

# **East Park Estates**

## **SUB-Modification**

**CPC-ZC-PUD-SUB-ADJ19-08**

**April 21, 2021**

### **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.

On October 16, 2019, CPC-ZC-PUD-SUB-ADJ19-08 was approved for East Park PUD. The approval was 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 RMII (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).

On December 29, 2020, CPC-ZC-PUD-SUB-ADJ19-08MOD1 was approved for East Park PUD. The approval modified the original approval to allow the application to subdivide 122 acres into a six (6) Phase, 642-Lot Subdivision (SUB) with 12.29 acres of open space. See attached approval.

On April 19, 2021, a Property Line Adjustment for the southwestern property line was submitted to Marion County for review and approval.

**MODIFIED PROPOSAL:**

The proposed modifications are outlined on the site plan located on Page 13 of this report.

- 1) The applicant is proposing to subdivide 122 acres into a seven (7) Phase, 648-Lot Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	148 lots
Phase 2:	93 lots
Phase 2B:	12 lots
Phase 3:	106 lots
Phase 4:	108 lots
Phase 5:	101 lots
Phase 6:	80 lots

- 2) The applicant is also requesting a change in Phase lines as shown on the site plan, along with the addition of Phase 2B.
- 3) The applicant is also requesting an Adjustment to the Lot to Depth Ratio standard for Lots 153-155, 159, 160, 161, 231, and 232 in Phase 2 and Lots 468-472 in Phase 5.
- 4) The applicant is requesting to create the City Park and Commercial lots through Phase 3 of this modification.

The modification is only for the Subdivision.

**SITE VICINITY AND CHARACTERISTICS:**

The subject property contains approximately 122 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 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.

**UDC 205.070(d) SUB MODIFICATION CRITERIA:**

- (1) The proposed modification does not substantially change the original approval;  
and***

Findings: The modified proposal is in substantial conformance with the original approval. There are no major changes being made.

*Modified Proposal:*

- 1) The applicant is proposing to subdivide 122 acres into a seven (7) Phase, 648-Lot Subdivision (SUB) with 12.29 acres of open space.  
  
Phase 1: 148 lots  
Phase 2: 93 lots  
Phase 2B: 12 lots  
Phase 3: 106 lots  
Phase 4: 108 lots  
Phase 5: 101 lots  
Phase 6: 80 lots
- 2) The applicant is also requesting a change in Phase lines as shown on the site plan, along with the addition of Phase 2B.
- 3) The applicant is also requesting an Adjustment to the Lot to Depth Ratio standard for Lots 153-155, 159, 160, 161, 231, and 232 in Phase 2 and Lots 468-472 in Phase 5.
- 4) The applicant is requesting to create the City Park and Commercial lots through Phase 3 of this modification.

The proposal does not require any variances to lot development or street standards specified in the Code. The subdivision is within a planned unit development (PUD), UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. The modification is only for the Subdivision.

*Density within the SUB is still being met as shown below:*

**RS Zone-Minimum 4,000 square foot lot size required**

Lot Size w/Streets	Lot Size w/out Streets
77.27 acres	56.50 acres
814 lots- max allowed	615 lots- max allowed
445 lots- proposed	445 lots- proposed
Density met	Density met

**RM1 Zone-8 units minimum/14 units maximum**

Lot Size w/Streets	Lot Size w/out Streets
11.7 acres	8 acres
94 units-min required	64 units-min required
164 units-max allowed	112 units-max allowed
78 units-proposed	78 units-proposed
	Density met

**RM2 Zone-12 units minimum/28 units maximum**

Lot Size w/Streets	Lot Size w/out Streets
15.34 acres	9.71 acres
184 units-min required	117 units-min required
430 units-max allowed	272 units-max allowed
125 units-proposed	125 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

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.

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

Findings: The modified proposal will not result in significant changes to the appearance of the development. There are no major changes being made.

Modified Proposal:

- 1) The applicant is proposing to subdivide 122 acres into a seven (7) Phase, 648-Lot Subdivision (SUB) with 12.29 acres of open space.

Phase 1: 148 lots  
Phase 2: 93 lots  
Phase 2B: 12 lots  
Phase 3: 106 lots  
Phase 4: 108 lots  
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Phase 6: 80 lots

- 2) The applicant is also requesting a change in Phase lines as shown on the site plan, along with the addition of Phase 2B.
- 3) The applicant is also requesting an Adjustment to the Lot to Depth Ratio standard for Lots 153-155, 159, 160, 161, 231, and 232 in Phase 2 and Lots 468-472 in Phase 5.
- 4) The applicant is requesting to create the City Park and Commercial lots through Phase 3 of this modification.

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.

#### **SUBDIVISION CRITERIA:**

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

***(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 applicant is also requesting an Adjustment to the Lot to Depth Ratio standard for Lots 153-155, 159, 160, 161, 231, and 232 in Phase 2 and Lots 468-472 in Phase 5.

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, was reviewed, and approved by the City with the original approval.

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 122 acres in size. The applicant is proposing to develop the property with 648-lots within seven (7) Phases, as shown on the site plan. Therefore, the proposed 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 was reviewed and approved as part of the original decision.

***(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 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 SUB. 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 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) dated February 2019 was approved for the original PUD/SUB approval. The Public Works Department addressed the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. 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 SUB. 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 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 648-lot subdivision/planned unit development. The applicant is proposing the modification of the subdivision. A Traffic Impact Analysis (TIA) dated February 2019, was reviewed and approved as part of the original approval. Our modified proposal is for less lots than were original documented within the approved TIA.

The proposed subdivision plan mitigates impacts to the transportation system by providing adequate access and circulation for all 648-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. The subdivision is within a planned unit development (PUD) and UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes.

- 1) The applicant is proposing to subdivide 122 acres into a seven (7) Phase, 648-Lot Subdivision (SUB) with 12.29 acres of open space.

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- 4) The applicant is requesting to create the City Park and Commercial lots through Phase 3 of this modification.

The modification is only for the Subdivision.

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.

Tree Conservation Plan (TCP) 19-15 was approved on December 13, 2019. The tree conservation plan identified a total of 236 trees on the property, with 162 trees for removal and

74 trees identified for preservation. There are 36 significant oak trees located on the subject property, all significant trees are dedicated for preservation.

The modification does not affect the approved tree plan.

The original and modified 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.

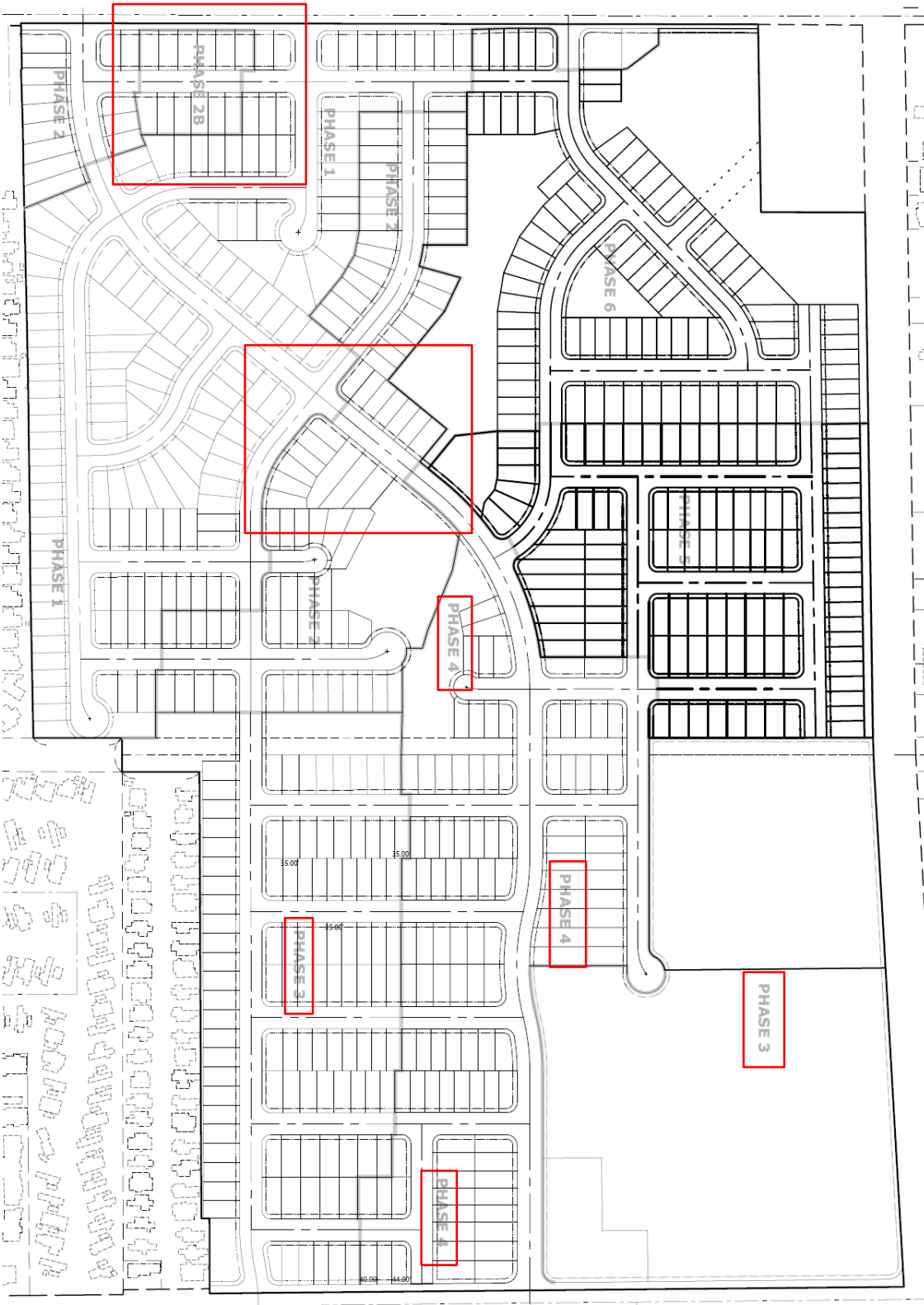
#### **TREE CONSERVATION/REMOVAL PLAN**

Tree Conservation Plan (TCP) 19-15 was approved on December 13, 2019. The tree conservation plan identified a total of 236 trees on the property, with 162 trees for removal and 74 trees identified for preservation. There are 36 significant oak trees located on the subject property, all significant trees are dedicated for preservation.

The modification does not affect the approved tree plan.

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Proposed Modification-April 2021