ensure that all applicable requirements pertaining to wetlands are met at the time of development. The waterway runs through subject property and has been incorporated into the green space within the development. Therefore, providing a natural amenity for the residents.

Based on the information provided in PRE-AP18-72 and PRE-AP18-126, a geologic assessment is required. A geologic assessment dated December 21, 2018, has been provided as part of this application.

This criterion has been met.

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

The subject property is 103 acres in size. The applicant is proposing to develop 103 acres into 659-lots as shown on the site plan. Therefore, the proposed PUD/SUB will not impede future use or development of the commercial parcel or adjacent land.

The surrounding abutting properties are fully developed.

North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings

East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses

South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings

West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. Since the adjacent properties are fully developed, access to adjacent properties is not necessary; therefore the subdivision does not impede the future use of the property or adjacent land.

The proposed site plan shows street improvements and access to all lots within the proposed subdivision. Therefore, this criterion has been met.

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

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. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

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:**

Stormwater quality and quantity are required for this development. An LID (low impact development) Stormwater 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 proposed stormwater system will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management. A preliminary stormwater analysis is currently being finalized and will be provided as part of a completed application.

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

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. State Street is designated as a 'major arterial' that runs along the south side of the property and Auburn Road is designated as a 'collector' that runs along the north side of the property. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to the existing streets.

All streets within the PUD/SUB are proposed to be private except for Greencrest Street that runs north/south through the development. Greencrest Street is designated as a 'collector' and will be designed to public street standards.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision. Auburn Road, State Street, and Cordon Road provides connection to street system that serves the area.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

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 partition 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:

The subject property has direct street frontage on State Street to the south, Auburn Road to the north, and Cordon Road to the east. No access will be allowed onto Cordon Road. State Street and Auburn Road adjacent the subject property will be developed with sidewalks as required by staff. Sidewalks will be provided along the private street within the PUD. These sidewalks and the existing sidewalks will provide safe and efficient pedestrian access to the existing sidewalk system.

Transit service is also available along Auburn Road (Route 5A-Lancaster Mall) and along State Street (Route 16-Four Corners). The existing transit stops will be accessible to the residents of the PUD/SUB via proposed and existing sidewalks. Therefore, this criterion has been met.

***(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.***

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood and Crossler Middle School.

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.

A Traffic Impact Analysis (TIA) is being finalized and will be provided to the City of Salem staff when complete. The Public Works Department will address the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application. Therefore, this criterion 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.***

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 on to the public street system.

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. State Street is designated as a 'major arterial' that runs along the south side of the property and Auburn Road is designated as a 'collector' that runs along the north side of the property. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to the existing streets.

The subject property has direct street frontage on State Street to the south, Auburn Road to the north, and Cordon Road to the east. No access will be allowed onto Cordon Road. State Street and Auburn Road adjacent the subject property will be developed with sidewalks as required by staff. Sidewalks will be provided along the private street within the PUD. These sidewalks and the existing sidewalks will provide safe and efficient pedestrian access to the existing sidewalk system.

Transit service is also available along Auburn Road (Route 5A-Lancaster Mall) and along State Street (Route 16-Four Corners). The existing transit stops will be accessible to the residents of the PUD/SUB via proposed and existing sidewalks.

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood and Crossler Middle School.

Therefore, via paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods. Therefore, this criterion has been met.

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

The proposal is for a 659-lot subdivision/planned unit development. A Traffic Impact Analysis (TIA) is being finalized and will be provided to the City of Salem staff when complete. The TIA and the City Public Works Department will determine required mitigation based on the TIA and the surrounding area.

The proposed subdivision plan mitigates impacts to the transportation system by providing adequate access and circulation for all 659-lots. 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.***

All lots are in compliance with the UDC/SRC. Therefore, no variances have been requested.

***(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.***

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 proposal does not require any variances to lot development or street standards specified in the Code. UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. However, the proposed lots range in size from 3,064 to 9,264 square feet in size, with an average lot size of 4,120 square feet.

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	147 lots
Phase 2:	94 lots
Phase 3:	106 lots
Phase 4:	99 lots

Phase 5: 101 lots  
Phase 6: 112 lots

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision regulates minimum lot sizes. 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.

There are 233 trees located within the boundary of the property. Two-hundred and eighteen (218) trees are designated for removal with fifteen (15) trees designated for preservation. The 218 trees designated for removal are within a building envelop or within an area close to the building envelope but have the potential of being damaged during construction. The removal of trees is necessary for development of the site.

The plan proposes the removal of 218 trees, with 15 (or 6%) trees to be preserved.

There are 35 Oregon White Oaks 24" in diameter or greater located within the boundary of the site. Twenty-seven of these Oregon White Oaks are proposed for removal. These Oregon White Oaks are proposed for removal due to their location within the right-of-way, building envelopes, and/or they are proposed for removal because they are located within a cluster of trees proposed for removal and have the potential of being damaged. Eight (8) of the Oregon White Oak trees will remain on the site.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, no variances have been requested. 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.***

The property and development are outside the Urban Service Area (USA) and are subject to growth management requirements for public facilities under SRC Chapter 66. However, all services are available to the site as indicated at the Pre-App (PRE-AP18-72), (PRE-AP18-126) and the previously approved UGA (UGA09-07MOD1). Therefore, this criterion has been met.

#### **CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC CHAPTER 210:**

***The PUD tentative conforms to the development standards of this chapter:***

All development standards have been met as outlined in Table 210-2. All setbacks, height, parking, and landscaping requirements will be complied with at the time of building permit submittal, per Table 210-3, Table 210-4, and Table 210-5.

***(d)(2)(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 active 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 active recreational use include, but are not limited to, community gardens, commons, and private parks;***

Open space is being provided throughout the development. The open space area will be about 12.29 acres in size. The open space areas that run through the site will be landscaped and have pathways. As shown on the Open Space Plan, the on-site open space areas have the potential to provide amenities such as benches, pedestrian pathways, gazebos, play areas and picnic tables. The final open space amenities will be determined prior to the PUD Final Plan approval and outlined on the PUD Final Plan.

There is a proposed 7.51-acre City Park that will be located adjacent to the PUD. The park will provide recreational opportunities to the residents within the PUD/SUB as well as the on-site open space areas.

Therefore, the open space requirements have been met.

#### **TREE CONSERVATION/REMOVAL PLAN**

There are 233 trees located within the boundary of the property. Two-hundred and eighteen (218) trees are designated for removal with fifteen (15) trees designated for preservation. The 218 trees designated for removal are within a building envelope or within an area close to the building envelope but have the potential of being damaged during construction. The removal of trees is necessary for development of the site.

The plan proposes the removal of 218 trees, with 15 (or 6%) trees to be preserved.

There are 35 Oregon White Oaks 24" in diameter or greater located within the boundary of the site. Twenty-seven of these Oregon White Oaks are proposed for removal. These Oregon White Oaks are proposed for removal due to their location within the right-of-way, building envelopes, and/or they are proposed for removal because they are located within a cluster of trees proposed for removal and have the potential of being damaged. Eight (8) of the Oregon White Oak trees will remain on the site.

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**East Park PUD**  
Adjustment Class-2 Application

**PROPOSAL:**

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1: 147 lots  
Phase 2: 94 lots  
Phase 3: 106 lots  
Phase 4: 99 lots  
Phase 5: 101 lots  
Phase 6: 112 lots

Phase 6 includes a 36-unit apartment complex with 64 off-street parking spaces. Multi-Family units within the PUD are required to have 2.5 spaces per dwelling unit for the first 10 units, and 2 spaces per dwelling unit for each dwelling over 10 units. Therefore, 77 off-street parking spaces are required for the 36-units.

The applicant is requesting a Class-2 Adjustment to allow a reduction in the required off-street parking spaces.

**Adjustment Criteria-SRC 250.005(d)(2) Criteria**

***(A) The purpose underlying the specific development standard proposed for adjustment is:***

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

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

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

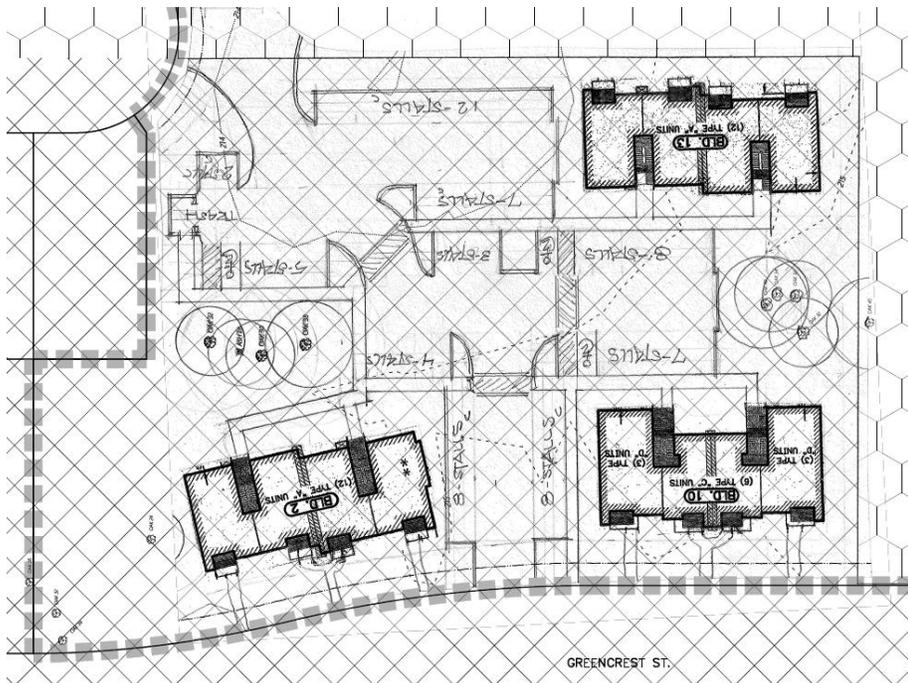
Applicant's Reasons:

- (A)** The applicant is requesting an adjustment to allow 64 vehicle parking spaces where 77 vehicle parking spaces are required for the 36 multi-family units. Multi-Family units within a PUD are required to have 2.5 spaces per dwelling unit for the first 10 units, and 2 spaces per dwelling unit for each dwelling over 10 units. Multi-family units not within a PUD are required to provide 1.5 vehicle parking spaces per unit, which would only require the applicant provide 54 on-site vehicle parking spaces. The applicant's proposal exceeds the parking requirements for multi-family units not within a PUD, by providing 1.77 vehicle parking spaces per unit.

The adjustment will allow the applicant to provide 13 less on-site vehicle parking spaces while providing more than adequate parking on-site and more importantly preserving additional trees on-site. The reduction in parking allows the applicant to preserve additional trees on the site. In order to provide additional parking on the site, at least 7 or 8 additional trees would need to be removed. Those 7 or 8 trees that would be removed are all Oregon White Oak trees 24" in diameter or great.

The reduction in parking helps serve the property in a better way by preserving additional significant trees which is better for this development than providing additional on-site parking.

The purpose of this requirement is to provide adequate on-site parking for multi-family units. As stated above, multi-family units not within a PUD are only required to provide 1.5 vehicle parking spaces per unit, which would only require the applicant to provide 54 on-site vehicle parking spaces. The applicant is providing 64 vehicle parking spaces on sight which is 1.77 spaces per unit. The proposed 64 parking spaces is better met by the proposed because it provides adequate parking and preserves additional significant trees.



(B) The subject property contains approximately 103 acres, including 12.29 acres of open space. The subject property is zoned RS (Single-Family Residential), RMI and RMII (Multi-Family Residential), and CR (Commercial Retail).

The applicant is going through the PUD land use process to ensure that Code requirements are met and that the proposal has little to no impact on the surrounding neighborhood. The proposed development will provide street connections to the existing street network. These connections will provide safer and more efficient

circulation throughout the development. The connections will even help to spread vehicle use out and through adjacent neighborhoods.

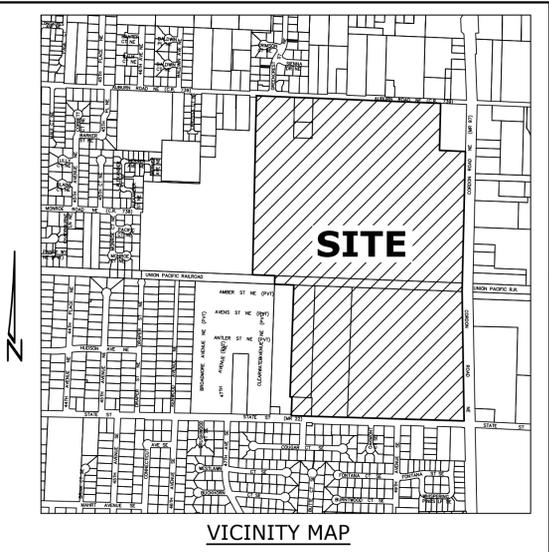
Any conditions placed on the PUD will require Code compliance, which will help ensure minimal to no impacts on the neighborhood.

- (C) The proposed adjustment will not affect surrounding existing or proposed development. The applicant is not requesting more than one adjustment.

# ATTACHMENT C

## SHEET INDEX

- P101 TENTATIVE PLAN COVER SHEET
- P102 TENTATIVE OPEN SPACE PLAN
- P103 EXISTING ZONING MAP
- P201 EXISTING CONDITIONS PLAN - SITE
- P202 EXISTING CONDITIONS PLAN - AUBURN S.S.
- P203 EXISTING CONDITIONS PLAN - AUBURN S.D.
- P204 EXISTING CONDITIONS PLAN - CORDON WATER
- P205 EXISTING CONDITIONS PLAN - CORDON WATER
- P206 EXISTING CONDITIONS PLAN - CORDON WATER
- P301 TENTATIVE SITE PLAN - PHASE 1
- P302 TENTATIVE SITE PLAN - PHASE 1
- P303 TENTATIVE SITE PLAN - PHASE 2
- P304 TENTATIVE SITE PLAN - PHASE 3
- P305 TENTATIVE SITE PLAN - PHASE 3 & 6 (SOUTH)
- P306 TENTATIVE SITE PLAN - PHASE 4
- P307 TENTATIVE SITE PLAN - PHASE 5
- P308 TENTATIVE SITE PLAN - PHASE 6 (NORTH)
- P401 SCHEMATIC UTILITY & GRADING PLAN - PHASE 1
- P402 SCHEMATIC UTILITY & GRADING PLAN - PHASE 1
- P403 SCHEMATIC UTILITY & GRADING PLAN - PHASE 2
- P404 SCHEMATIC UTILITY & GRADING PLAN - PHASE 3
- P405 SCHEMATIC UTILITY & GRADING PLAN - PHASE 3 & 6 (SOUTH)
- P406 SCHEMATIC UTILITY & GRADING PLAN - PHASE 4
- P407 SCHEMATIC UTILITY & GRADING PLAN - PHASE 5
- P408 SCHEMATIC UTILITY & GRADING PLAN - PHASE 6 (NORTH)
- P409 SCHEMATIC WATER AND SANITARY SEWER EXTENSIONS - AUBURN RD.
- P410 SCHEMATIC WATER AND SANITARY SEWER EXTENSIONS - AUBURN RD. & CORDON RD.
- P411 SCHEMATIC WATER EXTENSION - CORDON RD.
- P500 TREE CONSERVATION PLAN



VICINITY MAP

# EAST PARK ESTATES

## A PLANNED UNIT DEVELOPMENT

SEC. 29, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON

*Owner / Developer:*  
**EAST PARK L.L.C.**  
9550 SE CLACKAMAS RD  
CLACKAMAS, OREGON 97015

- UTILITIES:
- CABLE \_\_\_\_\_ COMCAST CABLE SERVICES
  - POWER \_\_\_\_\_ P.G.E.
  - PHONE \_\_\_\_\_ CENTURY LINK
  - GAS \_\_\_\_\_ N.W. NATURAL
  - SANITARY SEWER \_\_\_\_\_ CITY OF SALEM
  - STORM DRAIN & WATER \_\_\_\_\_ CITY OF SALEM

- EXISTING ZONE:  
RS, RM-I, RM-II, CR
- COMPREHENSIVE DESG.:  
SINGLE FAMILY RESIDENTIAL,  
MULTI-FAMILY RESIDENTIAL &  
COMMERCIAL

### AREA TABLE:

BOUNDARY:	5,344,136 S.F.	122.68 Ac.	100.00%
LOT AREA:	2,728,279 S.F.	62.63 Ac.	51.05%
TRACT AREA:	567,547 S.F.	13.03 Ac.	10.62%
CITY PARK:	327,052 S.F.	7.51 Ac.	6.12%
COMMERCIAL:	542,249 S.F.	12.45 Ac.	10.15%

### PARCEL SIZE:

PHASE	TOTAL AREA	DEVELOPABLE AREA	TRACTS	LOTS	NUMBER OF UNITS	DENSITY	LARGEST	SMALLEST	AVERAGE
PHASE 1	21.83 AC.	21.63 AC.	0.47 AC.	14.78 AC.	147	9.94 UNITS/AC.	9,264 S.F.	3,150 S.F.	4,380 S.F.
PHASE 2	12.40 AC.	12.19 AC.	0.27 AC.	8.98 AC.	94	10.47 UNITS/AC.	7,202 S.F.	3,150 S.F.	4,161 S.F.
PHASE 3	18.79 AC.	18.75 AC.	3.07 AC.	9.61 AC.	106	11.03 UNITS/AC.	6,969 S.F.	3,150 S.F.	3,948 S.F.
PHASE 4	13.46 AC.	13.30 AC.	0.71 AC.	9.22 AC.	99	10.74 UNITS/AC.	4,686 S.F.	3,500 S.F.	4,057 S.F.
PHASE 5	13.41 AC.	13.41 AC.	0.80 AC.	9.45 AC.	101	10.69 UNITS/AC.	5,813 S.F.	3,150 S.F.	4,075 S.F.
PHASE 6	22.46 AC.	22.07 AC.	7.74 AC.	10.57 AC.	112	10.60 UNITS/AC.	8,633 S.F.	3,150 S.F.	4,101 S.F.



**TENTATIVE PLAN COVER SHEET**

**EAST PARK ESTATES P.U.D.**

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Date: NOV. 2018  
Scale: AS SHOWN

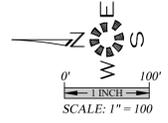
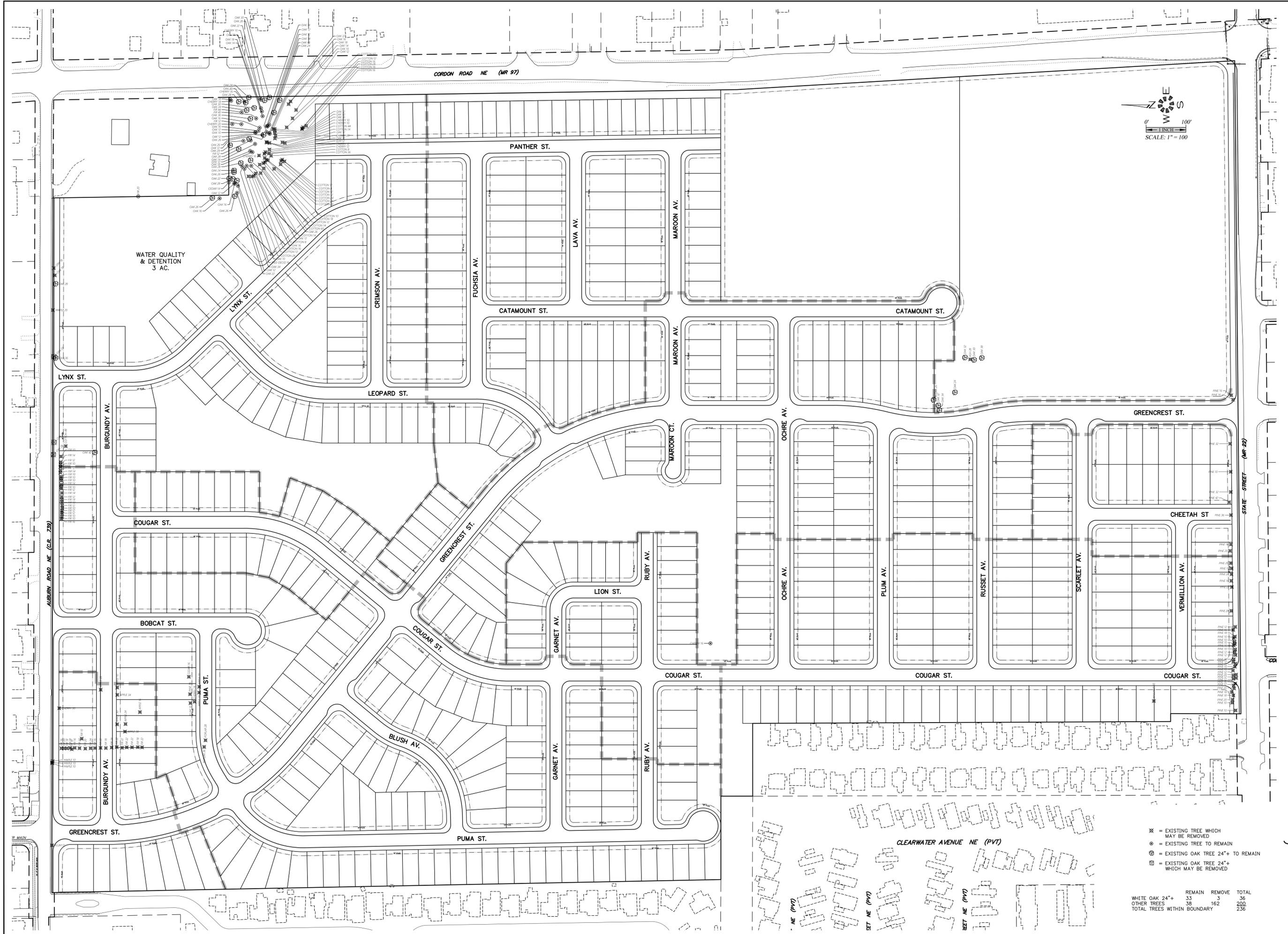


JOB # 6437

**P101**

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 P500-18E - 7/23/2018 4:34:14 PM  
 11/10/2018 10:54:14 AM



	REMAIN	REMOVE	TOTAL
WHITE OAK 24"+	33	3	36
OTHER TREES	38	162	200
TOTAL TREES WITHIN BOUNDARY			236



EXPIRES: 06-30-2019  
 JOB # 6437

**P500**

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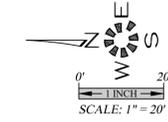
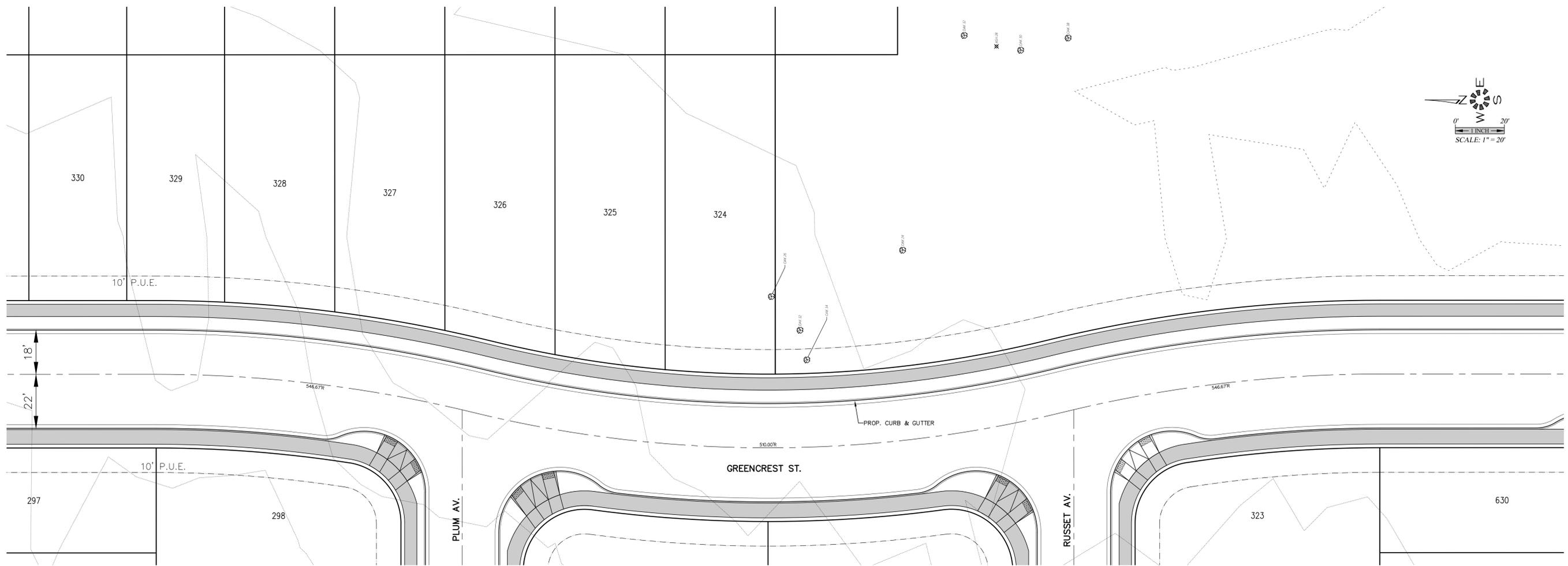
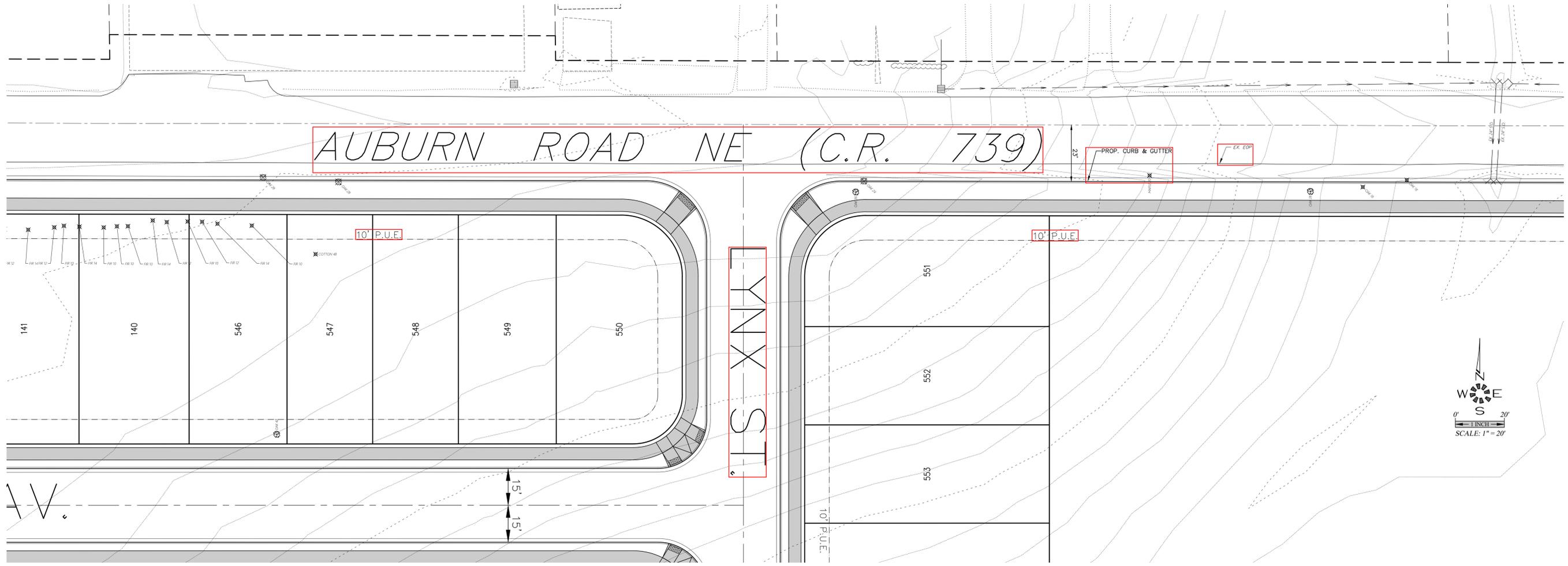
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 DESIGNER: M.D.G.  
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 CHECKED: M.D.G.  
 DATE: NOV. 2018  
 SCALE: AS SHOWN

**EAST PARK ESTATES  
 P.U.D.**

**TENTATIVE PLAN  
 TREE CONSERVATION PLAN**



# AUBURN ROAD NE (C.R. 739)



## TENTATIVE PLAN TREE CONSERVATION PLAN

## EAST PARK ESTATES P.U.D.

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 Scale: AS SHOWN



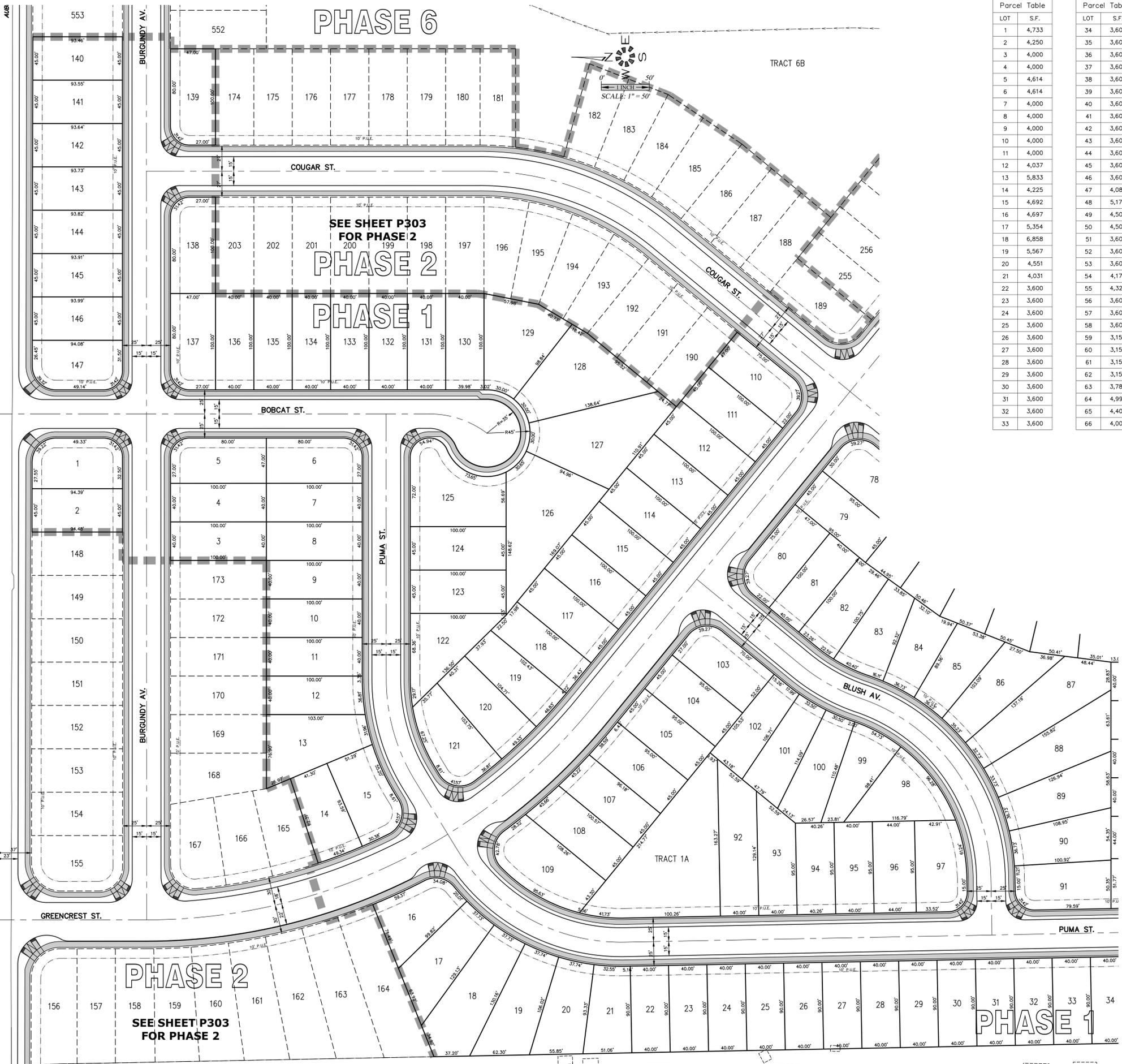
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## P501

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SEE SHEET P308  
FOR PHASE 6

PHASE 1



Parcel Table	LOT	S.F.
1	4,733	
2	4,250	
3	4,000	
4	4,000	
5	4,614	
6	4,614	
7	4,000	
8	4,000	
9	4,000	
10	4,000	
11	4,000	
12	4,037	
13	5,833	
14	4,225	
15	4,692	
16	4,697	
17	5,354	
18	6,858	
19	5,567	
20	4,551	
21	4,031	
22	3,600	
23	3,600	
24	3,600	
25	3,600	
26	3,600	
27	3,600	
28	3,600	
29	3,600	
30	3,600	
31	3,600	
32	3,600	
33	3,600	

Parcel Table	LOT	S.F.
34	3,600	
35	3,600	
36	3,600	
37	3,600	
38	3,600	
39	3,600	
40	3,600	
41	3,600	
42	3,600	
43	3,600	
44	3,600	
45	3,600	
46	3,600	
47	4,082	
48	5,173	
49	4,500	
50	4,500	
51	3,600	
52	3,600	
53	3,600	
54	4,176	
55	4,323	
56	3,600	
57	3,600	
58	3,600	
59	3,150	
60	3,150	
61	3,150	
62	3,150	
63	3,784	
64	4,999	
65	4,400	
66	4,000	

Parcel Table	LOT	S.F.
67	4,000	
68	4,000	
69	4,000	
70	4,614	
71	4,000	
72	4,249	
73	4,312	
74	4,285	
75	4,285	
76	4,308	
77	4,137	
78	5,091	
79	4,275	
80	4,566	
81	4,000	
82	4,190	
83	4,360	
84	3,893	
85	4,202	
86	5,223	
87	7,193	
88	6,343	
89	5,419	
90	4,713	
91	4,746	
92	5,848	
93	4,483	
94	3,825	
95	3,800	
96	4,180	
97	4,789	
98	4,921	
99	3,964	

Parcel Table	LOT	S.F.
100	4,671	
101	4,373	
102	4,040	
103	4,806	
104	4,275	
105	4,275	
106	4,290	
107	4,415	
108	4,686	
109	6,219	
110	4,566	
111	4,500	
112	4,500	
113	4,500	
114	4,500	
115	4,500	
116	4,500	
117	4,500	
118	4,077	
119	4,396	
120	4,683	
121	5,281	
122	5,058	
123	4,500	
124	4,500	
125	6,939	
126	9,264	
127	8,645	
128	7,626	
129	6,419	
130	3,999	
131	4,000	
132	4,000	

Parcel Table	LOT	S.F.
133	4,000	
134	4,000	
135	4,000	
136	4,000	
137	4,614	
138	4,614	
139	4,614	
140	4,208	
141	4,212	
142	4,216	
143	4,220	
144	4,224	
145	4,228	
146	4,232	
147	4,627	

Parcel Table	TRACT	S.F.
TRACT 1A	13,433	
TRACT 1B	7,031	

SEE SHEET P302  
FOR PHASE 1 CONTINUATION



TENTATIVE SITE PLAN  
PHASE 1

EAST PARK ESTATES  
P.U.D.

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P301

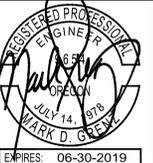
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**TENTATIVE SITE PLAN  
 PHASE 1**

**EAST PARK ESTATES  
 P.U.D.**

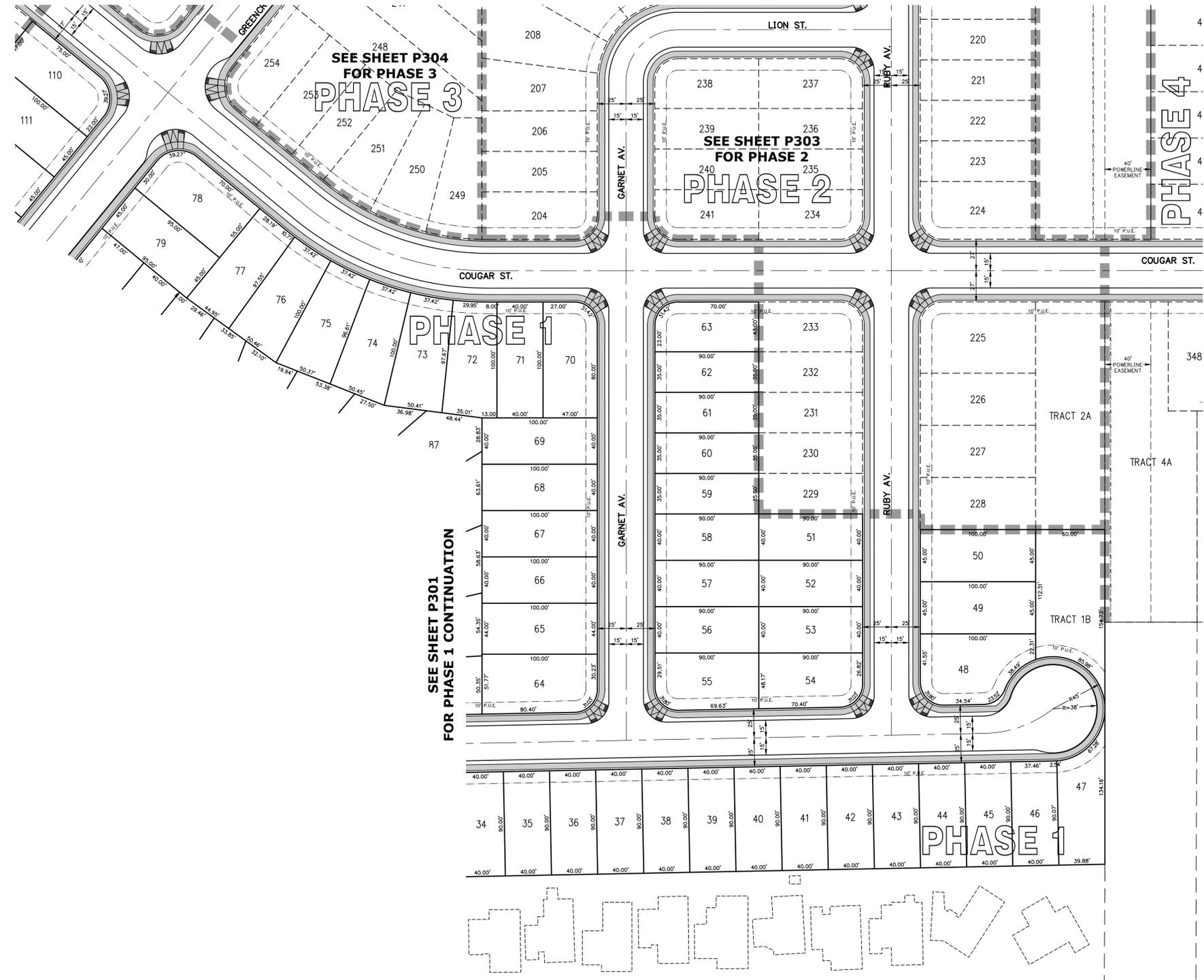
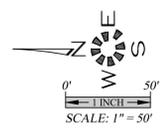
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 CHECKED: M.D.G.  
 DATE: NOV. 2018  
 SCALE: AS SHOWN



EXPIRES: 06-30-2019  
 JOB # 6437

**P302**



Parcel Table

LOT	S.F.
1	4,733
2	4,250
3	4,000
4	4,000
5	4,614
6	4,614
7	4,000
8	4,000
9	4,000
10	4,000
11	4,000
12	4,037
13	5,833
14	4,225
15	4,692
16	4,697
17	5,354
18	6,858
19	5,567
20	4,551
21	4,031
22	3,600
23	3,600
24	3,600
25	3,600
26	3,600
27	3,600
28	3,600
29	3,600
30	3,600
31	3,600
32	3,600
33	3,600

Parcel Table

LOT	S.F.
34	3,600
35	3,600
36	3,600
37	3,600
38	3,600
39	3,600
40	3,600
41	3,600
42	3,600
43	3,600
44	3,600
45	3,600
46	3,600
47	4,082
48	5,173
49	4,500
50	4,500
51	3,600
52	3,600
53	3,600
54	4,176
55	4,323
56	3,600
57	3,600
58	3,600
59	3,150
60	3,150
61	3,150
62	3,150
63	3,784
64	4,999
65	4,400
66	4,000

PHASE 1

Parcel Table

LOT	S.F.
67	4,000
68	4,000
69	4,000
70	4,614
71	4,000
72	4,249
73	4,312
74	4,285
75	4,285
76	4,308
77	4,137
78	5,091
79	4,275
80	4,566
81	4,000
82	4,190
83	4,360
84	3,893
85	4,202
86	5,223
87	7,193
88	6,343
89	5,419
90	4,713
91	4,746
92	5,848
93	4,483
94	3,825
95	3,800
96	4,180
97	4,789
98	4,921
99	3,964

Parcel Table

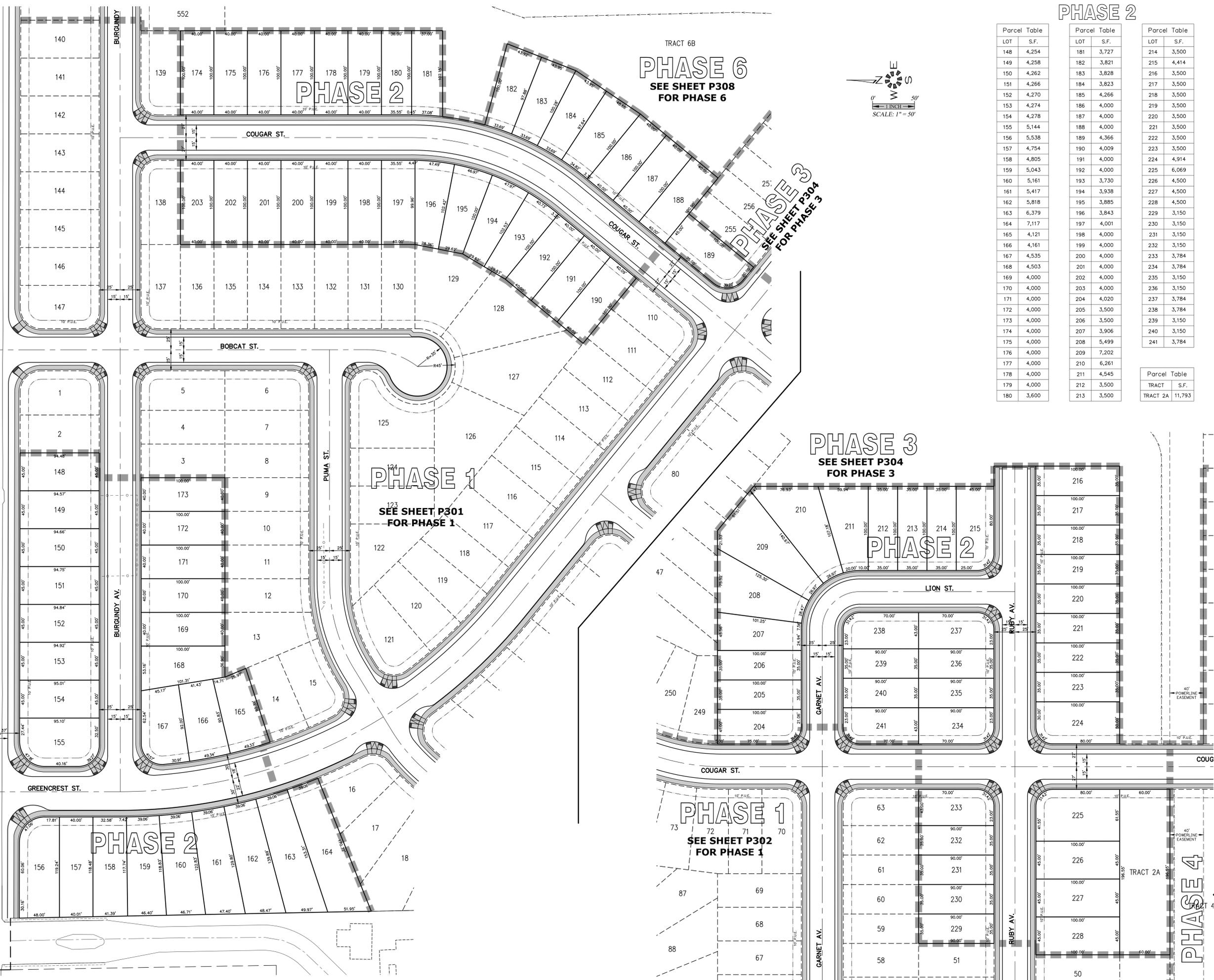
LOT	S.F.
100	4,671
101	4,373
102	4,040
103	4,806
104	4,275
105	4,275
106	4,290
107	4,415
108	4,686
109	6,219
110	4,566
111	4,500
112	4,500
113	4,500
114	4,500
115	4,500
116	4,500
117	4,500
118	4,077
119	4,396
120	4,683
121	5,281
122	5,058
123	4,500
124	4,500
125	6,939
126	9,264
127	8,645
128	7,626
129	6,419
130	3,999
131	4,000
132	4,000

Parcel Table

TRACT	S.F.
TRACT 1A	13,433
TRACT 1B	7,031

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Parcel Table

LOT	S.F.
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150	4,262
151	4,266
152	4,270
153	4,274
154	4,278
155	5,144
156	5,538
157	4,754
158	4,805
159	5,043
160	5,161
161	5,417
162	5,818
163	6,379
164	7,117
165	4,121
166	4,161
167	4,535
168	4,503
169	4,000
170	4,000
171	4,000
172	4,000
173	4,000
174	4,000
175	4,000
176	4,000
177	4,000
178	4,000
179	4,000
180	3,600

Parcel Table

LOT	S.F.
181	3,727
182	3,821
183	3,828
184	3,823
185	4,266
186	4,000
187	4,000
188	4,000
189	4,366
190	4,009
191	4,000
192	4,000
193	3,730
194	3,938
195	3,885
196	3,843
197	4,001
198	4,000
199	4,000
200	4,000
201	4,000
202	4,000
203	4,000
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207	3,906
208	5,499
209	7,202
210	6,261
211	4,545
212	3,500
213	3,500

Parcel Table

LOT	S.F.
214	3,500
215	4,414
216	3,500
217	3,500
218	3,500
219	3,500
220	3,500
221	3,500
222	3,500
223	3,500
224	4,914
225	6,069
226	4,500
227	4,500
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229	3,150
230	3,150
231	3,150
232	3,150
233	3,784
234	3,784
235	3,150
236	3,150
237	3,784
238	3,784
239	3,150
240	3,150
241	3,784

Parcel Table

TRACT	S.F.
TRACT 2A	11,793



ENGINEERING SERVICES, INC.  
 1155 13th St. S.E. Salem, OR, 97302  
 PH: (503) 363-9227 FAX: (503) 364-1260  
 www.mtengineering.net office@mtengineering.net

TENTATIVE SITE PLAN  
 PHASE 2

EAST PARK ESTATES  
 P.U.D.

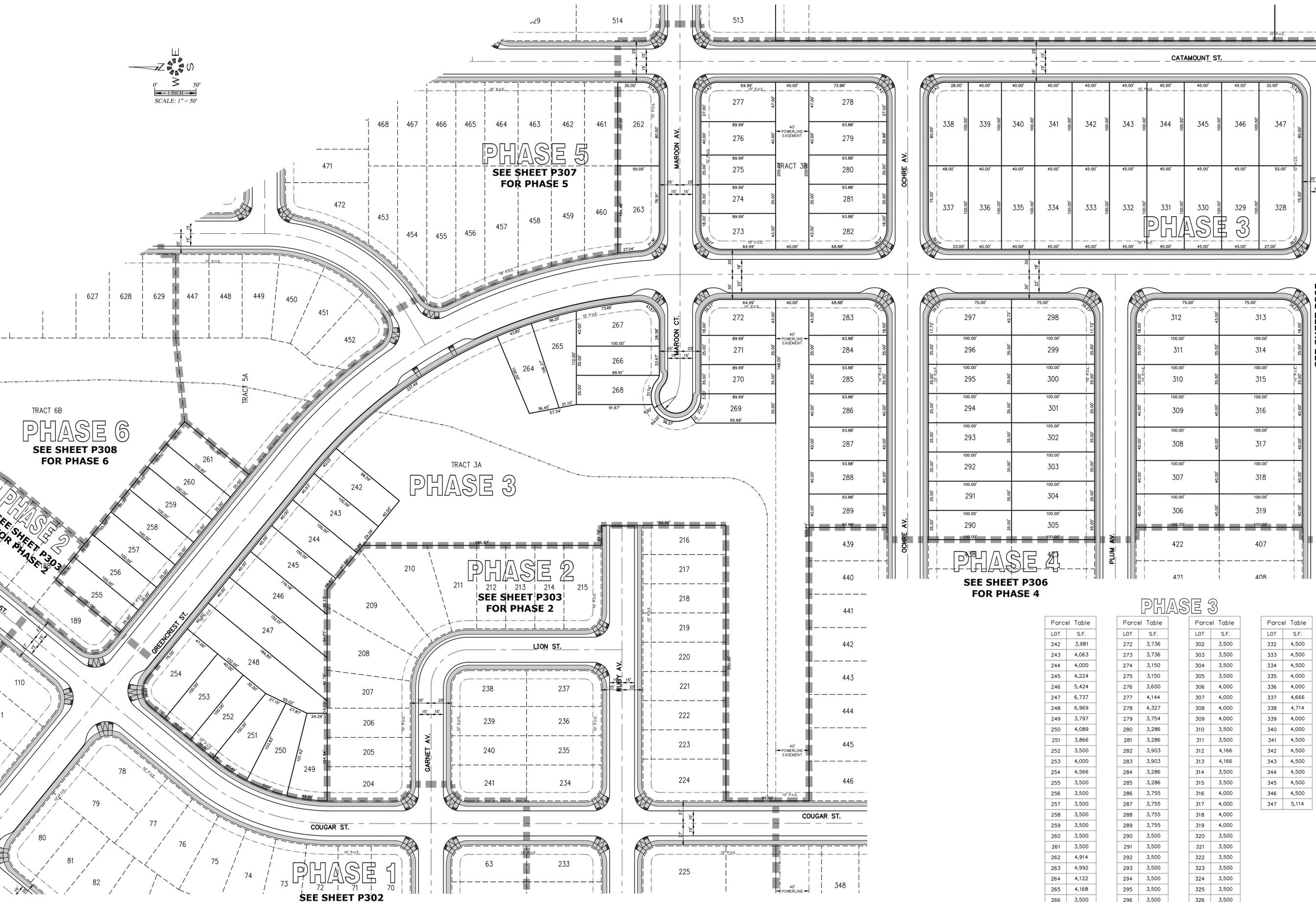
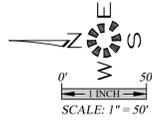
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Design: M.D.G.  
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 Checked: M.D.G.  
 Date: NOV. 2018  
 Scale: AS SHOWN

REGISTERED PROFESSIONAL  
 ENGINEER  
 JULY 2 1978  
 MARK D. GREGG

EXPIRES: 06-30-2019  
 JOB # 6437

P303



**PHASE 6**  
SEE SHEET P308  
FOR PHASE 6

**PHASE 5**  
SEE SHEET P307  
FOR PHASE 5

**PHASE 3**

**PHASE 3**

**PHASE 2**  
SEE SHEET P303  
FOR PHASE 2

**PHASE 4**  
SEE SHEET P306  
FOR PHASE 4

**PHASE 1**  
SEE SHEET P302  
FOR PHASE 1

SEE SHEET P305  
FOR PHASE 3 CONTINUATION

Parcel Table

LOT	S.F.
242	3,981
243	4,063
244	4,000
245	4,224
246	5,424
247	6,737
248	6,969
249	3,797
250	4,089
251	3,866
252	3,500
253	4,000
254	4,566
255	3,500
256	3,500
257	3,500
258	3,500
259	3,500
260	3,500
261	3,500
262	4,914
263	4,992
264	4,122
265	4,168
266	3,500
267	4,857
268	3,250
269	3,308
270	3,150
271	3,150

Parcel Table

LOT	S.F.
272	3,736
273	3,736
274	3,150
275	3,150
276	3,600
277	4,144
278	4,327
279	3,754
280	3,286
281	3,286
282	3,903
283	3,903
284	3,286
285	3,286
286	3,755
287	3,755
288	3,755
289	3,755
290	3,500
291	3,500
292	3,500
293	3,500
294	3,500
295	3,500
296	3,500
297	4,138
298	4,138
299	3,500
300	3,500
301	3,500

Parcel Table

LOT	S.F.
302	3,500
303	3,500
304	3,500
305	3,500
306	4,000
307	4,000
308	4,000
309	4,000
310	3,500
311	3,500
312	4,166
313	4,166
314	3,500
315	3,500
316	4,000
317	4,000
318	4,000
319	4,000
320	3,500
321	3,500
322	3,500
323	3,500
324	3,500
325	3,500
326	3,500
327	4,138
328	5,066
329	4,500
330	4,500
331	4,500

Parcel Table

LOT	S.F.
332	4,500
333	4,500
334	4,500
335	4,000
336	4,000
337	4,666
338	4,714
339	4,000
340	4,000
341	4,500
342	4,500
343	4,500
344	4,500
345	4,500
346	4,500
347	5,114

Parcel Table

TRACT	S.F.
TRACT 3A	125,545
TRACT 3B	8,000



**TENTATIVE SITE PLAN  
PHASE 3**

**EAST PARK ESTATES  
P.U.D.**

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Date: NOV. 2018  
Scale: AS SHOWN



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JOB # 6437

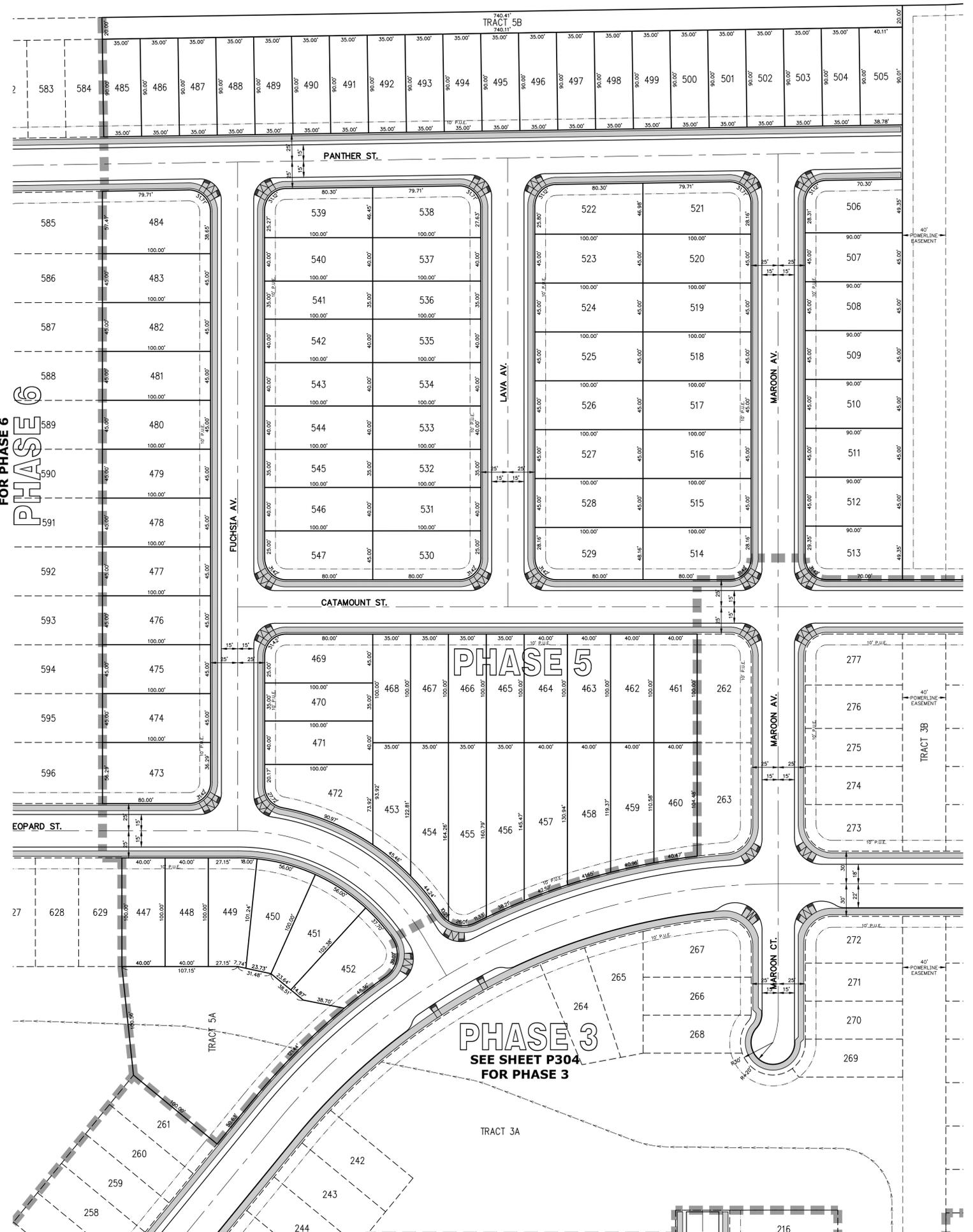
**P304**

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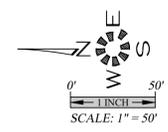


SEE SHEET P308  
FOR PHASE 6  
**PHASE 6**

**PHASE 5**

**PHASE 3**  
SEE SHEET P304  
FOR PHASE 3

**PHASE 5**



Parcel Table	LOT	S.F.
447	4,000	
448	4,000	
449	4,005	
450	4,030	
451	4,043	
452	4,773	
453	3,758	
454	5,019	
455	5,813	
456	5,352	
457	5,518	
458	4,997	
459	4,590	
460	4,293	
461	4,000	
462	4,000	
463	4,000	
464	4,000	
465	3,500	
466	3,500	
467	3,500	
468	3,500	
469	4,414	
470	3,500	
471	4,000	
472	5,053	
473	5,543	
474	4,500	
475	4,500	
476	4,500	

Parcel Table	LOT	S.F.
477	4,500	
478	4,500	
479	4,500	
480	4,500	
481	4,500	
482	4,500	
483	4,500	
484	5,732	
485	3,150	
486	3,150	
487	3,150	
488	3,150	
489	3,150	
490	3,150	
491	3,150	
492	3,150	
493	3,150	
494	3,150	
495	3,150	
496	3,150	
497	3,150	
498	3,150	
499	3,150	
500	3,150	
501	3,150	
502	3,150	
503	3,150	
504	3,150	
505	3,550	
506	4,298	

Parcel Table	LOT	S.F.
508	4,050	
509	4,050	
510	4,050	
511	4,050	
512	4,050	
513	4,355	
514	4,730	
515	4,500	
516	4,500	
517	4,500	
518	4,500	
519	4,500	
520	4,500	
521	4,683	
522	4,541	
523	4,500	
524	4,500	
525	4,500	
526	4,500	
527	4,500	
528	4,500	
529	4,730	
530	4,414	
531	4,000	
532	3,500	
533	4,000	
534	4,000	
535	4,000	
536	3,500	

Parcel Table	LOT	S.F.
538	4,630	
539	4,488	
540	4,000	
541	3,500	
542	4,000	
543	4,000	
544	4,000	
545	3,500	
546	4,000	
547	4,414	

Parcel Table	TRACT	S.F.
TRACT 5A	20,089	
TRACT 5B	14,805	



**TENTATIVE SITE PLAN  
PHASE 5**

**EAST PARK ESTATES  
P.U.D.**

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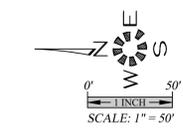
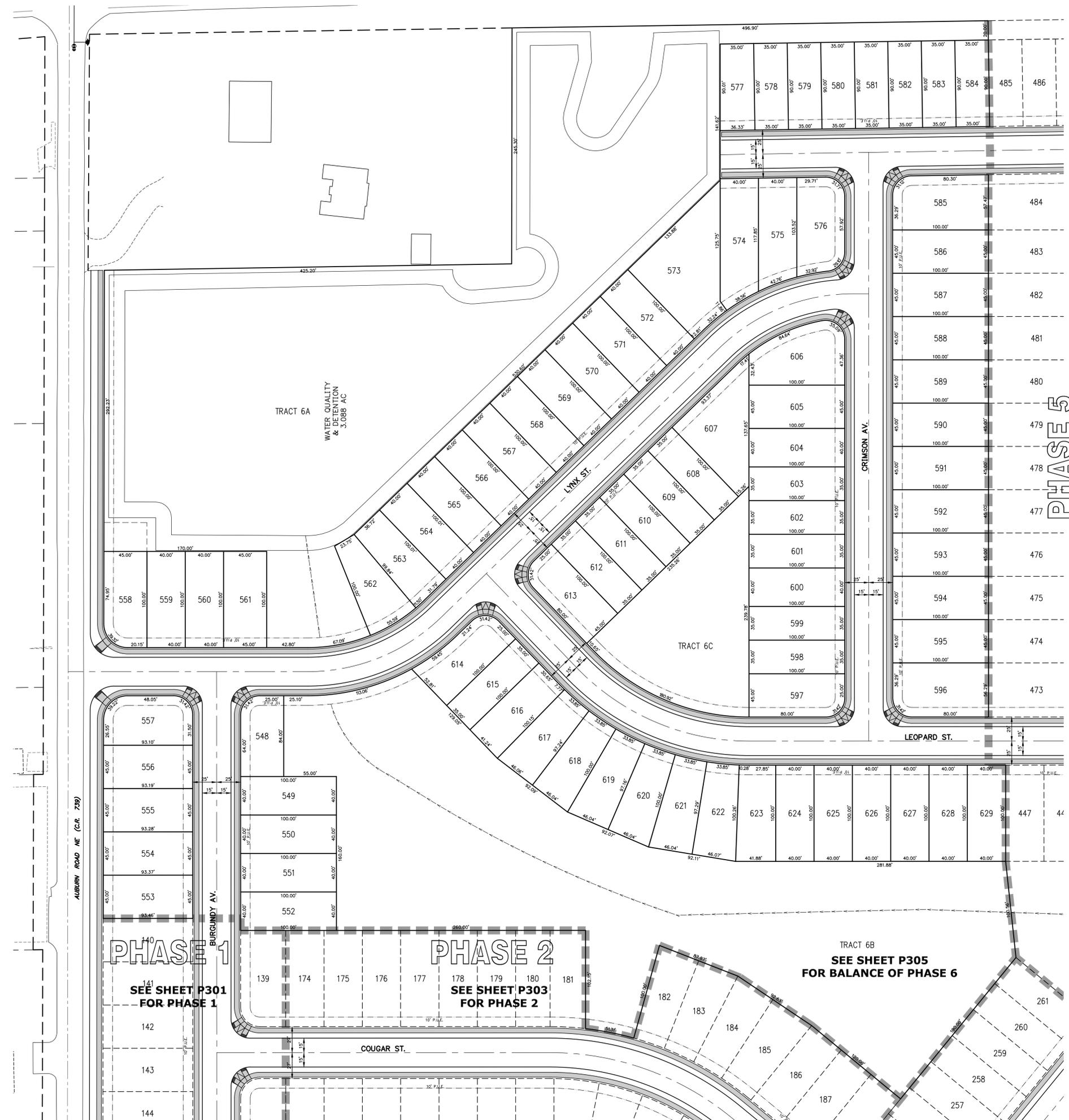
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JOB # 6437

**P307**

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**PHASE 1**  
SEE SHEET P301  
FOR PHASE 1

**PHASE 2**  
SEE SHEET P303  
FOR PHASE 2

**TRACT 6B**  
SEE SHEET P305  
FOR BALANCE OF PHASE 6

**PHASE 5**  
SEE SHEET P307  
FOR PHASE 5

**PHASE 6**

Parcel Table	LOT	S.F.
548	3,694	
549	4,000	
550	4,000	
551	4,000	
552	4,000	
553	4,204	
554	4,200	
555	4,196	
556	4,192	
557	4,573	
558	4,375	
559	4,000	
560	4,000	
561	4,500	
562	3,984	
563	4,000	
564	4,000	
565	4,000	
566	4,000	
567	4,000	
568	4,000	
569	4,000	
570	4,000	
571	4,000	
572	4,000	
573	8,633	
574	5,111	
575	4,399	
576	4,800	
577	3,210	

Parcel Table	LOT	S.F.
578	3,150	
579	3,150	
580	3,150	
581	3,150	
582	3,150	
583	3,150	
584	3,150	
585	5,590	
586	4,500	
587	4,500	
588	4,500	
589	4,500	
590	4,500	
591	4,500	
592	4,500	
593	4,500	
594	4,500	
595	4,500	
596	4,500	
597	4,500	
598	3,500	
599	3,500	
600	4,000	
601	3,500	
602	3,500	
603	3,500	
604	4,000	
605	4,500	
606	5,589	
607	6,337	

Parcel Table	LOT	S.F.
608	3,500	
609	3,500	
610	3,500	
611	3,500	
612	3,500	
613	4,414	
614	4,566	
615	3,500	
616	3,983	
617	3,918	
618	3,915	
619	3,913	
620	3,913	
621	3,916	
622	3,922	
623	4,001	
624	4,000	
625	4,000	
626	4,000	
627	4,000	
628	4,000	
629	4,000	
630	4,138	
631	3,500	
632	3,500	
633	3,500	
634	3,500	
635	3,500	
636	3,500	
637	3,500	

Parcel Table	LOT	S.F.
638	3,489	
639	4,415	
640	4,415	
641	3,489	
642	3,590	
643	4,514	
644	5,077	
645	4,500	
646	4,500	
647	4,000	
648	4,000	
649	4,000	
650	4,500	
651	4,444	
652	4,396	
653	4,500	
654	4,000	
655	4,000	
656	4,000	
657	4,500	
658	4,500	
659	4,795	

Parcel Table	TRACT	S.F.
TRACT 6A	181,785	
TRACT 6B	132,752	
TRACT 6C	22,804	



**TENTATIVE SITE PLAN  
PHASE 6 (NORTH)**

**EAST PARK ESTATES  
P.U.D.**

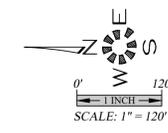
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JOB # 6437

**P308**



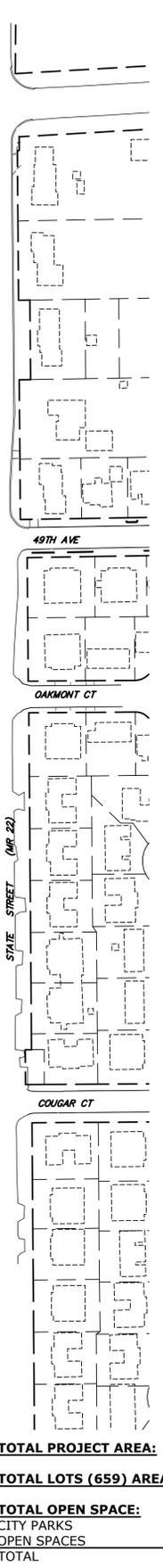
**TENTATIVE  
 OPEN SPACE PLAN**

**EAST PARK ESTATES  
 P.U.D.**

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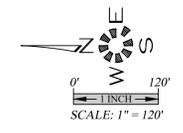
REGISTERED PROFESSIONAL  
 ENGINEER  
 MARK D. GRAY  
 EXPIRES: 06-30-2019  
 JOB # 6437



<b>TOTAL PROJECT AREA:</b>	122.68 AC.
<b>TOTAL LOTS (659) AREA:</b>	62.63 AC.
<b>TOTAL OPEN SPACE:</b>	7.51 AC.
<b>CITY PARKS</b>	13.03 AC.
<b>OPEN SPACES</b>	20.54 AC.
<b>TOTAL</b>	

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**EXISTING ZONING MAP**

**EAST PARK ESTATES P.U.D.**

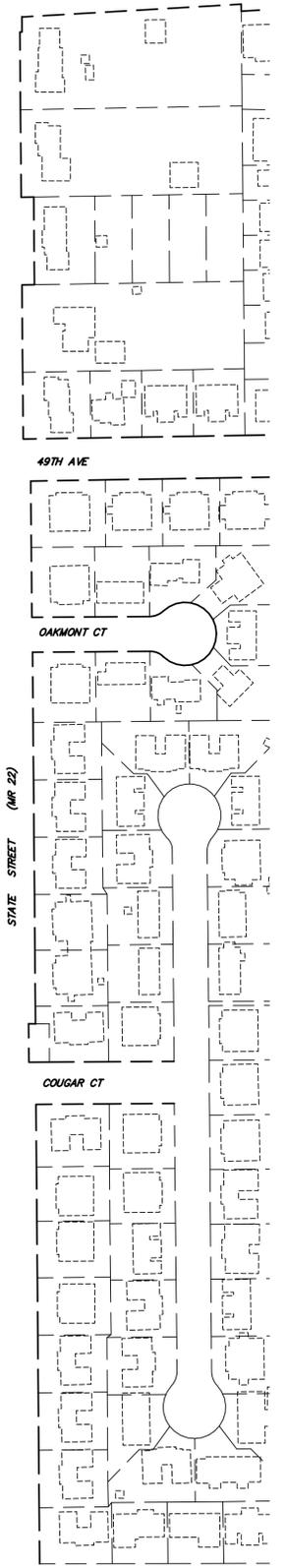
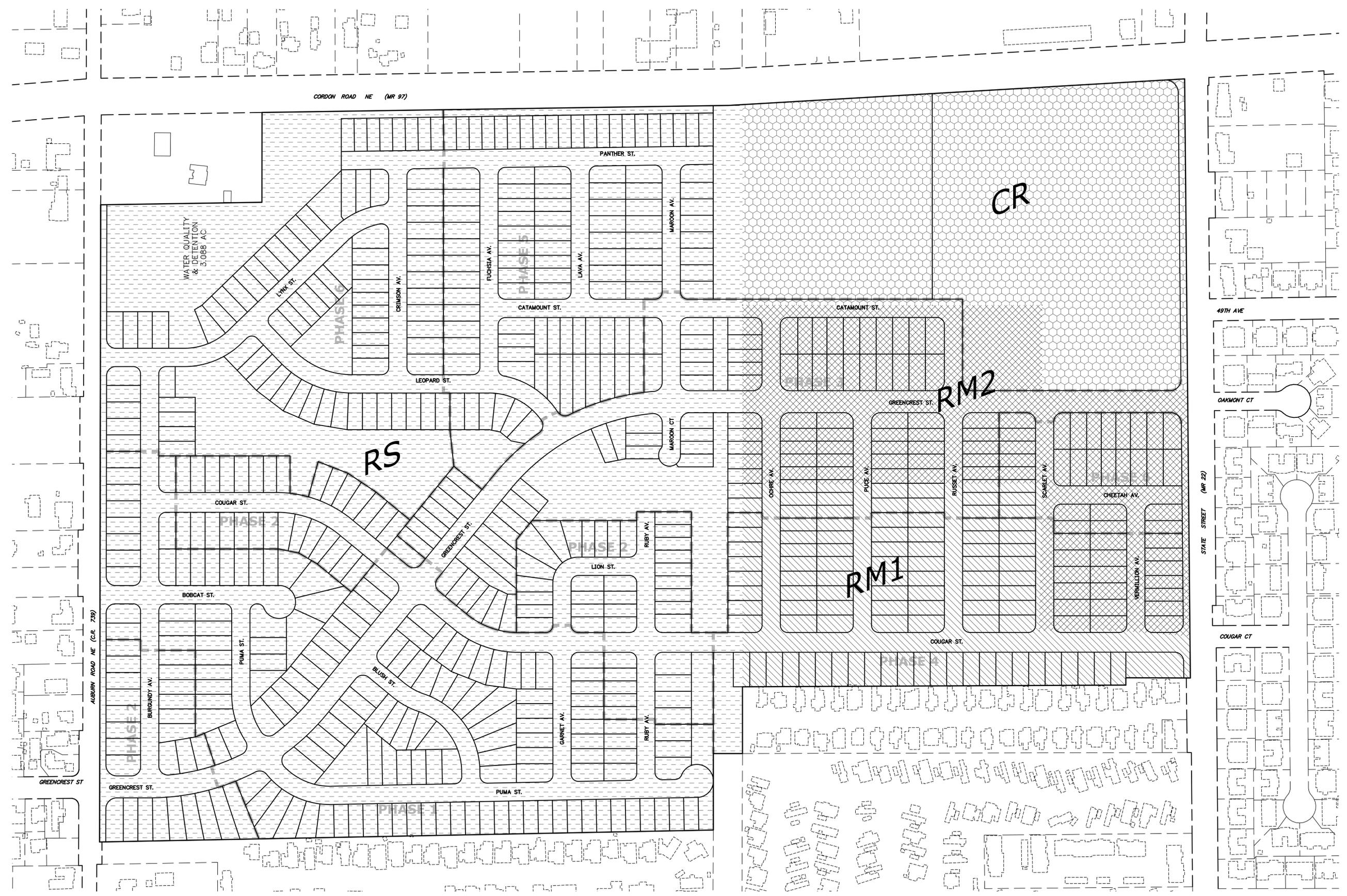
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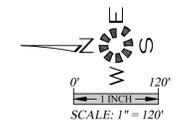


EXPIRES: 06-30-2019  
 JOB # 6437



NUMBER OF UNITS REQUIRED IN RM2 97  
 NUMBER OF UNITS SHOWN 101

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**APARTMENT MAP**

**EAST PARK ESTATES  
P.U.D.**

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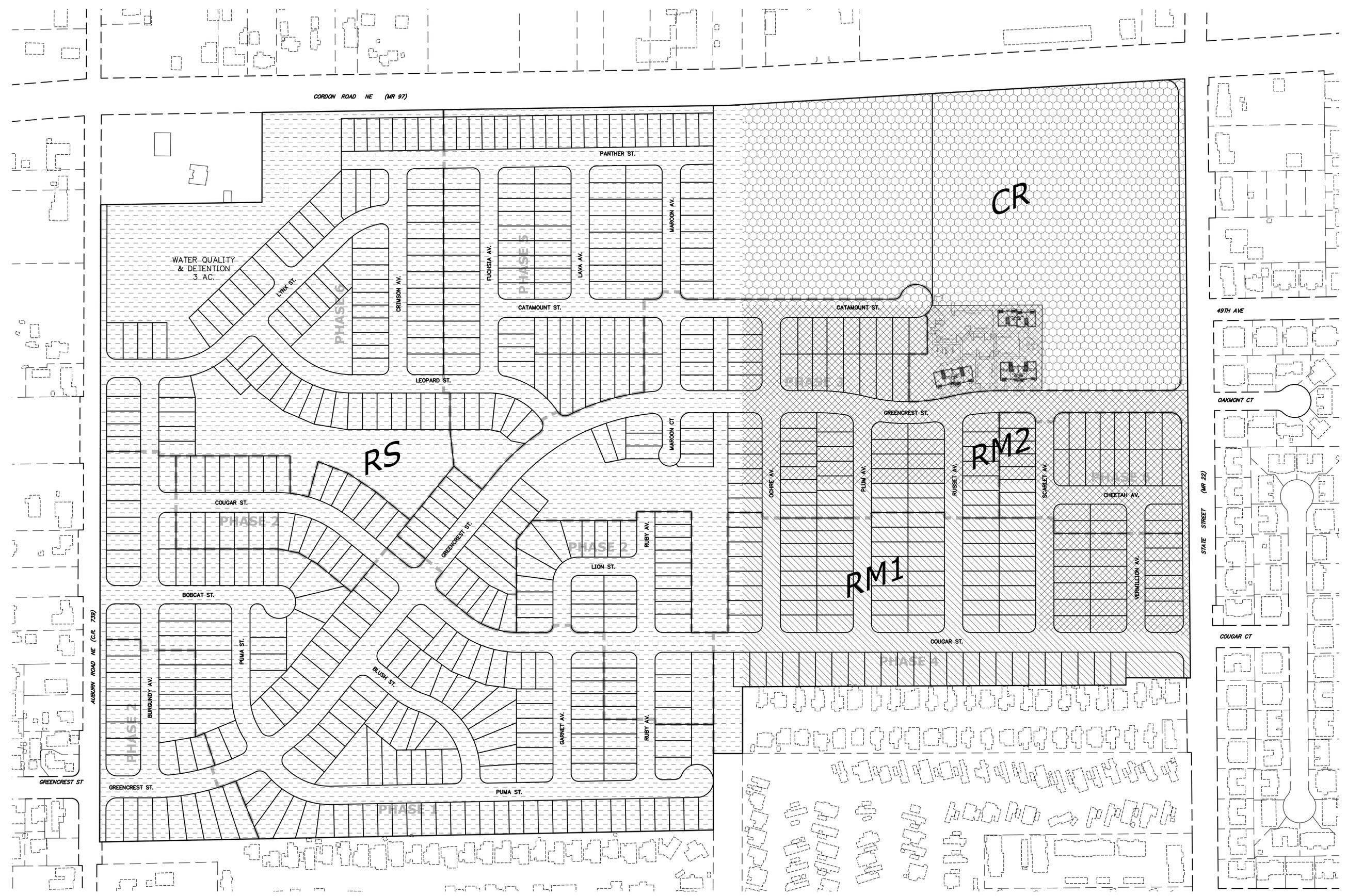
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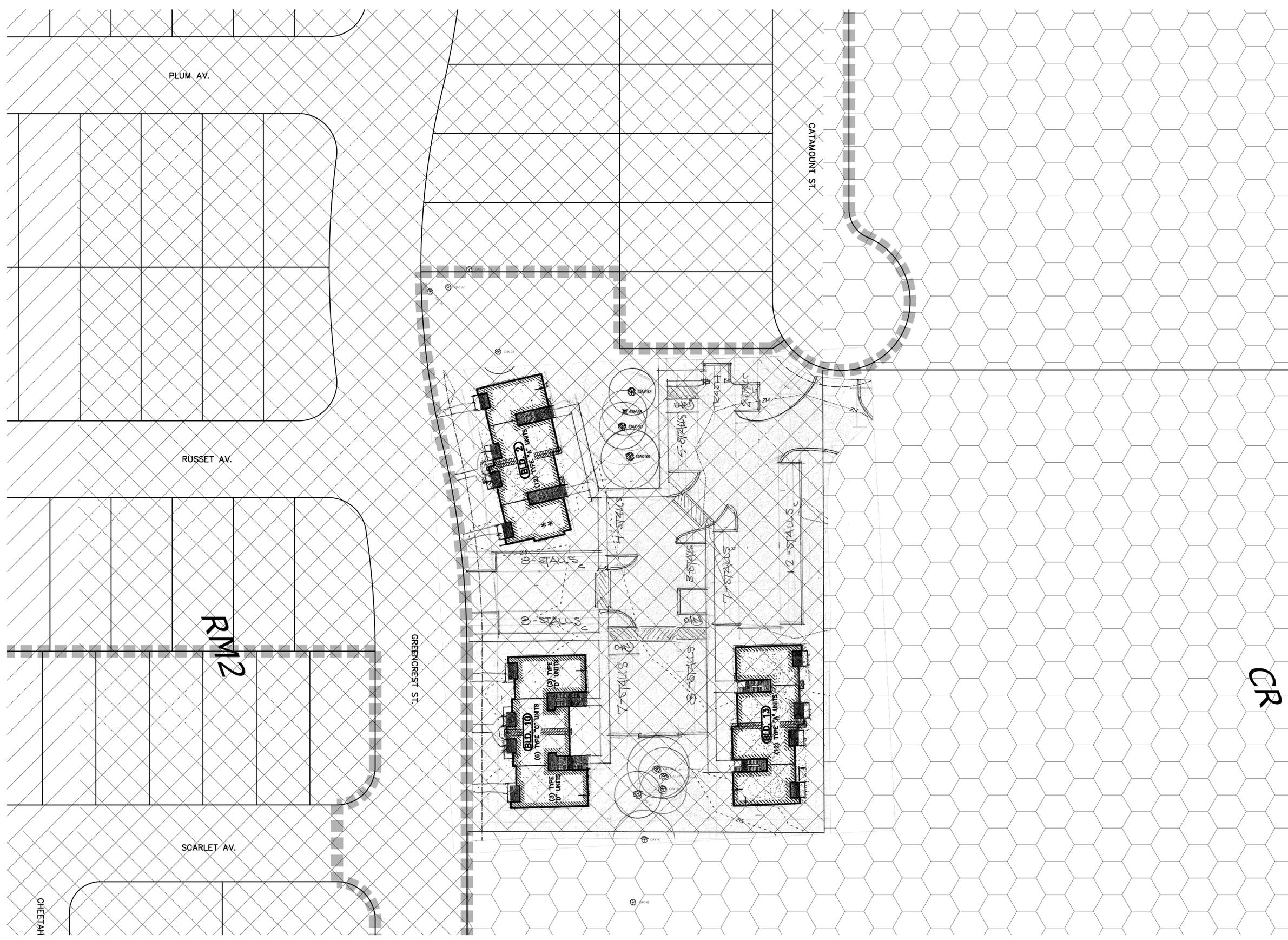


EXPIRES: 06-30-2019  
 JOB # 6437

NUMBER OF UNITS REQUIRED IN RM2 97  
 NUMBER OF LOTS SHOWN 98  
 NUMBER OF APARTMENTS SHOWN 36



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94379 98622  
 Design: M.D.G.  
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 Date: NOV. 2018  
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 As-Built: ----



EXPIRES: 06-30-2019

JOB # 6437

NUMBER OF UNITS REQUIRED IN RM2 \_ 97  
 NUMBER OF LOTS SHOWN \_ 98  
 NUMBER OF APARTMENTS SHOWN \_ 36



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** September 10, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC-PUD-SUB-ADJ19-08 (18-124473-ZO)  
255 CORDON ROAD NE  
PICTSWEET RE-DEVELOPMENT**

## PROPOSAL

An application for a 695-unit Planned Unit Development and Subdivision to be completed in six phases, a Minor Comprehensive Plan Map Amendment and Zone Change from CR (Retail Commercial) to RM-II (Multi-Family Residential) for approximately 2.11 acres, and from IP (Industrial Park) to RS (Single Family Residential) for approximately 3.25 acres, and a Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36-unit multi-family portion of the PUD from 77 spaces (2.14 per unit) to 64 spaces (1.77 spaces per unit).

For property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential), CR (Retail Commercial), and IP (Industrial Park), and located at 255 Cordon Road NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessor's Map and Tax Lot Numbers: 072W29B / 00200, 00201, 00300, and 00400, 072W29C / 00100, 00101, 00199, 00200, 00300, and 00400).

## RECOMMENDED CONDITIONS OF APPROVAL

All phases:

1. The transportation impacts from the 122-acre site shall be limited to a maximum cumulative total of 14,157 average daily vehicle trips as required by Order Number 10-C-689.
2. The requirements of land use case number UGA09-07 and UGA09-07MOD1 may be completed incrementally with each specific phase as shown below.
3. Construct all internal private streets with property line sidewalks with minimum

4-foot landscape strip to accommodate street trees.

4. Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.
5. Provide a 10-foot public utility easement along the street frontage of all internal streets.
6. Extend City infrastructure to adjacent parcels pursuant to PWDS.
7. Construct water, stormwater, and sewer systems to serve each lot.
8. Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
9. Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.
10. Prior to commencing work in any mapped wetland area, obtain state and federal wetland permits.

Phase 1:

1. Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
2. Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
3. Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.
4. Construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
5. Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan.
6. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.

7. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
8. Construct Greencrest Street NE within Phase 1 to Collector B street standards.
9. Construct a westbound-to-southbound left-turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
10. Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

1. Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
2. Enter into a development agreement with Marion County for street improvements and right-of-way dedication for Cordon Road NE.
3. Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.
4. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
5. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property.
6. Construct Greencrest Street NE within Phase 2 to Collector B street standards.
7. Construct westbound-to-southbound and eastbound-to-northbound left-turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

1. Construct a 12-inch water main in (future) Greencrest Street NE to State Street.
2. Construct Greencrest Street NE to State Street to Collector B street standards.

3. Construct eastbound-to-northbound and westbound-to-southbound left-turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

1. Construct a 12-inch water main along the Phase 4 frontage of State Street to the western boundary of the subject property pursuant to PWDS.
2. Construct a 15-inch sewer main to the State Street Pump Station.
3. Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street.
4. Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
5. Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street.
6. Construct eastbound-to-northbound and westbound-to-southbound left-turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

1. Construct a 12-inch water main along the Phase 5 frontage of State Street.
2. Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road NE and State Street.
3. Construct improvements at the intersection of Cordon Road NE and State Street for a traffic signal to provide dual eastbound-to-northbound left-turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
4. Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE.
5. Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE.
6. Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5

frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works.

7. Convey park land to the City as shown on the tentative plan.

Phase 6:

1. Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.
2. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.
3. Construct a westbound-to-southbound left-turn lane at the intersection of Auburn Road NE and (future) Lynx Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
4. Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot Number 072W29B 00100).
5. Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works.

**FACTS**

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (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.

## Urban Growth Area Development Permit

The subject property is located outside of the Urban Service Area. Facility improvements were identified in the conditions of approval under land use case numbers UGA09-07 and UGA09-07MOD1. Plans for the public construction of the 24-inch extension of the water main in Cordon Road SE have been submitted, see permit number 19-109135-PC. Construction requirements from UGA09-07 and UGA09-07MOD1 are included in the conditions of approval above as applicable to each phase.

### Streets

#### 1. Cordon Road NE

- a. Standard—This street is designated as a Parkway street in the Salem TSP and is under the jurisdiction of Marion County. 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 a varying 36- to 66-foot-wide improvement within a varying 100- to 104-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 60 feet from the centerline of Cordon Road NE.

#### 2. State Street

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions—This street has a varying 30- to 48-foot-wide improvement within a varying 60- to 78-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 48 feet from the centerline of State Street.

#### 3. Auburn Road NE

- a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34- to 40-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 24-foot improvement within a varying 40- to 54-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from the centerline of Auburn Road NE.

### **Storm Drainage**

#### 1. Existing Conditions

- a. A series of ditches and stormwater mains and culverts are located in State Street.
- b. A waterway flows through the subject property, and discharges into two 24-inch culverts in Auburn Road NE.
- c. The subject property is within the Little Pudding Drainage Basin.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. The nearest available adequate water main is located near the intersection of Cordon Road SE and Gaffin Road SE. The applicant has applied for a public construction permit to build a 24-inch water main from this location to the northern boundary of the property as conditioned by UGA09-07MOD1. See permit number 19-109135-PC.

### **Sanitary Sewer**

#### 1. Existing Conditions

- a. A 12-inch sewer main is located in State Street.
- b. To serve the northern portion of the subject property, UGA09-07MOD1 indicates that a new pump station along Auburn Road NE with a force main connecting to the East Salem Interceptor is needed. No application or plans have been received for this sewer connection.

## **Parks**

A portion of the property is currently unserved by a neighborhood park. The applicant's proposal includes dedication of a 7.5-acre parcel to the City of Salem for future park use.

### **CRITERIA AND FINDINGS – COMP PLAN/ZONE CHANGE**

**Criteria: SRC 265.005(e)(1)(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.**

**Finding:** The applicant has submitted a Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends upholding the condition in the 2010 annexation of the subject property (Order Number. 10-C-689) to limit the development on the 122-acre site to 14,157 average daily vehicle trips in order to ensure compliance with the Transportation Planning Rule.

**Criteria: SRC 265.005(e)(1)(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.**

**Finding:** The property is subject to the conditions found in UGA09-07 and UGA09-07MOD1 which indicate how the property is capable of being served. Conditions address Boundary streets (including street sections under the jurisdiction of Marion County), internal street extensions, water main extensions, construction of a sewer pump station and sewer main extensions, and the limitation of stormwater runoff. The conditions are distributed by phase, which are based on the phasing shown on the applicant's preliminary utility plans and the suggested phasing provided by Transight Consulting LLC in the TIA provided. Upon completion of all improvements required in UGA09-07 and UGA09-07MOD1, the property will be served with City infrastructure needed to support the proposed use.

### **CRITERIA AND FINDINGS – PLANNED UNIT DEVELOPMENT**

**Criteria: In addition to the standards set forth in SRC Chapter 210, the proposed development must comply with all other applicable development standards of the UDC, including, but not limited to, the chapters set forth in SRC 210.075.**

**Finding:** The subject property meets all applicable standards of the following chapters of the UDC:

*86-Trees on City Owned Property:* The applicant's site plan shows the removal of multiple trees located within existing or future right-of-way along the property's Auburn Road NE frontage. Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86. An Alternatives Analysis is required for permits requesting removal of street trees pursuant to Salem Administrative Rule 109-500 Section 2.4.

*601-Floodplain Overlay Zone:* Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*802-Public Improvements:* The property is subject to the conditions found in UGA09-07 and UGA09-07MOD1 which indicate how the property is capable of being served as specified in existing infrastructure master plans. Conditions address Boundary streets, internal street extensions, a water main extension, the construction of a sewer pump station and sewer main extensions, and the limitation of stormwater runoff. The conditions are determined by phases as shown on the applicant's preliminary utility plans and the suggested phasing provided by Transight Consulting LLC in the TIA provided.

The nearest available adequate water main is located near the intersection of Cordon Road SE and Gaffin Road SE. The applicant has applied for a public construction permit to build a 24-inch water main from this location to the northern boundary of the property as conditioned by UGA09-07MOD1. See permit number 19-109135-PC. Pursuant to UGA09-07MOD1, a 12-inch loop shall be made around the subject property in Auburn Road NE, (future) Greencrest Street NE, and State Street. Developments are required to extend public utility services to serve upstream and neighboring properties. The applicant shall extend the proposed 12-inch water main in State Street and Auburn Road NE to the western boundaries of the subject property pursuant to PWDS.

UGA09-07MOD1 indicates that a new sewer pump station along Auburn Road NE with a force main connecting to the East Salem Interceptor is needed to serve the northern portion of the site. Pursuant to PWDS, as a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. The applicant shall construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of (future) Ruby Avenue NE (private) and (future) Cougar Street NE (private) as shown on the applicant's preliminary utility plan

as a condition of Phase 1, and construct a 15-inch sewer main to the State Street Pump Station as a condition of Phase 4.

The proposed development is subject to SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. As a condition of all phases, the applicant shall design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases

All utilities (sewer, water, and storm drainage) shall be designed and constructed according to all applicable provisions of SRC and PWDS. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

**803–Streets and Right-of-Way Improvements:** UGA09-07 requires the applicant to: (1) convey land for dedication along the frontage of Auburn Road NE (30 feet from centerline) and State Street (48 feet from centerline); (2) construct three-quarter street improvements to equal a 23-foot-wide Collector B street improvement on the development side with a 12-foot-wide widening on the opposite side of Auburn Road NE and a 34-foot-wide Major Arterial improvement on the development side with a 12-foot-wide widening on the opposite side of State Street; (3) construct Greencrest Street NE to extend through the property as a Collector improvement within a 60-foot-wide right-of-way as specified in the Salem TSP; (4) enter into an agreement with Marion County for the street improvements and/or right-of-way dedication for

Cordon Road NE; and (5) provide a Traffic Impact Analysis (TIA) to identify the impacts of this proposed development.

The subject property is abutted by Auburn Road NE, a Collector, to the north; State Street, a Major Arterial, to the south, and Cordon Road NE, a Parkway under Marion County jurisdiction, to the east. Auburn Road NE lacks adequate right-of-way and does not meet the current standard for a Collector street. However, Auburn Road NE also has multiple existing City Owned trees. Auburn Road NE is approved for an Alternative Street Standard pursuant to SRC 803.065(a)(3) because the existing City Owned trees along the development frontage make the construction of a Collector B street improvement to PWDS undesirable. Instead, the street may have an alternate alignment to be approved by Public Works Director and shall be constructed with a minimum 29-foot-wide three-quarter-street improvement along the property frontage, except where parking is provided, in order to preserve existing City Owned trees.

Additionally, all internal private Local streets are approved to allow for a minimum 50-foot right-of-way width with property-line sidewalks. Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. After reviewing the applicant's alternate design proposal, it is consistent with past practice and the Director authorizes the proposed 30-foot improvement, within a 50-foot right-way, and property-line sidewalks. The applicant shall construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.

State Street lacks adequate right-of-way and does not meet the current standard for a Major Arterial street. Right-of-way and street improvement requirements for Auburn Road NE and State Street are found in the conditions of approval and are divided by phase to account for proportionality.

The applicant's site plan shows the proposed intersection of (future) Cougar Street NE (private) at State Street offset from Cougar Court SE. Prior to commencement of work in Phase 4, the applicant shall align the intersection of (future) Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

Cordon Road NE lacks adequate right-of-way and does not meet the current standard for a Parkway street. However, because Cordon Road NE is under the jurisdiction of Marion County, the requirements for right-of-way dedication and frontage improvements are specified by the TIA and an agreement that was required by Condition 3 of UGA09-07 between Marion County and the developer. As of this writing, the agreement is not complete. The agreement shall be recorded prior to commencing development on Phase 2.

The applicant's proposal shows the extension of (future) Greencrest Street NE, designated a Collector B street in the Salem TSP, intersecting with State Street in an

alignment that does not conform with the existing Salem TSP. The proposed intersection aligns with Oakmont Court SE, more than 600 feet east of the designed transportation system, therefore a TSP Amendment is required. As of this writing, the applicant has applied for a TSP Amendment, however approval has not yet been obtained. Prior to commencement of work in Phase 1, the applicant shall obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Pursuant to SRC 803.035(n), the applicant shall provide a 10-foot public utility easement along the frontage of all internal streets.

The applicant submitted a Traffic Impact Analysis (TIA), prepared by Transight Consulting, LLC and dated February 2019. The TIA included a phasing plan, dated April 26, 2019, for the proposed subdivision. The TIA and phasing plan specify that the following street improvements should occur with each phase as follows:

Phase 1:

- a. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- b. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE (also required by Condition 2 of UGA09-07).
- c. Construct Greencrest Street NE within Phase 1 to Collector B street standards (also required by Condition 4 of UGA09-07).
- d. Construct a westbound-to-southbound left-turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way if needed to accommodate the improvement.
- e. Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- a. Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way if needed to accommodate the improvement.

- b. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- c. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2 frontage of Auburn Road NE to the western boundary of the subject property (also required by Condition 2 of UGA09-07).
- d. Construct Greencrest Street NE in Phase 2 to Collector B street standards (also required by Condition 4 of UGA09-07)
- e. Construct westbound-to-southbound and eastbound-to-northbound left-turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way if needed to accommodate the improvement.

Phase 3:

- a. Construct Greencrest Street NE to State Street to Collector B street standards (also required by Condition 4 of UGA09-07)
- b. Construct eastbound-to-northbound and westbound-to-southbound left-turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

Phase 4:

- a. Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 4 frontage of State Street (also required by Condition 1 of UGA09-07).
- b. Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
- c. Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 4 frontage of State Street (also required by Condition 2 of UGA 09-07).
- d. Construct eastbound-to-northbound and westbound-to-southbound left-turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Phase 5:

- a. Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road NE and State Street.
- b. Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left-turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
- c. Convey land for dedication of right-of-way to equal 48 feet from the centerline along State Street from the eastern boundary of Phase 4 to Cordon Road NE (also required by Condition 1 of UGA09-07)
- d. Construct a minimum 46-foot-wide three-quarter-street improvement along the State Street frontage from the eastern boundary of Phase 4 to Cordon Road NE (also required by Condition 2 of UGA09-07)
- e. Construct a multi-modal multi-use pedestrian and bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works.

Phase 6:

- a. Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE (also required by Condition 1 of UGA09-07).
- b. Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE (also required by Condition 2 of UGA09-07).
- c. Construct a westbound-to-southbound left-turn lane at the intersection of Auburn Road NE and (future) Lynx Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
- d. Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot Number 072W29B 00100).
- e. Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works.

*804–Driveway Access:* No driveway approaches are proposed to public right-of-way within the proposed development.

*805–Vision Clearance:* The proposed intersections shall meet the PWDS vision clearance standards set forth in SRC Chapter 805.

*809–Wetlands:* The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. Prior to commencing work in any mapped wetland area, the applicant shall obtain state/federal wetland permits. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

*810–Landslides:* According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2 and 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5-6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Investigation, prepared by Redmond Geotechnical Services and dated December 21, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Prepared by: Jennifer Scott, Program Manager  
cc: File



# Marion County

## OREGON

### PUBLIC WORKS

September 6, 2019

(503) 588-5036

#### BOARD OF COMMISSIONERS

Kevin Cameron  
Sam Brentano  
Colm Willis

Via email: [apanko@cityofsalem.net](mailto:apanko@cityofsalem.net)

Aaron Panko, Case Manager  
City of Salem  
555 Liberty Street SE  
Salem OR 97301-3053

#### DIRECTOR

Brian Nicholas, P.E.

RE: RFC: CPC-ZC-PUD-SUB-ADJ19-08  
East Park Estates PUD + Commercial Outparcel  
Consisting of 10 Parcels as follows:  
255 Cordon Road NE (TL 072W29B0200 & TL 072W29C0200)  
4790 & 4810 Auburn Road NE  
4811 & 4855 State Street NE  
TL 072W29B0201, TL 072W29C0100/101/199

#### ADMINISTRATION

#### BUILDING INSPECTION

#### EMERGENCY MANAGEMENT

Dear Aaron,

#### ENGINEERING

We have received City notice for the above referenced 122-acre property. If approved, the proposal will create a 695-unit Planned Urban Development subdivision along with 36 multi-family units having reduced parking requirements, a commercially-zoned outparcel for future apartment buildings and/or commercial use, and a city park. Our Background and Requested Conditions and City Advisories are as follows:

#### ENVIRONMENTAL SERVICES

#### OPERATIONS

#### PARKS

#### BACKGROUND

#### PLANNING

#### SURVEY

- Marion County has maintenance jurisdiction and permitting authority over Cordon Road along the subject property frontage. Cordon Road is classified as a County Arterial and City Parkway.
- Marion County also has maintenance jurisdiction and permitting authority over the north, east and south legs of the intersections of Auburn Road and State Street with Cordon Road.
- In 1981, the Marion County BOC enacted a Resolution declaring Cordon Road a limited access facility, whereby unless otherwise authorized by the County, any new connections to Cordon Road would need to qualify as a public Collector or above.
- The engineering drawings accompanying the subject land use application do not depict any new road connections to Cordon Road.
- MCPW Engineering has a concern over impacts that the proposed development will have on the transportation system outside city limits and UGB.
- In conjunction with a 2007 City zone change application, the Property Owner at the time recorded a *Private Road Improvement Agreement* (Reel 3282 / Page 365), which has been legally opined to still have validity and relevancy to the current proposal. The *Improvement Agreement* generally identified points of

To: Aaron Panko, City of Salem  
From: John Rasmussen, Marion County  
RE: East Park Estates  
September 6, 2019

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county concern over offsite transportation and other impacts, and confirmed the Developer's acknowledgement thereof and willingness to participate in making those offsetting improvements.

- Marion County is seeking assurance as a matter of public safety that upstream stormwater conveyance currently flowing onto the subject property is not inhibited by the development, and that development stormwater flow rate generated from the subject property to downstream facilities that eventually pass through the county is not increased beyond pre-development conditions. A preliminary drainage report was submitted to the city and forwarded to MCPW Engineering for co-review.
- MCPW Engineering has reviewed and takes no exception to the results of the Applicant's TIA.
- The Applicant has acquired City and County plan approval for the City's 24-inch Water Line in Cordon Road that is related to the subject proposal.

#### **REQUESTED CONDITIONS**

- A. *Applicant should be required to obtain all necessary plan approvals and permits from Marion County for work in the Cordon Road, Auburn Road and State Street Right-of-Ways outside city limits.*
- B. *Applicant should be conditioned to complete all necessary improvements to the west leg of Auburn Rd and associated improvements to transition to existing Cordon Rd. pavement.*
- C. *Applicant should be conditioned to complete all necessary improvements to the west leg of State St. and associated improvements to transition to existing Cordon Rd pavements, and the matching receiving lane in NB Cordon Rd. to accommodate the double EB left turn lanes required in State St., plus necessary related signal, pole and mast arm modifications.*
- D. *Applicant should be required to gain Marion County concurrence with a final drainage study inasmuch as it pertains to demonstrating the identification of upstream stormwater flows from county lands onto the subject property, and the minimization of potential adverse direct and indirect downstream impacts to county lands.*
- E. *Applicant should be required to dedicate a minimum 60-foot public Right-of-Way half-width along their Cordon Road frontage in accordance with respective City and County ultimate design sections as well as at the southeast property corner to accommodate intersection signal improvements at their ultimate location.*
- F. *Applicant should be required to design, permit and construct a multi-use pedestrian/bicycle path along their Cordon Road property frontage that is also in keeping with Marion County's ultimate section.*

To: Aaron Panko, City of Salem  
From: John Rasmussen, Marion County  
RE: East Park Estates  
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### **CITY ADVISORIES**

- G. MCPW Engineering is endeavoring to arrive at a written Development Agreement with the Applicant that is intended to supplement the aforementioned *Private Road Improvement Agreement* in order to more specifically identify the Applicant's and County's respective roles, engineering design responsibilities, Right-of-Way acquisition responsibilities related to signalization improvements, financial responsibilities and timelines in partnering to effectuate necessary offsite transportation infrastructure improvements outside City limits that will be needed as a result of the proposed development. The tentative Development Agreement may or may not be finalized prior to the date of the City Planning Commission meeting that as we understand is scheduled for September 21<sup>st</sup>.
- H. City traffic engineering staff will need to coordinate with MCPW Traffic Engineering staff in the planning of Cordon Road signal timing adjustments as a result of anticipated intersection signalization improvements.
- I. The Applicant had, as an aside to the land use application, verbally expressed an interest to the County for a right-in and possibly right-out access to serve future development of the southeastern commercial parcel. However, there has been no formal agreement by the County or preliminary design submitted for review in that regard.

General comments or questions regarding this transmittal can be directed to the undersigned at [jrasmussen@co.marion.or.us](mailto:jrasmussen@co.marion.or.us) or call the main number noted at the top of Page 1.

Sincerely,



John Rasmussen  
Civil Engineering Associate

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**REQUEST FOR COMMENTS**

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

CASE NO: CPC-ZC-PUD-SUB-ADJ19-08

AMANDA APPLICATION NO.: 18-124473-ZO / 18-124474-ZO / 18-124468-LD / 18-124472-LD / 19-118029-ZO

ADDRESS: 255 Cordon Rd NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Rd NE

ZIPCODE: 97301

HEARD BY: Planning Commission

CASE MANAGER: Aaron Panko

**SUMMARY:** An application for a Planned Unit Development and Subdivision for 659 single family units and a 36-unit multi-family residential use, for a total of 695 units, for property approximately 122 acres in size.

**REQUEST:** An application for a 695-unit Planned Unit Development and Subdivision to be completed in six phases, a Minor Comprehensive Plan Map Amendment and Zone Change from CR (Retail Commercial) to RM-II (Multi-Family Residential) for approximately 2.11 acres, and from IP (Industrial Park) to RS (Single Family Residential) for approximately 3.25 acres, and a Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36-unit multi-family portion of the PUD from 77 spaces (2.14 per unit) to 64 spaces (1.77 spaces per unit). For property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential), CR (Retail Commercial), and IP (Industrial Park), and located at 255 Cordon Road NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300, and 00400, 072W29C / 00100, 00101, 00199, 00200, 00300, and 00400).

Attached is a copy of the proposal and any related maps. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request. A staff report for this proposal will be prepared by the planning staff from information available to staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

**Comments received by 5:00 P.M., September 6, 2019**, will be considered in the staff report. Comments received after this date will be provided to the review body. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the Case Manager listed below.**

**SEND QUESTIONS OR COMMENTS TO:** Aaron Panko, Planner III City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; Fax: 503-588-6005; E-Mail: [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net); <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

1. We have reviewed the proposal and have no comments.

2. We have reviewed the proposal and have the following comments: *See attached*

3. Other: \_\_\_\_\_

Name: _____	Salem-Keizer Public Schools, Planning and Property Services
Address _____	3630 State Street, Salem OR 97301
Agency: _____	David Fridenmaker, Manager
Phone No.: _____	503-399-3335
Date: _____	<i>9.4.19</i>

**IMPORTANT: PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**



DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C ● Salem, Oregon 97301-5316  
503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

September 4, 2019

Aaron Panko, Case Manager  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC-PUD-ADJ19-08 4700-4800 Block Auburn Rd. NE: Northern part of development in the Auburn Elem. School area

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Auburn	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Auburn	Elementary	687	718	96%
Houck	Middle	1,055	1,224	86%
North Salem	High	1,837	1,879	98%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	490	SF	0.194	95
Middle	490	SF	0.101	49
High	490	SF	0.143	70

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Auburn	Elem.	687	28	95	123	718	113%
Houck	Mid.	1,055	13	49	62	1,224	91%
North Salem	High	1,837	24	70	94	1,879	103%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Auburn	Elementary	Eligible for School Transportation
Houck	Middle	Eligible for School Transportation
North Salem	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	95	\$54,925	\$5,217,875
Middle	49	\$64,045	\$3,138,205
High	70	\$73,164	\$5,121,480
TOTAL			\$13,477,560

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

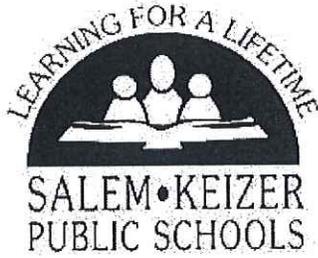
#### School District Fiber Utility Lines:

Buried fiber runs along the north side of Auburn Rd. NE and along the east side of Cordon Rd. NE adjacent to the subject parcels.

Sincerely,

David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation



DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C ● Salem, Oregon 97301-5316  
503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

September 4, 2019

Aaron Panko, Case Manager  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC-PUD-ADJ19-08 4800-4900 Block of State Street: Southern part of development in the Eyre Elem. School area

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Eyre	Elementary	K thru 5
Houck	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Eyre	Elementary	542	616	88%
Houck	Middle	1,055	1,224	86%
South Salem	High	1,926	1,797	107%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	169/36	SF/MF	0.194/0.201	40
Middle	169/36	SF/MF	0.101/0.077	20
High	169/36	SF/MF	0.143/0.084	27

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Eyre	Elem.	542	0	40	40	616	94%
Houck	Mid.	1,055	13	20	33	1,224	89%
South Salem	High	1,926	51	27	78	1,797	112%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Eyre	Elementary	Eligible for School Transportation
Houck	Middle	Walk Zone
South Salem	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	40	\$54,925	\$2,197,000
Middle	20	\$64,045	\$1,280,900
High	27	\$73,164	\$1,975,428
<b>TOTAL</b>			<b>\$5,453,328</b>

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

School District Fiber Utility Lines:

Buried fiber runs along the north side of Auburn Rd. NE and along the east side of Cordon Rd. NE adjacent to the subject parcels.

Sincerely,

David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation



**EAST LANCASTER NEIGHBORHOOD ASSOCIATION**

September 6, 2019

To: Aaron Panko, Salem Planning Department  
From: Susann Kaltwasser, East Lancaster Neighborhood Association  
RE: CPC-ZC-PUD-SUB-ADJ19-08 at 255 Cordon Road NE

The East Lancaster Neighborhood Association has been collecting comments from the neighbors around the area associated with the proposed planned unit development called East Park Estates. We also held a joint meeting with the East Salem Suburban Neighborhood Association (ESSNA) in Marion County which surrounds the property.

Among the many concerns identified are:

- 1) Traffic impact on all surrounding streets but especially to Auburn and State Streets. They worry about the increase of up to 6560 vehicle trips a day on streets that lack sidewalks, bike lanes and sufficient vehicle capacity now;
- 2) Schools like Auburn Elementary and Houck Middle School are already near capacity, and they know of no plans for expansion;
- 3) Flooding that might occur due to an inadequate drainage system in the vicinity. They realize that a new system will be built in the subdivision, but worry that it will not address the off-site conditions which will be impacted by the increase in impervious materials. How will they be assure that the development won't increase local flooding?

The area has a long history of flooding even with modest amounts of rain. I have pictures that go back to 2012 as well as from this past spring, but the neighbors talk about major flooding in 1996. They also experience flooded foundations and basements that may not be visible in photographs, but are very real in the damages they experience. If they are to install sump pumps to alleviate flooding on their properties, they want compensation.

Due to the past flooding and standing water, ELNA believes that the area needs to be evaluated for wetlands. We do know that the previous owners used to put large piles of manure and straw in the northeast corner of the property in an attempt to cover the water. Digging into this area could reveal soft soil or peat from this practice. Also, the property contains soil type

consistent with wetlands even though the topography and vegetation have been significantly disturbed.

4) Chemicals that have been used on this property due to intense agricultural practices going back to the 1940s have not been identified completely. While a test of some chemicals may have been taken, the tests only look for the presence of chemicals that the applicant suspects. Without a thorough analysis of all possible chemicals it is possible that future residents could be exposed to now banned chemicals that are known carcinogens. For example, ELNA received testimony back in the early 1990s when the area was used for mushroom production that DDT, was used extensively on the property. A person who worked at the plant told the Board that he personally was told to apply chemicals to the manure piles that had been banned for use. This needs to be investigated and soil tested.

5) ELNA requests that the trees that are in the Preservation Plan not be removed until development in that section requires it. Since this development are going to be phased over the next 10 years, we believe that situations may change that delay or prevent full development. It seems reasonable that the trees on areas not to be developed at this time should remain where possible until actual development takes place to help with drainage and aesthetics of the area.

6) The riparian area along the creek should be restored. The creek is part of the Little Pudding River system and enhancement of the banks could help with erosion, pollution and wildlife in the water.

These are preliminary comments and will be followed with more detail once the staff report is available. Since the full set of documents was not mailed to me prior to the deadline more might be added at the hearing.

Attached are the minutes form the June 25, joint ESSNA and ELNA meeting as well as one photograph.

Thank you for your consideration of these comments.

Susann Kaltwasser  
ELNA co-chair

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**Joint Meeting - East Lancaster Neighborhood Association/  
East Salem Suburban Neighborhood Association  
East Park Estates Development Application Discussion & Process  
Minutes - June 25, 2019, 7:00 pm  
Marion County Fire Station, District #1, 300 Cordon Rd NE, Salem OR**

Attendees: ELNA Board Members: Susann Kaltwasser, Co-Chair; Sue Fowler, Co-Chair; Chesta Bauer, Secretary; Dave Steiner, Member-at-Large. ESSNA Board members: Michael Johnson, Board Member. East Park Estates representatives: Brandie Dalton, Multi/Tech Engineering; Randy Myers, Brownstone Development. City of Salem: Aaron Panko, City of Salem Planner, Community Development Department. Marion County: Brian Nicholas and John Rasmussen, Public Works. Residents present: Jim Quinlin, Teri Day, Jeanne Collins, Vicki Lange, Shawna Yee, Paul & Rebecca Henderson, Bob &

Gloria Higdon, Paul & Sharon Schaberg, Valerie Heinrichs, Lana Buckholz, Betsy Wild, Yvonne Ginukilo, Marvin Baker, Lu Schmidtki, Kathy Rogers, Janie Shike, Sherri & Howard Baker, Mary Sue Walker, Patty Kemmer, Margaret Kennedy, Tricia Hart, Kay Van Cleef, Jim Harless, Alan & Sue Dickey, Pat Noonan, Mary Briles, John Strauch, Wayne Thornton, Dwayne & Colleen Aas, Dennis Will, Allen & Judie Dick, Barry Fuller, Karen Meyer, Shirley Crasin, Wendell Peterson, K. McLaughlin, Gloria Higdon, Jerry Thompson, Chris & Louise Feskings, Janice Castle, JoAnne Delapp.

Minutes:

Susann Kaltwasser opened the meeting at 7:00 pm by asking for introductions of the attendees. She explained that we were here to get more information and receive comments about the Planned Unit Development (PUD)/Subdivision(SUB) application that was submitted for review and approval to the City of Salem. Susann asked Aaron Panko if the the application had met all of the necessary criteria for the type of application that was submitted. Aaron responded that the application was still under review but he believed that it met the necessary codes and requirements. Susann said that this meeting was the first step of the process to inform citizens about the development and to help them have the information needed to submit their comments to the City. After the City has determined that the application is complete they will send out a notice of the proposal and open a period of 14 days to receive written comments from the public. Since the location of the development site is within the ELNA area, when ELNA receives notice from the City that the application is complete, ELNA will submit a formal comment to the City. She also mentioned that even though the development location is surrounded by Marion County residents, the property itself is within City of Salem boundaries and within the boundaries of the ELNA area. A special meeting of ELNA will be scheduled in July if the deadline for comments happens before the next scheduled meeting in August.

Brandie Dalton, representing the applicant and developer, Multi/Tech Engineering, started the discussion by showing a large copy of the development map. She pointed out where the residences, parks and commercial areas were on the map. She said that the development would include 659 housing units, including attached single family units such as duplexes and townhomes, and detached single family units, a City owned park, and an area near Cordon Road that could be used for a 20 unit apartment building, but this is only a maybe at this stage of the development. Brandie said that detached homes do not share walls and attached units share walls, such as duplexes or town homes. The single family homes will be two story due to the lot sizes which are planned to be about 3,550 to 4,500 square feet. There will be single family homes along Auburn Road. There was a question about a law that is being considered in the Legislature that would affect where multi-family homes could be built. Aaron said that this law, if approved would not be applied retroactively and probably would not affect this site. A question from an attendee concerned how many attached and how many detached units are being considered. Brandie said she did not know at this time as the her company is developing the lots, not building the homes. This question won't be answered until the lots are sold. She said that originally the plan was to build 857 units and that was changed to 659. Also the original plan had alleyways behind the

homes that went to the garages. Now the plan has eliminated the alleys. A question was asked about whether there would be a school built on the property. Brandie said there would be no school. The school district will analyze the application and say what is going to happen to Auburn Elementary, Houck Middle School, and North High School. A question was asked about how wide the streets would be. Randy Myers said that the collector (Greencrest Street) street would be 22 feet wide plus 5 feet on each side for parking and there will be sidewalks. Local streets would be built to city standards. A question was asked about the access points for the development. Brandie said that there would be three access points on both Auburn Road and State Street, and no access on Cordon Road. There was a question about why not access points on Cordon. John Harrison said that Cordon Road is deemed a limited access road and no new access roads or driveways are allowed. When this was determined, existing driveways were grandfathered in but no new driveways can be made. There will be no bike lanes on the streets because if there were, parking would not be allowed. A question was asked about where fire services would come from. Aaron said that fire services would be the responsibility of the City. A question was asked about the ownership of the property. Randy said that at this point Pictsweet still owns the property but it is under contract with Brownstone to purchase but the contract is not final yet. Randy said that the sale closure is expected in early/mid-July and that construction on site development could start soon after if the application is approved. There was a question about whether there would be a signal at the intersection of State Street and Greencrest. Aaron said that there is not a plan to have a signal at that intersection, however, the traffic analysis is still preliminary and is not final yet. Aaron confirmed that the developer would be responsible for contributing to street development and that is being reviewed in the traffic analysis to determine what their contribution would be. There was concern from several attendees about the increase in the volume of traffic on Auburn Road especially since the school generates traffic jams on Auburn between the hours of 8 and 9 am and 3 and 4 pm. Aaron said that the traffic analysis includes the situation at the school and plans are being generated to address this. The traffic analysis says that by the time the development is complete, there will be an estimated 659 new vehicle trips daily on the feeder streets and the K-12 school attendance will increase by 25%. Brandi emphasized that the project will consist of five phases and it is expected that it will take from five to ten years to complete. A comment was made that the commercial area will also generate traffic and that traffic improvements will come about as phases are completed. There was concern about getting out from the local streets onto either State or Auburn Road. It was mentioned that there is a regional traffic volume improvement plan that looks at new developments but this development is not currently in the plan. County personnel said that the City and the County are looking at putting a signal on Auburn and Cordon Road which will relieve some of the traffic on Greencrest and State Streets.

There was considerable discussion about the storm water situation. It was mentioned that there is a storm water master plan and there will be storm water detention areas. Louise Feskens who lives in an area on Auburn Road in Marion County spoke about her experiences living in an old home with a basement that floods every year

during heavy rain periods. She asked if the proposed improvements to the storm water drain system going down Auburn Road will alleviate this problem at her home. Brandi said that the engineers have to do the storm water design to assure there will be no flooding. Susann mentioned that the Greencrest housing development was developed with drainage systems that were approved by the City but did not prevent flooding. The City had to pay for extensive renovation of this drainage system. Louise mentioned that Marion County was going to fix the problem at her residence but it didn't happen and the improvements that the County did on the system a few years ago stopped about 3 houses west of her house. John said that he wasn't sure why but it could have been that the project ran out of funds. Brady said she will talk to the engineer to make sure that Louise's concerns are addressed and the City and the County will have to work together to assure that the current system which is old and overworked is part of their considerations. There are two culverts that go under Center Street and Auburn Road and then Cordon Road and then into a creek. The plan will have to assure that the water volume doesn't exceed pipe capacity. Susann emphasized that the Pictsweet property is very wet and that the headwaters of the Little Pudding River are on the property and as a result it has a very shallow water table. Susann said that these conditions should be put in the record so that if it is necessary to sue about a drainage issue it will be there. This strategy was used in the Greencrest case.

Louise also asked how this development fits into the local community/environment. She asked if there would be manufactured homes in the development. The answer was no. Randy said that this development will provide housing in the medium price range, from the low \$200,000 up to \$300,000, and is considered workforce housing. There was a question about the small lots. Randy said that this equates to about 9 units per acre. Louise said that the neighborhood consisted of mostly single family residences on large lots and the development will significantly change the character of the neighborhood. Michael Johnson said that the development was within the Urban Growth Boundary which was put in place to prevent urban sprawl and using up farmland and undeveloped property for housing. This development has been planned for many years. It was mentioned that it could be worse because the specifications for density would allow a higher density of residences that is planned. Aaron mentioned that the City will not be expanding the UGB for at least 17 years and it is projected that Salem's population will increase by 50,000 people or more in 20 years. Brandy mentioned again that there was a small area that could be used to build an apartment building with 20 units.

The tree situation was discussed. It was mentioned that the City park will preserve a growth of white oaks but the park will not be developed until the development is completed in five to ten years. The park could be available for other uses until it is developed as a City park. There was a question about how many white oaks can be saved but there was not a definitive estimate. Susann said that most of the trees on the property are pines and arborvitae. Randy said that developers like to preserve as many trees as possible. It was mentioned that trees help to keep the heat down, too. An attendee mentioned that there is a bog on the property. Brandy said that a

thorough geographical study was made of the property and that area has been taken into account. A question was asked about pesticides were tested for on the property. Brandie said that the DEQ did the testing. Aaron said that the City does not have the report yet. A question was asked about what could be built on the commercial property. Randy emphasized the commercial property is not part of the property that is being purchased by Brownstone. What could be built on the property includes retail/commercial type businesses such as a gas station, retail stores, offices, etc. The entrance/exit will be on State Street. There was a question about the two homes on Auburn Road that are included in the development. Randy said that both properties have been purchased by Brownstone, one in the front and the other in the rear. One family has already left their home and the other family has been given the option of staying in their home for up to three years due to the age and poor health of the residents. Both houses will torn down eventually. Aaron mentioned that there used to be a railroad that on the property and that the zone will have to be changed from IP to Residential. This property was owned by a private party and it has been purchased by Brownstone. Brandie said the creek winding through the property will be made a greenway with a walking path.

Aaron mentioned that the PUD allows more flexibility for lot sizes and inclusion of the creek and a greenway along the creek. The public can make comments now to the City. After the PUD is determined to be complete, City staff will develop a report for the Planning Commission and will send notices to the applicant, neighborhood associations, and property owners within 250 feet of the development that comments can be made for 14 days. At the closure of the comment period, the Planning Commission will hold a public hearing at which the applicant, developer, City staff, neighborhood associations and the public may submit their comments. It is hoped to have this public hearing in early August. The Planning Commission will make a decision to approve or deny the application depending on whether or not it meets the applicable criteria. The City will notify the applicant, the neighborhood association, and the bordering residents of the decision with a note about a 15 day appeal period. The City could also review the application and conduct a public hearing. If the application is not appealed, the Planning Commission can approve the plan. (<https://www.cityofsalem.net/CityDocuments/planned-unit-development-final-plan-application-packet.pdf> for the PUD process requirements.)

Susann said that documents pertaining to the application will be online. She will post the website on the Next Door website. She emphasized that comments can be made at this time and offered paper to anyone at the meeting to write down their comments to be sent to the City. Randy mentioned phase 1 of the development will be along State Street in the northwest area and will consist of about 63 housing units. The timeline for completion is up to ten years. A question was asked about how this development will affect the home values of nearby properties. Randy said that property values are not part of the consideration of application and it is difficult to predict what the future holds for property values. A question was asked about what are the criteria for a PUD. Aaron said that applications must contain a traffic study, storm water impact report, sewer/water plans, tree preservation, a plan for lot sizes

and housing density. Dave Steiner asked if there had been a consideration of the fire prevention plans so that fires such as the recent one that burned down a row of attached houses in Wilsonville. Aaron said that the fire department reviews the development and building permits to assure that city fire requirements are met. A question was asked about the housing density. Aaron said that the RM1 zone allows for 8 to 14 units/acre and RM2 allows for 12 to 28 units/acre.

Susann said that ELNA will meet in July if necessary to make comments on a completed application within the requirement timelines. The Planning Commission will meet on August 6 and August 20. John said that the County has been working with the City on the issues of the development. The County will review the application on high level, it will not get into the nitty gritty of the plan. There were comments again on the drainage system. a question was asked if the drainage will parallel along Auburn Road. Aaron said they have a preliminary drainage report and it will be reviewed by Glenn Davis in Public Works. A question was asked about the source of the water supply for the development. John said the water main expansion will be from Gaffin Road on the west side of Cordon Road. This will be a City project. Work is starting in about a month to get the water lines done. The developer is paying cash for the water line and the City will reimburse for it. They are paying over \$1,000,000 for it. The System Development Charges and the building permits, which can be up to \$35,000 to \$65,000 for each house, will be used to pay for it. There was a question about the sewer plan. The details were not available at this time. Louise mentioned the drainage problem. John said the County may look at it again. It was emphasized that the law says that no development is allowed to adversely affect neighboring properties. There was more discussion about the future of Cordon Road. John said it is now classified as a parkway. It is planned to make it a 5 lane parkway, two lanes on each side for travel and a middle lane with double lines on the sides. Susann said she will put her email address on Next Door website if anyone wants to send her comments or people can send their comments directly to Aaron. Randy said his company will develop/finish the lots and the builder will be D. R. Horton in Portland.

The meeting adjourned at 8:40 p

Photo  
Pho

